



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

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### DECISION AGENDA TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS REGULAR MEETING FEBRUARY 10, 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 Applicants request, the Board voted to adjourn the matter to the March 9, 2020 meeting.*

**Motion:** Paul Lahey  
**Second:** Arthur Grace  
**Recused:** James Challey  
**Vote:** 7:0:1

2. **Public Hearing – RS2 Holdings LLC, 766 Main Street, Zoned ATC, Grid # 6161-07-742820-0000.** Applicant requests relief from the following sections of the Town Code: (i) §210-22(E)(2), which provides that residential density shall not exceed six dwelling units per acre (or 7260 sq. ft. per dwelling unit) to permit the construction of a first-floor apartment on a lot having a total acreage of .15, or 6534 sq. ft., thereby requiring a variance of 726 sq. ft.; (ii) §210-22(E)(2), which provides that residential dwelling units located immediately above a ground-floor nonresidential use shall not be counted against the maximum residential dwelling unit density, provided that “open space is set aside for the dwelling units,” to allow the three second-floor residential units not to be counted against the residential density requirements, despite the lot not containing an area set aside for open space; (iii) §210-112, which provides that no refuse container or receptacle shall be placed or located within 50 feet of any residential district or any property used for residential purposes, to allow the proposed location of the refuse enclosure at 12.5 feet from the property line. **Unlisted Action. Uncoordinated review.**

*The Board determined that ZBA will be the Lead Agency.*

**Motion:** James Challey  
**Second:** Paul Lahey  
**Vote:** 7:0:0

*The Board voted to grant the requested variances.*

**Motion:** Christine Soricelli  
**Second:** Arthur Grace  
**Vote:** 7:0:0

4. **Public Hearing – Hyshi Sahiti, 8 Hinkley Place, Zoned R-20, Grid # 6162-10-311595-0000.** The requested area variance involves relief from §210-48(E) and §210-16(E) of the Town Code, to legalize an existing garage and deck. The garage is located 3.6 feet from side yard, where 10 feet is required, requiring a 6.4 foot side-yard variance, and located 1.8 feet from the rear property line, where 10 feet is required, requiring an 8.2 foot rear yard variance. The deck is located 1 foot from side property line, where 20 feet is required, requiring a side yard area variance of 19 feet. (A variance allowing the deck to be located 1.5 feet from the property line was granted on 8/9/2010.) **Type II Action.**

*The Board voted to adjourn the matter to the April 13, 2020 meeting.*

**Motion:** James Challey

*Second: Arthur Grace*  
*Vote: 7:0:0*

**New Business**

4. **Public Hearing – Roger and Sandralee Townsend, 21 Peckham Road**, Zoned R-20, Grid # 6261-01-246824-0000. The Applicant requests relief from §210-48 of the Town Code to replace an existing garage with a proposed garage of 24 feet by 24 feet, to be constructed 6 feet from the side yard property line where 10 feet is required, requiring a 4 foot side yard variance. **Type II Action.**

*The Board voted to grant the requested variances.*

*Motion: Arthur Grace*

*Second: Christine Soricelli*

*Recused: Paul Lahey*

*Vote: 7:0:1*

6. **Public Hearing – Kathleen Gibson & David Ferris, 8 Seitz Terrace**, Zoned R-20, Grid # 6161-08-859950-0000. The applicants request variances from §210-16(E) of the Town Code to allow a front porch having a side yard of 13 feet where 20 feet is required, requiring a side yard variance of 7 feet, and having a front yard setback of 1.7 feet where 30 feet is required, requiring a variance of 28.3 feet. **Type II Action.**

*The Board voted to grant the requested variances.*

*Motion: Paul Lahey*

*Second: Arthur Grace*

*Vote: 7:0:0*

7. **Public Hearing – Kathleen & Kathleen Senese, 19 Darlene Drive**, Zoned R-20, Grid # 6059-08-929783-0000. The applicants request a variance from §210-69 of the Town Code to allow a fence of 8 to 10 feet in height in a front yard where fences may not exceed 3 1/2 feet. **Type II Action.**

*The Board voted to adjourn the matter to March 9, 2020 meeting.*

*Motion: James Challey*

*Second: Arthur Grace*

*Vote: 7:0:0*

8. **Public Hearing – Mental Health America of Dutchess County Inc., 515 Haight Ave.**, Zoned ATC, Grid # 6161-08-845787-0000. The applicant is seeking relief from §210-125(B)(1) of the Town Code which provides that only one wall sign is permitted, not exceeding an area of 15 square feet. The applicant is proposing two wall signs, one of 121 square feet and the other 18.66 square feet, requiring variances of 106 square feet and 3.66 square feet, respectively. In addition, a variance is required to permit the second wall sign to be located along Haight Avenue. **Unlisted Action.**

*The Board voted to adjourn the matter to March 9, 2020.*

*Motion: James Challey*

*Second: Christine Soricelli*

*Recused: Paul Lahey*

*Vote: 7:0:1*

9. **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 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 April 13, 2020.*

**Motion:** James Challey

**Second:** Paul Lahey

**Vote:** 7:0:0

- 10. Public Hearing –Premier Eastdale , LLC, 50 Eastdale Ave.,** Zoned MHC, Grid # 6262-04-696343. The applicant requests relief from § 210-125(B)(1) of the Town Code which permits one wall sign per lot, not exceeding an area of 15 square feet, to allow a wall sign of 76.4 square feet, requiring a variance of 61.4 square feet, and to allow a second wall sign of 11.25 square feet to be located at the rear entrance of the building. **Unlisted Action.**

*The Board determined that ZBA will be the Lead Agency.*

**Motion:** James Challey

**Second:** Paul Lahey

**Vote:** 7:0:0

*The Board voted to adjourn the matter to the March 9, 2020 meeting.*

**Motion:** James Challey

**Second:** Arthur Grace

**Vote:** 7:0:0

### **Other Business**

**Lead Agency Request from the Planning Board – Eastdale Village – Ortega House Lot Amended Site Plan. Project**

**Title:** Eastdale Village (f/k/a MacDonnell Heights Town Center): Ortega House Lot Amended Site Plan **Project**

**Location:** Eastdale Avenue North, 50 Eastdale Avenue North, 10-20 and 30 Town Center Drive, 10 and 15 Otto Way, Hillside Drive, Elizabeth Lane, 949 Dutchess Turnpike, Dutchess Turnpike, Victory Lane-Rear and 15 Victory Lane. **Tax**

**Parcel#s:** 6262-04-715370,-739356,-746391,-696343,-724392,-758382,-768412,-777377,-769361,-743328,-

726341,-713324,-732317 and -776348 (west of Dutchess Turnpike);and 6262-04-820277,-929217,-892195 and part

of -786243 (east of Dutchess Turnpike). **Site Size:** ± 64.353 acres **Site Zoning:** Zoned MHC (MacDonnell Heights

Center) and 1-H (Heavy Industrial) District.

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

**Motion:** James Challey

**Second:** Christine Soricelli

**Vote:** 7:0:0

The meeting was adjourned at 9:20 pm.

**Motion:** Arthur Grace

**Second:** Christine Soricelli

**Vote:** 7:0:0

### **PRESENT**

Chairman Challey

Member D'Aquanni

Member Grace

Member Slomin

Member Lahey

Member LaRosa

Member Soricelli

Alternate Member Capone

### **ABSENT**