



Town of Poughkeepsie

Zoning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3650 Phone
845-790-4772 Fax

AGENDA

TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING MARCH 8, 2021 - 6:00 PM

A public meeting of the Town of Poughkeepsie Zoning Board of Appeals will be held on March 8, 2021 at 6:00 PM. Due to the increasing number of COVID-19 cases, Board members, applicants and the public will be participating remotely only, via Zoom videoconferencing and via telephone, pursuant to the Governor's Executive Order 202.1, if the same is extended through the date of the meeting. There will be no in-person attendance for this meeting. The public may participate in the public hearing via Zoom by clicking the following link:

<https://zoom.us/j/99158130076?pwd=eGJ3UmRvY2VrUVJqcHB1SUYvVWt1dz09>

Or by accessing the Zoom website and using Meeting ID: 991 5813 0076 and Passcode: 522482

Or by calling 1 929 205 6099 and using the same Meeting ID and Passcode above.

THE AGENDA IS AS FOLLOWS:

ROLL CALL

STATEMENT OF COMPLIANCE BY THE CHAIR

Old Business

- 1. Public Hearing – Vassar College, 124 Raymond Avenue, Cuddy & Feder LLP, consultants, 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 April 12, 2021.**
- 2. Public Hearing – Stewarts 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 April 12, 2021.**

- 3. Public Hearing – White’s Marina Small Cell Tower – Verizon Wireless of the East, LP, Applicant, White’s Marina Hudson Valley, Inc., Owner, 15 Point Street, Zoned R-NH, Grid # 6057-06-489789-0000.** The applicant is seeking a use variance from §210-18 of the Town Code to allow the installation of a unmanned wireless communications facility (a “small cell” tower) on an existing structure in the R-NH district where this specific use or similar use is not permitted. **Unlisted Action.**

New Business

- 4. Public Hearing – Existing Above Ground Pool – D. Lynn Rath, Owner, 42 Monroe Drive, Zoned R-20, Grid # 6158- 02-642766-0000.** The applicant is seeking a variance from §210-107(C) which requires that a swimming pool be set back from rear and side property lines not less than 15 feet. The applicant has constructed a pool 10 feet from the side property line, requiring a variance of 5 feet. **Type II Action.**
- 5. Public Hearing – New Dwelling – Louis Ferrari Jr. Owner, 11 Pennock Road, Beroni Theodore, Applicant, 11 Peacock Road, Zoned R-20, Grid # 6162-20-813172-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a minimum rear yard setback of 30 feet to allow the construction of a new single-family dwelling having a rear-yard setback of 20 feet, requiring a variance of 10 feet, and a deck having a setback of 8 feet, requiring a 22-foot variance. **Type II Action.**
- 6. Public Hearing – Fence – Carolyn and Ira Henderson, 46 Wood Street, Zoned R-20, Grid # 6162- 20-801018-0000.** The applicant is seeking a variance from §210-69 of the Town Code which mandates that a fence within a front yard shall not exceed 3.5 feet in height. The applicant lives on a corner lot and is proposing to replace an existing 6-foot-high wooden fence within a front yard setback with a white vinyl fence of the same height, requiring a fence height variance of 2.5 feet. **Type II Action.**
- 7. Public Hearing – New Dwelling –Stuart Carnes, 32 Point Street, Zoned R-20, Grid # 6057-06-499875-0000.** The applicant is seeking a variance from §210-16(E) which requires that a side yard of not less than 20 feet be maintained. The applicant is proposing an addition to be constructed 1 foot, 1 inch from the north side property line, and 15 feet, 7 inches from the south property line, requiring variances of 18 feet, 11 inches and 4 feet, 5 inches, respectively. **Type II Action.**
- 8. Public Hearing – Planet Wings of Poughkeepsie, 661 Dutchess Turnpike, Zoned B-SC, Grid # 6261-01-119864-0000.** The applicant is seeking a variance from §210-36(E) which requires that a side yard of not less than 100 feet be maintained. The applicant proposes a building addition to be located 11.2 feet from the property line, requiring a variance of 88.8 feet. The applicant also is seeking a variance from §210-81(E) (1)(a) which mandates that illumination shall not exceed 0.2 foot-candles at the property line. The applicant is proposing lighting of a maximum of 5.8 foot-candles at the property line, requiring a variance of 5.6 foot-candles. Note: These variances previously were granted by the Zoning Board of Appeals on November 18, 2018 but have since expired due to lack of construction. **Unlisted Action.**

9. Public Hearing – Sign Variance – South Road Facilities LLC, 2250 South Road, Zoned B-H, Grid # 6159-01-273908-0000. The applicant is seeking the following variances:

- a. From §210-35(E) of the Town Code, which requires that a side yard of not less than 40 feet be maintained to allow a side-yard setback of 38.5 feet, requiring a variance of 1.5 feet.
- b. From §210-35(E) of the Town Code, which permits a maximum of 75% of the parcel to be impervious surface to allow 89.3% of the lot to be impervious, requiring a variance of 14.3%.
- c. From §210-89(A) of the Town Code for motor vehicle sales and service facilities, which prohibits the storage of vehicles or equipment within 20 feet of a residential district boundary or in any required yard, landscaped or buffer area, to allow such storage within the setback.
- d. From §210-123 of the Town Code which contains a maximum height limitation on freestanding signs of 20 feet in height or the height of the principal structure, whichever is less, to permit the installation of a freestanding sign that is 29 feet, 9 ¾ inches, requiring a variance of 9 feet, 9 ¾ inches.
- e. From §210-127(B) of the Town Code, which permits one freestanding sign with an area not to exceed 50 square feet at each driveway entrance of a site to allow the installation of a new 60-square-foot sign at the north driveway, requiring a variance of 10 feet.
- f. From §210-127(C) of the Town Code which permits one wall sign on the side of a business facing a public road to allow the installation of an additional 31-square-foot sign on the proposed addition on a side which does not face a public road . **Unlisted II Action.**

(January 11, 2021; The Zoning Board of Appeals voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request)