



# Town of Poughkeepsie

## Zoning Department

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### DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS June 14, 2021 - 6:00 PM

#### Old Business

1. **Public Hearing – Vassar College, 124 Raymond Avenue, Zoned (IN), Grid # 6161-12-795630.** The applicant is appealing the November 18, 2019 determination of the Zoning Administrator which concluded that the proposed hotel and restaurant uses are not permitted accessory uses to the existing educational use. The applicant seeks an interpretation Town Code §210-38 that the proposed “Inn & Institute” is a permitted principal use or, in the alternative, that it is a permitted accessory use. **Type II Action. TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL JULY 12, 2021.**

*On the Applicant’s request, the Board voted to adjourn the matter to the July 12, 2021 meeting.*

*Motion: Paul Lahey  
Second: Arthur Grace  
Vote: 7:0:0*

2. **Public Hearing – Stewart’s Shops Corp., 2245 South Road, Zoned B-H, Grid # 6159-01-249880.** The applicant requests relief from the following sections of the Town Code: (i) §210-35(E) to allow a building to be set back 15 feet from the front yard along South Gate Drive, where 40 feet is required, necessitating a variance of 25 feet; (ii) §210-35(E) to allow a building to be set back 25 feet from the rear lot line where 40ft is required, necessitating a variance of 15feet; (iii) from §210-130(A) to allow a proposed pricing pump topper signs to be 2.15 square feet where one square foot is permitted; (iv) From §210-90(E) which prohibits gasoline service facilities from being located within 500 feet of any property developed for residential use which is located in a residential district to permit the construction of the proposed Stewart’s Shop to be 73 feet from nearest residential district, requiring a variance of 427 feet; (v) §210-123.1(B), which provides that no more than 30% of the total square footage of any sign may be devoted to EMD signage to allow the pump topper signs proposed to be 2.15 square feet to have 0.68 square foot, or 31.6%, of the sign devoted to EMD signage; and (vi) from §210-90(A) which requires a minimum lot size of 30,000 square feet, unless district regulations require a larger lot area. District regulations require a minimum of 2 acres. The lot is 0.949 acres, requiring a variance of 1.051 acres. **Unlisted Action. The Planning Board, as**

Lead Agency, issued a Determination of Non-Significance (neg dec) on October 15, 2020. TO BE ADJOURNED UNTIL JULY 12, 2021.

*On the Applicant's request, the Board voted to adjourn the matter to the July 12, 2021 meeting.*

*Motion: Paul Lahey*  
*Second: Anthony D'Aquanni*  
*Vote: 7:0:0*

- 3. Public Hearing – Fence – Djalel Bouneffouf, 7 Gwens Way, Zoned R-20, Grid # 6159-01-060800-0000.** The applicant is seeking a variance from §210-69 of the Town Code which mandates that fences in a front yard not exceed 3 feet, 6 inches in height. The applicant wishes to construct a 6-foot fence in the front yard, requiring a variance of 2 feet, 6 inches. **Type II Action. APPLICATION WITHDRAWN BY THE APPLICANT.**

*The Chair informed the Board that the Applicant has withdrawn this variance request.*

#### New Business

- 4. Public Hearing – Side Deck – Muellerleile, 990 Dutchess Turnpike, Zoned R-20, Grid # 6262-04-852417-0000.** The applicant is seeking a variance from Town Code §210-16(E) to permit the construction of a deck 13 feet, 8 inches from the side lot line where 20 feet is required, requiring a variance of 6 feet, 4 inches. **Type II Action.**

*The Board voted to grant the requested 6 feet 4 inches variance for a side deck.*

*Motion: Christina Soricelli*  
*Second: Arthur Grace*  
*Vote: 7:0:0*

- 5. Public Hearing – Swimming Pool Deck – Christina Carter, 22 Darrow Place, Zoned R-20, Grid # 6262-04-842342-0000.** The applicant is seeking a variance from §210-107(C) of the Town Code which mandates that structures be set back 15 feet from the property line to permit the construction of a pool deck to be located 8 feet from the property line, requiring a variance of 7 feet. **Type II Action.**

*The Board voted to grant the requested 8 feet variance conditioned on maintenance of side lot fence.*

*Motion: Arthur Grace*  
*Second: Christina Soricelli*  
*Vote: 7:0:0*

- 6. Public Hearing – Fence – Graeme and Lisa Hardy, 10 Colburn Drive, Zoned R-20, Grid # 6260-03-027343-0000.** The applicants are seeking a variance from §210-69 of the Town Code which mandates that fences in a front yard not exceed 3 feet, 6 inches in height. The

lot is a corner lot that has two front yards. The applicants wish to construct a 6-foot fence in a front yard, requiring a variance of 2 feet, 6 inches. **Type II Action.**

*The Board voted to grant the requested 2 feet 6 inches height variance, conditioned upon the fence not to exceed 50 feet in length.*

**Motion:** *Anthony D'Aquanni*

**Second:** *Arthur Grace*

**Vote:** *7:0:0*

- 7. Public Hearing – Electronic Sign – Poughkeepsie United Methodist Church, 2381 New Hackensack Road, Zoned R-20, Grid # 6261-03-228048-0000.** The applicant is seeking a variance from §210-131(V) of the Town Code which permits one signs not to exceed 15 square feet, where the applicant is proposing 21 square feet. Requiring a variance of 6 square feet. **Unlisted Action.**

*The Board voted to adjourn till July 12, 2021*

**Motion:** *Paul Lahey*

**Second:** *Christina Soricelli*

**Vote:** *7:0:0*

- 8. Public Hearing – Existing Driveway – Simon Magamas for property owned by 16 Mahar Inc., 16 Mahar Drive, Zoned R-20, Grid # 6163-03-426032-0000.** The applicant is seeking a variance from §210-92 (Q) of the Town Code which mandates that driveways cannot be more than 15 feet in width. The applicant has extended his driveway by 12 feet, requiring a variance of 12 feet. **Type II Action.**

*The Board voted to deny the requested variances.*

**Motion:** *Phyllis Capone*

**Second:** *Arthur Grace*

**Vote:** *7:0:0*

- 9. Public Hearing – Front Deck – Michael Bowen, 49 Hagan Drive, Zoned R-20, Grid # 6160-04-590286-0000.** The applicant is seeking a variance from Town Code §210-16(E) to allow the construction of a deck on the side of the house to be located 25 feet from the front lot line where 30 feet is required, requiring a variance of 5 feet. **Type II Action.**

*The Board voted to grant the requested variances.*

**Motion:** *Diane Levitt*

**Second:** *Christina Soricelli*

**Vote:** *7:0:0*

**10. Public Hearing – Fence – Donna and Gerald Dimarco, 10 Cardinal Drive, Zoned R-20, Grid # 6159-01-032678-0000.** The applicants are seeking a variance from §210-69 of the Town Code which mandates that fences in a front yard not exceed 3 feet, 6 inches in height. The lot is a corner lot that has two front yards. The applicants wish to construct a 6-foot fence in a front yard, requiring a variance of 2 feet, 6 inches. **Type II Action.**

*The Board voted to Deny the requested variances.*

**Motion:** Sinoma Cohen  
**Second:** Arthur Grace  
**Vote:** 7:0:0

**11. Public Hearing – Fence - Natacia Jones, 1 Diane Court, Zoned R-20 and bearing Grid No. 6162-20-919046-0000.** The applicant is seeking a variance from §210-69 of the Town Code which mandates that fences in a front yard not exceed 3 feet, 6 inches in height. The lot is a corner lot that has two front yards. The applicant wishes to construct a fence of 6 feet in a front yard, requiring a variance of 2 feet, 6 inches. **Type II Action.**

*The Board voted to grant the requested variances.*

**Motion:** Anthony Straka  
**Second:** Arthur Grace  
**Vote:** 7:0:0

**12. Public Hearing – Setback – Reiger Homes, Inc., for property owned by CSB NY Properties LLC, 11 Cliffdale Court, Zoned R-20, Grid No. 6260-03-141341-0000.** The parcel is part of a cluster subdivision known as “The Woods at Cliffdale.” At the time the subdivision was approved, cluster subdivisions were governed by §210-56(E)(3)(b) which provides that no structures are permitted with 75 feet of the cluster subdivision boundary. The applicant was issued a building permit to construct a single-family home to be located 23 feet from the property boundary, requiring a 54-foot variance. (There is no current provision of the Town Code specifically governing cluster subdivision setbacks. Section 210-16(E)(3) requires a 100-foot setback from an adjacent residential property for all major subdivisions). **Type II Action.**

*The Board voted to adjourn till July 12, 2021*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 7:0:0

The meeting was adjourned at 8:01 pm.

***Motion:***        ***Paul Lahey***  
***Second:***       ***Arthur Grace***  
***Vote:***            ***7:0:0***

**PRESENT**

Chairman Lahey  
Member D'Aquanni  
Member Grace  
Member Soricelli  
Member Levitt  
Member Capone  
Alternate Member Straka  
Alternate Member Cohen

**ABSENT**

Member Slomin