



# Town of Poughkeepsie

## Zoning Department

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### DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS July 12, 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 AUGUST 9, 2021.**

*On the Applicant’s request, the Board voted to adjourn the matter to the August 9, 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.l(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 AUGUST 9, 2021.

*On the Applicant's request, the Board voted to adjourn the matter to the August 9, 2021 meeting.*

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

3. **Public Hearing – Electronic Sign – Poughkeepsie United Methodist Church, 2381 New Hackensack Road**, zoned R-20, Grid # 6261-03-228048-0000. The applicant is proposing to install a new electronic message display sign for a church that is 30 square feet. Section 210-131(V) of the Town Code provides that signs or bulletin boards customarily incidental to places of worship, schools, libraries, museums, social clubs or societies are exempt from the provisions of the Code, provided that such signs or bulletin boards do not exceed 15 square feet in area and are located on the premises of such institutions. The proposed sign has been determined to be exempt but requires a variance of 15 square feet. **Unlisted Action.**

*The Board voted to adjourn the matter to the August 9, 2021 meeting.*

*Motion: Paul Lahey*  
*Second: Christina Soricelli*  
*Vote: 7:0:0*

4. **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 within 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 grant the variance with following conditions:*

- i. Entrance to easement should be marked clearly*
- ii. Easement should be maintained with wood chips*
- iii. Screening should be maintained where the house is closer than 75 required buffer with evergreens*
- iv. Tree on property should be removed if on parcel*
- v. Parking spaces should be cleared*

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

**New Business**

5. **Public Hearing – Existing Rear Deck – Richard Pini, 2 Reno Road**, zoned R-20, Grid # 6260-03-255150-0000. The applicant is seeking a variance from Town Code §210-16(E) which requires that a rear yard of not less than 30 feet be maintained. The applicant is seeking to legalize a preexisting rear deck that is 9 feet from the rear property line, requiring a variance of 21 feet. **Type II Action.**

*The Board voted to grant the requested variance of 21 feet from the rear property line.*

**Motion:** *Christina Soricelli*

**Second:** *Arthur Grace*

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

6. **Public Hearing – Deck, SF Home Reconstruction – Arthur Glynn, on behalf of Jennico Realty, LLC, 12 Main Street**, zoned R- NH, Grid # 6257-02-516842-0000. Pursuant to §210-18(E) of the Town Code, for the R-NH District, side yards of not less than 5 and 10 feet must be maintained. The applicant is proposing to re-build a portion of a preexisting nonconforming home, and is changing the height of the existing garage and adding a new rear deck. The existing house is located 5 feet from the east property line, and this is not proposed to change. The deck is proposed to be located six feet from the east property line, requiring a side yard variance of 4 feet. The existing house is located 2 inches from the west property line at its closest point. This portion is being rebuilt on the same footprint, requiring a variance of 4 feet, 10 inches for the west side. **Type II Action.**

*The Board voted to grant the requested variances of 4 feet 10 inches for the west side, and 4 feet for deck on the east side.*

**Motion:** *Arthur Grace*

**Second:** *Christina Soricelli*

**Recused:** *1*

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

7. **Public Hearing – Fence – Matthew and Jennifer Giorgo, 39 Regency Drive**, zoned R-20, Grid # 6262-02-869854-0000. The applicants are seeking a variance from §210-69 of the Town Code, which provides that fences and walls shall not exceed 8 feet in height. The property contains a retaining wall that is in need of repair. The applicants would like to reconstruct and legalize the wall. The wall is 9 feet, 6 inches tall, with a 4-foot-tall fence on top, with a vertical grade clearance of 2 inches, making the entire structure 13 feet, 8 inches, requiring a height variance of 5 feet, 8 inches. **Type II Action.**

*The Board voted to grant the requested height variance of 5 feet 8 inches.*

**Motion:** *Lawrence Slomin*

**Second:** *Christina Soricelli*

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

8. **Public Hearing – Existing Front Porch- Wayne and Terri Zittel, 22 Longview Ave.**, zoned R-20 and bearing Grid No. 6261-01-289946-0000. Pursuant to §210-16(E) of the Town Code, side yards of not less than 20 feet, and front yards of not less than 30 feet, must be

maintained. The applicants are proposing to add a roof and an accessible ramp to an existing front porch that is located 16 feet from a side property line, requiring a variance of 4 feet, and 13 feet, 2 inches from the front property line, requiring a variance of 16 feet, 10 inches. **Type II Action.**

*The Board voted to grant the requested variance of 16 feet 10 inches from the front property line.*

*Motion: Anthony D'Aquanni*

*Second: Arthur Grace*

*Vote: 7:0:0*

The meeting was adjourned at 6:59 pm.

*Motion: Paul Lahey*

*Second: Arthur Grace*

*Vote: 7:0:0*

**PRESENT**

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

**ABSENT**

Member Levitt