



# Town of Poughkeepsie

## Zoning Department

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**AGENDA**  
**TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**AUGUST 10, 2020 - 6:00 PM**  
**THIS MEETING WAS HELD ONLINE, TELEPHONICALLY**  
**AND IN-PERSON PARTICIPATION**  
**BY THE PUBLIC.**

### Old Business

- 1. Public Hearing – Vassar College, 124 Raymond Avenue, Cuddy & Feder LLP, consultants, Zoned (IN), Grid # 6161-12-795630-0000.** 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 September 14, 2020 meeting.*

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

- 2. Public Hearing – Stewarts Shops Corp, 2245 South Road, Zoned B-H, Grid # 6159-01-249880-0000.** 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 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 September 14, 2020 meeting.*

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

3. **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.**

*The Board voted to grant the requested variances for an existing shed for reasons set forth during meeting.*

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

4. **Public Hearing – Side/Rear Yard Variances – Residence - Owner: Patrice Knight, Representative: Arthur Glynn 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 grant a modified side yard variance of 8.3 feet.*

**Motion:** Larry Slomin  
**Second:** Christine Soricelli  
**Vote:** 6:0:0

5. **Public Hearing – 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 a carport to be located 11.7 feet from the side property line, requiring a variance of 8.3 feet.

*At the request of the Applicant, the Board voted to adjourn the matter to the September 14, 2020 meeting.*

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

### **New Business**

6. **Public Hearing – Addition – Kristine L.D. Baker, 16 Saddle Rock Drive, Zoned R-20, Grid # 6160-04-623136-0000.** The applicant is seeking to construct a 20’ by 20’ addition for a bedroom and office to allow her to establish an accessory apartment in a one-family dwelling, that is to be located 14.7 feet from the side lot line where 20 feet is required pursuant to Town Code §210-16(E), requiring a variance of 5.3 feet **Type II Action.**

*The Board voted to grant a side yard variance of 5.3 feet.*

**Motion:** Larry Slomin  
**Second:** Christine Soricelli  
**Vote:** 6:0:0

7. **Public Hearing – Accessory Apartment – Kristine L.D. Baker, 16 Saddle Rock Drive, Zoned R-20, Grid # 6160-04-623136-0000.** The applicant is seeking a Special Use Permit, from the Zoning Board of Appeals for an accessory apartment as per Town Code §210-47. **Unlisted Action.**

*The Board determined that the proposed action would not result in any significant adverse environmental impact and therefore issued a negative declaration.*

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

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

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

8. **Public Hearing – Front Porch – Cody Wilkinson, 55 Henmond Blvd., Zoned R-20, Grid # 6261-04-510400-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code to allow the construction of a porch having a front yard setback of 29.29 feet where 30 feet is required, requiring a variance of .71 of a foot. **Type II Action.**

*The Board voted to grant a front yard variance of 1 foot.*

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

9. **Public Hearing – Existing Shed – John and Beth Van Norstrand, 7 Hawkins Street, Zoned R-20, Grid # 6162-06-392940-0000.** The applicant is seeking a variance from §210-48 of the Town Code to legalize an existing shed that is set back 1 foot, 4 inches from the rear property line and 5 feet from the side property line, where 10 feet is required for each, requiring variances of 8 feet, 8 inches and 5 feet, respectively. **Type II Action.**

*The Board voted to grant the requested variances for the existing shed.*

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

10. **Public Hearing – Hay Storage Shed, Elmart Farms Inc. (Richard Ponzini), 720 Van Wagner Road, Zoned R-4A, Grid # 6363-03-080235-0000.** The applicant is seeking a Special Use Permit pursuant to §210-14(C)(3) to allow a use of “agriculture excluding farm animals” to permit the construction of a shed to store hay. **Unlisted Action.**

*The Board determined that the proposed action would not result in any significant adverse environmental impact and therefore issued a negative declaration.*

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

*The Board voted to grant a Special Use Permit to allow a use of “agriculture excluding farm animals” to permit the construction of a shed to store hay.*

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

- 11. Public Hearing - Locust Grove Crossing LLC, 2736-2738 South Road, Zoned R-M, Grid # 6161-03-078100-0000.** The applicant is seeking a variance from §210-17(E) of the Town Code, which permits residences at a density of 7,260 square feet per residential unit (6 units per acre), to allow the construction of 32 residential units on a 2.43-acre lot, where only 14 units would be permitted, requiring a variance of 3,911 square feet per dwelling unit (or an additional 7 units per acre) to allow the additional 18 units. The applicant also seeks a variance from §210-17(E) of the Town Code to permit 48% impervious coverage where 40% is permitted, requiring a variance for the additional 8%. These variances each were granted by the ZBA on April 8, 2019, but have since expired. In addition, the applicant seeks a variance from Town Code §210-124, which limits free-standing signs in a residential district to four square feet, to permit a free-standing sign of 42 square feet (inclusive of the monument base), requiring a variance of 38 square feet. **Unlisted Action. The Planning Board, as Lead Agency, issued a Determination of Non-Significance (neg dec) on June 18, 2020.**

*The Board voted to grant the requested variances for lot density and impervious coverage, determined that the proposed sign was not measured correctly in the application, and voted to grant a variance of 21.67 square feet for a monument sign, to allow its construction as proposed.*

**Motion:** Anthony D’Aquanni  
**Second:** Christine Soricelli  
**Vote:** 6:0:0

### **Other Business**

**Lead Agency Request from the Planning Board – South Hills Commons, Route 9D/Delevergne Ave. Grid # 6158-01-261673 and 6158-01-237655-0000, size: 5.5 acres and 1.04 acres, Zoned R-20.** The applicant has requested a zoning change from the Town Board to change the zoning district from R-20 to R-M, and site plan approval from the Planning Board in order to construct two (2) multifamily buildings, one with 12 units and one with 13 units.

*The Board voted to consent to Town of Poughkeepsie Planning Board Lead Agency request, for the reasons set forth during meeting.*

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

**Lead Agency Request from the Planning Board – Arlington Farms, 798-802 Duchess Turnpike. Grid # 6262-04-571014-0000, size: 0.81 acres, Zoned B-H.** The applicant previously received site plan approval to demolish the existing structures on the site and construct a gas station/convenience store, gas canopy with eight filling stations, and other site improvements. The ZBA previously granted area variances and a special use permit, which approvals have since expired. The applicant is seeking new approvals for the same proposed improvements.

*The Board voted to consent to Town of Poughkeepsie Planning Board Lead Agency request, for the reasons set forth during meeting.*

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

The meeting was adjourned at 8:40 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**