



**City of Poughkeepsie
Zoning Board of Appeals
Meeting Agenda**

Common Council Chambers
Tuesday, January 10, 2023
6:00 PM

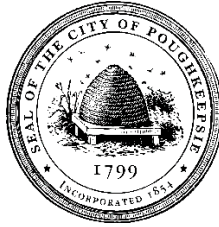
I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of December 22, 2022 Meeting Minutes

III. PUBLIC HEARINGS & DELIBERATIONS

1. **579 MAIN STREET: USE VARIANCE**
REVIEW POSTPONED TO FEBRUARY 14, 2023 MEETING
2. **67 WORRALL AVENUE: USE VARIANCE** Application for a use variance relative to the proposed mixed use of an existing building as a coffee shop and two (2) one-bedroom dwelling units. The use variance requested is in regards to Section 19-3.14(2), which does not permit restaurants in the Medium-Density Residence District (R-3) to allow a coffee shop. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2022-025
3. **16 SEAMAN ROAD: AREA VARIANCE** Application for area variance relative to the addition a cooking island on the side of an existing residence. The area variance requested is in regards to Section 19-4.13(1) requiring an accessory use to be located not nearer than 6 feet to an adjoining property line to allow 1 foot 6 inches (a reduction of 4 feet 4 inches) on the east side of the addition. Owner/Applicant: Michael DeCiutiis; Grid: #6161-54-156395



City of Poughkeepsie
Zoning Board of Appeals
DRAFT Meeting MINUTES

Common Council Chambers
Thursday, December 22, 2022 6:00 PM

Attendance

PRESENT

Scott Parker, Chair
Thomas Klug
Steve Reifler
John Gildard
Brian Ineson

EXCUSED

Jessica Vinall

Staff

Natalie Quinn, Development Director
Lori Garcia, Board Administrative Assistant
Joanna Longcore, Assistant Corporation Counsel

I. CALL TO ORDER 6:00 pm

II. APPROVAL OF MEETING MINUTES

Approval of November 8, 2022 Minutes
Motion: Thomas Klug
Second: Steve Reifler
Carried: 5:0:0

III. SITE PLANS/SPECIAL PERMITS/SUBDIVISIONS

- 1. 135 MAIN STREET: AREA VARIANCES:** Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19- 4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76- 911183; Zone: Urban Density (R-6) District; File #2021-023

Motion to receive and print the approval resolution
Motion: Thomas Klug
Second: John Gildard
Carried: 5:0:0

IV. PUBLIC HEARINGS & DELIBERATIONS

- 1. 579 MAIN STREET: USE VARIANCES** Application for use variances to establish three (3) residential units and two (2) commercial spaces in an existing building in a C-2A district, which does not permit residential use. Owner: Johanny Properties, LLC, Applicant: Kenneth Pagan; Consultant: One Stop Property Service, LLC; Grid #6161-24-423946; Zoning District Main Street Commercial District; File #2022-020

Presenting: Ciro Interrante, Architect
 Jonathan Pagan, Applicant
 Abe Ramadan, Applicant

The applicants answered board questions about the materials submitted providing proof that none of the permitted uses could produce a reasonable rate of return. The board agreed that the materials did not provide clear proof. Scott Parker felt the materials did not show an analysis of return on the permitted uses. They suggested that the applicant provide clearer organization of information such as a table or chart that shows a more complete rate of return calculation for all permitted uses. They also pointed out that a number of the calculations included costs that would not likely be borne by the applicant. It was recommended that those costs be removed.

The applicant stated that the building is unique because of its vacant state and that all surrounding buildings are currently residential. Natalie Quinn recommended that the applicant add this information to the material to help support their claim of uniqueness.

Natalie Quinn suggested referring to applicable New York case law to support the documentation submitted, especially in regards to documentation requested for the self-created hardship test.

Natalie Quinn clarified that the board is responsible for justifying a use variance based on the current code, not the anticipated new code that is not adopted yet. Their responsibility is to make decisions provided in the guidelines provided by the state of New York, not the city of Poughkeepsie. All proof needs to be provided in written form, not just verbal.

Motion to open the public hearing

Motion: Thomas Klug
Second: Steve Reifler
Carried: 5:0:0

No Speakers

Motion to ADJOURN public hearing to January 10, 2023 meeting

Motion: John Gildard

Second: Thomas Klug

Carried: 5:0:0

- 2. 67 WORRALL AVENUE: USE & AREA VARIANCE**
PUBLIC HEARING WAS ADJOURNED UNTIL THE DECEMBER 13, 2022 MEETING
REVIEW POSTPONED TO JANUARY APPLICANT'S REQUEST

Motion to adjourn public hearing to January 10, 2023 meeting

Motion: Thomas Klug

Second: Steve Reifler

Carried: 5:0:0

V. NEW BOARD BUSINESS

- 1. Approval of 2023 Meeting Schedule**

Motion: Thomas Klug

Second: Steve Reifler

Carried: 5:0:0

Motion to adjourn the meeting to January 10, 2023

Motion: Steve Reifler

Second: Thomas Klug

Carried: 5:0:0

For more details regarding the meeting, please visit the [Meeting Webcast](#) or the [Agendas and Minutes](#) page on the [City of Poughkeepsie](#) website.



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601

Phone: (845) 451-4055 Fax: (845) 451-4006

FEE: \$1000.00

CODE: A2112

ID# _____

IPS# _____

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION

PROPERTY ADDRESS: 67 Worrall Avenue
ZONING DISTRICT: R-3

OWNER INFORMATION:

Name: Damian Mercado
Address: 1491 Bryant Avenue - Bronx, NY 10460

Phone: _____
Email: _____

APPLICANT INFORMATION:

Name: Jose Santos
Address: 717 Broadway - Newburgh, NY 12550

Phone: 845.522.0057
Email: _____

CONSULTANT INFORMATION:

Name: John Sullivan
Address: 16 Barclay Street
Poughkeepsie, NY 12601

Phone: 914.456.1299
Email: jsullivan2@hvc.rr.com

SUBJECT OF APPEAL

This application relative to the above referenced property constitutes an appeal from the decision, determination or violation of an official of the City of Poughkeepsie.

Name and title of agent: Joseph D. O'Brien - Deputy zoning administrator

Date of decision/determination/violation: August 23, 2022

Please note that a copy of the communication must be attached with this application.

PROPERTY ADDRESS: 67 Worrall Avenue

USE VARIANCE REQUESTS

SECTION	PROHIBITING	TO ALLOW
19-3.14(2)	Mixed-use buildings	Two- (1) bedroom dwellings & Coffee shop

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (c) of the Zoning Ordinance, **no use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.** In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence (The applicant must demonstrate, by competent financial evidence, that they cannot realize a reasonable financial return on their property for any of the currently permitted uses in the Zoning District. The financial statement should relate only to the subject property and not to the applicant's personal finances);
- 2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood (Please explain how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?);
- 3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered and the intent of the Zoning Ordinance will not be adversely affected.
- 4) The alleged hardship has not been self-created (An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property in a position to know the conditions for which the applicant is seeking relief). Explain fully how the hardship is not self-created.

Responses to the above questions shall be attached to and submitted with the application. **Use as many sheets as necessary.**

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 67 Worrall Avenue

LIST OF REQUIRED ATTACHMENTS

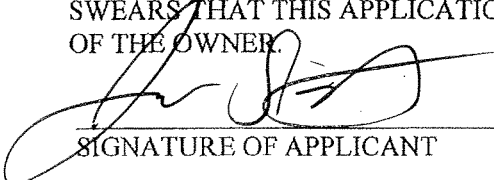
1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short Environmental Assessment Form. Please note that in some instances it may be determined that a Full EAF is required.
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):

- Survey Map - John J. Ricketts L.S.
- CONSENT LETTER OWNER - APPLICATION
- Variance Request Justification 1-4 (4 Pages)

SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.



SIGNATURE OF APPLICANT

DECEMBER 27, 2022
September 20, 2022

DATE

67 Worrall Avenue – USE VARIANCE REQUEST JUSTIFICATION

1) See attached financial rate of return information for each permitted use vs. proposed use.

2) The subject property (67 Worrall Avenue) is a unique property in terms of its location, how the property exists with a substantial portion of it being a larger asphalt paved parking area, impervious surfaces, location of the existing building on the parcel, how the property is landscaped and fact that is a corner lot. 67 Worrall Ave. exists in a predominately residential area, however its proximity to an arterial highway, a municipal middle school, makes it unique. The property is slightly over 7,000 and over 70 % of which are impervious surfaces. As this property exists now the only permitted use which would not require a use variance or area variance(s) would be if it were a single-family residence. There is a substantial hardship in terms of making the property appropriate for a single family residence with the reduction in asphalt paved and concrete surfaces as well as altering / renovating the interior of the building for a single-family. It should also be mentioned that 67 Worrall Avenue operated as a non-conforming use for many years as mixed-use consisting of a 24 hour a day 7 days a week 365 days a year convenient mart / bodega and two-dwelling units. As outlined in these statements the property is unique, it does not alter the district or neighborhood, it does have unique characteristics as mentioned.

3) The requested use-variance if granted will not alter the essential character of the neighborhood. The mixed-use proposal would actually bring the site features more into conformance by reducing the amount of impervious areas as well as the improved proposed landscaping as proposed and shown on the graphic site plan drawing. The proposed mixed use consisting of a coffee shop has been supported by several neighbors at a previous zoning board of appeals public hearing meeting on October 11, 2022. The current zoning ordinance will not be adversely affected as other commercial uses are permitted, home-occupations, professional and medical uses.

4) The alleged hardship is not self-created as the owner and applicant were aware (when property was purchased / acquired) and are committed to improving the property for uses that are permitted particularly the residential use. Taking into consideration how the property exists as mentioned in response justification 2 hardship is not self-created. It should be noted that a home occupation and or professional use is permitted and the proposed coffee shop is minimal in size and simply makes sense.

Rental

	2 Family + Commercial	3 Family	Home occupations
Rental income/ year	75,600	60,000	51,600
Minus vacancies- residential	(4,000)	(6,000)	(4,000)
Expenses			
Real estate taxes	9,000	9,000	9,000
Utilities	3,000	1,500	3,000
Repairs	2,500	2,500	2,500
Maintenance	1,500	1,500	1,500
Other expenses	6,000	6,000	6,000
Total expenses	22,000	20,500	22,000
Net income	49,600	33,500	25,600
Improvements necessary	129,540	158,472	100,000
Cost of property	235,000	235,000	235,000
Total investment	364,540	393,472	335,000
Annual return on investment	14%	9%	8%
Coffee Shop			
Total revenue	720,000		
Cost of goods sold	201,600		
Labor & related costs	180,000		
Rent	30,000		
Other operating costs	144,000		
Total costs	555,600		
Net income	164,400		

Rental

	2 Family + Commercial	3 Family	Home occupations
Rental income/ year	75,600	60,000	51,600
Minus vacancies- residential	(4,000)	(6,000)	(4,000)
Total expenses	22,000	20,500	22,000
Net income	49,600	33,500	25,600
Improvements necessary	129,540	158,472	100,000
Cost of property	235,000	235,000	235,000
Total investment	364,540	393,472	335,000
Annual return on investment	14%	9%	8%

Rental

	2 Family + Commercial	3 Family
Rental income/ year	75,600	60,000
Minus vacancies- residential	(4,000)	(6,000)
Expenses		
Real estate taxes	9,000	9,000
Utilities	3,000	1,500
Repairs	2,500	2,500
Maintenance	1,500	1,500
Other expenses	6,000	6,000
Total expenses	22,000	20,500
Net income	49,600	33,500
Coffee shop income	164,400	-
	214,000	33,500
Improvements necessary	129,540	158,472
Cost of property	235,000	235,000
Total investment in property	364,540	393,472
Investment & working capital needs in coffee shop	100,000	-
	464,540	393,472
Annual return on investment	46%	9%
Coffee Shop		
Total revenue	720,000	
Cost of goods sold	201,600	
Labor & related costs	180,000	
Rent	30,000	
Other operating costs	144,000	
Total costs	555,600	
Net income	164,400	

John V. Sullivan
John Sullivan, Associate AIA

16 Barclay Street
Poughkeepsie, NY 12601

914.456.1299
Jsullivan2@hvc.rr.com

67 Worrall Avenue – USE VARIANCE REQUEST JUSTIFICATION

1) See attached financial rate of return information for each permitted use as per Section 19-3.14. Medium-Density District (R-3).

(a) Uses permitted by right:

1. Single-family detached dwellings. (See attached-financial spread sheet)
2. Two and three family dwellings. (See attached-financial spread sheet)
3. Four-family dwellings. (see attached) it should be noted a four family dwelling would require expansion to the existing building which is not financially viable and would require multiple area variances which would be substantial and self-created.
4. Renting of not more than two rooms by the resident family. (See attached-financial spread sheet)
5. Home occupations. (See attached-financial spread sheet)
6. Municipal parks and recreational facilities. The amount of time it would take to recover any costs associated with this permitted use would be a very long period of time and there is no market for developers.
7. Public, private, parochial schools. Taking into consideration – Poughkeepsie Middle School is within 100 feet of this parcel, there is no market for any type of educational facility for this parcel. The lot area is just over 7,000 square feet and any type of educational facility (public or private) is not feasible or practical.
8. Cemeteries. The amount of time it would take to recover any costs associated with these permitted uses would be a very long period and there is no market for developers.
9. Student home. (See attached-financial spread sheet)

(b) Uses subject to issuance of a special permit by the planning board:

1. Place of worship, including parish houses, religious schools, meeting rooms and recreational facilities. The amount of time it would take to recover any costs associated with these permitted uses would be a very long period of time and there is no market for developers. Also, this type of use would require multiple area variances which would be substantial and self-created.
2. Cluster developments. Taking into consideration the size of the parcel, site features location, a cluster development is not a realistic use.
3. Nursery or preschool establishments or day-care centers. The size of the parcel, location of parcel being a corner lot, there is no market for any type of nursery school/facility.
4. (Reserved) n/a
5. Libraries, museums and or art galleries on lots having an area of not less than 20,000 square feet. As indicated in other responses, the existing parcel is just over 7,000 square feet where this SP use would require 20,000; there is no market for this use which is not financially viable and would require multiple area variances which would be substantial and self-created.
6. Golf, tennis, or swimming clubs. The size of the parcel does not provide an option for a golf or tennis or swimming club special permit use, there is no market.

7. Family day-care homes. (See attached-financial spread sheet)
8. Agency group homes, agency community residences or family care homes. (See attached-financial spread sheet)
9. Practicing physicians or dentists, either singly or in groups. (See attached-financial spread sheet- this use is similar to home occupation or professional office) and there is no market for a medical practice.
10. An office for architects provided that the building is in a National Historic District. 67 Worrall Avenue parcel or building is not located in a National Historic District, so this would not be applicable; however, an architect's office falls under professional use, so financials shall be considered similar to permitted use 5. (See attached-financial spread sheet)

2) The subject property (67 Worrall Avenue) is a unique property in terms of its location, how the property exists with a substantial portion of it being a larger asphalt paved parking area, impervious surfaces, location of the existing building on the parcel, how the property is landscaped and fact that is a corner lot. 67 Worrall Ave. exists in a predominately residential area, however its proximity to an arterial highway, a municipal middle school, makes it unique. The property is slightly over 7,000 and over 70 % of which are impervious surfaces. As this property exists now the only permitted use which would not require a use variance or area variance(s) would be if it were a single-family residence. There is a substantial hardship in terms of making the property appropriate for a single-family residence with the reduction in asphalt paved and concrete surfaces as well as altering / renovating the interior of the building for a single-family. It should also be mentioned that 67 Worrall Avenue operated as a non-conforming use for many years as mixed-use consisting of a 24 hour a day 7 days a week 365 days a year convenient mart / bodega and two-dwelling units. As outlined in these statements the property is unique, it does not alter the district or neighborhood, it does have unique characteristics as mentioned.

3) The requested use-variance if granted will not alter the essential character of the neighborhood. The mixed-use proposal would actually bring the site features more into conformance by reducing the amount of impervious areas as well as the improved proposed landscaping as proposed and shown on the graphic site plan drawing. The proposed mixed use consisting of a coffee shop has been supported by several neighbors at a previous zoning board of appeals public hearing meeting on October 11, 2022. The current zoning ordinance will not be adversely affected as other commercial uses are permitted, home-occupations, professional and medical uses.

4) The alleged hardship is not self-created as the owner and applicant were aware (when property was purchased / acquired) and are committed to improving the property for uses that are permitted particularly the residential use. Taking into consideration how the property exists as mentioned in response justification 2 hardship is not self-created. It should be noted that a home occupation and or professional use is permitted, and the proposed coffee shop is minimal in size and simply makes sense.



67 Worrall Avenue – USE VARIANCE REQUEST JUSTIFICATION 1

Rental	2 Family + Commercial	3 Family	Home occupations	Student home	Family Day Care
Rental income/ year	75,600	60,000	51,600	33,600	60,000
Minus vacancies- residential	(4,000)	(6,000)	(4,000)	-6,000	0
Total expenses	22,000	20,500	22,000	18,000	20,000
Net income	49,600	33,500	25,600	15,600	40,000
Improvements necessary	129,540	158,472	100,000	140,000	140,000
Cost of property	235,000	235,000	235,000	235,000	235,000
Total investment	364,540	393,472	335,000	375,000	375,000
Annual return on investment	14%	9%	8%	7%	8.50%

Owner occupied	renting two rooms	Agency group home
9,600	21,600	
800	0	
20,000	22,000	
-11,200	-400	
140,000	140,000	
235,000	235,000	
375,000	375,000	
0%	0%	

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed mixed-use rehabilitation to an existing building consisting of a coffee shop and two (1) bedroom dwelling units.			
Project Location (describe, and attach a location map): 67 Worrall Avenue - City of Poughkeepsie, NY			
Brief Description of Proposed Action: Proposal for a rehabilitation to existing two-story wood frame building that previously existed as a mixed-use. Non-conforming mixed use was lost approximately 2012. New proposal consists of a small coffee shop on the ground floor, and two (1) bedroom dwellings to existing building. Application is to the city of Poughkeepsie zoning board of appeals for a use variance relative to the mixed use as well as an application the ZBA for area variances as follows: Lot area, front, side yard setbacks and a deficiency in (3) parking.			
Name of Applicant or Sponsor: Jose Santos		Telephone: 845.522.0057 E-Mail: jpsantos515@gmail.com	
Address: 717 Broadway			
City/PO: Newburgh		State: New York	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie zoning board of appeals, planning board and building department.		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.162 acres	
b. Total acreage to be physically disturbed?		0.026 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.162 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Municipal education			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☒	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Project will exceed state energy code requirements with the use of high efficiency heating / cooling equipment and LED lighting.	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Existing water connection in place.	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Existing sanitary sewer connection in place.	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jose Santos</u> Date: <u>September 20, 2022</u> Signature: _____ Title: <u>Property manager</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



1 67 WORRAL AVE VIEW



2 67 WORRALL AVE (looking north)



3 67 WORRALL AVE (looking east)



4 67 WORRALL AVE (rear yard / looking west)



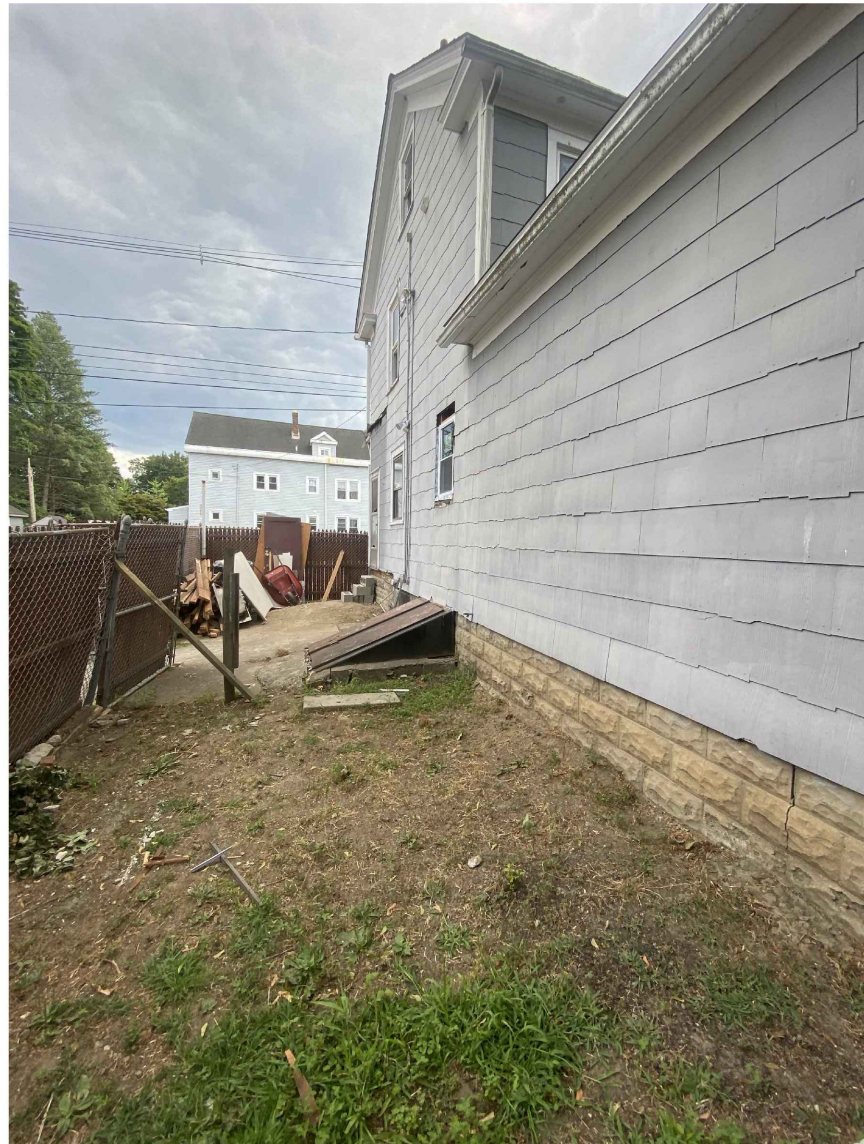
5 67 WORRALL AVE VIEW (rear of building looking south)



6 67 WORRALL AVE (rear yard/parking area —looking east)



7 67 WORRALL AVE (rear yard/ parking lot — looking north)



8 67 WORRALL AVE (rear yard)



9 67 WORRALL AVE (side —north yard)

DESIGN AND DRAWINGS PREPARED BY: JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER: DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER: JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Photos	
Project No.	2227
Date	9.20.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	Drawing No.
	S-1.1



LEGEND	
---	PROPERTY BOUNDS
OH	OVERHEAD WIRES
W	WATER VALVE
+	POST & WIRE FENCE
+	STOCKADE FENCE
+	UTILITY POLE
+	CATCH BASIN
G	GAS UTILITY

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES OF THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON THIS BEHALF TO THE TITLE COMPANY, LENDING INSTITUTION AND THE GOVERNMENTAL AGENCY LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NON TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEYED AS PER MAPS AND DEEDS OF RECORD AND AS IN INDICATED POSSESSION ON OR BEFORE DECEMBER 9, 2010.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE REPORT AND IS SUBJECT TO WHATEVER STATE OF FACTS SUCH A REPORT MAY REVEAL.

JOHN H. DECKER LS #050572

BOUNDARY SURVEY

67 WORRALL AVENUE

CITY OF Poughkeepsie
SEPTEMBER 12, 2022

DUTCHESS COUNTY, NEW YORK

1" = 10'

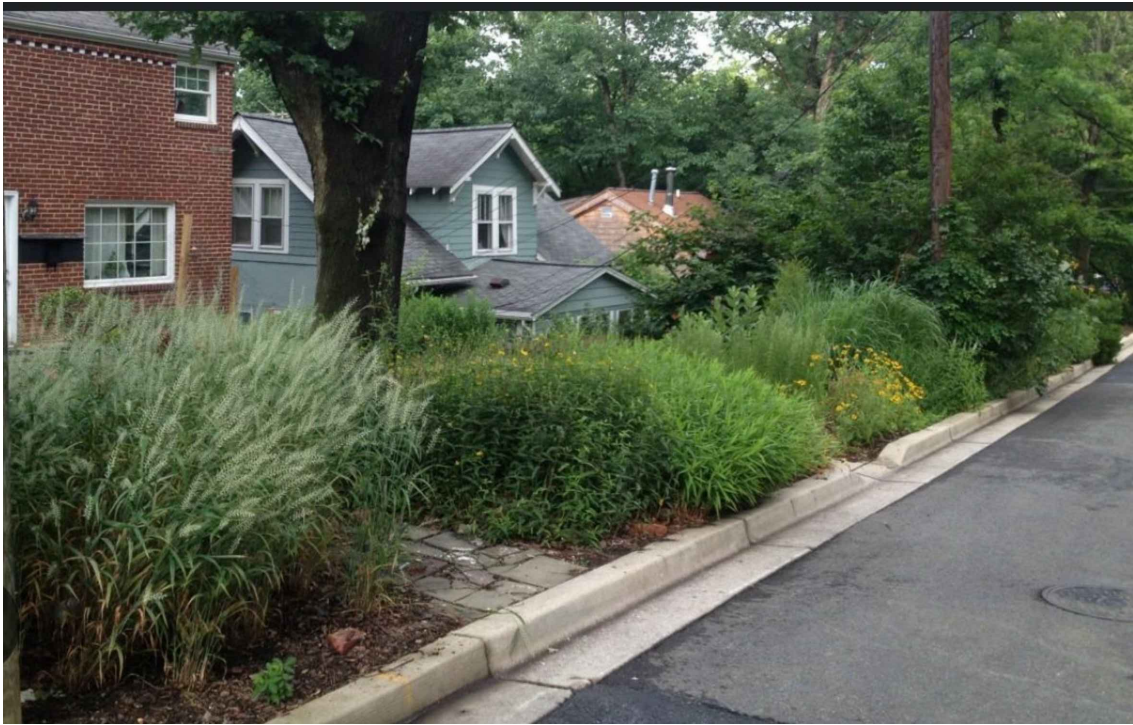
DECKER
SURVEYING

JOHN H. DECKER LS
292 FRALEIGH LANE
RED HOOK NY 12571
Phone No. (845) 756-4442
deckersurveying@frontiernet.net

© Copyright 2005

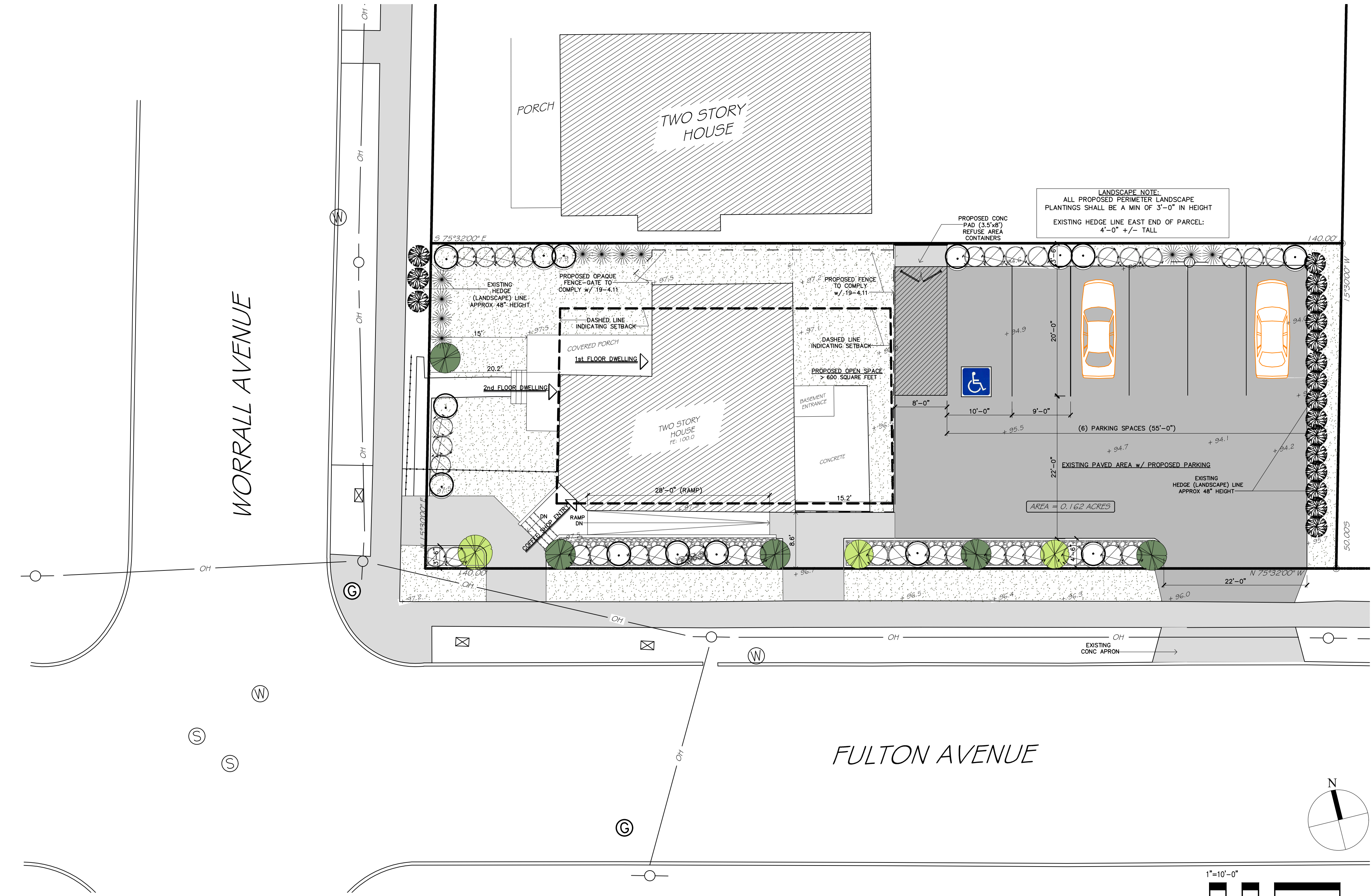
67 worrall avenue

ZONING REQUIREMENTS				
ZONING DISTRICT:	R-3 (MEDIUM-DENSITY RESIDENCE DISTRICT)			
TAX MAP No's.	6161-41-563723			
LOT AREA :	(67 WORRALL AVENUE) 7,057 SQ. FT. (0.162 ACRES)			
BULK REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	
		MIXED-USE (BUSINESS - RESIDENTIAL)	MIXED-USE (COFFEE SHOP - RESIDENTIAL) ★★	
MIN. LOT AREA	10,000 SQ. FT. (TWO-FAMILY) 6,000 SQ. FT. (COMMERICAL)	7,057 SQ. FT.	7,057 SQ. FT.	★
MAX. LOT COVERAGE	35%	18%	20%	
MIN. LOT WIDTH	50'	50'	50'	
MIN. LOT FRONTAGE	30'	50'	50'	
MIN. FRONT YARD	20'	14.75'	14.75'	★
MIN. SIDE YARD	10'	6.1'	6.1'	★
MIN. REAR YARD	15'	12.4'	15.2'	
MAX. HEIGHT	2 1/2 STORIES 35'	2 1/2 STORY <35'	2 1/2 STORY <35'	
MIN OPEN SPACE (2) 1-BEDROOM DWELLINGS	600 SQUARE FEET	-	655 SQUARE FEET	
MIN PARKING SPACES	3 (DWELLING UNITS) 5 (COFFEE SHOP) 8 (TOTAL)		6	★
SOURCE: CITY OF POUGHKEEPSIE ZONING ORDINANCE R-3 REGULATIONS (2-FAMILY & OTHER USES- REGS LISTED ABOVE)				
★ AREA VARIANCE REQUIRED				
★★ USE VARIANCE REQUIRED				



3 LANDSCAPE (sample – parking area buffer) IMAGES

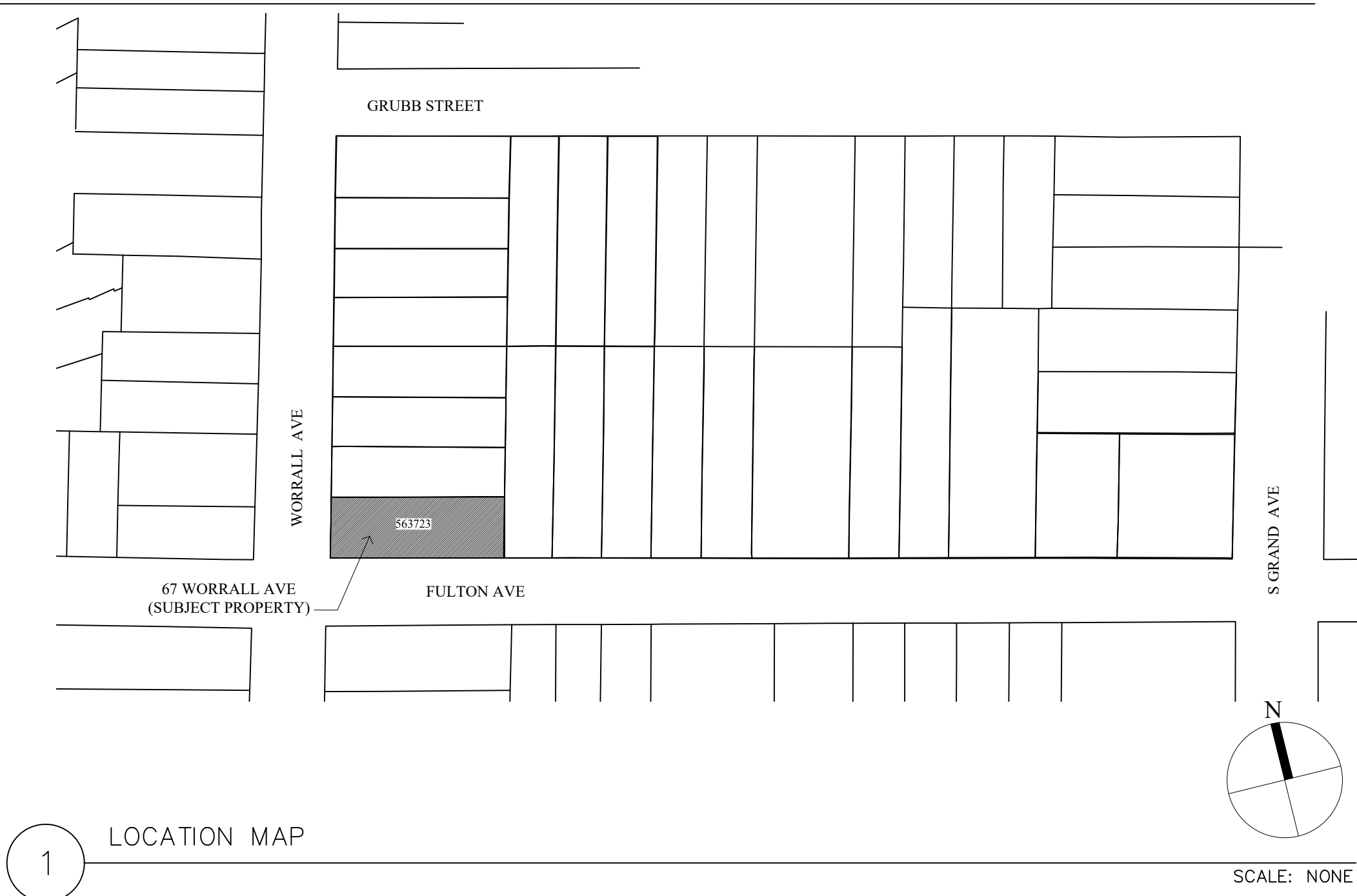
SCALE: none



2 PROPOSED SITE PLAN

SCALE: 1" = 10'-0"

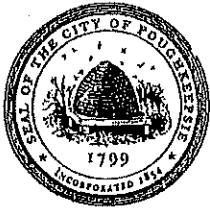
PROPOSED MIXED USE
COFFEE / CAFE SHOP - TWO-FAMILY DWELLING:
67 WORRALL AVENUE
CITY OF POUGHKEEPSIE, NY



1 LOCATION MAP

SCALE: NONE

DESIGN AND DRAWINGS PREPARED BY:	
JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER:	
DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER:	
JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
8.18.2022 ISSUED TO OWNER FOR REVIEW	
8.22.2022 ISSUED TO CITY OF POUGH. (ZRR) FOR REVIEW	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
9.30.2022 REVISIONS TO LANDSCAPE, DRIVE AISLES & PARKING	
1.3.2023 PROPOSED (SIMILAR) LANDSCAPE IMAGES	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Plan	
Project No.	2227
Date	8.6.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	
Drawing No.	S-1.0



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006

RECEIVED

SEP 20 2022

Eric Philipp
Building Inspector

August 23, 2022

Jose Santos/John Sullivan

Re: 67 Worrall Avenue
Zoning Review Request

Dear Mr. Santos & Mr. Sullivan

The Development Department is in receipt of your zoning review request relative to the property at 67 Worrall Ave and the proposed use of two one bedroom apartments and a coffee shop. This property is located in a Medium-Density Residence District(R-3) which does not permit Mixed Use buildings per Section 19-3.14(2). Therefore, any request to establish such a use would be denied. You would have the right to appeal the terms of such denial to the Zoning Board of Appeals, requesting that a Use Variance be granted. During the review of plans provided there were also multiple deficiencies discovered that would require Area Variances to be granted by the Zoning Board of Appeals on top of the required Use Variance, they are as follows:

1. Section 19-3.14(4)(a) requires a minimum lot area of 16,000 square feet; plans provided show the lot area is 6,969 square feet.
2. Section 19-3.14(4)(d)2, requires a minimum side yards of 10 feet; plans provided show southern side yard is 9 feet and northern side yard is 6 feet.
3. Section 19-3.14(4)(d)3. Requires a minimum rear yard of 15 feet; plans provided show rear yard is only 13 feet but is stated to be 87.5 feet. The yard requirement does not include paved surfaces which might be the confusion.
4. Section 19-4.3(11) requires 9 parking spaces(2 spaces per 1 bedroom unit & 1 space per 50 square feet of gross floor area for commercial space); plans provided show 6 parking spaces.
5. Section 19-4.3(1) requires landscaping a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; provided plans do not include an elevation to confirm height of landscaping.
6. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses; plans provided only show partial coverage.

If the Use Variance and all Area Variances are granted by the Zoning Board of Appeals you would then need to obtain Site Plan approval from the Planning Board. After that you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department. There are also requirements for signs per Section 19-4.9 including a permit.

Please note that the City is currently in the process of revising its Master Plan and, in conjunction with that process, is also seeking to update its Zoning Ordinance. That update is

Page 1



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601

Phone: (845) 451-4007 Fax: (845) 451-4006

Eric Philipp
Building Inspector

likely to contain substantive changes that may affect the area in which your property is located. The time line for adoption of an updated ordinance is not guaranteed, but we are hoping to have it in place by the end of this calendar year. There is an open house relative to the ordinance on Wednesday, August 24th, from 5 to 7 at the plaza in front of City Hall (or lobby if weather doesn't cooperate) to review and comment on the proposed changes:

- Website and Eventbrite: We have the promotional banner all set at <http://www.pk4keeps.org/>, which links to an Eventbrite page for registration.

If you have any questions or comments please feel free to contact me, info is listed below, thanks.

Joseph D. O'Brien

Deputy Zoning Administrator
62 Civic Center Plaza
Poughkeepsie, NY 12601

Office - 845-451-4273
Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com



**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4006**

FEE: \$350.00
CODE: A2112
ID# 415060
IPS# 2BA2C00 027

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 16 Seaman Road, Poughkeepsie, NY 12601

ZONING DISTRICT: R-1

OWNER INFORMATION:

Name: Michael DeCiutiis

Address: Same

Phone: 845-380-9924

Email: m.j.deciutiis@gmail.com

PAID

Cash
NOV 18 2022

APPLICANT INFORMATION:

Name: Same

Address: _____

Phone: _____

Email: _____

CONSULTANT INFORMATION:

Name: None

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

This application relative to the above referenced property constitutes an appeal from the decision, determination or violation of an official of the City of Poughkeepsie.

Name and title of agent: Joseph D. O'Brien, Deputy Zoning Administrator

Date of decision/determination/violation: 11/8/2022

Please note that a copy of the communication must be attached with this application.

RECEIVED

NOV 18 2022

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 16 Seaman Road, Poughkeepsie, NY 12601

AREA VARIANCE REQUESTS

All sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief.

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-4.13(1)	Accessory uses not nearer than 6 ft to property line.	Install cooking island 1'6" from property line.

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (d) of the Zoning Ordinance, the Zoning Board of Appeals, in making its determination, shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such granting.

Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required by law to give sound reasons, based on the criteria set forth in this application, for granting any such relief. **Please note that it is therefore incumbent upon the applicant to demonstrate to the Board that the criteria for the granting of the variance(s) are satisfied.**

Responses to the following questions shall be attached to and submitted with the application.

- 1) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not, please explain why.
- 2) Can the benefit sought be achieved by some other method feasibly for the applicant to pursue, other than an area variance? Identify what alternatives to the variance, if any, have been explored (for example, alternative designs, purchasing of contiguous properties, etc.). Why is the variance necessary?
- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial.
- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not?
- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 16 Seaman Road, Poughkeepsie, NY 12601

LIST OF REQUIRED ATTACHMENTS

- ✓ 1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short EAF
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):
 Image of proposed cooking island.

SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.


SIGNATURE OF APPLICANT

11/18/22
DATE

Michael Decotis
Print Name

Michael DeCiutiis
16 Seaman Rd.
Poughkeepsie, NY 12601

November 27, 2022

City of Poughkeepsie Zoning Board of Appeals
62 Civic Center Plaza
Poughkeepsie, NY 12601

Dear Zoning Board Members,

I am submitting an Area Variance Application for an element of a project at my home located at 16 Seaman Rd. I have opened a building permit for the construction of a patio, retaining wall, fireplace, and cooking island. Both the fireplace and cooking island are being considered accessory buildings. Per the denial letter from the building department, the proposed cooking island is in violation of the 6' setback requirements.

The area variance needed is to allow the cooking island to be installed within 1.5' from the property line. The cooking island will be 11'x 2'6" x 3' and will be constructed of Cambridge Pavingstone Olde English Wall stone in Onyx Natural color, with a granite counter top. The wall stones will coordinate with the patio and retaining wall from the overall project. Included in the Elevations attachment is a proposed rendering which will closely match the finishes use for the island.

The Supplemental attachments include photos of the area. I believe due to the proximity of the exiting house to the property line, the cooking island does not create a substantial visual nuisance. The change in grade and existing landscaping barrier installed all help to hide this area, and as you can see in the included photos, it will barely be visible from neighboring properties, it will be completely not visible once the trees mature. It feels like a natural addition to the space, and not a forced or out of place element.

The addition of a cooking island to the overall landscaping project is within my financial means to complete per the outlined plan and descriptions. The estimated cost of the cooking island is \$7,500, overall project is \$25,000 and cash available for project is \$30,000.

Respectfully submitted,

Michael J. DeCiutiis
16 Seaman Rd.

Requests for Waivers to Site Plan Drawings:

II) 4. Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Planning Board. If parcel is relatively flat, contours MAY be waived if spot elevations are shown which indicate the general slope of the terrain;

Response: The area with the cooking island is relatively flat and not substantial in size. The back portion of the cooking island will serve as a retaining wall for about less than 1' in grade change, which is shown in the supplemental photos.

III) 8. Show locations of ALL existing utilities, underground and aboveground, within and adjacent to property and in the street, including, but not limited to: sanitary, storm, water, gas and electric, and any utility poles, including light poles. Show all existing connections

Response: There are no utilities located in the project area.

III) 3. Show locations, size and material of all proposed utilities and service connections.

Response: There are no proposed new service connections with this project.

III) 6. Location, direction, power and time of use of any proposed outdoor lighting or public address systems. Provide an Isometric Footcandle Distribution Diagram, maximum illuminance levels shown in footcandle measurements on a grid of the site showing readings in every ten-foot square, overlaid on the site plan, as a separate sheet or view. One-half (1/2) foot candle is recommended. All lights to be shielded to prevent glare on adjoining properties, including public property.

Response: There is no lighting that applies to the cooking island and it's area variance.

III) 7. Any proposed new grades, indicating clearly how such grades will met existing grades of adjacent properties or the street.

Response: The area variance will not result in any new grades.

III) 8. An outline of any proposed easements, deed restrictions, covenants or rights-of-way and a notation of any areas to be dedicated to a public agency, and any public improvements contemplated on or adjoining the property. Indicate if none

Response: There are none.

III) 9. Location of any fire alarm boxes and/or connections to the city fire alarm system.

Response: There are none.

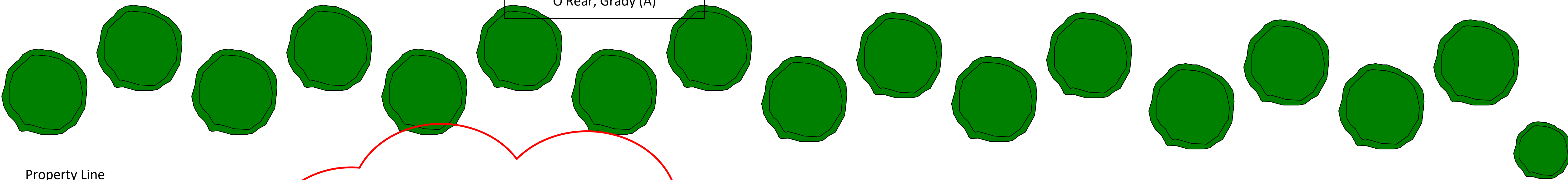
III) 10. A determination of storm water quality requirements based on NYDES Phase II requirements. Further, ANY improvements within the Fallkill Creek watershed, which has been declared a 303(D) impaired watershed, require full stormwater treatment as per NYSDEC.

Response: The area variance does not have any significant impact on stormwater.

IV) 1. Show plans for all proposed stormwater improvements. Applicant shall mitigate storm to historic run-off rates for the 10-year storm.

Response: There are no stormwater improvements needed with the proposed cooking island.

IV) 2. Response: There are no trees in the vicinity of the cooking island that will be impacted by the construction of the island, which will be done by hand without machinery.



5 Saint Johns Parkway
Owner:
Kaner, David S. (P)
O'Rear, Grady (A)

Existing Landscape barrier between
5 St.Johns and 16 Seaman Road.

Property Line

Existing House

Property Owner: Michael DeCiutiis
Property Address: 16 Seaman Rd, Poughkeepsie, NY 12601
Project: Cooking Island Variance
Prepared by: Michael DeCiutiis, homeowner.
11/27/2022

Property Boundaries Referenced Completed By:
Johnson Surveying, LLC
Brendan Johnson, License Number 050919
Survey Completed 7/13/2022

Comments:
No existing easements, rights-of-way, setbacks, reservations and rears dedicated to public use, outline of existing covenants and deed restrictions within, adjacent or otherwise pertaining to the property.

FEMA flood maps do not show any risk of flooding in this area.

Proposed Cooking Island
11' W x 2.5' D x 3' T

1' 6"

22' 6"

8' 0"

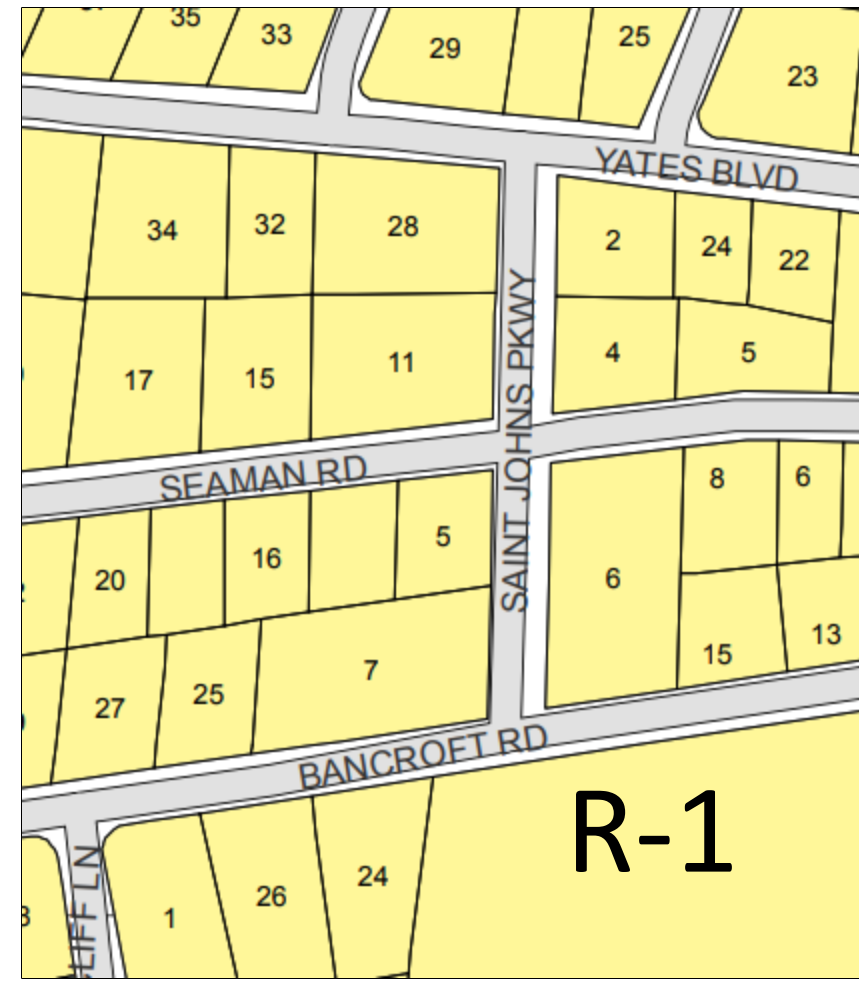
Existing Addition

7 Saint Johns Parkway
Owner:
Gaynor, Christopher G. (P)
Gaynor, Marian M. (A)

Fireplace
6' W x 2.5' D x 4' T

6' 6"

Property Line



Project Location/Zoning Map

SCALE: 1/2" = 1' 0"

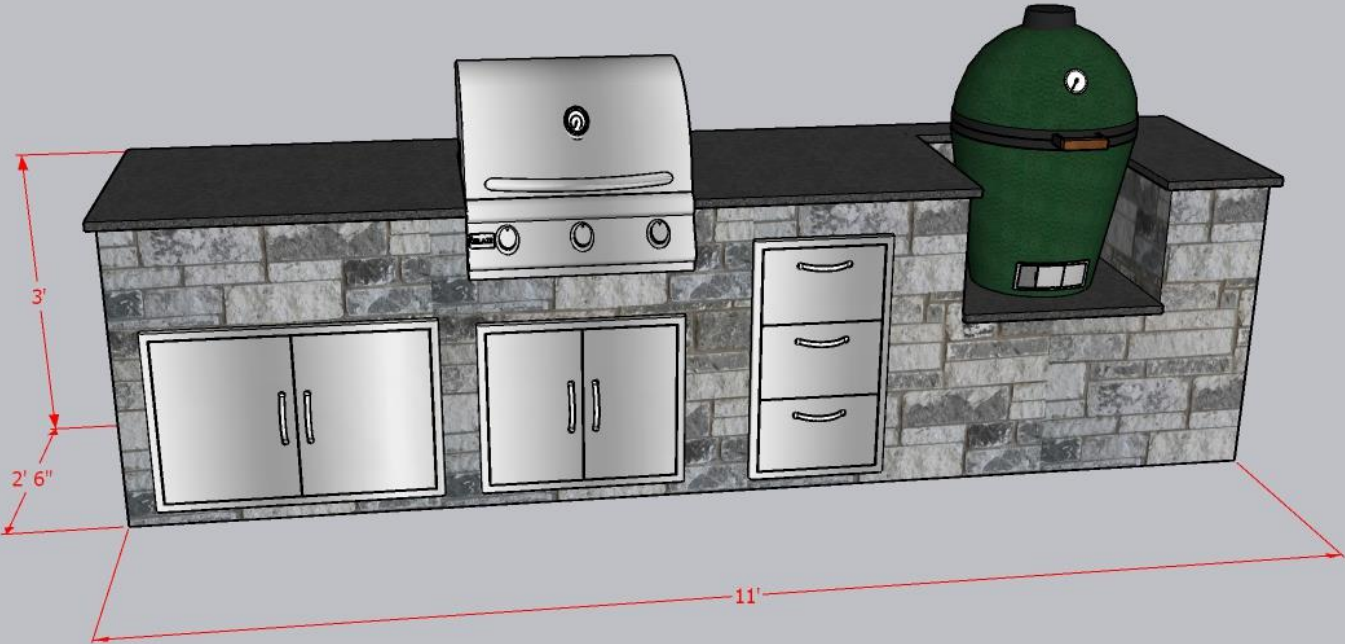




Michael's Outdoor Kitchen







Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☐ Residential (suburban)
☐ Forest	☐ Agriculture	☐ Aquatic	Other(Specify):	
Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☐	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest Agricultural/grasslands Early mid-successional ☐ Wetland ☐ Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☐	YES ☐

49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☐	YES ☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☐	YES ☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		



**THE CITY OF POUGHKEEPSIE
NEW YORK
DEVELOPMENT DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4010 Fax: (845) 451-4006**

MEMORANDUM

To: Michael DeCiutis, Applicant
From: Natalie Quinn, Development Director
Date: January 5, 2023
Re: 16 Seaman Road ZBA#2022-027 – SEQR Classification

Upon review of project materials provided by the applicant, including Short EAF Part 1 and area variance application, it is my understanding that the proposed action to be undertaken includes construction of an accessory structure (outdoor cooking island) at 16 Seaman Road. The primary use located on the parcel is a single-residence dwelling unit.

Based on the above description it is the determination of the planning division that the proposed action is classified as a Type II Action with regards to SEQRA, and therefore is not subject to further environmental review. This determination was made pursuant to the following sections of NYCRR Section 617.5:

(c)(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density

(c)(17) granting of an area variance for a single-family, two-family or three-family residence

16 Seaman Road – Supplemental Photos



Dutchess County Parcel Map and callout of project area.



Existing conditions and location of proposed cooking island.



View from neighbor's property.







Rendering of design of cooking island.