



# Town of Poughkeepsie

## Zoning Department

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**DECISION AGENDA  
TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS  
REGULAR MEETING  
JUNE 8, 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.**

***On the Applicant’s request, the Board voted to adjourn the matter to the July 13, 2020 meeting.***

***Motion: Paul Lahey  
Second: Christine Soricelli  
Vote: 5:0:1***

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 proposed pump topper signs proposed to have 0.68 square foot, or 31.6% of the sign devoted to EMD signage. **Unlisted Action.**

*On the Applicant's request, the Board voted to adjourn the matter to the July 13, 2020 meeting.*

**Motion:** Paul Lahey  
**Second:** Christine Soricelli  
**Vote:** 5:0:1

3. **Public Hearing – Hyshi Sahiti, 8 Hinkley Place, Zoned R-20, Grid # 6162-10-311595-0000.** The applicant is requesting variances from §210-48 and §210-16(E) of the Town Code to legalize an existing garage and deck. A survey showed that the existing garage crossed the property line; that is being rectified by the revised proposed location. The garage, as currently proposed, is to be located 8 inches from the side lot line where 10 feet is required, requiring a variance of 9 feet, 4 inches, and to be located 2 feet, 4.625 inches from the rear property line where 10 feet is required, requiring a variance of 7 feet, 7.375 inches. The existing deck is located 1 foot from the side property line, where 20 feet is required, requiring a side yard variance of 19 feet. (A variance allowing the deck to be located 1.5 feet from the property line was granted on August 9, 2010.) **Type II Action.**

*At its May 11, 2020 meeting, the ZBA voted to adjourn this matter until July 13, 2020.*

**Motion:** Paul Lahey  
**Second:** Christine Soricelli  
**Vote:** 5:0:1

#### New Business

4. **Public Hearing – Addition - Brian Smith, 30 McIntosh Drive, Zoned R-20, Grid # 6261-03-377336-0000.** The applicant is requesting a variance from Town Code §210-16(E) which mandates a rear-yard setback of 30 feet. The applicant is proposing an addition to a single-family residence to be located 12 feet from the rear yard property line, necessitating a rear-yard area variance of 18 feet. **Type II Action.**

*The Board voted to grant the requested variance, for the reasons set forth during meeting.*

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

5. **Public Hearing – Pool – Anthony and Dina Cuchelo, 36 Carmen Drive, Zoned R-20, Grid # 6260-03-373115-0000.** The applicant is requesting a variance from Town Code §210-107(C) which provides that all swimming pools shall be set back from side and rear lot lines at least 15 feet. The applicant is proposing to locate an inground pool 6.5 feet from the side yard lot line, necessitating a side-yard variance of 8.5 feet. **Type II Action.**

*A motion was made by the Chair to grant the requested variance, and seconded by Larry Slomin. The vote was as follows:*

<i>Chairman Lahey</i>	<i>Aye</i>
<i>Member D'Aquanni</i>	<i>Nay</i>
<i>Member Grace</i>	<i>Nay</i>
<i>Member Slomin</i>	<i>Aye</i>

*Member Soricelli*  
*Alternate Member Capone*

*Aye*  
*Recused*

*Due lack of quorum voting in favor of the motion, the variance was deemed denied.*

6. **Public Hearing – Pool – Ben and Stephanie Galati, 8 Twin Hills Road, Zoned R-20, Grid # 6160-04-872387-0000.** The applicant is requesting variances from §210-107(A) of the Town Code to permit the installation of an above-ground pool to be located in a front yard, and from §210-69 to permit a fence of 6 feet in height to be located in a front yard, where only fences of no more than 3.5 feet are permitted. **Type II Action.**

*The Board voted to grant the requested variances for the reasons set forth during meeting, conditioned upon the applicant placing and maintaining plantings in front of the fence.*

**Motion:** *Christine Soricelli*  
**Second:** *Arthur Grace*  
**Recused:** *Phyllis Capone*  
**Vote:** *4:1:1*

7. **Public Hearing – Pool/Fence– Jose a Rodriguez, 63 Lindberg Place, Zoned R-20, Grid # 6162-20-871126-0000.** The applicant is requesting a variance from §210-107(C) of the Town Code to permit an above-ground pool to be located 2 feet from the property line, where 15 feet is required, necessitating a side-yard variance of 13 feet. The applicant is also seeking a variance from §210-69 which permits only the installation of a fence of up to 3.5 feet in height within a front yard, to allow a 6-foot fence in a front yard. **Type II Action.**

*The Board voted to grant the requested variances, for the reasons set forth during meeting.*

**Motion:** *Arthur Grace*  
**Second:** *Christine Soricelli*  
**Vote:** *6:0:0*

8. **Public Hearing – Pool/Shed – Loretta William, 19 Alex Way, Zoned R-20, Grid # 6159-04-721202-0000.** The applicant is requesting area variances from §210-107(A) of the Town Code to permit the installation of an above-ground pool in a front yard and from §210-48 to permit a shed to be located in a front yard. **Type II Action.**

*The Board voted to grant the requested variances, for the reasons set forth during meeting.*

**Motion:** *Anthony D'Aquanni*  
**Second:** *Paul Lahey*  
**Vote:** *6:0:0*

9. **Public Hearing – INP Real Estate, LLC, Represented by John Sullivan, 747 Route 28, Kingston, 44 LaGrange Avenue, Zoned ATC, Grid # 6161-12-905673-0000.** The applicant is requesting relief from the following sections of the Town Code: (i) §210-22(E) to allow a proposed building to be located 6 feet from the rear property line where 20 feet is required, necessitating a 14-foot rear-yard variance; (ii) §210-22(E) which allows maximum lot coverage of 60% to permit lot coverage of 70%, necessitating a variance for maximum lot coverage of 10%; (iii) §210-112, which provides that no refuse or storage container or receptacle shall be placed or located within 50 feet of any

residential district or any property used for residential purposes. The trash container is proposed to be located 6 feet from the property line; and (iv) §210-22(E)(2) which provides that “residential dwelling units located immediately above a ground-floor, second-floor, or third-floor nonresidential use shall not be counted against the maximum residential dwelling unit density, provided the building meets applicable coverage and open space requirements, sufficient parking for the residential uses is provided, and open space is set aside for the dwelling units as provided herein.” The project as proposed does not provide any open space for the proposed residential units. **Unlisted Action.**

***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: Arthur Grace***  
***Vote: 6:0:0***

***The Board voted to grant the requested variances, for the reasons set forth during meeting.***

***Motion: Paul Lahey***  
***Second: Anthony D’Aquanni***  
***Vote: 6:0:0***

The meeting was adjourned at 8:50 pm.

***Motion: Arthur Grace***  
***Second: Christine Soricelli***  
***Vote: 6:0:0***

**PRESENT**

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

**ABSENT**