



# Town of Poughkeepsie

## Zoning Department

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Poughkeepsie, NY 12603

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
April 13, 2020 - 6:00 PM**

**\*\*THIS MEETING WAS HELD ONLINE AND TELEPHONICALLY ONLY\*\*  
THERE WAS NO IN-PERSON PARTICIPATION  
BY THE BOARD OR THE PUBLIC**

### 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 MAY 11, 2020.**

*On the Applicant’s request, the Board voted to adjourn the matter to the May 11, 2020 meeting.*

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

- 2. 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. TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL MAY 11, 2020.**

*On the Applicant’s request, the Board voted to adjourn the matter to the May 11, 2020 meeting.*

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

- 3. 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. TO BE ADJOURNED AT THE REQUEST OF THE APPLICANT UNTIL MAY 11, 2020.**

*On the Applicant's request, the Board voted to adjourn the matter to the May 11, 2020 meeting.*

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

### New Business

- 4. Public Hearing – Front Porch, Joseph C. Rebholtz, 14 Shamrock Circle, Zoned R-20, Grid # 6261-02-508741-0000.** The requested area variance involves relief from §210-16(E) of the Town Code, which mandates a setback of 20 feet from the side lot line, the proposed front porch is to be located 15 feet from the side yard, requiring a variance of 5 feet. **Type II Action.**

*The Board voted to grant the requested variances.*

**Motion:** Anthony D'Aquanni  
**Second:** Arthur Grace  
**Vote:** 5:0:1  
**Recused:** Paul Lahey

- 5. Public Hearing – Anselmo Accessory Apartment, Ronald and Diana Anselmo, 2857 Route 9 D, Zoned R-20, Grid # 6158-10-311753-0000.** The applicant is seeking a special use permit pursuant to Town Code §210-16(C)(1) and §210-47 to permit an accessory apartment in a single-family dwelling. **Unlisted Action.**

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

**Motion:** Paul Lahey  
**Second:** Christine Soricelli  
**Vote:** 6:0:0

*The Board determined that the proposed action would not have an adverse effect on the environment and thereafter issued a negative declaration.*

**Motion:** Paul Lahey  
**Second:** Christine Soricelli  
**Vote:** 6:0:0

*The Board voted to grant the Special Use Permit, conditioned upon (a) compliance with any conditions or requirements set by the building department, fire department, assessor or Dutchess County Department of Behavioral and Community Health and (b) obtaining a Certificate of Occupancy – CO- for 3 season room.*

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

**Other Business**

• **Foam and Wash, LLP – Van DeWater Potential Conflict - Waiver**

Wallace & Wallace, LLP has a conflict for this matter. The firm of Van DeWater & Van DeWater, LLP typically handles matters for the Board when Wallace & Wallace has a conflict. The ZBA was in a receipt of a letter from James E. Nelson, Esq. of Van DeWater disclosing certain relationships between his firm and the principal of the applicant, so that the Board could make an informed decision about any potential conflict. The Board acknowledged receipt of the letter and having reviewed the contents thereof, and concluded that it had no concern with the Van DeWater firm representing the ZBA for this matter.

*Motion: Paul Lahey  
Second: Christine Soricelli  
Vote: 6:0:0*

The meeting was adjourned at 6:30 pm.

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

**PRESENT**

Chairman Lahey  
Member D'Aquanni  
Member Grace  
Member Slomin  
Member Soricelli  
Alternate Member Capone

**ABSENT**