

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

Common Council Chambers  
Tuesday, February 14, 2023  
6:00 PM

**I. CALL TO ORDER**

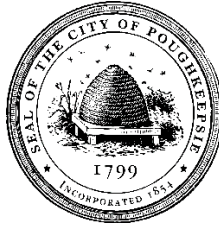
**II. APPROVAL OF MEETING MINUTES**

1. Approval of December 22, 2022 and January 10, 2023 Meeting Minutes

**III. PUBLIC HEARINGS & DELIBERATIONS**

1. **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; File #2022-027
2. **579 MAIN STREET: USE VARIANCE** Application for use variances to establish three (3) residential units and one (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
3. **67 WORRALL AVENUE: AREA VARIANCES** Application for area variances in regards to a two-family dwelling including variances of Section 19-3.14(4)(a)2 which requires a minimum lot area of 10,000 square feet; plans provided show the lot area of 7,057 square feet, Section 19-

3.14(4)(d)1, which requires a minimum front yard of 20 feet; plans provided show southern front yard setback of 15 feet. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2023-001



**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

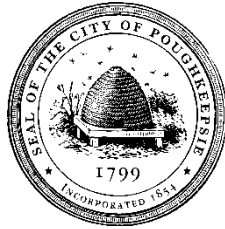
**Motion to adjourn the meeting to January 10, 2023**

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.



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

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

**PRESENT**

Scott Parker, Chair  
Jessica Vinall  
John Gildard  
Thomas Klug

**EXCUSED**

Brian Ineson

**Staff**

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

**I. CALL TO ORDER 6:00 pm**

**II. APPROVAL OF MEETING MINUTES**

**1. Approval of December 22, 2022 Meeting Minutes**

Motion: John Gildard  
Second: Thomas Klug  
Failed: 3:0:1 (Jessica was absent in December)

**III. PUBLIC HEARINGS & DELIBERATIONS**

**1. 579 MAIN STREET: USE VARIANCE**

**REVIEW POSTPONED TO FEBRUARY 14, 2023 MEETING**

Motion to open the public hearing  
Motion: Scott Parker  
Second: Jessica Vinall  
Carried: 4:0:0

Motion to adjourn the public hearing to February 14, 2023  
Motion: Scott Parker  
Second: Thomas Klug  
Carried: 4:0:0

**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

Presenting: John Sullivan, Consultant  
Joe Santos, Applicant  
Steve Patterson, Attorney  
Damian Mercado, Owner

John Sullivan -

- The non-conforming use was lost 10 years ago but the commercial sign is still there.
- It is intended to bring the site more into conformance by decreasing the amount of impervious space.
- He presented commercial property located across the street from the building as well as samples of other mixed use buildings in the R-3 & R-4 zones.
- The property has been and still is taxed as a mixed use.

Jessica noted that

- Some of the returns shown for permitted uses seem reasonable.
  - Some of the permitted uses are not covered completely.
- She does not feel the property is unique.
- The hardship is definitely self-created.

Rebecca Valk:

- There is no hard and fast rule for reasonable rate of return. It is up to the board's discretion, based on the facts presented in each case, what is deemed reasonable.
- She commented that the back-up provided for the financial information needs to be more detailed and based on competent financial evidence, not just a summary.
- She explained again why it was difficult to grant a use variance.
- The tax assessor uses different codes and has no control over how a property is zoned.
- The case can be brought to the council person and the Common Council to add this use to the zone but it also is not a promised solution.

Scott Parker:

- He agrees that the lot is unique with regards to how it has been improved to be consistent with a commercial business.
- It does not change the character of the neighborhood in that there are other mixed use properties in the vicinity.
- The rate of return on permitted uses has not been shown to be unreasonable.
- It has not been proven that it is not a self-created hardship.

Motion to open the public hearing

Motion: Thomas Klug  
Second: John Gildard  
Carried: 4:0:0

Motion to adjourn the public hearing to February 14, 2023

Motion: John Gildard  
Second: Scott Parker  
Carried: 4:0:0

**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

Presenting: Michael DeCiutiis, Owner/Applicant

- He is proposing installing a patio with cooking island.
- The house is on a grade higher than rest of lot. The proposed project is in the only small usable grade.
- He had already planted trees with the neighbor at 5 St. John's Street as a buffer that will become a 16 foot wall. The house on St. John's is set back from the property line.
- The project is about a foot closer to the property line than the house but is approximately parallel with the air conditioner unit.
- The coloring and materials used for the island are complementary to the current structure.
- There is only 7 feet between the house and the proposed grill. That section of the house is the kitchen and Michael does plan to install a door off the kitchen leading to the proposed cooking space in the future.
- The proposed grill will connect directly to the natural gas hook-up that is already located in the kitchen area.

The public hearing will be held on February 14th.

The board looked at the criteria for granting a variance and found;

- There does not seem to be any detriment to the neighbors but Jessica would like to see if there are any comments from the neighbors.
- There is nowhere else on the property that seems reasonable for this project.
- The variances are not deemed substantial in that they do not pose an imposition on the neighboring property due to the spacing of the houses.
- There is no adverse effect on the environment. The drainage has already been located underground so it is directed to the side lawn.
- Yes it is a self-created hardship but the project does not seem to cause a detriment on the surrounding neighborhood.

A motion was made to adjourn this review to the February 2023 meeting

Motion: Scott Parker

Second: Thomas Klug

Carried 4:0:0

[webcast recording was ended after all board business was conducted but prior to the official adjournment vote]

Natalie Quinn reminded the board that the draft zoning code is available online and comments can be submitted via the google form on the project website.

Meeting was adjourned to February 14, 2023

Motion: Scott Parker

Second: Thomas Klug

Carried 4:0:0

6:59pm

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, 2<sup>ND</sup> 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  
JG

**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 DeCiotis  
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.

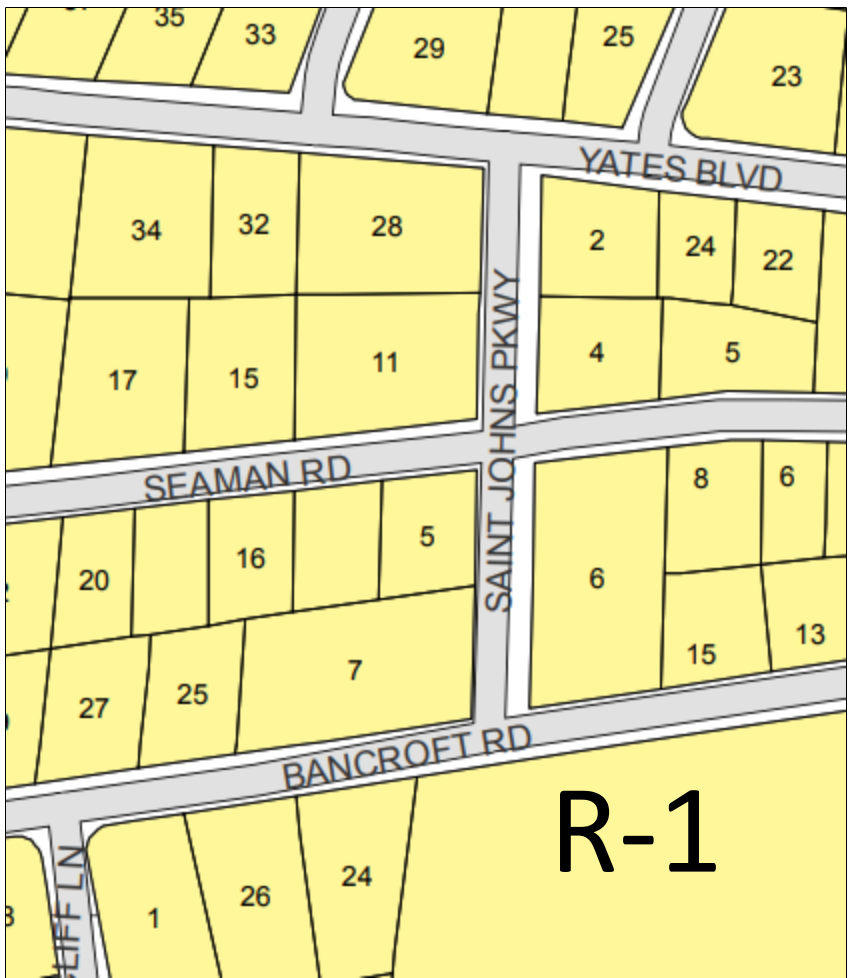
Response: There are no stormwater improvements needed with the proposed cooking island.

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.



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



Project Location/Zoning Map

SCALE: 1/2" = 1' 0"





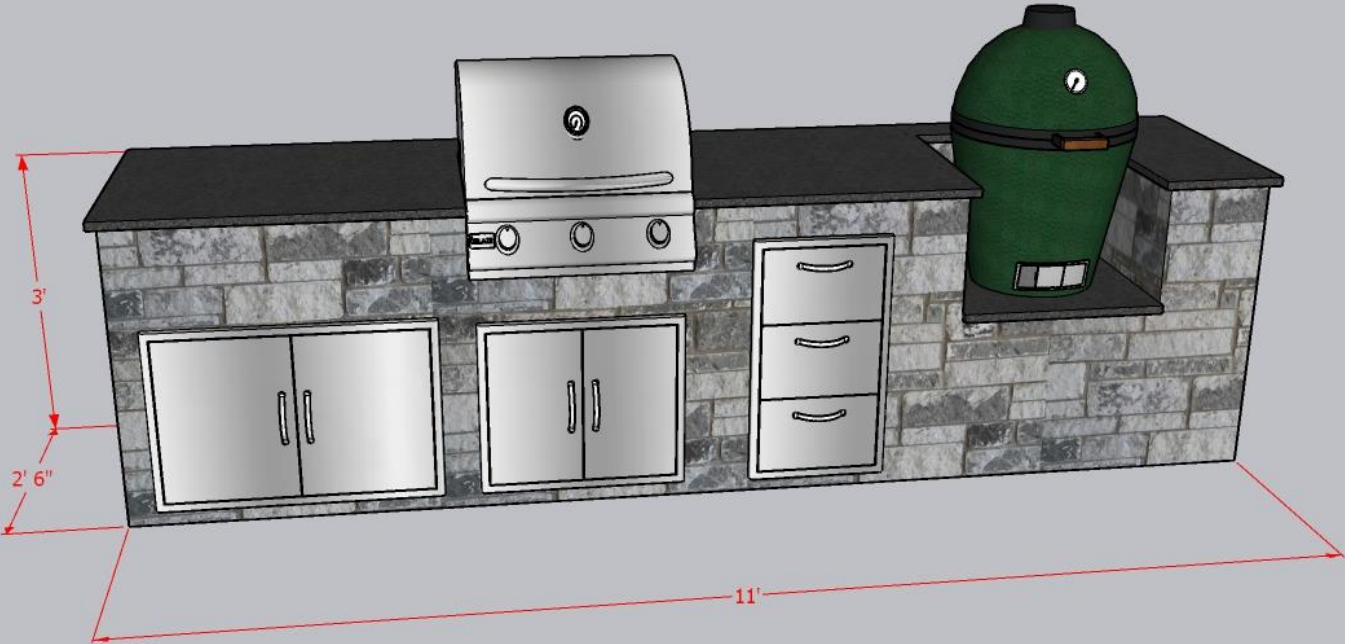
## Michael's Outdoor Kitchen













**THE CITY OF POUGHKEEPSIE  
NEW YORK  
DEVELOPMENT DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> 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



# 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.

| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----|-------------------------------------|-------------------------------------|
| <b>Name of Action or Project:</b><br>Cooking Island                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <b>Project Location (describe, and attach a location map):</b><br>16 Seaman Rd, Poughkeepsie, NY 12601                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <b>Brief Description of Proposed Action:</b><br>Application for variance to install cooking island accessory building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <b>Name of Applicant or Sponsor:</b><br>Michael DeCiutiis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                     | <b>Telephone:</b> 845-380-9924<br><b>E-Mail:</b> m.j.deciutiis@gmail.com |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <b>Address:</b><br>16 Seaman Road                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <b>City/PO:</b><br>Poughkeepsie                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     | <b>State:</b><br>NY                                                      | <b>Zip Code:</b><br>12601                                                                                                                                                                                                                                                                                                                                                         |    |     |                                     |                                     |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |                                                                          | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;">NO</td> <td style="text-align: center; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | YES                                 |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>            |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Building Department and Zoning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                     |                                                                          | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 2px;">NO</td> <td style="text-align: center; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table> | NO | YES | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| NO                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | YES                                 |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| 3. a. Total acreage of the site of the proposed action? <span style="float: right;">.74 acres</span><br>b. Total acreage to be physically disturbed? <span style="float: right;">0.0006 acres</span><br>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">.74 acres</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:<br><div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div> |                                     |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                   |    |     |                                     |                                     |

|                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                     |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,                                                                                                                                                                                                                                                                                                                                                           | NO                                  | YES                                 | N/A                      |
| a. A permitted use under the zoning regulations?                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                      | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 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: _____                                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Are public transportation services available at or near the site of the proposed action?                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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:<br>_____<br>_____                                                                                                                                                                                                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?                                                                                                                                                                                                                                                                                                     | NO                                  | YES                                 |                          |
| If No, describe method for providing potable water: _____<br>_____                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 11. Will the proposed action connect to existing wastewater utilities?                                                                                                                                                                                                                                                                                                               | NO                                  | YES                                 |                          |
| If No, describe method for providing wastewater treatment: _____<br>_____                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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?                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 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                                 |                          |
|                                                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                                                                                                 |                                     |                                     |                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes, <div style="margin-left: 20px;">           a. Will storm water discharges flow to adjacent properties?<br/><br/>           b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                          |
| 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)?<br>If Yes, explain the purpose and size of the impoundment: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>                                                                                                                                               | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>                                                                                                                                                                                                                           | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 5px;"></div>                                                                                                                                                                                                                         | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>Michael DeCiutiis</u> Date: <u>11/27/2022</u></p> <p>Signature: _____ Title: <u>Homeowner</u></p>                                                                                                                                                                                                                                                                                                                      |                                     |                          |



## 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.







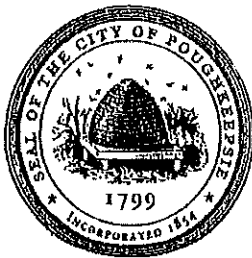






Rendering of design of cooking island.





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

FEE: \$1000.0  
CODE: A211  
ID# 289120  
IPS# ZBA-  
2022-020

**ZONING BOARD OF APPEALS USE VARIANCE APPLICATION**

**PROPERTY ADDRESS:** 579 Main St

**ZONING DISTRICT:** C2A

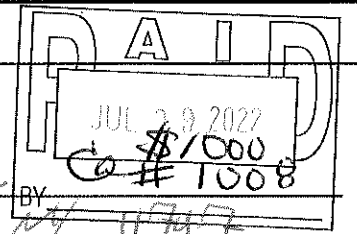
**OWNER INFORMATION:**

**Name:** Johnny Properties LLC

**Address:** 9 Legends Circle Melville, NY 11747

**Phone:** 646-552-3256

**Email:**



**APPLICANT INFORMATION:**

**Name:** Kenneth Pagan

**Address:** 23 Yates Ave Poughkeepsie, NY

**Phone:** 646-552-3256

**Email:**

**CONSULTANT INFORMATION:**

**Name:** One Stop Property Service LLC

**Address:** 30 Eastern Pkwy  
Poughkeepsie NY 12603

**Phone:** 914-291-4526

**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:** \_\_\_\_\_

**Date of decision/determination/violation:** \_\_\_\_\_

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION  
PROPERTY ADDRESS: 599 Main St Bushnell

**USE VARIANCE REQUESTS**

| SECTION          | PROHIBITING            | TO ALLOW               |
|------------------|------------------------|------------------------|
| <u>19-3-23.1</u> | <u>Residential Use</u> | <u>Residential Use</u> |
| _____            | _____                  | _____                  |
| _____            | _____                  | _____                  |
| _____            | _____                  | _____                  |
| _____            | _____                  | _____                  |

**VARIANCE REQUEST JUSTIFICATION**

Pursuant to Section 19-8.4 (2) (c) of the Zoning Ordinance, **no use variance shall be granted by 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 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 currently permitted uses in the Zoning District. The financial statement should relate only to the 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 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 where 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:** \_\_\_\_\_

**LIST OF REQUIRED ATTACHMENTS**

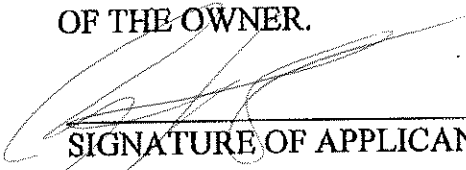
1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short Environmental Assessment Form. Please note that in some instances it is determined that a Full EAF is required.
5. Electronic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

City has All Plans.  
Thank You.

**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

8-29-22  
DATE



**RE: Use Variance - 379 Main Street - Poughkeepsie, New York**

- 1) The applicant cannot realize a reasonable return. The real estate market is constantly changing and developers understand there is a certain risk in these types of projects. In order to be financially effective, these projects have to be purchased, renovated, sold and or occupied very quickly. Delays caused a waste of money and expenditure of additional monies and carrying costs see the attached appendix B. Other supporting financial evidence is fourth coming.**
- 2) The hardship is unique. Yes and no. The hardship is unique because the building is unique as is every other building in the neighborhood. There are several unoccupied and older buildings throughout the city which are not currently being used. These buildings are an opportunity for developers to invest in the City of Poughkeepsie. In that regard the hardship is not unique to this building and would apply to other buildings like this one in the City of Poughkeepsie. Like other developers, the applicant is seeking to revitalize an unoccupied building. Also, for reference, a similar developer recently received approval to revitalize a building diagonally across the street from this building to be used for residential and commercial purposes with some 40+/- apartments in the building.**
- 3) The granted variance will not alter the character of the neighborhood. There will be no significant change to the exterior look of the building. The neighborhood contains many different styles, types and sizes of buildings. The neighborhood also contains many different uses including auto repair shops, auto sales, tire sales, Salvation Army, pizza and the previously mentioned project diagonally across the street.**
- 4) The hardship was not self-created. The hardship exists based on current zoning. The city is in fact considering changing the zoning in this district which will allow this property to be developed as it is currently proposed. The applicant made attempts and due diligence to correspondence and communicate with the zoning department and was not told that what was being proposed for this development would not be an allowed use and would require a use variance.**



579 Main St poughkeepsie, 12601

We're experiencing multiple variables of hardship. Below i will list a few

- Taking very long to work with the building department in order to complete construction.
- The time it is taking to complete this project is taking away from other projects we could be working on, which as a result is increasing our opportunity cost.
- 
- 65% of the building is incomplete due to no permit which is taking away from rental income & also decreases the value drastically for resale.
- We have hired a financial analyst, and the data says we wont have a financial return for 15 years at full occupancy. Including all the apartments.  
27 years if only considering commercial space.
- Property cost \$350,000
- Construction cost- \$300,000
- ARV-\$650,000
- Zoning application - \$1,000
- Permit application- \$3,000
- Consultant fee- \$3,000
- Lawyer fee- \$3,000
- Engineer - \$4,000

1/2



- Carrying cost for 1 year \$12,000
- Broker fee of 6% for sale of property
- I am worried about the safety of my building considering there have been many drug users found inside vandalizing the property as a result of not having a permit to receive a Certificate Of Occupancy.
- I have put a construction fence to stop the vandalism. (all the windows of the lower floor have been broken)
- The consistent littering of beer bottles, soda cans, heroin needles, kennedy's fried chicken as well as feces has scared away any potential buyers i have brought to the property on days of showing.



579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Cold Storage Plant - Baking Plant( each occupy ½ ground floor) / Wholesale Carpet Sales office - Arts & Crafts Studio( each occupy ½ of second floor)

**Construction:** Gut entire building, rebuild entire property, install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |
| 2nd Floor       | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |

|                                 |       |  |                  |
|---------------------------------|-------|--|------------------|
| <b>Total:</b>                   |       |  | <b>\$67,500</b>  |
| Vacancy(Commercial):            | 10.0% |  | <b>(\$6,750)</b> |
| <b>Effective Gross Revenue:</b> |       |  | <b>\$60,750</b>  |

|                                       |                 |
|---------------------------------------|-----------------|
| <b>Expenses:</b> (bank underwriting)  |                 |
| Real Estate Taxes(City & School)      | \$15,000        |
| Water and Sewer                       | \$2,000         |
| Gas Heat and Hot Water                | \$1,000         |
| Common Area Electric (Landlord Meter) | \$800           |
| Insurance                             | \$2,000         |
| Management Fee                        | \$5,000         |
| Superintendent                        | \$10,000        |
| Trash Removal                         | \$1,000         |
| Landscaping / Snow Removal            | \$1,000         |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$1,000         |
| Reserves/Replacements                 | \$2,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$42,300</b> |

**Net Operating Income \$18,450**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

Acquisition, Closing, Construction: **\$930,547**  
Unleveraged Return: **1.5%**

**Debt Service Analysis:**

Interest Rate: 7.0%  
Loan Amount(Years): 30  
Loan Amount: (75% LTV) \$697,910  
Monthly Payment: \$5,066  
Annual Payment: \$60,792

DSCR: 0.30  
Debt Yield: 2.0%  
LTV

Excess Cash Flow: **(\$42,342)**

**Leveraged Return: -6.0%**

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Funeral Parlor (½ Ground floor and basement) / Restaurant (½ ground floor) / Recording studio (¼ 2nd floor)/ Dry cleaning(¼ 2nd floor)/ Radio studio(¼ 2nd floor)/ Arts & Crafts Studio(¼ 2nd floor)

**Construction:** Gut entire building, rebuild entire property, install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 2,250                     | \$2,343                    | \$28,116                  | \$12.50                      |
| 2nd Floor       | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |

|                                 |       |  |                  |
|---------------------------------|-------|--|------------------|
| <b>Total:</b>                   |       |  | <b>\$61,866</b>  |
| Vacancy(Commercial):            | 10.0% |  | <b>(\$6,186)</b> |
| <b>Effective Gross Revenue:</b> |       |  | <b>\$55,680</b>  |

**Expenses:** (bank underwriting)

|                                       |                 |
|---------------------------------------|-----------------|
| Real Estate Taxes(City & School)      | \$15,000        |
| Water and Sewer                       | \$2,000         |
| Gas Heat and Hot Water                | \$1,000         |
| Common Area Electric (Landlord Meter) | \$800           |
| Insurance                             | \$2,000         |
| Management Fee                        | \$5,000         |
| Superintendent                        | \$7,000         |
| Trash Removal                         | \$1,000         |
| Landscaping / Snow Removal            | \$1,000         |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$1,000         |
| Reserves/Replacements                 | \$2,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$39,300</b> |

**Net Operating Income \$16,380**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

|                                     |                  |
|-------------------------------------|------------------|
| Acquisition, Closing, Construction: | <b>\$930,547</b> |
| Unleveraged Return:                 | <b>1.5%</b>      |

**Debt Service Analysis:**

|                        |           |
|------------------------|-----------|
| Interest Rate:         | 7.0%      |
| Loan Amount(Years):    | 30        |
| Loan Amount: (75% LTV) | \$697,910 |
| Monthly Payment:       | \$5,066   |
| Annual Payment:        | \$60,792  |

|             |      |
|-------------|------|
| DSCR:       | 0.30 |
| Debt Yield: | 2.0% |
| LTV         |      |

|                   |                   |
|-------------------|-------------------|
| Excess Cash Flow: | <b>(\$44,412)</b> |
|-------------------|-------------------|

|                          |              |
|--------------------------|--------------|
| <b>Leveraged Return:</b> | <b>-7.0%</b> |
|--------------------------|--------------|

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Place of Worship(1/3 ground floor)/ Building Material Wholesale(1/3 ground floor)/ Retail Stores(1/3 ground floor)/ Building,Plumbing, and Electrical

**Construction:** Gut entire building, rebuild entire property, install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 2,250                     | \$2,343                    | \$28,116                  | \$12.50                      |
| 2nd Floor       | 2,250                     | \$2,343                    | \$28,116                  | \$12.50                      |

|                                 |       |  |                  |
|---------------------------------|-------|--|------------------|
| <b>Total:</b>                   |       |  | <b>\$56,232</b>  |
| Vacancy(Commercial):            | 10.0% |  | <b>(\$5,623)</b> |
| <b>Effective Gross Revenue:</b> |       |  | <b>\$50,609</b>  |

**Expenses:** (bank underwriting)

|                                       |                 |
|---------------------------------------|-----------------|
| Real Estate Taxes(City & School)      | \$15,000        |
| Water and Sewer                       | \$2,000         |
| Gas Heat and Hot Water                | \$1,000         |
| Common Area Electric (Landlord Meter) | \$800           |
| Insurance                             | \$2,000         |
| Management Fee                        | \$3,000         |
| Superintendent                        | \$7,000         |
| Trash Removal                         | \$1,000         |
| Landscaping / Snow Removal            | \$1,000         |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$1,000         |
| Reserves/Replacements                 | \$2,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$37,300</b> |

**Net Operating Income \$13,309**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

|                                     |                  |
|-------------------------------------|------------------|
| Acquisition, Closing, Construction: | <b>\$930,547</b> |
| Unleveraged Return:                 | <b>1.5%</b>      |

**Debt Service Analysis:**

|                        |           |
|------------------------|-----------|
| Interest Rate:         | 7.0%      |
| Loan Amount(Years):    | 30        |
| Loan Amount: (75% LTV) | \$697,910 |
| Monthly Payment:       | \$5,066   |
| Annual Payment:        | \$60,792  |

|             |      |
|-------------|------|
| DSCR:       | 0.30 |
| Debt Yield: | 2.0% |
| LTV         |      |

Excess Cash Flow: **(\$47,483)**

**Leveraged Return: -7.0%**

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Auto Rental, Mechanic Shop, Auto Sales, Boat sales (Special Permitted Uses)

**Construction:** Gut entire building, DEMO BUILDING rebuild SMALL OFFICE ,PAVE LOT , install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 1,500                     | \$1,875                    | \$22,500                  | \$15                         |

|                                 |                 |
|---------------------------------|-----------------|
| <b>Total:</b>                   | <b>\$22,500</b> |
| <b>Effective Gross Revenue:</b> | <b>\$22,500</b> |

|                                       |                 |
|---------------------------------------|-----------------|
| <b>Expenses:</b> (bank underwriting)  |                 |
| Real Estate Taxes(City & School)      | \$5,000         |
| Water and Sewer                       | \$500           |
| Gas Heat and Hot Water                | \$500           |
| Common Area Electric (Landlord Meter) | \$300           |
| Insurance                             | \$1,000         |
| Management Fee                        | \$2,000         |
| Superintendent                        | \$0             |
| Trash Removal                         | \$300           |
| Landscaping / Snow Removal            | \$700           |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$700           |
| Reserves/Replacements                 | \$1,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$13,500</b> |

**Net Operating Income \$9,000**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

|                                     |                  |
|-------------------------------------|------------------|
| Acquisition, Closing, Construction: | <b>\$761,255</b> |
| Unleveraged Return:                 | <b>1.5%</b>      |

**Debt Service Analysis:**

|                        |           |
|------------------------|-----------|
| Interest Rate:         | 7.0%      |
| Loan Amount(Years):    | 30        |
| Loan Amount: (75% LTV) | \$570,941 |
| Monthly Payment:       | \$4,591   |
| Annual Payment:        | \$55,092  |

|             |      |
|-------------|------|
| DSCR:       | 0.30 |
| Debt Yield: | 2.0% |
| LTV         |      |

|                   |                   |
|-------------------|-------------------|
| Excess Cash Flow: | <b>(\$32,592)</b> |
|-------------------|-------------------|

|                          |              |
|--------------------------|--------------|
| <b>Leveraged Return:</b> | <b>-8.0%</b> |
|--------------------------|--------------|





12-25-2022

City Of Poughkeepsie ZBA

### **Uniqueness**

The applicant asserts that the property is unique in that it is the only two story, vacant, and underutilized structure in the area. The application also mentions the age of the building and the shape of the lot is not comparable to any other structure in Poughkeepsie.

### **Self-Created Hardship**

#### **Is the alleged difficulty self-created?**

The applicant asserts that the difficulty in compliance is far from self-created. The building was approved and issued a permit based on its current structure. The applicant is not moving a single wall. The applicant is not requesting a use variance to change the existing structure. The applicant plans to remodel the entire exterior aside from the existing mural.



**K Fortuna Lighthouse Realty, Inc**  
[www.purpose-driven-realty.com](http://www.purpose-driven-realty.com)  
717 Broadway, Newburgh, NY 12550  
845-303-2810

February 1, 2023

*Via Email to lgarcia@cityofpoughkeepsie.com*

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

Attn: Lori Garcia  
Board Administrative Assistant

**Re: Johanny Properties, LLC 579 Main Street  
Parcel #6161-24-423946 – City of Poughkeepsie**

Dear Ms. Garcia:

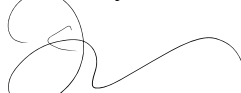
I write in connection with the application submitted to the Zoning Board of Appeal by Johanny Properties, LLC (“Johanny”) for a use variance permitting it to continue the mix-use of a building on the property located at 579 Main Street (the “Property”). The proposed use of the building will consist of two (2) commercial spaces on the first floor and three (3) residential units on the second floor.

I am a real estate specialist with K Fortuna Lighthouse Realty Inc. in Newburgh, New York. I am familiar with the Property, which is currently constructed as a mixed-use building consisting of one (1) storefront, one (1) home office, and three (3) apartments. It is my understanding that the ZBA is requesting a letter showing Johanny cannot realize a reasonable return if Mr. Pagan had the option to sell the structure. 579 Main Street is a shell and has been vacant for a few years but is full of potential. The owner has currently invested over \$475,000. The way the building sits, there would be no possible way for Mr. Pagan to regain the investment. The zoning presents significant adversity for the current owner as well as any future owner. I would evaluate the building around \$50-60 per sq. ft. with a total of \$225,000-\$270,000.

A 5% broker fee would leave the owners with \$213,750-\$256,000.

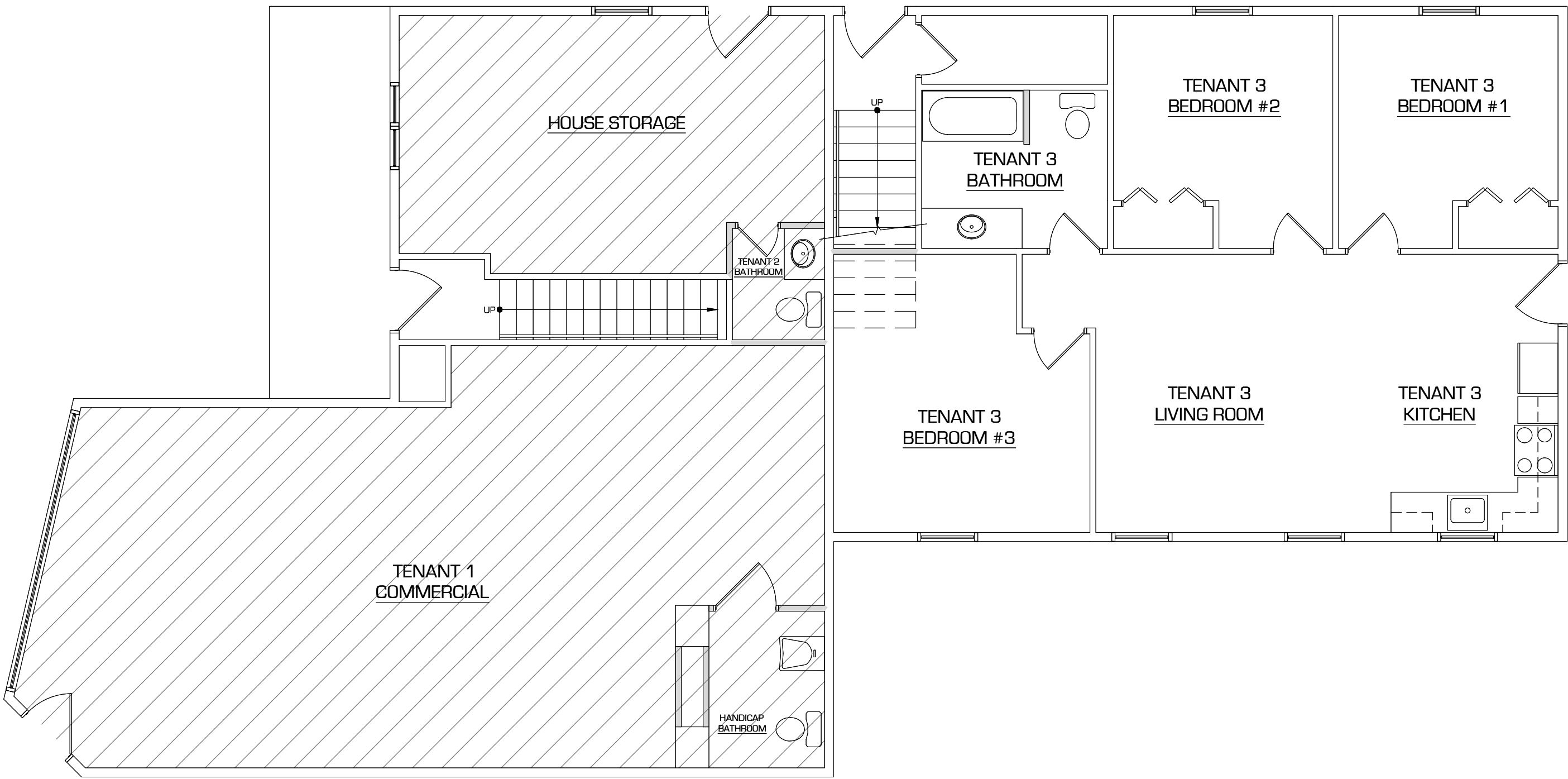
This will result in a \$261,000 loss.

Sincerely,

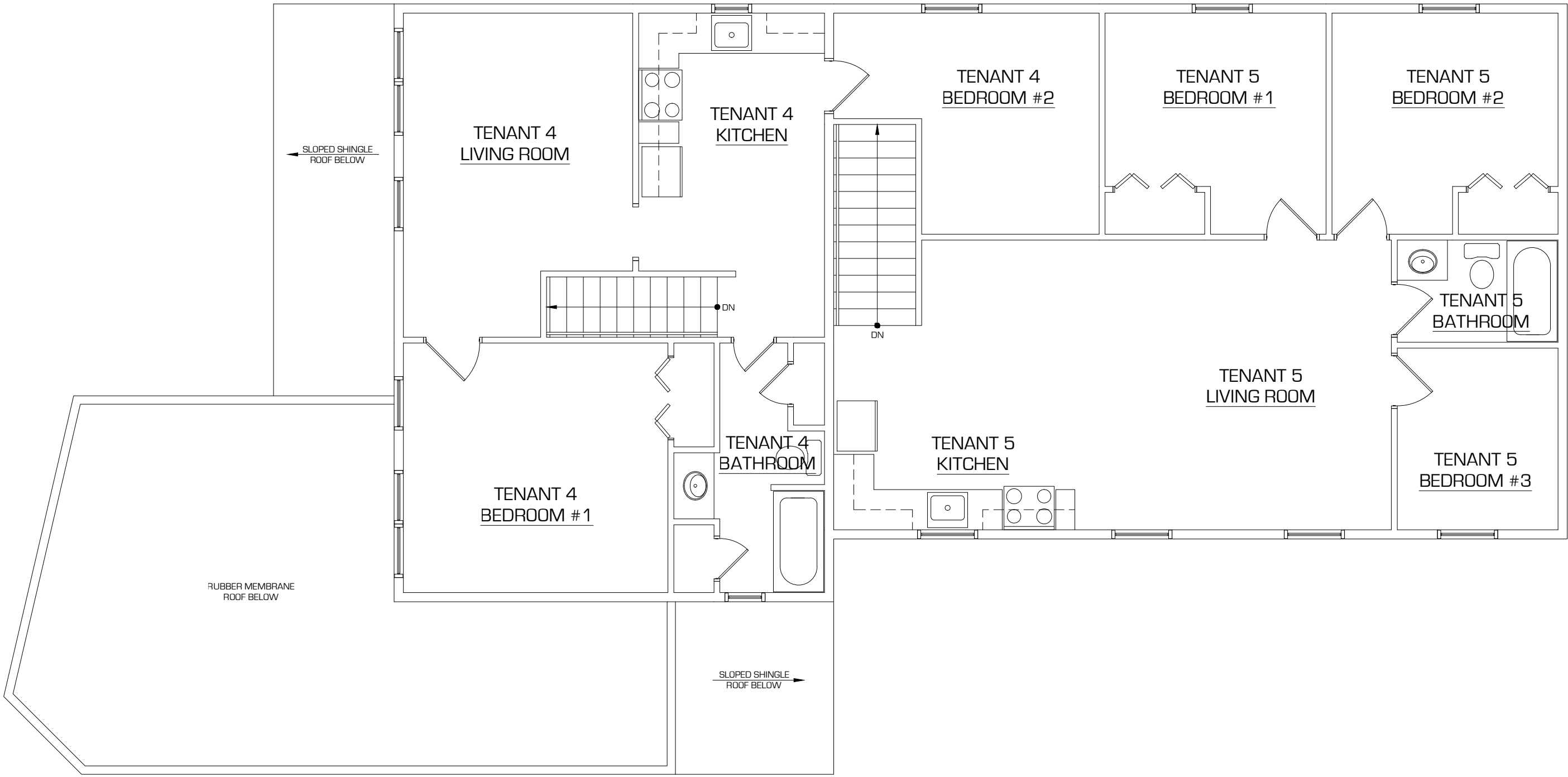


Jose Santos





1 FIRST FLOOR PLAN  
PB1.0 SCALE: 1/4" = 1'-0"



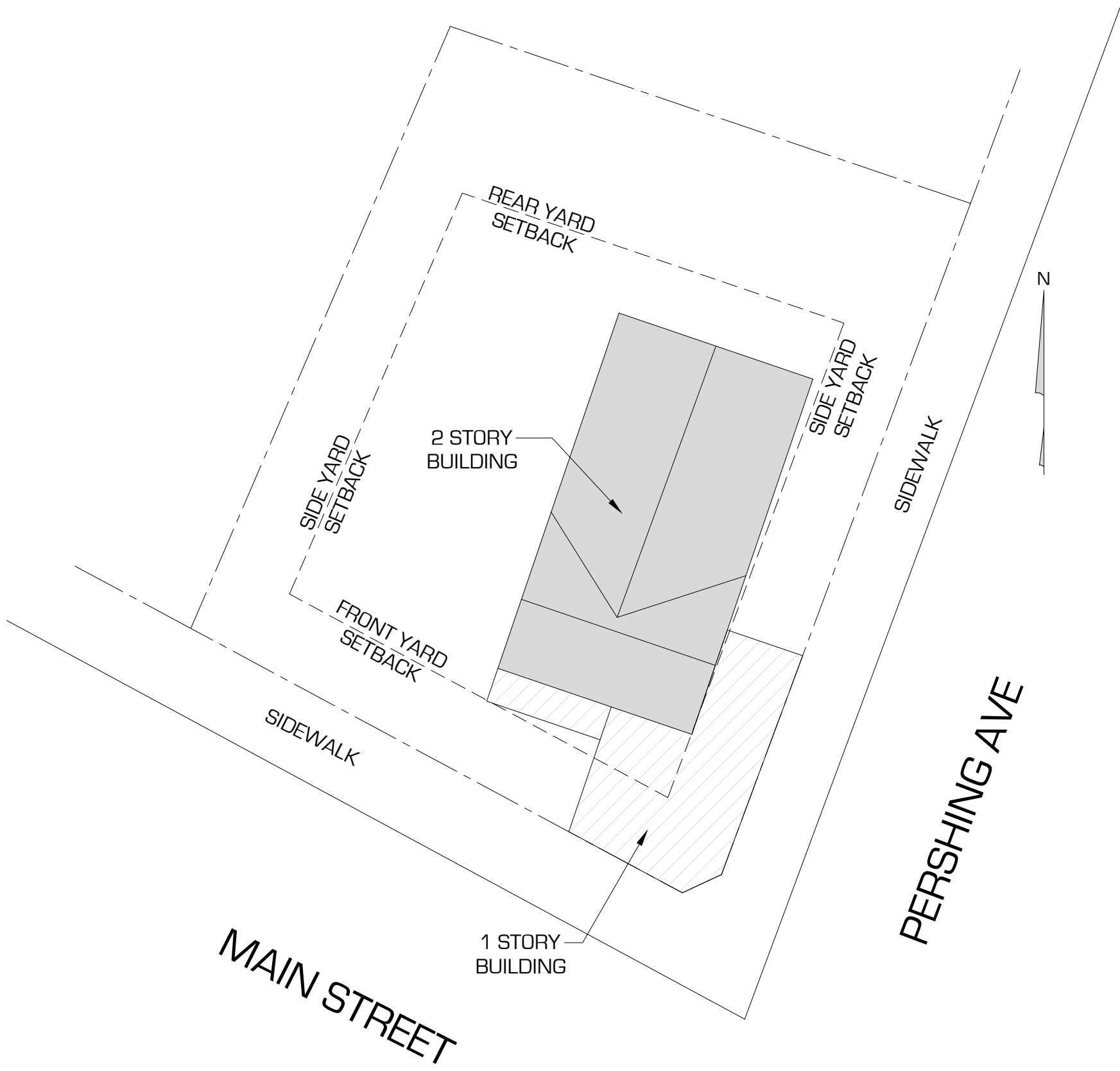
2 SECOND FLOOR PLAN  
PB1.0 SCALE: 1/4" = 1'-0"



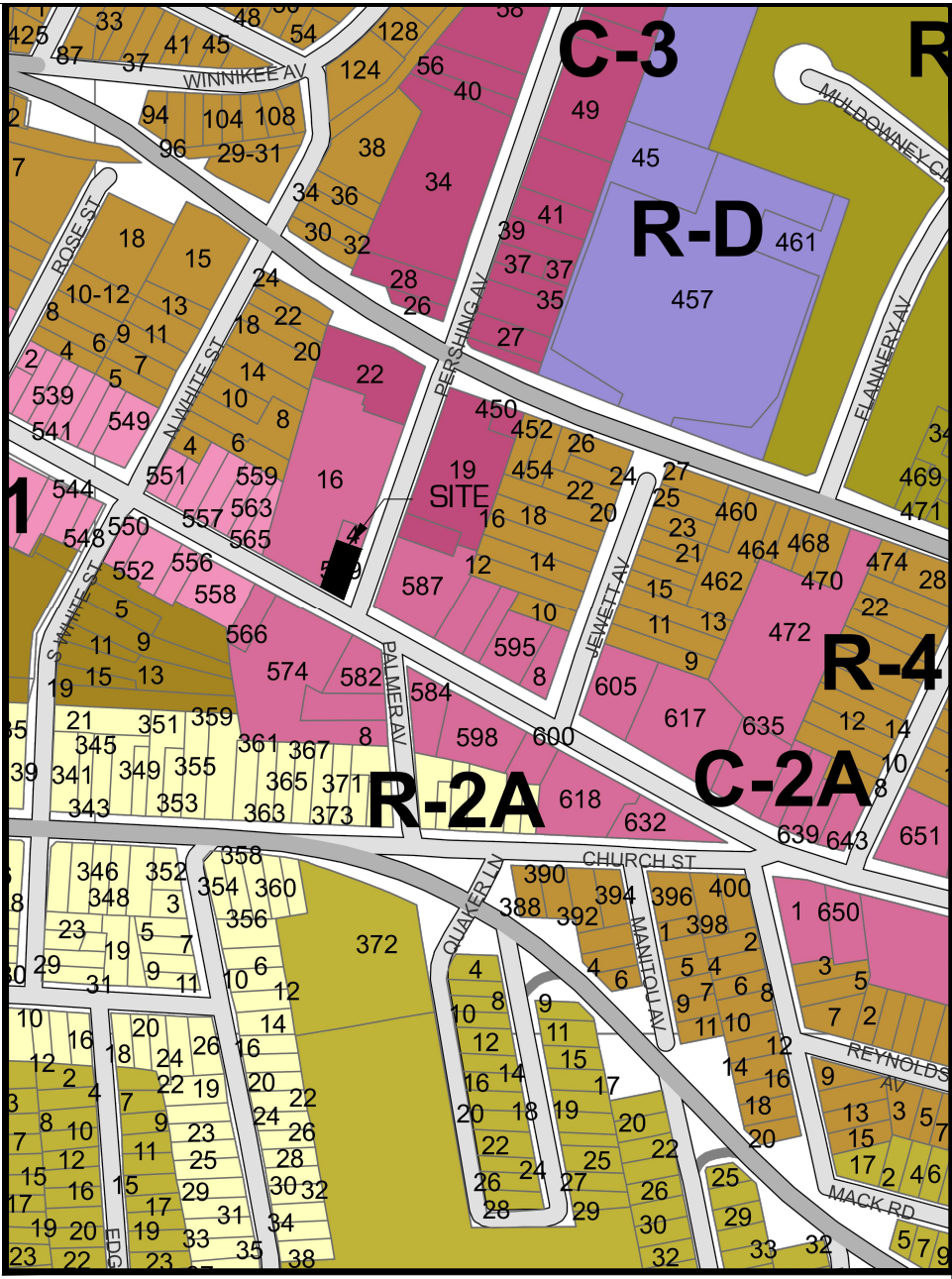
3 MAIN STREET ELEVATION  
PB1.0



4 PERSHING AVE ELEVATION  
PB1.0



5 SITE PLAN  
PB1.0 SCALE: 1/4" = 1'-0"



SITE LOCATION/ZONING MAP

| BULK REQUIREMENTS - C-2A |                                                                                          |                 |
|--------------------------|------------------------------------------------------------------------------------------|-----------------|
| USE: APARTMENT HOUSE     |                                                                                          |                 |
| ITEM                     | REQUIRED / ALLOWED                                                                       | PROVIDED        |
| LOT REQUIREMENTS         |                                                                                          |                 |
| LOT AREA                 | NONE                                                                                     | 7,405 SF        |
| LOT FRONTAGE             | 40'                                                                                      | 50'             |
| FAR                      | 20%                                                                                      | 3768/7405 = .5% |
| YARD REQUIREMENTS        |                                                                                          |                 |
| FRONT YARD               | 10'                                                                                      | 0'/10'          |
| REAR YARD                | 20'                                                                                      | 20'-0"          |
| SIDE YARD (EACH)         | 10'                                                                                      | 0'/40'          |
| COVERAGE REQUIREMENTS    |                                                                                          |                 |
| MAXIMUM LOT COVERAGE     | 60%                                                                                      | 28.9%           |
| PARKING                  |                                                                                          |                 |
| OFF-STREET PARKING       | 2 - 3 BEDROOM = 4<br>1 - 2 BEDROOM = 2<br>OFFICE (1,300 SF) = 1<br>RETAIL (1,300 SF) = 2 | 2 SPACES        |

A. HENNESSY ARCHITECTS, P.C.

•ARCHITECTURE •LAND PLANNING  
•ENGINEERING •DEVELOPMENT

1200 STONY BROOK COURT - SUITE 3  
NEWBURGH, NEW YORK 12550  
PHONE: 845-561-7500 FAX: 845-561-7534  
WWW.HENNESSYARCHITECTS.COM

CLIENT:

JOHANNY  
PROPERTY'S LLC

2600 SOUTH ROAD  
POUGHKEEPSIE, NY

PROJECT:

MULTI-USE  
ALTERATIONS

579 MAIN STREET  
POUGHKEEPSIE, NY

ARCHITECT'S SEAL:

UNAUTHORIZED ADDITION OR  
ALTERATION OF THIS PLAN  
IS A VIOLATION OF SECTION  
7209 (2) OF THE NEW YORK  
STATE EDUCATION LAW.

BUILDING PICTURES  
FLOOR PLANS  
SITE PLAN

| REVISIONS: |  |
|------------|--|
|            |  |
|            |  |
|            |  |
|            |  |

|                    |           |
|--------------------|-----------|
| PROJECT NO.: 22006 | SHEET NO. |
| SCALE: AS NOTED    | PB1.0     |
| DATE: 6.16.22      |           |
| DESIGNER: MH       |           |
| CHECKED: AJH       |           |
| DRAWN BY: MH       |           |



# MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW

January 31, 2023

Robert R. Butts  
Robert B. Dietz  
Joshua E. Mackey  
Ian S. MacDonald  
Cara A. Whalen  
Brooke D. Youngwirth

—  
Christina A. Mazzarella  
Pedro Medina, Jr.

—  
Tyrone Brown  
Roderick J. MacLeod  
R. Keith Salisbury

*Via Hand Delivery & Email to lgarcia@cityofpoughkeepsie.com*  
Board Administrative Assistant  
Zoning Board of Appeals  
City of Poughkeepsie  
Attn: Lori Garcia  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

**Re:   Johanny Properties, LLC 579 Main Street**  
**Parcel #6161-24-423946 – City of Poughkeepsie**  
**Our File No: 1177.0001**

Dear Ms. Garcia,

This firm represents Johanny Properties, LLC (“Johanny”) in connection with its application to the Zoning Board Appeal (“ZBA”) for a use variance permitting it to continue the mix-use of the property located at 579 Main Street in the City of Poughkeepsie.

The existing building at the Property consists of one (1) commercial space and three (3) residential units. Johanny proposes to make alterations to the building in order to provide for two (2) commercial units and (3) residential units. (See drawings attached herewith as Exhibit “A”).

The purpose of this letter is to supplement the previous submission to the ZBA on January 24, 2023.

Attached herewith as Exhibit “B” is a letter from Jose Santos, a real estate specialist with K Fortuna Lighthouse Realty Inc. in Newburgh, New York. Mr. Ramos indicates that Johanny cannot realize a reasonable return if it had the option to sell the structure.

Moreover, attached herewith as Exhibit “C” are Income and Expense Proformas indicating that Johanny will have a negative rate of return should it attempt to develop the building for the uses permitted under the Zoning Ordinance.

Reply to:

☒ 3208 Franklin Avenue  
Millbrook, NY 12545  
P 845.677.6700  
F 845.677.2202

—  
☐ 319 Mill Street  
Poughkeepsie, NY 12601  
P 845.452.4000  
F 845.454.4966

www.mbwlawyers.com

{00384158 1}

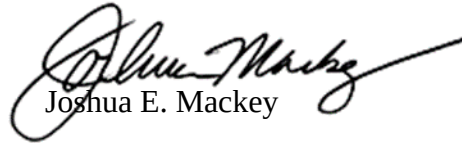


## **CONCLUSION**

On the basis of the foregoing, the ZBA should approve Johanny's application on the grounds that its proposed use of the Property is an allowable continuation of the legally nonconforming use of the Property. In the alternative, the ZBA should grant a use variance.

Very truly yours,

**MACKEY BUTTS & WHALEN, LLP**



Joshua E. Mackey

Encls.

Cc: Rebecca Valk, Esq. (*via email to [rvalk@cityofpoughkeepsie.com](mailto:rvalk@cityofpoughkeepsie.com)*)





**K Fortuna Lighthouse Realty, Inc**  
[www.purpose-driven-realty.com](http://www.purpose-driven-realty.com)  
717 Broadway, Newburgh, NY 12550  
845-303-2810

January 30, 2023

*Via Email to lgarcia@cityofpoughkeepsie.com*  
Zoning Board of Appeals  
City of Poughkeepsie  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Attn: Lori Garcia  
Board Administrative Assistant

**Re: Johanny Properties, LLC 579 Main Street**  
**Parcel #6161-24-423946 – City of Poughkeepsie**

Dear Ms. Garcia:

I write in connection with the application submitted to the Zoning Board of Appeal by Johanny Properties, LLC (“Johanny”) for a use variance permitting it to continue the mix-use of a building on the property located at 579 Main Street (the “Property”). The proposed use of the building will consist of two (2) commercial spaces on the first floor and four (3) residential units on the second floor.

I am a real estate specialist with K Fortuna Lighthouse Realty Inc. in Newburgh, New York. I am familiar with the Property, which is currently constructed as a mixed-use building consisting of one (1) storefront, one (1) home office, and three (3) apartments. It is my understanding that the ZBA is requesting a letter showing Johanny cannot realize a reasonable return if Mr. Pagan had the option to sell the structure. 579 Main Street is a shell and has been vacant for a few years but is full of potential. The owner has currently invested over \$475,000. The way the building sits, there would be no possible way for Mr. Pagan to regain the investment. The zoning presents significant adversity for the current owner as well as any future owner. I would evaluate the building around \$50-60 per sq. ft. with a total of \$225,000-\$270,000.

A 5% broker fee would leave the owners with \$213,750-\$256,000.

This will result in a \$261,000 loss.

Sincerely,

Jose Santos

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** mix use 1st floor commercial and 3 apartments ( current layout )

**Construction:** new electric , new plumbing , new drywall , new insulation , install new utility services

| <b>Revenue:</b>     | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|---------------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor/ apt 1 | 2,250                     | \$ 3468                    | \$41625                   | \$18.50                      |
| 2nd Floor           | 2,250                     | \$3468                     | \$41625                   | \$18.50                      |

**Total:** **\$83,250**  
**Vacancy(Commercial):** 5.0% (\$4,162))  
**Effective Gross Revenue:** **\$79,088**

**Expenses:** (bank underwriting)  
Real Estate Taxes(City & School) \$15,000  
Water and Sewer \$2,000  
Gas Heat and Hot Water \$1,000  
Common Area Electric (Landlord Meter) \$800  
Insurance \$2,000  
Management Fee \$3,000  
Superintendent \$7,000  
Trash Removal \$1,000  
Landscaping / Snow Removal \$1,000  
Repairs and Maintenance \$1,000  
Legal & Accounting \$1,000  
Reserves/Replacements \$1,000  
Miscellaneous \$2000  
**Total Expenses** **\$37,800**

**Net Operating Income** **\$41,288**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

Acquisition, Closing, Construction: **\$700,000**  
Unleveraged Return: **1.5%**

**Debt Service Analysis:**

Interest Rate: 7.0%  
Loan Amount(Years): 30  
Loan Amount: (75% LTV) \$560,000  
Monthly Payment: \$3,726  
Annual Payment: \$44,712

DSCR: 0.30  
Debt Yield: 2.0%  
LTV

Excess Cash Flow: (\$738.0)

**Leveraged Return:** **-7.0%**



579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft  
**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Cold Storage Plant - Baking Plant( each occupy ½ ground floor) / Wholesale Carpet Sales office - Arts & Crafts Studio( each occupy ½ of second floor)

**Construction:** Gut entire building, rebuild entire property, install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |
| 2nd Floor       | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |

|                                 |  |       |                 |  |
|---------------------------------|--|-------|-----------------|--|
| <b>Total:</b>                   |  |       | <b>\$67,500</b> |  |
| Vacancy(Commercial):            |  | 10.0% | (\$6,750)       |  |
| <b>Effective Gross Revenue:</b> |  |       | <b>\$60,750</b> |  |

|                                       |                 |
|---------------------------------------|-----------------|
| <b>Expenses:</b> (bank underwriting)  |                 |
| Real Estate Taxes(City & School)      | \$15,000        |
| Water and Sewer                       | \$2,000         |
| Gas Heat and Hot Water                | \$1,000         |
| Common Area Electric (Landlord Meter) | \$800           |
| Insurance                             | \$2,000         |
| Management Fee                        | \$5,000         |
| Superintendent                        | \$10,000        |
| Trash Removal                         | \$1,000         |
| Landscaping / Snow Removal            | \$1,000         |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$1,000         |
| Reserves/Replacements                 | \$2,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$42,300</b> |

**Net Operating Income**    **\$18,450**

|                             |
|-----------------------------|
| <b><u>Rent Comps</u></b>    |
| 639 Main- Ask \$15 sf       |
| 551 Main- \$9.25 sf         |
| 218 Main- \$10.67 sf        |
| 534 Main- \$13 sf Retail    |
| 21 Davis- \$15 sf GF office |

|                                     |                                   |
|-------------------------------------|-----------------------------------|
|                                     | <b><u>Cash-on-Cash Return</u></b> |
| Acquisition, Closing, Construction: | \$930, 547                        |
| Unleveraged Return:                 | 1.5%                              |

|                                      |              |
|--------------------------------------|--------------|
| <b><u>Debt Service Analysis:</u></b> |              |
| Interest Rate:                       | 7.0%         |
| Loan Amount(Years):                  | 30           |
| Loan Amount: (75% LTV)               | \$697,910    |
| Monthly Payment:                     | \$5,066      |
| Annual Payment:                      | \$60,792     |
| DSCR:                                | 0.30         |
| Debt Yield:                          | 2.0%         |
| LTV                                  |              |
| Excess Cash Flow:                    | (\$42,342)   |
| <b>Leveraged Return:</b>             | <b>-6.0%</b> |

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Auto Rental, Mechanic Shop, Auto Sales, Boat sales (**Special Permitted Uses**)

**Construction:** Gut entire building, DEMO BUILDING rebuild SMALL OFFICE ,PAVE LOT , install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 1,500                     | \$1,875                    | \$22,500                  | \$15                         |

**Total:** **\$22,500**

**Effective Gross Revenue:** **\$22,500**

**Expenses:** (bank underwriting)

|                                       |                 |
|---------------------------------------|-----------------|
| Real Estate Taxes(City & School)      | \$5,000         |
| Water and Sewer                       | \$500           |
| Gas Heat and Hot Water                | \$500           |
| Common Area Electric (Landlord Meter) | \$300           |
| Insurance                             | \$1,000         |
| Management Fee                        | \$2,000         |
| Superintendent                        | \$0             |
| Trash Removal                         | \$300           |
| Landscaping / Snow Removal            | \$700           |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$700           |
| Reserves/Replacements                 | \$1,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$13,500</b> |

**Net Operating Income** **\$9,000**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

Acquisition, Closing, Construction: \$761,255  
Unleveraged Return: 1.5%

**Debt Service Analysis:**

Interest Rate: 7.0%  
Loan Amount(Years): 30  
Loan Amount: (75% LTV) \$570,941  
Monthly Payment: \$4,591  
Annual Payment: \$55,092

DSCR: 0.30  
Debt Yield: 2.0%  
LTV

Excess Cash Flow: (\$32,592)

**Leveraged Return:** **-8.0%**

579 Main Street  
Poughkeepsie, NY 12601  
Income & Expense Proforma

**Property Address:** 579 Main Street Poughkeepsie, NY 12601

**Property Size (existing)** 4,500 sq/ft

**Commercial SF (new)** 4,500 sq/ft

**Type Of Use(s):** 1) Funeral Parlor (½ Ground floor and basement) / Restaurant (½ ground floor) / Recording studio (¼ 2nd floor)/ Dry cleaning(¼ 2nd floor)/ Radio studio(¼ 2nd floor)/ Arts & Crafts Studio(¼ 2nd floor)

**Construction:** Gut entire building, rebuild entire property, install new utility services

| <b>Revenue:</b> | <b><u>SF of Space</u></b> | <b><u>Monthly Rent</u></b> | <b><u>Annual Rent</u></b> | <b><u>Annual Rent/SF</u></b> |
|-----------------|---------------------------|----------------------------|---------------------------|------------------------------|
| Ground Floor    | 2,250                     | \$2,343                    | \$28,116                  | \$12.50                      |
| 2nd Floor       | 2,250                     | \$2,812                    | \$33,750                  | \$15                         |

|                                 |  |       |                 |  |
|---------------------------------|--|-------|-----------------|--|
| <b>Total:</b>                   |  |       | <b>\$61,866</b> |  |
| Vacancy(Commercial):            |  | 10.0% | (\$6,186)       |  |
| <b>Effective Gross Revenue:</b> |  |       | <b>\$55,680</b> |  |

**Expenses:** (bank underwriting)

|                                       |                 |
|---------------------------------------|-----------------|
| Real Estate Taxes(City & School)      | \$15,000        |
| Water and Sewer                       | \$2,000         |
| Gas Heat and Hot Water                | \$1,000         |
| Common Area Electric (Landlord Meter) | \$800           |
| Insurance                             | \$2,000         |
| Management Fee                        | \$5,000         |
| Superintendent                        | \$7,000         |
| Trash Removal                         | \$1,000         |
| Landscaping / Snow Removal            | \$1,000         |
| Repairs and Maintenance               | \$1,000         |
| Legal & Accounting                    | \$1,000         |
| Reserves/Replacements                 | \$2,000         |
| Miscellaneous                         | \$500           |
| <b>Total Expenses</b>                 | <b>\$39,300</b> |

**Net Operating Income**    **\$16,380**

**Rent Comps**

639 Main- Ask \$15 sf  
551 Main- \$9.25 sf  
218 Main- \$10.67 sf  
534 Main- \$13 sf Retail  
21 Davis- \$15 sf GF office

**Cash-on-Cash Return**

Acquisition, Closing, Construction:    \$930,547  
Unleveraged Return:    1.5%

**Debt Service Analysis:**

Interest Rate:    7.0%  
Loan Amount(Years):    30  
Loan Amount: (75% LTV)    \$697,910  
Monthly Payment:    \$5,066  
Annual Payment:    \$60,792

DSCR:    0.30  
Debt Yield:    2.0%  
LTV

Excess Cash Flow:    (\$44,412)

**Leveraged Return:**    **-7.0%**

# MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW

January 24, 2023

Robert R. Butts  
Robert B. Dietz  
Joshua E. Mackey  
Ian S. MacDonald  
Cara A. Whalen  
Brooke D. Youngwirth

—  
Christina A. Mazzarella  
Pedro Medina, Jr.

—  
Tyrone Brown  
Roderick J. MacLeod  
R. Keith Salisbury

*Via Email to lgarcia@cityofpoughkeepsie.com*  
Board Administrative Assistant  
Zoning Board of Appeals  
City of Poughkeepsie  
Attn: Lori Garcia  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

**Re:   Johanny Properties, LLC 579 Main Street**  
**Parcel #6161-24-423946 – City of Poughkeepsie**  
**Our File No: 1177.0001**

Dear Ms. Garcia,

This firm represents Johanny Properties, LLC connection with its application to the Zoning Board Appeal (“ZBA”) for a use variance permitting it to continue the mix-use of the property located at 579 Main Street in the City of Poughkeepsie, which will consist of one (1) commercial space and four (4) residential units. As further set forth below, the ZBA should approve Johanny’s application on the grounds that its proposed use of the Property is an allowable continuation of the legally nonconforming use of the Property. In the alternative, the ZBA should grant a use variance pursuant to Town Law § 267-b (2) (b).

## **FACTUAL HISTORY**

Johanny Properties, LLC (“Johanny”) is the owner of property located at 579 Main Street (the “Property”) in the City of Poughkeepsie (the “City”). The building on the Property has been a mixed-use building containing a retail store on the first floor and a residential component on the second floor. The Property and building are located in the City’s Main Street Commercial (C-2A) District. The use of the property for residential purposes in the C-2A District is not permitted under § 19-3.23.1(2) of the Zoning Ordinance. The Property has, apparently, been legally nonconforming since at least 1989.

Reply to:

☒ 3208 Franklin Avenue  
Millbrook, NY 12545  
P 845.677.6700  
F 845.677.2202

—  
☐ 319 Mill Street  
Poughkeepsie, NY 12601  
P 845.452.4000  
F 845.454.4966

www.mbwlawyers.com

Drawings submitted to the Building Department on September 6, 1989, by a previous owner of the Property, Fernando Piney, show plans for a retail store and

{00382847 1}



residential space on the first-floor and second-floor residential unit. *See*, Exhibit “A”, attached herewith.

Two site plans submitted by Pancho Villa Deli to the Building Department on November 27, 2002, and February 4, 2003, indicates proposed restoration work on the mixed-use structure consisting of a deli on the first floor and a residential dwelling on the second floor. *See*, Exhibits “B” and “C”, attached herewith. Alterations to the second-floor residential unit were approved by the Building Department based on plans submitted on May 3, 2002. *See*, Exhibit “D” attached herewith.

After Johanny had purchased the Property on May 23, 2022, Deputy Zoning Administrator, Judith Knauss, advised Johanny in an email dated July 5, 2022, that the building had been vacant for more than a year and that any right to reestablish this use had apparently expired pursuant to § 19-5.1(1)(d) of the Zoning Ordinance. *See*, Exhibit “E”, annexed herewith.

Section 19-5.1(1)(d) provides that a nonconforming use:

“[s]hall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so.”

*See*, Zoning Ordinance, § 19-5.1(1)(d)

Ms. Knauss advised Johanny’s principal, Jonathan Pagan, that any application to establish or reestablish residential use in the Property would require a use variance from ZBA. Accordingly, an application for same was submitted by Johanny on July 29, 2022. The ZBA first heard the application on October 11, 2022. The ZBA should approve Johanny’s application on the grounds that its proposed use of the Property is an allowable continuation of the legally nonconforming use of the Property. In the alternative, the ZBA should grant a use variance pursuant to Town Law § 267-b (2) (b).

During a meeting on December 22, 2022, the ZBA requested that Johanny provide supplemental information satisfying the four (4) requirements for obtaining a use variance under Town Law § 267-b(2)(b), such as:

1. Preparation of a more complete rate of return calculation for all permitted uses within the C-2A district to better support the applicant’s claim that there is not a reasonable rate of return for any use other than that proposed.

2. Documentation supporting claims regarding the unique characteristics of the property/building demonstrating that the hardship of the site is not shared by other sites within the C-2A district.
3. Case law supporting Johnny's application, especially in regards to the self-created hardship test.

See, Exhibit "F", attached herewith.

**THE PROPOSED RESIDENTIAL USE SHOULD BE APPROVED  
BECAUSE IT CONSTITUTES AN ALLOWABLE CHANGE OF USE  
UNDER SECTION 19-5.1 OF THE ZONING ORDINANCE**

The building on the Property is situated in the C-2A district, where residential use is not permitted. As stated above, the building has been a nonconforming mixed-use structure since at least approximately 1989. There has existed a legal, non-conforming use consisting of a commercial space (Deli) and residential units on the first and second floors of the building for at least 34 years.

Section 19-5.1(1)(c) of the Zoning Ordinance provides that a nonconforming use:

Shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use which, in the opinion of said Board is of the same or of a more restricted nature. No building or land changed to a more restricted nonconforming use shall be changed back to a less restrictive use.

See, Zoning Ordinance, § 19-5.1 (1) (c).

This application for a commercial space and residential units is essentially the same use as the non-conforming mixed-use at the Property and should be approved. See, *Aboud v. Wallace*, 94 A.D.2d 874 (3<sup>rd</sup> Dept. 1983).

In *Aboud*, the court upheld the determination by a city board of building and zoning appeals that the use of a building by a lobbying group for its office was substantially the same as the prior nonconforming use of the building as a medical office. The court stated that determining whether a particular use is a continuation of or a change in a nonconforming use is a factual determination for the zoning board in each case; a continuation of use exists where the use is substantially the same as that which previously existed and where the essential character of the use has not been changed. *Id.*, 94 A.D.2d at 875.

The court pointed out that no restoration or repairs were involved; there was no change in the building's appearance or structure as a result of the change from a medical to a lobbying office; nor would there be any increase in occupants or

clientele, thereby to affect the character of the neighborhood. Accordingly, the court held that the trial court had properly upheld the city board's determination that the use by the lobbying group was not an improper substitution of one nonconforming use for another. *Id.*, at 876.

The instant application clearly meets the standard in *Aboud*. The proposed nonconforming use is virtually identical to what has occurred on the Property since it was first developed. There will be minimal restoration or repairs; the building's appearance, structure, and footprint will not change; nor will there be any change in type of occupants or clientele, resulting in no effect on the character of the neighborhood. Accordingly, the ZBA could grant the application.

### **ALTERNATIVELY, THE ZBA SHOULD GRANT THE APPLICANT A USE VARIANCE**

Town Law § 267-b (2) (b) provides that a use variance shall not be granted unless the ZBA determines:

- (4) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.

See, Town Law § 267-b (2) (b); *Matter of Sullivan v City of Albany Bd. of Zoning Appeals*, 20 A.D.3d 665, 666 (3<sup>rd</sup> Dept. 2005); *Matter of Center Sq. Assn., Inc. v City of Albany Bd. of Zoning Appeals*, 19 A.D.3d 968, 970 (3<sup>rd</sup> Dept. 2005).

#### **(1) Reasonable Rate of Return**

“[B]efore a claim that a property is yielding less than a reasonable return may properly be interposed, the reasonable return for that property must first be known or at least be ascertainable”. See, *Matter of Crossroads Recreation v Broz*, 4 N.Y.2d 39, 45 (1958). Moreover, the courts have consistently required “proof, in dollars and cents form, of all matters bearing upon the return available under existing zoning.” See, *Matter of Village Bd. v Jarrold*, 53 N.Y.2d 254, 257 (1981); *Matter of DeBeer v Zoning Bd. of Appeals*, 226 A.D.2d 721 (2<sup>nd</sup> Dept. 1996); *Matter of Delmarco v Zoning Bd. of Appeals*, 204 A.D.2d 447 (2<sup>nd</sup> Dept. 1994)). Such evidence “must show that no permissible use will yield a reasonable

return.” *Jarrold*, 53 N.Y.2d at 258; *Matter of Miltope Corp. v Zoning Bd. of Appeals*, 184 A.D.2d 565 (2<sup>nd</sup> Dept. 1992); *Matter of Forrest v Evershed*, 7 N.Y.2d 256 (1959) (Applicant must submit evidence regarding whether other permitted uses within the applicable zoning district would fail to yield a reasonable return.).

In *Matter of Conte v. Town of Norfolk Zoning Bd. of Appeals*, 261 A.D.2d 734, 736 (3<sup>rd</sup> Dept. 1999) the court noted that evidence of proof that denial of the variance would preclude petitioners’ realizing a reasonable return on the property may include the property’s purchase price, present value, real property taxes, mortgages and liens or other expenses. *See also, DeFeo v. Zoning Board of Appeals of Town of Bedford*, 137 A.D.3d 1123 (2<sup>nd</sup> Dept. 2016) (Applicant should submit actual financial information, such as the original purchase price of the property, the expenses and carrying costs, the present value of the property, the taxes, the amount of any mortgages, the amount of income presently realized, or an estimate as to what a reasonable return on the entire property or any portion should be.).

Similarly, in *Miltope*, the court noted that relevant evidence required to establish the inability to obtain a reasonable return would include: purchase price of the property; present value of the property; amount of real estate taxes; the amount of mortgages or liens; the cost of demolishing the old structure on a property and of erecting a new building; and the projected income from the proposed use. 184 A.D.2d at 566; *see also, In Glacial Aggregates, LLC v. Town of Yorkshire Zoning Board of Appeals*, 19 Misc.3d 1125(A) (Sup. Ct. Cattaraugus Co. 2008) (In support of its application, the applicants submitted a detailed report which concluded that each permissible use of the property would result in a negative return).

Johanny has submitted multiple financial analyses of its own. As of the time of this submission, Johanny has engaged a real estate broker to draft further financial analysis demonstrating that denial of the application will prevent it from realizing a reasonable return on the Property. The information will be provided to the ZBA under separate cover.

## **(2) Unique Hardship.**

The second enumerated statutory criterion requires that an application for a use variance demonstrate that “the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.” *See*, Town Law § 267-b(2)(b)(2).

In finding that uniqueness had been demonstrated, the courts have credited multiple minor distinctions. *See, Supkis v. Town of Sand Lake Zoning Board of Appeals*, 227 A.D.2d 779 (3<sup>rd</sup> Dept. 1996), or singular distinguishing characteristics. *In Rothenberg v. Board of Zoning Appeals of the Town of Smithtown*, 232 A.D.2d 568, (2<sup>nd</sup> Dept. 1996), for example, property which was the



subject of a use variance application for commercial use in a residential zone was considered to be unique as compared to other properties in the area because it was the only undeveloped residentially zoned parcel which was located on a major intersection.

The fact that property suffers from a particular undesirable feature is not sufficient in and of itself to demonstrate that the property is unique. The applicant must demonstrate that neighboring properties do not suffer from the same feature. *See, Kingsley v. Bennett*, 185 A.D.2d 814, (2d Dept. 1992); *Colonna v. Board of Standards and Appeals of the City of New York*, 166 A.D.2d 528 (2<sup>nd</sup> Dept. 1990). For example, in *Collins v. Carusone*, 126 A.D.2d 847 (3<sup>rd</sup> Dept. 1987), the court sustained the rejection of a use variance, in part, because of the failure to satisfy the uniqueness prong since the claimed hardship, proximity to the city landfill, was common to all properties in the area.

The property is unique because it is the only two-story, vacant and under-utilized mixed-use building on Main Street – one of the busiest streets in the City. Almost all the structures in the area are similarly mixed-use commercial and residential and are occupied. The proposed use is identical to what has occurred on the Property and in the surrounding area.

### **(3) Neighborhood Character.**

In its application for a use variance, the applicant must demonstrate that the proposed use is consistent with the pattern of development in the area and will not have a significant detrimental impact on the neighborhood or community.

Uses which result in an imperceptible change have been held to have no effect on the character of a neighborhood. *See, Fiore v. Zoning Board of Appeals of the Town of Southeast*, 21 N.Y.2d 393 (1968) (holding that the grant of a variance would not alter the essential character of a residential district where one could conclude that there was no outward appearance of a business use because the property was used for the storage of antiques for five years and the neighbors were unaware of the use). In *Fiore*, the court held that the barn's conversion to an antiques business' storage facility could not have altered the community because the community failed to notice or complain about the change for five years); *see also, Dwyer v. Polsinello*, 160 A.D.2d 1056 (3<sup>rd</sup> Dept. 1990) (the grant of a variance will not have material implications to the character of the district. The building would remain virtually unchanged).

The building on the Property had been designated for mixed-use for many years before it became vacant. It is located in an area where almost every other surrounding building is mixed-use. As a result, reestablishing the building's mixed-use designation will have no material impact on the character of the district, which already sites similar structures. Moreover, as was the case in *Dwyer*, the existing building would remain virtually unchanged from the outside.

The proposed use is identical to what has occurred on the Property and in the surrounding area. The building's appearance, structure, and footprint will not change. Furthermore, there will be no change in type of occupants or clientele entering the building. Consequently, there will be no effect on the character of the neighborhood. Accordingly, the ZBA could grant the application.

**(4) Hardship is not Self-Created.**

A hardship is self-created where an applicant acquires property subject to the restrictions from which relief is sought. *See First National Bank of Downsville v. City of Albany Board of Zoning Appeals*, 216 A.D.2d 680 (3<sup>rd</sup> Dept. 1995); *Tharp v. Zoning Board of Appeals of the City of Saratoga Springs*, 138 A.D.2d 906, (3<sup>rd</sup> Dept. 1988). *Rehabilitation Support Services, Inc. v. City of Albany Bd. of Zoning Appeals*, 140 A.D.3d 1424 (3<sup>rd</sup> Dept. 2016) (the hardship was self-created because the petitioner was aware when it purchased the property that the use was not a permissible use).

In *Center Square Ass'n v. City of Albany Board of Zoning Appeals*, 19 A.D.3d 968 (3d Dept. 2005), shortly after a 19-unit, nonconforming apartment building was purchased, city fire officials vacated the building, subsequently declared the property a general nuisance, and rescinded its nonconforming use status. The property was located in a zone which permitted only one or two-family row houses. The owners sought and were granted use and area variances to renovate the building into 13 apartments. 19 A.D.3d at 969. The Third Department confirmed the dismissal of an article 78 petition challenging the propriety of the variances.

The owners, a real estate broker, had been aware that the zoning law permitted a nonconforming use to continue if the building had been vacant less than one year, and, as a result, he believed that the property could continue to be utilized for multiple apartments. The owners apparently were unaware that the declaration of the property as a general nuisance abrogated its nonconforming use status under the city zoning law, but, according to the court, even that determination seemed to invite future owners to apply for variances for multiple apartments. 19 A.D.3d at 970. The court concluded that, under the circumstances, the board of appeals could have rationally decided that the hardship here was not self-imposed.

In the instant application, before purchasing the Property, Johanny was aware that the building on the Property was a mixed-use building and assumed that it complied with the zoning ordinance. Moreover, Johanny inquired from the City of Poughkeepsie Building Department to determine whether there were any outstanding violations or tax issues in connection with the Property. Similar to the fact pattern in the *Center Square* case, at no time during the three occasions when Johanny visited the Building Department was Johanny told that the mixed-use

designation had lapsed because the building has allegedly been vacant for more than a year.

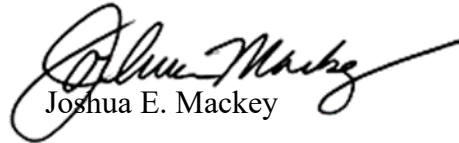
Due to the confusion, obviously unintentional, this situation arose. The hardship is not self-created under these circumstances.

### **CONCLUSION**

On the basis of the foregoing, the ZBA should approve Johanny's application on the grounds that its proposed use of the Property is an allowable continuation of the legally nonconforming use of the Property. In the alternative, the ZBA should grant a use variance.

Very truly yours,

**MACKEY BUTTS & WHALEN, LLP**



Joshua E. Mackey

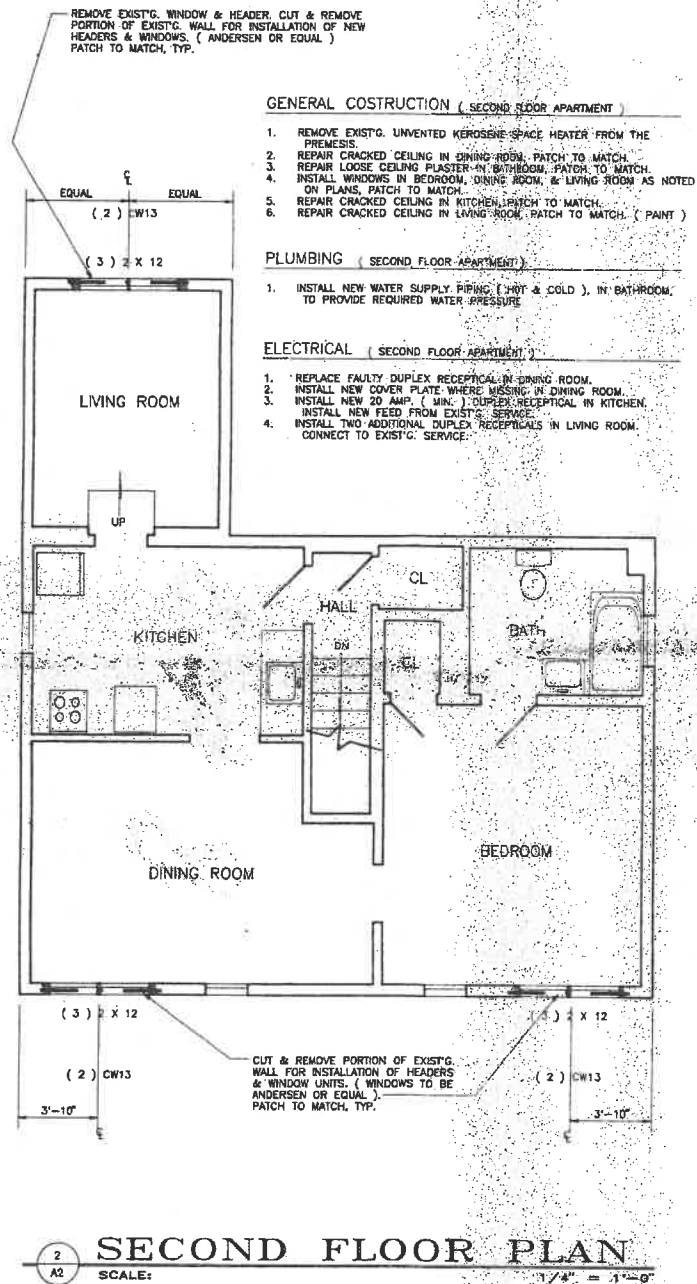
Encls.

Cc: Rebecca Valk, Esq. *(via email at [rvalk@rebeccavalklaw.com](mailto:rvalk@rebeccavalklaw.com))*

## **EXHIBIT A**

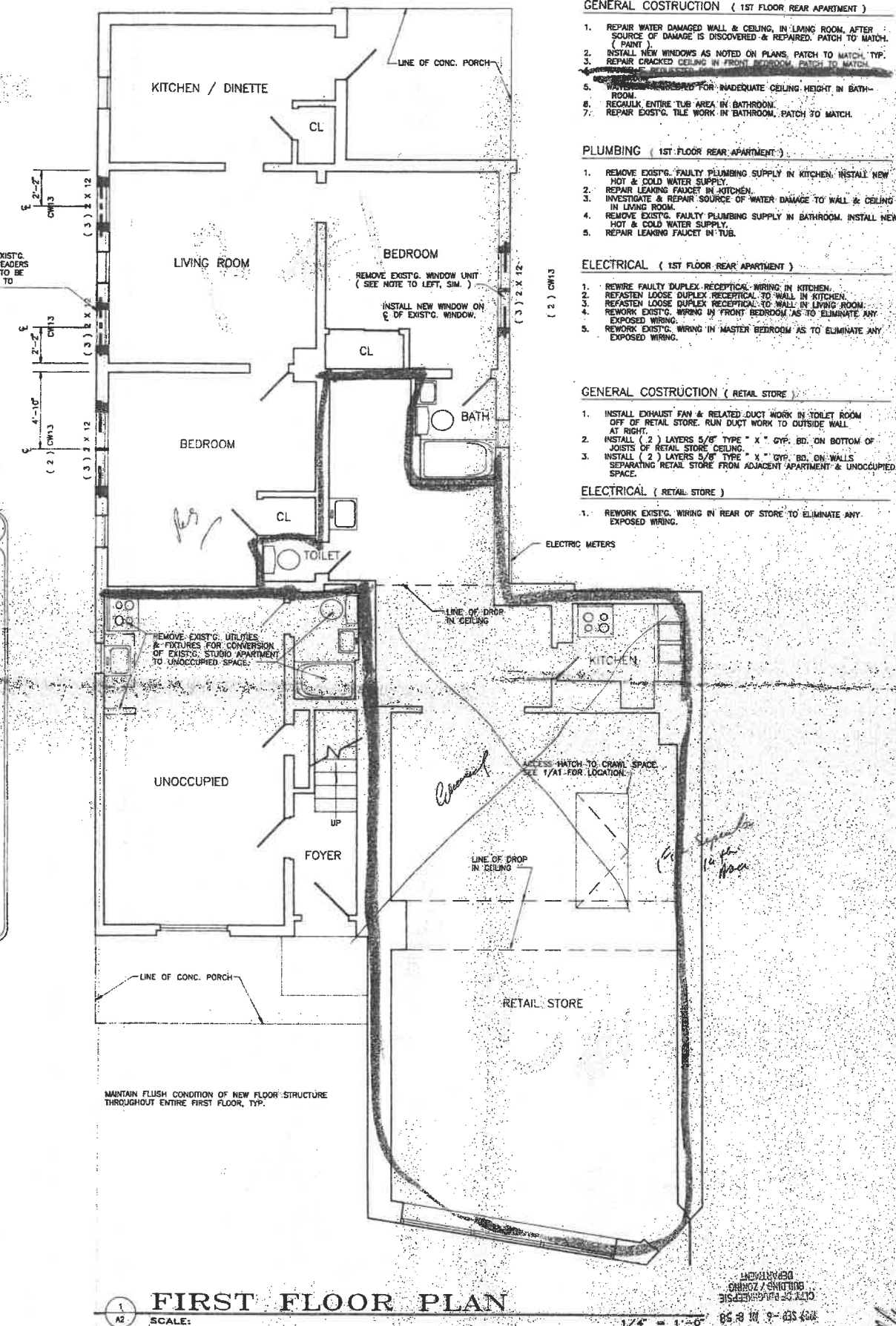






**GENERAL NOTES**

1. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS.
2. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE PRIOR TO COMMENCEMENT OF WORK AND NOTIFY ARCHITECT OF DISCREPANCIES, IF ANY.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND ORDINANCES.
4. CONTRACTORS SHALL COORDINATE THEIR WORK WITH ALL OTHER TRADES SO AS NOT TO CAUSE ANY UNNECESSARY DELAYS IN PROJECT.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR APPROVALS AND FINAL INSPECTIONS OF HIS WORK BY LOCAL BUILDING INSPECTOR.
6. CONTRACTOR SHALL OBTAIN CERTIFICATE OF OCCUPANCY UPON COMPLETION OF WORK OF ALL TRADES.
7. ALL WORK SHALL BE OF THE QUALITY EXPECTED OF THE RESPECTIVE TRADES.
8. ALL EXISTING AREAS DAMAGED DUE TO REMOVAL OF NEW CONSTRUCTION SHALL BE PATCHED WITH MATERIALS SIMILAR TO EXISTING TYPICAL.
9. CONTRACTOR SHALL PREPARE ALL SURFACES AND INSTALL ALL MATERIALS AS PER MANUFACTURER'S RECOMMENDATIONS.
10. ALL LUMBER USED SHALL BE OF GOOD QUALITY AND FREE OF ANY SPLITS, CHECKS OR WARPING.
11. ALL LUMBER SHALL BE CONSTRUCTION GRADE #2 & 1200 D.M.B.M.
12. ALL SELECTIONS OF MATERIALS, FINISHES, STAINING, COLORS, ETC. SHALL BE BY OWNER UNLESS NOTED OTHERWISE.
13. ALL INSULATING MATERIALS USED SHALL MEET OR EXCEED A.S. ENERGY CONSERVATION CONSTRUCTION CODE REQUIREMENTS.
14. ALL OPERABLE WINDOWS SHALL BE WEATHERSTRIPPED AND ALL GLASS INSULATING TYPE.
15. ALL CONCRETE SHALL BE A MINIMUM OF 3000 P.S.I. & 28 DAYS.
16. ALL FOOTINGS SHALL BE A MINIMUM OF 4'-0" BELOW GRADE.
17. ALL FOOTINGS SHALL BE PLACED ON LEVEL, UNDISTURBED VIRGIN SOIL.
18. ALL CONCRETE AND REINFORCEMENT WORK SHALL CONFORM TO A.C.I. 318-71.
19. ALL REINFORCING BARS FOR CONCRETE WORK SHALL CONFORM TO ASTM A615, GRADE 60.
20. MASONRY MORTAR SHALL CONFORM TO THE SPECIFICATIONS FOR MORTAR FOR UNIT MASONRY AS PER ASTM C270, TYPE M MORTAR.
21. ALL MASONRY WORK SHALL CONFORM TO THE SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION FOR LOAD BEARING CONCRETE MASONRY OF THE NATIONAL CONCRETE MASONRY ASSOCIATION AND A.C.I. STANDARD 608-23A.
22. CONTRACTOR SHALL USE FIGURE DIMENSIONS ONLY AND AT NO TIME SHALL HE SCALE THE DRAWINGS.



88-49  
5 MAY 89  
PR

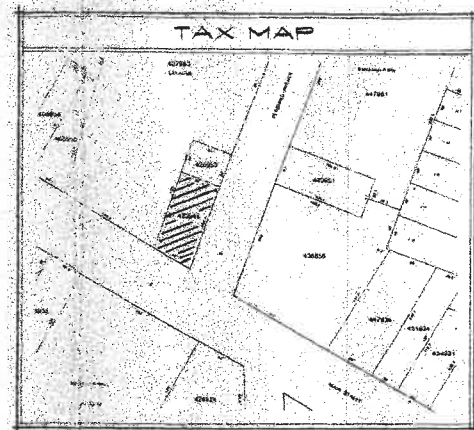
579 MAIN STREET  
FERNANDO PINEY - OWNER  
CITY OF Poughkeepsie NEW YORK

FIRST & SECOND FLOOR PLANS, GEN. NOTES  
MAURI ASSOCIATES ARCHITECTS, P.C.  
303 MILL STREET Poughkeepsie NEW YORK 12601  
914-892-4000



## **EXHIBIT B**





| ZONING DATA CHART  |                                                            |             |             |
|--------------------|------------------------------------------------------------|-------------|-------------|
| ZONE C-2A          | MAIN STREET COMMERCIAL DISTRICT<br>PARCELS 9 0161-24-02346 | REQ'D/ALLOW | EXISTING    |
| LOT AREA           | MIN                                                        | NONE        | 4807 ± SF   |
| LOT FRONTAGE       | MIN                                                        | 40'         | 50'         |
| FRONT YARD SETBACK | MIN                                                        | 10'         | NONE        |
| SIDE YARD SETBACKS | MIN                                                        | 10'         | 10'-3" ± 2' |
| REAR YARD SETBACK  | MIN                                                        | 20'         | 21'-3" ±    |
| FLOOR AREA RATIO   | MAX                                                        | 2.0         | 60          |
| LOT COVERAGE       | MAX                                                        | 60%         | 45%         |

| REQUIRED SIGNATURES |                                   |
|---------------------|-----------------------------------|
| PLANNING            | POLICE CHIEF                      |
|                     | FIRE CHIEF                        |
|                     | PLUMBING INSPECTOR                |
|                     | CITY ENGINEER                     |
|                     | SUPERINTENDENT<br>OF PUBLIC WORKS |

# OWNER'S CERTIFICATION

I / WE THE UNDERSIGNED OWNER / OFFICER OF THE PROPERTY SHOWN HEREON, HEREBY CERTIFY THAT I / WE ARE FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGALITY, AND HEREBY AGREE TO THE TERMS AND CONDITIONS AS STATED HEREON.

I / WE THE UNDERSIGNED OWNER / OFFICER OF THE PROPERTY HEREBY CERTIFY THAT I / WE ARE FINANCIALLY CAPABLE OF COMPLETING THIS PROJECT

|                         |                    |
|-------------------------|--------------------|
| <hr/> <b>PRINT NAME</b> | <hr/> <b>TITLE</b> |
| <hr/> <b>SIGNATURE</b>  | <hr/> <b>DATE</b>  |

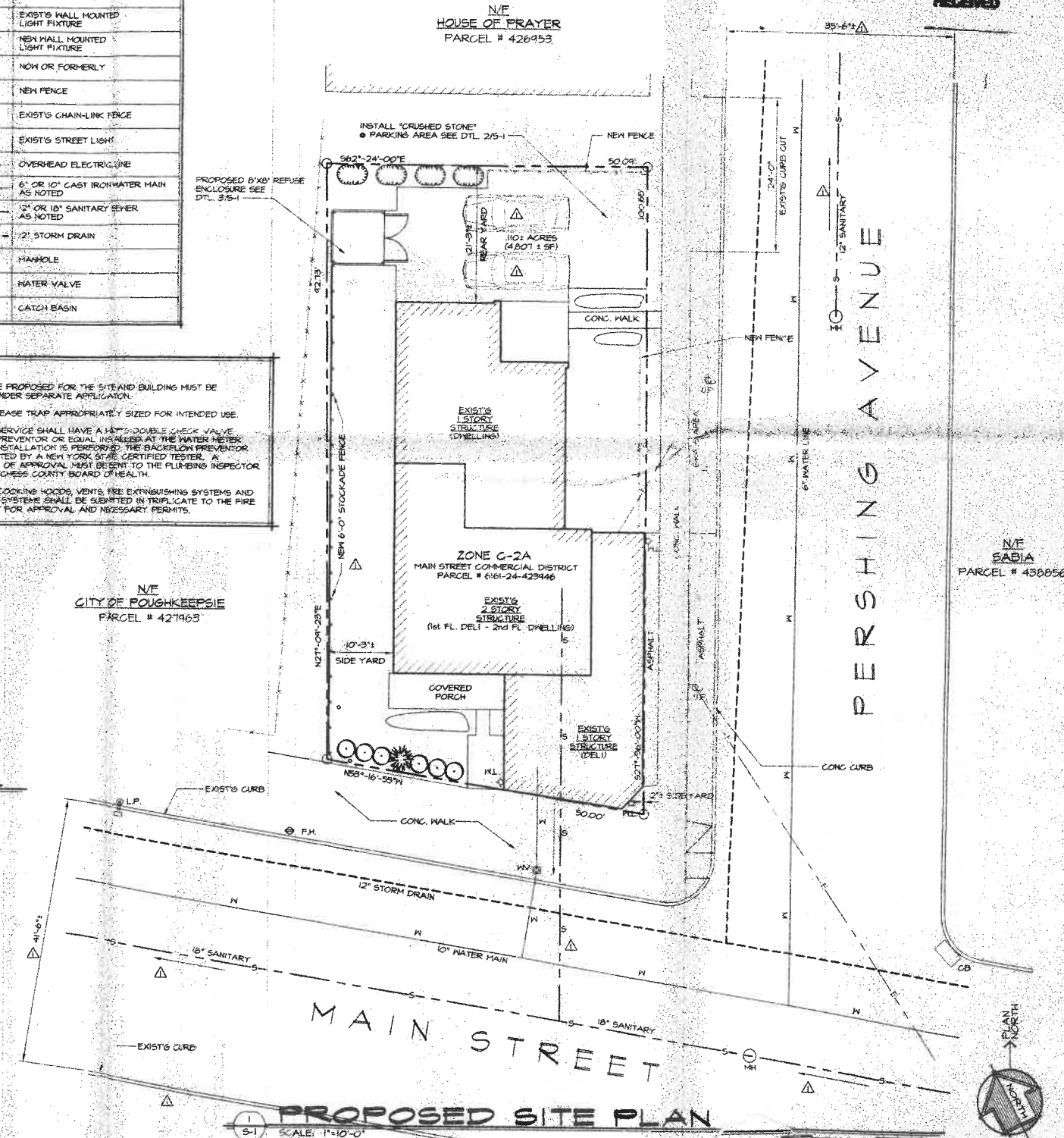
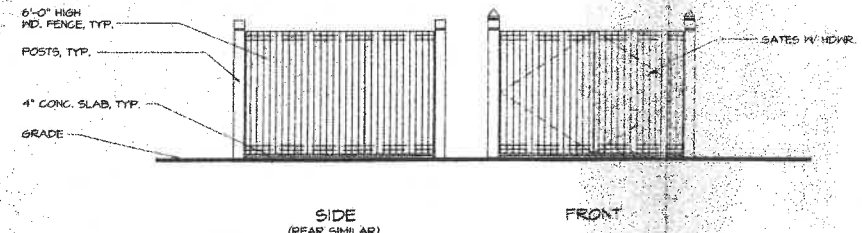
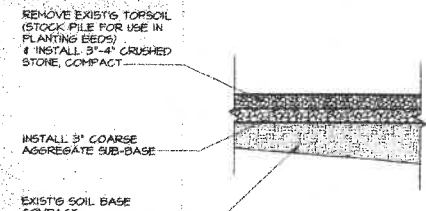
ARIEL GORDOVA  
7050E STREET  
APT # 8  
POUGHKEEPSIE, NEW YORK

| LEGEND                                                                                                                      |                                         |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|  U.P.                                    | UTILITY POLE                            |
|  CONC. CURB                              | CONC. CURB                              |
|  FIRE HYDRANT                            | FIRE HYDRANT                            |
|  EXIST'S WALL MOUNTED LIGHT FIXTURE      | EXIST'S WALL MOUNTED LIGHT FIXTURE      |
|  NEW WALL MOUNTED LIGHT FIXTURE          | NEW WALL MOUNTED LIGHT FIXTURE          |
|  NOW OR FORMERLY                         | NOW OR FORMERLY                         |
|  NEW FENCE                               | NEW FENCE                               |
|  EXIST'S CHAIN-LINK FENCE                | EXIST'S CHAIN-LINK FENCE                |
|  EXIST'S STREET LIGHT                    | EXIST'S STREET LIGHT                    |
|  OVERHEAD ELECTRICAL LINE                | OVERHEAD ELECTRICAL LINE                |
|  6" OR 10" CAST IRON WATER MAIN AS NOTED | 6" OR 10" CAST IRON WATER MAIN AS NOTED |
|  12" OR 18" SANITARY SEWER AS NOTED      | 12" OR 18" SANITARY SEWER AS NOTED      |
|  2" STORM DRAIN                          | 2" STORM DRAIN                          |
|  HANNOLE                                 | HANNOLE                                 |
|  WATER VALVE                             | WATER VALVE                             |
|  CATCH BASIN                             | CATCH BASIN                             |

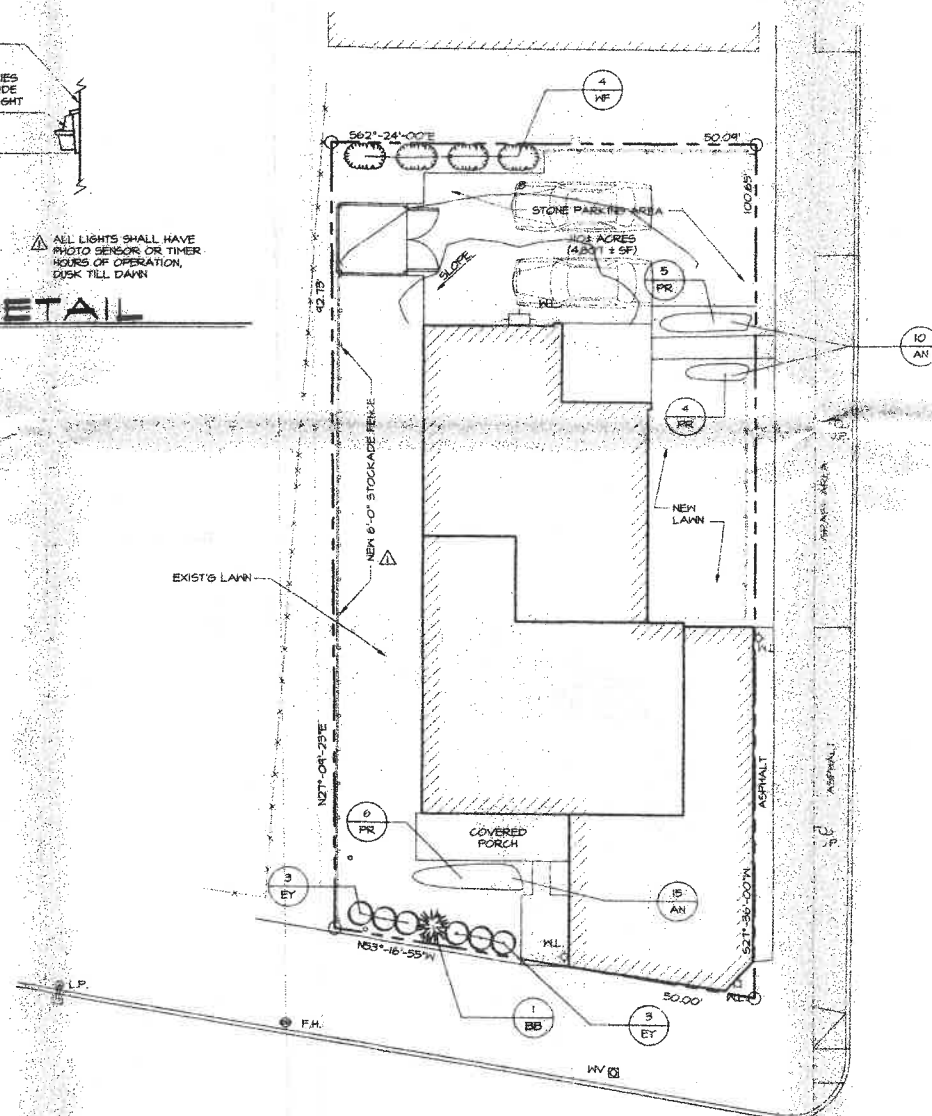
- NOTES:**
1. ALL WASTE PROPOSED FOR THE SITE AND BUILDING MUST BE SUBMITTED UNDER SEPARATE APPLICATION.
  2. PROVIDE GREASE TRAP APPROPRIATELY SIZED FOR INTENDED USE.
  3. THE WATER SERVICE SHALL HAVE A HOT-TOUCHABLE CHECK VALVE BACKFLOW PREVENTOR OR EQUAL INSTALLED AT THE WATER METER. AFTER THE INSTALLATION IS PERFORMED, THE BACKFLOW PREVENTOR MUST BE TESTED BY A NEW YORK STATE CERTIFIED TESTER. A CERTIFICATE OF APPROVAL MUST BE SENT TO THE PLUMBING INSPECTOR AND THE DUTCHESS COUNTY BOARD OF HEALTH.
  4. PLANS FOR COOKING HOODS, VENTS, FIRE EXTINGUISHING SYSTEMS AND ALL PRIMARY DRAINS SHALL BE SUBMITTED IN TRIPlicate TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL.

# CITY OF FOUGHKEEPSIE SITE PLAN CHECK LIST.

1. OWNER DATA:  
a. OWNER: 15000 RD IS ARIEL CORDOVA T 4000E ST. APT. #3, FOUGHKEEPSIE NEW YORK, 12601
2. NATURAL FEATURES:  
a. THE DIST. GRADE VARIATION DOES NOT EXCEED 4% (SEE ATTACHED ELEVATION DATA)
3. INDICATED ON LANDSCAPING PLAN 7/5-2  
b. THERE ARE NO AREAS SUBJECT TO FLOODING OR STORM WATER OVERLOWS  
c. THERE ARE NO WATER COURSES, MARSHES, WOODED AREAS, ROCK OUTCROPS OR TREES WITH A DIAMETER OF 8" OR MORE ON THE SITE  
d. THERE ARE NO SCENIC VIEWS
4. EXISTING STRUCTURES AND UTILITIES:  
a. THERE ARE NO EXISTING OR PROPOSED EASEMENTS, SETBACKS, RESERVATIONS AND AREAS DEDICATED TO PUBLIC USE WITHIN OR ADJACENT TO THE PROPERTY KNOWN  
b. THERE ARE NO DEED RESTRICTIONS OR COVENANTS DEDICATED TO PUBLIC USE
5. PROPOSED DEVELOPMENT: (PARTIAL RESTORATION OF AN EXIST'G STRUCTURE)  
a. THERE ARE NO PROPOSED WATER LINES, VALVES, HYDRANTS OR SEWER LINES  
b. THE NEAREST FIRE ALARM PL. BOXES ARE LOCATED ACROSS THE STREET ON THE SALVATION ARMY BLDG. 1, AT THE CORNER OF MAIN AND PALMER  
c. THERE ARE NO PROPOSED EASEMENTS, DEED RESTRICTIONS OR COVENANTS DEDICATED TO PUBLIC USE  
d. NO PUBLIC IMPROVEMENTS ON OR ADJOINING THE SITE, OTHER THAN INDICATED, ARE PROPOSED
6. ELEVATIONS OF PROPOSED STRUCTURES SEE 5-2 (RESTORATION OF EXIST'G BLDG.)  
a. ALL RESTORED AREAS TO COMPLY WITH N.Y.S. ENERGY CODE REQUIREMENTS  
b. SITE PLAN IS A SINGLE STAGE PROJECT



|                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 25 NOV. 02                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| Project no.<br>01-25C                                                                                                                                                                                                                                                                                                                                                                                      |  |
| date<br>1 OCT 02                                                                                                                                                                                                                                                                                                                                                                                           |  |
| drawn by<br>CM                                                                                                                                                                                                                                                                                                                                                                                             |  |
| <div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">           PROPOSED         </div> <div style="text-align: center;"> <h1 style="margin: 0;">PANCCHO VILLA DELI</h1> <p style="margin: 0;">CITY OF Poughkeepsie, NY</p> <p style="margin: 0;">579 MAIN ST.</p> </div> </div>                                                |  |
| <div style="display: flex; justify-content: space-between;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">           PROPOSED SITE PLAN AND DETAILS         </div> <div style="text-align: center;"> <h2 style="margin: 0;">MAZZARELLI ARCHITECTURE<br/>+ PLANNING, PC</h2> <p style="margin: 0;">49 MANCHESTER CIRCLE<br/>POUGHKEEPSIE, NY 12605<br/>914-455-0270</p> </div> </div> |  |
| PURSUANT TO SECTION 165.10 OF<br>THE LOCAL GOVT. LAW<br>COMPRENSORSHIP OF EDUCATION<br>AUTHORIZED AS A SERVICE TO THE<br>EDUCATION IS A VIOLATION OF THE LAW                                                                                                                                                                                                                                               |  |
| DISTRIBUTION<br>PLANNING BOARD                                                                                                                                                                                                                                                                                                                                                                             |  |
| <div style="border: 2px solid black; border-radius: 50%; width: 100px; height: 100px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> <div style="font-size: 40px; font-weight: bold;">S-</div> </div>                                                                                                                                                                      |  |
|                                                                                                                                                                                                                                                                                                                       |  |



PLANTING NOTES

1. ALL PLANTING BEDS SHALL BE MULCHED WITH SPREADER BARK MULCH AT A MINIMUM DEPTH OF 3".
2. INSTALL NEED BLOCK OR EQUAL BELOW MULCH FEE.
3. LAWN AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED WITH STRAW.
4. AREAS INDICATED TO BE SEEDED SHALL HAVE A MINIMUM 40% GERMINATION MIXTURE AS FOLLOWS:  
PERENNIAL RYE GRASS 2% BY WEIGHT OF TOTAL SEED
5. PLANT SIZE INDICATED SHALL BE AT TIME OF PLANTING.

Δ 25 ✓ Q2

```

proj. no.
01-256

```

date  
1 OCT 02

drawn by  
CM

PROPOSED  
PANCHO VILLA DELI  
579 MAIN ST.  
FOUCHKEEPSIE, NY.

PROPOSED LANDSCAPING PLAN AND BUILDING ELEVATIONS

PROPOSED LANDSCAPING PLAN AND BUILDING ELEVATIONS.

**MAZZARELLI ARCHITECTURE + PLANNING, PC**  
1000 W. 12TH AVE., SUITE 200  
COLUMBIA, SC 29205  
803.733.4525

PERMIT TO SECTION 89.3 (b) OF  
THE REGULATIONS OF THE  
COMMISSIONER OF EDUCATION  
UNAUTHORIZED ALTERATIONS TO THIS  
DOCUMENT IS A VIOLATION OF THE LAW

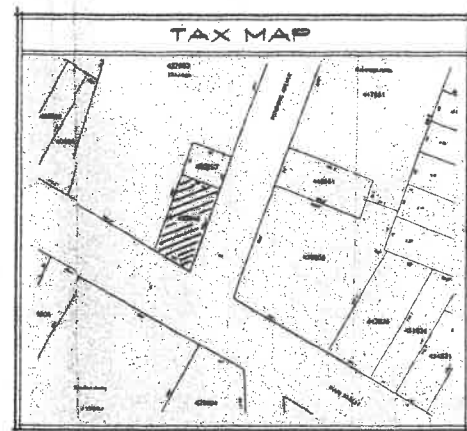
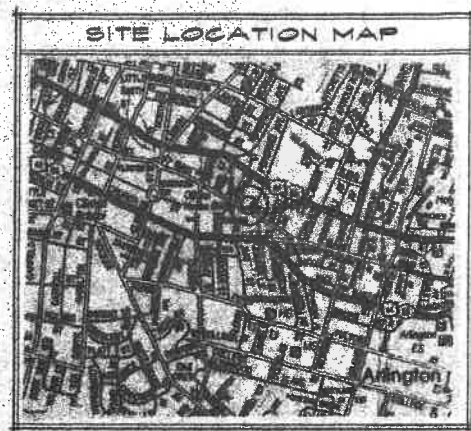
DISTRIBUTION:  
PLANNING BOARD

S-2





## **EXHIBIT C**



| PARKING REQUIREMENTS - PROPOSED DELI |                                                                 |          |             |         |          |
|--------------------------------------|-----------------------------------------------------------------|----------|-------------|---------|----------|
| USE                                  | REQMTS                                                          | SQ. FT.  | SPACES REQD | EXIST'G | PROPOSED |
| FAST-FOOD REST.                      | 1 SPACE / 75 SF OR<br>1 SPACE / 3 SEATS<br>WHICHEVER IS GREATER | 750 S.F. | 10          | 2       | 0*       |
| TOTAL SPACES REQD/PROVIDED           |                                                                 |          | 10          | 2       | 0*       |

\* PARKING VARIANCE FOR 10 SPACES OBTAINED FROM ZBA SEP. 2002

| LEGEND                                                                                   |                                         |
|------------------------------------------------------------------------------------------|-----------------------------------------|
|  UP.  | UTILITY POLE                            |
|       | CONC. CURB                              |
|  FH.  | FIRE HYDRANT                            |
|  ML.  | EXIST'G WALL MOUNTED LIGHT FIXTURE      |
|  NL.  | NEW WALL MOUNTED LIGHT FIXTURE          |
|  NF.  | NEW OR FORMERLY                         |
|       | NEW FENCE                               |
|       | EXIST'G CHAIN LINK FENCE                |
|  L.P. | EXIST'G STREET LIGHT                    |
|       | OVERHEAD ELECTRIC LINE                  |
|  W.   | 6" OR 10" CAST IRON WATER MAIN AS NOTED |
|  S.   | 12" OR 18" SANITARY SEWER AS NOTED      |
|       | 12" STORM DRAIN                         |
|  M.   | MANHOLE                                 |
|  V.   | WATER VALVE                             |
|  CB.  | CATCH BASIN                             |

| ZONING DATA CHART  |                                                            |              |             |
|--------------------|------------------------------------------------------------|--------------|-------------|
| ZONE C-2A          | MAIN STREET COMMERCIAL DISTRICT<br>PARCEL # 6161-24-423446 | REQ'D/ALLOW. | EXISTING    |
| LOT AREA           |                                                            | MIN NONE     | 4,807 ± SF  |
| LOT FRONTAGE       |                                                            | MIN 40'      | 50'         |
| FRONT YARD SETBACK |                                                            | MIN 10'      | NONE        |
| SIDE YARD SETBACKS |                                                            | MIN 10'      | 10'-3" ± 2" |
| REAR YARD SETBACK  |                                                            | MIN 20'      | 21'-3"      |
| FLOOR AREA RATIO   |                                                            | MAX 2.0      | 5.0         |
| LOT COVERAGE       |                                                            | MAX 60%      | 45%         |

1. ALL WORK SHALL COMPLY WITH N.Y.S.U.F.P. & B.C. LOCAL CODES & ALL OTHER APPLICABLE CODES & ORDINANCES

| REQUIRED SIGNATURES |                                                                                                                                                                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLANNING            | POLICE CHIEF<br><i>[Signature]</i> 06/27/03<br>FIRE CHIEF<br><i>[Signature]</i><br>PLUMBING INSPECTOR<br><i>[Signature]</i> 1/1/0<br>CITY ENGINEER<br><i>[Signature]</i> 1/13/03<br>SUPERINTENDENT<br>OF PUBLIC WORKS<br><i>[Signature]</i> 1/13/03 |

**OWNER'S CERTIFICATION**

I / WE THE UNDERSIGNED OWNER / OFFICER OF THE PROPERTY SHOWN HEREON, HEREBY CERTIFY THAT I / WE ARE FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY AGREE TO THE TERMS AND CONDITIONS AS STATED HEREON.

I / WE THE UNDERSIGNED OWNER / OFFICER OF THE PROPERTY HEREBY CERTIFY THAT I / WE ARE FINANCIALLY CAPABLE OF COMPLETING THIS PROJECT

OWNER

*Ariel Cordova*

PRINT NAME TITLE

*Ariel Cordova 0178-03*

SIGNATURE DATE

ARIEL CORDOVA  
1808B STREET  
APT. 83  
POUGHKEEPSIE, NEW YORK

# CITY OF POUGHKEEPSIE SITE PLAN CHECK LIST

- 1. LEGAL DATA:
  - a. OWNER OF RECORD IS ARIEL CORDOVA, 1 ROSE ST. APT. #3, POUGHKEEPSIE, NEW YORK 12601
  - b. NATURAL FEATURES:
    - 1. THE EXISTING SLOPE VARIATION DOES NOT EXCEED 4% ; THE GENERAL SLOPE OF SITE IS FLAT
    - 2. SITUATED ON LANDSCAPING PLAN 17-2
    - 3. THERE ARE NO AREAS SUBJECT TO FLOODING OR STORM WATER OVERFLOW.
  - c. THERE ARE NO MATES, HAZARDS, HAZARDOUS AREAS, ROCK OUTCROPS OR TREES WITH A DIAMETER OF 6" OR MORE ON THE SITE
  - d. THERE ARE NO SCENIC VIEWS
- 2. EXISTING STRUCTURES AND UTILITIES:
  - a. THERE ARE NO EXISTING OR PROPOSED EASEMENTS, SETBACKS, RESERVATIONS AND AREAS DEDICATED TO PUBLIC USE WITHIN OR ADJACENT TO THE PROPERTY KNOWN:
  - 1. DRAINAGE
  - 2. EASEMENTS
  - 3. PROPOSED DEVELOPMENT, (PARTIAL RESTORATION OF AN EXIST'G STRUCTURE)
  - f. THERE ARE NO PROPOSED WATER LINES, VALVES, HYDRANTS OR SEWER LINES
  - g. THERE ARE NO ALTERNATE LOCATIONS FOR AVOIDANCE ACROSS THE STREET ON THE SALVATION ARMY BLDG. # 4, AT THE CORNER OF MAIN AND PALMER
  - h. THERE ARE NO PROPOSED EASEMENTS, DEED RESTRICTIONS OR COVENANTS DEDICATED TO A PUBLIC AGENCY
  - i. NO PUBLIC PLACEMENTS ON OR ADJOINING THE SITE, OTHER THAN INDICATED, ARE PROPOSED
  - j. ELEVATIONS OF PROPOSED STRUCTURES SEE 5-2 (RESTORATION OF EXIST'G BLDG.)
  - k. ALL IMPROVED AREAS TO COMPLY WITH N.Y.S. EROSION CODE REQUIREMENTS
  - m. SITE PLAN IS A SINGLE STAGE PROJECT

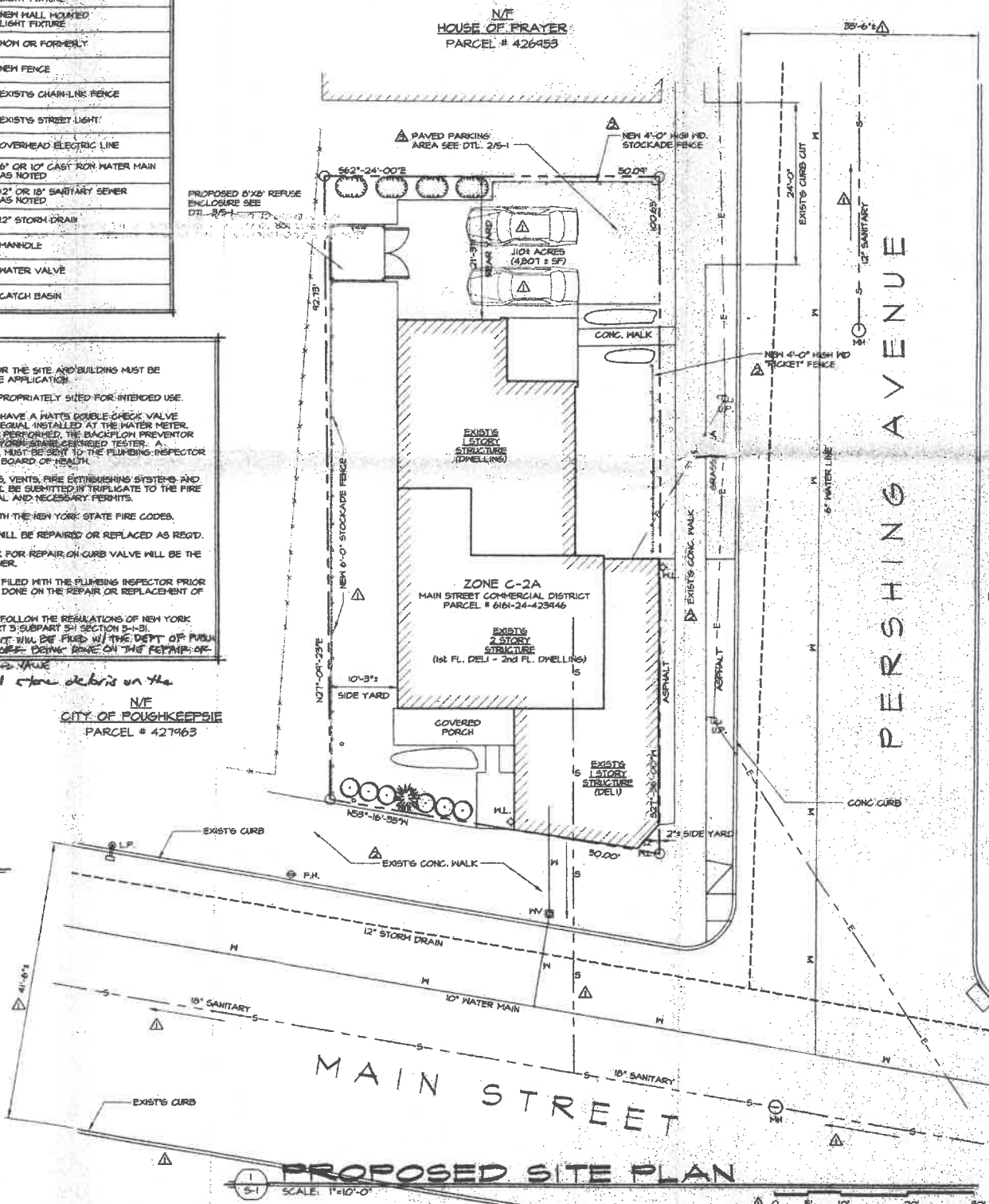
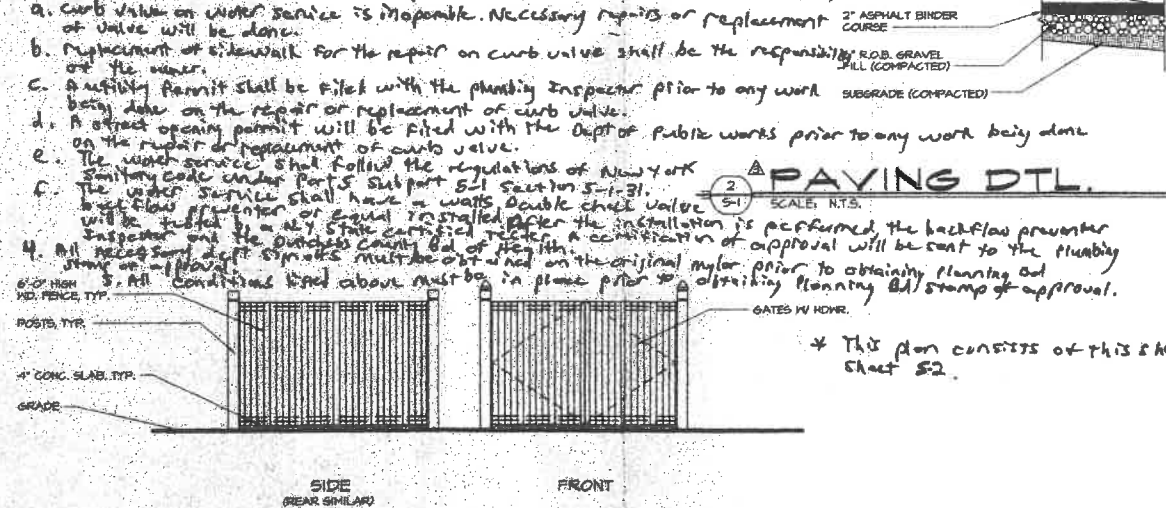
CITY OF NEW YORK  
CITY OF FOULMOUTH, MASS.  
SUSAN SANDERSON  
205-334-207-929  
noted use of jewellery units + fast food  
579 Main Street  
Ariel Cordova  
17th Dec 2003  
Heather S. Jones, Jr. S.S.  
Susan Sanderson  
January 29, 2003

1. In accordance with Fire Dept site plan comments dated 12-9-02 & note must be a fire plan that the restaurant is in compliance with city fire code.
2. In accordance with Engineering Dept & site plan comments dated 12-9-02, that driveway must

6L paved back to the location of the dump  
site with + floating  
dated 12-12-02 the following: ASPHALT TOP  
HEARING COURSE

## NOTES:

1. ALL SIGNAGE PROPOSED FOR THE SITE AND BUILDING MUST BE SUBMITTED UNDER SEPARATE APPLICATION.
2. PROVIDE GREASE TRAP APPROPRIATELY SIZED FOR INTENDED USE.
3. THE WATER SERVICE SHALL HAVE A PATTS CHECK/GREASE VALVE BACKFLOW PREVENTOR OR EQUAL INSTALLED AT THE WATER METER. AFTER THE INSTALLATION IS PERFORMED, THE BACKFLOW PREVENTOR MUST BE TESTED BY A NEW YORK STATE LICENSED TESTER. A CERTIFICATE OF APPROVAL MUST BE SENT TO THE PLUMBING INSPECTOR AND THE DUTCHESS COUNTY BOARD OF HEALTH.
4. PLANS FOR COOKING HOODS, VENTS, FIRE EXTINGUISHING SYSTEMS AND FIRE ALARM SYSTEMS SHALL BE SUBMITTED IN TRIPLICATE TO THE FIRE DEPARTMENT FOR APPROVAL AND NECESSARY PERMITS.
5. THE DELI MUST COMPLY WITH THE NEW YORK STATE FIRE CODES.
6. THE EXISTING CURB VALVE WILL BE REPAIRED OR REPLACED AS REQ'D.
7. REPLACEMENT OF SIDEWALK FOR REPAIR ON CURB VALVE WILL BE THE RESPONSIBILITY OF THE OWNER.
8. A UTILITY PERMIT SHALL BE FILED WITH THE PLUMBING INSPECTOR PRIOR TO ANY WORK BEING DONE ON THE REPAIR OR REPLACEMENT OF CURB VALVE.
9. THE WATER SERVICE SHALL FOLLOW THE REGULATIONS OF NEW YORK SANITARY CODE UNDER PART 3-SUBPART 31 SECTION 31-21.
10. A STREET OPENING PERMIT WILL BE FILED WITH THE DEPT. OF PUBLIC WORKS TO CLOSE TO ANY WORK BEING DONE ON THE REPAIR OF



ALL SITE INFORMATION IS DERIVED FROM SURVEY ENTITLED "SURVEY FOR PLOT 25-11-1-100 DATED 16 JAN 90, PREPARED BY MICHAEL A. DALEO, LAND SURVEYOR CITY OF POUASKEEPSIE ENGINEERING DEPT. AND SITE VISITS BY MAZZARELLI ARCHITECTURE & PLANNING, PC.

|                          |                  |                       |
|--------------------------|------------------|-----------------------|
| <b>PANCHO VILLA DELI</b> | <b>PROPOSED:</b> | 5 DEC 02<br>25 NOV 02 |
|                          |                  | project no.<br>01-25C |
|                          |                  | date<br>1 OCT 02      |
|                          |                  | drawn by<br>CM        |

CITY OF Poughkeepsie NY.

575 MAIN ST.

PROPOSED SITE PLAN AND DETAILS

MAZZARELLI ARCHITECTURE  
+ PLANNING, PC  
135 MANCHESTER CIRCLE  
POUGHKEEPSIE NY 12605  
845.425.0210

[illegible]



25 NOV 02

Project No.  
01-256

Date  
1 OCT 02

Drawn by  
CM

PROPOSED  
**PANCHO VILLA DELI**  
574 MAIN ST.  
POUGHKEEPSIE, NY

PROPOSED LANDSCAPING PLAN AND BUILDING ELEVATIONS

**MAZZARELLI ARCHITECTURE  
+ PLANNING, PC**  
48 MANCHESTER CIRCLE  
POUGHKEEPSIE, NY 12605  
845.425.0215

PROPERTY TO BE SHOWN IN OR  
IN THE REGULATION OF THE  
COMMISSIONER OF EDUCATION  
UNAUTHORIZED ALTERATIONS TO THIS  
DESIGN ARE A VIOLATION OF THE LAW

DISTRIBUTION  
PLANNING BOARD

**S-2**

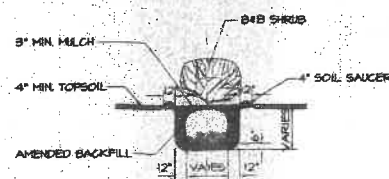


### PLANTING SCHEDULE

| KEY | QTY | BOTANICAL NAME            | COMMON NAME                         | SIZE             |
|-----|-----|---------------------------|-------------------------------------|------------------|
| EY  | 6   | TAXUS BACCATA REPAENDERIS | SPREADING ENGLISH YEW               | 2" x 13' HGT.    |
| MF  | 4   | FORSYTHIA SUSPensa        | KEEPSING FORSYTHIA                  | 2 GAL. / 2'-3'   |
| BB  | 1   | ELONYMUS COMPACTUS        | BURNING BUSH                        | 2 GAL. / 18"-24" |
| AN  | 25  | ASSORTED ANNUALS          | IMPATIENS, GERANIUMS, PANSIES, ETC. |                  |
| PR  | 15  | ASSORTED PERENNIALS       | TULIPS, DAYLILIES, ETC.             |                  |

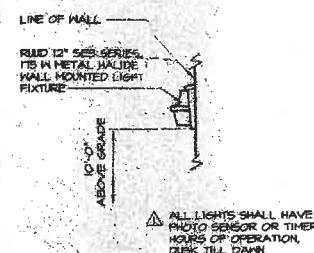
#### PLANTING NOTES

1. ALL PLANTING BEDS SHALL BE MULCHED WITH SHREDDED BARK MULCH AT A MINIMUM DEPTH OF 3".
2. INSTALL WEED BLOCK OR EQUAL BELOW MULCH BED.
3. LAWN AREAS SHALL BE SEEDED, FERTILIZED AND MULCHED WITH STRAW.
4. AREAS INDICATED TO BE SEEDED SHALL HAVE A MINIMUM 90% GERMINATION MIXTURE AS FOLLOWS:  
PERENNIAL RYE GRASS - 100% BY WEIGHT OF TOTAL SEED
5. PLANT SIZE INDICATED SHALL BE AT TIME OF PLANTING.



### PLANTING DETAIL

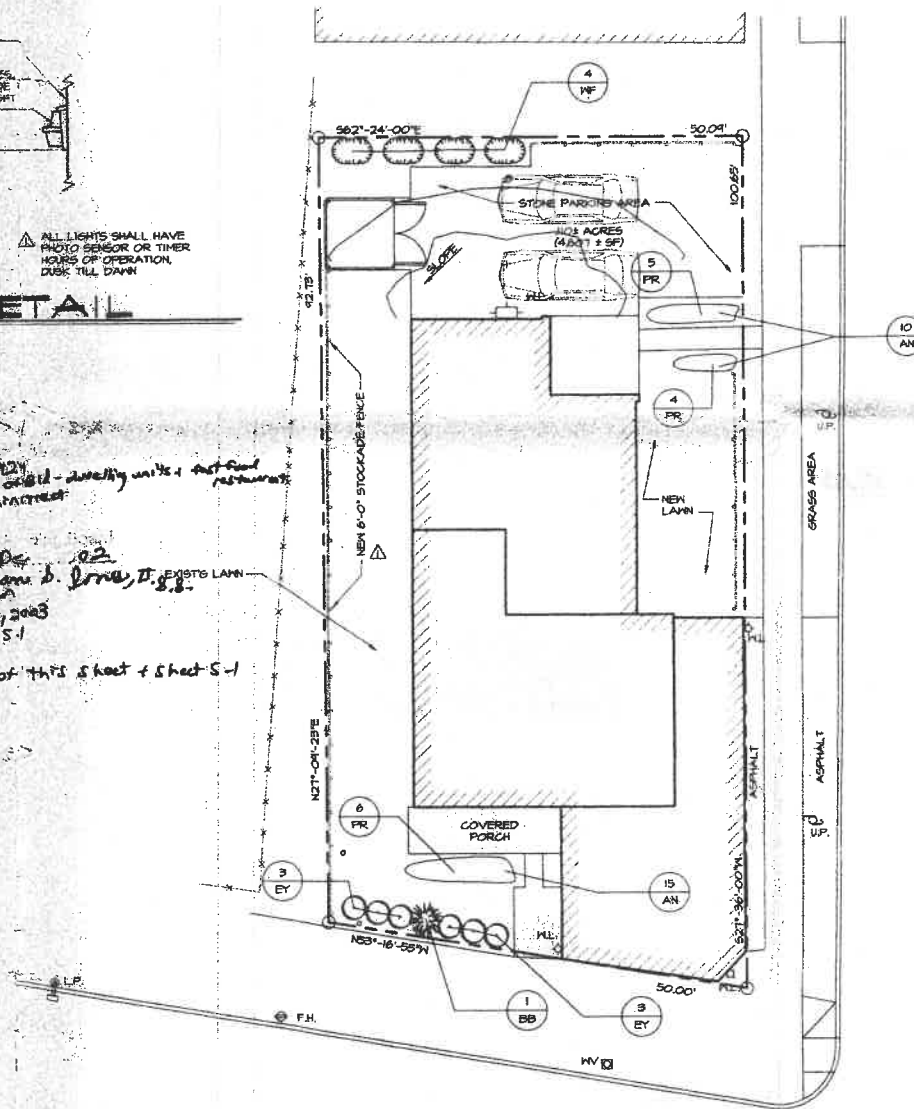
SCALE: N.T.S.



### LIGHT DETAIL

SCALE: N.T.S.

CITY OF POUGHKEEPSIE  
265-8541 207-921  
MIXED USE BUILDING - mostly units + retail + restaurant  
111 574 Main Street  
And Corridor  
17th  
De. 02  
Borough of Poughkeepsie, N.Y.  
3-10-02  
DATE: January 24, 2003  
CONTRACT: See sheet S-1  
+ This plan consists of this sheet + sheet S-1



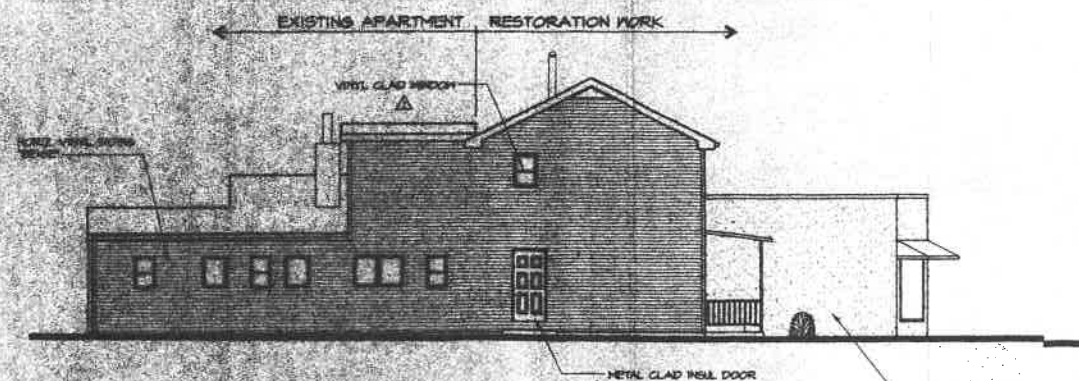
### PROPOSED LANDSCAPING PLAN

SCALE: 1"=10'-0"



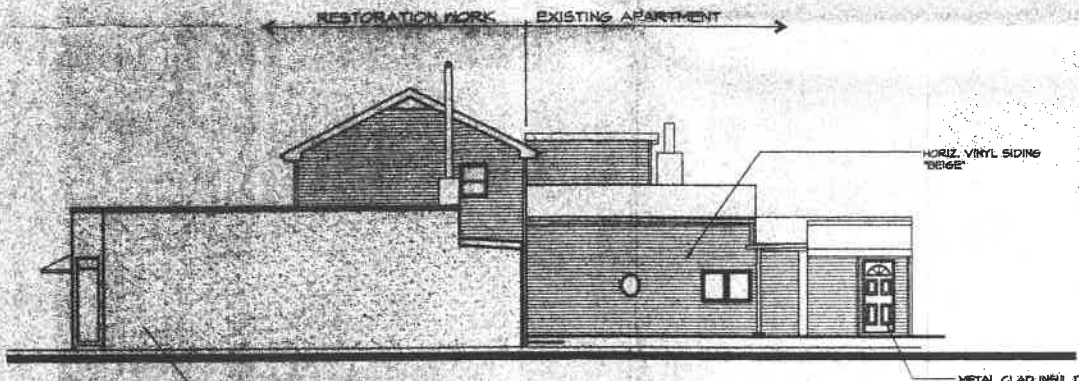
### SOUTH ELEVATION

SCALE: 1/8"=1'-0"



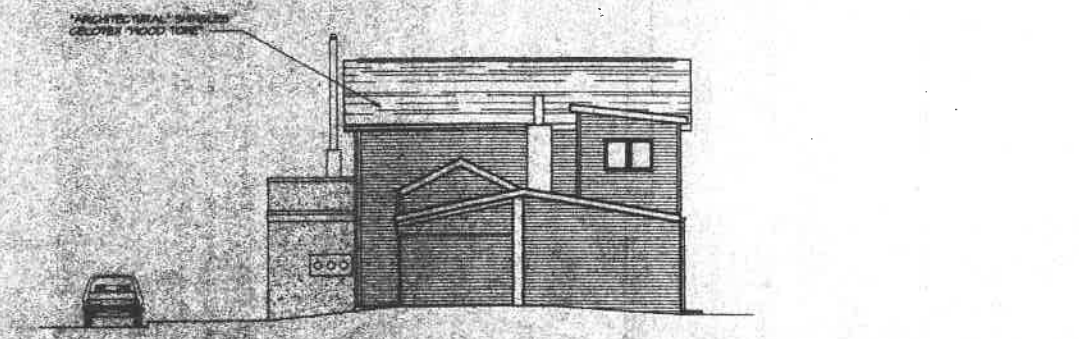
### WEST ELEVATION

SCALE: 1/8"=1'-0"



### EAST ELEVATION

SCALE: 1/8"=1'-0"



### NORTH ELEVATION

SCALE: 1/8"=1'-0"

## **EXHIBIT D**





## **EXHIBIT E**

**From:** Knauss, Judith  
**Sent:** Tuesday, July 5, 2022 3:46 PM  
**To:** 'JA Essentials' <jaessentials845@gmail.com>  
**Cc:** Philipp, Eric <EPhilipp@cityofpoughkeepsie.com>; O'Shea, Robert <ROShea@CityOfPoughkeepsie.com>  
**Subject:** 579 Main Street

Dear Jonathan:

Following our meeting on June 30, 2022, I reviewed the files of the Building Department and consulted with the Building Inspector relative to your plans for the property at 579 Main Street. The building was previously a mixed use building containing a retail store on the first floor and a residential component. The building has been vacant for some number of years. You are proposing a commercial component and four (4) dwelling units.

Please be advised that, as we discussed, the property is located in an area of the City zoned Main Street Commercial (C-2A) District. The use of the property in C-2A Districts for residential purposes is not permitted, pursuant to the provisions of Section 19-3.23..1(2) of Zoning Ordinance. The previous residential component was nonconforming. As the building has been vacant for a period in excess of one year, any right to re-establish this use has expired, pursuant to the provisions of Section 19-5.1(1)(d), which states that a nonconforming use "shall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so."

Therefore, any application to establish or re-establish a residential use would require a use variance from the Zoning Board of Appeals. Here is a link to that application on the City's website: <https://cityofpoughkeepsie.com/DocumentCenter/View/1350/ZBA-Use-Variance-Application-Form>. Please note that there are no guarantees that the Zoning Board of Appeals will act favorably on such an application. However, I believe it is important to remember that, as discussed during our meeting, the City has undertaken a major revision to our Zoning Ordinance, which we hope may be adopted as early as October of this year. Such a revision will likely address the issue of the residential use as outlined herein.

Please note that there is nothing in this determination that would preclude you from moving forward with plans to renovation the commercial component of the building. Retail stores and service businesses are permitted, and would require only a building permit to establish. Other commercial uses are permitted, but might require additional approvals, such as area variances and site plan or special permit approval from the Planning Board. The work involved could take place while waiting for the results of the rezoning.

Please feel free to contact me if you have any further questions in this regard.

Very truly yours,  
Judith Knauss  
Deputy Zoning Administrator

## **EXHIBIT F**





**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.

RECEIVED

## Short Environmental Assessment Form

RECEIVED

AUG 9 2022

## Part 1 - Project Information

AUG 29 2022

**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:<br><div style="font-size: 1.2em; font-family: cursive;">Main street</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                                                                                                                                                                   |                                                                               |
| Project Location (describe, and attach a location map):<br><div style="font-size: 1.2em; font-family: cursive;">579 Main street, Poughkeepsie NY, 1260</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                                                                                                                                                                   |                                                                               |
| Brief Description of Proposed Action:<br><div style="font-size: 1.2em; font-family: cursive;">USE EXISTING structure and layout</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                                                                                   |                                                                               |
| Name of Applicant or Sponsor:<br><div style="font-size: 1.2em; font-family: cursive;">Jonathan Pagan</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | Telephone: 914-291-4526<br>E-Mail: <div style="font-size: 1.2em; font-family: cursive;">ONestop GIC 845@gmail.com</div><br><div style="font-size: 1.2em; font-family: cursive;">JA essentials 845@gmail.com</div> |                                                                               |
| Address:<br><div style="font-size: 1.2em; font-family: cursive;">30 eastern parkway,</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                   |                                                                               |
| City/PO:<br><div style="font-size: 1.2em; font-family: cursive;">Poughkeepsie</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | State: <div style="font-size: 1.2em; font-family: cursive;">New York</div>                                                                                                                                        | Zip Code:<br><div style="font-size: 1.2em; font-family: cursive;">12603</div> |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><input checked="" type="checkbox"/>                                                                                                                                                                         | YES<br><input type="checkbox"/>                                               |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  | NO<br><input checked="" type="checkbox"/>                                                                                                                                                                         | YES<br><input type="checkbox"/>                                               |
| 3. a. Total acreage of the site of the proposed action? <div style="font-size: 1.2em; font-family: cursive;">7,405 SF</div> _____ acres<br>b. Total acreage to be physically disturbed? <div style="font-size: 1.2em; font-family: cursive;">0</div> _____ acres<br>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <div style="font-size: 1.2em; font-family: cursive;">7,405 SF</div> _____ acres                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                                                                                                                                                   |                                                                               |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:<br><div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> Urban</div> <div style="width: 50%;"><input type="checkbox"/> Rural (non-agriculture)</div> <div style="width: 50%;"><input type="checkbox"/> Industrial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Commercial</div> <div style="width: 50%;"><input checked="" type="checkbox"/> Residential (suburban)</div> <div style="width: 50%;"><input type="checkbox"/> Forest</div> <div style="width: 50%;"><input type="checkbox"/> Agriculture</div> <div style="width: 50%;"><input type="checkbox"/> Aquatic</div> <div style="width: 50%;"><input type="checkbox"/> Other(Specify):</div> <div style="width: 50%;"><input type="checkbox"/> Parkland</div> </div> |  |                                                                                                                                                                                                                   |                                                                               |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                           |                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?<br>b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NO<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                            | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       | N/A<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                           |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NO<br><br><input checked="" type="checkbox"/>                                                                 | YES<br><br><input type="checkbox"/>                                                                                       |                                                                                           |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?<br>b. Are public transportation services available at or near the site of the proposed action?<br>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                                             | NO<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/><br><br><input type="checkbox"/> | YES<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/> |                                                                                           |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                           |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                           |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                           |
| 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?<br>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? | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                      | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       |                                                                                           |
| 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?<br>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                     | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                      | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       |                                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                     |                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> 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                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                                                                                       | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,                                                                                                                                                                                                                                                                                                     | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 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)?<br>If Yes, explain the purpose and size of the impoundment:                                                                                                                                                                       | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:                                                                                                                                                                                                                                                   | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:                                                                                                                                                                                                                                                 | NO                                  | YES                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| _____                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                          |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br><br>Applicant/sponsor/name: <u>Jonathan Pagan</u> Date: <u>8/29/22</u><br>Signature: <u>[Signature]</u> Title: <u>CEO</u>                                                                                                                                                                                |                                     |                          |

# Johanny Inc

September 26, 2022

Kenneth Pagan  
9 Legion Circle  
Melville New York 11747

To Whom it may Concern,

I am the CEO of Johanny Inc. properties we are , filing for a use variance. For 579 Main Street Poughkeepsie NY. 12601

Sincerely yours,

Kenneth Pagan



## Garcia, Lori

---

**From:** Griffin, Nancy  
**Sent:** Wednesday, September 21, 2022 3:21 PM  
**To:** Schukal, Kristen  
**Cc:** Garcia, Lori; Hom, Susan; Valk, Rebecca A.  
**Subject:** RE: 579 Main Street

According to Edmunds and ParcelAccess, 579 Main Street is owned by Ariel Cordova. However, according to DCCO, he sold it to Johanny Properties LLC on 5/23/22, recorded 6/7/22.

**From:** Schukal, Kristen <KSchukal@cityofpoughkeepsie.com>  
**Sent:** Wednesday, September 21, 2022 3:06 PM  
**To:** Griffin, Nancy <NGriffin@cityofpoughkeepsie.com>  
**Cc:** Garcia, Lori <LGarcia@cityofpoughkeepsie.com>; Hom, Susan <SHom@cityofpoughkeepsie.com>; Valk, Rebecca A. <RValk@cityofpoughkeepsie.com>  
**Subject:** FW: 579 Main Street

Nancy,

Lori forwarded this. I am not aware of this property? Was it a city owned property that was sold to the applicant?

Kristen

**From:** Garcia, Lori <LGarcia@cityofpoughkeepsie.com>  
**Sent:** Wednesday, September 21, 2022 2:40 PM  
**To:** Schukal, Kristen <KSchukal@cityofpoughkeepsie.com>; Hom, Susan <SHom@cityofpoughkeepsie.com>  
**Subject:** 579 Main Street

Hi,

I think you two are my contacts to find out if there are any financial obligations to the city for the attached applicant/parcel. Let me know if I am wrong. OR let me know as soon as you can if there are any or if they are clear.

Thank you!

*Lori Garcia*

Board Administrative Assistant  
**Development Department**  
**City of Poughkeepsie**  
62 Civic Center Plaza, 2nd Floor  
Poughkeepsie, NY 12601  
Phone: (845) 451-4263 Fax: (845) 451-4006



# The City of Poughkeepsie

New York

Rebecca A. Valk, Esq.  
Corporation Counsel  
[rvalk@cityofpoughkeepsie.com](mailto:rvalk@cityofpoughkeepsie.com)



62 Civic Center Plaza  
Poughkeepsie, New York 12601  
TEL: (845) 451-4065 FAX: (845) 451-4070

## Memorandum

**TO:** Zoning Board of Appeals

**FROM:** Rebecca A. Valk

**DATE:** February 8, 2023

**SUBJECT:** 579 Main Street - Timeline

**CC:** Natalie Quinn, Lori Garcia, Applicant

---

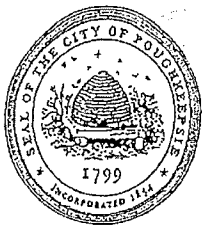
To assist the Board in reviewing this application, I have reviewed the Building Department's file, or other public records as indicated, to prepare a timeline of this matter. This is not an exhaustive list of all documents in the Building Department's file as there are numerous documents related to a 2001 fire at the Property.

This memorandum is being copied to the Applicant so it may respond to the factual timeline.

- June 14, 2005 – ZBA variance to allow no off-street parking for a proposed fast-food restaurant (deli with seating) where 10 parking spaces were required by the Code.
- June 28, 2005 – the Planning Board granted site plan approval and special use permit for a fast-food restaurant (deli with seating) and two apartments.
- July 1, 2013 – the property was posted as Abandoned by the Building Inspector.
- Abandoned/Vacant Building Registrations were filed with the City on the following dates with various, inconsistent descriptions of the use:
  - o October 11, 2018 indicating the property was “two family with storefront.”
  - o April 18, 2019 “storefront with two family house”
  - o December 18, 2019 “Two family with storefront”
  - o August 11, 2020 “Three family house with storefront on the ground floor”
  - o November 8, 2020 “Three family house with commercial retail on the first floor,”
  - o April 23, 2021 “Multifamily house with storefront.”
  - o October 29, 2021 “Two family house with storefront property actively listed for sale.”
  - o April 18, 2022 “Four family house with storefront.”
- The Property has at all relevant times been zoned C-2A.

(City Zoning Map <https://cityofpoughkeepsie.com/DocumentCenter/View/1439/Zoning-Map-PDF-updated-081622>).

- A Building Dept. Record Search on April 19, 2022 identified the current use of the property as “Vacant Two Story Building with No Current Designated Use.” The additional comments section stated “Any intended use will need to receive approval from the Planning and Zoning Department and a Building Permit must be obtained for all work to obtain a Certificate of Occupancy.”
- The current owner took title by deed dated May 23, 2022.
- By memorandum dated July 5, 2022, Deputy Zoning Administrator Judith Knauss opined that the C-2A zoning district does not permit residential uses. <https://ecode360.com/27016514>



Gary E. Beck, Jr.  
Building Inspector

THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING PLANNING & ZONING  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

## ABATE OF VIOLATION PURSUANT TO ABANDONED/VACANT PROPERTY ORDINANCE

The below property has been declared abandoned pursuant to Section 6-39(a)(10) of the Code of Ordinances of the City of Poughkeepsie. An inspection of the property by the below indicated inspector, has revealed that the property is in violation of Section 6-39(a) (6) of the Code of Ordinances in that the property was not properly maintained for the following reasons:

- ☐ Doors/Windows are not secure.
- ☐ Property contains litter/debris.
- ☐ Bushes/Shrubs do not provide an unobstructed view from the public roadway.
- ☒ All weeds, grass, and rank vegetation are not maintained pursuant to Chapter 9, Section 6-7.
- ☐ Other \_\_\_\_\_

The Department of Public Works is hereby ordered to abate such violations at its earliest convenience and any and all costs are to be paid out of the municipal treasury and furthermore, it is ordered that the Commissioner of Finance shall charge such costs plus a 10% inspection fee and a \$1500.00 administrative fee as a municipal lien and such lien shall be added to the tax roll as an assessment against said property.

So Ordered:

*Gary E. Beck Jr.*

GARY E. BECK, JR.  
BUILDING INSPECTOR

Viewed By:

*Scott Johnson* Date: *7/30/14*

SIGNATURE

*Heather J. ...*

PRINT NAME

*Heather J. ...*

|                    |                     |                     |           |
|--------------------|---------------------|---------------------|-----------|
| Account #:         | <i>289120</i>       | Cost of Abatement:  |           |
| Property Address:  | <i>579 Main St.</i> | Inspection Fee:     |           |
| Date of Abatement: |                     | Administrative Fee: | \$1500.00 |
| Abated By:         |                     | Lien Amount:        |           |
| Type of Abatement: |                     |                     |           |



Gary E. Beck, Jr.  
Building Inspector

THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING PLANNING & ZONING  
62 CIVIC CENTER PLAZA, 2ND FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

## **NOTICE OF VIOLATION AND ORDER TO ABATE**

June 28, 2013

Ariel Cordova  
550 Main St  
Poughkeepsie, NY 12601-0000

RE: 579 Main St  
ID# 289120  
Grid ID# 6161-24-423946-0000

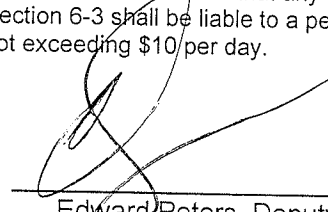
**PLEASE BE ADVISED** that on 06/28/2013 an inspection of the premises located at 579 Main St in the City of Poughkeepsie, New York revealed that the building is in violation of Section 6-39 and 6-153 of the Code of ordinances of the City of Poughkeepsie, New York, due to the following:

- ☒ Building Abandoned / Vacant for more than 10 days
- ☒ Water Meter still installed after being vacant for more than 10 days

YOU ARE HEREBY ORDERED to abate this violation with (10) ten days of the date of this order by:

- 1) Completing an application for Abandoned/Vacant Building Registration.
- 2) Applying for and receiving a Building Permit to Disconnect the water meter and returning it to the Building Department.

**PLEASE BE ADVISED** that any person violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty not exceeding \$1,000 and, for a continuation of such violation, to an additional penalty not exceeding \$10 per day.

  
\_\_\_\_\_  
Edward Peters, Deputy Building Inspector

# **NOTICE**

THAT PURSUANT TO NEW YORK STATE REAL ACTION  
PROCEEDING LAW §1971(B) THE BUILDING INSPECTOR  
OF THE CITY OF POUGHKEEPSIE FOUND THIS PREMISES  
LOCATED AT 579 Main Street , IN THE CITY OF  
POUGHKEEPSIE, COUNTY OF DUTCHESS AND STATE OF  
NEW YORK TO BE ABANDONED.

**IT IS A CRIME TO TAKE, REMOVE OR**  
**OTHERWISE DAMAGE ANY FIXTURE OR PART**  
**OF THE BUILDING OR STRUCTURE.**



## CERTIFICATION OF ABANDONED BUILDING

THAT PURSUANT TO NEW YORK STATE REAL PROPERTY ACTION AND PROCEEDING LAW §1971(B) THE BUILDING DEPARTMENT OF THE CITY OF POUGHKEEPSIE HAS DETERMINED THAT THE PREMISES LOCATED AT 579 Main Street IN THE CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK IS HEREBY FOUND ABANDONED. THE DEPUTY BUILDING INSPECTOR EDWARD H. PETERS SENT A BANDONED/VACANT BULIDING REGISTRATION PURSUANT TO CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF POUGHKEEPSIE. THAT ON OR ABOUT June 28, 2013 AN INSPECTION OF THE PREMISES INDICATED THAT THE STRUCTURE WAS STILL VACANT, HIGH SHRUBS OBSTRUCTING THE VIEW OF THE PREMISES, HIGH WEEDS AND VEGETATION, JUNK AND DEBRIS CREATING A HAZARD TO THE GENERAL PUBLIC. AS OF THIS DATE, THE PREMISES CONTINUES TO BE VACANT, AND A HAZARD. AS SUCH, THE UNDERSIGNED HEREBY ISSUES THIS CERTIFICATION OF ABANDONED BUILDING.

DATE: 7/1/13

Gary E Beck Jr

GARY BECK, BUILDING INSPECTOR

PREMISES: 579 Main Street

PARCEL # 6161-24-423946

STATE OF NEW YORK

SS:

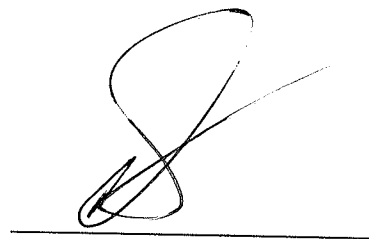
COUNTY OF DUTCHESS:

I, Edward H. Peters, being duly sworn says: I am over 18 years of age and work at Poughkeepsie, New York. On July 1, 2013, I posted a copy of the annexed:

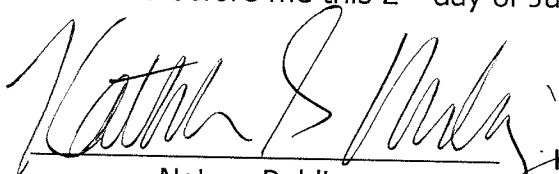
**ONE (1) NOTICE OF VIOLATION AND ORDER TO ABATE  
AND  
ONE (1) CERTIFICATION OF ABANDONED BUILDING  
AND  
ONE (1) NOTICE THAT PURSUANT TO NEW YORK STATE REAL ACTION  
PROCEEDING LAW §1971 (B)  
579 MAIN STREET  
ID #289120/TAX MAP PARCEL #6161-24-423946**

On the premises of:

**579 MAIN STREET**



Sworn to before me this 2<sup>nd</sup> day of July, 2013



Notary Public

Kathleen G Rodriguez  
Notary Public, State of New York  
No. 01RC6190188  
Qualified in Dutchess County  
Commission Expires July 21, 2016

STATE OF NEW YORK

SS:

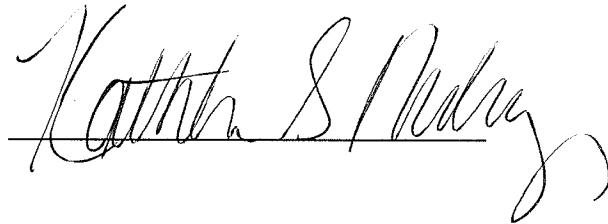
COUNTY OF DUTCHESS

I, Kathleen G. Rodriguez, being duly sworn says: I am not a party to the action. I am over 18 years of age and work at Poughkeepsie, New York. On July 2, 2013, I served a copy of the annexed:

**ONE (1) NOTICE OF VIOLATION AND ORDER TO ABATE  
AND  
ONE (1) CERTIFICATION OF ABANDONED BUILDING  
AND  
ONE (1) NOTICE THAT PURSUANT TO NEW YORK STATE REAL ACTION  
PROCEEDING LAW §1971 (B)  
579 MAIN STREET  
PROPERTY ID #289120/TAX MAP PARCEL #6161-24-423946**

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post office of official depository of the U. S. Postal Service within the State of New York, addressed to the last known address(es) of the address(es) as indicated below:

**ARIEL CORDOVA  
550 MAINSTREET  
POUGHKEEPSIE, NEW YORK 12601**

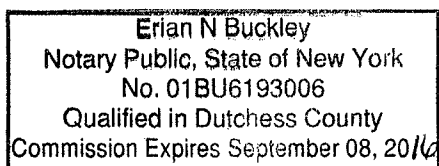


**FIRST CLASS MAIL**

**579 MAIN STREET**

Sworn to before me this 2<sup>ND</sup> day of July, 2013

  
Notary Public





Gary E. Beck, Jr.  
Building Inspector

BP#18-1554

**THE CITY OF POUGHKEEPSIE**  
**NEW YORK**  
**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006



### Abandoned/Vacant Building Registration

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date OCT 11, 2018
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARIEL CORDOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NONE

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

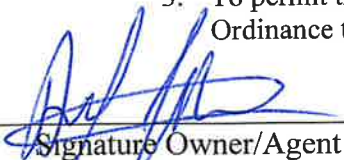
- Name(s) of all known lien holders NONE
- Addresses of all known lien holders NONE
- Name(s) of all other parties with ownership interest in building NONE
- Addresses of all other parties with ownership interest in building NONE
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

TWO FAMILY WITH STOREFRONT

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

  
Signature Owner/Agent

ARIEL CORDOVA  
Print Name

\_\_\_\_\_  
Building Inspector Approval

*In accordance with Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*

**ENTERED**





Gary E. Beck, Jr.  
Building Inspector

**THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006**

**Abandoned/Vacant Building Registration Checklist**

**ADDRESS:** \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                     | YES | NO                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     |     | <input checked="" type="checkbox"/> |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        |     | <input checked="" type="checkbox"/> |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              |     | <input checked="" type="checkbox"/> |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       |     | <input checked="" type="checkbox"/> |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      |     | <input checked="" type="checkbox"/> |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. |     | <input checked="" type="checkbox"/> |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  |     |                                     |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    |     |                                     |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 |     |                                     |





Gary E. Beck, Jr.  
Building Inspector

BP#19-0614  
THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

RECEIVED  
APR 18 2019

ID# 289120.

### Abandoned/Vacant Building Registration

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 4/18/19
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARTEL CORDOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

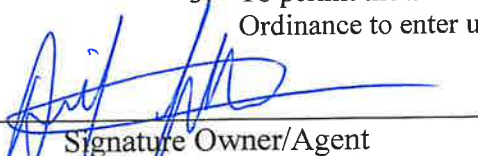


Description of the premise:

STOREFRONT WITH TWO FAMILY HOUSE

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

  
Signature Owner/Agent

ARTEL CORDOVA  
Print Name

Building Inspector Approval

*In accordance to Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*

4/12/19 - 10/12/19



Gary E. Beck, Jr.  
Building Inspector

**THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006**

**Abandoned/Vacant Building Registration Checklist**

**ADDRESS:** 579 MAIN STREET

**YES NO**

|                                                                                                                                                                                                                                                                                                                                                     |                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |



Gary E. Beck, Jr.  
Building Inspector

# THE CITY OF POUGHKEEPSIE NEW YORK

BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006



ID# 298120

## Abandoned/Vacant Building Registration

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 12/18/19
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARIEL CORDOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.

- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) \_\_\_\_\_

Description of the premise:

TWO FAMILY WITH STOREFRONT

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

Signature Owner/Agent

Print Name

ARIEL CORDOVA

Building Inspector Approval

In accordance with Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:

Joe

10/12/19 - 4/12/20





Gary E. Beck, Jr.  
Building Inspector

**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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

**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN

YES NO

|                                                                                                                                                                                                                                                                                                                                                     |   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | ✓ |  |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | ✓ |  |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | ✓ |  |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | ✓ |  |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | ✓ |  |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | ✓ |  |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | ✓ |  |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | ✓ |  |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | ✓ |  |



Gary E. Beck, Jr.  
Building Inspector

**THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2ND FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

## **NOTICE OF VIOLATION AND ORDER TO ABATE**

December 09, 2019

Ariel Cordova  
550 Main St  
Poughkeepsie, NY 12601-0000

RE: 579 Main St  
ID# 289120  
Grid ID# 6161-24-423946-0000

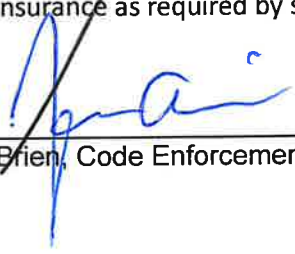
**PLEASE BE ADVISED** that on 12/09/2019 an inspection of the premises located at 579 Main St in the City of Poughkeepsie, New York revealed that the building is in violation of Section 6-39 of the Code of ordinances of the City of Poughkeepsie, New York, due to the following:

☒ Building Abandoned / Vacant for more than 10 days

**YOU ARE HEREBY ORDERED** to abate this violation with (10) ten days of the date of this order by:

- (1) Complete an application for abandoned/vacant building registration; and
- (2) Provide a cash bond in the amount of \$10,000.00 to the Building Inspector within ten (10) days of the date on which the registration form is required; and
- (3) Procure liability insurance for the property with a coverage amount to exceed \$150,000.00 and provide a copy of the certificate of insurance to the Building Inspector within ten (10) days of the date on which the registration form is required.

**PLEASE BE FURTHER ADVISED** that any person, firm, corporation, or association violating the provisions of section 6-39 shall be liable to a penalty of \$300 per day, per property for the following offenses, which are distinct and separately chargeable: (1) failure to register the property in accordance with section 6-39(c); (2) failure to provide or replenish a cash bond as required by section 6-39(j) and 6-39(m); and (3) failure to provide proof of liability insurance as required by section 6-39(k).

  
\_\_\_\_\_  
Joseph O'Brien, Code Enforcement Officer





**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**

62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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

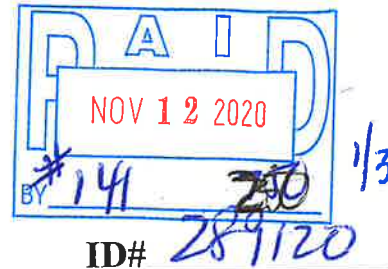
**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN STREET YES NO

|                                                                                                                                                                                                                                                                                                                                                     |   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | ✓ |  |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | ✓ |  |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | ✓ |  |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | ✓ |  |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | ✓ |  |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | ✓ |  |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | ✓ |  |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | ✓ |  |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | ✓ |  |



THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006



**Abandoned/Vacant Building Registration**

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 11/8/2020
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARIEL CORDOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

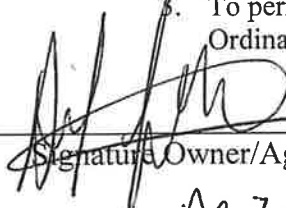
- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

THREE FAMILY HOUSE WITH  
COMMERCIAL RETAIL ON THE  
FIRST FLOOR

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

  
Signature Owner/Agent

Print Name

ARIEL CORDOVA

Building Inspector Approval

*In accordance with Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*



10/12/20 - 4/12/21

BP-20-1624



**THE CITY OF POUGHKEEPSIE**  
**NEW YORK**  
**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN STREET YES NO

|                                                                                                                                                                                                                                                                                                                                                     |   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | ✓ |  |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | ✓ |  |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | ✓ |  |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | ✓ |  |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | ✓ |  |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | ✓ |  |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | ✓ |  |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | ✓ |  |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | ✓ |  |



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**

62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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



**BP# 20-1154**

**ID# 289120**

**Abandoned/Vacant Building Registration**

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 8/11/2020
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARTUR CORDOVA
- Address of owner(s) 8 ANSARA ROAD WADSWORTH FALLS NY 12590
- Third Party Agent NA

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

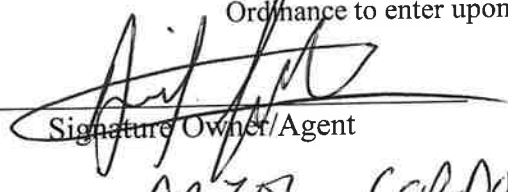
- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

THREE FAMILY HOUSE WITH  
COMMERCIAL STOREFRONT ON THE  
GROUND FLOOR

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

  
Signature Owner/Agent

ARTUR CORDOVA  
Print Name

\_\_\_\_\_  
Building Inspector Approval

*In accordance to Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*

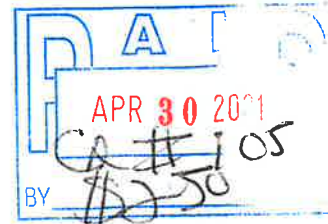
4/12/20 - 10/12/20





THE CITY OF POUGHKEEPSIE  
NEW YORK  
BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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



BP-21-0682

ID# 289120

**Abandoned/Vacant Building Registration**

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 4/23/2021
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARTEL CORNOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

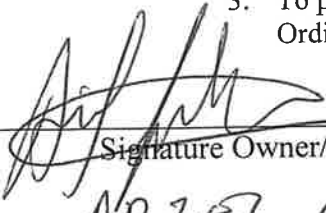
- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

MULTI FAMILY HOUSE W/ STORE FRONT

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

  
Signature Owner/Agent  
ARTEL CORNOVA  
Print Name

\_\_\_\_\_  
Building Inspector Approval

*In accordance to Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*

After 4/12/21 - 10/12/21





**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN STREET YES NO

|                                                                                                                                                                                                                                                                                                                                                     |   |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|--|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | ✓ |  |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | ✓ |  |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | ✓ |  |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | ✓ |  |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | ✓ |  |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | ✓ |  |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | ✓ |  |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | ✓ |  |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | ✓ |  |

**RECEIVED**



THE CITY OF POUGHKEEPSIE  
NEW YORK

BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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



BP 21-1785

ID# 289120

Abandoned/Vacant Building Registration

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date OCT 29, 2021
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARTER CORDOVA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.

- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

TWO FAMILY HOUSE W/ STORE FRONT  
PROPERTY ACTIVELY LISTED FOR SALE

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

Signature Owner/Agent

Print Name

Building Inspector Approval

In accordance to Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:

10/12/21 - 4/12/22



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN YES NO

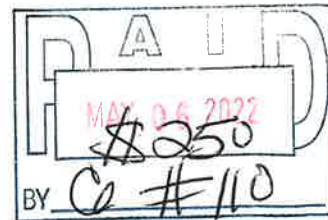
|                                                                                                                                                                                                                                                                                                                                                     |                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |



THE CITY OF POUGHKEEPSIE  
NEW YORK

BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601

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



BP-22-0654  
Abandoned/Vacant Building Registration

ID# 289/20

Pursuant to Chapter 6 of the Code of the City of Poughkeepsie you must renew/apply for an Abandoned/Vacant Building registration at the end of each six months if the property is still in foreclosure and/or is vacant

Complete this application and provide a detailed floor plan of the vacant building along with a check in the amount \$250.00, made payable to **CITY OF POUGHKEEPSIE**

- Date 4/18/22
- Abandoned/Vacant Building Address 579 MAIN STREET
- Name of owner(s) ARIEL CORONA
- Address of owner(s) 550 MAIN STREET
- Third Party Agent NA

*If the owner does not reside in Dutchess County, please provide the name and address of any third party agent that the owner has entered into a contract or agreement with for property management.*

- Name(s) of all known lien holders NA
- Addresses of all known lien holders NA
- Name(s) of all other parties with ownership interest in building NA
- Addresses of all other parties with ownership interest in building NA
- Telephone number of responsible party ( During business and non-business hours) 845-519-7670

Description of the premise:

FOUR FAMILY HOUSE WITH STOREFRONT

The owner/applicant of the property covered by this application and the undersigned applicant agree:

1. To conform to all applicable laws of this jurisdiction;
2. To adhere to the rules and regulations stipulated in the City Ordinance concerning abandoned/vacant buildings;
3. To permit the Building Inspector, his deputy, or other inspectors designated in the Ordinance to enter upon and inspect the property at all reasonable times.

[Signature]  
Signature Owner/Agent

ARIEL CORONA  
Print Name

\_\_\_\_\_  
Building Inspector Approval

*In accordance to Chapter 6, Section 39 of the City of Poughkeepsie Code of Ordinances all vacant real property shall at all times be properly maintained. The following conditions are to be met in order for a vacant building or structure to be considered properly maintained. Please indicate below whether or not the structure:*

4/12/22 - 10/12/22





**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006

**Abandoned/Vacant Building Registration Checklist**

ADDRESS: 579 MAIN STREET YES NO

|                                                                                                                                                                                                                                                                                                                                                     |                                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--|
| Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals.                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> |  |
| All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.                                                                                                        | <input checked="" type="checkbox"/> |  |
| The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> |  |
| Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.                                                                                                                                                                       | <input checked="" type="checkbox"/> |  |
| The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).                                                                                                      | <input checked="" type="checkbox"/> |  |
| Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall be protected from the element against rust or decay by appropriate application of paint or similar weather-coating. | <input checked="" type="checkbox"/> |  |
| Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.                                                                                                                                                                                                  | <input checked="" type="checkbox"/> |  |
| The property contains a posting with the names and twenty-four hour contact phone number of the local individual or property Management Company responsible for the maintenance. This sign must be posted on the front of the property so it is clearly visible from the street.                                                                    | <input checked="" type="checkbox"/> |  |
| All bushes must be trimmed so as to provide an unobstructed view of the front of the house from the public roadway.                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> |  |





# THE CITY OF POUGHKEEPSIE NEW YORK

BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, POUGHKEEPSIE, NY 12602  
Phone: (845) 451-4007 Fax: (845) 451-4006

## BUILDING DEPARTMENT RECORD SEARCH

| ADDRESS         | TAX GRID #     | ID #   | YOUR FILE # |
|-----------------|----------------|--------|-------------|
| 579 Main Street | 6161-24-423946 | 289120 |             |

Review of the records of the Building Department in response to your written request concerning the above referenced property revealed the following information:

The current use of the property:

Vacant Two Story Building with No Current Designated Use

- ☐ A Certificate of Occupancy has been issued. Copy attached.
- ☐ A Certificate of Legal Nonconformity has been issued, as the use of this property is nonconforming (copy enclosed).
- ☒ There is no valid Certificate of Occupancy for the building itself.
- ☒ Alterations, renovations or repairs may have taken place without the benefit of permits or inspections.
- ☒ A Request for Inspection Form (enclosed) must be completed and submitted with a floor plan and the required fee.  
The subsequent inspection may identify issues that will need to be addressed.
- ☒ A Certificate of Occupancy for the building must be issued before occupancy.
- ☒ There are no known violations of record.
- ☐ There are existing violations of record (copy enclosed).
- ☒ There are no open/expired permits:
- ☒ The property abuts a roadway maintained by the City of Poughkeepsie.
- ☐ The property abuts a roadway maintained by the State of New York.

☒ Additional Comments:

Any intended use will need to receive approval from the Planning and Zoning Department and a Building Permit must be obtained for all work to obtain a Certificate of Occupancy.

This report is the result of a search of the records of the Building Department of the City of Poughkeepsie only as those records existed on the date of this search. Discrepancies between this report and actual site conditions may exist. Please note that it is the responsibility of the buyer of any property to ascertain whether or not the use of the property and buildings thereon is legal and authorized and whether any alterations which may have taken place are legal and authorized.

Robert O'Shea, Deputy Building Inspector

April 19, 2022

Date

## BARGAIN AND SALE DEED

### With Covenant

This indenture, made the 23<sup>rd</sup> day of May, 2022, Ariel Cordova, an individual with an address of 550 Main Street, Poughkeepsie, Dutchess County, New York 12601, party of the first part, and Johanny Properties LLC, an domestic limited liability company organized under the laws of the State of New York whose address is 2011 Colonial Avenue, Bronx, Bronx County, New York 10461, together as husband and wife, party of the second part,

Witnesseth, that the party of the first part, in consideration of Three Hundred Fifty Thousand and No/100 Dollars (\$350,000.00), lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, and assigns forever, all of that certain plot, parcel or piece of land, including all buildings and improvements thereon erected, situate, lying and being in the City of Poughkeepsie, County of Dutchess, State of New York and legally described as shown on attached Schedule "A", together with the interest of the party of the first part, if any, in any land lying in the bed of any street or highway, adjoining or abutting the Premises to the center lines thereof, together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

Being the same premises conveyed to Ariel Cordova, who acquired title by Deed made by Fernando Piney, dated June 28, 2001 and recorded August 3, 2001 as Document No. 02-2001-6316 in the Office of the Clerk of Dutchess County, State of New York.

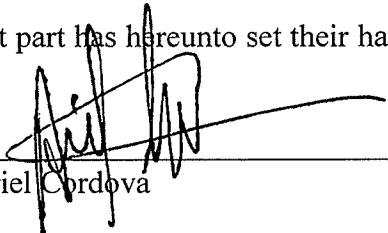
To have an to hold the above granted premises unto the party of the second part, their heirs, successors and assigns forever.

And said party of the first part covenants that Ariel Cordova has not done or suffered anything whereby the said premises have been or may become encumbered in any way whatsoever.

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as "parties" whenever the sense of this indenture requires such reading.

In witness whereof, the party of the first part has hereunto set their hand and seal the day and year first above written.  
In the presence of:

  
Ariel Cordova

State of New York

)

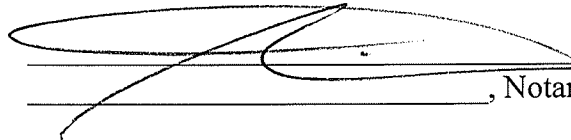
)

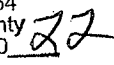
ss.:

County of Westchester

)

On the 23<sup>rd</sup> day of May in the year 2022, before me, the undersigned, personally appeared Ariel Cordova, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_, Notary Public

CHARLES STOCKINGER  
Notary Public, State of New York  
Registration No. 01ST6011254  
Qualified in Westchester County  
Commission Expires August 3, 2022 

After recording, return to:

Judith Reardon, Esq.  
61 Oslo Drive  
Yorktown Heights, NY 10598  
(914) 666-5566

***AmTrust Title Insurance Company***

Title Number: **RGD 22802**  
Page 1

**SCHEDULE A DESCRIPTION**

ALL that certain plot piece or parcel of land, situate, lying and being in the **CITY OF  
POUGHKEEPSIE, COUNTY OF DUTCHESS**, State of New York, known as 579 Main Street and  
being the northeast corner of Main Street and Pershing Avenue in the City of Poughkeepsie, being  
50 feet in width on Main Street and approximately 94 feet on Pershing Avenue.

**From:** Knauss, Judith  
**Sent:** Tuesday, July 5, 2022 3:46 PM  
**To:** 'JA Essentials' <[jaessentials845@gmail.com](mailto:jaessentials845@gmail.com)>  
**Cc:** Philipp, Eric <[EPhilipp@cityofpoughkeepsie.com](mailto:EPhilipp@cityofpoughkeepsie.com)>; O'Shea, Robert <[ROShea@CityOfPoughkeepsie.com](mailto:ROShea@CityOfPoughkeepsie.com)>  
**Subject:** 579 Main Street

Dear Jonathan:

Following our meeting on June 30, 2022, I reviewed the files of the Building Department and consulted with the Building Inspector relative to your plans for the property at 579 Main Street. The building was previously a mixed use building containing a retail store on the first floor and a residential component. The building has been vacant for some number of years. You are proposing a commercial component and four (4) dwelling units.

Please be advised that, as we discussed, the property is located in an area of the City zoned Main Street Commercial (C-2A) District. The use of the property in C-2A Districts for residential purposes is not permitted, pursuant to the provisions of Section 19-3.23..1(2) of Zoning Ordinance. The previous residential component was nonconforming. As the building has been vacant for a period in excess of one year, any right to re-establish this use has expired, pursuant to the provisions of Section 19-5.1(1)(d), which states that a nonconforming use "shall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so."

Therefore, any application to establish or re-establish a residential use would require a use variance from the Zoning Board of Appeals. Here is a link to that application on the City's website: <https://cityofpoughkeepsie.com/DocumentCenter/View/1350/ZBA-Use-Variance-Application-Form>. Please note that there are no guarantees that the Zoning Board of Appeals will act favorably on such an application. However, I believe it is important to remember that, as discussed during our meeting, the City has undertaken a major revision to our Zoning Ordinance, which we hope may be adopted as early as October of this year. Such a revision will likely address the issue of the residential use as outlined herein.

Please note that there is nothing in this determination that would preclude you from moving forward with plans to renovation the commercial component of the building. Retail stores and service businesses are permitted, and would require only a building permit to establish. Other commercial uses are permitted, but might require additional approvals, such as area variances and site plan or special permit approval from the Planning Board. The work involved could take place while waiting for the results of the rezoning.

Please feel free to contact me if you have any further questions in this regard.

Very truly yours,  
Judith Knauss  
Deputy Zoning Administrator



## **67 Worrall Avenue – VARIANCE REQUEST JUSTIFICATION**

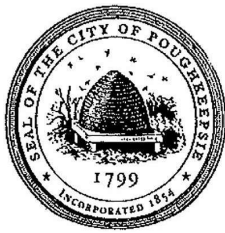
The following responses are related to the Lot area appeal **Section 19-3.14(4)(a)** where minimum of **10,000 square feet** of lot area is required existing lot area is 7,057 square feet.

- 1) The granting of this will not produce an undesirable change in the character of the neighborhood. The proposal is consistent with adjacent and neighboring properties. The proposal is not detrimental to nearby properties. Several adjacent properties are non-conforming in terms of lot area in respect to different uses; that being, two family residences, multi-family dwellings and commercial / business uses.
- 2) The area variance cannot be achieved by some other method feasible to pursue, simply due to the how the adjacent properties are situated with their current use, locations of surrounding residences or commercial use properties and availability.
- 3) The area variance requested is NOT substantial; however, most of if not all adjacent properties are deficient in their lot area relative to the use of each; this proposal is consistent with the surrounding area.
- 4) The requested variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- 5) The need for the area variances should not be considered 'self-created' as this property was previously used as a two-family dwelling and a mixed use consisting of a convenient store which is now eliminated.

---

The following responses are related to the front and side yard setback requirement appeal of **Section 19-3.14(4)(d)1** where minimum **20 feet** front yard is required, and **15 feet exists**.

- 1) This proposal cannot be solved by some other method due to the existing location of the building and where it is situated on the site. There are no other solutions possible including the purchase of adjacent land.
- 2) The area variance cannot be achieved by some other method feasible to pursue as the area variance requested is related to how the existing building is located on the site. Any use proposed would require an area variance specific to the front yard setback.
- 3) The area variance requested for relief from the front yard is not substantial. The front yard variance is not substantial but as mentioned in comment two this is an existing condition relative to the how the building is situated on the site.
- 4) The requested variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. No trees are required to be removed.
- 5) The need for the area variances should not be considered 'self-created' as the requested area variance for the front yard dimensions is an existing condition.



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

FEE: \$350.00  
CODE: A2112  
ID# \_\_\_\_\_  
IPS# \_\_\_\_\_

**ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION**

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

**OWNER INFORMATION:**

Name: Damian Mercado  
Address: 1491 Bryant Avenue - Bronx, NY 10460  
  
Phone: 917.806.5258  
Email: \_\_\_\_\_

**APPLICANT INFORMATION:**

Name: Jose Santos, Fortuna Realty, Inc  
Address: 717 Broadway - Newburgh, NY 12550  
  
Phone: 845.522.0057  
Email: jpsantos515@gmail.com

**CONSULTANT INFORMATION:**

Name: John Sullivan  
Address: 16 Barclay Street - Pough., 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: \_\_\_\_\_

Date of decision/determination/violation: \_\_\_\_\_

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

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

**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 |
|----------------|------------------------------|--------------------|
| 19-3.14(4)(a)  | Min. 10,000 lot area / 7,057 | 2,943              |
| 19-3.14(4)(d)1 | 20 feet front yard / 15 feet | 5 foot variance    |
|                |                              |                    |
|                |                              |                    |
|                |                              |                    |

**VARIANCE REQUEST JUSTIFICATION**

See attached

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:** 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 EAF
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):  
Variance request justification  
Survey by John Decker, L.S.

**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

January 17, 2023  
DATE

Jose Santos  
\_\_\_\_\_  
Print Name

---

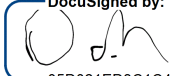
**Damian Mercado**

67 Worrall ave  
Poughkeepsie NY 12603  
(845) 522-0057  
Email; m.damian9@yahoo.com

To whom it may concern,

This letter confirms that I **Damian Mercado** have made the decision to restore the two-family use of my property at 67 Worrall Avenue in the City of Poughkeepsie nd to not pursue the mixed-use that was lost well over a year.

Sincerely,

DocuSigned by:  
  
05D021ED3C1C487...



| 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<br><small>PREVIOUSLY MIXED-USE<br/>(NON-CONFORMING-CONVENIENT STORE &amp; TWO FAMILY)<br/>DESOLVED IN EXCESS OF 1 YEAR</small> | PROPOSED            |   |
| MIN. LOT AREA                                                                                | 10,000 SQ. FT. (TWO-FAMILY)                     | 7,057 SQ. FT.                                                                                                                           | 7,057 SQ. FT.       | ★ |
| MAX. LOT COVERAGE                                                                            | 35%                                             | 18%                                                                                                                                     | 18%                 |   |
| MIN. LOT WIDTH                                                                               | 50'                                             | 50'                                                                                                                                     | 50'                 |   |
| MIN. LOT FRONTAGE                                                                            | 30'                                             | 50'                                                                                                                                     | 50'                 |   |
| MIN. FRONT YARD                                                                              | 20'                                             | 15' (existing covered porch)                                                                                                            | 15'                 | ★ |
| MIN. SIDE YARD                                                                               | 6'                                              | 6.1'                                                                                                                                    | 6.1'                |   |
| MIN. REAR YARD                                                                               | 15'                                             | 12.4'                                                                                                                                   | 15.2'               |   |
| MAX. HEIGHT                                                                                  | 2 1/2 STORIES<br>35'                            | 2 1/2 STORY<br><35'                                                                                                                     | 2 1/2 STORY<br><35' |   |
| MIN OPEN SPACE (2) 1-BEDROOM DWELLINGS                                                       | 600 SQUARE FEET                                 | -                                                                                                                                       | 655 SQUARE FEET     |   |
| MIN PARKING SPACES                                                                           | 2 (DWELLING UNITS)                              |                                                                                                                                         | 4                   |   |
| SOURCE: CITY OF POUGHKEEPSIE ZONING ORDINANCE R-3 REGULATIONS (TWO-FAMILY REGS LISTED ABOVE) |                                                 |                                                                                                                                         |                     |   |
| ★ AREA VARIANCE REQUIRED                                                                     |                                                 |                                                                                                                                         |                     |   |



3 LANDSCAPE (sample — parking area buffer) IMAGES

SCALE: none

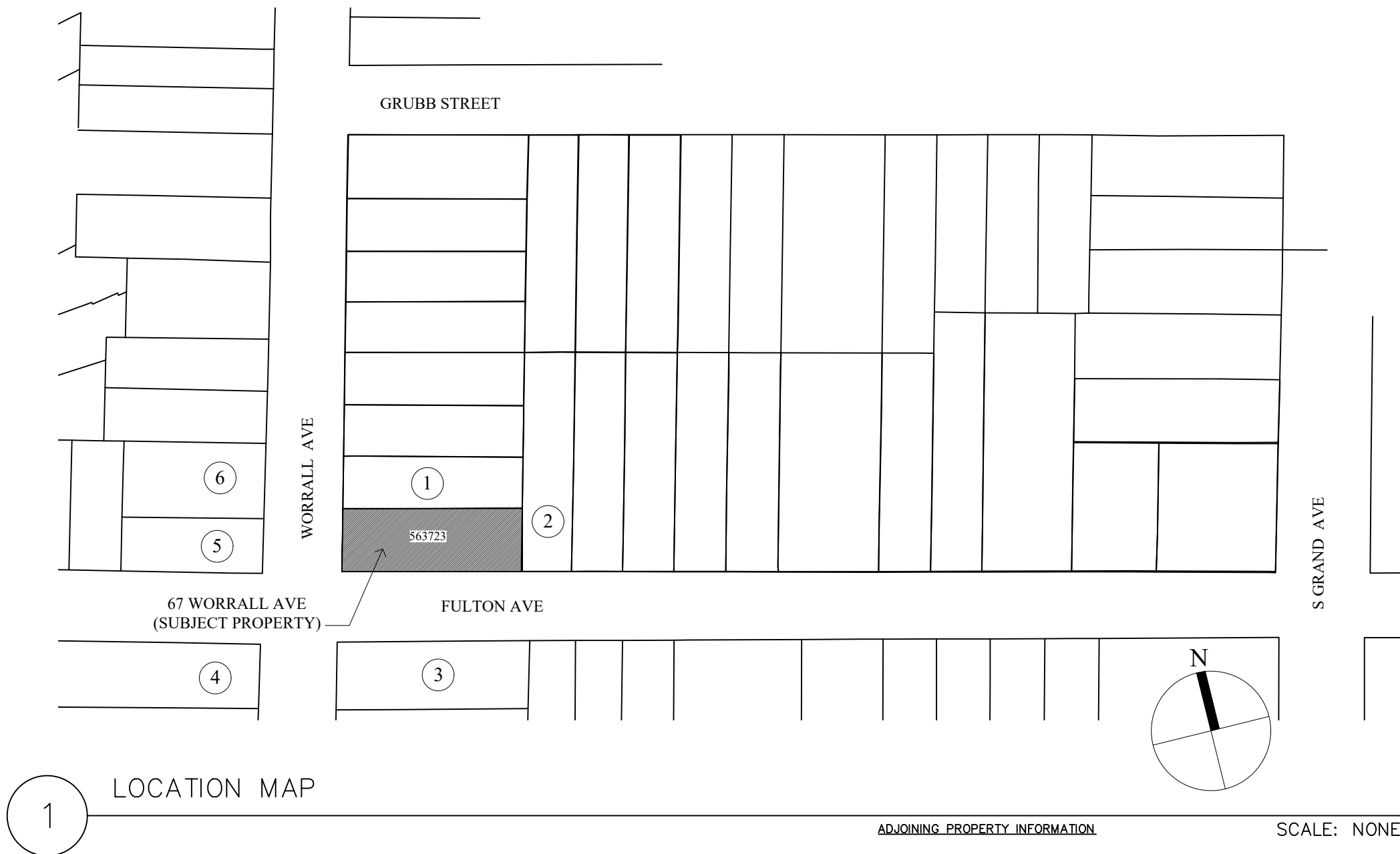
EXCAVATION NOTE:  
PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION THE GENERAL CONTRACTOR SHALL CONTACT "DIG SAFELY NEW YORK 811" FOR ALL UNDERGROUND UTILITIES TO BE LOCATED AND MARKED FOR PRECISE LOCATION



NOTES TO DRAWING:

1. EXISTING OVERHEAD ELECTRIC LINES AND UTILITY POLES ARE SHOWN. ALL OTHER UTILITIES ARE LOCATED BASED ON LOCATION OF VALVES IN EXISTING SIDEWALK & STREET. UTILITY PIPES BELOW GROUND LINE ARE NOT SHOWN, IF A PLANNING BOARD APPLICATION IS REQUIRED COORDINATION WITH CITY OF POUGHKEEPSIE ENGINEERING WILL OCCUR.
2. THERE ARE NO EXISTING EASMENTS, RESERVATIONS AND REARS DEDICATED TO PUBLIC USE, EXISTING COVENANTS OR DEED RESTRICTIONS WITHIN, ADJACENT OR OTHERWISE PERTAINING TO THE PROPERTY WHICH ARE KNOWN. NONE OF THE FORMER ARE PROPOSED.
3. THERE ARE NO WATERSOURCES, MARSHES, WOODED AREAS, ROCK OUTCROPS ISOLATED TREES WITHIN THE SITE.
4. THERE ARE NO KNOWN AREAS SUBJECT TO STORM WATER OVERFLOWS OR 100 YEAR FLOOD PLAIN WITHIN THE PROPERTY.
5. THERE ARE NO PROPOSED FIRE ALARM BOXES AND OR CONNECTIONS TO THE CITY FIRE ALARM SYSTEM AT THIS TIME.
6. THE OWNER HAS THE FINANCIAL MEANS TO COMPLETE THIS PROPOSAL IN TERMS OF FINANCES THROUGH PRIVATE FUNDS.
7. ANY DAMAGE TO THE WORRALL & FULTON AVENUES SIDEWALKS & STREET DURING CONSTRUCTION SHALL BE REPLACED AND RESTORED TO ORIGINAL CONDITION @ OWNERS EXPENSE.
8. PRIOR TO THE START OF CONSTRUCTION OR EXCAVATION, TREES TO BE RETAINED SHALL BE PROTECTED BY SILT FENCE, SNOW FENCE, CONSTRUCTION FENCE, OR EQUAL, WHICH WILL BE PLACED AT THE DRIP LINE OR SEVERAL FEET BEYOND. HOWEVER, THE FENCING SHALL NOT CROSS PUBLIC SIDEWALKS. NO STORAGE OR STOCKPILING OF CONSTRUCTION MATERIALS, DEBRIS OR EQUIPMENT SHALL OCCUR WITHIN THE FENCED AREA.

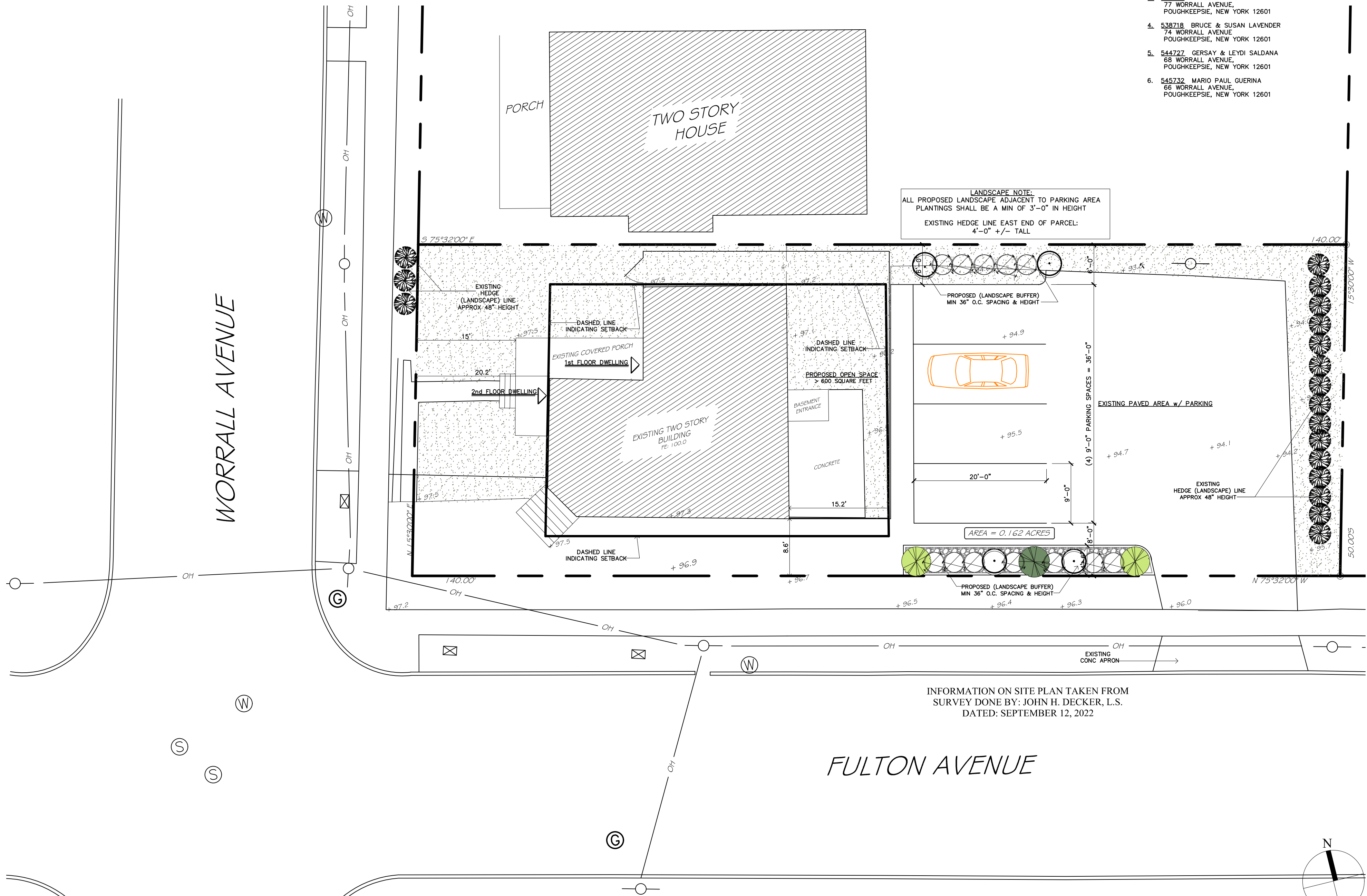
## PROPOSED TWO-FAMILY DWELLING: 67 WORRALL AVENUE CITY OF POUGHKEEPSIE, NY



ADJOINING PROPERTY INFORMATION:

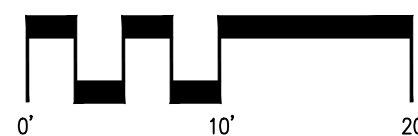
SCALE: NONE

1. 564722 REJUVENATE PROPERTIES II LLC  
P.O. Box 372  
GARDNER, NY 12525
2. 571726 ERICA LANE  
1 FULTON AVE.  
POUGHKEEPSIE, NY 12601
3. 566712 ANGEL ESTRADA  
77 WORRALL AVENUE  
POUGHKEEPSIE, NEW YORK 12601
4. 538718 BRUCE & SUSAN LAVENDER  
75 WORRALL AVENUE  
POUGHKEEPSIE, NEW YORK 12601
5. 544727 GERSAY & LEYDI SALDANA  
68 WORRALL AVENUE  
POUGHKEEPSIE, NEW YORK 12601
6. 545732 MARIO PAUL GUERNA  
68 WORRALL AVENUE  
POUGHKEEPSIE, NEW YORK 12601



2 EXISTING SITE PLAN w/ PROPOSED LANDSCAPE BUFFER & PARKING

SCALE: 1"=10'-0"



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

1.17.2023 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)  
1.26.2023 REVISED AS PER ZONING ADMIN. COMMENTS  
1.31.2023 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)

Project Title

Existing Site Plan  
for a Proposed Two-family:  
**67 Worrall Ave**  
City of Poughkeepsie, NY

Drawing Title

Existing Site Plan

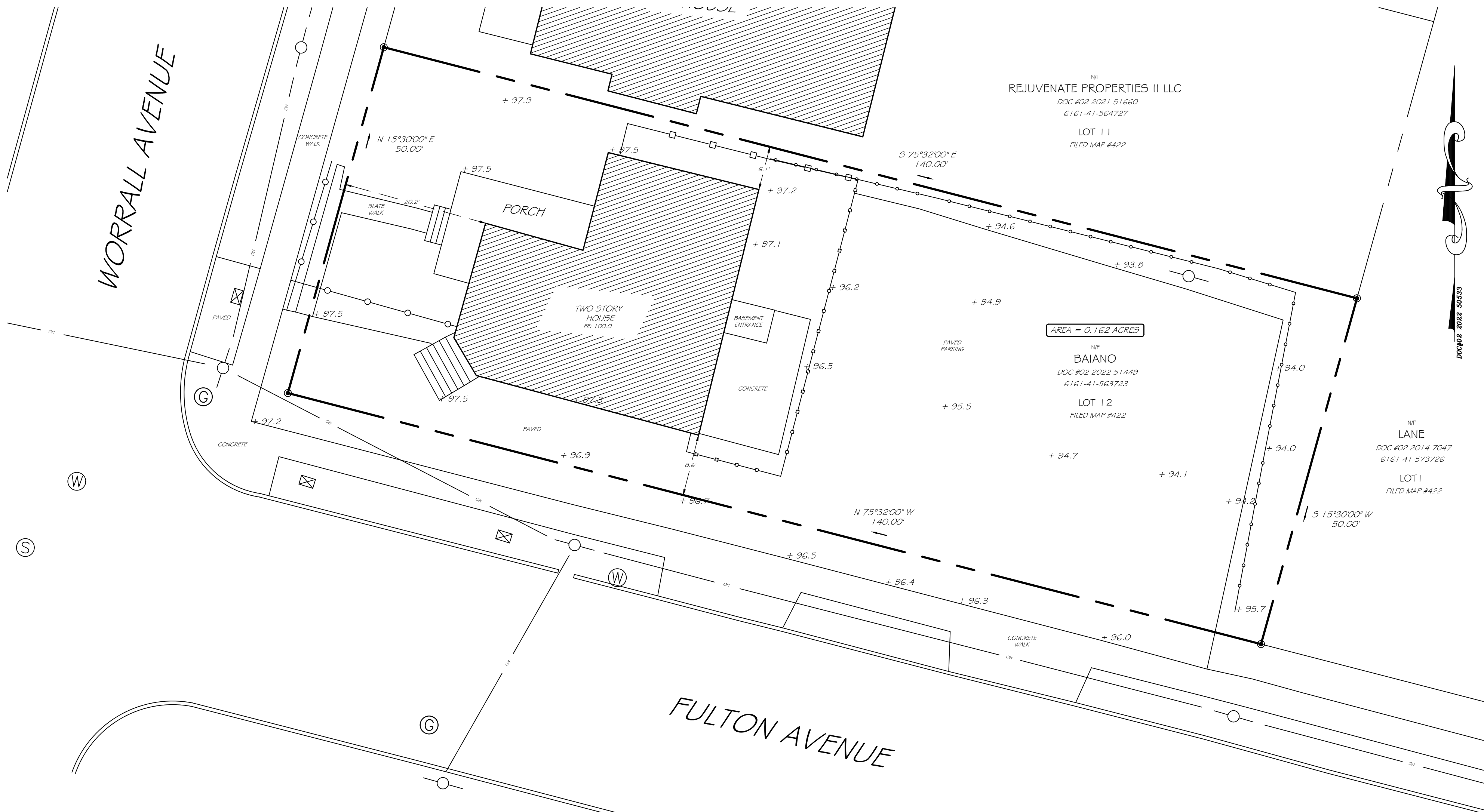
Project No. 2227  
Date 8.6.2022  
Scale AS NOTED  
Drawing by JVS

Checked by

Drawing No.

S-1.0





DOC#02 2022 50533

| 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.

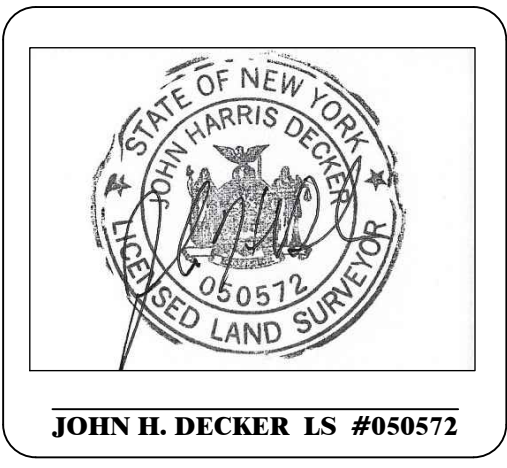
ONLY COPIES OF THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

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 PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS 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) 758-4442  
deckersurveying@frontiernet.net

© Copyright 2005





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)



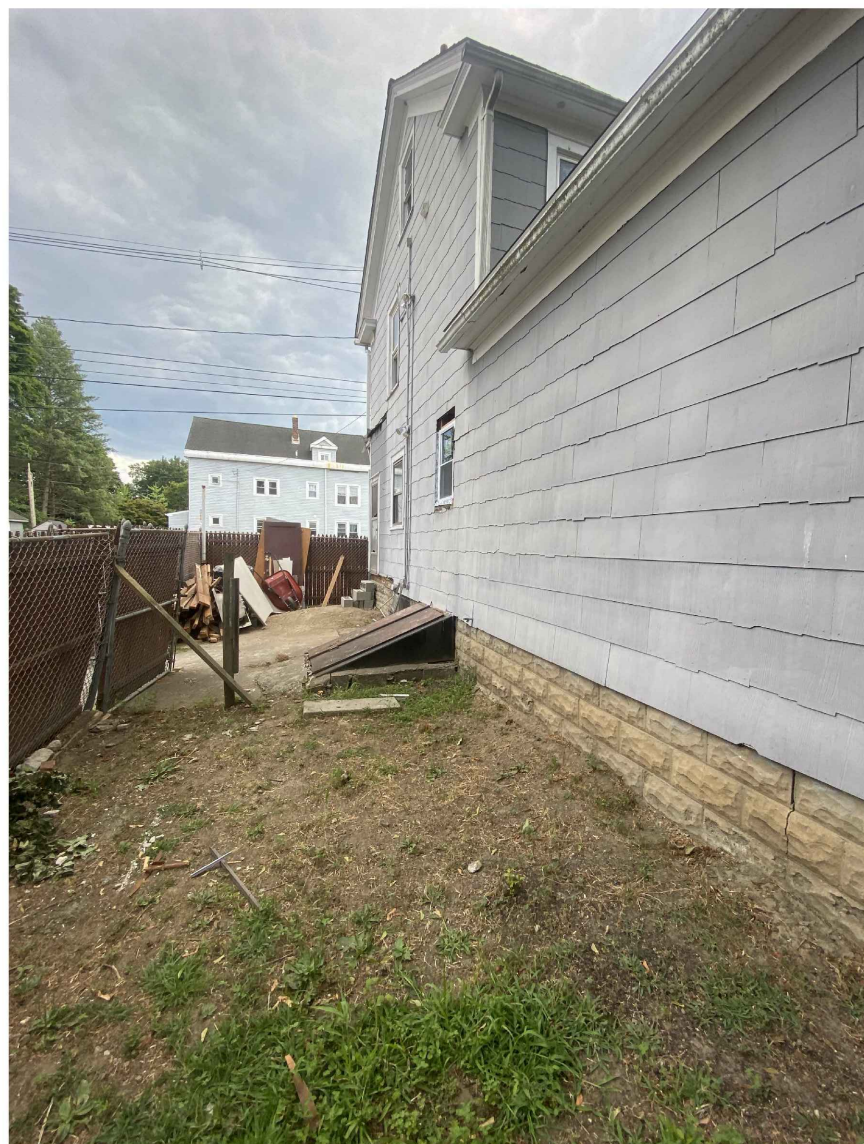
5 67 WORRAL AVE VIEW (rear of building looking south)



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

1.17.2023 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)

Project Title

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





**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**DEVELOPMENT DEPARTMENT**  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4263 Fax: (845) 451-4006

**MEMORANDUM**

To: Jose Santos, Applicant  
From: Natalie Quinn, Development Director  
Date: January 25, 2023  
Re: 67 Worrall Avenue, #ZBA2023-001 - SEQRA Classification

---

Upon review of project materials provided by the applicant, including Short EAF Part 1 and site plan application, it is my understanding that the proposed action to be undertaken includes the conversion of an existing structure to a 2 family dwelling.

Based on the above description it is the determination of the planning division that the proposed action is classified as Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(17) "granting of an area variance for a single-family, two-family or three-family residence" The action is therefore not subject to further environmental review.

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### **Instructions for Completing**

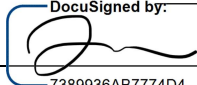
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

| <b>Part 1 – Project and Sponsor Information</b>                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                            |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------|------------------------------------------------|
| <b>Name of Action or Project:</b><br>Area variance(s) application to City of Poughkeepsie, NY zoning board of appeals                                                                                                                                                                                                                                                                                                   |  |                                                                            |                                                |
| <b>Project Location (describe, and attach a location map):</b><br>67 Worrall Avenue, City of Poughkeepsie, NY                                                                                                                                                                                                                                                                                                           |  |                                                                            |                                                |
| <b>Brief Description of Proposed Action:</b><br>Proposed two-family dwelling located in a medium-density residential zone (R-3). Application for two area variances, one for deficiency in lot area where a minimum 10,000 square feet is required and existing lot is 7,057 square feet, and 20 feet minimum front yard setback is required, 15 feet to existing two-story front covered porch.                        |  |                                                                            |                                                |
| <b>Name of Applicant or Sponsor:</b><br><br>Jose Santos                                                                                                                                                                                                                                                                                                                                                                 |  | <b>Telephone:</b> 845.522.0057<br><br><b>E-Mail:</b> jpsantos515@gmail.com |                                                |
| <b>Address:</b><br>717 Broadway                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                            |                                                |
| <b>City/PO:</b><br>Newburgh                                                                                                                                                                                                                                                                                                                                                                                             |  | <b>State:</b><br>NY                                                        | <b>Zip Code:</b><br>12550                      |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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<br><br><input checked="" type="checkbox"/>                              | YES<br><br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: City of Poughkeepsie ZBA and building department.                                                                                                                                                                                                            |  | NO<br><br><input type="checkbox"/>                                         | YES<br><br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?                                                                                                                                                                                                                                                                                                                                                                 |  | 7,057 acres                                                                |                                                |
| b. Total acreage to be physically disturbed?                                                                                                                                                                                                                                                                                                                                                                            |  | 0 acres                                                                    |                                                |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?                                                                                                                                                                                                                                                                                                  |  | 7,057 acres                                                                |                                                |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:                                                                                                                                                                                                                                                                                                                                        |  |                                                                            |                                                |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland |  |                                                                            |                                                |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                               |                                                                                                                           |                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?<br>b. Consistent with the adopted comprehensive plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | NO<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                            | YES<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/>                                            | N/A<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NO<br><br><input checked="" type="checkbox"/>                                                                 | YES<br><br><input type="checkbox"/>                                                                                       |                                                                                |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?<br>b. Are public transportation services available at or near the site of the proposed action?<br>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?                                                                                                                                                                                                                                                                                             | NO<br><br><input checked="" type="checkbox"/><br><br><input type="checkbox"/><br><br><input type="checkbox"/> | YES<br><br><input type="checkbox"/><br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/> |                                                                                |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>Efficient heating and cooling equipment will be used and LED lighting.<br>_____<br>_____                                                                                                                                                                                                                                                                                                                                   | NO<br><br><input type="checkbox"/>                                                                            | YES<br><br><input checked="" type="checkbox"/>                                                                            |                                                                                |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____<br>Existing to remain.<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                               | NO<br><br><input checked="" type="checkbox"/>                                                                 | YES<br><br><input type="checkbox"/>                                                                                       |                                                                                |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____<br>Existing to remain<br>_____                                                                                                                                                                                                                                                                                                                                                                                                                                   | NO<br><br><input checked="" type="checkbox"/>                                                                 | YES<br><br><input type="checkbox"/>                                                                                       |                                                                                |
| 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?<br>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? | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                      | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       |                                                                                |
| 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?<br>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____<br>_____<br>_____                                                                                                                                                                                     | NO<br><br><input checked="" type="checkbox"/><br><br><input checked="" type="checkbox"/>                      | YES<br><br><input type="checkbox"/><br><br><input type="checkbox"/>                                                       |                                                                                |

|                                                                                                                                                                                                                                                                                                                                                      |                                     |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:                                                                                                                                                                                                                           |                                     |                                     |
| <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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                                 |
| Indiana Bat                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan?                                                                                                                                                                                                                                                                                          | NO                                  | YES                                 |
|                                                                                                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?                                                                                                                                                                                                                                                   | NO                                  | YES                                 |
| If Yes,                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| a. Will storm water discharges flow to adjacent properties?                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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)?                                                                                                                                                                      | NO                                  | YES                                 |
| If Yes, explain the purpose and size of the impoundment:                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?                                                                                                                                                                                                           | NO                                  | YES                                 |
| If Yes, describe:                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?                                                                                                                                                                                                         | NO                                  | YES                                 |
| If Yes, describe:                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| _____                                                                                                                                                                                                                                                                                                                                                |                                     |                                     |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br><br>Applicant/sponsor/name: Jose Santos      Date: January 17, 2023<br>DocuSigned by: _____<br>Signature:  Title: Property manager<br>7389936AB7774D4... |                                     |                                     |

# EAF Mapper Summary Report

Tuesday, January 17, 2023 11:56 AM



**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          |