



## ***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 October 17, 2022 - 6:00 PM**

#### **Old Business**

- 1. Public Hearing - Fence - Owner and Applicant: John Zambrano, 74 Spring Road, Grid # 6159-04-692229-0000, Zoned R-20.** The applicant is seeking a variance from §210-69 of the Town Code, which allows fences in front yards of only 3.5 feet in height. The applicant has a corner lot with two front yards and wishes to install a fence of 6 feet in a front yard, requiring a variance of 2.5 feet. **Type II Action.**

*Upon Applicants request, the Board voted to adjourn this matter to November 14, 2022 ZBA meeting.*

*Motion: Arthur Grace  
Second: Christina Soricielli  
Vote: 7:0:0*

#### **New Business**

- 2. Public Hearing - Fence - Owners: Bruce and Heather May, 11 Shelley Road, Grid # 6159-02-949950-0000, Zoned R-20.** The applicants are seeking a variance from §210-69 of the Town Code which permits fences in front yards of only 3.5 feet to legalize a fence constructed at 6 feet in height in a front yard. The lot is a corner lot having 2 front yards. **Type II Action.**

*The Board voted to grant Requested variance.*

*Motion: Christina Soricielli  
Second: Arthur Grace  
Vote: 7:0:0*

- 3. Public Hearing - Driveway- Owners: Anthony Liguori, 35 Crestwood Blvd., Grid # 6162-20-826192-0000, Zoned R-20.** The applicant is seeking a variance

from §210-92(Q) of the Town Code which provides that for driveways requiring 4 or fewer parking spaces in a residential district, they not be more than 15 feet in width. The applicant wishes to extend an 11-foot-wide driveway to 20 feet in width, requiring a 5-foot variance. **Type II Action.**

*The Board voted to grant Requested variance.*

*Motion: Arthur Grace*  
*Second: Christina Soricielli*  
*Vote: 7:0:0*

4. **Public Hearing - Pool - Owner: William J Kistner III, 42 Kensington Lane, Grid # 6362-01-211920-0000, Zoned R-4A.** The applicant is seeking a variance from §210-107(C) of the Town Code which requires that all swimming pools be set back from the property line at least 15 feet, to permit the construction of an inground swimming pool to be located 10 feet from the property line, requiring a variance of 5 feet. **Type II Action**

*The Board voted to grant Requested variance.*

*Motion: Arthur Grace*  
*Second: Christina Soricielli*  
*Recused: Paul Lahey*  
*Vote: 7:0:0*

5. **Public Hearing - Addition - Owners: Christina and Angel G. Romero, 736 Dutchess Turnpike, Grid # 6261-01-417934-0000, Zoned R-20.** The applicants are seeking a variance from §210-16(E) of the Town Code to permit the construction of an addition to a single-family residence set back 11 feet, 3 inches from a side property line where 20 feet is required, requiring a variance of 8 feet, 9 inches. Note: A variance was granted on June 13, 2022, to allow the addition to be 14 feet, 3 inches to a side property line. The applicant has decided to go 3 feet closer to the property line, requiring a new variance. **Type II Action.**

*The Board voted to grant Requested variance.*

*Motion: Larry Slomin*  
*Second: Arthur Grace*  
*Vote: 7:0:0*

6. **Public Hearing - Shed - Owner: Mark Meyerson, 10 Amato Drive, Grid # 6162-10-482684-0000, Zoned R-20.** The applicant is seeking a variance from §210-48 of the Town Code which requires that sheds greater than 100 square feet be set back from the property line at least 10 feet. The applicant is proposing to locate a 1.5 story 18' x 24' shed 5 feet from a side property line, requiring a variance of 5 feet. **Type II Action.**

*The Board voted to grant Requested variance.*

*Motion: Phyllis Capone*  
*Second: Christina Soricielli*  
*Vote: 7:0:0*

7. **Public Hearing - Deck - Owner: Bryan and Ella Plain, 130-132 Van Wagner Road, Grid # 6162-20-957145-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of a deck to be located 13.73 feet from the property line where 20 feet is required, requiring a variance of 6.27 feet . **Type II Action.**

*The Board voted to grant Requested variance.*

*Motion: Simona Cohen*  
*Second: Arthur Grace*  
*Recused: Paul Lahey*  
*Vote: 7:0:0*

8. **Public Hearing - Storage Depot Expansion - Owner: HGP Realty Corp, Representative: KARC Planning Consultants INC, 35 Page Park Drive, Grid # 6261-02-536543-0000, Zoned IH.** The applicant is seeking a variance from §210-40(E) of the Town Code which requires that a side yard of not fewer than 50 feet be maintained. The applicant is proposing to construct three storage buildings, two of which have a setback of less than 50 feet, requiring variances as follows:

- For Building A, proposed at 35 feet on one side, requiring a variance of 15 feet; and
  - For Building B, proposed at 32.8 feet on one side, requiring variances of 17.2 feet .
- Unlisted Action.**

*The Board voted to grant the requested Variances.*

*Motion: Simona Cohen*  
*Second: Christina Soricielli*  
*Recused: Phyllis Capone*  
*Vote: 7:0:0*

9. Public Hearing - Signage - Owner: WMC- Mid Hudson Region, Representative: KARC Planning Consultants INC, 241 North Road, Grid # 6162-09-072632-0000, Zoned IN. The applicant is seeking variances from §210-126(C) of the Town Code, which addresses signs attached to buildings and states: "On a site one wall sign for each wall of a business facing a public road shall be permitted equal to an area of 25% of the face of the building up to a maximum of 50 square feet." The applicant is proposing 2 wall signs, both facing a public road. Sign 1 (WMC Health) is 220 square feet requiring a variance of 170 feet. Sign 2 (Mid Hudson Regional Hospital) is 263 square feet, requiring a variance of 213 square feet. **Unlisted Action.**

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

*Motion: Paul Lahey*  
*Second: Christina Soricielli*  
*Recused: Larry Slomin*  
*Vote: 7:0:0*

*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: Christina Soricielli*  
*Recused: Larry Slomin*  
*Vote: 7:0:0*

*The Board voted to grant the requested variances.*

*Motion: Anthony Gates*  
*Second: Arthur Grace*  
*Recused: Larry Slomin*  
*Nay: Paul Lahey*  
*Vote: 6:0:1*

10. **Public Hearing – Various – Owner: INP Real Estates LLC, Representative: Lockwood Architecture, 44 Lagrange Ave. Grid # 6161-12-905673-0000, Zoned ATC.** The applicant is seeking the following variances:

1. From §210-22(E), which requires that a front property setback of not fewer than 5 feet be maintained. The proposed exterior patio is 2 inches from the Lagrange Avenue front property line and 4 inches from the Fairmont Avenue front property line, requiring variances of 4 feet, 10 inches and 4 feet, 8 inches respectively. Note: Only the ramp and steps are considered exempt as per 910-13(J).
2. From §210-22(E), which requires that a rear property setback of not less than 20 feet be maintained. The applicant is proposing a rear yard setback of 6 feet, requiring a variance of 14 feet. Note: The same variance was granted in June 2020, but for a 32 foot, 9 inch high building. The current proposed building height is 37 feet, 10 inches, an increase of 3 feet, 1 inch.
3. Reapproval of the following variances from June 2020, which have since expired:
  - a. From §210-22(E) which allows maximum lot coverage of 60% to permit lot coverage of 70%, necessitating a variance for maximum lot coverage of 10%;
  - b. From §210-112, which provides that no refuse or storage container or receptacle shall be placed or located within 50 feet of any residential district or any property used for residential purposes to permit a trash container that is proposed to be located 6 feet from the property line; and
  - c. From §210-22(E)(2) which provides that “residential dwelling units located immediately above a ground-floor, second-floor, or third-floor nonresidential use shall not be counted against the maximum residential dwelling unit density, provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.” The project as proposed does not provide any open space for the proposed residential units. **Unlisted Action.**

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

*Motion: Paul Lahey*

*Second: Arthur Grace*

*Vote: 7:0:0*

*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: Arthur Grace*  
*Vote: 7:0:0*

*The Board voted to grant/reapprove the requested variances*

*Motion: Christina Soriecilli*  
*Second: Arthur Grace*  
*Vote: 7:0:0*

**11. Public Hearing - Front Yard Setbacks - Owner: E&C Espicocz Properties LLC., 36 Hasbrouck Drive, Grid # 6160-03-309343-0000, Zoned R-20.** The applicant is seeking a variance from §210-16(E) of the Town Code to permit the construction of a second-story dormer addition to a single-family residence. The property is a corner lot and has two front yards. The applicant is seeking a variance to permit a setback of 15.5 feet on the Holland Court side of the property, requiring a variance of 14.5 feet. **Type II Action.**

*The Board voted to grant the requested variances.*

*Motion: Phyllis Capone*  
*Second: Christina Soriecilli*  
*Vote: 7:0:0*

**12. Public Hearing - Side Yard Setbacks - Owner: Joseph Sparacino, 72 Sunset Avenue, Grid # 6162-05-128894-0000, Zoned R-20.** The applicant is seeking variances from §210-16(E) of the Town Code to permit the construction of a 1-story addition to the house to be located 18 feet from the side property line, and a deck to be located 10 feet from the side property line, where 20 feet must be maintained for each, requiring variances of 2 feet and 10 feet respectively. **Type II Action.**

*The Board voted to grant the requested variances*

*Motion: Larry Slomin*  
*Second: Christina Soriecilli*  
*Vote: 7:0:0*

13. **Public Hearing - Signage - Owner: TFS Midhudson LLC., Representative: GNS Group Ltd., 3480 North Road. Grid # 6062-02-992924-0000, Zoned FC.** The applicant is seeking variances the following variances from the Town Code:

1. From §210-127(B), which permits one freestanding sign with an area not to exceed 50 square feet at each driveway entrance of a site to permit the installation of a new sign area of 54 square feet on top of a pre-existing stone monument base, requiring a variance of 4 square feet. Note: The existing location of the sign base received a variance in August 2000.
2. From §210-123.1(A), electronic message display (EMD) signs are prohibited in this zoning district. The applicant is proposing that the sign in (1) above have EMD. (Note: Although the existing sign appears to have EMD, the change was never approved by the ZBA.)
3. From §210-123.1, which provides that no more than 30% of the total square footage of any sign may be EMD. The applicant is proposing that approximately 34% of the sign be EMD, requiring a variance of 4%.
4. From §210-127(C), which permits one wall sign for each wall of a business facing a public road, up to 25% of the face of the building, or a maximum of 100 square feet, whichever is less. The south front entrance previously had an approved “Mobil Mart” sign that has since changed, but permits were not sought for the new signage and it was not approved. The applicant’s new proposed sign “Chestnut Mobil/Squirrel” for this location is 20.5 feet; however, it is not facing a public road, requiring a variance from this section.
5. From §210-127(C), for a second south wall sign, a 12.9 square foot “squirrel” sign is also being proposed, requiring a variance for a second sign, and on a side not facing a public road.
6. From §210-127(C), for a third south wall, a 12.55 square foot “Dunkin” sign, requiring a variance for a third sign, and on a side not facing a public road.
7. From §210-127(C), for a 12.55 square foot “Dunkin” sign on the east wall, requiring a variance for a sign not facing a public road.
8. From §210-127(C), for a second east wall sign, a 15.7 square foot “Chestnut Market/Squirrel” sign, requiring a variance for a second sign not facing a public road.
9. From §210-127(C), for a second wall sign on the west side of the building (which faces a public road), a 15.7 square foot “Chestnut Market/Squirrel” is proposed, requiring a variance for a second sign. **Unlisted Action.**

*The Board voted to adjourn this matter to November 14, 2022 ZBA Meeting.*

*Motion: Paul Lahey*  
*Second: Christina Soricielli*  
*Vote: 7:0:0*

**14. Public Hearing - Signage Four Unit Apartment - Proposed - Owner: Artut Slabuszewski - D&A Poughkeepsie LLC, Representative: Jay Diesing Mauri Associates PC, 9 Lagrange Avenue. Grid # 6161-12-827713-0000, Zoned ATC.**

The applicant is seeking variances to permit the conversion of a two-family residence into a four-unit apartment building, and other site improvements, including the relocation of a detached garage. Specifically, the applicant is seeking the following variances from the provisions of the Town Code:

1. From §210-22(E)(2), which provides that residential dwelling unit density shall not exceed 6 dwelling units per acre (or 7,260 sf per dwelling unit), to permit four units on a 7,405 square-foot parcel, requiring a variance of 21,645 square-feet;
2. From §210-48, which requires that accessory structures maintain a rear yard setback of at least 10 feet to permit a 20' x 40' detached garage to be constructed 5 feet from a rear-yard lot line, requiring a variance of 5 feet; and
3. From §210-48, which requires that accessory structures maintain a side yard setback of at least 10 feet to permit a 20' x 40' detached garage to be constructed 3 feet from a side yard lot line requiring a variance of 7 feet .

**Unlisted Action.**

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

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

*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: Arthur Grace*  
*Vote: 7:0:0*

*The Board voted to grant the requested variances*

*Motion: Anthony Gates*  
*Second: Christina Soriecilli*  
*Vote: 7:0:0*



Other Business

15. **Lead Agency Request** from the Planning Board - Subdivision (Major) - Delaverge Avenue Subdivision - 40 Delaverge Avenue, Grid # 6158-01-164655-0000, Zoned R-20.

The original application submitted back in 2020 included more than five (5) lots, the construction of a road to be dedicated to the Town and necessary water and sewer connections.

The September 2022 proposal includes only three (3) residential lots, all with driveways to Delavergne Avenue. There is no longer a proposal for a roadway to be dedicated to the Town. The applicant will be responsible for identifying approved water and sewer connections.

*The Board voted to consent to Town of Poughkeepsie Planning Board's Lead Agency request for Storage Depot Expansion*

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

The meeting adjourned at 8:39 pm.

*Motion: Paul Lahey  
Second: Phyllis Capone  
Vote: 7:0:0*

**PRESENT**

**ABSENT**

- Chairman Lahey
- Member Capone
- Member Slomin
- Member Grace
- Member Soricelli
- Member Straka
- Member Gates
- Alternate Member Cohen

