



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

Common Council Chambers
Tuesday, June 13, 2023
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of May 9, 2023 Meeting Minutes

III. PUBLIC HEARINGS & DELIBERATIONS

1. 9 THOMPSON STREET: AREA VARIANCE

Application for an area variance relative to the installation of a parking area in the front yard of the property. The variance requested is in regards to Section 19.4.13(2) which states no parking or storage of motor vehicles shall be allowed in the front yard of any property located in an R-1, R-2, R-2A, R-3, R-3A or R-4 Zoning District to allow for the addition of a parking area in the south front and west side yard of the property.

Owner/Applicant: Everton & Verna Meyers; Grid #6162-70-238140 Zoning District: Medium High Density Residential (R-4); File #2022-022.

- 2. 325 CHURCH STREET: AREA VARIANCE** Application for area variances relative to the conversion of a two bedroom apartment into two, one bedroom apartments. Variances requested are regarding Section 19-3.13.1(4)(a)2 requiring a lot area of 12,000 square feet to allow for 4,125 square feet, a reduction of 7,875 or 65.5% and Section 19-4.3(11)(a) requiring 4 parking spaces to allow for 0 parking spaces. Owner: Abraham Smilowitz Applicant/Consultant: Jack Voss, Grayhawk Building Specialist; Grid: # 6161-23-342907; R-2A, CENTRAL LOW-DENSITY RESIDENTIAL District; File #ZBA 2023-008

3. 95 NORTH CLINTON: AREA VARIANCE

Application for area variance relative to the rear yard area. Whereas Section 19-3.22(4)(e)2.c requiring a rear yard of 25 feet. The area variance requested is to allow a rear yard of 7.1 feet a reduction of 17.9 feet.

Owner/Applicant: 36 Cottage Street LLC.; Consultant: Kelly Libolt; Grid: # 6161-78-301233; C-1 Neighborhood Commercial District; File #ZBA 2023-011

4. Lot #228990 CANNON STREET: AREA VARIANCE

Application for area variance relative to the access lane whereas Section 19-4.3(5)(a) requires a minimum fifteen-foot (15') access lane for parking areas with fewer than 20 spaces. Variance requested is to allow for an access lane of twelve feet six inches (12'6"); a variance of two feet six inches (2'6"). Owner/Applicant: Cannon Street Collaborative; Consultant: John Sullivan; Grid: # 6161-48-470546; File #ZBA2023-009

5. LOT #93758 SOUTH AVENUE: AREA VARIANCE

Application for area variance relative to the parking spaces for a 5 story, 87 one bedroom unit structure. The area variance requested is in regards to Section 19-4.3(11) requiring a minimum of 1.5 parking spaces per unit or a total of 131 to allow for 103 parking spaces (53 above ground and 50 below ground) a reduction of 28 spaces. Owner/Applicant: ARGO Development; Consultant: Christopher Lapine, PE, LEED AP; Grid: # 6061-52-937583; R-D, Research and Development District; File #ZBA 2023-013

6. 1 COTTAGE STREET - ZONING INTERPRETATION

Application for an interpretation relative to nonconforming use Section 19-5.1(c) which states that a 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.

Owner/Applicant: Ibrianis Dominguez; Consultant: Z3 Consultants Inc; Grid: # 6161-48-470546; File #ZBA2023-023

IV. APPLICATION REVIEW

1. 75 NORTH WATER: AREA VARIANCE

Sign review regarding freestanding monument sign with message board. The variance requested is in regards to the sign code Section 19-4.9(8)(c)3b.i requiring that the message display change only once every 12 hours to allow the display to change once every 10 minutes; Section 19-4.9(9)(d)3 which permits no more than three colors to allow unlimited

colors; and Section 19-4.9(9)(d)4 which permits no more than 5 words to allow for 12 words. Owner/Applicant: Mid-Hudson Discovery Museum; Consultant: GNS Sign Group; Grid #6062-66-738231; Zoning District: Waterfront District (W); File #ZBA2023-007

2. LOT #285084 SMITH STREET: AREA VARIANCE

An application regarding area variances relative to the construction of a three (3) unit apartment building. A variance is requested for Section 19-3.15(4)(c)3 which requires 12,000sf of lot area; the lot is 7,237sf.; a reduction of 4,763sf (39.6%), Section 19-3.15(4)(e)2 requires the side yard be at least 15'; the proposed right side yard is 12'; a reduction of 3' (30%), Section 19-3.15(4)(f) requires the front yard be at least 20'; the proposed front yard is 10', Section 19-4.3(5)(a) requires an access drive of at least one 15 foot wide lane for parking areas with fewer than 20 spaces; a 12 foot access is proposed; a reduction of 3 feet (20%), Section 19-4.3(5)(b) requires the width of each parking space to be at least 9'; all six spaces appear to be only 8'9". Owner/Applicant: Patterson Calhoun, LLC; Consultant: Ciro Interante; Grid #6162-79-285084; Zoning District: Medium to High Density Residential (R-4); File #ZBA2023-006



City of Poughkeepsie Zoning Board of Appeals DRAFT Meeting Minutes

Common Council Chambers

Tuesday, May 9, 2023 6:00 PM

ATTENDANCE

Scott Parker
Thomas Klug
John Gildard
Jessica Vinall

ABSENT

Brian Ineson

STAFF

Robert Distel, City Planner
Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER 6:00 PM

II. APPROVAL OF MEETING MINUTES

1. Approval of April 11, 2023 Meeting Minutes

Motion: Scott Parker

Second: Tom Klug

Carried: 4:0:0

III. PUBLIC HEARINGS & DELIBERATIONS

1. 579 MAIN STREET: USE VARIANCE

Motion to open the public hearing:

Motion: Scott Parker

Second: John Gildard

Carried: 4:0:0

Motion to review and public hearing to June 13, 2023

Motion: Scott Parker

Second: Tom Klug

Carried: 4:0:0

2. 9 THOMPSON STREET: AREA VARIANCE

Motion to open the public hearing:

Motion: Scott Parker

Second: Tom Klug

Carried: 4:0:0

Motion to review and public hearing to June 13, 2023

Motion: Scott Parker

Second: Jessica Vinall
Carried: 4:0:0

3. 13 HARRISON STREET: AREA VARIANCE

Application for area variance relative to the construction of a two (2) story single family modular home. The area variance requested is in regards to Section 19-3.1.14(4)(a)1 requiring a lot area of 6,000 square feet to allow for a reduction of 2,472 square feet or over 41% to be 3,528 square feet which allows for compliance with Section 19-4.12(6) requiring that not more than 10% of the minimum area requirement of a lot may be fulfilled by land which is underwater or subject to periodic flooding. Owner: Habitat for Humanity Dutchess County Applicant/Consultant: David Freeman, RA, Architect; Grid: # 6162-79-3390686

A motion was made to approve the resolution that was posted and received in print:
Motion: Scott Parker
Second: Tom Klug
Carried: 4:0:0

4. 75 NORTH WATER STREET: AREA VARIANCES

Sign review regarding freestanding monument sign with message board. The variance requested is in regards to the sign code Section 19-4.9(8)(c)3b.i requiring that the message display change only once every 12 hours to allow the display to change once every 10 minutes; Section 19-4.9(9)(d)3 which permits no more than three colors to allow unlimited colors; and Section 19-4.9(9)(d)4 which permits no more than 5 words to allow for 12 words. Owner/Applicant: Mid-Hudson Discovery Museum; Consultant: GNS Sign Group; Grid #6062-66-738231; Zoning District: Waterfront District (W); File #ZBA2023-007

Presenting: Nancy Forrest, GNS Group
Jeffrey Sassoon, Executive Director, Mid-Hudson Discovery Museum

Nancy presented the message board and explained some of the concerns the planning Board had with it. She discussed light spillage, the need for more colors, words and the increased frequency for changing the message.

The Board asked about the time the applicant intended to keep the sign lit and agreed that the changing message section of the sign should be turned off at 8 pm and the static illuminated section of the sign to be turned off at 10 pm. The board was also concerned about the illumination and expressed that the sign should be static in nature and not have any sort of flashing lights.

There was a motion to open the Public Hearing
Motion: Scott Parker
Second: Tom Klug
4:0:0

Speakers: Judy Phelan, works at the office across the Water Street – Spoke in favor

There was a motion to close the Public Hearing

Motion: Scott Parker

Second: John Gildard

4:0:0

5. LOT #285084 SMITH STREET

An application regarding area variances relative to the construction of a three (3) unit apartment building. A variance is requested for Section 19-3.15(4)(c)3 which requires 12,000sf of lot area; the lot is 7,237sf.; a reduction of 4,763sf (39.6%), Section 19-3.15(4)(e)2 requires the side yard be at least 15'; the proposed right side yard is 12'; a reduction of 3' (30%), Section 19-3.15(4)(f) requires the front yard be at least 20'; the proposed front yard is 10', Section 19-4.1 l (b) requires landscaping or other opaque screening; a chain link fence is proposed for a portion of the property line, Section 19-4.3(1) requires landscaping whenever a parking area containing three or more spaces faces a street or a property line; a chain link fence is proposed, Section 19-4.3(2) requires opaque screening where a parking area for three or more vehicles abuts a residential property; a chain link fence is proposed, Section 19-4.3(5)(a) requires an access drive of at least one 15 foot wide lane for parking areas with fewer than 20 spaces; a 12 foot access is proposed; a reduction of 3 feet (20%), Section 19-4.3(5)(b) requires the width of each parking space to be at least 9'; all six spaces appear to be only 8'9".

Presenting: James Patterson, Owner

Ciro Interante, Architect

Ciro summarized the project pointing out the parking in the back of the lot, the existing chain link fencing that will remain and have privacy slats added to it the existing landscaping that will remain, the front yard set back and that the building is approximately in line with the fronts of the adjacent buildings as is permitted by code.

The Board discussed the requested variances that were grouped into similar codes for the sake of arguing the prongs.

1. Lot area and setbacks – because the lot is already existing, the size cannot be changed. The front setback was discussed and agreed that it would be within the limits of the code Section 19-4.14(1).
2. Landscaping and screening – these can be eliminated by noting the addition of slats to the chain link fence on the approved plan.
3. Access lane and parking space width – both seem to be a reasonable reduction.

Motion to open the public hearing:

Motion: Scott Parker

Second: Jessica Vinall

Carried: 4:0:0

Council Member Grant spoke in favor of the project

Motion to review and public hearing to June 13, 2023

Motion: Scott Parker

Second: John Gildard

Carried: 4:0:0

Motion to adjourn the meeting to June 13th:

Motion: Scott Parker

Second: Jessica Vinall

Carried: 4:0:0

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

At June 13, 2023 meeting a motion was made to approve May 9, 2023 meeting minutes:

Motion:

Second:

Carried:

DATE No. DESCRIPTION

REVISIONS

CONSULTANTS:

RECEIVED
MAY 3 1 2023



RESIDENT
OF
Everton and Verna
Myers

854-464-2305
Evertonmyers62@gmail.com
854-380-7623
verna.myers@aol.com

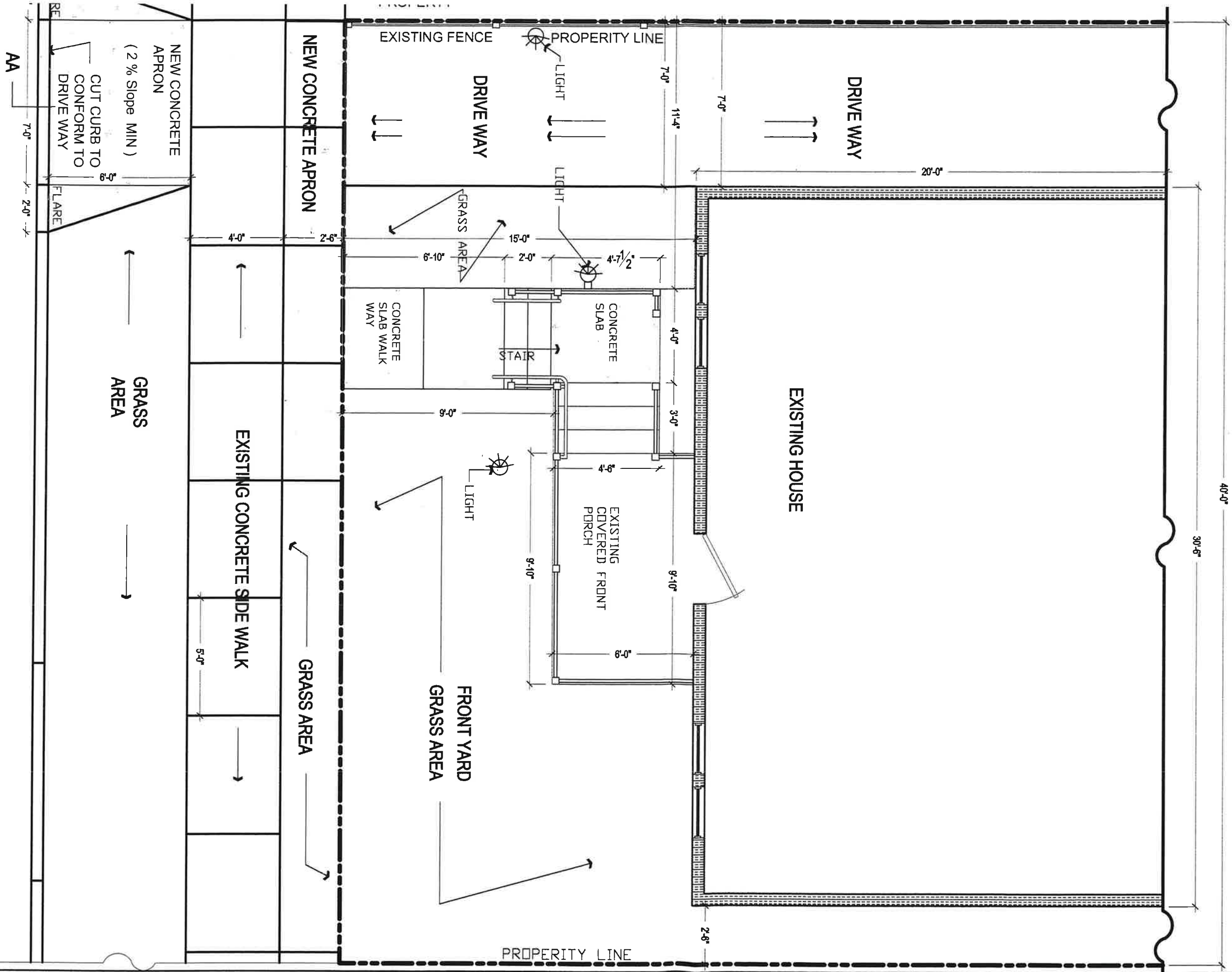
LOCATION
9 THOMPSON STREET
Poughkeepsie N.Y. 12601

Perry. Mclean
37 S. Randolph Ave.
Poughkeepsie N.Y. 12601
845-416-7399
Perrymcl@gmail.com

DATE: 02-8-2023
SCALE: AS NOTED
DRAWN BY: PM

PROPOSED
DRIVEWAY

A.2



2

PROPOSED DRIVEWAY
SCALE: 1/4"=1'-0"

617.20
Appendix B
Short Environmental Assessment Form

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			
Verna & Everton MYERS			
Name of Action or Project: To Put in a driveway parking space			
Project Location (describe, and attach a location map): See Drawing already submitted			
Brief Description of Proposed Action: To construct a parking space ^{see} left side of house located at 9 Thompson St. Psk. NY 12601.			
Name of Applicant or Sponsor: Verna & Everton MYERS		Telephone:	
		E-Mail:	
Address: 9 Thompson St.			
City/PO: Poughkeepsie, NY 12601		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐ ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			☒ ☐
3.a. Total acreage of the site of the proposed action?		_____ acres <i>see drawing</i>	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☒ ☐	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO ☒ ☒ ☒	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO ☒ ☒	YES ☐ ☐	
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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☒ ☒	YES ☐ ☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban N/A			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____ _____	NO ☒ ☒ ☒	YES ☐ ☐ ☐	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☒	YES ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Verna & Everton Myers</u> Date: <u>10-31-2022</u> Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? <i>NA</i>	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land? <i>NA</i>	☐	☐
3. Will the proposed action impair the character or quality of the existing community? <i>NA</i>	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? <i>NA</i>	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? <i>NA</i>	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? <i>NA</i>	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities? <i>NA</i>	☐ ☐	☐ ☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? <i>NA</i>	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? <i>N/A</i>	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? <i>NA</i>	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health? <i>NN</i>	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency Date	
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer	
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)	

PRINT



**THE CITY OF POUGHKEEPSIE
NEW YORK**

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

MEMORANDUM

To: Everton & Verna, Applicant

From: Natalie Quinn, Development Director

Date: December 12, 2022

Re: 9 Thompson Street, #ZBA2022-022 - 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 the front yard of the property with a 1 family dwelling be converted to a one car parking space.

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.



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

NOTICE OF VIOLATION AND ORDER TO ABATE

July 16, 2021

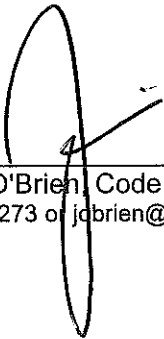
VERNA MYERS
9 THOMPSON STREET
POUGHKEEPSIE, NY 12601
Glenroy Adams
9 Thompson St
Poughkeepsie, NY 12601

RE: 9 Thompson St
ID# 441010
Grid ID# 6162-70-238140-0000
Complaint Number: 2021-0382

PLEASE TAKE NOTICE that the building located at **9 Thompson St** in the City of Poughkeepsie, New York has been found to be in violation with Chapter 19 Zoning Ordinance of the Code of Ordinances of the City of Poughkeepsie as indicated in the attached violation(s) report.

YOU ARE HEREBY ORDERED TO ABATE the violation(s) by **08/16/2021** and to schedule an inspection by contacting Joseph O'Brien, at the below listed number on or before **08/16/2021**.

YOU ARE HEREBY ORDERED to cease and desist from the use of the property at **9 Thompson St** as indicated in the attached violation(s) report. In the event of your failure to comply with the terms of this notice within thirty (30) days of the date of notice, you may be subject to prosecution and penalties as set forth in Section 19-7.8 of the Zoning Ordinance. You may request a hearing on the alleged violations by submitting an appeal to the Zoning Board of Appeals with the Building Inspector/Zoning Administrator within sixty (60) days of the date of this notice.



Joseph O'Brien, Code Enforcement Officer,
845-451-4273 or jobrien@cityofpoughkeepsie.com



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

VIOLATION(S) / SCHEDULE A

Property Address: 9 Thompson St
Complaint Number: 2021-0382

Issued To: VERNA MYERS

Issued To: Glenroy Adams

Count: 1

Violation Date: 07/16/21

Description: Front yard parking created and curb removed.

Area involved: Front yard

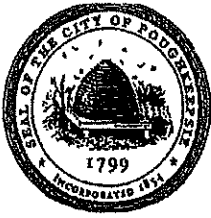
Violation Code:

CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK\Chapter 19, ZONING AND LAND USE REGULATIONS\ARTICLE IV, SUPPLEMENTARY REGULATIONS\Section 19-4.13 Location of accessory uses.\(2)

Off-street parking having access to a street or alley shall be provided and maintained according to the requirements of Section 19-4.3(11) of this Chapter. No parking or storage of motor vehicles shall be allowed in the front yard of any property located in an R-1, R-2, R-2A, R-3, R-3A or R-4 Zoning District, unless said front yard is crossed by a duly constructed driveway extending through such front yard to a garage, carport or properly surfaced parking area located beyond the front yard line. For uses requiring four or fewer parking spaces, said driveway shall be not less than eight feet nor more than 15 feet in width.

Comply by date: 08/16/21

Corrective Action: Cease use of parking in front yard and repair curb along with replanting grass in damaged areas of front yard within 30 days.



**THE CITY OF POUGHKEEPSIE
NEW YORK**

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

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

FEE: \$350.00

CODE: A2112

ID# _____

IPS# _____

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 9 Thompson St., Poughkeepsie, NY 12601

ZONING DISTRICT: _____

OWNER INFORMATION:

Name:

Address:

Phone:

Email:

APPLICANT INFORMATION:

Name:

Address:

Phone:

Email:

CONSULTANT INFORMATION:

Name:

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: _____

Date of decision/determination/violation: _____

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

RECEIVED
OCT 31 2022

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 9 Thompson St. Pok, 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

Revised June 2020: Previous Editions Obsolete

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 9 Thompson St, Pok. 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):

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

DATE

Print Name

9 Thompson St.
Poughkeepsie, NY
12601
10/23/2022

City of Poughkeepsie
Zoning Board of Appeals
City Hall
300 Civic Center Plaza
POK., NY 12601

Dear Sir / Madam

We submitted an Application for Variance in December 2021 and a response in February 22. The reason for the application was that we were getting violation/tickets for parking on the drive way because the sidewalk was open. After the violation ~~tickets~~, we had to park on the street, only to ~~see~~ ^{waked} up to see our cars smashed up (Hit & Run). No one was there to take responsibility for the damages. I, Verna Myers get home late in the nights from

work between 12:30 & 1 am. my husband leaves very early in the mornings to get to work by 4:00 am. When I Verna gets home there is no parking for me and I was warned by the police not to walk by myself at that time. This is why I would park at the front of my house, and I would get a ticket for that. We noticed that tickets would be placed on our cars very early in the mornings before 7 a.m. when my husband is leaving at 4 a.m. he would move the vehicles to the Alternate side and we would still come and get a ticket Although the cars were not parked overnight. It seems as if we have been targeted and being discriminated against, we try to comply with the rules. But we are not getting any help to get this variance so that it would be one less car parked in the road. It is so sad to see how we try to fix and keep our place. but cannot beautify it.

We are crying out for your help
as soon as possible. Thank you.

yours truly
Everton / Verna Myers

Garcia, Lori

From: Verna Myers <verna.myers@aol.com>
Sent: Monday, November 14, 2022 8:57 PM
To: Garcia, Lori
Subject: Variance Request Justification

1---No the Variance will allow one less car to be parked on the street, less congestion and my safety.

2--No this is an old neighborhood where there are limited parking space off the street.

We tried to build a shared drive way the side of my home, where we could drive to the back of my house
My Neighbour on that side disgree, thus we decided to used the front of my home
Please see the drawing submitted to the effect.

3---This Variance would allow me to come home and have somewhere to park and also feel safe, this neighborhood
is very rough and some people dont know how to drive, due to parking on the road, Three of our vehicle have been
badly damage on three occassion, this cause our insurance to spike
I also gets in from work very late at night and my husband leaves for work very early in the morning,
If when i get in from work late at night there is no parking i have no choice but to walk a block to my house
which not safe, Even the police warned me not to walk at that hours of the night.

The variance is substantial for one of our car to park, just for the car i drive to work and back due to my safety.
please see drawing to the effect.

4---No the variance will not have an adverse effect, we keep our property in good condition, we plant flowers and keep
our lawn in good condition, whatever changes are made we will properly maintained to enhance the neighborhood.

5---We would never do anything to create hardship on our part, by making a parking space the property will enhance the
neighborhood, if you know Thompson street we have always go above and beyond to keep our property beautiful.
Please whatever assistance you can afford us in acquiring this variance will be much appreciated.

REVISIONS

854-464-2305
 Evertonmyers62@gmail.com
 854-380-7623
 verna.myers@aol.com

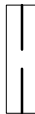
9 THOMPSON STREET
POUGHKEEPSIE N.Y. 12601

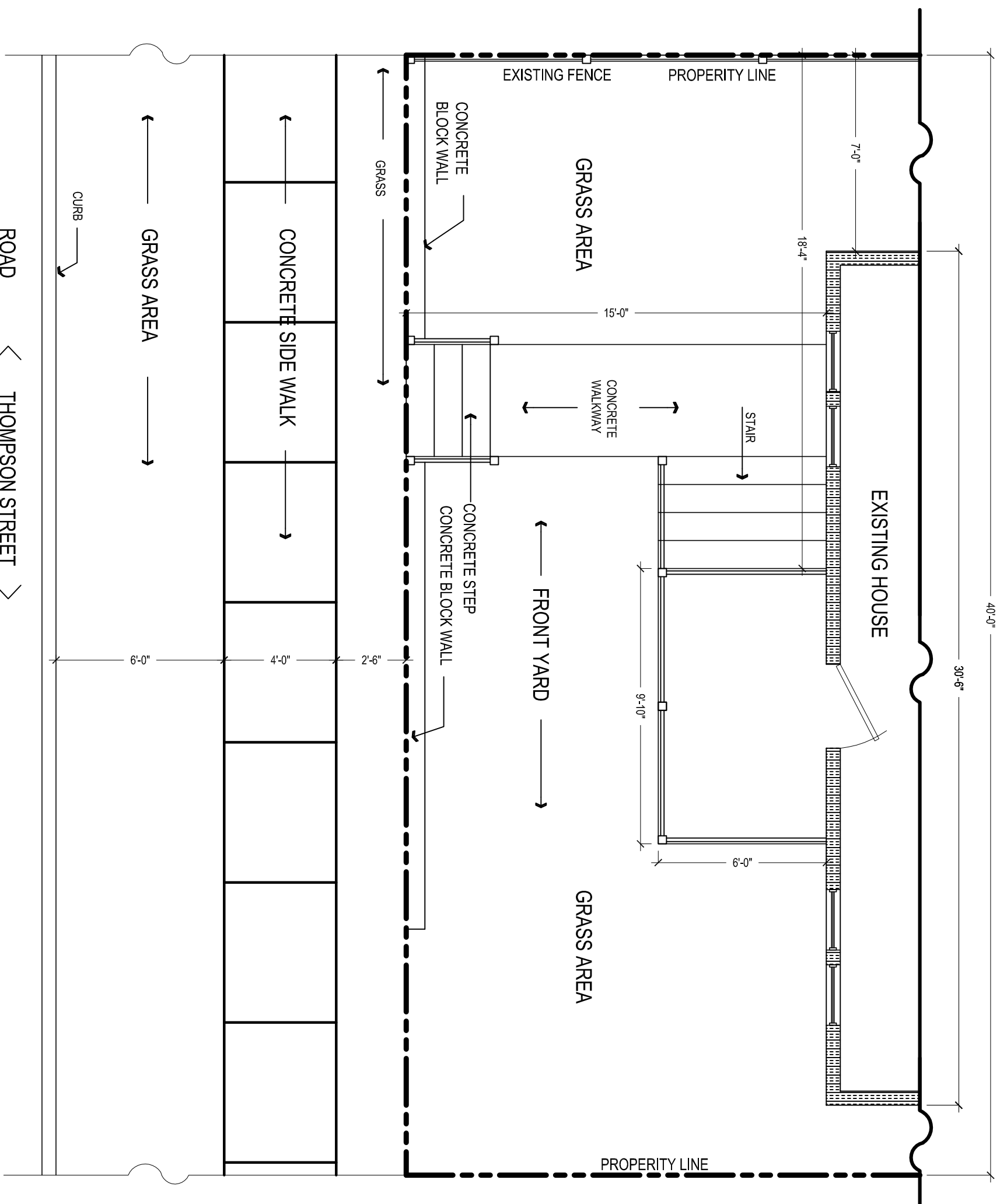
COVER SHEET

A photograph of a two-story white house with a porch and a large tree in the background. The house has white horizontal siding and a gabled roof. The front porch is white with a railing and a small roof. There are several windows, including a large multi-paned window on the second floor. A large, leafy green tree is behind the house. The foreground shows a concrete sidewalk and a grassy lawn.

LOCATION
9 THOMPSON STREET
Poughkeepsie N.Y. 12601

PROJECT: PROPOSED TO BUILD PARKING AREA
FOR EXISTING SINGLE FAMILY DWELLING LOCATION

LIST OF DRAWINGS		LEGEND
0.1 COVER SHEET A.1 EXISTING PLAN A.2 PROPOSED DRIVEWAY AND PARKING PLAN A.3 PARKING A.4 SECTION AA A.5 STAIR SECTION BB	 EXISTING HOUSE  ASPHALT/ BLACK TOP  GRAVEL  SOIL  EXISTING WALL  FOOTING  PROPERTY LINE	



RESIDENT

Myers
Everton and Verna

854-464-2305
Evertomymyers62@gmail.com
854-380-7623
verma.myers@aol.com

LOCATION

9 THOMPSON STREET
Poughkeepsie N.Y. 12601

Perry, Mclean
37 S. Randolph Ave.
Poughkeepsie N.Y. 12601
845-416-7399
Perrymc@gmail.com

DATE: 02-8-2023
SCALE: AS NOTED
DRAWN BY: PM

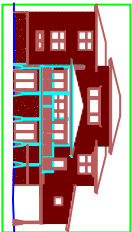
EXISTING PLAN

1. A



DATE NO. DESCRIPTION	REVISIONS
CONSULTANTS:	

CONSULTANTS:



RESIDENT
OF
Everton and Verna
Myers

854-464-2305
Evertonmyers62@gmail.com
854-380-7623
verna.myers@aol.com

LOCATION
9 THOMPSON STREET
Poughkeepsie N.Y. 12601

Perry, Mclean
37 S. Randolph Ave.
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845-416-7399
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DATE: 02-8-2023
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DRAWN BY: PM

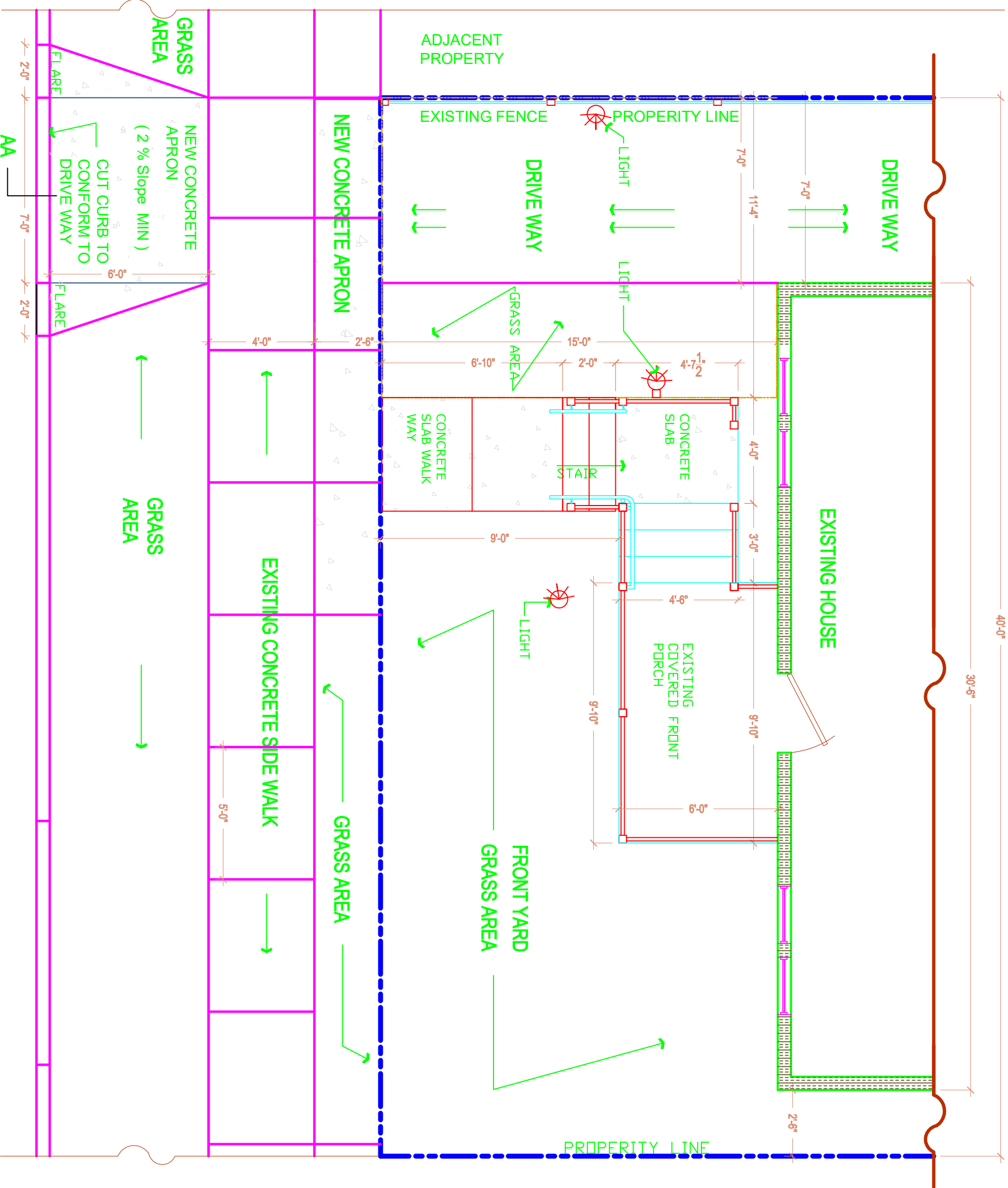
PROPOSED
DRIVEWAY

A.2

DATE No. DESCRIPTION
REVISIONS
CONSULTANTS:

Note:

Lighting should not violated neighbours
property, by allowing encroaching of glaring
from lighting on their yard.

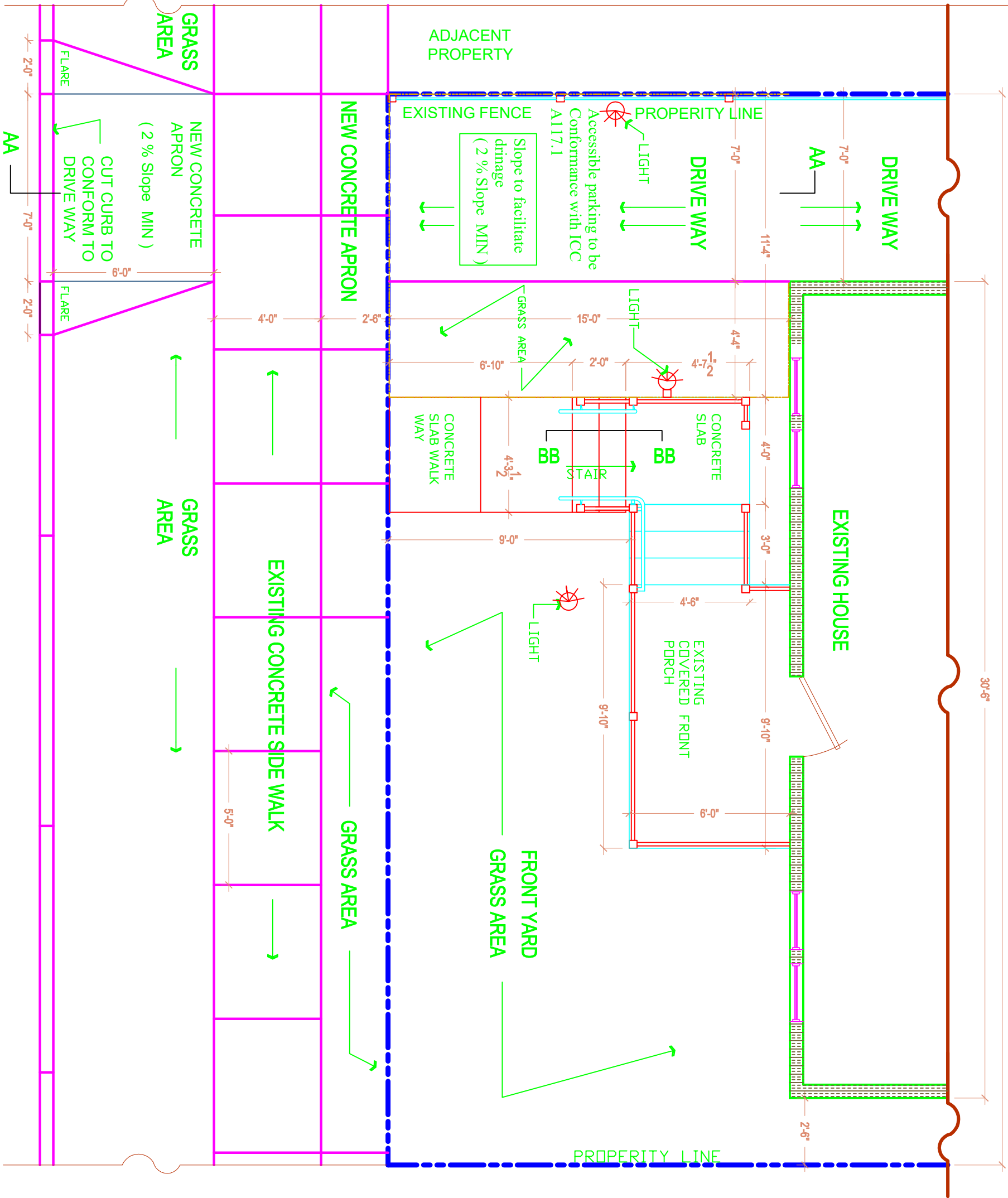


2

PROPOSED DRIVEWAY
SCALE: 1/4"=1'-0"

40'-0"

30'-6"



Note:

Lighting should not violated neighbours property, by allowing encroaching of glaring from lighting on their yard.



RESIDENT
OF
Everton and Verna
Myers

854-464-2305
Evertonmyers62@gmail.com
854-380-7623
verna.myers@aol.com

LOCATION
9 THOMPSON STREET
Poughkeepsie N.Y. 12601

Perry, Mclean
37 S. Randolph Ave.
Poughkeepsie N.Y. 12601
845-416-7399
Perrymc@gmail.com
DATE: 02-8-2023
SCALE: AS NOTED
DRAWN BY: PM

DRIVEWAY
PLAN

A.3

DATE	No.	DESCRIPTION
		REVISIONS

RESIDENT
OF
Everton and Verna
Myers

854-464-2305
Evertonmyers62@gmail.com
854-380-7623
verma.myers@aol.com

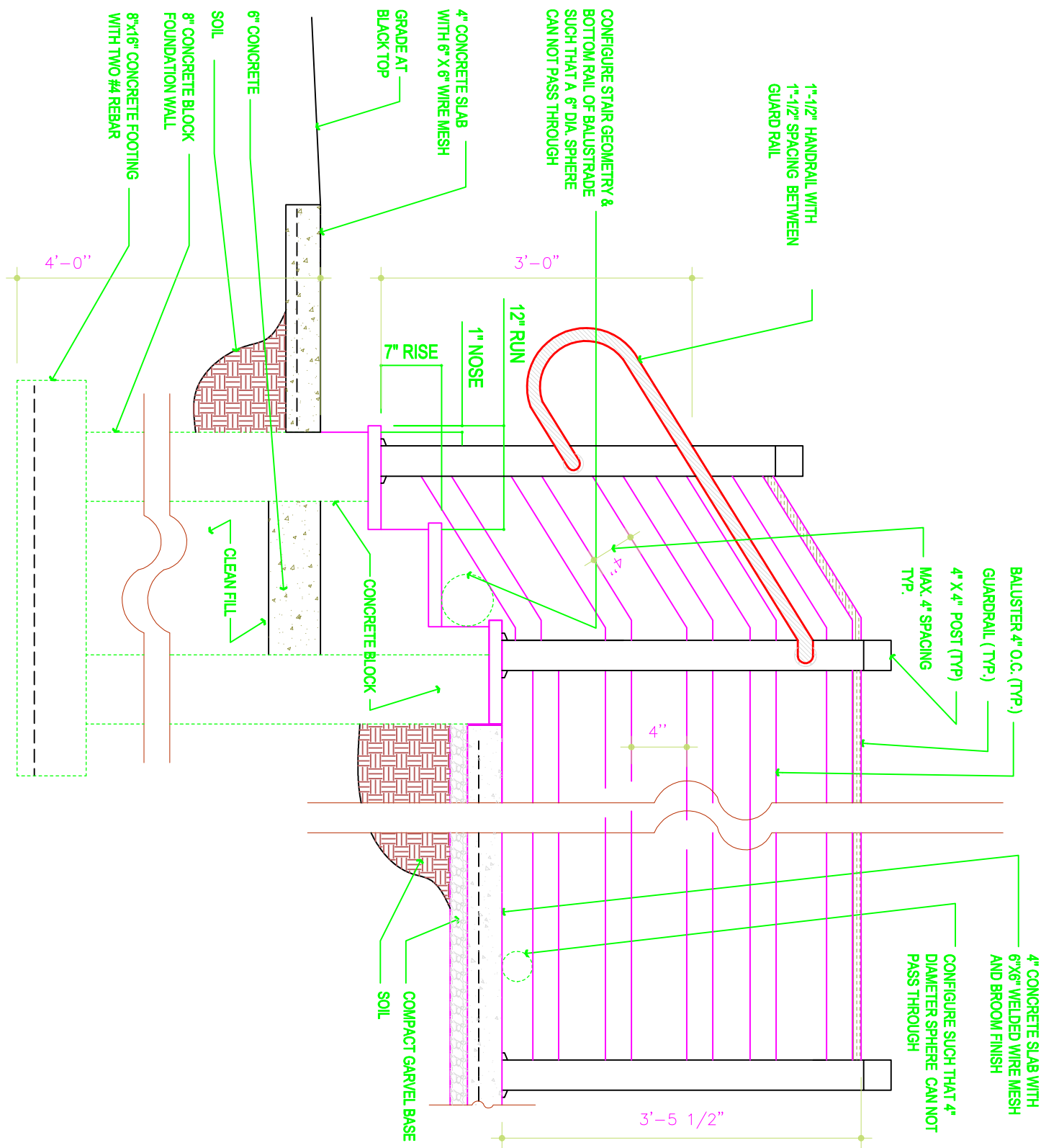
LOCATION

9 THOMPSON STREET
POUGHKEEPSIE N.Y. 12601

Perry. Mclean
37 S. Randolph Ave.
Poughkeepsie N.Y. 12601
845-416-7399
Perrymcl@gmail.com

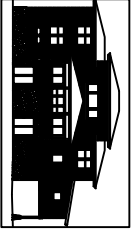
DATE: 02-8-2023
SCALE: AS NOTED
DRAWN BY: PM

STAIR
SECTION BB



DATE No. DESCRIPTION
REVISIONS

CONSULTANTS:



RESIDENT
OF
Everton and Verna
Myers

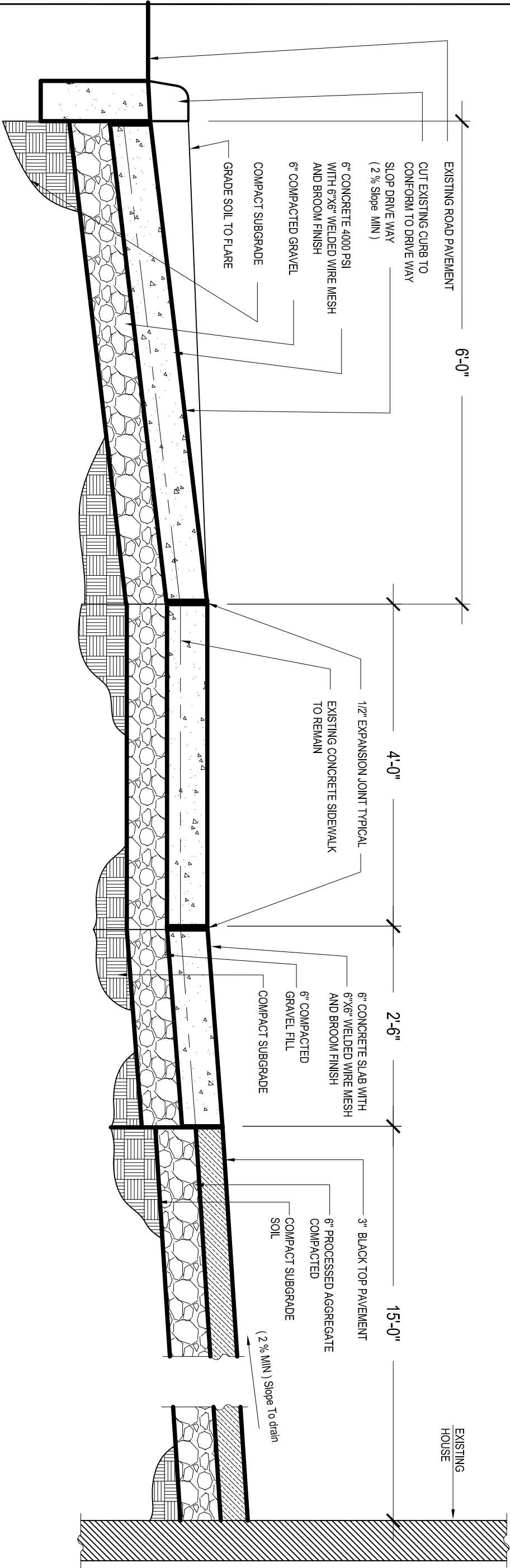
854-464-2305
Evertonmyers62@gmail.com
854-380-7623
verna.myers@aol.com

LOCATION
9 THOMPSON STREET
Poughkeepsie N.Y. 12601

Perry McLean
37 S. Randolph Ave.
Poughkeepsie N.Y. 12601
845-416-7399
Perrymlc@gmail.com
DATE: 02-8-2023
SCALE: AS NOTED
DRAWN BY: PM

SECTION AA

A.4



1 SECTION AA

SCALE: 3/4"=1'-0"

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: Jack Voss			
Project Location (describe, and attach a location map): 325 Church St.			
Brief Description of Proposed Action: 325 Church St Poughkeepsie, N.Y. 12601			
Change a single family 2 bedroom to a Two family of 2 2 one bedroom Apartments			
Name of Applicant or Sponsor: Jack Voss		Telephone: 845-380-4215	
		E-Mail: grayhawkbuilds@gmail.com	
Address: 3238 b route 9g			
City PO: Rhinebeck		State: NY	Zip Code: 12572
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		☒	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: Poughkeepsie Bld Dept		☐	☒
3. a. Total acreage of the site of the proposed action? _____ acres		Interior Change	
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

4. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☒ Urban ☐ Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO YES

☒ ☐

16. Is the project site located in the 100-year flood plan?

NO YES

☒ ☐

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

NO YES

☒ ☐

a. Will storm water discharges flow to adjacent properties?

☒ ☐

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

☒ ☐

If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

NO YES

If Yes, explain the purpose and size of the impoundment:

☒ ☐

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:

☒ ☐

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:

☒ ☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

* Applicant/sponsor name: JACK VOSS

Date: 5-19-2023

Signature: [Signature]

Title: OWNER



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

2/13/2023

ALVIN O'HARA

32 FORBUS STREET, SUITE D

POUGHKEEPSIE, NY 12601

MICHAEL ORLANDO

17 Breezy Hill Drive

Wingdale, NY 12594

Abraham Smilowitz

3 Hawthorne Dr

Monroe, NY 10950-0000

JACK VOSS

GRAYHAWK BUILDING SPECIALIST

3238 B ROUTE 9G

RHINEBECK, NY 12527

RE: 325 Church St

ID: 071020

Application # BP-23-0198

To Whom it May Concern:

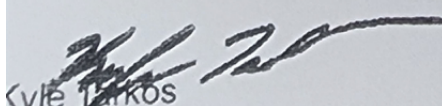
A review of the building permit application # BP-23-0198 found it to be deficient to complete the review process and issue the permit. Below is/are the deficiencies found:

A variance will be needed before a permit can be issued. There are lot requirements that you currently do not meet as well as 4 parking spaces required.

Please submit the required additional information as listed above so that the review process can be completed. The intended work shall not commence until the application has been approved and a permit has been issued. Your application will be kept on file for a period of 30 days, failure to submit the required documentation in the specified time frame shall cause the application to expire.

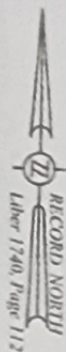
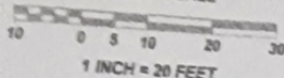
If you have any questions you may contact me at 845-451-4015 or ktarkos@cityofpoughkeepsie.com.

Sincerely,


Kyle Tarkos

Deputy Building Inspector

GRAPHIC SCALE

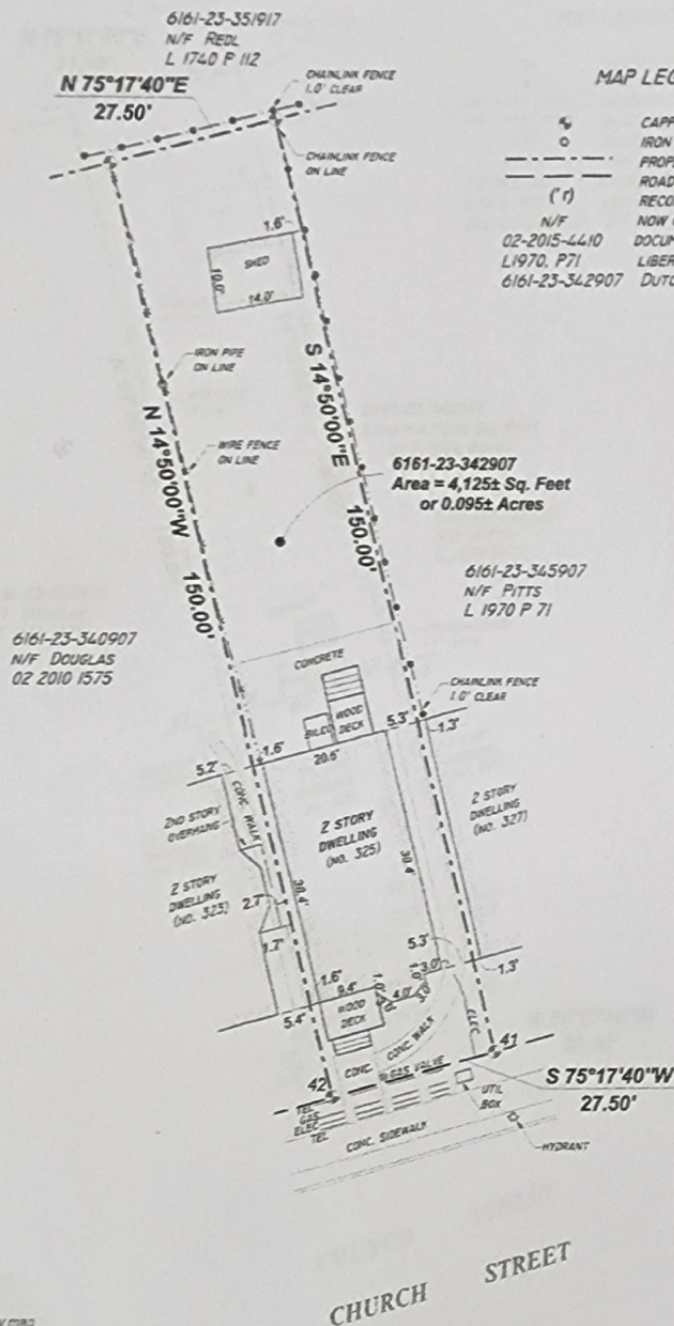


MAP NOTES:

1. UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.
2. SUBJECT TO ALL RIGHTS, COVENANTS, RESTRICTIONS, EASEMENTS AND RIGHTS-OF-WAY OF RECORD.
3. SUBJECT DEED: RONALDO ORTEGA AND RUBBY KARLA NASCIMENTO TO ABRAHAM SMILOWITZ; RECORDED IN THE D.C.C.O. AS DOCUMENT NUMBER 02-2021-52408 ON JUNE 30, 2021.
4. PARCEL GRID IDENTIFICATION NO.: 131300-6161-23-342907; MUNICIPALITY: CITY OF Poughkeepsie.
5. NO ABSTRACT OF TITLE WAS PROVIDED AT TIME OF SURVEY - THIS MAP AND SURVEY ARE SUBJECT TO ANY STATE OF FACTS THAT AN UP-TO-DATE ABSTRACT OF TITLE MIGHT DISCLOSE.
6. THIS MAP AND SURVEY IS BASED, IN PART, ON LINES OF OCCUPATION.
7. UTILITY MARK OUTS BY OTHERS.

MAP LEGEND:

	CAPPED IRON ROD SET
	IRON PIPE FOUND
	PROPERTY LINE
	ROAD BOUNDARY (RIGHT-OF-WAY)
	RECORD INFORMATION
	NOW OR FORMERLY (REPUTED OWNER)
	DOCUMENT NO. (D.C.C.O.)
	LIBER (BOOK) & PAGE (D.C.C.O.)
	DUTCHESS CO. TAX MAP PARCEL NO.



Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2), of the New York State Education Law. Only copies from the original of this survey marked with the land surveyor's signature and an original embossed or red ink seal shall be considered valid true copies. This survey was prepared for the parties and purpose indicated hereon. Any extension of the use beyond the parties or purpose indicated is expressly forbidden without written release or permission of James A. Sheridan, L.S. No. 49721.

I hereby certify to

ABRAHAM SMILOWITZ

that this survey has been prepared in accordance with the existing "CODE OF PRACTICE FOR LAND SURVEYS" adopted by the New York State Association of Professional Land Surveyors.

James A. Sheridan 4.5.23



Survey Of Property Prepared For:	
ABRAHAM SMILOWITZ	
Situate At:	
325 Church Street	County of Dutchess
City of Poughkeepsie	State of New York
Scale: 1" = 20'	Survey Completed: April 3, 2023
Map Date: April 5, 2023	
BOUNDARY, MORTGAGE AND SUBDIVISION SURVEYS	
SHERIDAN LAND SURVEYORS	50 CLOVER HILL DRIVE LAGRANGE, N.Y. 12603 (845) 849-2217 slsurvey50@gmail.com



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 323 Church St

ZONING DISTRICT: _____

OWNER INFORMATION:

Name: Abraham Smilowitz

Address: 3 Hawthorne Dr.
Monroe, NJ 10950

Phone: _____

Email: _____

APPLICANT INFORMATION:

Name: Jack Voss Grayhawk Building Specialist

Address: 3238 b route 9g
Rhinebeck, N.Y. 12572

Phone: 845-380-4215

Email: grayhawkbuilds@gmail.com

CONSULTANT INFORMATION:

Name: Jack Voss

Address: 3238 b route 9g
Rhinebeck, NJ 12572

Phone: 845-380-4215

Email: grayhawkbuilds@gmail.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: 325 Church St

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
<u>19-3.13.14A</u>	<u>12,000 sq FT of lot</u>	<u>3,920 sq ft of lot</u>
<u>19-4-311A</u>	<u>4 spaces</u>	<u>0 spaces</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. NO - there will be no change in the amount of people
- 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? Changing a one family to a two family
- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial. NO ONLY CHANGING to 2 family NOT 3 or 4
- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not? NO No change in appearance
- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain. NO No Change

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 325 Church St Boughkeepsie, NY

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):

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.

Jack Voss
SIGNATURE OF APPLICANT

5-19-2023
DATE

JACK Voss
Print Name

1. No. The facade and exterior of the building will remain the same. Only the interior of the building will be changed. This will not pose any changes to the neighborhood's character or pose any changes to neighboring properties. There is off street parking available within 300ft of the structure and within the 600 ft requirement.
2. There are no other alternatives to a variance for the changes being sought after. The building will be being changed from a one family to a two family residence.
3. The variance is not substantial. This is a request to change a one family building to a two family building. Floor plans have been submitted.
4. As stated in question 1, there will be no changes to the exterior of the building or parking conditions.
5. No. The request is to change a one family residence to a two family residence. A majority of the neighboring residences are multi-family homes (e.g. 321, 324, 326, 327, 328, and 330 Church St.) and this structure will fit into the neighborhood.

Grayhawk Building Specialist

Jack Voss

Contact

3238b Route 9g
Rhinebeck, NY 12538
845.380.4215
grayhawkbuilds@gmail.com

To whom it may concern:

Grayhawk Building Specialists is requesting a variance for the following location:

325 Church St., Poughkeepsie, NY 12601

The variance is being requested to perform the following changes to the aforementioned property:

Convert a one family property into a two family property

This conversion of the structure will be financed by the owner of the property, Abraham Smilowitz. Funds are readily available.

Thank you for taking the time to review the variance request. Please contact me directly if you have any further questions or requests.

Sincerely,

Jack Voss









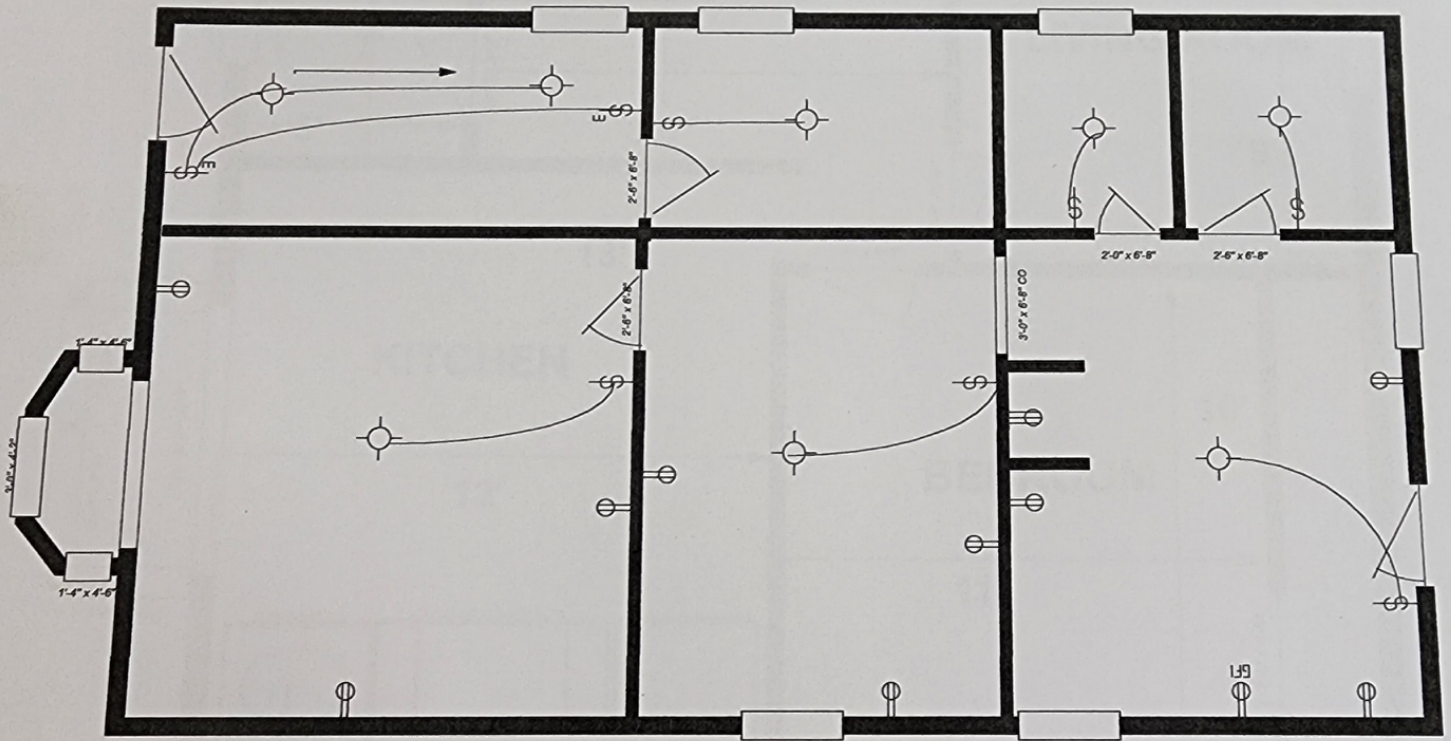






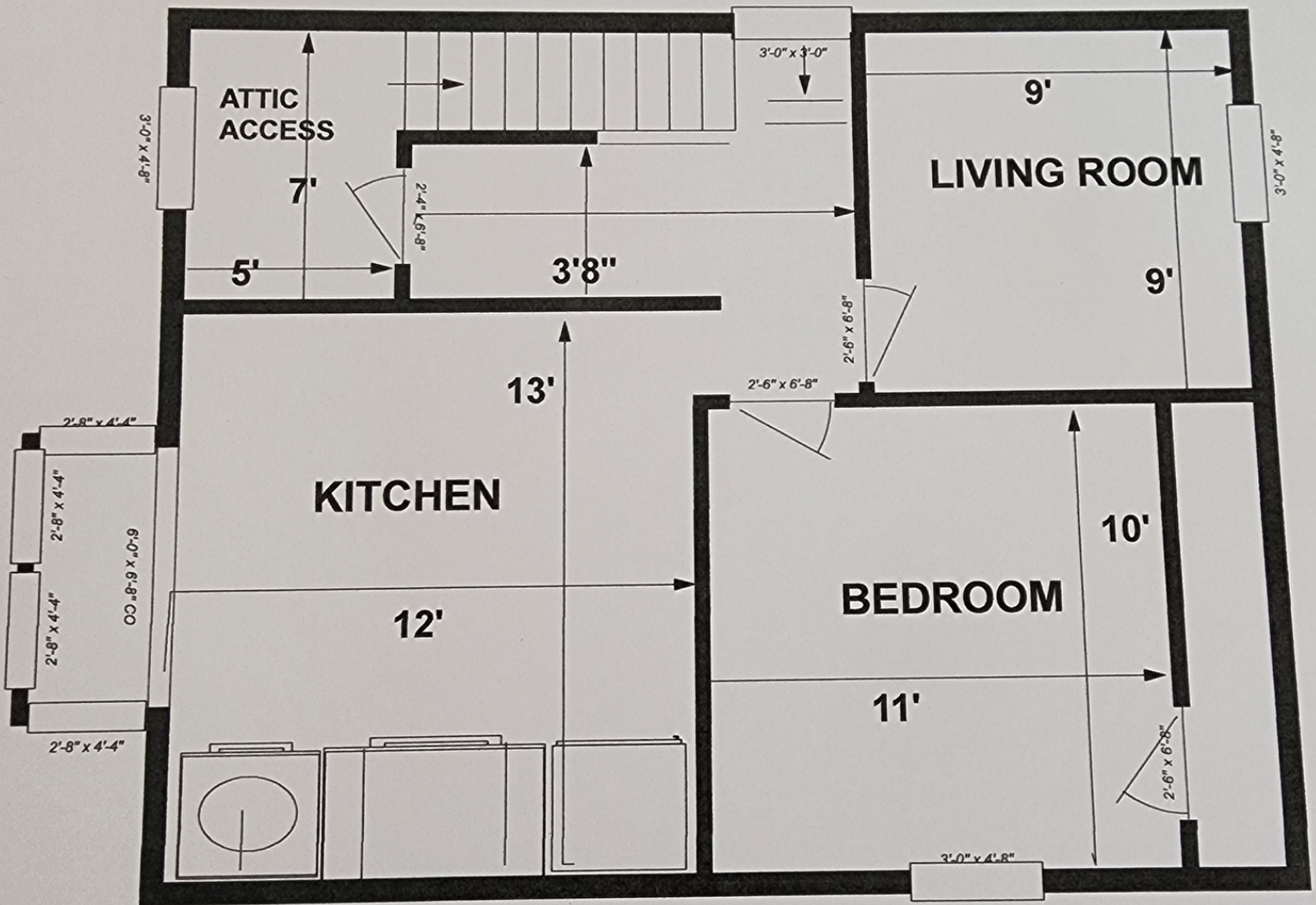


**325 CHURCH STREET
FIRST FLOOR ELECTRIC**



**DRAWINGS BY
JACK VOSS
845-380-4215**

325 CHURCH STREET SECOND FLOOR



**DRAWINGS BY
JACK VOSS
845-380-4215**

95 N Clinton Street
Parcel ID 131300-6162-71-301233







**RECORD AT THE REQUEST
OF AND AFTER RECORDING
RETURN TO:**

36 Cottage St LLC
36 Cottage Street
Poughkeepsie, NY 12601

RECIPROCAL CROSS-ACCESS EASEMENT AGREEMENT

EASEMENT AGREEMENT (this “**Agreement**”) dated as of the ____ day of ____, 2023 by and between 36 COTTAGE ST LLC, a New York limited liability company, with offices located at 36 Cottage St, Poughkeepsie, New York 12601 (“**36 Cottage**”) and 36 COTTAGE ST LLC, a New York limited liability company, having an address at 95 N Clinton St, Poughkeepsie, New York 12601 (“**95 N Clinton**”).

W I T N E S S E T H:

WHEREAS, 36 Cottage is the owner of certain real property located in the City of Poughkeepsie, County of Dutchess and State of New York, commonly known as 36 Cottage Street (Section 6162, Block 71, Lot 314231), as more particularly described on Schedule A .

WHEREAS, 95 N Clinton is the owner of certain real property located in the City of Poughkeepsie, County of Dutchess and State of New York, commonly known as 95 North Clinton Street (Section 6162, Block 71, Lot 301233), as more particularly described on Schedule B.

WHEREAS, Parcel 314231 - 36 Cottage is the adjoiner with Parcel 95 N Clinton’s Property being located to the west of 36 Cottage; and

WHEREAS, 36 Cottage and 95 N Clinton desire to complete a lot line revision: and as shown on Schedule C (the “**Lot Line Revision**”)

WHEREAS, the Public Access Road will be located on 36 Cottage’s Property; and

WHEREAS, 36 Cottage desires to grant 95 N Clinton, a perpetual, non-exclusive easement over the Access Road located on 36 Cottage’s Property for vehicular, truck, pedestrian and bicycle traffic; and

NOW, THEREFORE, in consideration of the premises, and intending to be legally bound hereby, the parties hereto do mutually covenant and agree as follows:

1. 36 Cottage grants 95 N Clinton, a perpetual, non-exclusive easement, to use the Access Road located on 36 Cottage's Property for vehicular, truck, pedestrian and bicycle traffic.

2. 36 Cottage and 95 N Clinton agree that each party shall use the Access Road in accordance with the applicable laws, rules, regulations, determinations and ordinances of the City of Poughkeepsie, County of Dutchess and/or any other federal, state, county or local governmental authority having jurisdiction over the Access Road and/or the use thereof.

3. 36 Cottage and 95 N Clinton agree that neither party shall prevent the other party's access to and use of the Access Road.

4. 95 N Clinton and 36 Cottage agree that the parties shall each have the right, but not the obligation, to alter, repair and maintain the Access Road.

5. The provisions of this Agreement shall run with the land and be binding upon, enforceable by and inure to the benefit of the parties hereto, their respective heirs, legal representatives, successors and assigns and the failure of any of them to enforce any provision herein contained shall not be deemed a waiver of the right to do so thereafter. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same agreement.

6. The recitals and whereas clauses are incorporated herein by reference.

7. The parties agree to execute and deliver any real estate transfer tax forms necessary to record this Agreement.

8. This Agreement constitutes the entire agreement with respect to the subject matter hereof. No amendment or modification of this Agreement shall be binding unless in writing and signed 95 N Clinton and 36 Cottage or their respective successors, heirs and assigns. There are no oral agreements between 95 N Clinton and 36 Cottage in connection with this Agreement or the transaction of which it is a part.

[Signatures Appear on Following Page]

[Signature Page to Easement Agreement]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

36 COTTAGE:

36 COTTAGE ST LLC,
a New York limited liability company

By: _____

Name:

Title: Member

95 N CLINTON:

36 COTTAGE ST LLC,
a New York limited liability corporation

By: _____

Name:

Title: Member

Acknowledgements

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

On the [] day of [] in the year 2023, before me, the undersigned, personally appeared [], 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 he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

On the [] day of [] in the year 2023, before me, the undersigned, personally appeared [], 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 he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

May 2nd, 2023

36 Cottage St LLC
36 Cottage Street
Poughkeepsie NY 12601

Re: 95 N Clinton Street
ID # 084160
Subdivision review PB-2023-022

To whom it may concern,

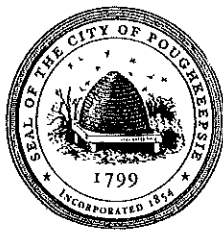
The Development Department is in receipt of your Subdivision review PB-2023-022 relative to the property located at 95 N Clinton Street and the proposed reduction of the lot by moving the eastern lot line. Upon review of the provided plans I've been able to determine that an Area Variance will be required for the rear yard as per Section 19-3.22(4)(e)2.c. requires the rear yard to be 25' which will be reduced to 7.1'.

Before this lot line adjustment can be approved you will need to obtain an Area Variance from the Zoning Board of Appeals for the above mentioned code section.

If you have any questions, you may contact me at 845-451-4273 or at jobrien@cityofpoughkeepsie.com.

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 95 N Clinton Street, City of Poughkeepsie

ZONING DISTRICT: C-1 Neighborhood Commercial

OWNER INFORMATION:

Name: 36 Cottage St LLC
Address: 36 Cottage Street
Poughkeepsie, NY 12601
Phone: c/o 845-594-1055
Email: c/o kelly@karcpc.com

APPLICANT INFORMATION:

Name: 36 Cottage St LLC
Address: 36 Cottage Street
Poughkeepsie, NY 12601
Phone: c/o 845-594-1055
Email: c/o kelly@karcpc.com

CONSULTANT INFORMATION:

Name: Kelly Libolt, as agent for Applicant
Address: PO Box 924
Poughkeepsie, NY 12601
Phone: 845-594-1055
Email: kelly@karcpc.com

SUBJECT OF APPEAL

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

Name and title of agent: Joseph O'Brien - Deputy Zoning Administrator

Date of decision/determination/violation: May 2, 2023

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

PROPERTY ADDRESS: 95 N Clinton Street, City of Poughkeepsie

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
<u>19-3.22(4)(e)2.c</u>	<u>Rear Yard 25'</u>	<u>17.9'</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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.

See attached

- 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.

See Attached

- 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?

See Attached

- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial.

See Attached

- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not?

See Attached

- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain.

See Attached

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 95 N Clinton Street, City of Poughkeepsie

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):

Reciprocal Cross Access Easement Agreement - Draft

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.

KLibolt

SIGNATURE OF APPLICANT

May 23, 2023

DATE

Kelly Libolt, as agent for Applicant

Print Name

95 N Clinton Street
Tax ID# 131300-6162-71-301233
City of Poughkeepsie Zoning Board of Appeals
Area Variance Application

According to the City of Poughkeepsie Zoning Code Section 19-3.22(4)(e)2.c requires a 25 foot rear yard set-back.

The Applicant is proposing a lot line adjustment such that the new rear lot line will be 7.1 feet resulting in the requested area variance. The Applicant is seeking an area variance of 17. 9' for Lot 2 on the attached illustration.

VARIANCE REQUEST JUSTIFICATION

- 1) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? In not, Please explain why.

No. The creation of the lot line will be indiscernible to all nearby properties. The lot line is being proposed on a parcel of land that is fully developed and therefore the new rear yard setback will not affect the development of the site, result in any changes to the building on site nor will the location of the rear yard line be known to any nearby properties as the site will continue to operate as it currently does with shared access and parking.

- 2) Can the benefit sought be achieved by some other method feasibly for the applicant to pursue, other than an area variance, if any, have been explored (for example, alternative designs, purchasing of contiguous properties, etc.). Why is the variance necessary?

No. The location of the Lot is being proposed to facilitate financing for one of the structures and for no other observable purpose.

- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial.

No. The area variance is not substantial as it will not affect any further development of the land nor will it cause any modification to the current uses on both properties.

- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not?

No. The creation of the lot line will be indiscernible to all nearby properties. The lot line is being proposed on a parcel of land that is fully developed and therefore the new rear yard setback will not affect the development of the site, result in any changes to the building on site nor will the location of the rear yard line be known to any nearby properties as the site will continue to operate as it currently does with shared access and parking. The granting of the variance will not result in any greater density or reduction in density of the use of the properties that are affected by this decision. Further, the creation of the rear yard lot line will only affect the two parcels that are a part of this application and will not affect any neighboring properties.

- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain.

Although the hardship is self-created, even if present, this factor constitutes only one factor to be considered by the board of appeals and it does not, in and of itself, act as a bar to the grant of an area variance.

May 23, 2023

Joseph O'Brien, Deputy Zoning Administrator
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: 95 N Clinton Street
Tax ID# 131300-6162-71-301233
Application for Area Variance - Section 19-3.22(4)(e)2.c

Dear Mr. O'Brien:

Enclosed please find nine (9) copies of the following:

1. Zoning Board of Appeals Area Variance Application dated May 23, 2023
 - a. Variance Request Justification Responses
2. Statement of referral to ZBA received from City of Poughkeepsie Development Department dated May 2, 2023
3. Reciprocal Cross Access easement Agreement - Draft
4. Short Form EAF
5. Fee in the amount of \$350.00
6. Color photos of site conditions

Also enclosed, please find two (2) copies of the following:

1. Preliminary Plat prepared by Johnson Surveying dated February 24, 2023

We represent the owner of parcels 314231 (hereinafter "Lot 1") and 301233 (hereinafter "Lot 2"), located in the City of Poughkeepsie.



PLANNING CONSULTANTS, INC.

The applicant is seeking a Lot Line Adjustment between the two parcels.

Original Lot 1

.134 Acre

Original Lot 2

.764 Acre

Proposed Lot 1

Increase lot size to .555 Acre

Addition of .421 Acre

Proposed Lot 2

Decreased to .343 Acre

Reduction of .421 Acre

An Application for Subdivision Approval was submitted to the City of Poughkeepsie Planning Department on March 23, 2023. A letter of referral to the Zoning Board of Appeals was received from the City of Poughkeepsie Development Department dated May 2, 2023.

When the lot line of Lot 2 is shifted, it creates a lot with a deficient 17.9' rear yard setback. Section 19-3.22(4)(e)2.c requires a 25' rear yard setback. Therefore, we are seeking an area variance to permit a setback of 7.1 feet for Lot 2.

We kindly request to be placed on the next Zoning Board of Appeals agenda.

Sincerely,

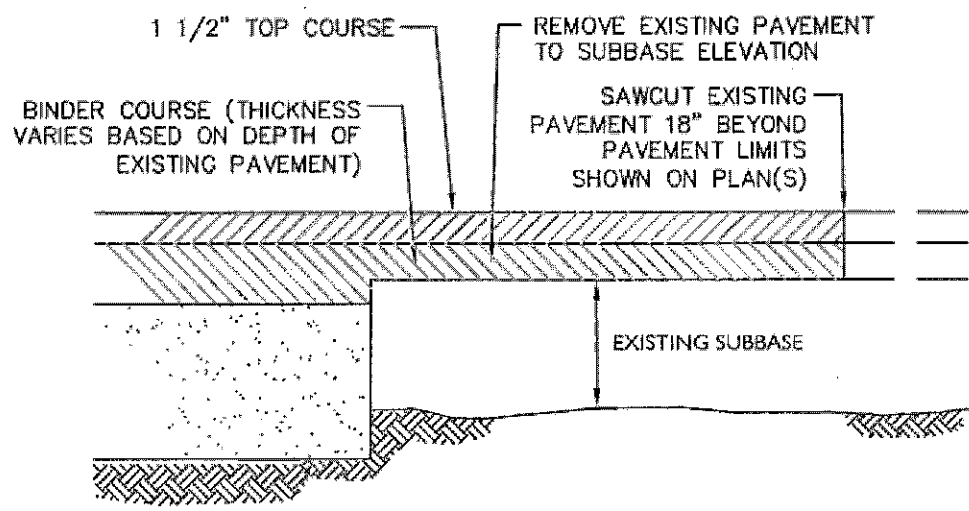
A handwritten signature in blue ink that reads "KLibolt".

Kelly Libolt

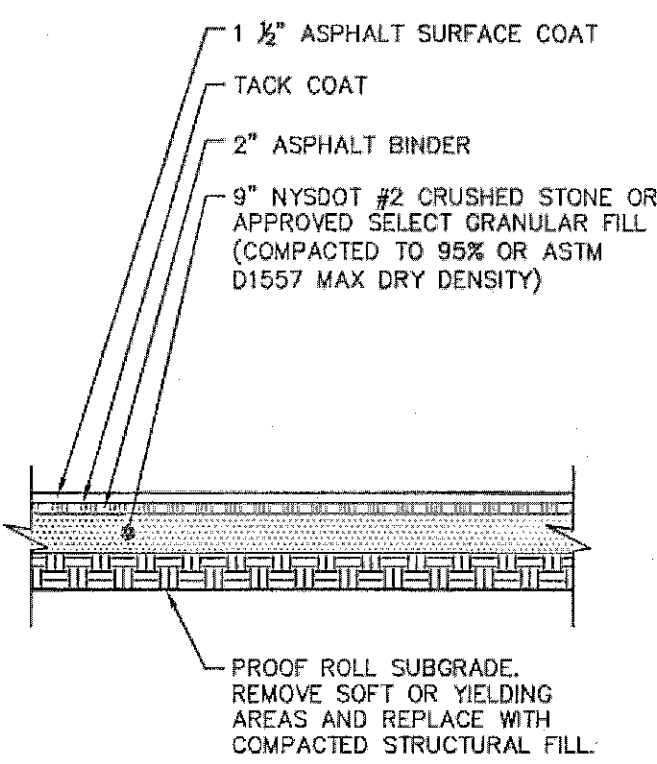
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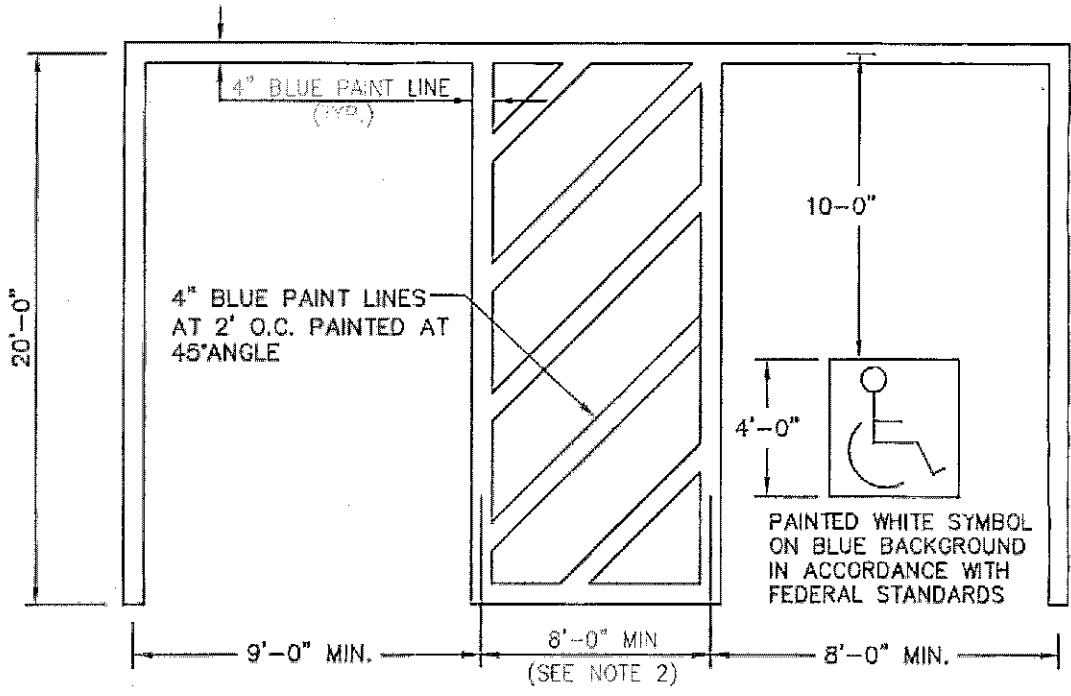
X:\Jobs\Jobs 2018\18-2230-Lepore-95 N. Clinton Street\DWG\18223001.dwg
Lepore 2/2/2018



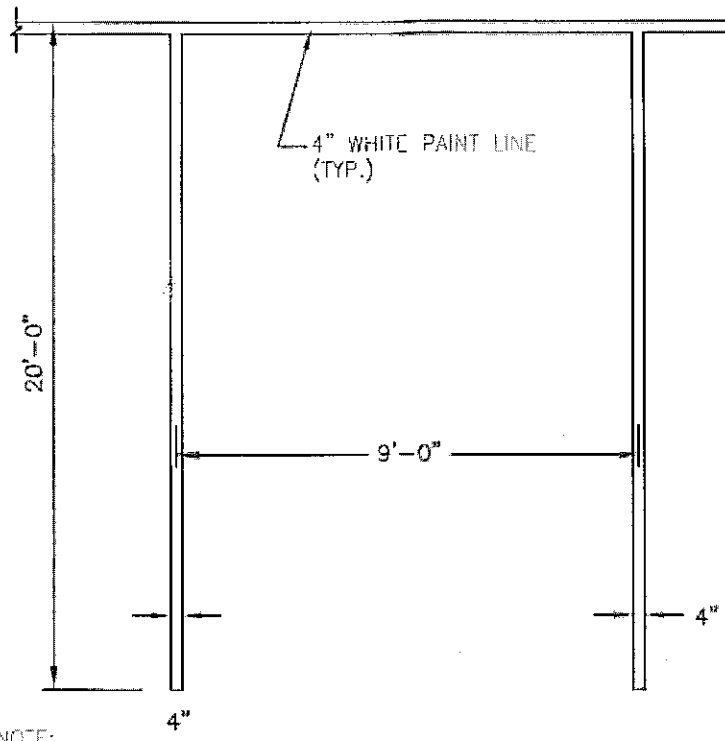
1 PAVEMENT TRANSITION DETAIL
NOT TO SCALE



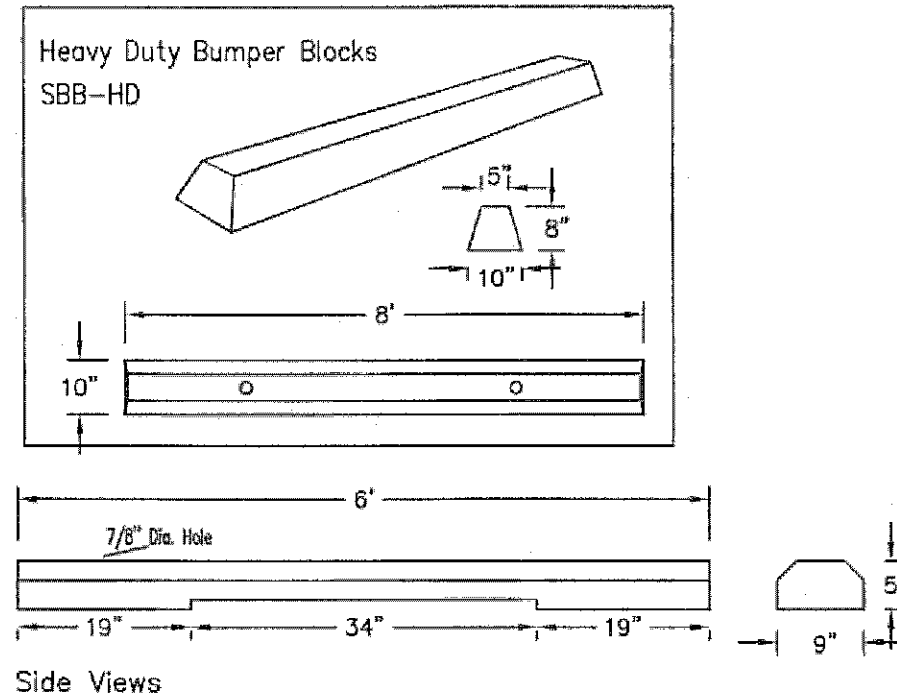
2 STANDARD ASPHALT PAVING
NOT TO SCALE



3 TYPICAL ACCESSIBLE PARKING SPACE DETAIL
NOT TO SCALE

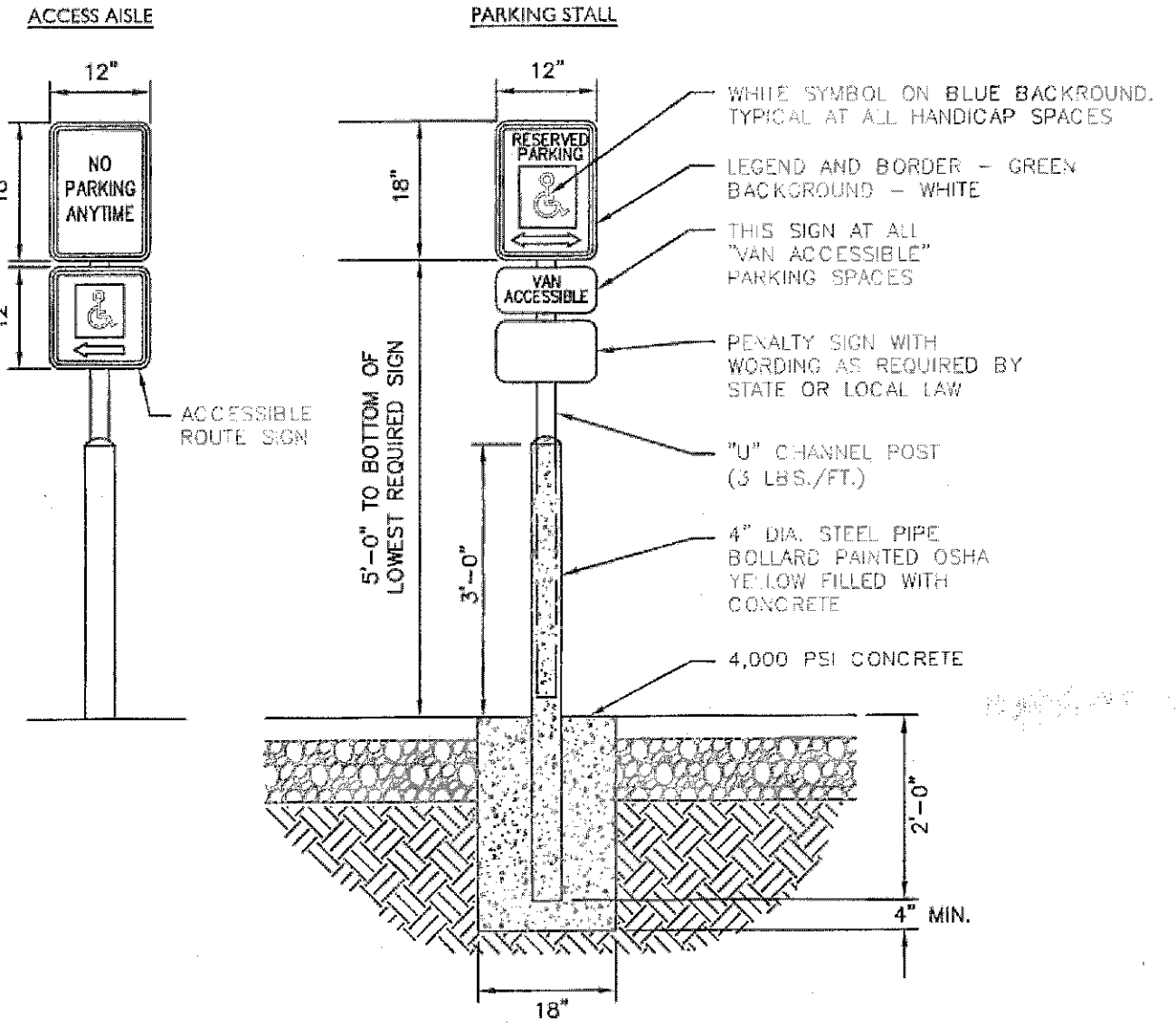


4 TYPICAL PARKING SPACE DETAIL
NOT TO SCALE

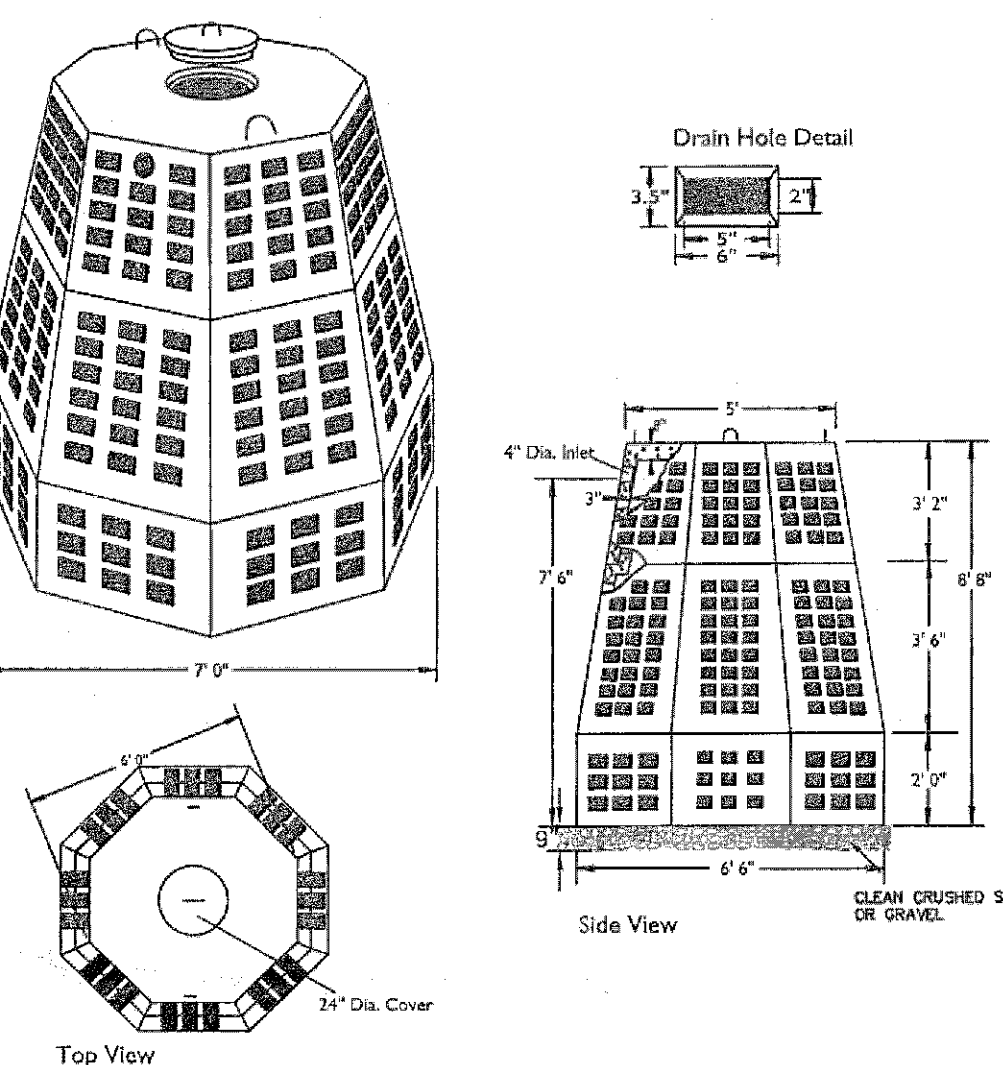


- NOTES:
1. PROVIDE PRECAST CONCRETE SIDEWALKS WHERE SHOWN ON PLANS.
 2. WHEEL STOPS TO BE WOODARD HEAVY DUTY BUMPER BLOCKS SBB-HD OR APPROVED EQUAL.
 3. FIN WHEEL STOPS IN PLACE IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.

5 CONCRETE WHEELSTOP DETAIL
NOT TO SCALE



6 ACCESSIBLE PARKING & ACCESS SIGNS
NOT TO SCALE



7 PRECAST DRYWELL DETAIL
NOT TO SCALE
(DETAIL PROVIDED BY WOODARD)

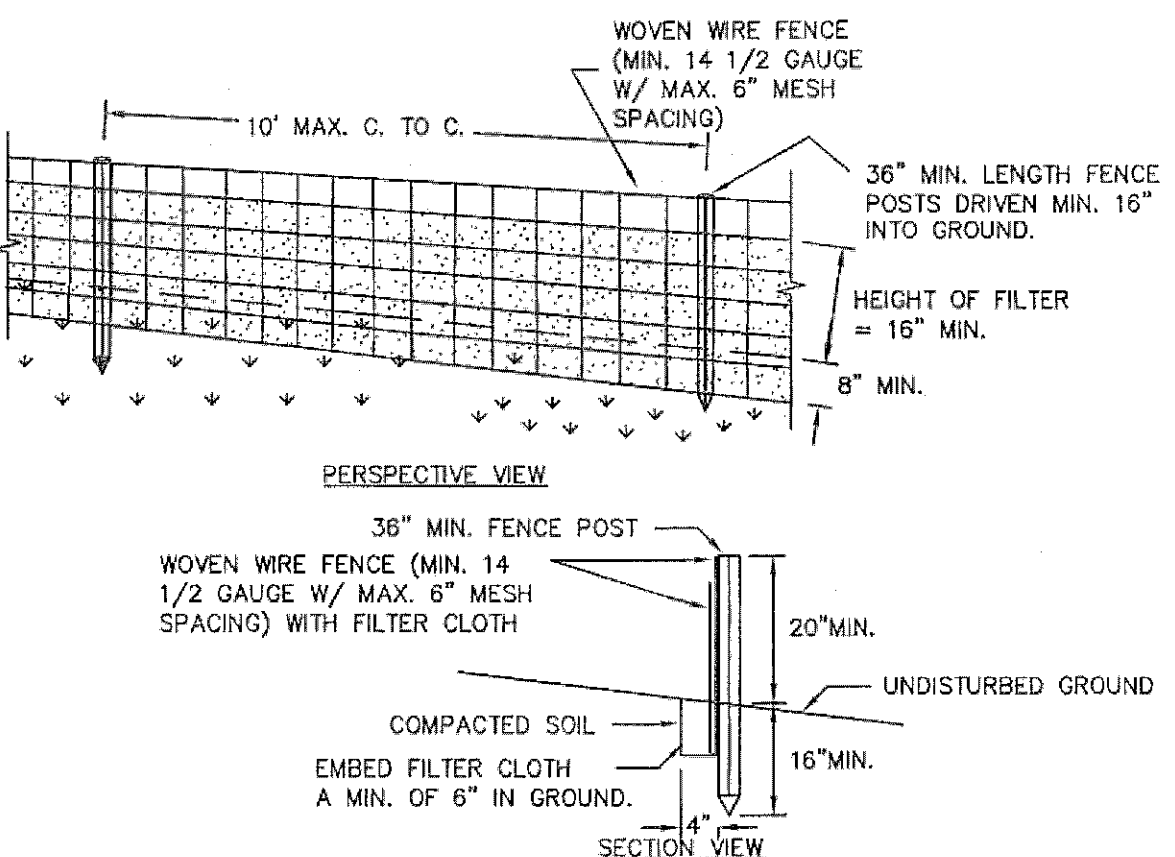
CITY OF POUGHKEEPSIE EROSION AND SILTATION CONTROL NOTES

1. All unvegetated areas in excess of 10% per direction of the Engineer, shall have temporary seeding of fast germinating rye, 10 to 15 #/s per 1,000 sq. ft.
2. Graded areas - upper elevations: Provide temporary drainage swales, 1% grade min., to direct runoff away from construction sites. Discharge areas to be acceptable to the Town Engineer.
3. Graded areas - lower elevations: Provide drainage swales, 1% min. grades, with staked and secured hay bale siltation. Location of hay bales and discharge areas per approval of Town Engineer.
4. Permanent seeded areas for erosion control: Mixture of perennial rye and blue and red fescue grasses (50/50), 15 to 25 #/s per 1,000 sq. ft., mulching at 5#/s per 1,000 sq. ft., fertilizer - 5-10-5 at 5#/s per 1,000 sq. ft. (if determined necessary by Town Engineer), with pegging and netting for grades in excess of 15%.
5. All permanent drainage interceptor swales to be seeded per item 4 also.
6. All erosion control shall be in accordance with the latest "Urban Erosion and Sediment Control Guidebook" of the Dutchess County Soil and Water Conservation District.
7. All areas shall be seeded and mulched as soon as possible.
8. Grade as needed and feasible to permit the use of conventional equipment for seed bed preparation, seeding and mulch application.
9. Scarify all compacted soils prior to applying topsoil.
10. Apply topsoil per Standard #6 Table 6.1 of the Soil Erosion Control Guide Book.
11. Seed mix shall be as follows:
Ky. Blue grass 20 lbs/ac.
Creeping Red Fescue 40 lbs/ac.

SEEDING AND MULCHING

ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED FOR MORE THAN 7 DAYS AND NOT SUBJECT TO CONSTRUCTION TRAFFIC, SHALL IMMEDIATELY RECEIVE SEEDING AND MULCHING. DISTURBED AREAS SHALL BE LIMITED AND BE COVERED WITH A LAYER OF TOPSOIL PRIOR TO SEEDING. SEEDING WILL BE INSPECTED FOR BARE SPOTS, WASH OUTS, AND HEALTHY GROWTH. IF REQUIRED ADDITIONAL SEEDING SHALL BE PERFORMED. THE SEED MIX SPECIFIED FOR THIS SITE IS FROM THE NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL, TABLE 3.2 (SITE CHOICE 1B) WHICH IS AS FOLLOWS:

SPECIES (% by weight)	Pure Live Seed Values	
	lbs/1000SF	lbs/acre
15% fine fescue	2.0 - 2.6	85 - 114
20% perennial ryegrass	0.6 - 0.8	26 - 35
65% kentucky bluegrass blend	0.4 - 0.6	19 - 26
	3.0 - 4.0	130 - 175



CONSTRUCTION SPECIFICATIONS

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOTAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

U.S. DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

8 SILT FENCE
NOT TO SCALE

EROSION AND SEDIMENT CONTROL PLAN

1. LAND DISTURBANCE WILL BE KEPT TO A MINIMUM; RESTABILIZATION WILL BE SCHEDULED AS SOON AS PRACTICABLE.
2. HAY BALE FILTERS OR SILTATION FENCE WILL BE INSTALLED AT ALL CULVERT OUTLETS AND ALONG THE TOE OF ALL CRITICAL CUT AND FILL SLOPES.
3. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE NEW YORK STATE EROSION & SEDIMENT CONTROL "BLUE BOOK" 2005.
4. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO CONSTRUCTION WHENEVER POSSIBLE.
5. ALL CONTROL MEASURES SHALL BE MAINTAINED IN EFFECTIVE CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
6. ADDITIONAL CONTROL MEASURES SHALL BE INSTALLED DURING THE CONSTRUCTION PERIOD, IF NECESSARY OR REQUIRED.
7. SEDIMENT REMOVED FROM CONTROL STRUCTURES WILL BE DISPOSED OF IN A MANNER WHICH IS CONSISTENT WITH THE INTENT OF THE PLAN.
8. DUST CONTROL AND ANTI-TRACKING MAINTENANCE TO BE ADDRESSED AND RESOLVED ON A DAILY BASIS.
9. POSITION THE POST AT THE BACK OF THE TRENCH (DOWNHILL SIDE), AND HAMMER THE POST AT LEAST 2.0 FEET INTO THE GROUND.
10. C. LAY THE BOTTOM SIX INCHES OF THE FABRIC INTO THE TRENCH TO PREVENT UNDERMINING BY STORM WATER RUN-OFF.
11. D. BACKFILL THE TRENCH AND COMPACT.

INSTALLATION OF SEDIMENTATION AND EROSION CONTROL MEASURES

1. SILTATION FENCE
A. DIG A SIX INCH TRENCH ON THE UPHILL SIDE OF THE DESIGNATED FENCE LINE LOCATION.
 2. POSITION THE POST AT THE BACK OF THE TRENCH (DOWNHILL SIDE), AND HAMMER THE POST AT LEAST 2.0 FEET INTO THE GROUND.
 3. LAY THE BOTTOM SIX INCHES OF THE FABRIC INTO THE TRENCH TO PREVENT UNDERMINING BY STORM WATER RUN-OFF.
 4. BACKFILL THE TRENCH AND COMPACT.
- OPERATION AND MAINTENANCE OF SEDIMENTATION AND EROSION CONTROL MEASURES
1. SILTATION FENCE
A. INSPECTED AREAS SHALL BE INSPECTED EVERY SEVEN DAYS. ALL DETERIORATED FABRIC AND DAMAGED POSTS SHALL BE REPLACED AND PROPERLY REPOSITIONED IN ACCORDANCE WITH THIS PLAN.
- SEDIMENT DEPOSITS SHALL BE REMOVED FROM BEHIND THE FENCE WHEN THEY EXCEED A HEIGHT OF ONE FOOT.

TEMPORARY VEGETATIVE STABILIZATION

1. ESTABLISHMENT OF TEMPORARY STANDS OF GRASS BY SEEDING AND MULCHING EXPOSED SOILS THAT WILL BE EXPOSED. SEED BARE SOIL WITHIN SEVEN (7) DAYS OF EXPOSURE. UNLESS CONSTRUCTION WILL BEGIN WITHIN FOURTEEN (14) DAYS. IF CONSTRUCTION IS SUSPENDED, OR SECTIONS COMPLETED, AREAS SHOULD BE SEEDING DOWN OR MULCHED DOWN IMMEDIATELY. THIS WILL TEMPORARILY STABILIZE THE SOIL WITH A VEGETATIVE COVER THAT WILL PREVENT DAMAGE FROM WIND AND WATER EROSION AND SEDIMENTATION.
2. INSTALLATION: FERTILIZING, SEEDING, AND MULCHING WILL BE USED AS A TEMPORARY E&S CONTROL MEASURE ON ALL NON-PAYED DISTURBED AREAS. EXPOSED SOILS NOT SUBJECT TO CONSTRUCTION TRAFFIC SHALL BE SEEDING OR COVERED BY MULCH WITHIN 7 DAYS, INCLUDING STOCKPILED SOIL MATERIALS. WITH REGARD TO THE TEMPORARY SEED MIX, REFER TO THE SEEDING MIXTURE TABLE PROVIDED ON THE E&S CONTROL PLAN DETAIL SHEET.
3. OPERATIONS AND MAINTENANCE: INSPECT SEEDING AREA AT LEAST ONCE A WEEK FOR SEED AND MULCH MOVEMENT AND RILL EROSION. WHERE SEED HAS MOVED OR WHERE SOIL EROSION HAS OCCURRED, DETERMINE CAUSE OF THE FAILURE. BIRD FEEDING MAY BE A PROBLEM IF MULCH WAS APPLIED TOO THINLY TO PROTECT SEED. RE-SEED AND RE-MULCH IF MOVEMENT WAS A RESULT OF BIRD FEEDING. REPAIR EROSION DAMAGE, REAPPLY SEED, MULCH AND APPLY MULCH ANCHORING. IF FAILURE WAS CAUSED BY CONCENTRATED RUNOFF, INSTALL ADDITIONAL MEASURES TO CONTROL WATER AND SEDIMENT MOVEMENT. REPAIR EROSION DAMAGE, RE-SEED AND RE-APPLY MULCH WITH ANCHORING OR USE EROSION CONTROL BLANKET.

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high efficiency AcuteLED Optics™ system provides uniform and energy sensitive illumination for walkways, parking lots, roadways, loading areas and security lighting applications. IP65 rated and UL Listed for wet locations.

STREETWORKS™

Cooper Lighting

by E.T.E.

GAN GALLEON LED

1-10 Light Squares

Solid State LED

AREA/ROADWAY LUMINAIRE

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high efficiency AcuteLED Optics™ system provides uniform and energy sensitive illumination for walkways, parking lots, roadways, loading areas and security lighting applications. IP65 rated and UL Listed for wet locations.

STREETWORKS™

Cooper Lighting

by E.T.E.

GAN GALLEON LED

1-10 Light Squares

Solid State LED

AREA/ROADWAY LUMINAIRE

DESCRIPTION

The Galleon™ LED luminaire delivers exceptional performance in a highly scalable, low-profile design. Patented, high efficiency AcuteLED Optics™ system provides uniform and energy sensitive illumination for walkways, parking lots, roadways, loading areas and security lighting applications. IP65 rated and UL Listed for wet locations.

STREETWORKS™

Cooper Lighting

by E.T.E.

GAN GALLEON LED

1-10 Light Squares

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Cooper Lighting

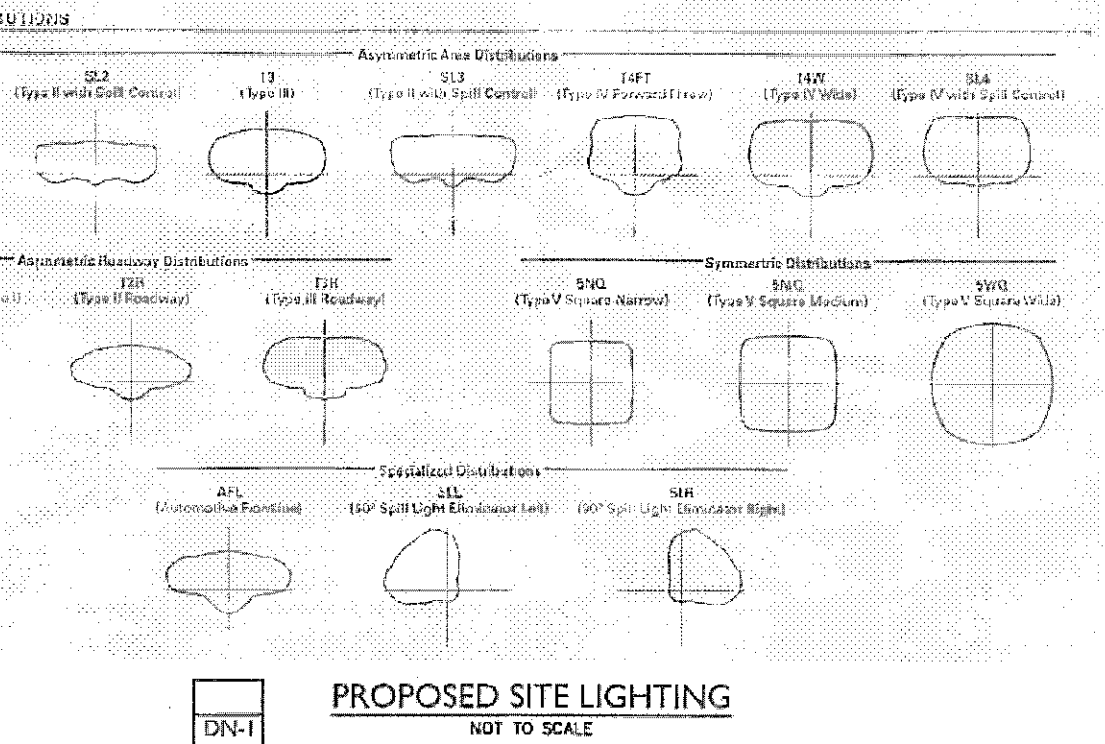
by E.T.E.

GAN GALLEON LED

1-10 Light Squares

Solid State LED

AREA/ROADWAY LUMINAIRE



PROPOSED SITE LIGHTING
NOT TO SCALE



PROJECT DETAILS			
LEPORE PROPERTY			
95 NORTH CLINTON STREET CITY OF POUGHKEEPSIE DUTCHESS COUNTY, NEW YORK			
Designed	LRC	CAD File	DN18223001
Drawn	SMC	Project No.	18-2230
Checked	KFC	Date	06/08/18
Approved	REM	Scale	NOTED
Sheet No. DN-1			

Revisions:

Date	Revised For	Revised By
07/05/18	REVISED PER LOT MODIFICATION	REVISOR
07/16/18	REVISED PER PLANNING COMMENTS	REVISOR
07/19/18	REVISED PER PLANNING COMMENTS	REVISOR
09/11/18	REVISED PER PLANNING COMMENTS	REVISOR

LRC GROUP

• Land Planning
• Civil Engineering
• Environmental Services
• Land Surveying
• Landscape Architecture

85 Civic Center Plaza, Suite 103
Poughkeepsie, NY 12601
Tel: 845.635.2877
Fax: 845.635.2877

160 West Street, Suite 8
Cromwell, CT 06416
Tel: 860.635.2877
Fax: 860.635.2877

90 Beaver Ave., Suite 5
Canton, NY 13617
Tel: 908.883.5110
www.lrcgroup.com

Land Resource Consultants, Inc.
LRC Engineering and Surveying, D.P.C.
LRC Environmental Services, Inc.
LRC Engineering and Surveying, LLC

SURVEY NOTES

1. Copyright Johnson Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
2. 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.
3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. Subject to the findings of a current title search.
8. Subject to covenants, easements, restrictions, conditions and agreements of record.
9. Subject to any right, title or interest the public may have for highway use.
10. Bearings and North shown hereon are referenced to NAD 83—NY East using NYSNET RTN GPS.eon are referenced to NAVD 88 using NYSNET RTN GPS.

FILED MAP REFERENCE

Map entitled "Subdivision of Lands of Myer Canter" prepared by Roger Mastri and filed in the Dutchess County Clerks office on October 23, 1984 as Map No. 7051

DEED REFERENCE

Doc. #02 2017 9265
Kauri's Inc
To
36 Cottage St LLC
December 8, 2017

Doc. #02 2006 6979
TLP Associates, LLC
To
36 Cottage St LLC
August 28, 2006

TAX PARCEL NUMBER

City of Poughkeepsie, Dutchess County, New York
6162-71-301233
6162-71-314231

DATE OF SURVEY

Field Completion: February 15, 2023

ZONING

Subject parcels are located within the Neighborhood Commercial(C-1) and Light Industrial (I-1) as per map entitled "City of Poughkeepsie Zoning Districts" dated November 29, 2019

FLOOD ZONE

Subject Parcels are located within Zone "X"
Unshaded as per Flood Insurance Rate Map:
No. 36027C0377E Effective Date: May 2, 2012

PLANNING BOARD

Approved by resolution of the Planning Board of the City of Poughkeepsie, New York, on the _____ day, of the month of _____ of year 2023 Subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of the plat as approved shall void the approval. Signed this _____ day, of the month _____ and of the year 2023.

By: _____ Chairperson

JOHNSON
SURVEYING

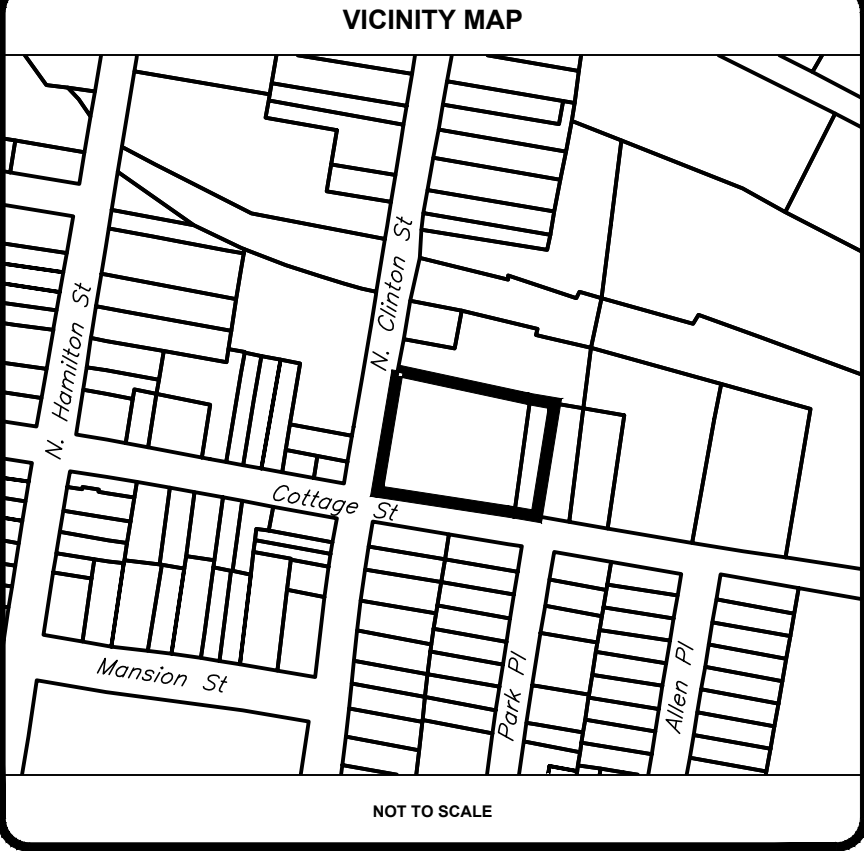
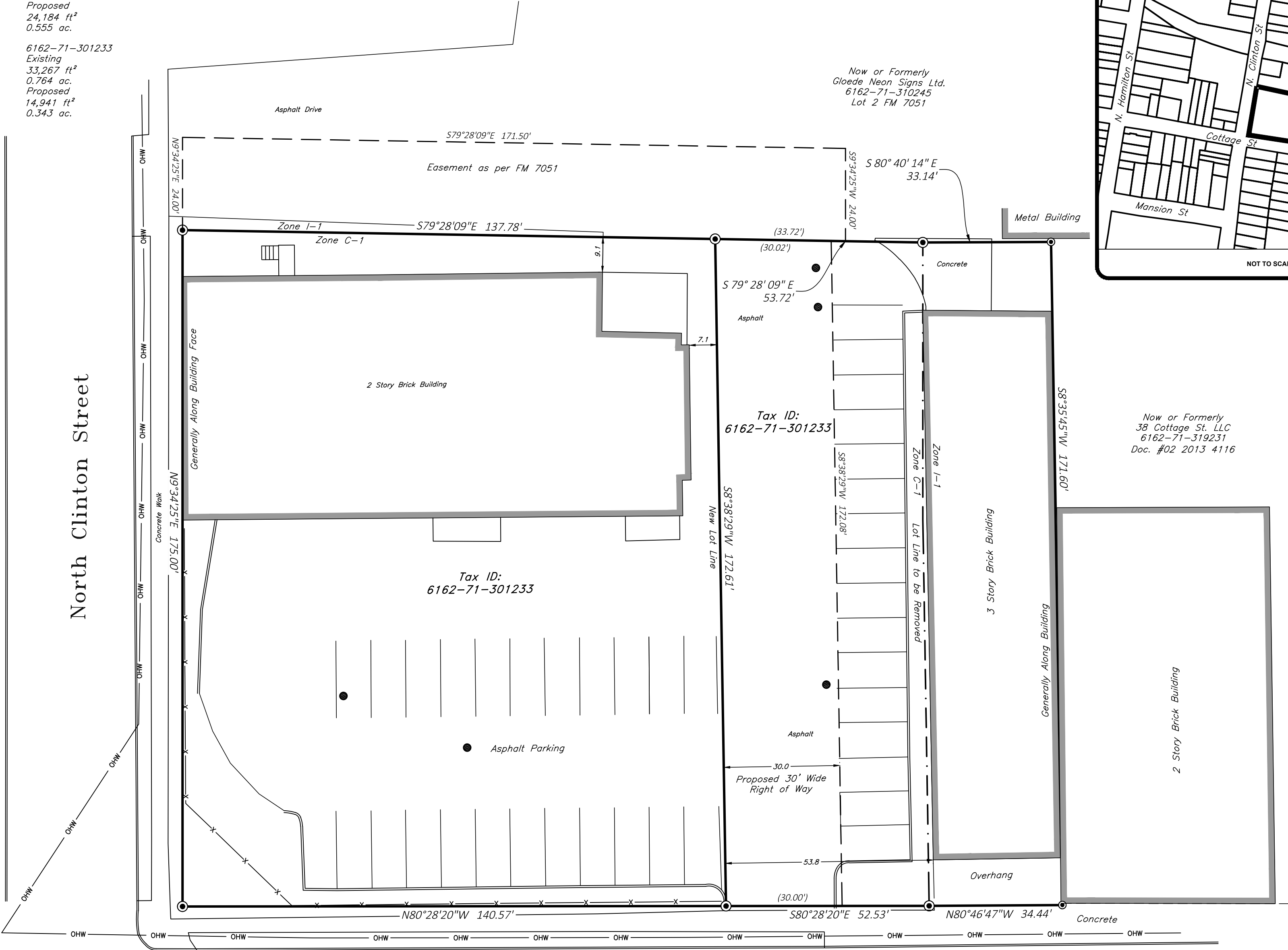
BRENDAN JOHNSON, PLS
10 Meadow Lane
Pleasant Valley, NY 12569
Phone No. (845) 380-0528
johnsonboundaries@gmail.com

Copyright 2014

AREA

6162-71-301233
Existing
5,858 ft²
0.134 ac.
Proposed
24,184 ft²
0.555 ac.

6162-71-301233
Existing
33,267 ft²
0.764 ac.
Proposed
14,941 ft²
0.343 ac.



Now or Formerly
38 Cottage St. LLC
6162-71-319231
Doc. #02 2013 4116

Cottage Street

GRAPHIC SCALE



1" = 20'

N CLINTON

PRELIMINARY PLAT OF
LOT LINE ALTERATION PREPARED FOR
36 COTTAGE ST LLC

CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK

OWNER'S CONSENT

The undersigned owners of the property hereon state that they are familiar with this map, its contents and its legends and hereby consent to all said terms and conditions as stated hereon.

_____ Date

rev.	date	description

BRENDAN JOHNSON, P.L.S.
P.L.S. No. 50919

tax id	301233 & 314231
address	N CLINTON & COTTAGE
date	2/24/2023
scale	1"=20'
project no.	17-040.01
project name	N CLINTON
sheet	1 OF 1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

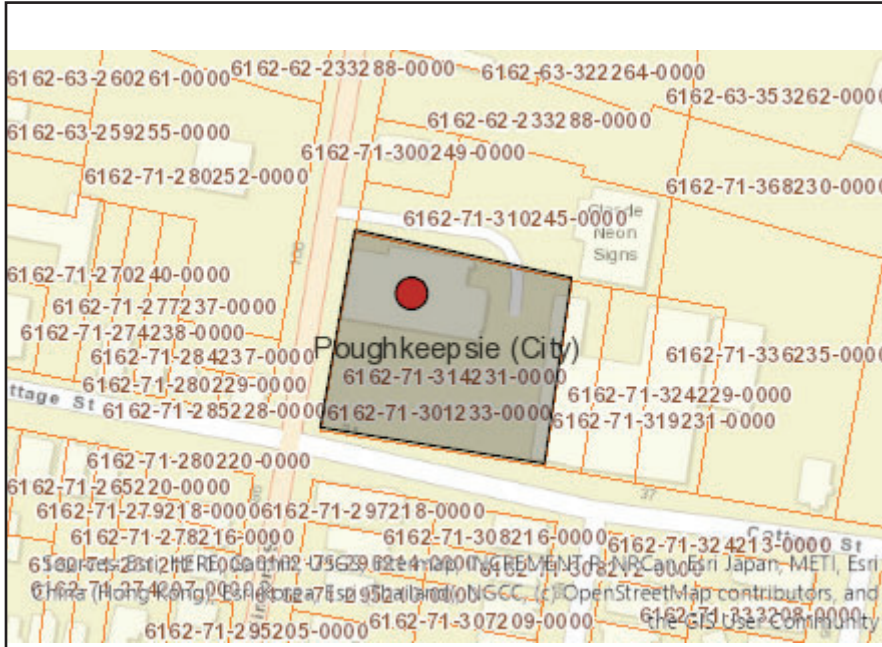
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: 95 N Clinton Street - Lot Line Adjustment - Area Variance			
Project Location (describe, and attach a location map): 95 N Clinton Street, Poughkeepsie, NY 12601 - Parcel ID 131300-6162-72-301233			
Brief Description of Proposed Action: Applicant is seeking a lot line adjustment between two parcels. Parcel ID 301233 proposes reducing lot by .421 acres (giving to adjoining parcel), reducing the rear yard to 7.1'. This would require a 17.9' area variance per Section 19-3.22(4)(e)2.c which requires the rear yard to be 25'			
Name of Applicant or Sponsor: 36 Cottage St LLC		Telephone: c/o 845-594-1055 E-Mail: c/o kelly@karcpc.com	
Address: 36 Cottage Street			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Planning Board Approval - Lot Line Adjustment		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? _____ .764 acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .898 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
Incident #9907671 - 09/24/1999 Incident #1200439 - 04/16/2012		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Kelly Libolty</u> Date: <u>May 8, 2023</u> Signature: <u></u> Title: <u>Agent for Applicant</u>		



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



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

Parcel 28990 CANNON STREET – VARIANCE REQUEST JUSTIFICATION

The following responses are related to the Lot area appeal **Section 19-4.3(5)(a)** where a minimum 15'-0" access drive lane is required for a parking area serving five parking spots and 12'-6" exists and is proposed to remain.

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. A majority of the concrete curb cuts serving parcels of this size are of similar dimension. It should also be mentioned that a large mature healthy maple tree in the city right-of-way would need to be removed to allow for an access lane two and half feet larger in width.

2) The area variance cannot be achieved by some other method feasible to pursue as this is the only location to access the parcel and the curb cut of 12'-6" exists.

3) The area variance requested is NOT substantial; the existing concrete apron / curb cut is 12'-6". The city of Poughkeepsie zoning ordinance requires parking areas serving four spots or less and should have a drive lane between eight feet and fifteen feet. Five through twenty parking spots requires fifteen feet, the proposed parking area consists of five parking spots so an area variance of two and half feet does not seem substantial in this case.

4) The requested variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The curb cut / concrete apron is consistent with adjacent properties.

5) The need for the area variances should not be considered 'self-created' as mentioned above the curb cut access lane is existing at 12'-6".



**THE CITY OF POUGHKEEPSIE
NEW YORK**

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: Parcel 228990 Cannon Street

ZONING DISTRICT: C-2

OWNER INFORMATION:

Name: Cannon Street Collaborative

Address: 131 Cannon Street - Poughkeepsie, NY 12601

Phone: 845.264.9644

Email: dan@drohdeheatingandac.com

APPLICANT INFORMATION:

Name: Daniel Rohde

Address: (Same as above)

Phone: _____

Email: _____

CONSULTANT INFORMATION:

Name: John Sullivan

Address: 16 Barclay Street - Poughkeepsie, NY 12601

Phone: 914.456.1299

Email: jsullivan2@hvc.rr.com

SUBJECT OF APPEAL

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

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

Date of decision/determination/violation: April 28, 2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: Parcel 228990 Cannon Street

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
19-4.3(5)(a)	15'-0" / 12'-6" access lane	2'-6"

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: Parcel 228990 Cannon Street

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):
 Survey Map (Decker Surveying - 2.23.23)

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

Daniel Rohde (Cannon Street Collaborative)

Print Name

May 16, 2023

DATE

John V. Sullivan, Associate A.I.A.

16 Barclay Street
Poughkeepsie, NY 12601

914.456.1299

jsullivan2@hvc.rr.com

May 18, 2023

Revised – May 22, 2023

To: City of Poughkeepsie Development Department
City of Poughkeepsie Zoning board of appeals – Mr. Scott Parker-Chairman
62 Civic Center Plaza
Poughkeepsie, NY 12602

Re: **Parcel 228990 Cannon Street** –Application for area variance as per memo received from deputy zoning administrator Mr. Joe O’Brien – April 28, 2023 relative to a site plan special permit application (City of Poughkeepsie planning board) consisting of a proposed parking area inclusive of (5) parallel parking spots.

Along with this memo please find attached the following:

- (9) Completed application.
- Application fee in the amount of \$350.00 (submitted 5.18.23)
- (9) Letter / communication letter from City of Poughkeepsie.
- (9) Completed short EAF
- (9) copies of existing and proposed site plan sheet S-1.0 inclusive of site photos. (submitted 5.18.23)
- (9) Survey map by John Decker (Decker Surveying0 dated February 23, 2023.
- (9) ZBA application response 1-5.

We kindly ask to be placed on the next ZBA meeting agenda on June 13, 2023 to present the proposed site plan and relief from the required 15’-0” access drive lane and allow the existing concrete apron / curb cut of 12’-6” to remain.

Respectfully submitted,

John V. Sullivan, Associate A.I.A.

Cc: Daniel Rohde – Managing member the Cannon Street Collaborative.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 325 Church St

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
<u>19-3.13.14A</u>	<u>12,000 sq FT of lot</u>	<u>3,920 sq ft of lot</u>
<u>19-4-311A</u>	<u>4 spaces</u>	<u>0 spaces</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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. NO - there will be no change in the amount of people
- 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? Changing a one family to a two family
- 3) Is/are the requested area variance(s) substantial? Explain why they are not substantial. NO ONLY CHANGING TO 2 FAMILY NOT 3 OR 4
- 4) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? Why not? NO NO CHANGE IN APPEARANCE
- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain. NO NO CHANGE

Variance Request for 325 Church St., Poughkeepsie, NY 12601

1. No. The facade and exterior of the building will remain the same. Only the interior of the building will be changed. This will not pose any changes to the neighborhood's character or pose any changes to neighboring properties. There is off street parking available within 300ft of the structure and within the 600 ft requirement.
2. There are no other alternatives to a variance for the changes being sought after. The building will be being changed from a one family to a two family residence.
3. The variance is not substantial. This is a request to change a one family building to a two family building. Floor plans have been submitted.
4. As stated in question 1, there will be no changes to the exterior of the building or parking conditions.
5. No. The request is to change a one family residence to a two family residence. A majority of the neighboring residences are multi-family homes (e.g. 321, 324, 326, 327, 328, and 330 Church St.) and this structure will fit into the neighborhood.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

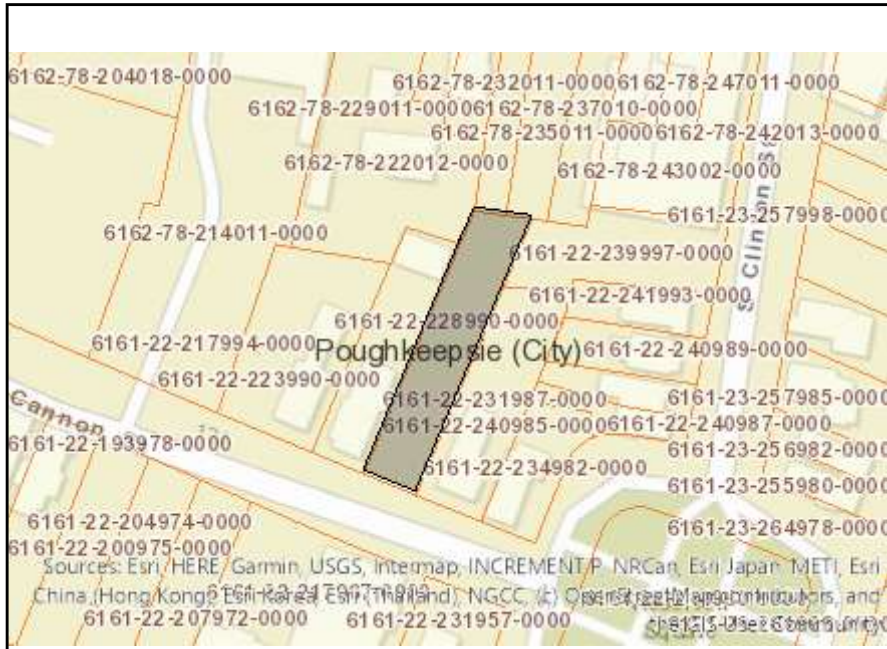
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Application for an area variance to the City of Poughkeepsie ZBA			
Project Location (describe, and attach a location map): Parcel 228990 Cannon Street - City of Poughkeepsie, New York			
Brief Description of Proposed Action: Applicant is seeking an area variance for an existing concrete apron / curb cut which is 12'-6" wide. Proposed site plan consisting of (5) parallel parking spaces requires 15'-0" access land as per the city of Poughkeepsie zoning ordinance. A 2'-6" area variance is required by the ZBA.			
Name of Applicant or Sponsor: Cannon Street Collaborative (Daniel Rohde)		Telephone: 845.264.9644 E-Mail: dan@drohdeheatingandac.com	
Address: 131 Cannon Street			
City/PO: Poughkeepsie		State: New York	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie planning board.		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.193 acres	
b. Total acreage to be physically disturbed?		0.095 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.193 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: Proposed lighting will consist of LED freestanding solar light poles. _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Proposal does not require connections for potable water. _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Proposal does not require connections to sanitary sewer. _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

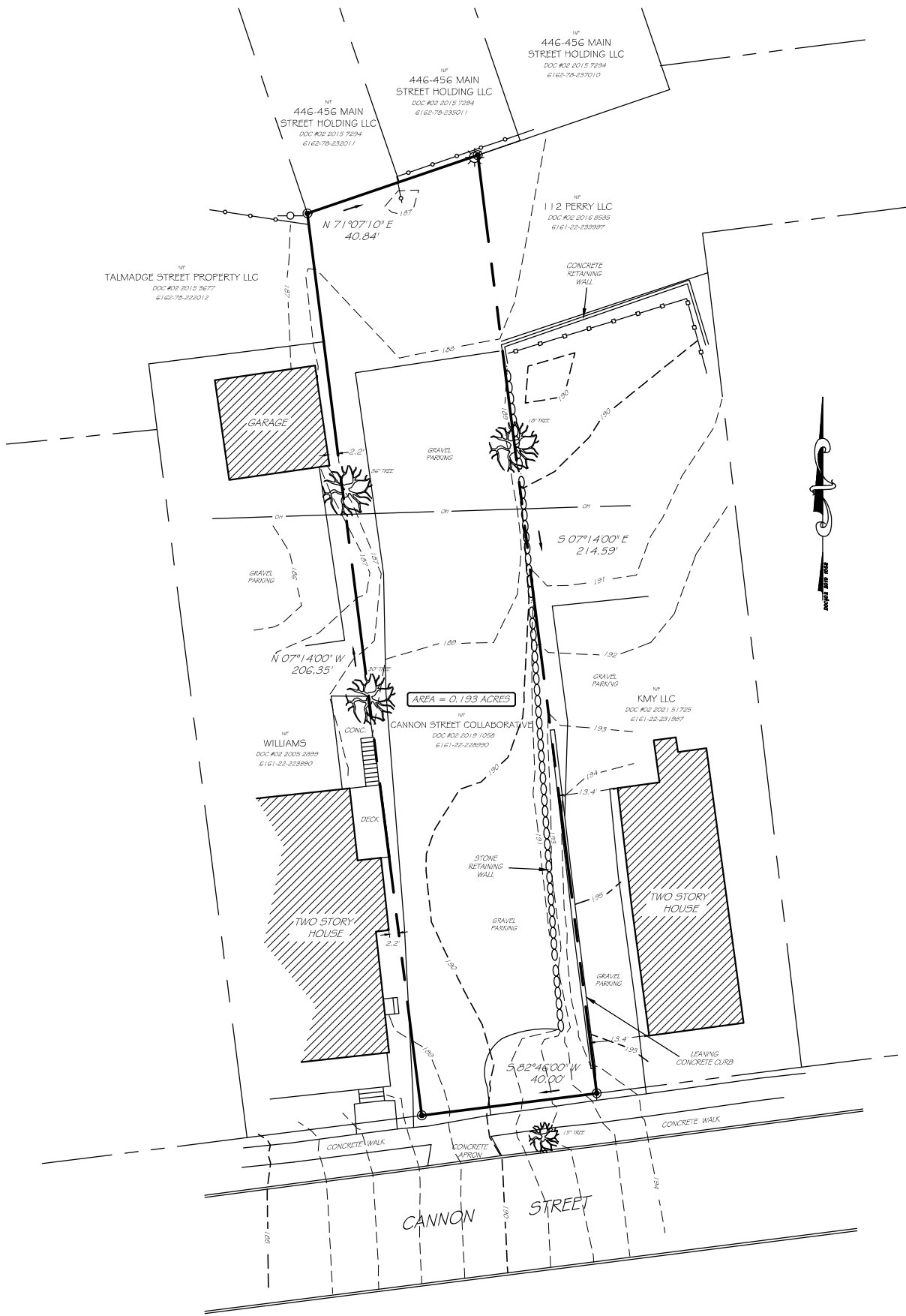
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Daniel Rohde (Cannon Street collaborative)</u> Date: <u>May 16, 2023</u> Signature: _____ Title: <u>Owner</u>		



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



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



SURVEY NOTE:
- CONTOUR DATUM IS APPROXIMATE U.S.G.S.
TAKEN FROM DUTCHESS COUNTY PARCEL ACCESS

LEGEND

- PROPERTY BOUNDS
- OH OVERHEAD WIRES
- PROPERTY ANGLE
- CHAINLINK FENCE
- STOCKADE FENCE
- UTILITY POLE
- WATER VALVE
- LIGHT POLE

DECKER
SURVEYING

JOHN H DECKER LS
292 FRALEIGH LANE
RED HOOK NY 12571
Phone No. (845) 758-4442
deckersurveying@frontiernet.net

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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 FEBRUARY 17, 2023.

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

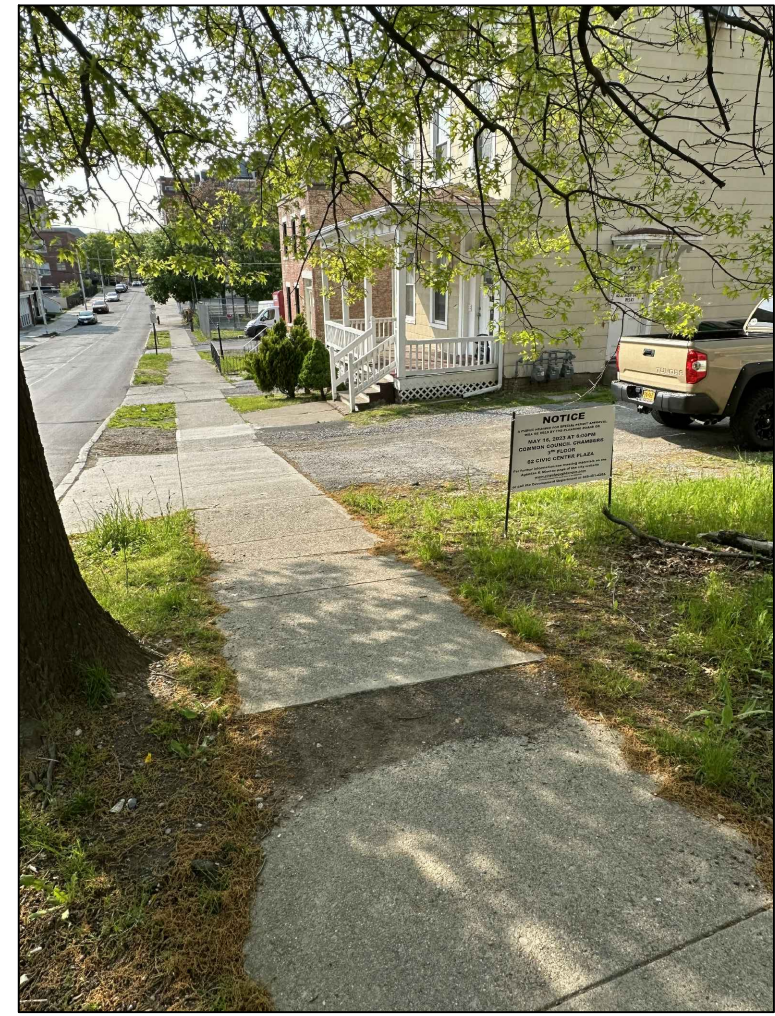
BOUNDARY SURVEY

CANNON STREET COLLABORATIVE

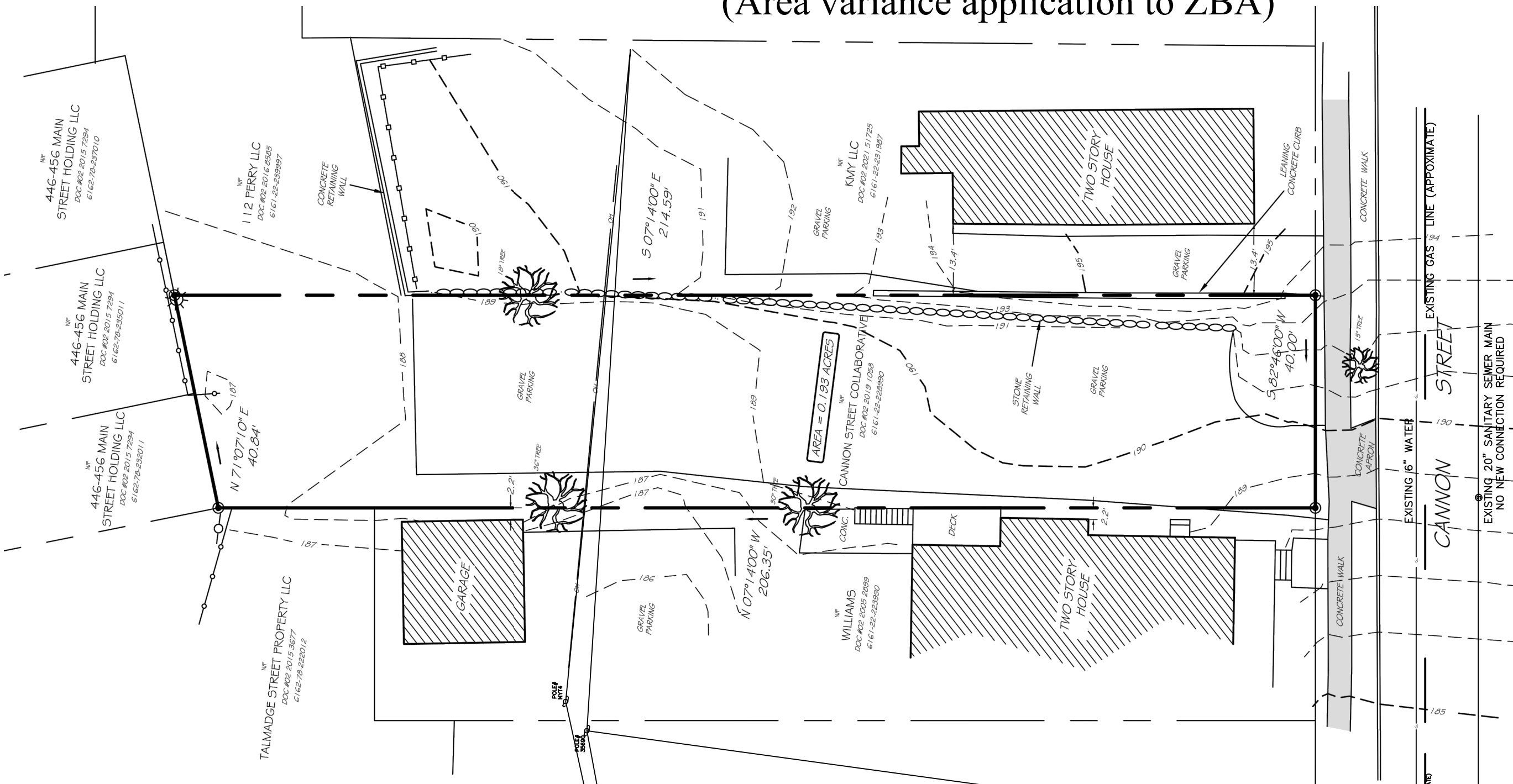
CITY OF POUGHKEEPSIE
FEBRUARY 23, 2023

DUTCHESS COUNTY, NEW YORK
1" = 20'

ZONING REQUIREMENTS			
ZONING DISTRICT:	C-2 CENTRAL COMMERCIAL DISTRICT		
TAX MAP No's.	6161-22-228990		
LOT AREA :	(135 CANNON STREET) 8,407 SQ. FT. (0.193 ACRES) +/-		
BULK REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	NONE	8,407 SQ. FT.	UNCHANGED
MIN. LOT WIDTH	55'-0"	40'	UNCHANGED
MAX. LOT COVERAGE	100%	N/A	N/A
MIN. FRONT YARD (FEET)	10'-0"	N/A	N/A
MIN. ONE SIDE YARD (FEET)	6'	N/A	N/A
MIN. REAR YARD (FEET)	5'-0"	N/A	N/A
MAX. HEIGHT (FEET)	10 STORIES OR 100'	N/A	N/A
MAX. F.A.R.	4.0 + 5.0 = 9.0	N/A	N/A
PARKING SPACES	-	UNKNOWN	5

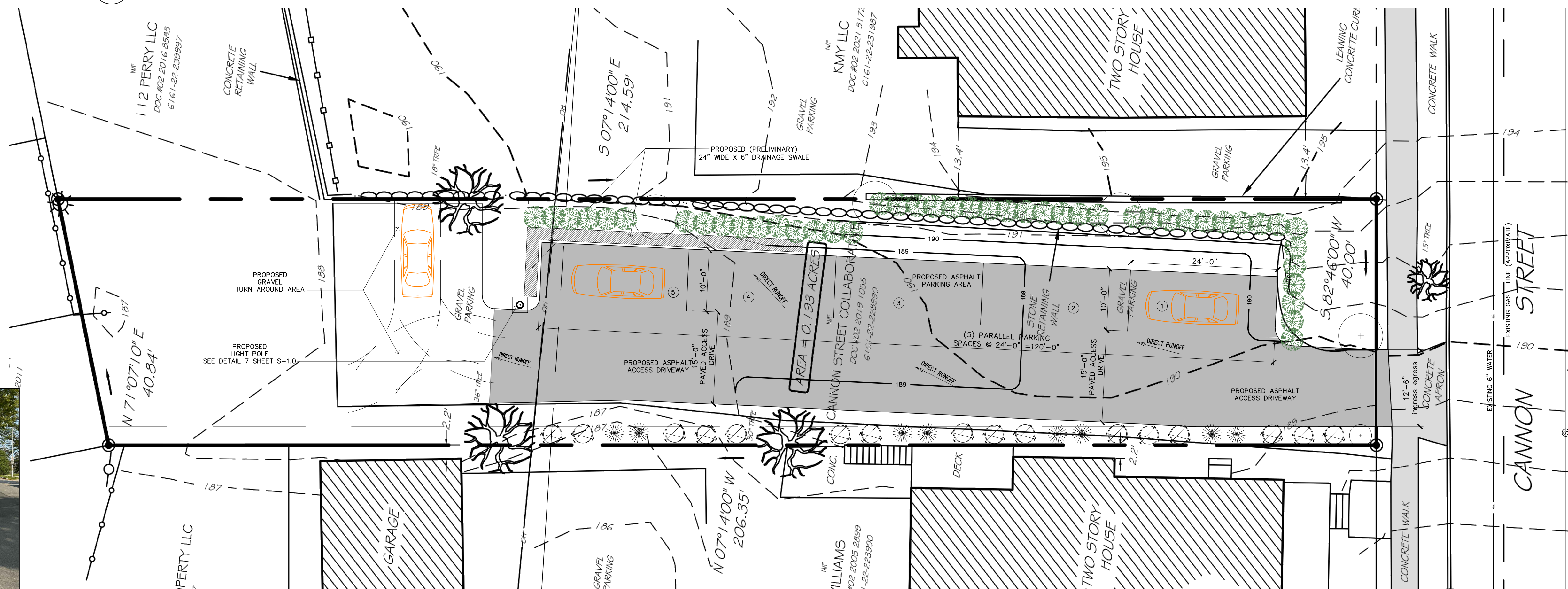
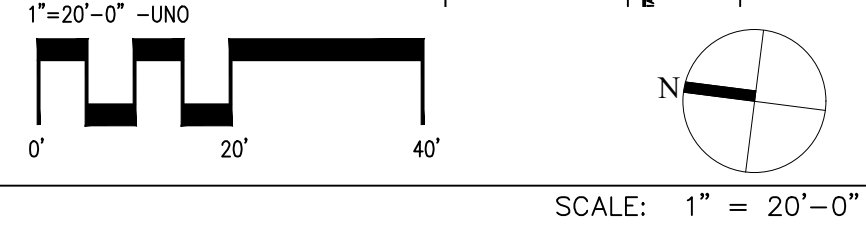


4 PHOTOS OF CURB CUT / CONCRETE APRON
SCALE: NONE



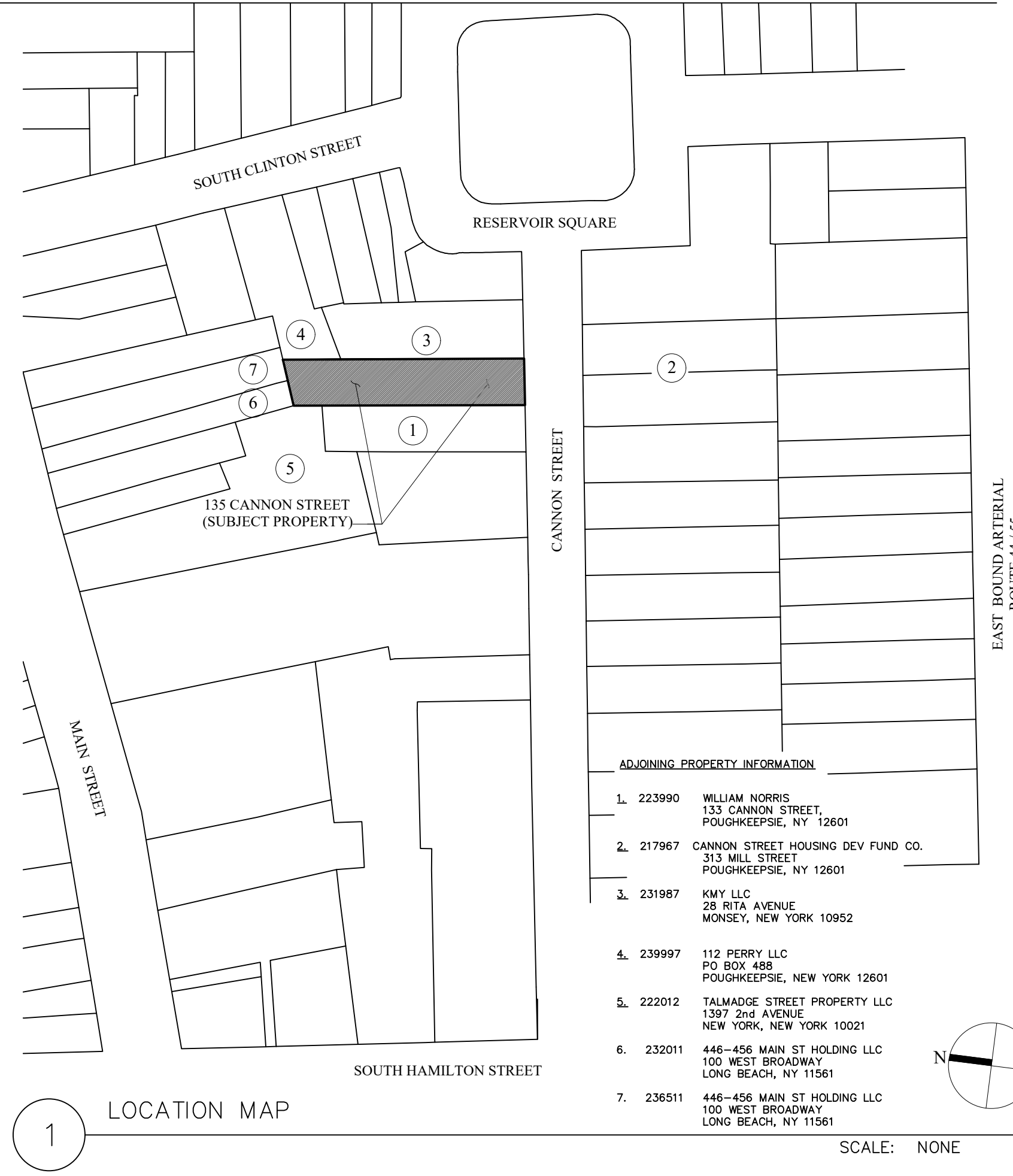
2 EXISTING SITE PLAN

INFORMATION ON SITE PLAN TAKEN FROM
SURVEY MAP COMPLETED BY:
DECKER SURVEYING, JOHN H DECKER, LS
DATED: FEBRUARY 23, 2023



3 EXISTING SITE PLAN w/ PROPOSED PARKING

INFORMATION ON SITE PLAN TAKEN FROM
SURVEY MAP COMPLETED BY:
DECKER SURVEYING, JOHN H DECKER, LS
DATED: FEBRUARY 23, 2023



1 LOCATION MAP

DESIGN AND DRAWINGS PREPARED BY:

JOHN SULLIVAN - associate a.i.a.
BARCLAY STREET
POUGHKEEPSIE, NY

WILLIAM MOREAU, P.E.
60 RYMPH ROAD
LA GRANGEVILLE, NY

PROPERTY OWNER:

CANNON STREET COLLABORATIVE
DANIEL ROHDE
131 CANNON STREET
POUGHKEEPSIE, NY

Date Issue

3.28.2023 ISSUED TO CITY OF POUGH. PLANNING BOARD
5.16.2023 REVISED DRAWING FOR PLANNING BOARD MEETING
5.18.2023 ISSUED TO CITY OF POUGH. ZBA

Project Title

PROPOSED PARKING LOT / AREA
(PARCEL 228990)
CANNON STREET
POUGHKEEPSIE, NY

Drawing Title

Existing & Proposed
Site Plan

Project No. 2301
Date 3.28.2023
Scale AS NOTED
Drawing by JVS

Checked by

William J. Moreau
Professional Engineer
No. 11561
State of New York

Drawing No.

S-1.0



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

April 28th, 2023

Cannon Street Collaborative
131 Cannon Street
Poughkeepsie NY 12601

Re: Cannon Street (228990)
ID # 045040
Special Permit Application # PB-2023-018

To whom it may concern,

The Development Department is in receipt of your Special Permit Application # PB-2023-018 relative to the vacant lot located on Cannon Street (228990) and the proposed construction of a surface parking area containing five parallel parking spaces. This property is located within the Central Commercial District (C-2) which does allow off-street parking as a principal use per code **Section 19-3.23(2)(b)15** of the Zoning Ordinance. Upon review of the provided plans I've been able to determine an Area Variance will be required in addition to the Special Permit which is listed below;

1. **Section 19-4.3(5)(a)** requires the access shall consist of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; the provided plans show the access is 12'6" at entry.

After the Area Variance is granted by the Zoning Board of Appeals and approval is obtained by the Planning Board, you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

If you have any questions you may contact me at 845-451-4273 or at jobrien@cityofpoughkeepsie.com.

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator

It is a violation of New York Education Law Article 145 Sec.7209, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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APPLICANT NAME & ADDRESS:
ARGO DEVELOPMENT
95 CHESTNUT RIDGE ROAD
MONTVALE, NJ 07645

PROJECT NAME & LOCATION:
**SOUTH AVE
MULTI-FAMILY DEVELOPMENT**
SOUTH AVENUE
CITY OF POUGHKEEPSIE, NY 12601

5	05/22/23	REVISED PER ARCHITECT
4	04/18/23	REVISED PER CITY COMMENTS
3	04/04/23	REVISIONS PER INTERNAL COORDINATION
2	03/07/23	REVISED PER PLANNING BOARD COMMENTS
1	01/27/23	REVISED PER CITY COMMENTS
NO.	DATE	DESCRIPTION

Revisions

PROJECT NUMBER: 2222201

DRAWN BY:

REVIEWED BY: CPL

ISSUED FOR: PLANNING BOARD REVIEW

DATE: 11/28/2022

DRAWING NAME:

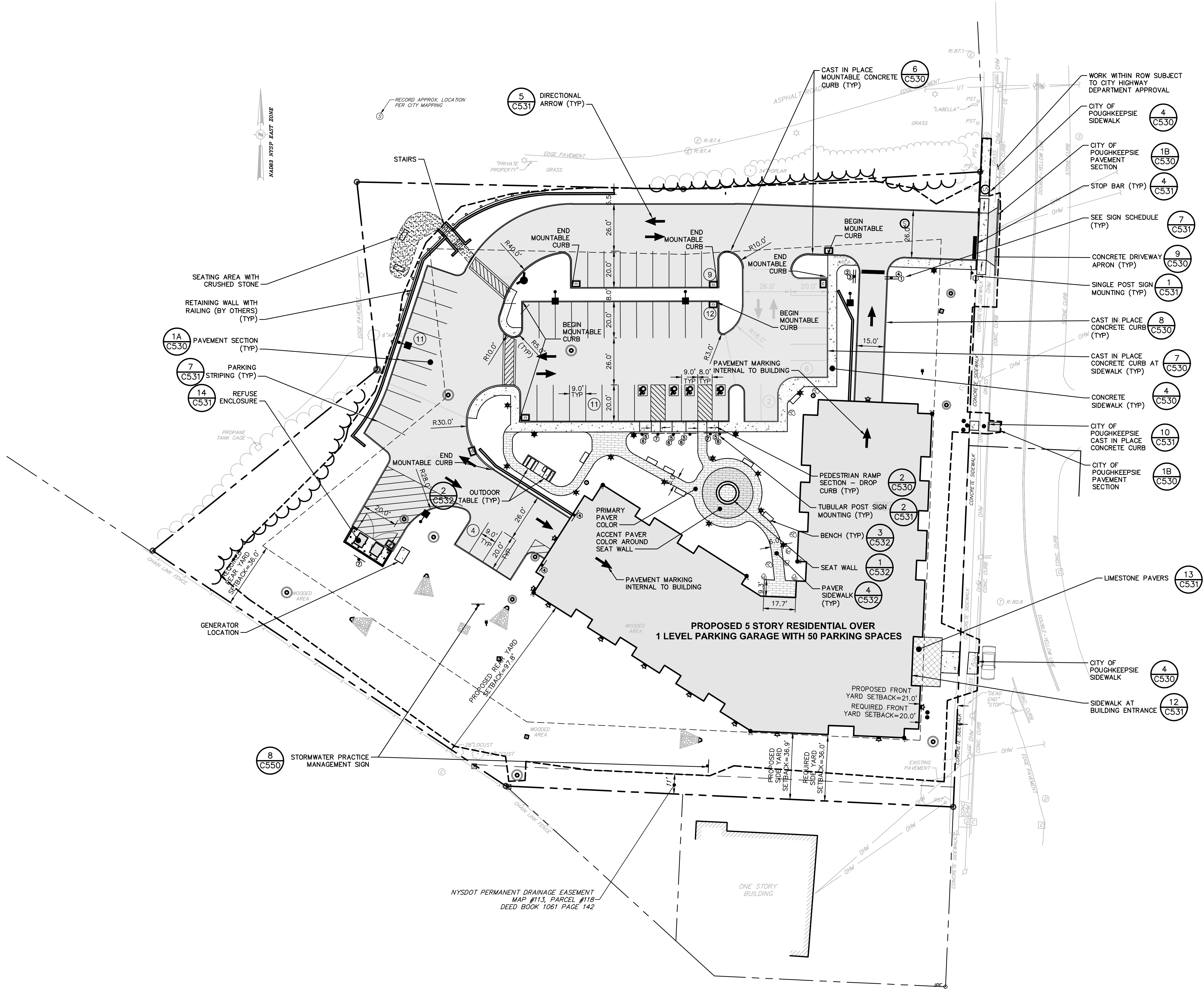
SITE PLAN

DRAWING NUMBER:

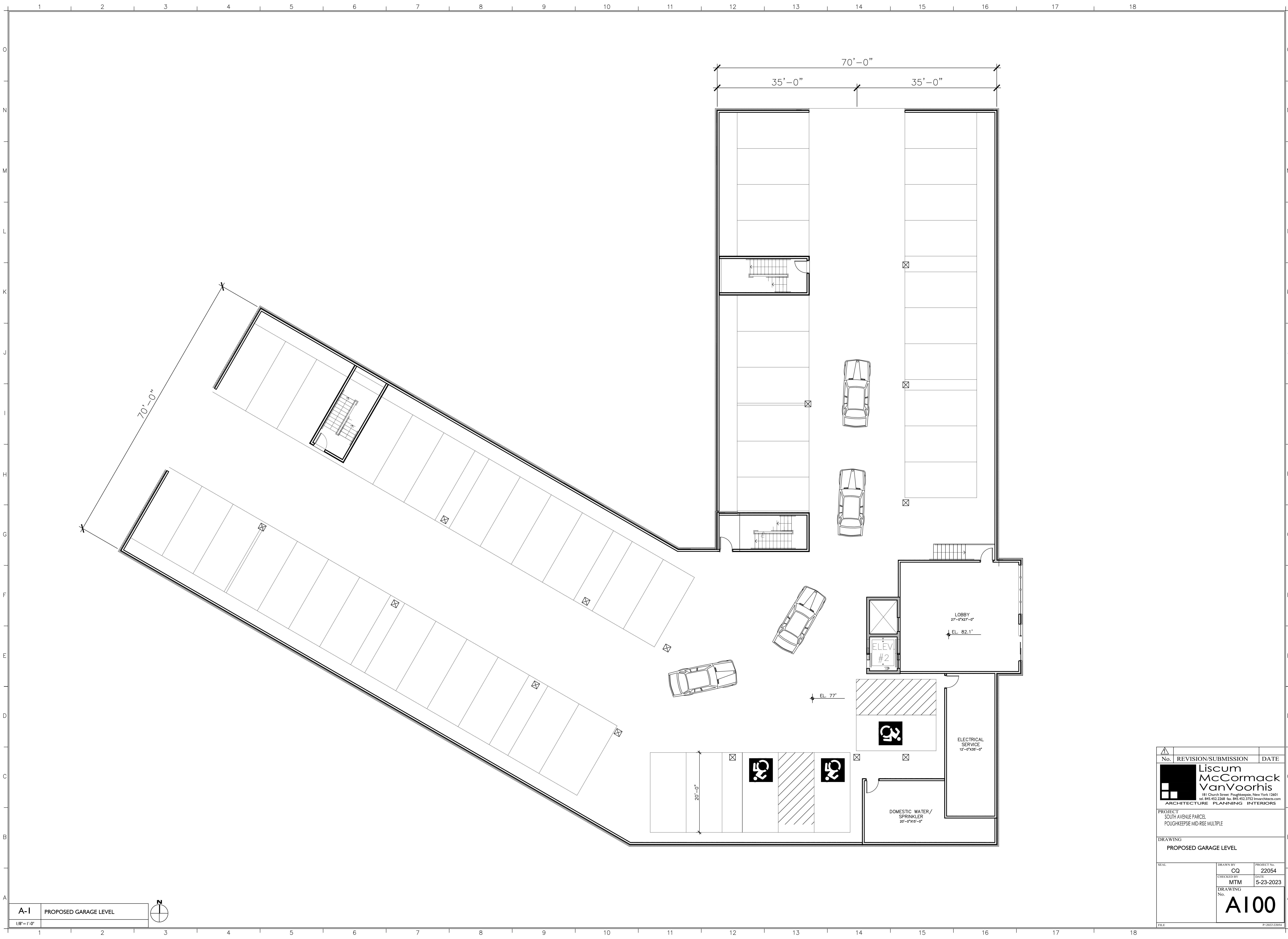
C130

SITE LEGEND:

- PROPERTY LINE
- SETBACK LINE
- BUILDING
- PAVEMENT
- ROAD CENTER LINE
- SIDEWALK
- CURB
- WORK LIMITS
- CONCRETE SURFACE
- ROAD LINING & STRIPING
- SIGN
- 2 POSTED SIGN
- BOLLARD
- MAILBOX
- PARKING COUNT



1 SITE PLAN
C-130 SCALE: 1" = 30'



REVISION/SUBMISSION		DATE
No.		

Liscum McCormack VanVoorhis
181 Church Street Poughkeepsie, New York 12601
tel. 845.452.2248 fax. 845.452.3752 lmv@lvmv.com
ARCHITECTURE PLANNING INTERIORS

PROJECT
SOUTH AVENUE PARCEL
POUGHKEEPSIE MID-RISE MULTIPLE

DRAWING
PROPOSED GARAGE LEVEL

REAL	DRAWN BY	PROJECT NO.
	CQ	22054

CHECKED BY	DATE
MTM	5-23-2023

DRAWING No. **A100**

FILE P:\2023\22054



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

May 31st, 2023

ARGO Development
95 Chestnut Ridge Road
Montvale NJ 07645

Re: South Avenue (937583)
ID # 426150
Area Variance Application # ZBA-2023-013

To whom it may concern,

The Development Department is in receipt of your Area Variance Application # ZBA-2023-013 relative to the Vacant lot located at South Avenue (937583) and the proposed construction of a new Multifamily building containing 87 one-bedroom units. This property is located within the Research and Development District(R&D) which does allow Multifamily buildings per code Section 19-3.31(2)(a)5 of the Zoning Ordinance. Upon review of the provided plans, I've been able to determine that Area Variance(s) will be required which are as follows;

1. Section 19-3.15.(4)(i) requires usable open space with minimum dimensions of 40' and 26,100sf which shall be devoted to improved and landscaped play and sitting areas for use of residents thereof, and the design and layout of the usable open space shall be subject to approval by the Planning Board; the previous plans submitted as part of the Sit Plan application indicated 52,569sf of green space which is not the same as defined above and no new plans were submitted with this application to address this issue as previously requested as part of the Site Plan review from 4/5/23.
2. Section 19-4.3(11) requires a minimum of 131 parking spaces; only 105 parking spaces are proposed.
3. Section 19-4.3(5)(b) states that each required space, exclusive of drives and aisles, shall be not less than 20 feet long nor less than nine feet wide and shall be served by an aisle between rows of parking spaces of not less than 22 feet wide; the plan submitted for the parking garage was not drawn to scale to confirm compliance with the above-mentioned code.
4. Section 19-4.14(2)(b) states that bulkheads, elevator penthouses, observation towers, monitors, fire towers, hose towers, cooling towers, water towers, grain elevators or other structures where a manufacturing process requires greater height, provided that any such structures that are located on any roof and that exceed in height the limits in the particular district shall not in the aggregate occupy more than 20% of the horizontal area of the roof and are set back one foot from the edge of the roof for each additional foot in height greater than the specified height; neither a height nor a layout with dimensions of the rooftop was provided for



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

review to show compliance with this section as previously requested as part of the Site Plan review from 4/5/23.

After all Area Variances are granted by the Zoning Board of Appeals and Site Plan is approved by the Planning Board, you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

If you have any questions, you may contact me at 845-451-4273 or at jobrien@cityofpoughkeepsie.com.

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator



May 23, 2023

Mr. Scott Parker, Chair
Zoning Board of Appeals
62 Civic Center Plaza
3rd Floor
Poughkeepsie, NY 12601

**RE: ARGO Development – South Avenue Multi-Family Housing
 South Avenue, Poughkeepsie, NY, 12601
 Tax Lot 937583**

Chair Parker:

The Applicant, ARGO Development, is proposing to develop an 87-unit, mid-rise multifamily residential development with underground and surface-level parking in the City of Poughkeepsie. The proposed development will be located on an approximately 2.76-acre parcel on the west side of South Avenue (Tax Lot 937583) in the City of Poughkeepsie. The proposed action includes construction of a five-story building with 87, one-bedroom apartments located over one level of underground parking (50 spaces), and 55 off-street surface parking spaces (105 total parking spaces). The parcel is currently a wooded lot. Primary access will be provided via South Avenue.

The parcel is located within the R-D, Research and Development District. Residential development is a permitted use within the R-D zone, subject to the requirements of the High-Density R-5 District Permitted Uses [Section 19-3.16(2)], and further subject to all other requirements applicable to High-Density R-5 District residential development. The Applicant is proposing 105 parking spaces. An area variance for parking is being requested to provide relief from 26 parking spaces of the 131 required per City Zoning Ordinance, which would allow 105 parking spaces to be constructed as part of the project.

A Negative Declaration under the State Environmental Quality Review Act was issued for the project by the Planning Board on May 16, 2023.

Please find enclosed:

- 9 copies of the ZBA referral
- 9 copies of the Full Environmental Assessment Form and Report (Negative Declaration issued 5/16/2023)
- 9 copies of color photos
- 9 copies of the site plan
- 9 copies of the garage plan

The Applicant requests to be placed on the June 13, 2023 agenda. Please feel to contact me should you have any questions at clapine@labellapc.com or 845-486-1478. An electronic copy will be provided to the Zoning Board of Appelas secretary.

Respectfully submitted,

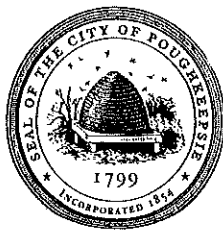


LaBella Associates

Christopher Lapine

Christopher Lapine, PE
*LaBella Associates | Senior Civil Engineer
Regional Marketing Leader*

cc: Michael Abuladze



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: South Avenue, City of Poughkeepsie, Tax Parcel ID 6061-52-937583

ZONING DISTRICT: R-D, Research and Development District

OWNER INFORMATION:

Name: South Ave Real Est Assoc LLC
Address: 510 Haight Avenue
Poughkeepsie, NY 12603
Phone: 914-494-2610
Email: _____

APPLICANT INFORMATION:

Name: ARGO Development (Contact: Mr. Michael Abuladze, CEO)
Address: 95 Chestnut Ridge Road
Montvale, NJ 07645
Phone: 914-494-2610
Email: mike@argodev.com

CONSULTANT INFORMATION:

Name: Christopher Lapine, P.E., LEED AP
Address: 21 Fox Street
Poughkeepsie, NY 12601
Phone: 845-486-1478
Email: clapine@labellapc.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: N/A

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: South Avenue, City of Poughkeepsie, Tax Parcel ID 6061-52-937583

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
<u>19-4.3(11)</u>	<u>1.5 parking spaces/1-bedroom unit</u> <u>=131 parking spaces</u>	<u>105 parking spaces</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

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: South Avenue, City of Poughkeepsie, Tax Parcel ID 6061-52-937583

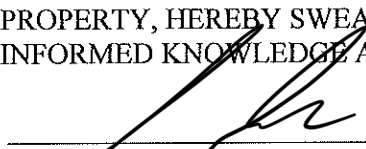
LIST OF REQUIRED ATTACHMENTS

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):

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

5.17.2023

DATE

Mike Abuladze

Print Name

ZBA APPLICATION FOR AREA VARIANCE
South Avenue Multi-Family Development
City of Poughkeepsie, Dutchess County, NY

The Applicant, ARGO Development, is proposing to develop an 87-unit, mid-rise multifamily residential development with underground and surface-level parking in the City of Poughkeepsie. The proposed development will be located on an approximately 2.76-acre parcel on the west side of South Avenue (Tax Lot 937583) in the City of Poughkeepsie. The proposed action includes construction of a five-story building with 87, one-bedroom apartments located over one level of underground parking (50 spaces), and 55 off-street surface parking spaces (105 total parking spaces). The parcel is currently a wooded lot. Primary access will be provided via South Avenue. The parcel is located within the R-D, Research and Development District. Residential development is a permitted use within the R-D zone, subject to the requirements of the High-Density R-5 District Permitted Uses [Section 19-3.16(2)], and further subject to all other requirements applicable to High-Density R-5 District residential development.

The proposed site plan complies with zoning requirements, except as follows:

Zoning Section 19-4.3(11):

Multifamily dwellings require 1.5 spaces for each 1-bedroom apartment.

As such, a minimum of 131 parking spaces are required.

The Applicant is proposing 105 parking spaces. An area variance for parking is being requested to provide relief from 26 parking spaces of the 131 required per City Zoning Ordinance, which would allow 105 parking spaces to be constructed as part of the project.

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.

As per the City of Poughkeepsie Zoning Board of Appeals, a variance is relief from the strict application of the requirements of the law, and the Zoning Board of Appeals is required by law to give sound reasons, based on the criteria set forth in the application for granting any such relief. The following table presents the proposed project's compliance with applicable zoning regulations. As shown, the Applicant is seeking an area variance for parking as described above. Below the table is a response to each criterion set forth by the Zoning Board of Appeals:

BULK TABLE:

CITY OF POUGHKEEPSIE ZONING DISTRICT: R-D

(SUBJECT TO REQUIREMENTS HIGH DENSITY R-5 DISTRICT PERMITTED USES [SECTION 19-3-16(2)] AND ALL OTHER REQUIREMENTS APPLICABLE TO HIGH DENSITY R-5.

<u>ZONING REQUIREMENTS:</u>	REQUIRED	PROPOSED
MINIMUM LOT AREA	20,000 SF	121,000± SF
MINIMUM LOT WIDTH	50 FT	321 FT
MINIMUM SETBACK REQUIREMENTS:		
FRONT	20 FT	21 FT
SIDES	35 FT	36 FT
REAR	35 FT	98 FT
MAXIMUM BUILDING HEIGHT	6 STORIES OR 70 FT	5 STORIES OVER 1-STORY GARAGE, 70 FT
MAXIMUM BUILDING LOT COVERAGE	50%	22,640 SF OR 18.8%
MINIMUM GREEN SPACE	26,100 SF	52,569 SF

<u>PARKING SPACES</u>	<u># UNITS</u>	<u>REQUIRED SPACES</u>	<u>PROPOSED SPACES</u>
<u>REQUIRED OFF-STREET PARKING</u>			
1.0 SPACE FOR EACH STUDIO OR EFFICIENCY APARTMENT;	0 UNITS X 1.0	0 SPACES	0 SPACES
1.5 SPACES FOR EACH 1-BEDROOM APARTMENT;	87 UNITS X 1.5	130.5 SPACES	105 SPACES (1)
2.0 SPACES FOR EACH 2-BEDROOM OR LARGER APARTMENT;	0 UNITS X 2.0	0 SPACES	0 SPACES
<u>TOTAL</u>	87 UNITS	130.5 SPACES REQUIRED	105 SPACES* PROPOSED

* VARIANCE REQUIRED

(1) FIFTY (50) SPACES IN GARAGE, AND 55 SPACES ON SURFACE

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.

The granting of an area variance to relieve a portion of the off-street parking requirements will not result in an undesirable change in the character of the neighborhood nor does it have an effect on nearby properties. The proposed parking layout suits the character of the neighborhood in that it provides a mix of covered underground parking as well as exterior surface-level parking, similar to other residential and commercial properties in the neighborhood. The site also provides handicap accessible spaces and a pleasing landscape, which were factors in determining the overall number of spaces. This application for area variance will allow the applicant to achieve an optimal parking layout that visually obscures the uncovered parking with landscaping (see Landscape Plan C180) but also providing adequate parking for future residents.

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?

The benefit of the variance sought to relieve a portion of the parking requirements is a parking lot layout and design that fits the needs of its users. The current zoning code which requires 1.5 spaces per 1-bedroom unit is a conservative requirement. The proposed parking layout is closer to the City's draft zoning code which would require 1.25 spaces per one-bedroom unit, albeit missing it by four or so spaces.

Other factors in the design development of this multifamily development presented several site restraints including setbacks, bulk requirements, landscape buffer requirements, and open space. Considering those confines, as well as the actual parking needs of the occupants, we have concluded that seeking a variance is the best way to proceed.

3) Is the requested area variance substantial? Explain why it is not substantial.

We believe the area variance for parking requirements is not substantial. A parking assessment was completed for the project to understand the parking supply requirements of the development. The assessment concluded that the proposed parking (105 parking spaces) exceeds the Institute of Transportation Engineers' (ITE) Parking Generation Manual's estimate for parking demand for a 87, one-bedroom apartment development (Land Use Code 221 for Multifamily Housing (mid-rise)). The ITE is the industry standard for estimating parking spaces for proposed land uses based on studies of similar existing developments. As shown below, using the most conservative guideline (85th percentile), the ITE recommends 76 parking spaces for this development. The Applicant is proposing 105 spaces, which exceeds this estimate by 29 spaces.

Parking Generation Summary

LUC 221 Multifamily Housing (Mid-rise)		
	Rate	Spaces
Average	0.75	65
33rd Percentile	0.65	57
85th Percentile	0.87	76

Rate: spaces per bedroom

Furthermore, the City of Poughkeepsie draft zoning code requires 1.25 spaces per bedroom (a total of 109 spaces) which is not a substantial deviation from the proposed number of spaces.

For comparison, the City of Newburgh requires 0.75 spaces per bedroom (total of 65 spaces) and the City of Beacon requires 1.0 space for each dwelling unit (87 spaces). As demonstrated, the proposed parking should be sufficient and is not considered to be substantial in context to other municipality standards for parking and the ITE guidance.

4) Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Why not?

A variance for parking requirements presents no adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Environmental impacts at the project site were documented in detail in the FEA report which reported no significant adverse impacts environmental resources. This action has undergone SEQRA review and has received a Negative Declaration.

5) Is the need for the area variance the result of self-created difficulties on your part, or unique to the property? Explain.

The Applicant does not consider this variance request to be self-created given the ample evidence suggesting that the City's parking requirements are overly conservative based upon worst case scenario calculated using ITE Parking Generation Manual. The requested variance will allow the development of a multifamily apartment building which will benefit the community by providing additional housing close to local employers and schools. Finally, the proposed parking for the site remains in a high percentile for an apartment style development.



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

April 5th, 2023

Argo Development
95 Chestnut Road
Montvale NJ 07645

Re: South Avenue (937583)
Site Plan review

Dear Applicant,

The Development Department is in receipt of your application for Site Plan review and have discovered some deficiencies that will require either more detail, changes or possibly Area Variances granted by the Zoning Board of Appeals. These are as follows;

1. **Section 19-3.15.(4)(i)** requires usable open space with minimum dimensions of 40' and 26,100sf which shall be devoted to improved and landscaped play and sitting areas for use of residents thereof, and the design and layout of the usable open space shall be subject to approval by the Planning Board; the plans indicate 52,569sf of green space which is not the same as defined above.
2. **Section 19-4.3(11)** requires a minimum of 131 parking spaces; only 108 parking spaces are proposed.
3. **Section 19-4.3(1)** requires that whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; the plans only show partial compliance with this section.
4. **Section 19-4.3(5)(b)** states that each required space, exclusive of drives and aisles, shall be not less than 20 feet long nor less than nine feet wide; the four accessible spaces located within the surface parking area are only 8' wide and all parking spaces within the parking garage are only 18' long.
5. **Section 19-4.11(1)(b)** requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses for which said landscape strips shall be at least three feet wide and include evergreen planting and other landscaping of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than eight inches three feet from the base and shall be at least six feet high when planted; the plans only show partial compliance with this section.
6. **Section 19-4.14(2)(b)** states that bulkheads, elevator penthouses, observation towers, monitors, fire towers, hose towers, cooling towers, water towers, grain elevators or other structures where a manufacturing process requires greater height, provided that any such structures that are located on any roof and that



BUILDING DEPARTMENT

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Eric Philipp
Building Inspector

exceed in height the limits in the particular district shall not in the aggregate occupy more than 20% of the horizontal area of the roof and are set back one foot from the edge of the roof for each additional foot in height greater than the specified height; neither a height nor a layout with dimensions of the rooftop was provided for review to show compliance with this section.

If these deficiencies cannot be addressed then Area Variances from the Zoning Board of Appeals will be required before this Site Plan can be approved by the Planning Board or possibly approved with conditions contingent on the Variances being granted by the Board.

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

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com

**South Avenue Multi-Family Development
South Avenue**

City of Poughkeepsie
Dutchess County, New York



*Issued: November 29, 2022
Revised: January 27, 2023*

Prepared for:
ARGO Development
95 Chestnut Ridge Road
Montvale, NJ 07645

Prepared by:
LaBella Associates
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-486-1541

LaBella Project No. 2222201

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FULL ENVIRONMENTAL ASSESSMENT FORM, PART 1

FIGURES

- Figure 1: USGS Location Map
- Figure 2: Orthophoto Tax Map
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ATTACHMENTS

Attachment A - United States Fish and Wildlife Service (USFWS) Informal Species List

Site Plan Set will be submitted separately

1.0 PROJECT DESCRIPTION

1.1 Introduction

The Applicant, ARGO Development is seeking site plan approval from the City of Poughkeepsie, to develop an 87-unit, mid-rise multifamily residential development with underground and surface-level parking. The proposed action will be located on an approximately 2.76-acre parcel on the west side of South Avenue (Tax Lot 937583) in the City of Poughkeepsie. The proposed action includes construction of a five-story building with 87, one-bedroom, apartments located over one level of underground parking (60 spaces), and 56 off-street surface parking spaces (115 total parking spaces). The parcel is currently a wooded lot. The parcel is located within the R-D, Research and Development District. Residential development is a permitted use within the R-D zone, subject to the requirements of the High-Density R-5 District Permitted Uses [Section 19-3.16(2)], and further subject to all other requirements applicable to High-Density R-5 District residential development. An area variance to allow 115 parking spaces where 130 parking spaces are required is being sought from the Zoning Board of Appeals. Primary access will be provided via South Avenue. Municipal water and sanitary sewer are available in South Road. The proposed ground disturbance is approximately 2.5 acres. Since the site will have more than 1 acre of ground disturbance, the proposed action will also require a SPDES General Permit for stormwater.

1.2 Approvals, Consultations and Referrals

The following approvals are required for the implementation of the proposed project:

1. City of Poughkeepsie Planning Board - Site Plan Approval
2. City of Poughkeepsie Zoning Board of Appeals - Area Variance (Parking)
3. City of Poughkeepsie Department of Public Works (DPW) – Highway Work Permit; Water and Sewer Connections
4. Dutchess County Planning Board – GML 239-m referral
5. NYS Department of Environmental Conservation (NYSDEC) – State Pollutant Discharge Elimination System (SPDES) General Permit GP-o-20-001
6. NYS Department of Transportation (NYSDOT) - Drainage Connection
7. NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) – SHPO Consult

2.0 ENVIRONMENTAL ASSESSMENT

2.1 Land Use, Zoning and Public Policy

2.1.1 Land Use

The project site is located in the Research and Development District (R&D). The land uses located within 1,000 feet of the project site are characterized by commercial (office buildings

with associated parking), vacant (wooded areas), public services (Central Hudson Gas & Electric), and single-family residential properties (see Figure 3).

The proposed use, as an 87-unit, mid-rise multifamily residential development with underground and surface-level parking, is a permitted use within the R&D zone, subject to the requirements of the High-Density R-5 District Permitted Uses [Section 19-3.16(2)], 798 and further subject to all other requirements applicable to High-Density R-5 District residential development.

The proposed use is permitted and will be consistent with the mixed land use character of the area.

2.1.2 Zoning

In the City of Poughkeepsie, the project site is located within the R&D zoning district. Residential development is classified as a permitted use within the R-D zone, subject to the requirements of the High-Density R-5 District Permitted Uses and all other requirements applicable to High-Density R-5 District residential development. Per ZS 19-3.16(2)(a)(4), multifamily dwellings are classified as permitted uses within the R-5 District. The proposed project requires an area variance to allow 115 parking spaces, where 130 parking spaces are required.

2.1.3 Public Policy

The 2022 City of Poughkeepsie Comprehensive Plan, PK4 Keeps, discusses expanding access to good and affordable housing opportunities, strengthening civic life and commercial vitality, as well as improving residential quality of life, as three of five chosen priorities for the City. The Comprehensive Plan classifies the project site as within the Type 2 residential block type. Goals for this block type include a combination of condition stabilization and inclusive reinvestment that leverages the presence of stronger properties and community assets. The proposed multifamily development will signify reinvestment in the South Avenue community and will revitalize the immediate area. The Comprehensive Plan also classifies the project site as within a five-minute walkshed area, thus creating convenience and accessibility to commercial uses in the immediate vicinity.

2.2 Utilities

The proposed project will involve greater than one acre of ground disturbance; therefore, coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities will be sought. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared in conformance with the most current New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control.

Municipal water and sanitary sewer are available, and the project is proposed to connect to water and sewer infrastructure within South Road. The Applicant will coordinate with the City of Poughkeepsie Department of Public Works for water and sewer connections.

A drainage connection will be made to the NYSDOT drainage system on the southern side of the property.

2.3 Soils and Water Resources

2.3.1 Soils

The following table provides the soil characteristics for each soil type expected to be found on the project site, according to the USDA Natural Resources Conservation Service website (see Figure 4). Groundwater encountered during the construction will be pumped from the open excavations and discharged to approved sediment trapping devices in accordance with NYSDEC guidelines.

Table 1: Characteristics of Anticipated Soil Types within Project Site

% of SITE	SOIL SYMBOL	SOIL TYPE	FARMLAND CLASSIFICATION	SLOPES	DRAINAGE	DEPTH TO WATER TABLE	DEPTH TO BEDROCK
98.2	Ud	Udorthents, smoothed	Not prime farmland	0-8%	Well drained	~36 to 72 inches	>80 inches
1.8	Ur	Urban Land	Not prime farmland				

2.3.2 Surface Water Resources and Floodplains

According to NYSDEC Wetland and Stream information available through GIS (Figure 5), the EAF Mapper, and National Wetland Inventory mapping, there are no wetlands or other waterbodies on or near the project site.

Therefore, the proposed project will not result in any adverse impacts to wetlands or streams.

2.4 Vegetation and Wildlife

According to the NYSDEC Environmental Resource Mapper (Figure 6), there are known occurrences of the atlantic sturgeon, shortnose sturgeon, and bald eagle on or in the vicinity of the project site.

According to the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), the project lies within the range of records for indian bat (endangered) and the monarch butterfly, a candidate species. Candidate species are not regulated by the USFWS (See Attachment A). The IPaC also states that there are no critical habitats at the project location.

The proposed project will require clearing of the entire wooded site (2.5 acres) for construction of the proposed apartment building. To avoid direct or indirect take of bat species, it is recommended that any forest clearing take place between October 30 and March 31, as during this time, the bats would be hibernating and not present onsite.

The atlantic sturgeon and shortnose sturgeon are aquatic species and are found within the Hudson River or immediately adjacent tributaries. The Hudson River is approximately 1,450 feet away from the project site, and therefore the proposed project will not result in any adverse impacts to these species.

An information request has been submitted to NYSDEC for further information regarding the bald eagle. However, based on the NYSDEC Environmental Resource Mapper, the centroid for the bald eagle element occurrence record appears to lie in the vicinity of the Poughkeepsie Rural Cemetery. The heavily traveled NYS Route 9 and the offices for Central Hudson Gas & Electric, lie between the project site and the element occurrence record.

Based on Google Earth, the area within 330 feet of the southern edge of the property is dominated by the heavily traveled NYS Route 9 and the northern portion of the Central Hudson Gas & Electric offices. From 330 to 660 feet from the southern property boundary, the area is dominated by the parking lots for Central Hudson Gas & Electric offices. From 660 to approximately 2,795 feet, the area is dominated by the Poughkeepsie Rural Cemetery. A pond, in the center of the Poughkeepsie Rural Cemetery, which may be close to the location of the bald eagle nest, is more than a ½ mile (2,795 feet) from the southern limits of the project area. Given the intervening highway and commercial land use, and the ½ mile distance from the project area, it is unlikely that the construction or operation of the proposed project will have adverse impacts on the bald eagle. LaBella is making an inquiry to NYSDEC Region 3 to determine the location of the nest and to consult on the bald eagle as necessary.

The project site lies in the vicinity of a significant natural community as shown by the crosshatched pattern on figure 6. This significant natural community is the Hudson River Estuary. The project site lies approximately 1,450 feet away from the Hudson River, and thus is not expected to have any effect on the significant natural community.

2.5 Historic and Archaeological Resources

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 7), there are no National or State Historic Register sites on the project site nor are there any located substantially contiguous to the site.

Approximately 500 feet away from the project site, along the eastern border of Academy Street, there is a National Register Historic Building Site. The Matthew Vassar Estate (NR# 90PR04179) is located at Academy Street in the City of Poughkeepsie and is listed on the National Register. The estate was nominated for its significance based on National Register Criterion C, due to its representation of Mid-19th Century Gothic Revival Architecture

The project site is located within a known archaeologically sensitive area. Therefore, a consultation request has been submitted to NYSOPRHP.

2.6 Environmental Contamination

On-site

Historic uses of the project site include a filling station (circa 1952), with no indication of automotive work that would generate waste oils was provided. Other former uses of the project site include a freight yard, warehouse, coal and coke storage, and a fuel company with five apparent storage tanks. By the 1980s, all structures were removed from the property and it appears as it does today, wooded and overgrown.

A Phase I ESA was completed for the site by LaBella and documented in a July 7, 2022 report. The following recognized environmental conditions (RECs) and significant data gaps (SDGs) were identified in the report for further investigation to determine potential impacts to the site's subsurface soil and groundwater.

RECs: The Subject Property was developed as a freight yard in or before 1936, and has also been used as a biscuit warehouse, an office, a filling station with two gasoline tanks, coal and coke storage, and a fuel company, and five features that appeared to be aboveground gasoline storage systems were on the property.

SDGs: In at least the mid-1900s, the northern adjoining property was previously a filling station with eight gasoline tanks. The southern adjoining property was developed in or before the 1940s and has been used as a filling station, auto repair, a lumber yard, and a railroad spur extended to this property. Additionally, an eastern adjoining property was noted in the EDR report to have previously been a gas station and trucking terminal, and truck-sized features are visible on this property in historical aerial photographs. No information has been provided regarding the condition of the subsurface on these adjoining properties, and it is unknown if impacts to the Subject Property may have occurred.

The Limited Phase II ESA investigation included:

- Subsurface utility mark out and/or use a magnetometer (geophysical survey) to assess for evidence of underground storage tanks (USTs) and backfilled excavations in limited accessible areas at the site.
- Shallow and subsurface sampling at various site locations to assess soil and groundwater conditions.

Based on the completion of this investigation, the following findings were made:

- The geophysical survey did not identify anomalies suggestive of USTs or backfilled excavations in the eastern site area.
- Select SVOCs (primarily PAHs) and metals exceeded soil cleanup guidelines (SCGs) (arsenic, lead, and mercury in shallow soil; lead, mercury, and selenium in groundwater). The majority of the samples came from locations/intervals where fill materials (coal/ash, slag, building materials) were noted. As such, the detections appear related to the presence of these fill materials and are not indicative of a chemical or petroleum release. Metals noted in dissolved groundwater samples are interpreted to likely represent a "false positive" caused by fine particulate passing through the filtration medium and are likely not representative of actual groundwater conditions. VOCs and herbicides were either detected at trace concentrations less than SCGs, or were not detected above laboratory MDLs.

While these SVOC and metals results may be associated with former site activities, they were identified in intervals containing fill materials, and no direct exposure is anticipated under current site conditions. Should the material be excavated or dewatering be planned, as in the proposed project, then excavated materials and/or groundwater would need to be handled and disposed of properly. Fill material can be reused on site, consistent with 6 NYCRR Part 360.13(c) as backfill for the excavation

from which the fill material was taken, or as fill in areas of similar physical characteristics on the Site. If fill material exhibits historical or visual evidence of contamination (including odors), and will be used in an area with public access, the relocated fill material must be covered with a minimum of 12 inches of soil or fill material that meets the criteria for general fill.

- During subsequent installation of test pits in November to support redevelopment engineering designs, one of the five test pits encountered subsurface fill material (including ash layers) and exhibited an odor and a PID reading of 6.9 ppm. Based on the field observations, a spill was called in to NYSDEC who assigned Spill # 2206980. As these conditions were not noted in the four other test pits installed on the Site nor in the soil borings installed in July 2022, the area with the odor and PID reading appeared to be isolated. LaBella contacted NYSDEC Case Manager, Michael Kilmer, with the plan that the impacted fill material be excavated and disposed of off-Site as part of site redevelopment activities.
- Bulk building materials samples were obtained from various site areas of observed debris on-Site. Among the 67 samples of building materials collected, one material (black asphalt shingles located near and in SS-3C) was identified as ACM. If this material is disturbed during Site redevelopment activities, excavated building materials and associated soils will be Regulated Asbestos-Containing Material (RACM) and disturbance of this material would constitute a form of asbestos abatement and require associated NYSDOL Site-specific variance. LaBella recommends treating this area of buried building debris as RACM since the shingles were broken up and mixed in with other roofing debris, and also since the condition of the debris prevented identify and sampling of all building materials emplaced in this Site area. If other RACM debris is discovered and planned for disturbance during redevelopment, then that material needs to either be tested to confirm if it is not RACM or assumed to be RACM and managed and disposed as such. While the horizontal limits of this RACM were not identified, we estimate an approximate area of 600 square feet. Based on an approximate thickness of 1 foot, project planning could estimate approximately 25 cubic yards of material.

Off-site

Central Hudson Gas and Electric (CHG&E) facility at 284 South Avenue is identified on the Recovered Govt. Archives Landfill (RGA LF) Database in the years 1992 to 1996. This property is adjoining the Subject Property to the southwest but is approximately 250 feet away across Route 9. CHG&E is listed as a RCRA small quantity generator and a RCRA large quantity generator, generating mercury, paint thinner, and corrosive and ignitable waste. No information has been provided indicating a release of hazardous waste to the property and this facility is downgradient of the project site. Therefore, the RCRA generator status of this facility is not expected to have impacted the project.

2.7 Traffic and Parking

2.7.1 Traffic

According to the Institute of Transportation Engineers (ITE) Traffic Generation Manual, 11th Edition, multifamily housing, specifically 87 apartment units, (Land Use Code 221) is expected

to generate 27 vehicle trip ends (vtes) per weekday a.m. peak hour of adjacent street traffic (6 entry/21 exit) and 34 vtes per weekday p.m. peak hour of adjacent street traffic (21 entry/13 exit). The total of 27 a.m. peak hour vtes and total of 34 p.m. peak hour vtes, are each below the NYSDOT and ITE guideline of 100 peak hour trips for warranting a detailed traffic analysis.

Therefore, it is safe to assume that the proposed project will not adversely affect the traffic operations on the surrounding roadway network.

2.7.2 Parking

A parking assessment was undertaken to compare the number of parking spaces proposed for the project against industry standards, the city's zoning code, and other local zoning codes. The South Avenue Multifamily Development consists of 87 single bedroom apartment units with 115 parking spaces. The Institute of Transportation Engineers' (ITE) Parking Generation Manual, 5th Edition, is the industry standard for estimating parking spaces for proposed land uses based on studies of similar existing developments. Land use code (LUC) 221 for Multifamily Housing (mid-rise) was used to estimate the number of parking spaces for the project. A range of parking rates is provided in Parking Generation that include the average rate, the 33rd percentile rate, and the 85th percentile rate. The parking generation is summarized in Table 2.

Table 2: Parking Generation Summary

LUC 221 Multifamily Housing (Mid-rise)		
	Rate	Spaces
Average	0.75	65
33rd Percentile	0.65	57
85th Percentile	0.87	76

Rate: spaces per bedroom

As the table shows, the proposed number of parking spaces exceeds the estimates provided by Parking Generation. The city's draft zoning code requires 1.25 spaces per bedroom which totals 112 spaces. The City of Newburgh requires 0.75 spaces per bedroom (65 spaces) and the City of Beacon requires 1.0 space for each dwelling unit (87 spaces).

Based on ITE's industry parking standard and other local city zoning codes, it is anticipated that the project is proposing sufficient parking at 115 spaces.

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: South Avenue Multi-Family Development		
Project Location (describe, and attach a general location map): South Avenue, City of Poughkeepsie, Dutchess Co., New York ; Tax Parcel ID 6061-52-937583		
Brief Description of Proposed Action (include purpose or need): The Applicant, ARGO Development is seeking site plan approval from the City of Poughkeepsie, to develop an 87-unit, mid-rise multifamily residential development with underground and surface-level parking. The proposed action will be located on an approximately 2.76-acre parcel on the west side of South Avenue (Tax Lot 937583) in the City of Poughkeepsie. The proposed action includes construction of a five-story building with 87, one-bedroom, apartments located over one level of underground parking (60 spaces), and 56 off-street surface parking spaces (115 total). The parcel is currently a wooded lot. The parcel is located within the R-D, Research and Development District. Residential development is a permitted use within the R-D zone, subject to the requirements of the High-Density R-5 District Permitted Uses [Section 19-3.16(2)], and further subject to all other requirements applicable to High-Density R-5 District residential development. Primary access will be provided via South Avenue. Municipal water and sanitary sewer connections are available in South Road. The proposed ground disturbance is approximately 2.5 acres. Since the site will have more than 1 acre of ground disturbance, the proposed action will also require a SPDES General Permit for stormwater. An area variance for 116 parking spaces is required from the ZBA.		
Name of Applicant/Sponsor: ARGO Development (Contact: Mr. Michael Abuladze, CEO)	Telephone: 914-494-2610	
	E-Mail: mike@argodev.com	
Address: 95 Chestnut Ridge Road		
City/PO: Montvale	State: NJ	Zip Code: 07645
Project Contact (if not same as sponsor; give name and title/role): Same as Applicant/Sponsor	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): South Ave Real Est Assoc LLC	Telephone: 914-494-2610	
	E-Mail: mike@argodev.com	
Address: 510 Haight Ave		
City/PO: Poughkeepsie	State: NY	Zip Code: 12603

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	City of Poughkeepsie Planning Board - Site Plan Approval	Winter 2022
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	City of Poughkeepsie Zoning Board of Appeals - Area Variance (parking)	Winter 2023
d. Other local agencies ☒ Yes ☐ No	City of Poughkeepsie DPW - Highway Work Permit; Water & Sewer Connections	Winter 2022/2023
e. County agencies ☒ Yes ☐ No	Dutchess County Planning - GML 239-m Referral	Winter 2022
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDEC - SPDES GP-0-20-001; SWPPP; NYSOPRHP SHPO consult, NYSDOT - Drainage	Winter 2022/2023
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☒ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No If Yes, identify the plan(s): Dutchess County Greenway Compact Program; Hudson River Valley Greenway _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Research and Development District (R-D)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Poughkeepsie City School District

b. What police or other public protection forces serve the project site?

City of Poughkeepsie Police Department

c. Which fire protection and emergency medical services serve the project site?

City of Poughkeepsie Fire Department

d. What parks serve the project site?

Eastman Park, Harriet Tubman Park, Murphy Park, Mansion Square Park, Kaal Rock Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential Development - Apartments

b. a. Total acreage of the site of the proposed action? 2.76 acres

b. Total acreage to be physically disturbed? ~2.5 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.76 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 12 months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☒ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	0	0	0	87
At completion of all phases	0	0	0	87

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:	

iii. If other than water, identify the type of impounded/contained liquids and their source.	

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	

v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes: The apartment units would require 110 gallons per day. Assuming 87 apartment units (110 gpd) x 87 units = 9,570 GPD.

i. Total anticipated water usage/demand per day: _____ 9,570 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: The City of Poughkeepsie Townwide Water District
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

NA

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ NA gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes: The apartment units would require 110 gallons per day. Assuming 87 apartment units (110 gpd) x 87 units = 9,570 GPD.

i. Total anticipated liquid waste generation per day: _____ 9,570 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: City of Poughkeepsie Sewage Treatment Plant
- Name of district: City of Poughkeepsie
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____	☒ Yes ☐ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): NA _____ vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ None _____	☐ Yes ☒ No
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>1.48</u> acres (impervious surface) _____ Square feet or <u>2.76</u> acres (parcel size) ii. Describe types of new point sources. <u>New building, parking lot, sidewalks, pavement</u> iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>Areas impacted by development will be diverted to on-site stormwater practices focused on meeting NYSDEC detention and qualitative requirements. In areas not impacted by proposed development, stormwater runoff will continue to flow along existing flow paths.</u> • If to surface waters, identify receiving water bodies or wetlands: _____ No _____ • Will stormwater runoff flow to adjacent properties? _____	☒ Yes ☐ No ☐ Yes ☒ No ☒ Yes ☐ No
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____ f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>Temporary sources during construction</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>Boilers, Electric generation</u>	☐ Yes ☒ No ☒ Yes ☐ No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	☐ Yes ☒ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No If Yes: i. When is the peak traffic expected (Check all that apply): ☒ Morning ☒ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ NA iii. Parking spaces: Existing <u>0</u> Proposed <u>115</u> Net increase/decrease <u>+115</u> iv. Does the proposed action include any shared use parking? ☐ Yes ☒ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>Primary access will be provided via South Avenue.</u> vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☒ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <u>EV vehicles may be included inside the parking garage.</u> ☒ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☒ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ NA ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): NA iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>6:30AM-9PM</u> • Saturday: <u>6:30AM-9PM</u> • Sunday: <u>6:30AM-9PM</u> • Holidays: <u>6:30AM-9PM</u> </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>24/7</u> </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>6:30AM-9PM</u> • Saturday: <u>6:30AM-9PM</u> • Sunday: <u>6:30AM-9PM</u> • Holidays: <u>6:30AM-9PM</u>	ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>24/7</u>
i. During Construction: • Monday - Friday: <u>6:30AM-9PM</u> • Saturday: <u>6:30AM-9PM</u> • Sunday: <u>6:30AM-9PM</u> • Holidays: <u>6:30AM-9PM</u>	ii. During Operations: • Monday - Friday: <u>24/7</u> • Saturday: <u>24/7</u> • Sunday: <u>24/7</u> • Holidays: <u>24/7</u>		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: The proposed construction activities may result in noise that exceeds local ambient noise levels. These activities are temporary and will be limited to the hours stated in subsection I above.	☒ Yes ☐ No
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☒ Yes ☐ No Describe: <u>The entire project site will be cleared. Adjoining properties are commercial uses.</u>	☒ Yes ☐ No
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Lightpoles and wall mounted lighting (3000K). Full cut-off. Surrounding properties are commercial uses.</u>	☒ Yes ☐ No
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: <u>The entire project site will be cleared. Adjoining properties are commercial uses.</u>	☐ Yes ☐ No
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	☐ Yes ☒ No
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____	☐ Yes ☒ No
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No If Yes: i. Describe proposed treatment(s): <u>Typical treatments by licensed professionals.</u>	☒ Yes ☐ No
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	☐ Yes ☐ No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ NA tons per _____ NA (unit of time) • Operation : _____ NA tons per _____ NA (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: <u>NA</u> • Operation: <u>NA</u> iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: <u>NA</u> • Operation: <u>NA</u>	☐ Yes ☒ No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. ☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): <u>parking lots</u>			
ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	1.48	+1.48
• Forested	2.56	0.08	-2.48
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.20	1.20	+1.00
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>None</u>	0	0	0

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	☐ Yes ☒ No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: Precious Keepers LLC (adult day care center); Vassar Brothers Hospital	☒ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	☐ Yes ☒ No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ Unknown ☐ Yes ☐ No • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☒ No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☒ Yes ☐ No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): 2206980 (open). See Section 2.6. Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☒ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): B00190, 546031	☒ Yes ☐ No
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): 1. Hudson River Waterfront-DeLaval Property (B00190) - Class C: Remediation was successfully completed through the Environmental Restoration Program, and there is an Environmental Easement on the property. 2. Hudson River PCB Sediments (546031) - Class 2: State Superfund Program; Remedial actions vary from deploying signs to installing various covers and are intended to reduce exposures to PCBs in floodplain soils until a permanent remedy is developed. Additionally, a remedial investigation to address floodplain soils in the Upper Hudson River Floodplain under USEPA and State oversight is now underway.	

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ >6 feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	
Udorthents, smoothed (Ud)	98.2 %
Urban Land (Ur)	1.8 %
_____	_____ %
d. What is the average depth to the water table on the project site? Average: _____ ~3-6 feet	
e. Drainage status of project site soils: ☒ Well Drained: _____ 98.2 % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 98.2 % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____ 	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No	
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☒ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____	Classification _____
• Lakes or Ponds: Name _____	Classification _____
• Wetlands: Name _____	Approximate Size _____
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____ 	
i. Is the project site in a designated Floodway? ☐ Yes ☒ No	
j. Is the project site in the 100-year Floodplain? ☐ Yes ☒ No	
k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No If Yes: i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ Wildlife native to Dutchess County _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: The project site does not contain a designated significant natural community, however it is near the Hudson River Estuary, which is located off-site and west of the project site. i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ NYSDEC: Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon; IPaC: Indiana Bat _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site: _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. 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? If Yes: <u>The historic resource is not substantially contiguous to the project site.</u> i. Nature of historic/archaeological resource: ☐ Archaeological Site ☒ Historic Building or District ii. Name: <u>Vassar, Matthew, Estate</u> iii. Brief description of attributes on which listing is based: <u>Mid-19th Century Gothic Revival Architecture</u>	☐ Yes ☒ No
f. 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?	☒ Yes ☐ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	☐ Yes ☒ No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: <u>Refer to Figure 8</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Refer to Figure 8</u> iii. Distance between project and resource: _____ 0-5 miles.	☒ Yes ☐ No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	☐ Yes ☒ No ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Michael Abuladze, ARGO Development Date 1/27/22

Signature Krithika Prabhakaran, Agent for Applicant *Krithika Prabhakaran* Title Urban Planner, LaBella Associates

PRINT FORM

May 9, 2023

Ms. Anne Saylor, Chairperson
City of Poughkeepsie Planning Board
63 Civic Center Plaza
Poughkeepsie, NY 12601

Re: **ARGO Development – South Avenue Multi-Family Housing**
South Avenue, Poughkeepsie, NY, 12601
Tax Lot 937583

Dear Ms. Saylor:

Our office is in receipt of comments issued by the City of Poughkeepsie Development Department and the Dutchess County Department of Planning and Development in response to the referenced application for Site Plan review. The plan set has been revised in response to these comments. Below is a point-by-point response to each of the comments received:

CITY OF POUGHKEEPSIE DEVELOPMENT DEPARTMENT COMMENTS, DATED APRIL 5, 2023:

1. Section 19-3.15(4)(i) requires usable open space with minimum dimensions of 40' and 26,100 sf which shall be devoted to improved and landscaped play and sitting areas for use of residents thereof, and the design and layout of the usable open space shall be subject to approval by the Planning Board; the plans indicate 52,569 sf of green space which is not the same as defined above.

Response: Total open space area of 44,843 sf has been shown on Sheet C195.

2. Section 19-4.3(11) requires a minimum of 131 parking spaces; only 108 parking spaces are provided.

Response: The project requires an area variance from the Zoning Board of Appeals. As demonstrated in the parking assessment performed, the proposed parking exceeds the Institute of Transportation Engineers' (ITE) Parking Generation Manual's estimate for parking demand for a 87 single bedroom apartment building (Land use code (LUC) 221 for Multifamily Housing (mid-rise)). The ITE is the industry standard for estimating parking spaces for proposed land uses based on studies of similar existing developments.

Parking Generation Summary

LUC 221 Multifamily Housing (Mid-rise)		
	Rate	Spaces
Average	0.75	65
33rd Percentile	0.65	57
85th Percentile	0.87	76

Rate: spaces per bedroom

Further, the City's draft zoning code requires 1.25 spaces per bedroom which totals 112 spaces. The City of Newburgh requires 0.75 spaces per bedroom (65 spaces) and the



City of Beacon requires 1.0 space for each dwelling unit (87 spaces). As demonstrated, the proposed parking should be sufficient, and the Applicant is seeking a variance.

3. Section 19-4.3(1) requires that whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; the plans only show partial compliance with this section.

Response: As discussed with Joseph O'Brien on April 14, 2023, landscape buffers acceptable to the Planning Board have been provided.

4. Section 19-4.3(5)(b) states that each required space, exclusive of drives and aisles, shall be not less than 20 feet long nor less than nine feet wide; the four accessible spaces located within the surface parking area are only 8' wide and all parking spaces within the parking garage are only 18' long.

Response: The four accessible spaces on Sheet C120 are now 9-ft in width. See revised Architectural drawing A100. Parking spaces within the garage have been modified to 20 feet long with a 22-foot wide aisle as shown on LMV parking plan.

5. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses for which said landscape strips shall be at least three feet wide and include evergreen planting and other landscaping of such type, height, spacing and arrangement as, in the judgement of the Planning Board, will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than eight inches three feet from the base and shall be at least six feet high when planted; the plans show partial compliance with this section.

Response: As discussed with Joseph O'Brien on April 14, 2023, 3-foot wide landscape strips have been provided to the satisfaction of the Planning Board.

6. Section 19.4.14(2)(b) states that bulkheads, elevator penthouses, observation towers, monitors, fire towers, hose towers, cooling towers, water towers, grain elevators or other structures where a manufacturing process requires greater height, provided that any such structures that are located on any roof and that exceed in height the limits in the particular district shall not in the aggregate occupy more than 20% of the horizontal area of the roof and are set back one foot from the edge of the roof for each additional foot in height greater than the specified height; neither a height nor a layout with dimensions of the rooftop was provided for review to show compliance with this section.

Response: This plan is being modified in conjunction with the MEP and will meet the requirements identified prior to site plan approval.

COUNTY OF DUTCHESS DEPARTMENT OF PLANNING AND DEVELOPMENT COMMENTS,
DATED MARCH 15, 2023:

1. Additional landscaping, especially shade trees, could be added along the south side of the building to buffer the residences from the neighboring non-residential use, and to provide some buffering between the building and nearby Route 9.



Response: Trees requested by the Planning Board have been placed between the border of the site and Route 9. Placement of additional trees on property line is not viable due to the existing NYSDOT drainage easement along the property line as well as Fire Department desire unimpeded access along the rear of the building.

2. The applicant could consider incorporating green design techniques by adding appropriate plantings such as native grasses, wildflowers, or other herbaceous vegetation to the proposed retention basin along the southwest wall of the building. This could enhance both the functionality and aesthetic of the area, transforming it from an engineered basin to an environmental and visual amenity for the many residences overlooking the area.

Response: A retention basin wildlife seed mix has been provided within the stormwater management basin.

3. There are four parking spaces, shown between the refuse enclosure and the entrance to the underbuilding parking, which do not benefit from a direct connection to the courtyard entrance to the building. A pedestrian connection could be added, perhaps via stairs through the retaining wall opposite the spaces, to give people parked there a more direct and safe route to access the main building entrance.

Response: Access from these parking spaces will be directly to the elevators in the underground parking area.

Please find enclosed:

- 1 copy of the site plan set dated 4/18/2023
- 1 copy of Garage Parking Plan, by LMV dated 4/18/2023

We believe all remaining comments have been responded to and request to be placed on the May 16th Planning Board agenda. If you should have any questions or comments during your review of the submitted documents, feel free to reach out to me directly at (845) 486-1478.

Sincerely,

Christopher Lapine, PE
LaBella Associates | Senior Civil Engineer
Regional Marketing Leader

cc: Michael Abuladze

**OWNER
AFFIDAVIT**

State of New York
County of Dutchess

}
}
} ss:
}

Ibranis Dominguez, being duly sworn, deposes and says:

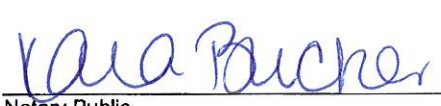
1. That I/we are the Owner(s) of the within property as described in the foregoing application for a ZBA Interpretation Application and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Frank Redl and/or Gary Beck to act as my representative in all matters regarding said application(s), and that I have the legal right to make or authorize the making of said application.
3. That I understand that by submitting this application that I shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the City related to this application.
4. That I understand that the City of Poughkeepsie Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I declare that I have examined this affidavit and that it is true and correct.


Applicant/Owner

Applicant/Owner

Sworn to before me this 25th day of

April, 2023.


Notary Public

KARA BUCHER
Notary Public, State of New York
No. 01BU6388380
Qualified in Dutchess County
Commission Expires March 4, 2027



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Phillipp
Building Inspector

VIOLATION(S) / SCHEDULE A

Property Address: 1 Cottage St
Complaint Number: 2022-0553

Count: 1

Violation Date: 08/24/22

Description: Warehouse for storage which is a non conforming use is being used as upholstery shop and vehicle detailing shop without approval.

Area involved: 1 Cottage St

Violation Code:

CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK Chapter 6, BUILDING AND UTILITY CODES ARTICLE I, BUILDING CODE DIVISION 2 ADMINISTRATION OF THE UNIFORM CODE Section 6-30 Certificate of occupancy (c) Change in use, occupancy.

No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

Comply by date: 09/23/22

Corrective Action: Obtain an issued building permit including two sets of stamped plans and apply for required use and area variances within 30 days. Receive all required approvals and close out building permit within 60 days of violation.

Count: 2

Violation Date: 08/24/22

Description: Warehouse for storage which is a non conforming use is being used as upholstery shop and vehicle detailing shop without approval.

Area involved: 1 Cottage St

Violation Code:

CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK Chapter 19, ZONING AND LAND USE REGULATIONS ARTICLE V, NONCONFORMING USES AND NONCOMPLYING BUILDINGS Section 19-5.1 Nonconforming uses

The following provisions shall apply to all uses existing on the effective date of this chapter which do not conform to the requirements set forth in this chapter, to all uses that become nonconforming by reason of any subsequent amendment to this chapter and to all buildings containing such uses.

(1) Except as provided hereinafter, nonconforming use of buildings or open land, regardless of change of title, possession or occupancy or right thereof, may be continued indefinitely, except that such building or use:

(a) Shall not be enlarged, altered, extended, reconstructed or restored, except as provided elsewhere in this section; or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.

- (b) Shall not be moved to another location where such use would be nonconforming.
- (c) 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.
- (d) 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.
- (e) Shall not be reestablished if such use has been changed to or replaced by a conforming use.
- (f) Shall not be restored for other than a conforming use after damage for any reason exceeding 75% of its market value. If the restoration of a building whose damage does not exceed 75% of its market value is not completed within a one-year period, the nonconforming use of such building shall be deemed to have been discontinued.

(2) In order to implement the provisions of Section 19-5.1(1)(d) above, it shall be necessary for a property owner or tenant with a legal nonconforming use to secure a certificate of legal nonconformity in accordance with Section 19-7.6 of this chapter and to surrender such certificate to the Building Inspector at the time that a nonconforming use is discontinued.

(3) Upon a finding by the Planning Board that a proposed remodeling of a nonconforming building, including the improvement of its exterior appearance and of its grounds, would result in enhancing the compatibility of such building with its surroundings, said Board may authorize the issuance of the necessary permits. For purposes of this section, the term "remodeling" may include enlargement of the building to an extent not exceeding 25% of its area on the effective date of this chapter, provided that the Board shall find that such expansion will not diminish the compatibility of said building with the existing or potential use of immediately adjacent properties.

Comply by date: 09/23/22

Corrective Action: Obtain an issued building permit including two sets of stamped plans and apply for required use and area variances within 30 days. Receive all required approvals and close out building permit within 60 days of violation.

Count: 3

Violation Date: 08/24/22

Description: Warehouse for storage which is a non conforming use is being used as upholstery shop and vehicle detailing shop without approval.

Area involved: 1 Cottage St

Violation Code:

CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK Chapter 19, ZONING AND LAND USE REGULATIONS ARTICLE III, DISTRICT REGULATIONS Section 19-3.15 Medium High-Density Residence District (R-4)(2) Permitted uses (a) Uses permitted by right:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Townhouses.
4. Multifamily dwellings.
5. Home occupations, subject to the requirements of Section 19-4.1 of this Chapter or professional offices, subject to the requirements of Section 19-4.2 of this Chapter.
6. Municipal parks and recreational facilities, including refreshment and service buildings accessory thereto and any other governmental uses and structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof.
7. Public, private and parochial schools as regulated in Section 19-3.12(2)(a)4 herein.
8. Cemeteries.
9. Renting of not more than two (2) rooms by the resident family, provided that no sign advertising the availability of such rooms shall be displayed.

Comply by date: 09/23/22

Corrective Action: Obtain an issued building permit including two sets of stamped plans and apply for required use and area variances within 30 days. Receive all required approvals and close out building permit within 60 days of violation.



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

POUGHKEEPSIE, NEW YORK - May 4, 2017

PERMIT NO. BP-17-0531 OF 05/04/2017

ID #111010

ZONING DISTRICT R-4

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY THAT THE BUILDING/STRUCTURE/PROPERTY LOCATED AT 1 Cottage St IN THE CITY OF POUGHKEEPSIE, NEW YORK, HAS BEEN INSPECTED AND FOUND TO BE IN COMPLIANCE WITH THE ZONING ORDINANCE AND PLANS AND SPECIFICATIONS ON FILE WITH THE ABOVE REFERENCED PERMIT NUMBER.

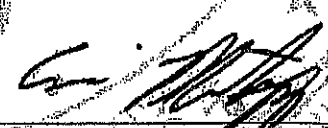
THE AUTHORIZED USE OF THIS BUILDING/STRUCTURE/PROPERTY IS A:

One Story Construction Type: 3-B Occupancy Class: S-2

THE FOLLOWING USES ARE PERMITTED:

WAREHOUSE - STORAGE AREA WITH TOILET ROOM AND ONE OFFICE SPACE.

NO CHANGES IN THE NATURE OF THE USE OF THIS BUILDING AND PROPERTY IS AUTHORIZED WITHOUT THE APPROVAL OF THE CITY OF POUGHKEEPSIE, NEW YORK.


Eric Philipp, Deputy Building Inspector

CK # 4913

CASE #:

FEE: \$350.00
CODE: A2112
ID#APPLICATION TO THE ZONING BOARD OF APPEALS
CITY OF POUGHKEEPSIE, NEW YORKREQUEST FOR INTERPRETATION
(TYPE, OR PRINT IN DARK INK)

- I. PROPERTY: 1 Cottage Street
ZONING DISTRICT: R4
- II. PROPERTY OWNERSHIP
Name of Owner: Ilorianis Dominguez
Address: 88 Rinaldi Blvd.
Poughkeepsie, NY 12601
- III. APPLICANT INFORMATION
Name of Applicant: Z3 Consultants Inc.
Address: PO Box 363
LaGrangeville, NY 12540
Phone#: 845-471-9370
Email: Support@z3consultants.com
(If the applicant is not the owner, proof that the owner consents to the application must be provided.)
- IV. SUBJECT OF APPEAL
Pursuant to the provisions of Section 19-8.4 of the Zoning Ordinance, this application, relative to the above-referenced property, constitutes an appeal from the decision of the Zoning Administrator, or other City of Poughkeepsie Agent (Name and Title of agent: Joseph O'Brien)
A copy of this decision, dated 8-24-22, must be attached.
- V. APPEAL REQUEST
This appeal takes the form of a request for (check one): 1) 2) 3)
- 1) ☐ The meaning of a portion of the text of the Zoning Ordinance, or any condition or requirements specified or made under the provisions of said Ordinance, and whether or not the appellant has complied therewith; or,
 - 2) ☐ The exact location of a district boundary shown on the zoning map; or,
 - 3) ☒ Approval for a change from one legal nonconforming use to another nonconforming use.

VI. RATIONALE FOR REQUEST (Attach additional sheets as necessary):

See attached rationale

VII. LIST OF REQUIRED ATTACHMENTS

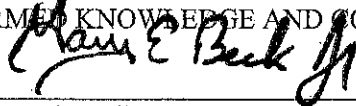
1. Electronic version of all submission materials
2. Site or plot plan (8) copies
3. Other attachments deemed pertinent by applicant (please list):

Violations
Certificate of occupancy
Certificates of compliance for all open permits

VIII. SIGNATURE AND VERIFICATION

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

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


Signature of Applicant

DATE:

5-22-23

ZONING BOARD OF APPEALS CITY OF POUGHKEEPSIE

Property Location:
1 Cottage Street

Submitted By:
Z3 Consultants, Inc.
464 Freedom Plains Road
Poughkeepsie, NY 12603

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INTRODUCTION

This Interpretation is on appeal from an order rendered by Joseph D. O'Brien, Deputy Zoning Administrator of the City of Poughkeepsie.

This is an appeal in accordance with 19-8.4 Powers and Duties. (1) Interpretation. On appeal from an order, requirement, decision or determination made by and administrative official or on request by an official, board or agency of the City, to decide any one of the following questions: (c) approval for change of a legal nonconforming use, pursuant to section 19-5.1(1) of the Zoning Ordinance of the City of Poughkeepsie.

Section 19-5.1 Nonconforming uses.

- (1) Except as provided hereinafter, nonconforming use of buildings or open land, regardless of change of title, possession or occupancy or right thereof, may be continued indefinitely, except that such building or use:
 - (c) 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.

THE PROPERTY

- 1 Cottage Street was built in 1954 as a beverage warehouse with lots of vehicular traffic and in the late 90s was used as a sign manufacturing warehouse with lots of vehicular traffic and a roofing contractor warehouse with lots of vehicular up until Ibrianis' s purchase in 2017.
- The property consists of .21 acres with a 3,060 square feet one-story block building.
- The property is located in the R4 zoning district. *Purpose of district.* The purpose of this district is to provide areas for a broad range of housing types with opportunity for appropriate nonresidential uses at a fairly high density commensurate with the scale and characteristics of the city's older neighborhoods; these are areas with access to major transportation arteries and a range of community services.

Background

- On May 4, 2017, the City of Poughkeepsie Building Department issued a Certificate of Occupancy for the property.
- The CO provides that the allowed uses of the property are: One Story Construction Type: 3-B Occupancy, Class S-2. Permitted uses listed as: Warehouse – Storage area with toilet room and one office space.
- Ibrianis has been a resident of Poughkeepsie since moving from Cuba in 2004.
- Ibrianis has been a property owner since 2007
- Ibrianis has been a small business owner since 2009.

- Ibrianis purchased 1 Cottage Street in a dilapidated state in 2017.
- Ibrianis made much needed improvements to the building inside and out while working in the family-owned upholstery warehouse.
- The upholstery warehouse that he operates employs two family members, is not open to the public, no loud machinery or vehicular traffic coming in and out all day long.
- Ibrianis was unaware that he needed to get permits for the improvements that he was making or that his upholstery warehouse was not considered a legal nonconforming use.
- Ibrianis operated the upholstery warehouse from 2017 until August of 2022 without any complaints.
- Without knowing Ibrianis let a friend use a small portion of the warehouse for car detailing and shortly after they moved in a complaint was filed with the Building Department and violations were issued.
- After being issued violations in August 2022, the owner applied for and obtained Building Permits for a storage container, interior walls, electric, fencing, a bathroom, Furnaces & AC. The work was inspected and approved by the Building Inspector's office and Certificates of Compliance were issued for all work.

Permits & CCs received to abate violations.

	Permit #	Permit Issued	CC Issued
Electric	22-1365	9-13-22	10-31-22
Walls	22-1362	9-20-22	12-6-22
Furnaces & AC	22-1361	9-13-22	12-5-22

Fence	22-1363	9-27-22	12-5-22
Storage Ct	22-1642	11-21-22	12-5-22
Bathroom	22-1364	12-6-22	12-6-22

DISCUSSION

- Applicant requests that the Board take notice of City Charter Section 19-5.1 which is the Code Section relied upon by the Deputy Zoning Administrator.
- Violations issued by Deputy Zoning Administrator in August 2022
- August 23, 2022, we met with Joe O'Brien at the site to go over violations and directives.
- Once notified of the violations, the vehicle detailing was removed immediately, and the applicant began working on permits and ZBA approvals for the improvements he had made.
- He was not aware what the language meant on the CO, for example, "One-story Construction Type 3-B, Occupancy Class: S2
- On the CO, the permitted use was listed as: Warehouse – Storage Area with Toilet Room and One Office Space.
- The applicant was using the property as an upholstery warehouse where he stored materials, furniture and prepared them for delivery to his customers.

This upholstery warehouse has operated since 2017 without increased noise, traffic or any incidents. We would like to have the Board consider approving this proposed use as a legal nonconforming use which we believe is an appropriate nonresidential use commensurate with the neighborhoods and close proximity to the major transportation arteries and more restrictive in nature than the prior uses.

From: Evan Walsh <Evan.Walsh@watchfire.com>
Sent: Tuesday, March 28, 2023 1:07 PM
To: nforrest gnsgroutltd.com
Subject: RE: Discovery Museum

Evan Walsh
Watchfire – Territory Manager | New York | CT
917-524-4820
evan.walsh@watchfire.com
www.watchfire.com

From: nforrest gnsgroutltd.com <nforrest@gnsgroutltd.com>
Sent: Tuesday, March 28, 2023 1:00 PM
To: Evan Walsh <Evan.Walsh@watchfire.com>
Subject: Discovery Museum

[External Sender]

Hello Evan , I am still trying for the approval for this sign. Todd and I reviewed and some of the manufacturer requests we are putting GNS responsible for. There are just two things I hope you can help me with

- 1) You had told me that the sign will be restricted to the 5,000 and 250 NITS when manufactured and that will reduce to .2 foot candles or less and cannot be changed by the owner operator without watchfires assistance. The Planning Board was ok with my just telling them that but the ZBA wants it from the manufacturer. Is it possible ? **yes, the sign can be factory set with the brightness standard outlined above. Correct, a change in the brightness level would require Watchfire to make a change in the controller.**
- 2) If the sign malfunctions they want it stated that the entire sign will go dark. I don't believe that is a standard feature in the manufacturing of the sign. Let me know if there is something we can do on our end (GNS) to make that happen. **If there is a malfunction, Customer can simply turn off power to the sign locate an off on switch on the exterior sign cabinet. Watchfire has no built in automatic shut off.**

I am trying my best to get this through since the customer has already spent a lot of money with us for design work ,acquisition fees , and meeting fees. If I cannot get the rest of the information we will have to pull the plug. I don't know what else to do.

Thanks , Nancy

Nancy Forrest
Senior Sales Rep
GNS Group Ltd.
97 N. Clinton St.
Poughkeepsie , NY 12601
845-471-4366 Office
845-891-0826 Cell

2/7/2023

LIGHTING STUDY

Watchfire Signs has been manufacturing outdoor electric signs since 1932 and LED signs since 1996. Currently, we have more than 60,000 LED signs in operation worldwide.

History of Optical Measurements and Calculations

Outdoor signs using incandescent light bulbs commonly measured illuminance using meters that report brightness in foot-candles. This unit is the standard measurement partly because a light bulb is a source of light that illuminates equally in all directions. LED signs are measured with the same meter even though its light does not illuminate equally in all directions. LED signs are designed to be highly directional, which is an advantage. LEDs allow light to be directed toward an intended audience, rather than dispersed in a wider arc out from the face of the sign.

In the LED industry luminance, or the intensity of visible light, is measured by nits, where one candela per square meter is equal to one nit. However, luminance meters are expensive, difficult to use in the field, and are not ideal for lighting studies commonly used for meeting local permitting requirements. As a result, LED signs are often evaluated using foot-candle measurements.

A foot-candle is the amount of light produced by a single candle when measured from one foot away. For reference, a 100-watt light bulb produces 137 foot-candles from 1 foot away, .0548 foot-candles from 50 feet away, and .0137 foot-candles from 100 feet away.

Watchfire Signs is Compliant with National Lighting Requirements

Watchfire Signs has adopted brightness standards endorsed by both the International Sign Association (ISA) and Outdoor Advertising Association of America (OAAA). Watchfire Signs' products meet the requirements set forth by both associations of no more than 0.3 foot-candles above existing ambient light levels. Total foot-candles are dependent on size and distance and can be adjusted as needed.

Automatic Brightness Adjustment: All Watchfire signs automatically adjust brightness levels using either a 100-step hardware photocell, or what is referred to as a software photocell (hardware photocells are optional on OP Signs). Using the software photocell, the sign will automatically adjust brightness based on the longitude and latitude location of the sign. The sign is appropriately dimmed or brightened based around daily sunrise and sunset. A hardware photocell will automatically adjust a sign's brightness relative to changes in ambient light levels. For both options, a sign operator can manually decrease the brightness from standard settings, but for safety reasons and in conformance to industry codes, Watchfire cannot allow signs to operate brighter than standard settings.

Equipment used by Watchfire Signs to Measure Luminance

Foot-candles/Lux - Minolta Illuminance Meter T-10
Nits/candela/sq. m – Minolta Luminance Meter LS-100
Sign Calibration – Minolta CS-1000 Spectra radiometer

The proceeding study uses actual lab measurements made on modules using an illuminance meter. These measurements and extrapolations were then scaled up to the size of the sign and distance corrections were made using the inverse square law.

SIGN LIGHTING STUDY

Sign Details

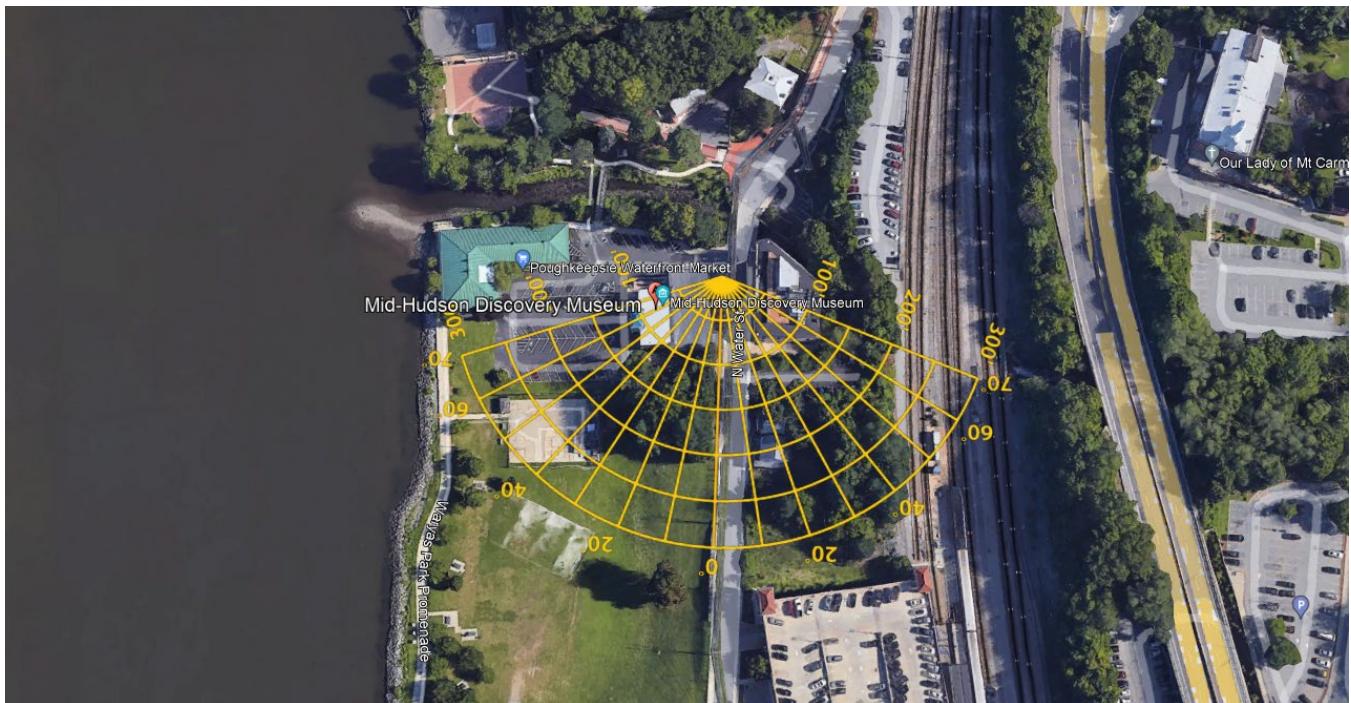
Size: 3' x 4'

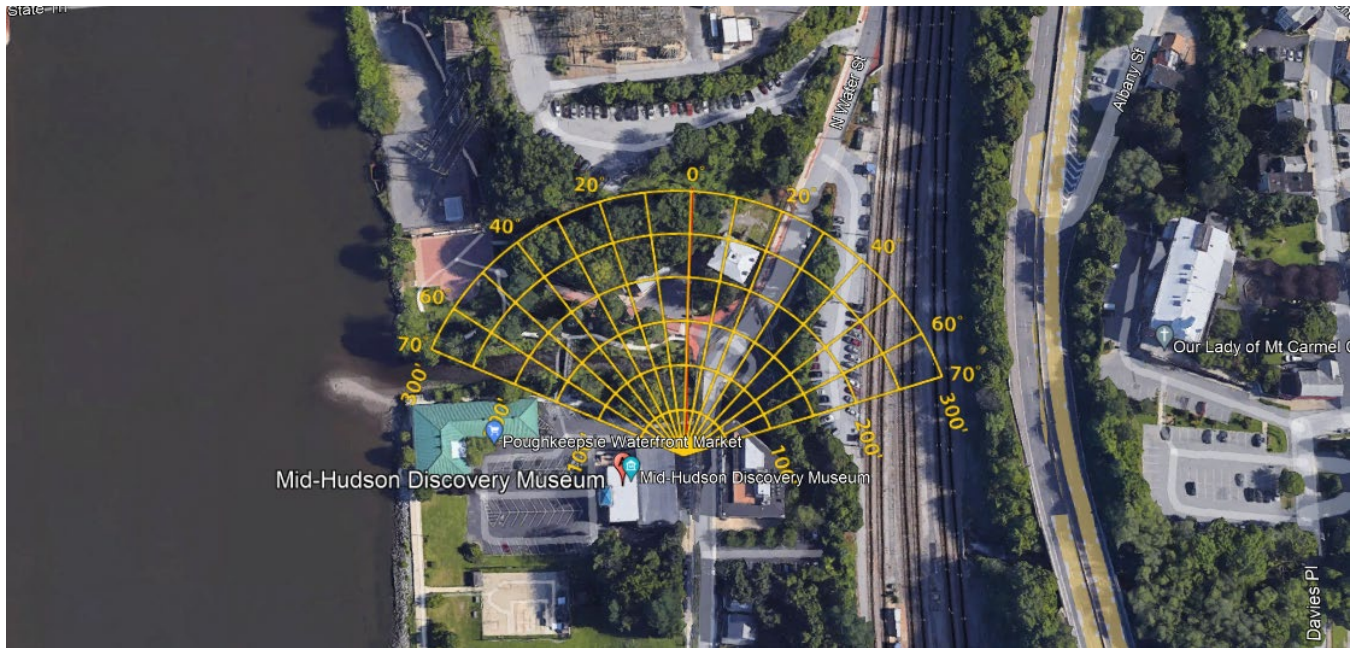
Location: *Mid-Hudson Discovery Museum, 75 N. Water Street, Poughkeepsie*

The table below represents a LED sign, demonstrating the increase in illuminance from the sign during normal night operation. The values are within the standards of both the ISA and OAAA and indicate that the ambient light broadcast into the surrounding area has minimal effect.

Foot-candles at night under normal operation					
	Horizontal Viewing Angle				
Viewing Distance (ft)	0°	20°	40°	60°	70°
150	0.01	0.01	0.01	0.01	0.00
200	0.01	0.01	0.01	0.00	0.00
300	0.00	0.00	0.00	0.00	0.00

Example Broadcast of Light at Distances and Angles





Conclusion

Given the above comparisons and measurements, the area will see an almost undetectable difference in ambient light after installation of the digital LED Sign.

Ray Digby

Office 800-637-2645, ext 3006

email ray.digby@watchfiresigns.com

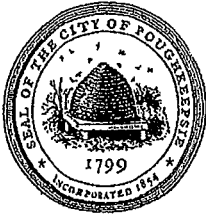
January 07, 2014, 02:57 pm

DOT study finds digital billboards don't distract drivers

By Keith Laing

Drivers are not distracted by digital billboards alongside roads, according to a study conducted by the Department of Transportation (DOT). The study, which was released by the Federal Highway Administration (FHA), found that drivers are not any more likely to be distracted by digital billboards than stationary signs. "On average, the drivers in this study devoted between 73 and 85 percent of their visual attention to the road ahead for both [Commercial Electronic Variable Message Signs] and standard billboards," the study said. "This range is consistent with earlier field research studies. In the present study, the presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead." The study surveyed drivers in Richmond, Va. and Reading, Pa. and found that the average length of time drivers spent looking at digital billboards was 379 milliseconds, compared to 335 milliseconds for standard signs. The results were both well below the "currently accepted threshold of 2,000 milliseconds," the study said. "The results did not provide evidence indicating that CEVMS, as

deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road,” the study said. “When dwell times longer than the currently accepted threshold of 2,000 [milliseconds] occurred, the road ahead was still in the driver’s field of view. This was the case for both CEVMS and standard billboards.” The results were cheered by the Washington, D.C.-based Outdoor Advertising Association of America (OAAA), which has pushed the transportation department to relax its rules regarding digital billboards. “Studies have long shown that digital billboards do not cause distracted d



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 75 N Water St.
ZONING DISTRICT: Waterfront District 19-3.34

OWNER INFORMATION:

Name: Mid Hudson Childrens Museum DBA Mid Hudson Discovery Museum
Address: Private 501 c(3) Foundation
75 N. Water St. Poughkeepsie, NY 12601
Phone: 845-471-0589 Ext. 21
Email: jsasson@mhdm.org

APPLICANT INFORMATION:

Name: GNS Group, Ltd.
Address: 97 N Clinton St.
Poughkeepsie, NY 12601
Phone: 845-471-4366
Email: nforrester@gnsgroutd.com

CONSULTANT INFORMATION:

Name: GNS Group, Ltd.
Address: 97 N Clinton St.
Poughkeepsie, NY 12601
Phone: 845-471-4366
Email: nforrester@gnsgroutd.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: Nancy Forrest - GNS Sales Rep.

Date of decision/determination/violation: 2/24/23

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: _____

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
19-4.9(8)(c)3b.i	message change 12hrs.	message change 10 minutes
19-4.9 (9)(b)3	no more than 3 colors	unlimited colors
19-4.9 (9)(d)4	no more than 5 words	12 words
_____	_____	_____
_____	_____	_____

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.

ZBA APPLICATION RESPONSES FOR JUSTIFICATION 1-5

- 1) The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The sign is of the right height, design, and lighting for its location. It is attractive and will help the Museum to advertise and attract business needed to keep its doors open. Some adjoining neighbors have attended the public hearings in favor of the sign and additional lighting on the dark street.
- 2) The benefit cannot be achieved in any other manner. We have worked with the Planning Board through multiple meetings revising the design, size, and lighting to a sign they were happy with. The electronic message board can advertise with one picture what many words could not achieve as a potential customer passes by. Manual changeable signs cannot achieve this in a location such as this.
- 3) The requested area variances could be considered substantial based on the rigid ordinance for this type of sign.

1)MESSAGE CHANGE TIME—FEDERAL GUIDELINE CHANGE TIMES ON MAJOR HIGH SPEED MULTI LANE HIGHWAYS IS AS LOW AS 10 SECONDS. WE ARE REQUESTING EVERY 10 MINUTES. THE CITY GUIDELINE IS 12 HOURS. THE SIGN DOES NOT FADE OR MOVE WHEN THE CHANGE TAKES PLACE BUT GOES BLACK AND THE FULL MESSAGE IS COMPLETE THEREFORE DOES NOT CAUSE A DISTRACTION.

2)MESSAGES WILL OFTEN BE PHOTOS AND BE MULTICOLORED SO RESTRICTING TO 3 COLORS DOES NOT MAKE SENSE IF THE CITY IS GOING TO HAVE ELECTRONIC SIGNS IN THE ORDINANCE.

3)RESTRICTION TO FIVE WORDS ON THE SIGN WILL NOT ALLOW A COMPLETE MESSAGE. THE MANUAL SIGNS IN THE CITY HAVE MORE THAN THAT(EXAMPLE SCHOOLS / CHURCHES

4)THE SIGN WILL NOT HAVE AN ADVERSE AFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD. PHYSICALLY IT IS SIZED CORRECTLY FOR ITS LOCATION AND SERVES AN IMPORTANT ATTRACTION (MUSEUM) ALONG THE WATERFRONT. THE SIGN HAS NO ENVIRONMENTAL IMPACT BASED ON ITS INSTALLATION.THERE IS NO SUBSTANTIAL AMOUNT OF PROPERTY BEING DISRUPTED.

5)ALTHOUGH IT COULD BE SAID THE DIFFICULTY IS SELF CREATED, THAT IN ITSELF IS NOT REASON ENOUGH FOR A NEGATIVE DECISION. THE ORDINANCE WAS UPDATED RECENTLY AND THE MUSEUM HAS BEEN THERE FOR SOME TIME.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 75 N Water St. Poughkeepsie

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):

Letter From Museum

Compromises From 1st to 3rd meeting w/planning board

Watch Fire Light Study + e-mail

DOT Study report

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.

Nancy Forrest
SIGNATURE OF APPLICANT

4/3/23
DATE

Nancy Forrest
Print Name



Dear City of Poughkeepsie Zoning Board of Appeals,

The Mid-Hudson Discovery Museum is a not-for-profit institution serving children ages 0-12 and their families. The Museum first opened in the Town of Poughkeepsie in 1989 and later relocated to PK City Waterfront in 2004. The museum enriches the lives of our young children and the community in a significant way even though it receives no form of regular government support to do what we do. The Museum conducts all of its own fund raising in order to remain solvent.

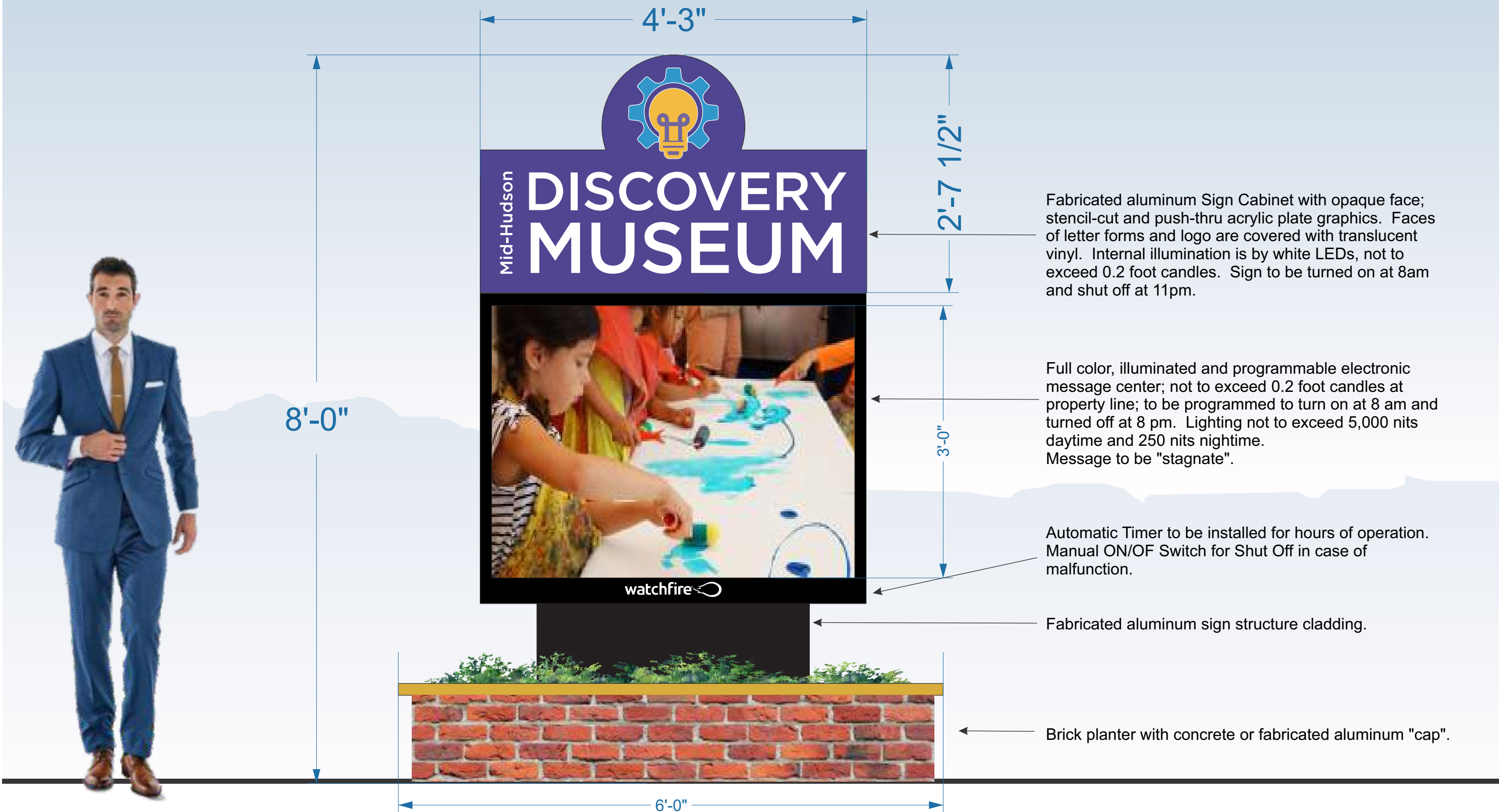
The Museum is located between Waryas Park, Upper Landing Park, only feet from the Poughkeepsie train station, and within walking distance where hundreds of weekend tourists arrive on any given weekend day or holiday. The Museum is also located near several new and growing apartment building complexes and a fair number of restaurants. The tourism the Museum attracts to the city not only supports the local restaurants and lodging industry, but it also contributes to the city's economy by creating good paying jobs and employs the use local business service providers. As a recognized cultural institution, the Museum also elevates the City's image. Approaching insolvency some years ago, the Museum only exists today due to the community interest and generosity of the Dyson Foundation. Now on a firm financial footing MHDMD's intention is to stay financially sound. And to do so, we need to grow our business and of course a street sign will play a major role to achieve that.

The sign submitted for approval contains an LED screen. The purpose of the LED screen is inform the public through still images of the programs being offered within the museum any give hour, day or week. With increased vehicle traffic for the Walkway over the Hudson pretty much April through October, the sign will be a very effective low cost way to market ourselves.

Thank you for your consideration.

Sincerely,

Jeff Sasson
Executive Director



97 North Clinton Street
Poughkeepsie, NY 12601
845-471-4366 - phone
845-471-0987 - fax
www.gnsgroupltd.com

Client/Project location:
Mid-Hudson Children's Museum
75 North Water Street
Poughkeepsie, NY 12601

File Name:
Freestanding
Sign, Water St
rvsd post PB
review.cdr

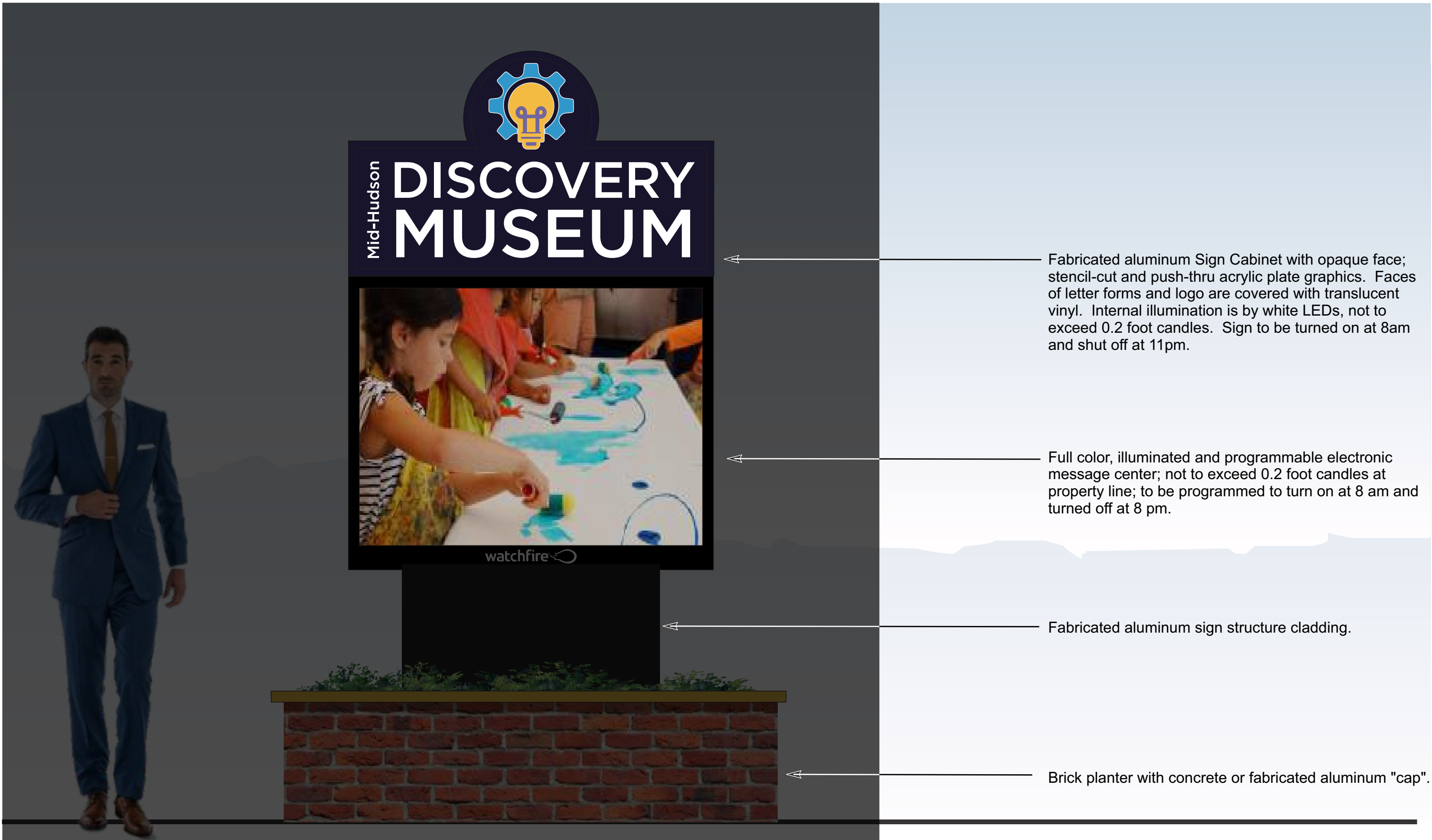
Date:
12/6/2022
3/30/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1



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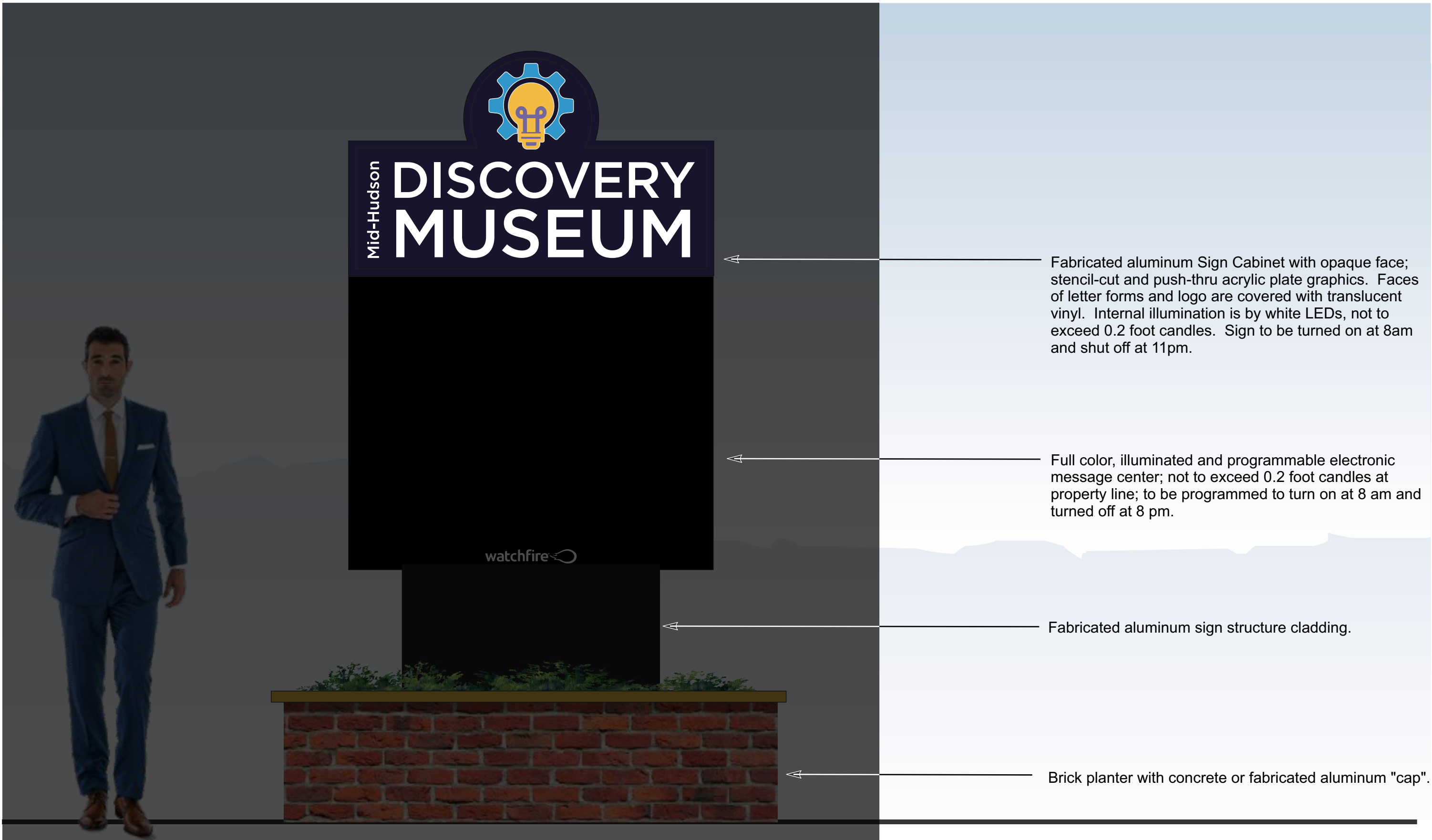
Date:
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1/3/2023
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G.1N



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G.1N2



Elevation View of Proposed D/F ground sign



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845-471-4366 - phone
845-471-0987 - fax
www.gnsgroupltd.com

Client/Project location:
Mid-Hudson Children's Museum
75 North Water Street
Poughkeepsie, NY 12601

File Name:

Date:
8.24.22
12/19/2022
1/3/2023

Client Approval: _____

Date: _____

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Sheet:
G.1S



Mid-Hudson
**DISCOVERY
MUSEUM**



watchfire



18 ft from corner of driveway entrance
to Sign Base.

10 ft from driveway to Sign Base.

5 ft from edge of sidewalk to Sign
Base.

Elevation View of Proposed D/F ground sign



97 North Clinton Street
Poughkeepsie, NY 12601
845-471-4366 - phone
845-471-0987 - fax
www.gnsgroupltd.com

Client/Project location:
Mid-Hudson Children's Museum
75 North Water Street
Poughkeepsie, NY 12601

File Name:

Date:
8.24.22
12/19/2022
1/4/2023

Client Approval: _____

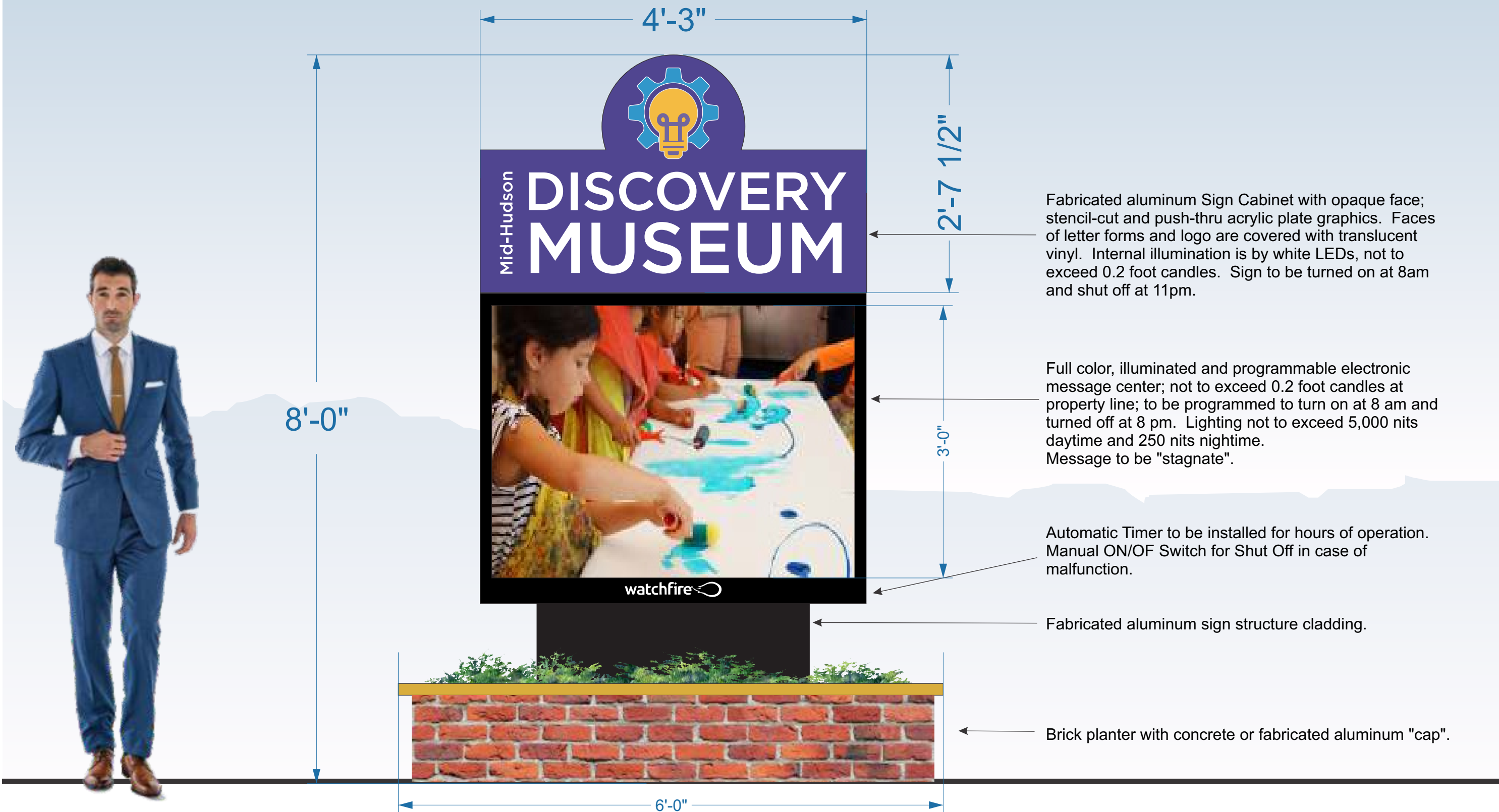
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Sheet:

G.1S2



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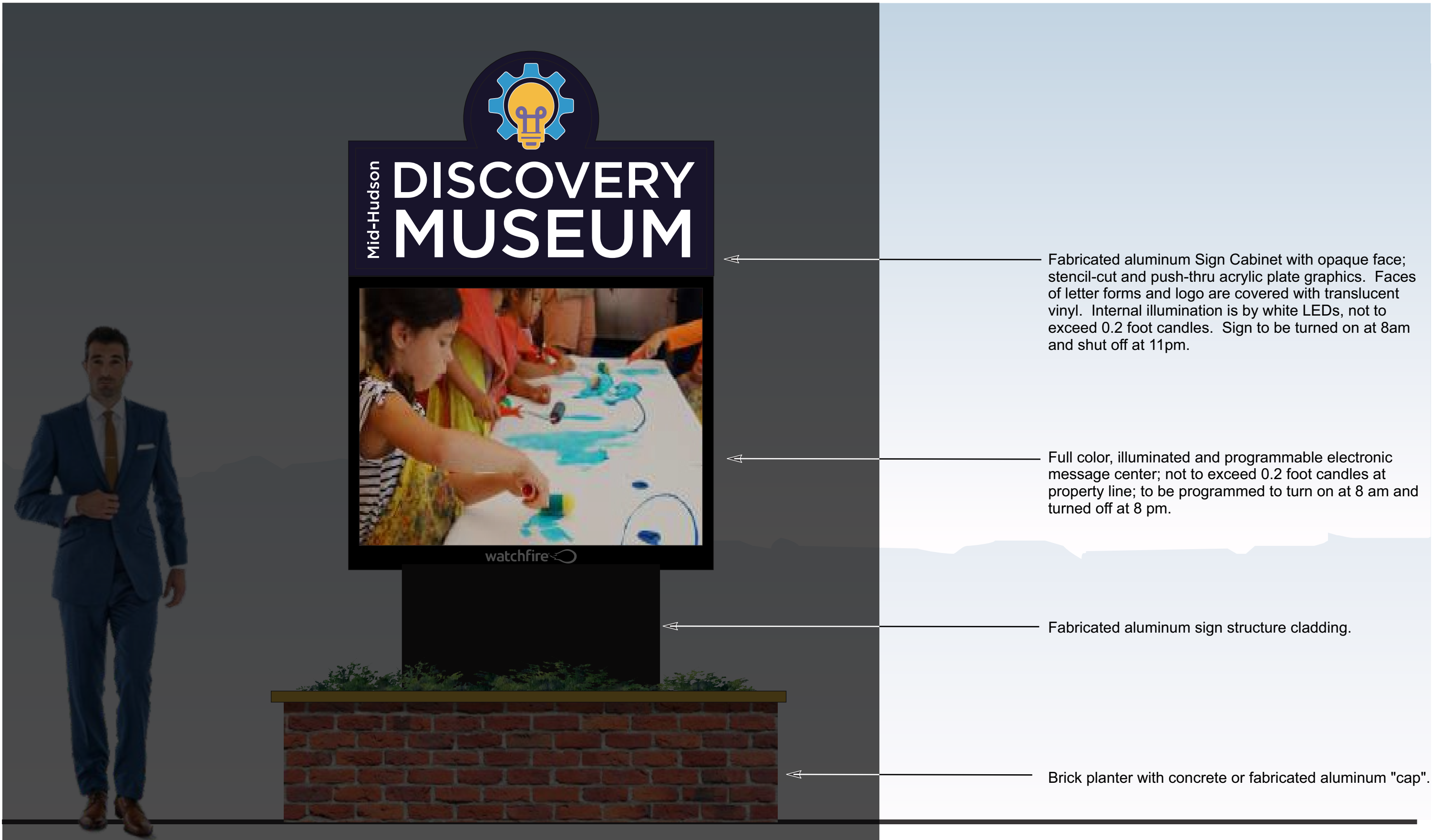
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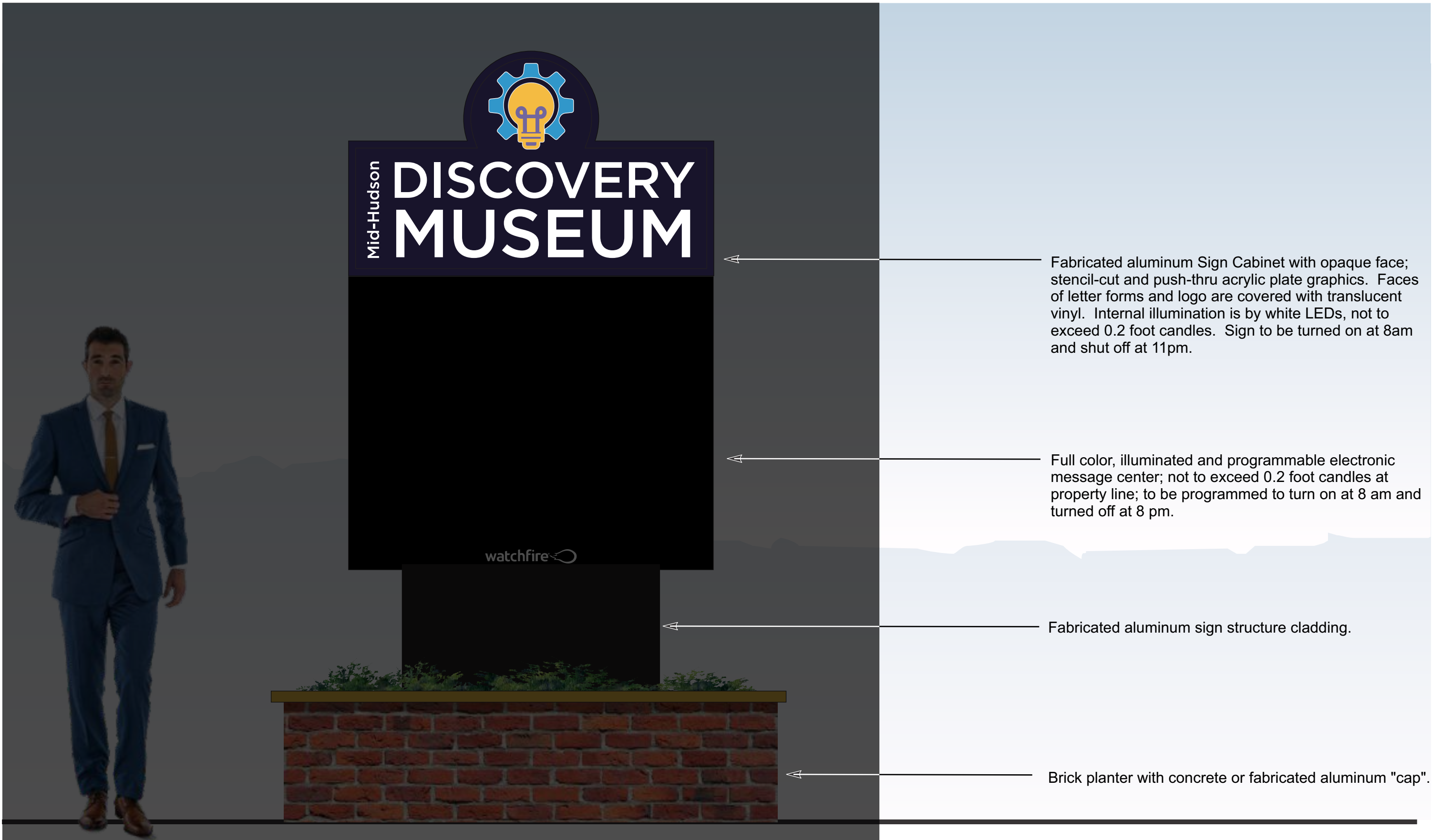
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G.1N



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Sheet:
G.1N2



Mid-Hudson

DISCOVERY
MUSEUM



watchfire



92'
(Linear Ft of Building front)



Elevation View of Proposed D/F ground sign



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Sheet:
G.1S



18 ft from corner of driveway entrance to Sign Base.

10 ft from driveway to Sign Base.

5 ft from edge of sidewalk to Sign Base.

Elevation View of Proposed D/F ground sign



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1/4/2023

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Sheet:
G.1S2

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

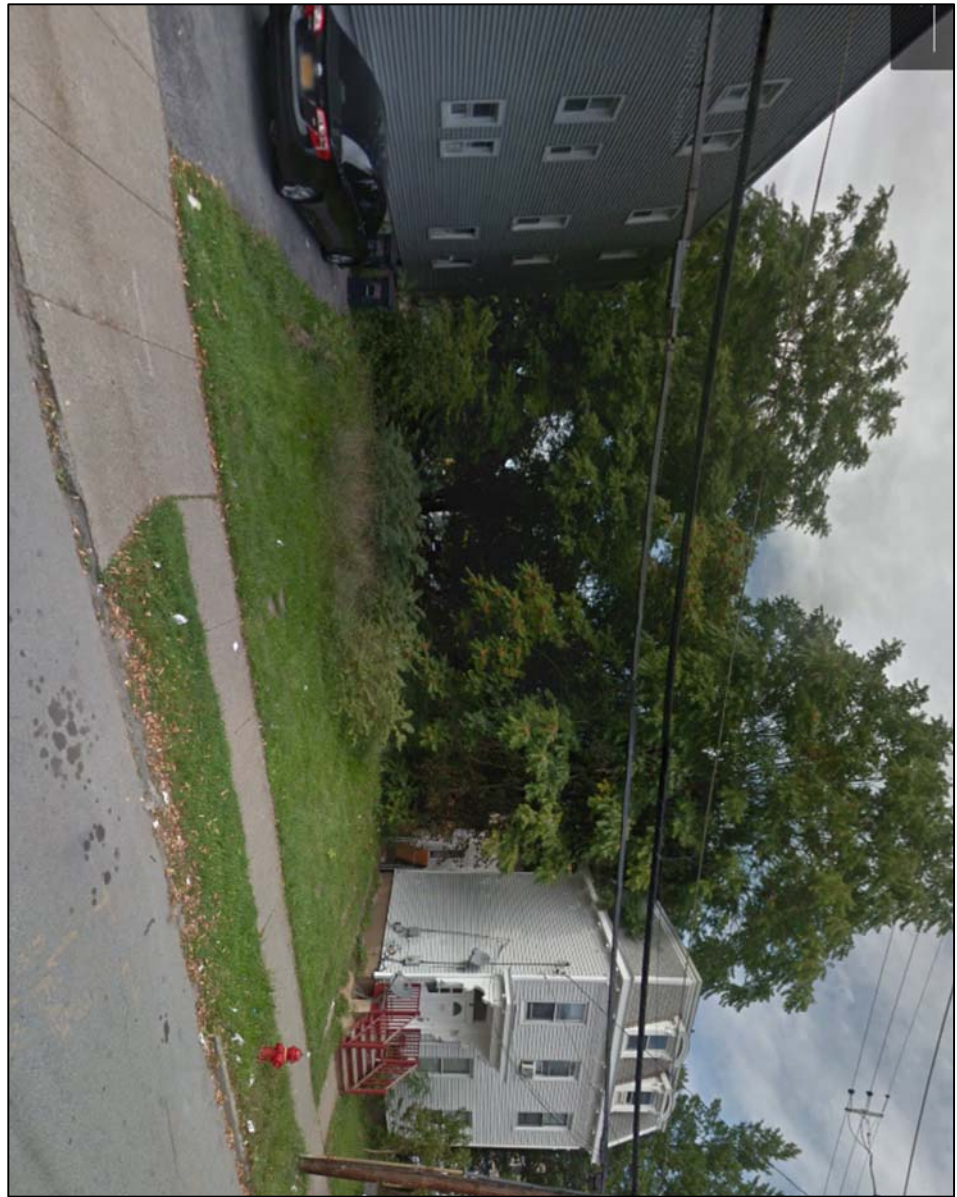
Complete all items in Part 1: You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Mid Hudson Discovery Museum			
Name of Action or Project:			
Pylon Sign			
Project Location (describe, and attach a location map):			
75 N Water St. Poughkeepsie, NY 12601			
Brief Description of Proposed Action:			
Installation of one freestanding internally illuminated sign with an electronic reader board.			
Name of Applicant or Sponsor:		Telephone: 845-471-4366	
GNS Group, Ltd		E-Mail: nforrest@gngroup Ltd.com	
Address:			
97 N Clinton St.			
City/PO:		State:	Zip Code:
Poughkeepsie,		NY	12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			☒
			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☒
			☐
3. a. Total acreage of the site of the proposed action?		0 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?		0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Nancy Forrest</u> Date: <u>3/30/23</u> Signature: <u>Nancy Forrest</u> Title: <u>Contractor</u>		

PRINT FORM

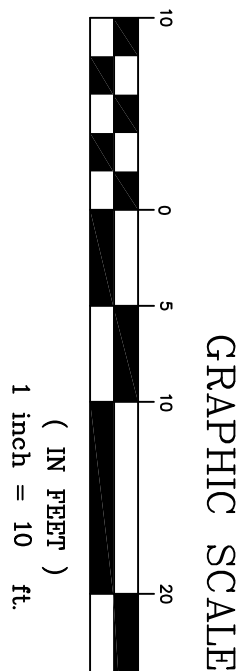
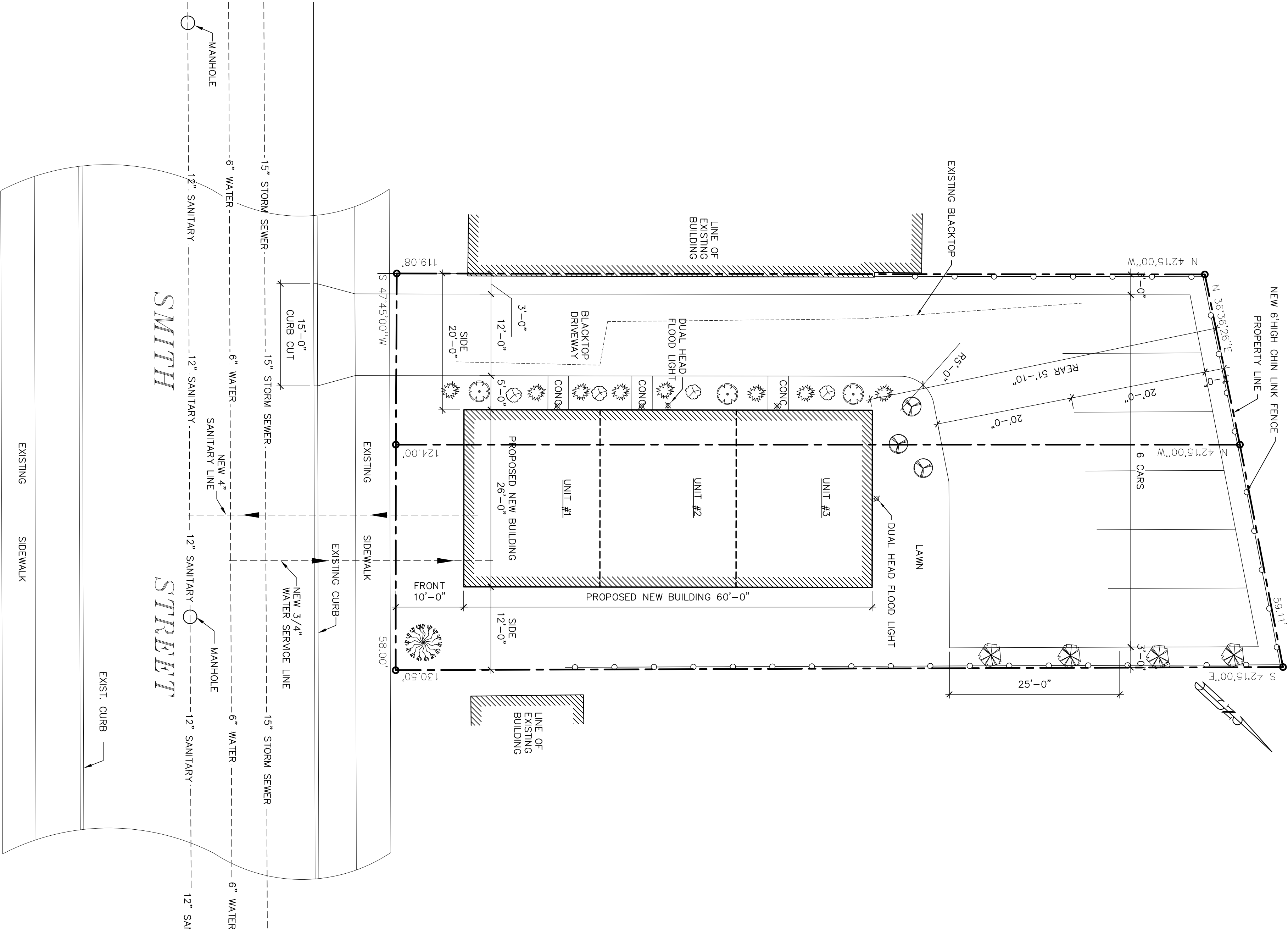


4 GOOGLE STREET VIEW
SP1 SCALE: N.T.S.



3 AERIAL VIEW
SP1 SCALE: N.T.S.

LANDSCAPING SCHEDULE			
TYPE	SYMBOL	QUANTITY	COMMON NAME
GRASS/ FLOWER	DYG	8	DWARF FOUNTAIN GRASS (HAMELN)
SHRUBS	GFS	3	COLD FLAME SPIREA
	RBB	3	ROYAL BURQUINDY BARBERRY (JAPANESE)
	MCS	4	MAGIC CARPET SPIREA
TREES	LL	4	LILAC
	SM	1	SUGAR MAPLE



1 SITE PLAN
SP1 SCALE: 1" = 10'-0"
TAX MAP#: 31-6162-72-458149



2 PARCEL MAP - LOT# 285084
SP1 SCALE: N.T.S.

DATA TABLE		
ZONE R-4 MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT		
	REQUIRED	PROPOSED
LOT AREA	(4,000 SF. / UNIT)	0.166 Ac. (7,237 SF.)
LOT WIDTH	30 FT.	58 FT.
LOT DEPTH	130 FT.	58 FT.
LOT FRONTAGE	30 FT.	58 FT.
LOT COVERAGE (BUILDING)	40 %	21 %
OPEN SPACE	400 SF. / UNIT	2,519 SF
YARDS		
FRONT	20 FT.	10 FT.
SIDE	15 FT.	20'/12'
REAR	15 FT.	52 FT.
BUILDING HEIGHT	3 / 40 FT.	2/26 FT. +/-
BUILDING AREA		1,555 SF
TOTAL PARKING		
2 CARS / UNIT	6 CARS	6 CARS

GENERAL NOTES:

- OWNER / APPLICANT: 21st CENTURY LIVING, LLC
10 FITCHETT STREET
POUGHKEEPSIE, NY. 12601
- ARCHITECT: CIRO INTERRANTE, ARCHITECT
25 MARKET STREET, SUITE 3
POUGHKEEPSIE, NY 12601
- ZONING DATA:
ZONING DISTRICT: R4
MEDIUM HIGH DENSITY RESIDENTIAL
TAX MAP: 6162-79-285084-0000
PROPERTY LINE INFORMATION TAKEN
FROM COPY OF SURVEY
PROVIDED BY APPLICANT
- MAP REFERENCE:

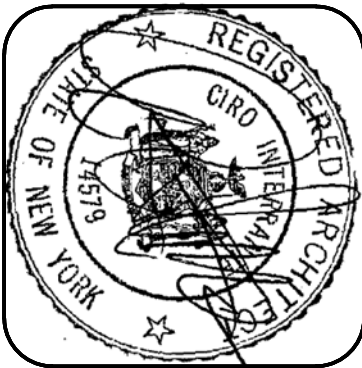
OWNER'S CONSENT
THE UNDERSIGNED OWNER OF THIS PROPERTY HERON STATES THAT HE/SHE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.
APPLICANT _____ DATE _____

APPROVAL BLOCK



SHEET NO. 1
Project Number: 22-08

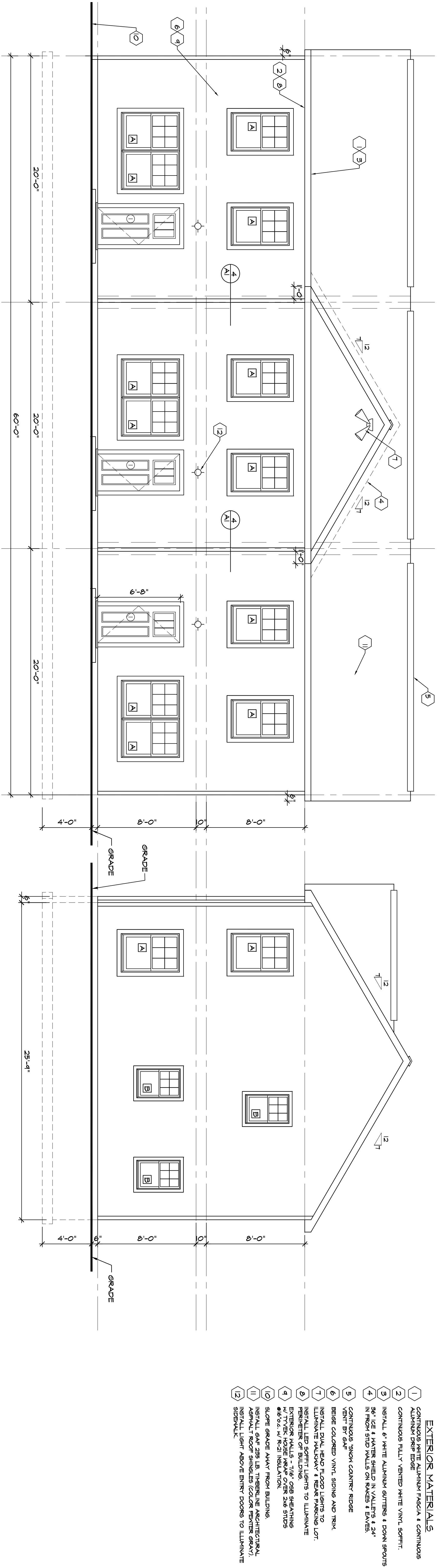
SITE PLAN
PROPOSED SITE PLAN FOR: 30-32 SMITH STREET
30-32 SMITH STREET POUGHKEEPSIE, NY. 12601



CIRO INTERRANTE ARCHITECT P.C.		
25 MARKET STREET, 3rd FLOOR POUGHKEEPSIE, NEW YORK 12601		
(845) 473-7572 Office (845) 473-7525 Fax		
DRAWN BY: S.T.T.	CHECKED BY: C.I.	ISSUED DATE: 1 FEB 2023



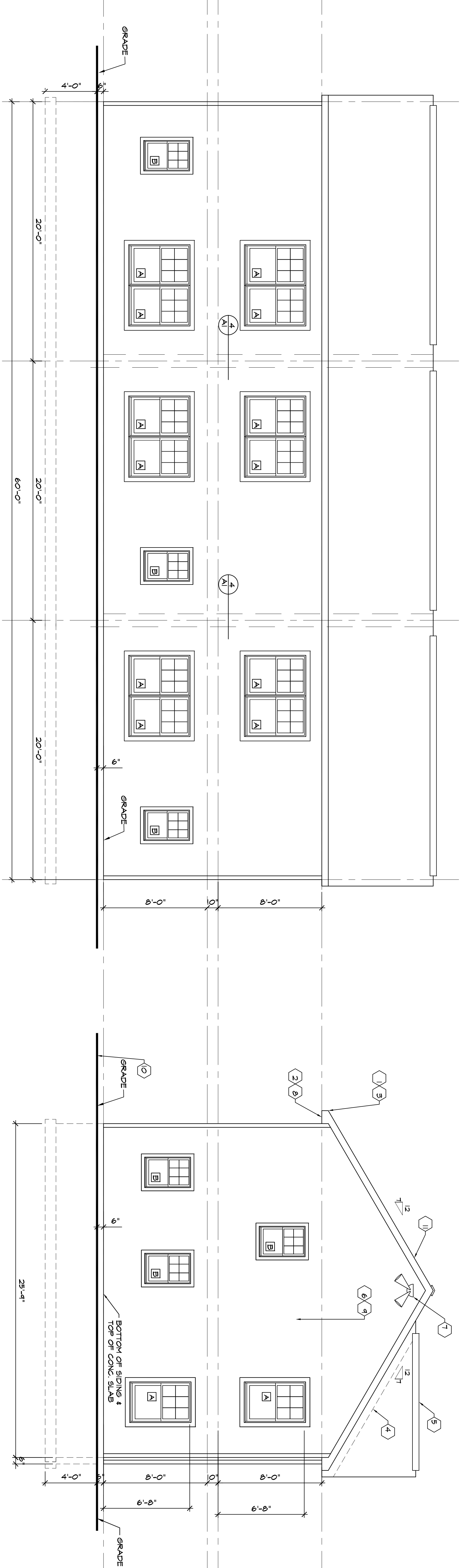
Revisions		
No. 1	4/25/23	GENERAL REVISIONS
No.	Date:	Description:



- EXTERIOR MATERIALS**
1. CONTINUOUS WHITE ALUMINUM FASCIA & CONTINUOUS ALUMINUM DRIP EDGE
 2. CONTINUOUS FULLY VENTED WHITE VINYL SOFFIT
 3. INSTALL 6" WHITE ALUMINUM GUTTERS & DOWN SPOUTS
 4. 36" ICE & WATER SHIELD IN VALLEYS & 24" IN FROM STUD WALLS ON RAKES & EAVES.
 5. CONTINUOUS SWOON COUNTRY RIDGE
 6. BRIDGE COLORED VINYL SIDING AND TRIM.
 7. INSULATE EXTERIOR WALLS AND ROOF WITH 2" R-19 MINERAL WOOL BATT INSULATION & 1/2" GYPSUM BOARD.
 8. INSTALL LED SOFFIT LIGHTS TO ILLUMINATE PERIMETER OF BUILDING.
 9. EXTERIOR WALLS - 7/16" OSB SHEATHING & 1/2" R-13 INSULATION.
 10. SLOPE GRADE AWAY FROM BUILDING.
 11. INSTALL 2" X 2" X 1/2" REBAR REINFORCEMENT.
 12. INSTALL LIGHT ABOVE ENTRY DOORS TO ILLUMINATE SIDEWALK.

1. FRONT ELEVATION
SCALE: 1/4" = 1'-0"

2. RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



3. REAR ELEVATION
SCALE: 1/4" = 1'-0"

4. LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE (ANDERSON SERIES 100)					SYMBOL	
MARK	SIZE	QUANTITY	DESCRIPTION	R.O.	EMERGENCY COMPLIANT	GLASS AREA
A	2'-11 1/2" X 4'-11 1/2"	3050	SINGLE HUNG	3'-0" X 5'-0"	YES	5.74
B	2'-5 1/2" X 3'-5 1/2"	2656	SINGLE HUNG	2'-6" X 3'-6"	NO	3.09

WINDOW & DOOR NOTES:

1. EXACT HABITABLE SPACE IS PROVIDED WITH AT LEAST ONE WINDOW THAT IS IN COMPLIANCE WITH NYC CODE REGULATIONS FOR HABITABLE SPACE.
2. ALL HABITABLE SPACES ARE IN COMPLIANCE WITH NYC CODE REQUIREMENTS FOR NATURAL LIGHT AND NATURAL VENTILATION.
3. ALL WINDOWS ARE INSULATED AND WEATHERSTRIPPED.
4. WINDOW MANUFACTURER TO PROVIDE DIMENSIONS WHERE REQUIRED BY CODE (WHERE GLASS IS WITHIN 16" OF FLOOR OR LOWER WINDOW MODEL, DIMENSIONS AND SIZES WITH MANUFACTURER BEFORE STARTING CONSTRUCTION).
5. VERIFY WINDOW MODEL, DIMENSIONS AND SIZES WITH MANUFACTURER BEFORE STARTING CONSTRUCTION.

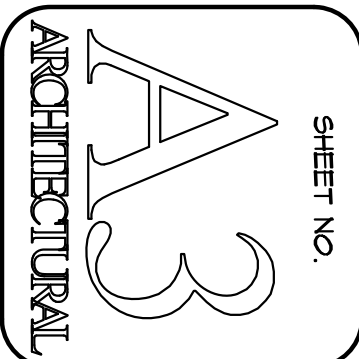


CIRO INTERRANTE ARCHITECT, P.C.
85 MARKET STREET
POUGHKEEPSIE, NEW YORK 12601
(845) 473-7572 Office (845) 473-7525 Fax

DRAWN BY: S.T.T. CHECKED BY: C.I. ISSUED DATE: 4 FEB, 2023

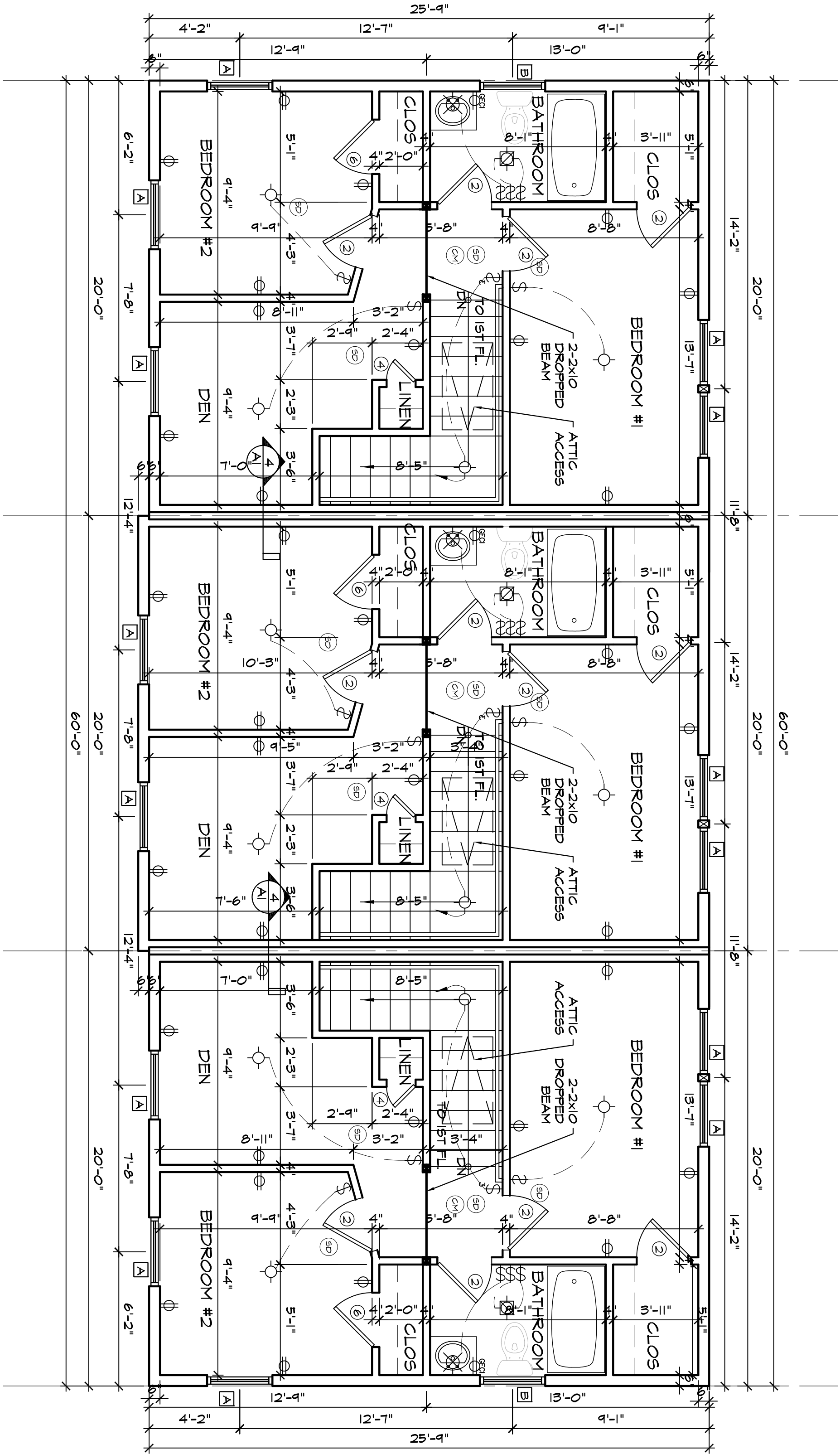


Revisions		
No. 1	4-25-23	GENERAL REVISIONS
No.	Date:	Description:



Project Number: 22-08

EXTERIOR ELEVATIONS
PROPOSED NEW APARTMENTS FOR:
21ST CENTURY LIVING, LLC
30-32 SMITH STREET
POUGHKEEPSIE, NEW YORK 12601



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

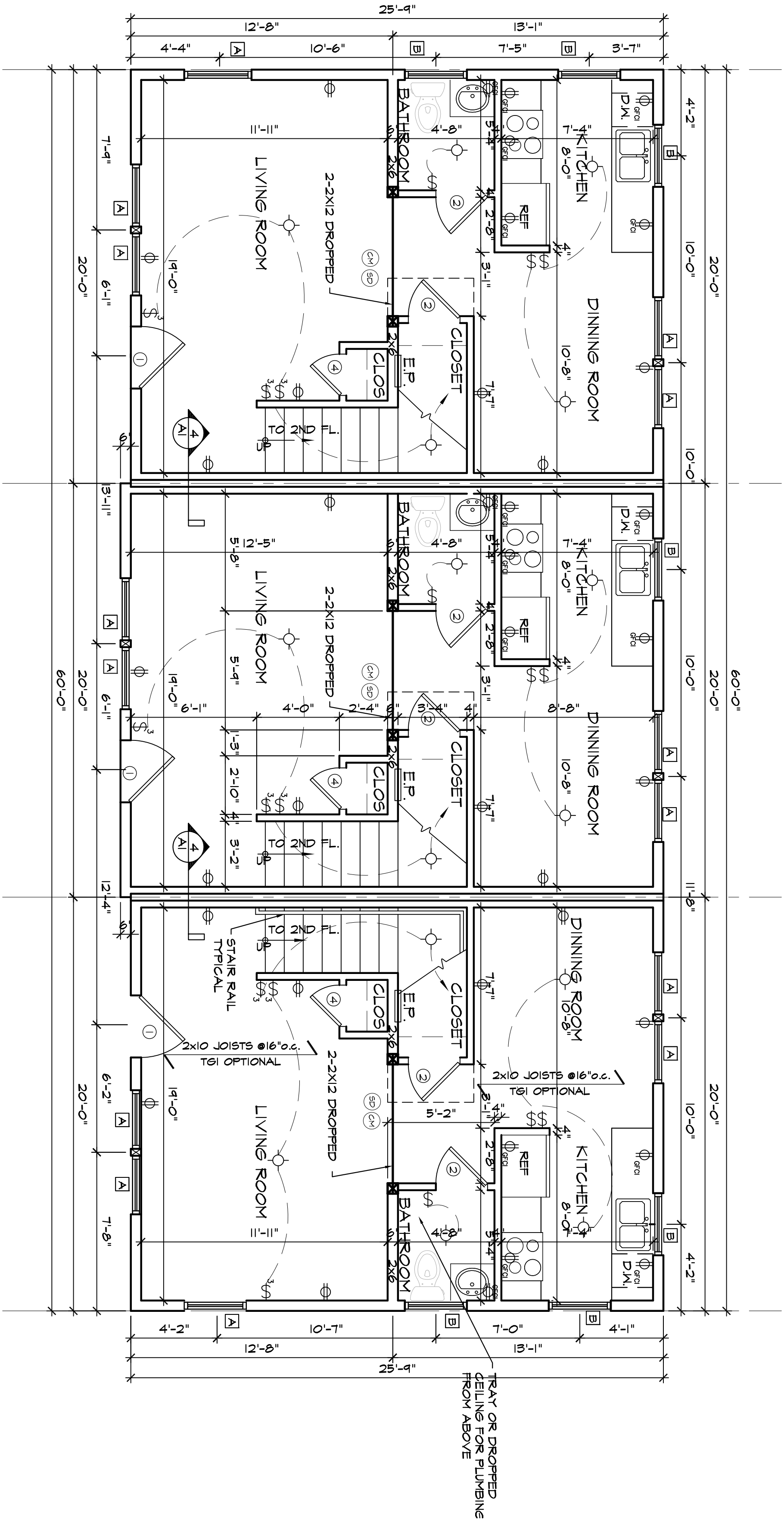
LIGHT & VENTILATION SCHEDULE (PER UNIT)				
ROOM NAME	FLOOR AREA (SQUARE FEET)	LIGHT 8% (REQUIRED)	VENT. 4% (REQUIRED)	VENTILATION % (ACTUAL)
LIVING ROOM	200	16	20.62	8
DINING ROOM	42	7.36	20.62	3.68
BED ROOM #1	117	9.36	20.62	4.68
BED ROOM #2	84	7.12	10.31	3.56
DEN	41	7.28	10.31	3.64
LIVING ROOM	213	17.04	20.62	8.52
DINING ROOM	42	7.36	20.62	3.68
BED ROOM #1	117	9.36	20.62	4.68
DEN	45	7.6	10.31	3.8
BED ROOM #2	40	7.2	10.31	3.6

LEGEND	
	4-2x6 STUDS GLUED & NAILED
NOTE: ALL WINDOWS & DOOR HEADERS TO BE 2-2X10 UNLESS NOTED OTHERWISE	

WINDOW SCHEDULE (PER BUILDING)						SYMBOL ☐	
MARK	SIZE	ANDERSEN #	QUAN.	DESCRIPTION	R.O.	EMERGENCY EGRESS COMPLIANT	GLASS AREA
A	3'-1 5/8" x 4'-8 7/8"	TW046	21	DOUBLE HUNG	3'-2 1/8" x 4'-8 7/8"	YES	5.7
B	2'-1 5/8" x 3'-4 7/8"	TW052	4	DOUBLE HUNG	2'-8 1/8" x 3'-4 7/8"	NO	3.17
							5.57

- WINDOW & DOOR NOTES:
1. EACH HABITABLE SPACE IS PROVIDED WITH AT LEAST ONE WINDOW THAT IS IN COMPLIANCE WITH NYS CODE REGULATIONS FOR EGRESS.
 2. ALL HABITABLE SPACES ARE IN COMPLIANCE WITH NYS CODE REQUIREMENTS FOR NATURAL LIGHT AND NATURAL VENTILATION.
 3. ALL WINDOWS ARE INSULATED AND WEATHERSTRIPPED.
 4. WINDOW MANUFACTURER TO PROVIDE TEMPERED GLASS WHERE REQUIRED BY CODE (WHERE GLASS IS WITHIN 18" OF FLOOR OR LOWER).
 5. VERIFY WINDOW MODEL NUMBERS AND SIZES WITH MANUFACTURER BEFORE STARTING CONSTRUCTION.

DOOR SCHEDULE (PER BUILDING)			SYMBOL ☐	
MARK	SIZE	QUAN.	DESCRIPTION	
1	3'-0" x 6'-8"	3	EXTERIOR ENTRY DOOR	
2	2'-6" x 6'-8"	15	INTERIOR DOOR	
3	5'-0" x 6'-8"	0	INTERIOR BI-FOLD DOOR	
4	2'-0" x 6'-8"	3	INTERIOR DOOR	
5	1'-6" x 6'-8"	3	INTERIOR DOOR	
6	3'-0" x 6'-8"	3	INTERIOR DOOR	



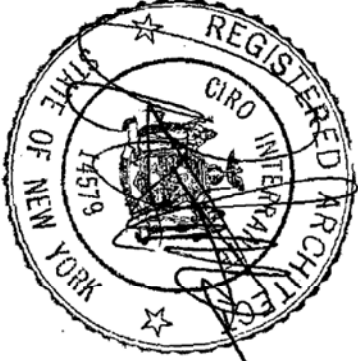
1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



Project Number: 22-08

1st & 2nd FLOOR PLANS & SCHEDULES

PROPOSED NEW APARTMENTS FOR:
21ST CENTURY LIVING, LLC
30-32 SMITH STREET
POUGHKEEPSIE, NEW YORK 12601



CIRO INTERRANTE ARCHITECT, P.C.

85 MARKET STREET
POUGHKEEPSIE, NEW YORK 12601
(845) 473-7572 Office (845) 473-7525 Fax

DRAWN BY: S.T.T.

CHECKED BY: C.I.

ISSUED DATE: 4 FEB, 2023



Revisions

No. 1 4-25-23 GENERAL REVISIONS

No. Date: Description:

617.20
Appendix B
Short Environmental Assessment Form

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: 30-32 SMITH STREET			
Project Location (describe, and attach a location map): VACANT LOT LOCATED 1/10 MILE NORTH OF MILL STREET ON WEST SIDE OF SMITH STREET			
Brief Description of Proposed Action: CONSTRUCT A NEW 3 UNIT APOARTMENT BUILDING ON A VACANT LOT.			
Name of Applicant or Sponsor: PATTERSON CALHOUN, LLC		Telephone: 845-380-8627 E-Mail: JAMES.AA.PATTERSON@GMAIL.COM	
Address: 10 FITCHETT STREET			
City/PO: POUGHKEEPSIE		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐ YES ☒
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: PLANNING BOARD - SITE PLAN APPROVAL			NO ☐ YES ☒
3.a. Total acreage of the site of the proposed action?		0.166 acres	
b. Total acreage to be physically disturbed?		0.150 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.166 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☒ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	NO ☐	YES ☒	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	☐ NO	☒ YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>16120 JETER R ANTE, ARCHITECT</u> Date: <u>3-31-23</u> Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	☐ ☐	☐ ☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency Date	
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer	
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)	

PRINT



COUNTY OF DUTCHESS

William F.X. O'Neil
County Executive

March 28, 2023

James Patterson, Owner
21st Century Living, LLC
10 Raymond Avenue
Poughkeepsie, NY 12603

RE: *Smith Street Apartments* application to the Housing Creation and Preservation Program

Dear Mr. Patterson:

I am pleased to inform you that 21st Century Living, LLC has been awarded \$346,134 through the Dutchess County Housing Trust Fund's 2022 Housing Creation and Preservation (HCP) Program for the *Smith Street Apartments* project in the City of Poughkeepsie. Eight applications were received, requesting more than \$22 million in funding, compared to \$9 million of available funding.

Our commitment shall be conditioned upon the issuance of permanent funding commitments for the balance (if any) of funds needed to complete the project and the issuance of all required local approvals and permits. You will soon receive an email from the Department of Planning and Development with additional details about this funding award, and requesting information to begin the contract process.

We look forward to working with you to provide this gap financing that will help bring *Smith Street Apartments* to fruition, providing affordable rental housing in Dutchess County, where housing availability and affordability are long-standing issues.

If you have any questions, please contact the Dutchess County Department of Planning and Development's HCP project lead, Heather LaVarnway, at hlavarnway@dutchessny.gov or (845) 486-3618.

Sincerely,

William F.X. O'Neil
Dutchess County Executive

C: A. Gregg Pulver, Chairman, Dutchess County Legislature
Chris Baiano, Assistant County Executive
Eoin Wrafter, Commissioner, Planning and Development
Heather LaVarnway, Senior Planner, Planning and Development



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

April 21st, 2023

Patterson Calhoun LLC
10 Fitchett Street
Poughkeepsie NY 12601

Re: Smith Street (285084)
ID # 419160
Area Variance Application # 2023-006

To whom it may concern,

The Development Department is in receipt of your Area Variance Application #2023-006 relative to the vacant lot located on Smith Street (285084) and the proposed construction of a Three family dwelling each containing three bedrooms. This property is located within the Medium High-Density Residence District(R-4) which does allow Three Family dwellings per code Section 19-3.15(2)(a)4 of the Zoning Ordinance. Upon review of the provided plans I've been able to determine the Area Variances that will be required which are as follows;

1. Section 19-3.15(4)(c)3 requires 12,000sf of lot area; the lot is 7,237sf.
2. Section 19-3.15(4)(e)2 requires the side yard be at least 15'; the proposed right side yard is 12'.
3. Section 19-3.15(4)(f) requires the front yard be at least 20'; the proposed front yard is 10'. Section 19-4.14(1) states that "The front yard or setback shall meet the minimum for that district, except that if the lot is between two lots with structures, each located nearer to the street line than the required front yard, the front yard on the subject lot need not exceed the average of those on the two adjoining lots"; although it appears a variance will still be required it would not be for 10', plans are not clear on dimensions of the front yards for the neighboring properties.
4. Section 19-4.11(b) requires landscaping or other opaque screening; a chain link fence is proposed for a portion of the property line.
5. Section 19-4.3(1) requires landscaping whenever a parking area containing three or more spaces faces a street or a property line; a chain link fence is proposed.
6. Section 19-4.3(2) requires opaque screening where a parking area for three or more vehicles abuts a residential property; a chain link fence is proposed.
7. Section 19-4.3(5)(a) requires an access drive of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; a 12' access is proposed.
8. Section 19-4.3(5)(b) requires the width of each parking space to be at least 9'; all six spaces appear to be only 8'9".

After all Area Variances are granted by the Zoning Board of Appeals, you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

Page 1



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

If you have any questions you may contact me at 845-451-4273 or at
jobrien@cityofpoughkeepsie.com.

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator

APPLICATION TO THE PLANNING BOARD
CITY OF POUGHKEEPSIE, NEW YORK

Application for Site Plan, Special Permit & Facade Approval

I. PROPERTY ADDRESS: 30-32 SMITH STREET

II. PROPERTY OWNER: PATTERSON CALHOUN, LLC
ADDRESS: 10 FITCHETT STREET

POUGHKEEPSIE
N.Y. 12601 (state and zip code)

PHONE NUMBER: 845-380-8627 (include area code)

III. NAME OF APPLICANT: _____

ADDRESS: 10 FITCHETT STREET
POUGHKEEPSIE
N.Y. 12601 (state and zip code)

PHONE NUMBER: 845-380-8627 (include area code)

EMAIL ADDRESS: JAMES.AA.PATTERSON@GMAIL.COM

(If applicant is NOT the owner, proof of owner's consent to the application MUST be provided.)

IV. CONSULTANT: CIPRO INTERPRETE

ADDRESS: 25 MARKET STREET
POUGHKEEPSIE, N.Y. 12601 (state and zip code)

PHONE NUMBER: 845-473-7572 (include area code)

V. PROPOSED USE or FAÇADE CHANGE (Summarize proposed use or uses): PROPOSED
NEW 3 UNIT APARTMENT BUILDING

VI. ZONING DISTRICT: R-4

OFFICE USE ONLY

CODE: PLSF

ID # _____

FEE: _____

Total, from:
\$500, plus
\$ _____
(\$150 per 1000
square feet of floor
area), plus
\$ _____
(\$35 per number of
required parking
spaces), plus
\$ _____
(\$500 for special
permit, if applicable)

(Proceed to XVII for special permit & façade approval only)

PROJECT INFORMATION

New construction: ☒ (yes) _____ (no)
Change of use: _____ (yes) ☒ (no)
Expansion/addition: _____ (yes) ☒ (no)
Alteration: _____ (yes) ☒ (no)
Cost of Construction: \$ 475,000

LOT AND BULK INFORMATION:

Lot area: 0.166 (acres) 7,237 (square feet)
Building Footprint: 1,555 (proposed square feet for new construction)
N/A (existing square feet for change of use/expansion)
N/A (additional proposed square feet for expansion)
1,555 (total building footprint, square feet)
Lot Coverage: 21.90 (percentage, building coverage only)
Gross Floor Area: 3,110 (proposed square feet for new construction)
N/A (existing square feet for change of use/expansion)
N/A (additional proposed square feet for expansion)
3,110 (total gross floor area, square feet)
Building Height: 2 (stories) 26' (feet)
Floor Area Ratio: 0.43 (ratio of gross floor area divided by lot area)

VIII. PROJECT PARKING INFORMATION

A) Number of Off-Street Parking Spaces required: 6
B) Number of Off-Street Parking Spaces provided: 6
C) Waiver Requested: _____ (Yes) ☒ (No)
Is municipal parking available within 600 feet? ☒ (Yes) _____ (No)

If yes, name all such municipal facilities: LITTLE SMITH STREET
& CORNER OF SMITH STREET & NORTH CLINTON STREET

(If a waiver is requested based on proximity to municipal facilities, a written request for such waiver, addressed to the City Planning Staff and the Chairman of the Planning Board, must be submitted with the application.)

If a private parking facility is to be utilized, is such facility within 600 feet? N/A
____ (Yes) ____ (No)

If yes, provide the address of the facility, name of the property owner, number of spaces in the lot, number of spaces available for lease, and length of lease. Attach copy of lease. Additional information may be required by the Planning Board):

N/A

IX. RESIDENTIAL PROPOSALS

A) Type of Development: MULTIPLE RESIDENCY
(Townhouse, condominium, multiple residence rental, etc.)

B) Unit Breakdown:

Number of efficiency or "studio" units: _____

Number of one (1) bedroom units: _____

Number of two (2) bedroom unit's _____

Number with three or more bedrooms: 3 - 3 BR

Total number of units: 3

C) Is funding public? X Yes ____ No

If yes, describe funding source: COUNTY TRUST FUND & CPC BANK

X. OFFICE PROPOSALS (____ Medical/Dental ____ Professional ____ Business)

A) Number of Employees: _____

B) Number of doctors/dentists/medical practitioners: _____

C) Days/Hours of Operation: _____

XI. SERVICE BUSINESS PROPOSALS

- A) Specify Business: _____
(e.g., laundromat, drycleaner, beauty parlor, travel agency, banks)
- B) Number of Employees: _____
- C) Number of Washing Machines (for laundromat): _____
- D) Days/Hours of Operation: _____

N/A

XII. MERCANTILE PROPOSALS (Retail _____ Wholesale _____)

- A) Type of Mercantile (specify): _____
- B) Number of Employees: _____
- C) Days/Hours of Operation: _____

N/A

XIII. STANDARD RESTAURANT/FAST FOOD RESTAURANT/COFFEE SHOP/DONUT SHOP/NIGHTCLUB/DISCOTHEQUE/BAR PROPOSALS

- A) Specify Use: _____
- B) Number of seats (excluding bar stools and outdoor seating): _____
- C) Meals served (i.e., breakfast, lunch, dinner): _____
- D) Type of Menu: _____
- E) Days/Hours of Operation: _____
- F) Entertainment (live and/or recorded): _____
- G) Will the restaurant contain a bar/lounge?: _____ Yes _____ No
- H) If yes, how many seats at the bar? _____
- I) Is a drive-through window proposed? _____
- J) Is a walk-up window proposed? _____
- K) Is an outdoor seating area proposed? _____
- L) If yes, how many seats are proposed? _____
- M) If yes, is outdoor cooking proposed? _____

N/A

XIV. INDUSTRIAL/COMMERCIAL PROPOSALS (Automobile repair, taxi, motor vehicle sales, warehouse, manufacturing, animal hospital, research facilities, etc.)

- A) Specify Use: _____
- B) Number of shifts (if any): _____
- C) Number of employees: _____
(If shifts are proposed, list number of employees per shift)
- E) Number of work bays (if automobile repair): _____
- F) Days/Hours of operation: _____

N/A

XV. EDUCATIONAL/INSTITUTIONAL/RECREATIONAL PROPOSALS (e.g., Museums, Theatres, Conference Centers, Hotels, Motels, Hospitals, Nursing Homes, Assisted Living Facilities, Nursery Schools, Private Schools, Day Care Centers, Places of Worship, Marinas, Membership Clubs, etc.)

N/A

A) Specify: _____

B) Number of shifts (if any): _____

C) Number of employees: _____

(If shifts are proposed, list number of employees per shift)

D) Number of beds (hospitals, nursing homes, etc): _____

E) Number of seats in largest assembly space: _____

F) Number of classrooms (schools): _____

G) Number of rental units (hotels, motels, etc.) _____

H) Number of boat slips/courts (e.g., tennis, handball, etc.), alleys: _____

I) Days/Hours of Operation: _____

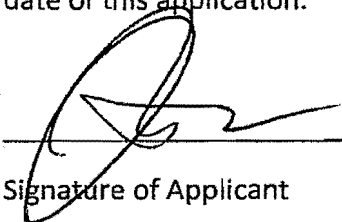
XVI. PROPOSALS NOT MENTIONED ABOVE (Please be specific):

N/A

XVII. APPLICANT CERTIFICATION

I, James Patterson, certify that the this application has addressed the objectives outlined in the Zoning Ordinance with consideration given to the public health, safety and welfare; the comfort and convenience of the public in general or the residents or users of the proposed development and of the immediate neighborhood.

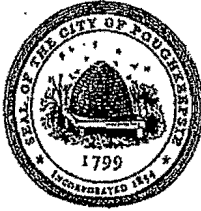
The applicant certifies that all information contained herein is accurate and complete as of the date of this application.



Signature of Applicant

2/16/23

Date



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 30-32 SMITH STREET
ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: PATTERSON CALHOUN, LLC
Address: 10 FITCHETT STREET
POUGHKEEPSIE, N.Y. 12601
Phone: 845-380-8627
Email: JAMES.AA.PATTERSON@GMAIL.COM

APPLICANT INFORMATION:

Name: SAME AS OWNER-PATTERSON CALHOUN, LLC
Address: 10 FITCHETT STREET
POUGHKEEPSIE, N.Y. 12601
Phone: 845-380-8627
Email: JAMES.AA.PATTERSON@GMAIL.COM

CONSULTANT INFORMATION:

Name: CIRO INTERANTE
Address: 25 MARKET STREET
POUGHKEEPSIE, N.Y. 12601
Phone: 845-473-7572
Email: CIROINT@GMAIL.COM

SUBJECT OF APPEAL

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

Name and title of agent: JOSEPH D. O'BRIEN

Date of decision/determination/violation: MARCH 24, 2023 LETTER
APRIL 21, 2023 LETTER

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 30-32 SMITH STREET

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
19-3.16(4)(c) 3	12,000 sq ft	4,763
19-3.15(4)(c) 2	15'	3'
19-3.15(4)(f)	20'	10'
19-3.15(4)(1)	1200 sq ft	1596 sq ft PROVIDED
19-4.11(1)(b)	LANDSCAPING	194.11(1)(b)(2) FENCE w/ SLATS
19-4.3(1)	LANDSCAPING	CHAIN LINK FENCE w/ SLATS
19-4.3(2)	OPAQUE SCREEN	CHAIN LINK FENCE w/ SLATS
19-4.3(5)(a)	15'	3'
19-4.3(5)(b)	9'-0"	0'-3"

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. -SEE EXHIBIT "A"

- 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: 30-32 SMITH STREET

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):

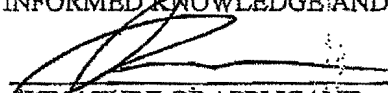
EXHIBIT "A"

EXHIBIT "B"

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

3/30/23
DATE

JAMES PATTERSON
Print Name



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

March 24th, 2023

Applicant left blank on application

Re: Smith Street (285084)
Zoning Review Request

To whom it may concern;

The Development Department is in receipt of your zoning review request relative to the vacant lot located on Smith Street (285084) and the proposed construction of a Three family dwelling each containing three bedrooms. This property is located within the Medium High Density Residence District (R-4) which does allow Three Family dwellings per code Section 19-3.15(2)(a)4 of the Zoning Ordinance. Upon review of the provided plans I've been able to determine a few Area Variances that will be required which are as follows;

1. Section 19-3.15(4)(c)3 requires 12,000sf of lot area; the lot is 7,237sf.
2. Section 19-3.15(4)(e)2 requires the side yard be at least 15'; the proposed right side yard is 12'.
3. Section 19-3.15(4)(f) requires the front yard be at least 20'; the proposed front yard is 10'.
4. Section 19-3.15(4)(i) requires 1,200sf of usable open space with a minimum dimension of 40'; the dimensions of 40' are not met on the proposed plan.
- ✓ 5. Section 19-4.11(b) requires landscaping or other opaque screening; a chain link fence is proposed for a portion of the property line.
6. Section 19-4.3(1) requires landscaping whenever a parking area containing three or more spaces faces a street or a property line; a chain link fence is proposed.
7. Section 19-4.3(2) requires opaque screening where a parking area for three or more vehicles abuts a residential property; a chain link fence is proposed.
8. Section 19-4.3(5)(a) requires an access drive of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; a 12' access is proposed.
9. Section 19-4.3(5)(b) requires the width of each parking space to be at least 9'; all six spaces appear to be only 8'9".

After all Area Variances are granted by the Zoning Board of Appeals, you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

Please note that the City is currently in the process of revising and updating its Zoning Ordinance. The draft and map are available to view at www.PK4Keeps.org.

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

Page 1



BUILDING DEPARTMENT

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

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

Eric Philipp
Building Inspector

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com

SEE EXHIBIT "A" & "B"
FOR REPLY

EXHIBIT "A"

1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The proposal is for a newly constructed three apartment building. Exterior materials will be in scale, compatible & pleasing to the neighborhood. New construction that is compatible with existing buildings will not produce an undesirable change.
2. Contiguous property is not available for purchase. The area variances requested are not significant including side yard, front yard, driveway width & density variances. The width of the building was kept to a minimum, in order to reduce the dimensions of the requested variances.
3. The requested variances are not substantial. And represent approximately 20% to 50% of the required setback dimensions. The requested variances will not have an adverse effect on the physical or environmental conditions in the neighborhood. The neighborhood is made up of mostly existing buildings with a couple of newer buildings further down the street. The proposals for new construction of a three apartment building there should be no adverse impacts in the neighborhood as a result of the construction of this new building.
4. The project will not an adverse effect on the neighborhood. It is new construction and will actually be an improvement to the neighborhood. There are two newer homes across from this project and further down on Smith Street. There is also a large brick building one block away, undergoing extensive renovation. This new construction project will benefit the neighborhood.
5. The need for the area variance is not a result of self-created difficulty. It is unique to this property where more stringent zoning regulations were implemented over the property than existed prior to zoning when many of the existing buildings were constructed and are not in compliance with current zoning regulations. It could be considered that the implementation of the zoning regulations overlaid over entire neighborhoods could be the cause of the hardship by implementing regulations that the majority of the buildings and properties would not comply with.

EXHIBIT "B"

The following answers are provided in response to the Joseph D. O'Brien letter dated March 24, 2023. The answers are in the same numerical order.

1. A variance for lot area as requested. It is generally understood that there is a housing shortage in the city of Poughkeepsie, and possibly even state wide. A lot area variance of 4763 ft.² as requested in order to allow the construction of a three unit apartment building. There are numerous other houses on the street within a block or two that are multiple residences a fair amount of them are three units or more, including a large brick building at the corner of Smith and Somethings Street undergoing renovation currently.
2. A 3 foot variance is requested for the right side yard setback. We do not feel that this is excessive.
3. A 10 foot front yard setback as requested. The design the site plan design has been arranged so that the front of the building aligns with the existing buildings to the right and to the left, and also matches the majority of the buildings, a Longs, both sides of Smith Street Which do not have a 20 foot front yard setback.
4. The side has 1596 ft.² of usable open space in the rear, front and right side of the proposed building. The requirement for a 40' dimension was not in the zoning code available on line. The subject of a 40 foot measurement was discussed about a year and a half ago with the Kingston planning board. After much discussion, it was determined that the 40 feet is a linear requirement not a width requirement. Examples of bicycle trails, walking path and the rail trail were given.
5. The design shows the option for an opaque fence. Chain-link is shown for security measures. Slats will be installed in the chain links to provide an opaque screening system.
6. Screening will be provided by the installation of a chain-link fence with slats between the links.
7. Screening will be provided by the installation of a chain-link fence with slats between the links.
8. A 3 foot variance is requested for the access drive, since it is not anticipated to have heavy usage. 12 feet should be adequate and matches some of the existing driveways along Smith Street.
9. The spaces were laid out for 9 feet in width. Dimensions will be added to the site plan.



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

April 21st, 2023

Patterson Calhoun LLC
10 Fitchett Street
Poughkeepsie NY 12601

Re: Smith Street (285084)
ID # 419160
Area Variance Application # 2023-006

To whom it may concern,

The Development Department is in receipt of your Area Variance Application #2023-006 relative to the vacant lot located on Smith Street (285084) and the proposed construction of a Three family dwelling each containing three bedrooms. This property is located within the Medium High-Density Residence District(R-4) which does allow Three Family dwellings per code Section 19-3.15(2)(a)4 of the Zoning Ordinance. Upon review of the provided plans I've been able to determine the Area Variances that will be required which are as follows;

1. Section 19-3.15(4)(c)3 requires 12,000sf of lot area; the lot is 7,237sf.
2. Section 19-3.15(4)(e)2 requires the side yard be at least 15'; the proposed right side yard is 12'.
3. Section 19-3.15(4)(f) requires the front yard be at least 20'; the proposed front yard is 10'. Section 19-4.14(1) states that "The front yard or setback shall meet the minimum for that district, except that if the lot is between two lots with structures, each located nearer to the street line than the required front yard, the front yard on the subject lot need not exceed the average of those on the two adjoining lots"; although it appears a variance will still be required it would not be for 10', plans are not clear on dimensions of the front yards for the neighboring properties.
4. Section 19-4.11(b) requires landscaping or other opaque screening; a chain link fence is proposed for a portion of the property line.
5. Section 19-4.3(1) requires landscaping whenever a parking area containing three or more spaces faces a street or a property line; a chain link fence is proposed.
6. Section 19-4.3(2) requires opaque screening where a parking area for three or more vehicles abuts a residential property; a chain link fence is proposed.
7. Section 19-4.3(5)(a) requires an access drive of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; a 12' access is proposed.
8. Section 19-4.3(5)(b) requires the width of each parking space to be at least 9'; all six spaces appear to be only 8'9".

After all Area Variances are granted by the Zoning Board of Appeals, you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

If you have any questions you may contact me at 845-451-4273 or at
jobrien@cityofpoughkeepsie.com.

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator

SEE EXHIBIT "C" FOR REPLY

EXHIBIT "C"

The following answers are provided in response to the Joseph D. O'Brien letter dated April 21, 2023.

The answers are in the same numerical order.

1. The second floor design for the three apartments has been revised. The building is reduced from 3 three-bedroom apartments to 3 two-bedroom apartments. Accordingly, per Section 19-3.15(4)(c)3 the required lot area is reduced to 8,400 ft.². The existing lot area is 7,237 ft.². A variance is requested for 1,237 ft.² of lot area.
2. A side yard variance is requested for 3 feet. 12 feet is provided where 15 feet is required.
3. A front yard variance is requested for 10 feet. A 10 foot setback is provided where 20 feet is required. However, in agreement with your statement, the position of the front of the proposed building, 10 feet from the front property line, aligns with the existing buildings on the right and the left of the subject property. We feel this is reasonable, as we are aligning the front of the proposed building with the two existing buildings on the right and the left.
4. A chain-link fence is proposed for security purposes. Slats will be installed in the chain-link fence to provide privacy as is allowed in Section 19-4.11(b)(2).
5. A chain-link fence is proposed for security purposes. Slats will be installed in the chain-link fence to provide privacy as is allowed in Section 19-4.3(2).
6. A chain-link fence is proposed for security purposes. Slats will be installed in the chain-link fence to provide privacy.
7. A 3 foot variance is requested for the access driveway. A 12 foot wide access driveway is provided where a 15 foot dimension is required. We feel 12 feet is adequate for ingress and egress considering the limited use.
8. A 3 inch variance as requested. 8'-9" wide parking spaces are provided where 9'-0" wide parking spaces are required.

CIA

**Ciro Interrante Architect, P.C.
25 Market Street, 3rd Floor
Poughkeepsie, New York 12601**

(845) 473-7572

April 27, 2023

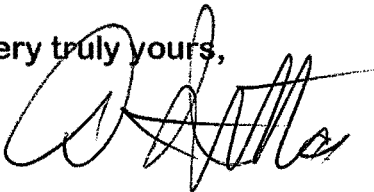
**Zoning Board
City of Poughkeepsie
PO Box 300
Poughkeepsie, NY 12602**

**RE: Cover Letter
30-32 Smith Street
Poughkeepsie, New York 12601**

Dear Zoning Board:

The proposal is to construct a two-story three apartment building on an existing vacant lot in the City of Poughkeepsie located at 30-30 2 Smith Street. The existing empty lot is located on the west side of Smith Street approximately 1/10 of a mile north of its intersection with Mill Street. To the right side and left side of the existing empty lot exists two buildings each containing three apartments. The front of the proposed new building will be set back approximately 10 feet from the front property line to more closely align with the fronts of the two adjacent buildings on the right and the left. Please review the attached site plan and the proposed building floorplans and exterior elevation views of the proposed project for further understanding.

Very truly yours,

A handwritten signature in black ink, appearing to be 'C. Interrante', written over a horizontal line.

Ciro Interrante, Architect