



**Town of Poughkeepsie
Zoning Department**

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Poughkeepsie, NY 12603

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**DECISION AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
September 11, 2023 - 6:00 PM**

OLD BUSINESS

1. **Public Hearing – Area Variance – Signs – Owner: Arthur May Redevelopment Holdings LLC, GNS Group, Applicant; 21 Raymond Avenue (Grid No. 6161-12-778745-0000) (“Lot 1”) and (no number) Raymond Avenue (Grid No. 6161-12-778723-0000) (“Lot 4”), Zoned ATC.** The applicant is seeking variances from §210-125.2(B) of the Town Code, which permits one freestanding sign per lot, not to exceed 12 square feet and having a maximum height of 12 feet above the finished grade, and requires such signs to be set back a minimum of 10 feet from any highway right-of-way or 35 feet from any highway center line, whichever is greater. The applicant is proposing 2 monument signs on two separate lots.

i. Sign 1 is a monument sign proposed to be located on Lot 4, measuring 13 feet, 6 inches at its widest and 6 feet, 9 inches at its tallest (9 feet including the base). It requires one variance: The applicant is proposing a sign area of 77.6 square feet, requiring a variance of 65.6 feet.

The matter was adjourned to the meeting on October 16, 2023.

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

ii. Sign 2 is a monument sign proposed to be located on Lot 1, with a height of 10 feet, 1 inch, including the base, a sign area of 29 square feet, and for the sign to be located 6 feet from the highway right of way. It therefore requires two variances: (1) a variance of 17 square feet in sign area and (2) a variance of 4 feet for the right-of-way setback **Unlisted Action.**

The Board classified the matter as Unlisted action, and determined that an uncoordinated review was appropriate. It declared itself to be the Lead Agency and determined that the proposed action would not have an adverse effect on the environment, issuing a negative declaration.

Motion: *Paul Lahey*
Second: *Christine Soricelli*
Vote: *6-0-0*

The Board voted to grant the requested variances for Sign 2.

Motion: *Arthur Grace*
Second: *Christine Soricelli*
Vote: *6-0-0*

2. Public Hearing – Area Variance- Owner: Splash Car Wash, 2245 South Road, Grid # 6159-01-249880-0000, Zoned B-H. The applicant is seeking to operate a “Wash Co.” car wash at this location, and requires the following variances from the provisions of the Town Code:

- i. From §210-90(D), which requires that motor vehicle service facilities not be located within 500 feet of any property developed for residential use which is located in a residential district. The proposed car wash facility is 71 feet to the nearest residential use, requiring a variance of 429 feet.
- ii. From §210-90(F)(1), which requires that automobile washing facilities be on lots of a minimum of two acres, to permit the facility on this lot of .95 acre, requiring a variance of 1.05 acres.
- iii. From §210-112, which requires that no refuse storage containers or receptacles be placed or located within 50 feet of any residential district, or any property used for residential purposes. The proposed trash enclosure is 24.5 feet from the nearest residentially zoned district, requiring a variance of 25.5 feet. **Unlisted Action.**

The matter was adjourned to the meeting on October 16, 2023.

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

3. Public Hearing – Signs – Area Variances – Owner: Vassar College, 157-165 College Avenue, Grid # 6161-12-795630-0000, Zoned IN. The applicant is seeking the following variances from the cited provisions of the Town Code:

- i. From § 210-123(C), to permit Monolith sign 2 to be located 0.5 feet from the highway right-of-way boundary, requiring a variance of 9.5 feet;

- ii. From § 210-126(B), which permits only one freestanding sign at each driveway entrance of a site, to permit Monolith sign 2, which is not located at a driveway entrance
Unlisted Action.

The matter was adjourned to the meeting on October 16, 2023.

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

NEW BUSINESS

- 4. **Public Hearing – Deck – Area Variance – Owner: Robert Rubin, 1 Drum Court, Grid # 6159-02-962934-0000**, Zoned R-20. The applicant is seeking a variance from §210-16(E) of the Town Code, which requires a 20-foot side-yard setback to be maintained, to legalize an existing deck that is located 10 feet from the side property line, requiring a variance of 10 feet. **Type II Action.**

The Board voted to grant the requested variance of 10 feet.

Motion: Christine Soricelli
Second: Arthur Grace
Vote: 6-0-0

- 5. **Public Hearing – Fence Height – Area Variance– Owner: Eric Hoffman, 1 Homer Place, Grid # 6260-01-348861-0000**, Zoned R-20. The applicant is seeking a variance from §210-69 of the Town Code, which prohibits fences exceeding 3.5 feet in height in a front yard, to allow the installation of a fence of 6 feet along Greenvale Farms Road, requiring a variance of 2.5 feet. Note: the property is a corner lot and has 2 front yards per §210-9{164}. **Type II Action.**

The Board voted to grant the requested height variance of 2.5 feet.

Motion: Arthur Grace
Second: Christine Soricelli
Vote: 6-0-0

- 6. **Public Hearing – Deck – Area Variance – Owner: John Todd Broomhead, 11 Lyford Street, Grid # 6159-01-319949-0000**, Zoned R-20. The applicant is seeking a variance from §210-16(E) of the Town Code, which requires a 20-foot side-yard setback to be maintained, to permit the replacement of an existing deck with a new deck of 12’ by 17’, to be located 12 feet from the side property line, requiring a variance of 8 feet. **Type II Action.**

The Board voted to grant the requested variance of 8 feet.

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

- 7. Public Hearing – Accessory Apartment – Owner: John and Dania Pfeiffer, 55 King George Road, Grid # 6160-04-679156-0000, Zoned R-20.** The applicants are seeking a special use permit pursuant to §210-47(C) of the Town Code to allow the establishment of an accessory apartment in a single-family dwelling. **Unlisted Action.**

The Board classified the matter as Unlisted action, and determined that an uncoordinated review was appropriate. It declared itself to be the Lead Agency and determined that the proposed action would not have an adverse effect on the environment, issuing a negative declaration.

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

The Board voted to grant the requested Special Use Permit for an Accessory Apartment.

***Motion: Anthony Gates
Second: Arthur Grace
Vote: 6-0-0***

- 8. Public Hearing – Existing Shed – Area Variance – Owner: Gregory Perrotta, for Estate of Frank Perotta, 419 Vassar Road, Grid # 6259-01-064511-0000, Zoned R-20.** The applicant is seeking a variance from §210-48 of the Town Code, which requires a 10-foot setback for accessory structures, to legalize an existing shed that is located on the property line, requiring a variance of 10 feet. **Type II Action.**

The Board voted to grant the requested variance of 10 feet.

***Motion: Anthony Straka
Second: Christine Soricelli
Vote: 6-0-0***

- 9. Public Hearing – Existing Deck – Area Variance – Owner: Jeffery Cassard/Jennifer Rubino, 19 Cardinal Drive, Grid # 6159-01-201646-0000, Zoned R-20.** The applicants are seeking a variance from §210-16(E) of the Town Code, which requires a 20-foot side yard setback, to legalize an existing deck that is located 11.8 feet from the side property line,

requiring a variance of 8.2 feet. **Type II Action.**

The Board voted to grant the requested variance of 8.2 feet.

Motion: Christine Soricelli
Second: Arthur Grace
Vote: 6-0-0

10. Public Hearing – Second Driveway – Area Variance – Owner: Richard Cotter, 46 Kelsey Road, Grid # 6162-10-294611-0000, Zoned R-20.

The applicant is seeking a variance from §210-92(Q)(1) of the Town Code, which prohibits parking in a front yard, “unless said front yard is cross[ed] by a duly constructed driveway extending through the front yard to a garage, carport, or properly surfaced parking area located beyond the front yard line” to legalize the installation of a second driveway, which does not extend beyond the front yard. In addition, that code section provides that, “[f]or uses requiring four or fewer parking spaces, said driveway shall not be less than eight feet nor more than 15 feet in width.” The two driveways have a combined width of 18.5 feet, requiring a variance of 3.5 feet. **Type II Action.**

The Board voted to deny this variance.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 1-0-5

11. Public Hearing – DASC Eastdale LLC – Owner: Eastdale Residential I, LLC, 325 Founders Way, Grid # 6262-04-769361-0000, Zoned MHTC.

The applicant is seeking a variance from §210-131(F) of the Town Code, which permits the installation of directional signs of not more than 3 square feet per face, to permit the installation of a sign of 13.5 square feet, requiring a variance of 10.5 feet. **Unlisted Action.**

The matter was adjourned to the meeting on October 16, 2023.

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

Other Business

12. Request for Rehearing – Fence Not on Property – Owners: Garrett and Sandra Jobson, 44 Tree Top Lane, Grid # 6260-01-421665-0000, Zoned R-20. The applicants are requesting a rehearing pursuant to §210-148(G) of the Town Code of that portion of their variance approval which required them to remove the portion of an existing fence that is not located on their property. **Type II Action.**

The Board voted to deny the Request for Rehearing.

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

- 13. Lead Agency Request** from the Planning Board – Salt Point Center- 53 Salt Point Turnpike, Grid #s 6162-02-750540-0000, ±12.73 acres. The applicant proposes the construction of three mixed-use commercial/residential buildings (one 3 stories and two 4 stories in height), total 89 units and 20,358 SF commercial use, associated parking and stormwater treatment, and offsite improvements including a highway roundabout at the Salt Point Turnpike/Innis Avenue/Site Access intersection. The application will require site plan and special use permit approvals from the Planning Board and potentially an aquatic resource permit; NYS Department of Transportation approval of a proposed roundabout and related public highway improvements; a Town of Poughkeepsie Floodplain Development Permit for construction in the floodplain; and Town Board acceptance of utility easement and maintenance agreements, among other approvals.

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

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

The meeting adjourned at 8:05pm.

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

PRESENT

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

ABSENT

Member Slomin