



Town of Poughkeepsie

Zoning Department

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AGENDA

TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS

REGULAR MEETING

SEPTEMBER 14, 2020 - 6:00 PM

A public meeting of the Town of Poughkeepsie Zoning Board of Appeals will be held on September 14, 2020 at 6:00 PM. Pursuant to the Governor's Executive Order 202.1, if the same is extended through the date of the public hearing, Board members, applicants and the public will have the option to participate remotely, via Zoom videoconferencing, via telephone or in person. The public will have the opportunity to participate in the public hearing via Zoom by using the following web address:

Join Zoom Meeting

<https://zoom.us/j/98384181714?pwd=aFVWb1JZeVRGdHhVYkNpTXZLcUZ0Zz09>

Meeting ID: 983 8418 1714

Passcode: 827598

THE AGENDA IS AS FOLLOWS:

ROLL CALL

STATEMENT OF COMPLIANCE BY THE CHAIR

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. TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL OCTOBER 19, 2020.**
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) §210-123.1(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 June 18, 2020. TO BE ADJOURNED UNTIL OCTOBER 19, 2020.**

- 3. 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. **TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL OCTOBER 19, 2020. Type II Action.**

New Business

- 4. Public Hearing – Existing Deck – Anthony & Jamie Cipriani, 44 Durocher Terrace, Zoned R-20, Grid # 6262-03-351032-0000.** The applicant is seeking a variance from § 210-16(E) of the Town Code, which mandates side yard setbacks of 20 feet to legalize an existing deck that is located 15 feet from each side lot line, requiring a variance of 5 feet from each side lot line. **Type II Action.**
- 5. Public Hearing – Screened Porch Stairs and Landing – Miroslav Gola, 40 Honey Lane, Zoned R-20, Grid # 6057-07-690940-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires side yard setbacks of 20 feet to permit a staircase and landing to access a screened porch to be located 15 feet from the side property line, requiring a variance of 5 feet. **Type II Action.**
- 6. Public Hearing – Front Deck – Alyssa Jansen, 6 Phyllis Road, Zoned R-20, Grid # 6058-20-823058-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires front yard setbacks of 30 feet to permit the construction of a deck to be located 22 feet from the front lot line, requiring a variance of 8 feet. **Type II Action.**
- 7. Public Hearing – Special Use Permit, Accessory Apartment – Anthony and Laura Picone, Presented by J & R General Contracting, 22 Kellerhause Drive, Zoned R-20, Grid # 6260-03-206028-0000.** The applicant is seeking a special use permit pursuant to Town Code §210-47 to allow an accessory apartment in a single-family dwelling. **Unlisted Action.**
- 8. Public Hearing – Fence, Front Yard – Ryan Franklin, 49 Pleasant Lane, Zoned R-20, Grid # 6259-01-178988-0000.** The applicant is seeking a variance from §210-69 of the Town Code which permits a fence height of no greater than 3 feet, 6 inches in the front yard. The applicant is requesting permission to install a fence of 6 feet in height, requiring a variance of 2 feet, 6 inches. **Type II Action.**
- 9. Public Hearing – 2-Car Garage – Charles Vetter, 26 Thomas Ave., Zoned R-20, Grid # 6262-04-793478-0000.** The applicant is seeking a variance from §210-48 of the Town Code which requires a setback of 10 feet from side and rear property lines for accessory structures to permit a garage to be erected 2 feet from a side lot line, requiring a variance of 8 feet. **Type II Action.**
- 10. Public Hearing – Sun Shade Shed for Grill – Hector Lopez, 111 S. Gate Drive, Zoned R-20, Grid # 6059-02-986509-0000.** The applicant is seeking a variance from §210-48 of the Town Code which permits an accessory structure to be located 10 feet from side and rear property lines to legalize a shed providing a

“shade area for grill” that is located 7 feet 5 inches from the side property line, requiring a variance of 2 feet, 7 inches. **Type II Action.**

11. **Public Hearing - Shed- Billy Van Jura, 35 Hasbrouck Drive, Zoned R-20, Grid # 6160-03-280348-0000.** The applicant is seeking a variance from §210-48 of the Town Code which permits an accessory structure to be located 10 feet from side and rear property lines to permit the replacement of an existing shed located 4 feet from the side and rear property lines with a new shed also to be located 4 feet from the side and rear property lines, requiring a variances of 6 feet for the side and rear setbacks. **Type II Action.**
12. **Public Hearing - Pool- Joseph and Marianne Clarke, 2 Jordan Street, Zoned R-4A, Grid # 6058-04-971223-0000.** The applicant is seeking a variance from §210-107(A) of the Town Code which prohibits pools from being located in a front yard. This is a corner lot having 2 front yards. **Type II Action.**
13. **Public Hearing - Special Use Permit, Accessory Apartment - Xiao Messerschmitt, 28 Nassau Road, Zoned R-20, Grid # 6059-08-998765-0000.** The applicant is seeking a special use permit pursuant to §210-47 of the Town Code to permit an accessory apartment in a single-family dwelling. **Unlisted Action.**
14. **Public Hearing - Back Porch/Laundry Room- Charles & Judith Paolercio, 5 Main Street, Zoned R-20, Grid # 6057-06-493869-0000.** The applicant is seeking a variance from §210-16(E) which requires a front setback of 30 feet and side setbacks of 20 feet to permit the replacement of an existing enclosed porch with a new enclosed porch, laundry and mud room to be built 8 feet from the front lot line and 15 feet from the side lot line, requiring variances of 22 feet and 5 feet, respectively. **Type II Action.**
15. **Public Hearing - Pool - Susan Szabo- 96 Colburn Drive, Zoned R-20, Grid # 6760-04-978362-0000.** The applicant is seeking a variance from §210-107(A) to allow pool to be located in a front yard. The property is a corner lot and has 2 front yards. **Type II Action.**
16. **Public Hearing - Residence - Burke Brian, presented by Paul Tirums, 13 Vandewater Ave. Zoned R-20, Grid # 6161-07-700902-0000.** The Applicant requests relief from §210-16(E) of the Town Code which requires a front setback of 30 feet and side setbacks of 20 feet, to permit the construction of a single-family home having a front setback of 20 feet, a north side setback of 3 feet and a south side setback of 9 feet, requiring variances of 10 feet, 17 feet and 11 feet, respectively. **Type II Action.**

Other Business

Lead Agency Confirmation Request from the Planning Board – Stewarts Shop, 2245 South Road. Grid # 6159-01-249880-0000, size: 0.91 acres, Zoned B-H. The Planning Board is reopening SEQRA to address the additional variance and requests that the involved agencies indicate their continued consent to the Planning Board’s role as the Lead Agency.