



*Town of Poughkeepsie
Zoning Department*

*1 Overocker Road
Poughkeepsie, NY 12603*

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

**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
March 13, 2023 - 6:00 PM**

Old Business

1. **Public Hearing - Area Variance - Sign - Owner: AT&T; Presented by: Timely Signs of Kingston; 15-55 Winslow Gate Road, Grid # 6063-04-946011-0000, Zoned HRDD.** The applicant is seeking a variance from §210-125(A) which permits lettering for signs to have a maximum height of 18 inches. The applicant is proposing two signs each with lettering having a height of 24 inches, requiring a variance of 6 inches. **Unlisted Action.**

The applicant withdrew this application.

2. **Public Hearing - Area Variance - In ground Pool - Owner: Hamar Clarke, 8 Congress Court, Grid # 6162-20-784001-0000, Zoned R-20.** The applicant is seeking a variance from §210-107(C), which provides that all swimming pools shall be considered structures and shall be set back from side and rear lot lines at least 15 feet. The applicant has proposed an in ground pool to be located 6 feet from a side yard and 10 feet from the rear yard, requiring variances of 9 and 5 feet respectively. **Type II Action.**

The Board voted to grant the requested set back variances for an in-ground pool.

*Motion: Phyllis Capone
Second: Arthur Grace
Vote: 6-0-1*

New Business

3. **Public Hearing - Area Variance - Garage - Owner: Seif Fakhoury, 128 North Grand Avenue, Grid # 6162-20-809189-0000, Zoned R-20.** The applicant is seeking a variance to legalize the current uses which have existed for several decades. This property has contained two residential structures since the 1930s. In 1955, the rear structure, which consisted of a dwelling unit above and a garage on the ground level, was enlarged. At that time, there was no prohibition in the Town Code against having two dwelling units on the same parcel. At some point after 1986, the garage in the rear structure was converted to living space, specifically, a living/family room and a room containing a quarter bath (toilet only) and washer and dryer. The applicant recently purchased this property and now seeks to legalize that conversion from garage into living space. The current Town Code prohibits two dwelling units on one parcel, making the current use of the property for two dwellings lawfully nonconforming. Pursuant to §210-134(A)(1) of the Town Code, a nonconforming structure may be enlarged or extended one time only after the date that the structure became nonconforming, and then to an extent not exceeding 25% of the gross floor area of

the existing structure devoted to such nonconforming use. The Zoning Administrator determined that the conversion of the garage resulted in an expansion of the nonconforming use by 59%. The applicant therefore seeks a variance of 34% from the 25% limitation, and a permit from the ZBA to permit the expansion of a nonconforming use.
Type II Action.

The Board voted to grant “ONE TIME” only expansion of non-conforming use and a variance of 9%.

Motion: Christina Soricelli
Second: Arthur Grace
Vote: 6-0-1

4. **Public Hearing - Area Variance - Garage/Kitchen - Owner: Sabrina and Jerome Bailie, 9 Orchard Park, Grid # 6260-03-458371-0000, Zoned R-20.** The applicants are seeking a variance from §210-16(E) of the Town Code which mandates that a side yard of not less than 20 feet be maintained, to permit the construction of an addition to the house that would be located 10 feet, 7.5 inches from the side lot line, requiring a variance of 9 feet, 4.5 inches. **Type II Action.**

The Board voted to grant the requested front yard variance of 9 feet, 4.5 inches

Motion: Arthur Grace
Second: Christina Soricelli
Vote: 6-0-1

5. **Public Hearing - Area Variance - Car Port/Sheds - Owner: Sheryl A Seney Trustee, 62 Alda Drive, Grid # 6260-03-250128-0000, Zoned R-20.** The applicant is seeking the following variances from Town Code §210-16(E) and §210-48 to legalize structures that were built in the 1970s:
 - i. For an attached carport, to allow a 6-inch setback where 20 feet is required, requiring a variance of 19 feet, 6 inches (the existing structure will be reduced in size);
 - ii. For an existing shed, to legalize the existing .5' clearance (6 inches) where a minimum setback of 10 feet is required, requiring a variance of 9 feet, 6 inches; and
 - iii. For an existing woodshed, to allow the existing 1.2' rear setback to remain, where a minimum setback of 6 feet is required, requiring a variance of 4.8 feet (the existing structure will be reduced in size). **Type II Action.**

The Board voted to grant the requested conditioned upon applicant to “REDUCE SIZE OF EXISTING WOODEN SHED”.

Motion: Phyllis Capone
Second: Arthur Grace
Vote: 6-0-1

6. **Public Hearing - Area Variance - Addition - Owner: Mohinder Mangat, 13 E Dogwood, Grid # 6060-04-982099-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates that a side yard of not less than 20 feet be

maintained, to legalize the construction of an addition to the house that is located 3 feet from the side lot line, requiring a variance of 17 feet. **Type II Action.**

The Board voted to adjourn this matter to April 10, 2023 ZBA meeting.

Motion: Paul Lahey
Second: Christina Soricelli
Vote: 6-0-1

7. **Public Hearing - Area Variance - Deck - Owner: Evelyn Lazaro, 55 Boulevard Knolls, Grid # 6161-07-676945-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates that a rear yard of not less than 30 feet be maintained, to legalize the enclosure of an existing porch that is located 19 feet, 4 inches from the rear lot line, requiring a variance of 10 feet, 8 inches. Note: The porch received variances for side and rear yard setbacks on February 13, 2006. **Type II Action.**

The Board voted to grant the requested rear yard variance of 10 feet, 8 inches.

Motion: Arthur Grace
Second: Christina Soricelli
Vote: 6-0-1

8. **Public Hearing - Special Use Permit - Driveway - Owner: Ronald Rosen, 212 Wilbur Blvd., Grid # 6160-01-368684-0000, Zoned R-20.** The applicant is seeking a variance from §210-92(Q)(1) of the Town Code which limits driveways to a maximum of 15 feet to permit a portion of the driveway to be 21 feet wide. The applicant also is seeking a special use permit pursuant to §210-92(Q)(3) of the Town Code to permit the parking of a commercial vehicle on the residential property. Pursuant to §210-92(Q)(5), commercial vehicles are to be parked "behind the front building line when feasible." The applicant desires to park the commercial vehicle on the driveway in the front yard. **Unlisted Action**

Driveway variance: The Board voted to grant the requested variance for driveway on the right side only to be 19 feet wide instead of 15 feet, granting a variance of 4 feet.

Motion: Tony Gates
Second: Christina Soricelli
Vote: 6-0-1

Special Use Permit: The Board voted to grant the requested conditioned upon applicant to use a pervious surface material under the existing tree line.

The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6:0:1

The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration

Motion: Paul Lahey
Second: Christine Soricelli
Vote: 6:0:1

The Board voted to grant Special Use permit to park commercial vehicle in a residential zone.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6-0-1

9. **Public Hearing – Area Variance – Parking – Owner: Faith Assembly of God, Presented by: LaBella Associates, 25 Golf Course Lane & 2320 South Road, Grid #s 6160-03-25012-0000 & 6159-02-503995-0000, Zoned R-2A.** In connection with a lot line revision and the relocation of certain parking, the applicants are seeking a variance from Town Code §210-15(E) which permits a maximum lot coverage of 5% to permit lot coverage of 7.9%, requiring a variance of 2.9%. (Existing lot coverage is 7.3%.) The applicants also are seeking a variance from the same section of Town Code which permits a maximum impervious coverage of 15% to permit impervious surfaces of 33.9%, requiring a variance of 18.9%. (Existing lot impervious coverage is 32.9%). **Unlisted Action. The Planning Board, as Lead Agency, issued a Negative Declaration on February 22, 2023.**

The Board voted to grant the requested variances.

Motion: Christina Soricelli
Second: Arthur Grace
Vote: 6-0-1

10. **Public Hearing – Sign Variance- Owner Storage Cap Poughkeepsie LLC, Presented by: Darcie Roy, National Sign Corp. 5-16 Budget Drive, Grid # 6162-10-463586-0000, Zoned I-H.** The Applicant is seeking the following variances from Town Code §210-131(F), which permits “Directional signs for the convenience of the general public, identifying public parking areas, fire zones, and business entrances and exits” but limits such signs to three square feet per face and mandates that they shall not be mounted higher than six feet:
- i. N02 sign labeled “office” could be considered a directional sign, however the sign exceeds the mounting height at 11 feet, 6 inches, requiring a variance of 5 feet, 6 inches in height.
 - ii. N03-A sign labeled “loading” could be considered a directional sign, however the sign exceeds the mounting height at 11 feet, 7 inches, requiring a variance of 5 feet, 7 inches.
 - iii. N03-B sign labeled "loading" could be considered a directional sign, however the sign exceeds the mounting height at 11 feet, 7 inches, requiring a variance of 5 feet, 7 inches.
 - iv. N04-A sign labeled "loading" could be considered a directional sign, however the sign exceeds the mounting height at 11 feet, 7 inches, requiring a variance of 5 feet, 7 inches .
- Unlisted Action.**

The Board voted Town of Poughkeepsie Zoning Board of Appeals to be the Lead Agency.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6:0:1

The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration

Motion: Paul Lahey
Second: Christine Soricelli
Vote: 6:0:1

The Board voted to grant requested height variances for directional signs.

Motion: Anthony Straka
Second: Paul Lahey
Vote: 6-0-1

Other Business

11. **Lead Agency Request** from the Planning Board – Site Plan, Unlisted Action – 2245 South Road, Grid # 6159-01-249880-0000, Zoned B-H.

The applicant proposes a ±5,400 Square Foot car wash.

The Board voted to consent to Town of Poughkeepsie Planning Board’s Lead Agency request for proposed car wash.

Motion: Paul Lahey
Second: Christina Soricelli
Vote: 6:0:1

12. **Lead Agency Request** from the Planning Board – Site Plan - Type 1 Action, 2284 South Road, 2264-2270 South road and 110 Golf Club Lane, Grid #s 6159-01-247973-0000, 6159-01-243942-0000 and 6159-02-503995-0000, Zoned B-H, R2A, and CHCO.

The application proposes an 11-acre new mixed-use development. The application includes the merging of two existing lots, and a lot line revision with a third lot, to create the 11-acre proposed project site on South Road/Route 9. The application proposes a standalone specialty grocery store; three (3) mixed-use buildings to include ground-floor retail with non-retail uses and dwelling units above; and two (2) retail and restaurant buildings, one of which proposes a drive-thru. Development to include ±26 dwelling units at ±30,000 sf and ±85,400 sf of mixed commercial uses.

The Board voted to consent to Town of Poughkeepsie Planning Board’s Lead Agency request for mixed use development.

Motion: Paul Lahey
Second: Christina Soricelli
Vote: 6:0:1

13. **Lead Agency Request** from the Planning Board - Site Plan - Unlisted Action, 657 Sheafe Road, Grid # 6159-01-278549-0000, Zoned B-H.

The applicant proposes a change of use to a building material sales and storage facility, inclusive of an outdoor storage yard and accessory storage structure, revised parking, and building additions.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6:0:1

14. **Lead Agency Request** from the Planning Board - Site Plan and Special Use Permit - Unlisted Action, 1126 Dutchess Turnpike, Grid # 6362-01-127629-0000, Zoned B-N.

The applicant proposes a bar/tavern on the site of a former 1,600 SF hair salon, inclusive of modified parking, trash storage and rear patio.

The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request.

Motion: Paul Lahey
Second: Christina Soricelli
Vote: 6:0:1

The meeting adjourned at 7:37 pm.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6-0-1

PRESENT

Chairman Lahey
Member Grace
Member Capone
Member Soricelli
Member Straka
Member Gates

ABSENT

Member Slomin