



# Town of Poughkeepsie

## Zoning Department

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
SEPTEMBER 14, 2020 - 6:00 PM**

### 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 and 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.**

*On the Applicant’s request, the Board voted to adjourn the matter to the October 19, 2020 meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

- 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) §210-123.1(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.**

*The Board voted to adjourn the matter to the October 19, 2020 meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*On the Applicant’s request, the Board voted to adjourn the matter to the October 19, 2020 meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

**New Business**

4. **Public Hearing – Existing Deck – Anthony and Jamie Cipriani, 44 Durocher Terrace, Zoned R-20, Grid # 0006262-03-351032-0000.** 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.**

*The Board voted to grant two variances of 5 feet for each side yard.*

**Motion:** Christine Soricelli  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*The Board voted to grant a side yard variance of 5 feet.*

**Motion:** Arthur Grace  
**Second:** Christine Soricelli  
**Vote:** 5:0:0

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.**

*The Board voted to grant a front yard variance of 8 feet.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*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:** Christine Soricelli  
**Vote:** 5:0:0

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

**Motion:** Anthony D'Aquanni  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*The Board voted to grant a variance of 2 feet 6 inches to allow a 6-foot fence in the front yard.*

**Motion:** Phyllis Capone  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*The applicant did not appear. The Board voted to adjourn the application to October 19, 2020.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

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.**

*The Board voted to grant a side yard variance of 2 feet 7 inches.*

**Motion:** Christine Soricelli  
**Second:** Paul Lahey  
**Vote:** 4:1:0

- 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.**

*The applicant did not appear. The Board voted to adjourn the application to October 19, 2020.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

- 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.**

*The Board voted to grant a variance to allow the pool to be located in the front yard.*

**Motion:** Arthur Grace  
**Second:** Christine Soricelli  
**Vote:** 5:0:0

- 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.**

*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:** Christine Soricelli  
**Vote:** 5:0:0

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

**Motion:** Arthur Grace  
**Second:** Christine Soricelli  
**Vote:** 5:0:0

- 14. Public Hearing – Back Porch/Laundry Room– Charles and 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.**

*The Board voted to grant a variance of 22 feet for the front yard and 5 feet for the side yard.*

**Motion:** Arthur Grace  
**Second:** Christine Soricelli  
**Vote:** 5:0:0

- 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.**

*The Board voted to grant a variance to allow the pool to be located in the front yard.*

**Motion:** Phyllis Capone  
**Second:** Paul Lahey  
**Vote:** 5:0:0

- 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.**

*The Board voted to grant a variance of 10 feet from the front lot line, 17 feet from the north side lot line, and 11 feet from south side lot line.*

**Motion:** Phyllis Capone  
**Second:** Arthur Grace  
**Vote:** 5:0:0

### **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.

*The Board voted to consent to Town of Poughkeepsie Planning Board’s Continuing Lead Agency request.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Vote:** 5:0:0

The meeting was adjourned at 8:14 pm.

**Motion:** Paul Lahey  
**Second:** Anthony D’Aquanni  
**Vote:** 5:0:1

**PRESENT**

Chairman Lahey

Member D'Aquanni

Member Grace

Member Soricelli

Alternate Member Capone

**ABSENT**

Member Slomin