



# Town of Poughkeepsie

## Zoning Department

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### AGENDA

#### TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING May 10, 2021 - 6:00 PM

A public meeting of the Town of Poughkeepsie Zoning Board of Appeals will be held on April 12, 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:

Join Zoom Meeting: <https://zoom.us/j/93235888446?pwd=YmJWN1I3ZGhXUEozM0xyM1VFQmVJZz09>  
Meeting ID: 932 3588 8446 Passcode: 954991

#### **THE AGENDA IS AS FOLLOWS:**

- ROLL CALL
- STATEMENT OF COMPLIANCE BY THE CHAIR

#### **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 June 14, 2021.**
- 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 June 14, 2021.**

3. **Public Hearing – Sign Variances – South Road Facilities LLC (Friendly Ford), 2250 South Road, Zoned B-H, Grid # 6159-01-273908-0000.** The applicant is seeking the following variances: (1) 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. (2) 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%. (3) 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. (4) 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. Note: In its current submission, the applicant has reduced the size of the sign to 24 feet, 9 ¾ inches, decreasing the required variance to 4 feet, 9 ¾ inches. The applicant also has withdrawn a request for an additional wall sign. **Unlisted Action. A determination of non-significance was issued by the Planning Board on March 18, 2021. BE ADJOURNED UNTIL June 14, 2021.**
4. **Public Hearing – Sign Variances – At Home Retail Stores, Applicant. The Shoppes at South Hills (f/k/a the South Hills Mall, location of the former K-Mart) 1895 South Road, Zoned B-SC, Grid # 6158-01-297959-0000.** The applicant is seeking to install three signs, each needing variances as follows: (1) A variance from §210-127(C) is needed for the east elevation (At Home) sign. The applicant is proposing a 171.32 square foot wall sign where a maximum of 100 square feet is allowed, requiring a variance of 71.32 square feet. (2) A variance is needed from §210-127(C) for the north elevation (At Home) sign. The applicant is proposing a 171.32 square foot wall sign where a maximum of 100 square feet is allowed, requiring a variance of 71.32 square feet. (3) A variance is needed from §210-127(C) to allow an additional wall sign of 89.96 square feet (The Home Décor Superstore) on the north elevation where only one wall sign facing a public road is permitted. **Unlisted Action.**

### **New Business**

5. **Public Hearing – Existing Covered Porch – Stephen Betterton, 42 Honey Lane, Zoned R-20, Grid # 6057- 07-694933-0000.** The applicant is seeking variance for a deck constructed in 1995 when the setback requirement was 15 feet. The deck has now been enclosed after the zone change, now requiring 20 feet lines, required by Town Code §210-107(E), requiring a variance of 5 feet. **Type II Action.**
6. **Public Hearing – Swimming Pool – Alejandro Cevallos, 238 N Grand Ave, Zoned R-20, Grid # 6162- 16-916435-0000.** The applicant is seeking a variance from §210-107(C) of the Town Code which mandates a side setback of 15 feet the pool will be 8 feet from side line, requiring a variance of 7 feet. **Type II Action.**
7. **Public Hearing – Front Covered Porch – Edward Simon, 8 Hickory Lane, Zoned R-20, Grid # 6058-20-765018-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates a front setback of 30 feet and side setback of 20 feet to permit the construction of front porch to be located 23 feet 2 inches from front lot line and 14 feet 9 inches from the side lot line, requiring a variance of 6 feet 8 inches in front and 5 feet 1 inch on the side lot. **Type II Action.**

8. **Public Hearing – Addition – Marybeth Overton, 29 Pine Tree Drive, Zoned R-20, Grid # 6260-03-485313-0000.** The applicants are seeking a variance from §210-16(E) of the Town Code which mandates side-yard setbacks of 20 feet to permit an addition to be located 14 feet 4 inches from each side lot line, requiring two variances of 5 feet 8 inches. **Type II Action.**
9. **Public Hearing – Dormer Addition – Jalal McMahon, 9 Jane Street, Zoned R-20, Grid # 6260-03-422270-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates side-yard setbacks of 20 feet to permit an addition to be located 14 feet from each side lot line, requiring two variance of 6 feet. **Type II Action.**
10. **Public Hearing – Deck – Diane Mackey, Kathy Tkazyik, Mary Ellen Farrier, 119 Ray Blvd., Zoned R-20, Grid # 6162-16-898295-0000.** The applicants are seeking a variance from §210-16(E) of the Town Code which mandates side-yard setbacks of 20 feet to permit a deck to be located 11 feet from side lot line, requiring two variances of 9 feet. **Type II Action.**
11. **Public Hearing – Fence – Djalel Bouneffouf, 7 Gwens Way, Zoned R-20, Grid # 6159-01-060800-0000.** The applicants are seeking a variance from §210-69 of the Town Code which mandates fence height not to exceed 3 feet 6 inches in height. Applicant wishes to construct a 6 feet tall fence in the front yard, requiring a variance of 2 feet 6 inches. **Type II Action.**
12. **Public Hearing – Sign – Bubbakoo’s Burritos, 2265 South Road, Vieira Sardinha Realty LLC, Zoned BH, Grid # 6159-01-206922-0000.** The applicants are seeking a variance from §210-127 (C) of the Town Code which mandates signs facing public road shall be permitted equal to an area of 25% of the face of the building up to a maximum of 100 square feet. The applicant is proposing a second wall sign (27 square feet) not facing a public road, requiring a variance to allow additional sign. **Unlisted Action.**