



Town of Poughkeepsie

Zoning Department

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DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING OCTOBER 19, 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 & 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 November 9, 2020 meeting.

Motion: Anthony D’Aquanni
Second: Arthur Grace
Vote: 4:0:0

- 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 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.**

On the Applicant’s request, the Board voted to adjourn the matter to the November 9, 2020 meeting.

Motion: Anthony D’Aquanni
Second: Arthur Grace

Vote: 4:0:0

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. **THIS ITEM WAS WITHDRAWN BY THE APPLICANT.**
4. **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 Board voted to grant a side yard variance for 2 car Garage of 7 feet, instead of 8 feet requested. The garage will be located 3 feet from the side lot line. The Board also stipulated that rain water run off should run towards the back of the applicants property.

Motion: Christine Soricelli

Second: Arthur Grace

Vote: 4:0:0

5. **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 Board voted to grant a side yard variance for a Shed of 6 feet from the side and 6 feet from rear lot line.

Motion: Christine Soricelli

Second: Arthur Grace

Vote: 4:0:0

New Business

6. **Public Hearing – Existing Fence – Michael Lynch, 44 Eileen Blvd., Zoned R-20, Grid # 6262-04-912382- 0000.** The applicant is seeking a variance from §210-69 of the Town Code, which mandates that fences of 6 feet in height be located 30 feet from the front property line. The applicant installed a fence located 12 feet from the front property line, requiring a variance of 18 feet. **Type II Action.**

The Board voted to grant a variance for a Fence of 18 feet from the front lot line.

Motion: Christine Soricelli

Second: Arthur Grace

Vote: 4:0:0

7. **Public Hearing – Fence – Kenneth Baldwin & Jeremy King, 42 Brentwood Drive, Zoned R-20, Grid # 6260-03-212245-0000.** The applicant is seeking a variance from §210-69 of the Town Code, which prohibits fences greater than 3.5 feet in height within a front yard. The applicant is seeking to install a fence of 7 feet in height, requiring a variance of 3.5 feet. **Type II Action.**

The Board voted to grant a height variance for a Fence of 2.5 feet the fence will be 6 feet high instead of 7 feet as stated in application.

Motion: Arthur Grace
Second: Christine Soricelli
Vote: 4:0:0

8. **Public Hearing – 12x 16 Shed – Timothy J. O’Connor and Deborah O’Connor, 183 Fulton Street, Zoned R-20, Grid # 6162-06-445920-0000.** The applicant is seeking a variance from §210-48 of the Town Code which requires a setback of 10 feet from all property lines for accessory structures. The applicant is seeking to construct a shed to be located 2 feet, 6 inches from the rear lot line, requiring a variance of 7 feet, 6 inches. **Type II Action.**

The Board voted to grant a side yard variance for a Shed of 7 feet 6 inches.

Motion: Phyllis Capone
Second: Arthur Grace
Vote: 4:0:0

9. **Public Hearing – Deck – Linda Sloat, 19 Oriole Drive, Zoned R-20, Grid # 6159-01-245780-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a side yard setback of 20 feet to permit the replacement of an existing deck with a slightly larger deck to be built 13.4 feet from the side lot line, requiring a variance of 6.6 feet. **Type II Action.**

The Board voted to grant a side yard variance for a Deck of 6 feet 6 inches.

Motion: Phyllis Capone
Second: Arthur Grace
Vote: 4:0:0

10. **Public Hearing – Building Height Variance – MHTC Development LLC, 42-48 Eastdale Ave, Zoned MHC, Grid # 6262-04-726341-0000.** The applicant is seeking variances from §210-27(F) of the Town Code which establishes a maximum of 3.5 stories for buildings in the district containing attached residential units. The applicant is seeking to construct three buildings, Buildings 16, 17 and 18, each having 4 stories (but staying within the 50-foot maximum building height), requiring a variance of a half-story for each building. **Unlisted Action.** The Planning Board, as Lead Agency for a coordinated review, adopted an Amended Findings Statement on September 17, 2020

The Chair informed that this matter was advertised with wrong grid, therefore, applicant will submit new application, which will be addressed in November 9, 2020 ZBA Meeting.

Meeting was adjourned at 7:04 pm.

Motion: Anthony D'Aquanni

Second: Christine Soricelli

Vote: 4:0:0

PRESENT

Member D'Aquanni

Member Grace

Member Soricelli

Alternate Member Capone

ABSENT

Chairman Lahey

Member Slomin