



Town of Poughkeepsie

Zoning Department

1 Overocker Road
Poughkeepsie, NY 12603

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

AGENDA
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS
REGULAR MEETING
JULY 13, 2020 - 6:00 PM

****THIS MEETING WAS HELD ONLINE AND TELEPHONICALLY ONLY****
THERE WAS NO IN-PERSON PARTICIPATION
BY THE PUBLIC.

Old Business

- 1. Public Hearing – Vassar College, 124 Raymond Avenue, Cuddy & Feder LLP, consultants, 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 use 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.**

On the Applicant’s request, the Board voted to adjourn the matter to the August 10, 2020 meeting.

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

- 2. Public Hearing – Stewarts 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 proposed pump topper signs proposed to have 0.68 square foot, or 31.6% of the sign devoted to EMD signage. **Unlisted Action.**

The Board voted to adjourn the matter to the August 10, 2020 meeting.

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

- 3. Public Hearing – Hyshi Sahiti, 8 Hinkley Place, Zoned R-20, Grid # 6162-10-311595-0000.** The applicant is requesting variances from §210-48 and §210-16(E) of the Town Code to legalize an existing garage and deck. A survey showed that the existing garage crossed the property line; that is being rectified by the revised proposed location. The garage, as currently proposed, is to be located 8 inches from the side lot line where 10 feet is required, requiring a variance of 9 feet, 4 inches, and to be located 2 feet, 4.625 inches from the rear property line where 10 feet is required, requiring a variance of 7 feet, 7.375 inches. The existing deck is located 1 foot from the side property line, where 20 feet is required, requiring a side yard variance of 19 feet. (A variance allowing the deck to be located 1.5 feet from the property line was granted on August 9, 2010.) **Type II Action.**

During the meeting, the Applicant indicated a willingness to locate the garage 4 feet from the side property line, the other variances remaining the same. The Board voted to grant the requested variances, as amended, for the reasons set forth during meeting, conditioned upon (i) run off from the garage being contained on the applicant's property; and (ii) the foundation/concrete slab under the existing garage be removed to a distance of 4 feet from the side property line, so that it does not extend beyond the garage.

Motion: Anthony D'Aquanni
Second: Arthur Grace
Vote: 6:0:0

New Business

- 4. Public Hearing – Lot Size, Side/Rear Setbacks and Signage – Jay Diesing of Mauri Architects for Foam and Wash, Poughkeepsie North, on property owned by Third Rock Realty, LLC, 2629 South Road, Zoned B-H, Grid # 6160-01-005822-0000.** The applicant is requesting a relief from the following sections of the Town Code:
- The applicant is requesting a relief from the following sections of the Town Code:
- 1- §210-90(G)(1) which requires a minimum lot size of 2 acres to allow a motor vehicle service facility (car wash) to be located on a lot of 1.66 acres.
 - 2- §210-35(E) which requires a 40-foot side yard setback to allow nine (9) vacuum parking spaces to be located at a minimum of 31 feet, 1 inch from the property line, requiring a variance of 8 feet, 11 inches.
 - 3- §210-35(E) which requires a 40-foot side yard setback to allow a dumpster enclosure to be located 26 feet, 10 inches from the side property line, requiring a variance of 13 feet, 2 inches.
 - 4- §210-23(E) which requires a 40-foot rear yard setback to allow a dumpster enclosure to be located 36 feet, 3 inches from the rear property line, requiring a variance of 3 feet, 9 inches.
 - 5- §210-127(C) which permits only one wall sign to allow a second wall sign of 15 square feet (the "Soft Cloth" sign).
 - 6- §210-127(C) which permits only one wall sign to allow a third wall sign of 17.2 square feet (the "Touch Free" sign).
 - 7- §210-127(C) which permits only one wall sign to allow a fourth wall sign of 18.9 square feet (the "Dog Wash" sign).
 - 8- §210-127(B) which permits free-standing signs of up to 50 square feet to allow a sign of 74 square feet, requiring a variance of 24 square feet. **Unlisted Action.**

The Board appointed Mr. James Nelson as legal representative for this application due to a conflict of Wallace & Wallace LLP on this matter.

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

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: 6:0:0*

The Board voted to grant the requested variances for variances 1 through 7, for the reasons set forth during meeting. For variance 8 (the freestanding sign), the Board approved the intermediate sign (version 2), for the reasons set forth during the meeting.

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

5. **Public Hearing – Fence – Giacinto Caracci, 38 Channingville Road, Zoned R-20, Grid # 6058-20-784053-0000.** The applicant is seeking a variance from §210-69 of the Town Code which permits fences in a front yard up to 3½ feet in height, to permit the installation of a fence of 6 feet. **Type II Action.**

The Board voted to grant the requested variance for a fence, for the reasons set forth during meeting.

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

6. **Public Hearing – Side/Rear Yard Variances – Residence - Owner: Patrice Knight, Representative: Arthur Glen Hudson View Construction, Division Street, Zoned R-20, Grid # 6057-07-518917-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 20-foot side yard setback to permit the construction of a single-family house to be located 9.2 feet from the side lot line, requiring a variance of 10.8 feet. **Type II Action.**

The Board voted to adjourn the matter to the August 10, 2020 meeting.

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

7. **Public Hearing – Existing Shed– Jeanette Kihlmire, 14 Patricia Road, Zoned R-20, Grid # 6263-03-335187-0000.** The applicant is seeking a variance from §210-48 of the Town Code which permits an accessory structure to be located 10 feet from rear and side property lines, to legalize an existing shed that is located 2 feet from the rear property line and 5 feet from the side property line, requiring variances of 8 feet and 5 feet respectively. **Type II Action.**

Due to the applicant's absence, the Board voted to adjourn the matter to the August 10, 2020 meeting.

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

8. **Public Hearing – Fence – Robert Lewis, 12 Nassau Road, Zoned R-20, Grid # 6159-01-018844.** The applicant is seeking a variance from §210-69 of the Town Code which permits fences in a front yard up to 3½ feet in height, to permit the installation of a fence of 6 feet. **Type II Action.**

The Board voted to grant the requested variance, for the reasons set forth during meeting.

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

9. **Public Hearing – Accessory Apartment – Nels and Katrina Wennersten, 16 Cathy Road, Zoned R-20, Grid # 6161-03-184166-0000.** The applicant is requesting special permit approval pursuant to §210-47 of the Town Code to permit the construction and use of an accessory apartment in a single-family dwelling. **Unlisted Action.**

The Board voted to grant Special Use Permit for an Accessory Apartment, for the reasons set forth during meeting.

*Motion: Paul Lahey
Second: Arthur Grace
Recused: Phyllis Capone
Vote: 5:0:1*

10. **Public Hearing – Garage/Carport – Craig Shannon, 47 Kingwood Drive, Zoned R-20, Grid # 6160-03-393226-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 20-foot side-yard setback to permit the construction of an addition and carport to be located 11.7 feet from the side property line, requiring a variance of 8.3 feet. **Type II Action.**

The Board voted to adjourn the public hearing on the variance for the carport to the August 10, 2020 meeting.

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

The Board voted to grant the requested variance for the garage for reasons set forth during meeting conditioned upon the garage not being any closer to the lot line than the existing house.

*Motion: Anthony D'Aquanni
Second: Arthur Grace
Vote: 6:0:0*

11. Public Hearing – Covered Deck – Daniel Dwyer, 23 Stephanie Lane, Zoned R-20, Grid # 6159-03-449054-0000. The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 20-foot side- yard setback to permit the construction of a covered deck to be located 16 feet from the side property line, requiring a variance of 4 feet. **Type II Action.**

The Board voted to grant the requested variance for the covered deck for the reasons set forth during meeting, conditioned upon the roof of the deck being no higher than 12 feet from the top of the deck floor.

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

12. Public Hearing – Addition – Prudence Barton, 2 Water Street, New Hamburg, Zoned R-20, Grid # 6057-06-480911-0000. The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 30-foot rear-yard setback to permit the construction of an addition to be located 24.5 feet from the rear property line, requiring a variance of 5.5 feet **Type II Action.**

The Board voted to grant the requested variance for an addition, for reasons set forth during meeting.

Motion: Larry Slomin
Second: Arthur Grace
Vote: 6:0:0

13. Public Hearing – Monument Sign Lot 1E – MHTC Development LLC, Eastdale Avenue North, Zoned MHC, Grid # 6262-04-777377-0000. The applicant is seeking a variance from §210-125(B) of the Town Code which permits monument signs of up to 12 square feet to permit the installation of a monument sign of 21 square feet, requiring a variance of 9 square feet **Unlisted Action. The Planning Board, as Lead Agency, issued a SEQRA determination in an EIS and Findings Statement.**

The Board voted to grant the requested variance, for reasons set forth during meeting.

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

14. Public Hearing – Monument Sign Lot 8W – MHTC Development LLC, Eastdale Avenue South, Zoned MHC, Grid # 6262-04-820277-0000. The applicant is seeking a variance from §210-125(B) of the Town Code which permits monument signs of up to 12 square feet to permit the installation of a monument sign of 21 square feet, requiring a variance of 9 square feet **Unlisted Action. The Planning Board, as Lead Agency, issued a SEQRA determination in an EIS and Findings Statement.**

The Board voted to grant the requested variance, for reasons set forth during meeting.

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

15. Public Hearing – Proposed Sign Lot D 1 “Ye Olde Candle Gift Shop” – MHTC Development LLC, Eastdale Avenue North, Zoned MHC, Grid # 6262-04-726341-0000. The applicant is seeking a variance from §210-125(B)(1) of the Town Code which permits only 1 wall sign or one projecting sign per lot, to allow the installation of a second wall sign and a projecting sign **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: Arthur Grace
Vote: 6:0:0*

The Board voted to grant the requested variance, for reasons set forth during meeting.

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

16. Public Hearing – Proposed Sign Lot D 3 – “Spoons” - MHTC Development LLC, Eastdale Avenue North, Zoned MHC, Grid # 6262-04-726341-0000. The applicant is seeking a variance from §210-125(B)(1) of the Town Code which permits 1 wall sign or one projecting sign per lot, to allow the installation of projecting sign on a lot that contains 4 commercial establishments, some of which already have signage **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: Arthur Grace
Vote: 6:0:0*

The Board voted to grant the requested variance, for reasons set forth during meeting.

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

The meeting was adjourned at 10:25 pm.

*Motion: Paul Lahey
Second: Anthony D’Aquanni
Vote: 6:0:0*

PRESENT

Chairman Lahey
Member D’Aquanni
Member Grace
Member Slomin
Member Soricelli
Alternate Member Capone

ABSENT