



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING May 10, 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 MAY 10, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the June 14, 2021 meeting.

Motion: Paul Lahey
Second: Anthony D’Aquanni
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 MAY 10, 2021.**

On the Applicant’s request, the Board voted to adjourn the matter to the May 10, 2021 meeting.

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

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. 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. 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. 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 Action. A determination of non-significance was issued by the Planning Board on March 18, 2021.**

The Motion was made to grant variances for Item #'s 4, 5 – as per Staff Report of April 9, 2021

Motion: Paul Lahey

Second: Christine Soricelli

Vote: 7:0:0

The Board voted to deny variance for Items # 6 – as per Staff Report of April 9, 2021

Motion: Christina Soricelli

Second: Arthur Grace

Vote: 7:0:0

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.**

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: 7:0:0

The Board voted to grant the requested variance for 89.9 sq.ft. North side (Home Décor Superstone) as per the reasons set forth during meeting.

Motion: Anthony D'Aquanni
Second: Phyllis Capone
Vote: 7:0:0

New Business

5. **Public Hearing – Existing Covered Porch – Stephen and Kelly Betterton, 42 Honey Lane, Zoned R-20, Grid # 6057-07-694933-0000.** The applicants are seeking a variance from Town Code §210-16(E) to legalize a screened-in porch that is located 15 feet from the side lot line where 20 feet is required, requiring a variance of 5 feet. **Type II Action.**

The Board voted to grant the requested variance of 5 feet for the side lot.

Motion: Larry Slomin
Second: Christine Soricelli
Vote: 7:0:0

6. **Public Hearing – Swimming Pool – Alejandro Cevallos, 238 North Grand Avenue, Zoned R-20, Grid # 6162-16-916435-0000.** The applicant is seeking a variance from §210-107(C) of the Town Code which mandates that pools be set back 15 feet from the property line to legalize an above-ground pool that is located 8 feet from the property line, requiring a variance of 7 feet. **Type II Action.**

The Board voted to grant the requested variance of 7 feet for the side lot.

Motion: Phyllis Capone
Second: Christine Soricelli
Vote: 7:0:0

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 14.9 feet from the side lot line and 23.4 feet from side lot line, requiring variances of 5.3 feet and 6.8 feet, respectively. **Type II Action.**

The Board voted to grant the requested variances of 5.3 feet and 6.8 feet for the side lots.

Motion: Diane Levitt
Second: Phyllis Capone
Vote: 7:0:0

8. **Public Hearing – Addition – Marybeth Overton, 29 Pine Tree Drive, Zoned R-20, Grid # 6260-03-485313-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which mandates side-yard setbacks of 20 feet on each side to permit an addition to be located 14 feet 4 inches from each side lot line, requiring two variances of 5 feet 8 inches each. **Type II Action.**

The Board voted to grant the requested variances of 5 feet 8 inches for both side lot lines.

*Motion: Anthony Straka
Second: Phyllis Capone
Vote: 7:0:0*

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 a dormer addition to be located 14 feet from the side lot line, requiring a variance of 6 feet. **Type II Action.**

The Board voted to grant the requested variance of 6 feet for the side lot.

*Motion: Simone Cohen
Second: Christine Soricelli
Vote: 7:0:0*

10. **Public Hearing – Deck – Diane Mackey, Kathy Tkazyik, Mary Ellen Farrier, 119 Ray Boulevard, 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 the side lot line, requiring a variance of 9 feet. **Type II Action.**

The Board voted to grant the requested variance of 9 feet for the side lot.

*Motion: Christine Soricelli
Second: Phyllis Capone
Vote: 7:0:0*

11. **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.**

A motion was made to adjourn this item to June 14, 2021 ZBA Meeting

*Motion: Anthony D'Aquanni
Second: Phyllis Capone
Recused: Paul Lahey
Vote: 6:1:0*

12. **Public Hearing – Sign – Bubbakoo's Burritos, 2265 South Road, Vieira Sardinha Realty LLC, Zoned BH, Grid # 6159-01-206922-0000.** The applicant is seeking a variance from §210-127(C) of the Town Code which permits one wall sign per establishment to be located on a wall of a business facing a public road, to permit the installation of a second wall sign of 27 square feet on a side of a business not facing a public road. **Unlisted Action.**

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: 7:0:0

The Board voted to grant the requested sign variance.

Motion: Anthony D'Aquanni
Second: Phyllis Capone
Vote: 6:0:1

The meeting was adjourned at 9:15 pm.

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

PRESENT

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

ABSENT

Member Grace