

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

Common Council Chambers
Monday, July 24, 2023
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of June 13, 2023 Minutes

III. PUBLIC HEARINGS & DELIBERATIONS

1. 75 SOUTH HAMILTON - AREA VARIANCE

Application for area variance relative to the conversion of an existing building from a single-family dwelling into a two-family dwelling. The area variances requested are in regards to Section 19-3.15(4)(a) requiring a lot area minimum of 10,000 square feet to allow for 4,879 square feet (a reduction of 5,121 square feet). As well as requiring a minimum 6 feet side yard, to allow for a 0 foot side yard on the right side of the addition.

Owner/Applicant: 75 S Hamilton LLC; Consultant: Mazzarelli Architecture and Planning; Grid: # 6161-21-118891; Zoning District: R-4, Medium High-Density Residence; File #2023-015

ADJOURNED TO AUGUST 8, 2023 MEETING

2. **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

ADJOURNED TO THE AUGUST 8, 2023 MEETING

3. 53 SOUTH CLOVER STREET – AREA VARIANCE

Application for area variance relative to the conversion of a two family dwelling to a three family dwelling. The area variance requested is in regards to Section 19-4.19(4)(k) requiring a minimum of a 1,100 s.f. of usable open space for the proposed use with a minimum dimension of 40'-0", to allow 849 s.f. with a maximum dimension of 30'-0" (a reduction of 251 s.f. and 10'-0" for the minimum dimension). Another is in regards to Section 19-4.3(11)(a) requiring 6 parking spaces on site, to allow for 0 spaces on site and 6 spaces off site (a reduction of 6 spaces).

Owner/Applicant: Mateusz Koziol, Worrall Properties; Consultant: Mauri Architects PC; Grid: #6062-83-849088; Zoning District: Central Urban Density (R-4A); File #2023-022

4. 7 GRANT STREET – AREA VARIANCE

Application for area variance relative to the conversion of a single family dwelling to a two family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(a) requiring a 10,000 square foot lot area, to allow for 4,791 square feet, (a variance of 5209 square feet); Section 19-4.3(11) requiring 4 parking spaces, to allow for two compliant parking spaces, (a variance of two spaces). Owner: BRRR Homes Corp; Applicant: Wayne Thompson; Grid: # 6162-79-327052; Zoning District: Medium High-Density (R-4); File #2023-021

5. 63 THOMPSON STREET- AREA VARIANCE

Application for area variance relative to adding a 3rd apartment to a two family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(e)2 requiring a 15 foot side yard, allowing for a right side yard of 11.3 feet (a variance of 3.7 feet), and allowing for a left side yard of 13.9 feet (a variance of 2.1feet); Section 19-4.3(5)(a) requiring a 15 feet wide driveway, allowing for 11.3 feet (a variance of 3.7 feet); section 19-4.3(1) requiring a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center to be provided between the parking area and property line, to allow for the existing small trees and shrubs existing on the north property line. Owner: Poughkeepsie Thompson Street LLC; Applicant/Consultant: Wayne Thompson, Esq.; Grid: #6162-71-305134; Zoning District: Medium High-Density (R-4); File #2023-020

6. 419 MAPLE STREET - AREA VARIANCE

Application for area variance relative to the conversion of a two-family

dwelling to a four-family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(c)2 requiring a lot area of 11,200 square feet, to allow for 5,608 square feet, (a variance of 5,592 square feet); Section 19-3.15(4)(e)2 requiring 15 foot side yards, to allow for a 2.7 foot right side yard and a 4.9 foot left side yard, (a variance of 12.3 and 10.1 feet respectively); Section 19-4.3(11)(a) requiring 8 parking spaces, to allow for a PB waiver for off-site parking; Section 19-4.11(1)(b) requiring landscaping strips along all properties lines so as to effectively screen the activity on the property from neighboring uses, of at least three feet width, including evergreen planting, to allow for property screening by the existing fence. Owner: 419 Maple LLC; Applicant: Wayne Thompson; Grid: # 6162-79-349050; Zoning District: R-4 Medium High-Density; File #: ZBA2023-018.

7. 54-58 SMITH STREET - AREA VARIANCE

Application for area variance relative to the addition of two apartments to an approved plan for an eight unit apartment. Lot deficiencies were noted regarding; Section 19-3.15(4)(c) requiring 23,800 square feet of lot area, to allow for 12,014 square feet, (a variance of 11,786); Section 19-4.13(2) prohibiting front yard parking, to allow for 4 parking spaces in the front yard. Owner: Y&S Group, LLC; Applicant: Wayne Thompson, Esq.; Grid: # 6162-79-310112; Zoning District: Medium High-Density (R-4); File #2023-019

8. 20 CORLIES AVENUE - AREA VARIANCE

Application for area variance relative to converting a single family dwelling to a two family dwelling. Lot deficiencies were noted regarding; Section 19-3.15(4)(a) the minimum lot area is 10,000 square feet, to allow for 6838 square feet (a variance of 3162 square feet); Section 19-3.15(4)(e) the minimum side yard is 6 feet, to allow for a 5 foot side yard 9 a variance of 1 foot). Owner/Applicant: Javier Ortega; Consultant: Wayne Thompson, Esq.; Grid: # 6161-25-524928; Zoning District: Medium High-Density (R-4); File #2023-016

9. 230 MANSION STREET - AREA VARIANCE

Application for area variance relative to the 155 square foot addition on the back of an existing residence. The area variance requested is in regard to Section 19-3.15(4)(e) requiring a minimum side yard of 6' to allow 0 feet (a reduction of 6 feet) on the right side of the addition. Owner/Applicant: Jacqueline Bowen; Consultant: Carlo Frugiuele; Grid: # 6162-71-318149; Zoning District: Medium High-Density Residence District (R-4); File #2023-014

10. LOT #040302 MARSHALL STREET - AREA VARIANCE

Application for area variance relative to the construction of a two (2) story single family modular home. Lot deficiencies were noted regarding; Section 19-3.13.1(4)(b) requiring a minimum 50' front width, to allow for 40', (a variance of 10'); Section 19-3.13.1(4)(d)2 requiring a minimum 10' side yard, to allow for 5', (a variance of 5'); Section 19-4.3(11) requiring 2 parking spaces, to allow for 1 space, (a variance of 1 space). Owner: Habitat for Humanity Dutchess County Applicant/Consultant: David Freeman, RA, Architect; Grid: # 6162-71-318149, Zoning District: R-2A Central Low-Density, File #2023-003

11. 51 WORRALL AVENUE: AREA VARIANCE

Application for area variance relative to the conversion of a mixed use commercial and two family residential building to a three family dwelling. Lot deficiencies were noted regarding; Section 19-3.14(4)(a) requiring a minimum lot area of 14,000 square feet to allow 3,484 square feet (a reduction of 10,516 square feet); Section 19-3.14(4)(d)2 requiring a 6 feet side yard, to allow ??? feet; Section 19-3.14(4)(g) requiring 40 square feet of landscaped space, to allow for 38 square feet of landscaped space (a reduction of 2 square feet); and Section 19-4.3(11) requiring 5 parking spots, to allow for 3 parking spots (a reduction of 2 spots).
Owner/Applicant: Elias Ortiz and Cynthia Ortiz; Grid: # 6161-33-571761; Zoning District: R-2 Medium Low-Density Residential; File #2023-012

IV. APPLICATION REVIEW

1. 95 NORTH CLINTON: AREA VARIANCE

Application for area variance relative to the rear yard area. Whereas Section 19-3.22(4)(e)2.c requires 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; Zoning District: C-1 Neighborhood Commercial; File: 2023--011

2. 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

3. LOT #931593 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

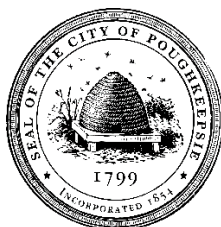
Section 19-4.3(11) requiring a minimum of 1.5 parking spaces per unit or a total of 131 to allow for 105 parking spaces (53 above ground and 50 below ground) a reduction of 28 spaces. Owner/Applicant: ARGO Development; Consultant: Christopher Lapine, PE, LEED AP; Grid: # 6061-52-937583; R-D, Research and Development District; File #ZBA 2023-013

4. 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; Central Low-Density Residential (R-2A); File #ZBA2023-008

5. 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:Midhudson Discovery Museum; Consultant: GNS Sign Group; Grid #6062-66-738231; Zoning District: Waterfront District (W); File #ZBA2023-007



City of Poughkeepsie Zoning Board of Appeals Meeting Agenda

Common Council Chambers

Tuesday, June 13, 2023 6:00 PM

ATTENDANCE

Scott Parker
Thomas Klug
John Gildard
Jessica Vinall

ABSENT

Brian Ineson

STAFF

Joseph Donat, Development Director
Richard Distel, City Planner
Tyler Maegerle, Junior Planner
Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

- 1.** Approval of May 16, 2023 Meeting Minutes
Motion: Scott Parker
Second: John Gildard
4:0:0

III. PUBLIC HEARINGS

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.

Present: Verna and Everton Meyers

A motion was made to approve the resolution of approval as received in print
Motion: Thomas Klug
Second: Scott Parker
4:0:0

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

Presenting - Jack Voss, Grayhawk Building Specialist
- Abraham Smilowitz, Owner

The project was described and variances requested discussed.
The justification prongs were reviewed by the board.

A motion was made to open the public hearing.
Motion: Scott Parker
Second: Thomas Klug

There were no speakers.

Motion was made to close the public hearing.
Motion: Scott Parker
Second: John Gildard
4:0:0

The staff was directed to draft and approval. The review was adjourned to the July 11, 2023 meeting

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

Presenting: Kelly Libolt, KARC

Kelly explained the desire to change the lot line which then produces a need for the requested variance. She also explained that there would be an easement agreement between 95 N Clinton Street and 36 Cottage Street to allow for the use of the curb cut by 95 N Clinton Street.

A motion was made to open the public hearing
Motion: Scott Parker
Second: Thomas Klug
4:0:0

There were no speakers

Motion was made to close the public hearing
Motion: Scott Parker
Second: John Gildard
4:0:0

The board instructed staff to draft a resolution
Motion: Jessica Vinall
Second: Thomas Klug
4:0:0

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

Presenting - John Sullivan, consultant
Daniel Rhode, Applicant

The need for a variance for the access to the lot was explained and some additions to the site plan described

A motion was made to open the public hearing
Motion: Scott Parker
Second: Thomas Klug
4:0:0

There were no speakers

Motion was made to close the public hearing
Motion: Scott Parker
Second: John Gildard
4:0:0

The board reviewed the prongs for the variance

The staff was directed to draft and approve and the review was adjourned to the July 11, 2023 meeting.

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

Presenting: Chris LaPine, La Bella and Assoc.
Brittany Micheline, LaBella and Assoc.
Matthew Tether, LMV
Michael Abuladez, Argo Development

The need for a variance for the parking was explained

A motion was made to open the public hearing

Motion: Scott Parker

Second: Thomas Klug

4:0:0

1 Speaker – South Avenue Resident

Motion was made to close the public hearing

Motion: Scott Parker

Second: Thomas Klug

4:0:0

The board reviewed the prongs for the variance

The staff was directed to draft and approval. The review was adjourned to the July 11, 2023 meeting.

Motion: Scott Parker

Second: Thomas Klug

4:0:0

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

Review postponed due to error in public notice

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

Application waiting for Planning Board SEQRA action.

A motion was made to adjourn until July 11, 2023 meeting

Motion: Scott Parker

Second: Thomas Klug

4:0:0

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

Presenting: Ciro Interante, Architect
 James Patterson, Applicant/owner

Discussed changes to site plan that reduced the variances requested; slats in the chain link fence, the addition of a chain link with slats along the rear of the property, building setback

A motion was made to approve the resolution of approval as received in print with the following conditions:

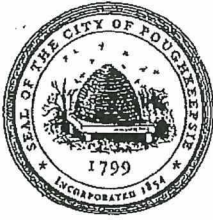
- As built drawings will show the front yard setback does not exceed the average of the structures of the of the two adjoining lots.
- Opaque fencing or chain link with privacy slats will be used.

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

A motion was made to adjourn the meeting until July 11, 2023

Motion: Scott Parker
Second: John Gildard
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.



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: 53 South Clover Street

ZONING DISTRICT: R-4A

OWNER INFORMATION:

Name: Mateusz Koziol - Worrall Properties LLC
Address: 11 Lagrange Avenue
Poughkeepsie, NY 12603
Phone: 1-845-705-0562
Email: mkoziol@kineticre.io

APPLICANT INFORMATION:

Name: Same as Owner
Address: _____

Phone: _____
Email: _____

CONSULTANT INFORMATION:

Name: Mauri Architects PC - Richard K. Tompkins, RA, AIA
Address: 73 Mansion Street
Poughkeepsie, NY 12601
Phone: 845-452-1030
Email: Rich@Mauri-Architects.com

SUBJECT OF APPEAL

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

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

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

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

PROPERTY ADDRESS: 53 South Clover 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
19-3.19(4) (k)	1,100 s.f. of usable open space with 40'-0" min. dimension	251 s.f. variance of usable open space and 10'-0" variance for the min. dimension
19-4.3(11)(a)	6 Parking Spaces	6 Parking Spaces onsite - 6 parking spaces will be provided off site

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: 53 South Clover 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):

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

6/8/2023
DATE

MATEUSZ KOZIOŁ
Print Name



MARTIN J. DIESING AIA
RICHARD K. TOMPKINS AIA

June 5, 2023

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

**Re: 53 South Clover Street
Poughkeepsie, NY 12601**

Dear Chairman and Zoning Board of Appeals Members,

Based on the Zoning review letter prepared by Joseph O'Brien dated June 2, 2023, I have outlined the items addressed in the letter and which require variances.

1. *Section 19-3.19(4)(i) – states that the maximum Floor Area Ratio be 1.0, no floor plan was submitted with this proposal to confirm compliance.*
The existing building square footage for all three floor is 3,003 s.f.. The FAR is equal to 1.0. No variance required. A chart showing the square footage of the building has been added to the drawing.
2. *Section 19-4.19(4)(k) – required a 1,1000 s.f. of usable open space for the proposed use with a minimum dimension of 40'-0", the proposed open space is 849 s.f. with a maximum dimension of 30'-0"*
A variance of 251 s.f. and 10'-0" for the minimum dimension required, see explanation below.
3. *Section 19-4.3(2) – Requires 6 parking spaces for the proposed use; no parking spaces are being proposed. A waiver request for parking as proposed is not allowed as that would be reviewed as part of the Site Plan approval process for which this proposed use would not qualify to go before the Planning Board for Site Plan.*
A variance for 6 parking spaces is required, the Owner has secured 6 parking spaces in a parking located @ 47 Delano Street, see attached lease agreement.

The following is in response to the Variance Request Justification – from the “Zoning Board of Appeals Area Variance 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.

Granting of the variances would not produce an undesirable change in the character of the neighborhood as there are other multifamily residences in the neighborhood with equal or less property with roughly the same size lot dimensions. Other neighboring properties also do not have driveways or off-street parking.

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?

There is no other method feasible for the applicant to pursue. There is no opportunity to purchase additional neighboring property or area to provide off-street parking. The Owner has secured 6 parking spaces in a parking lot located at 47 Delano Street, See attached lease agreement. The proposed alterations also increased the area of the open space be reduce the size of the existing basement stair enclosure.

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

The variances requested are not substantial due to the nature and character of the neighborhood. Very few of the properties in the neighborhood have lots wide enough to achieve the minimum 40'-0" dimension or provide space for off-street parking.

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

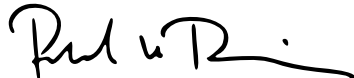
The variances requested will not adversely impact physical or environmental conditions in the neighborhood or district. As noted above many of the neighboring properties have very narrow lots with little green space. The historic nature of this neighborhood pre-dates the widespread use of motor vehicles, therefore the houses were constructed very close to each other and cannot accommodate driveways.

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

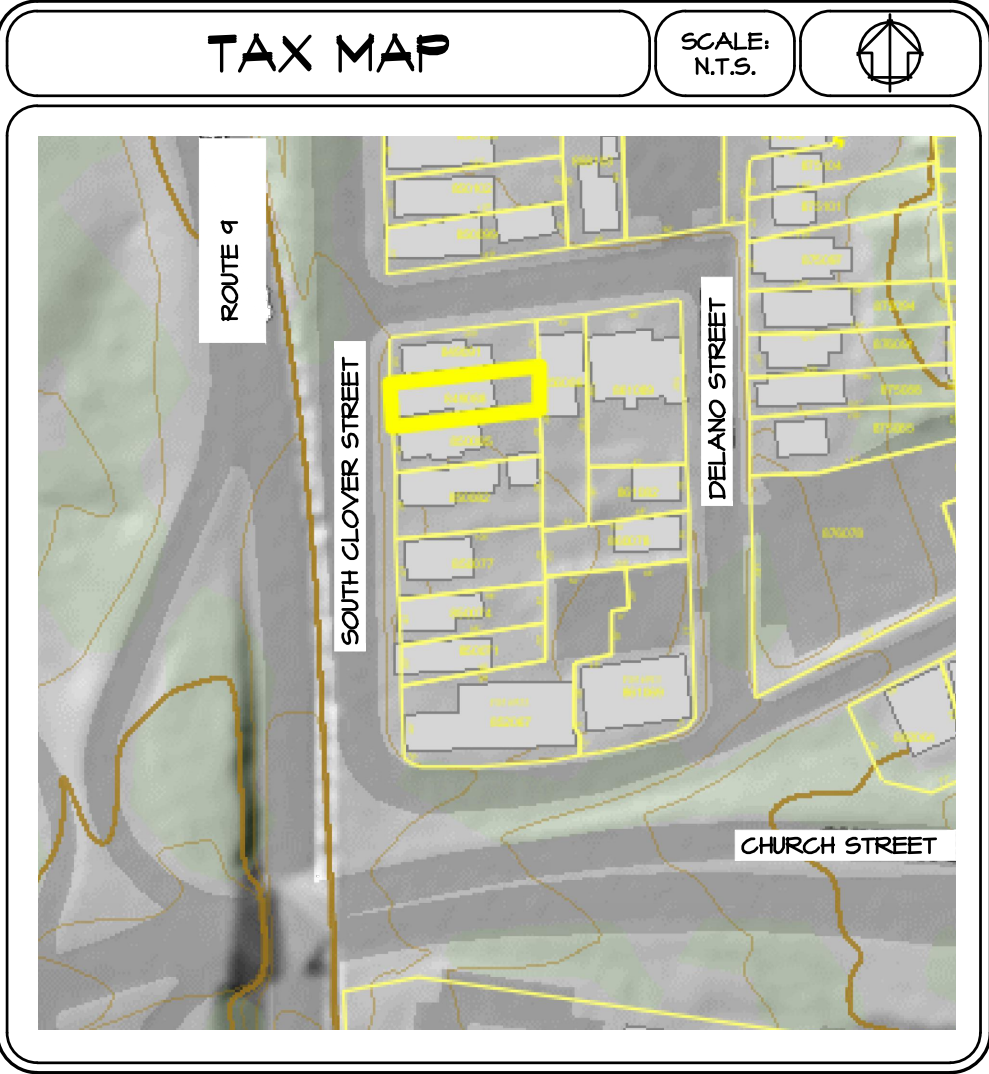
The difficulty is not self-created and not unique to this property. As noted above, most of the properties in the neighborhood have similar constraints with narrow property widths and lack of driveways /parking areas.

I look forward to meeting with you at the next Zoning Board of Appeals meeting to discuss this application further. Should you have any questions, or would like to speak prior to the meeting, please do not hesitate to contact my office.

Sincerely,



Richard Tompkins, RA AIA



SQUARE FOOTAGE CHART

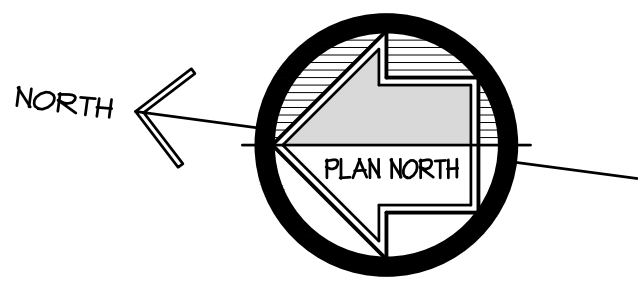
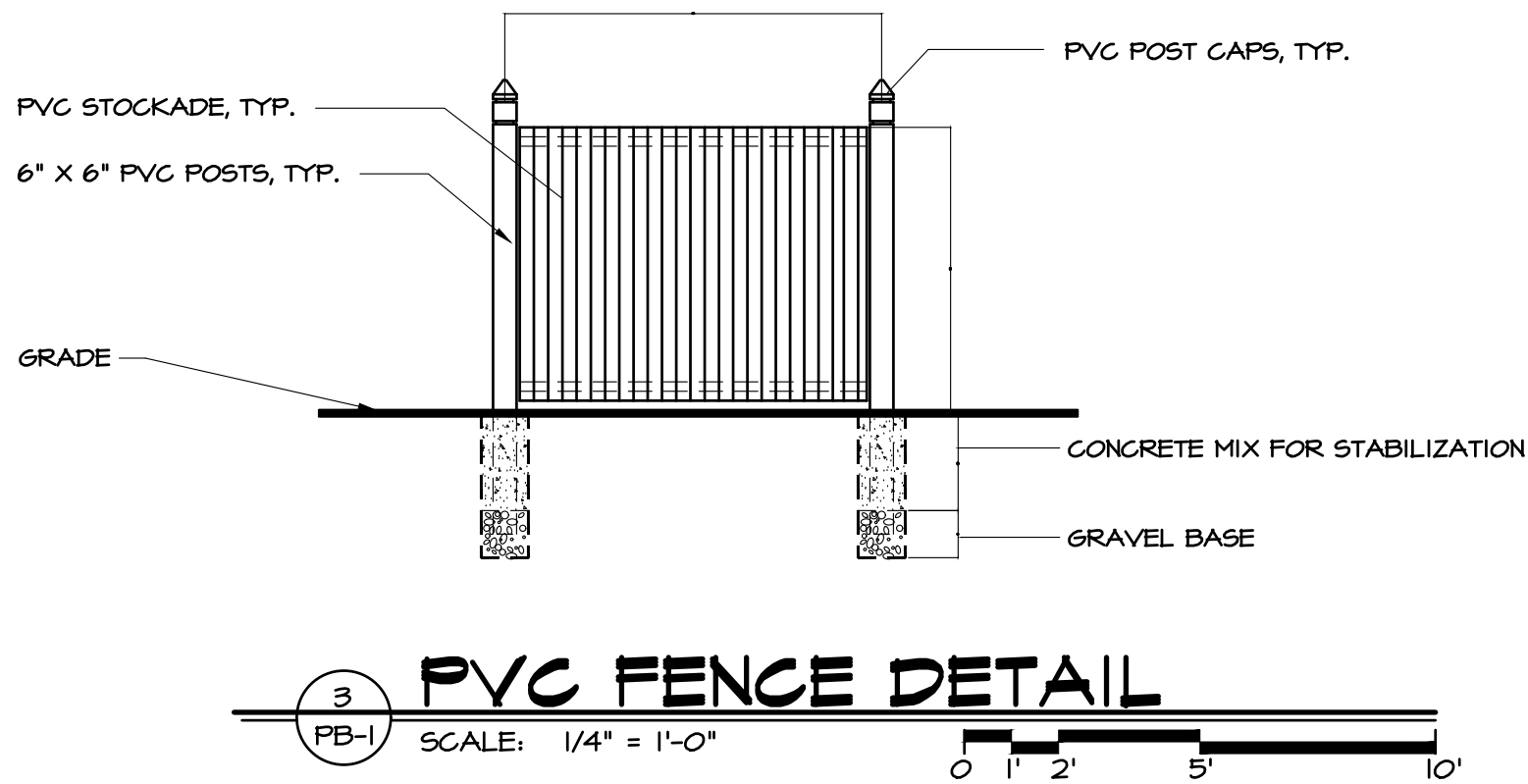
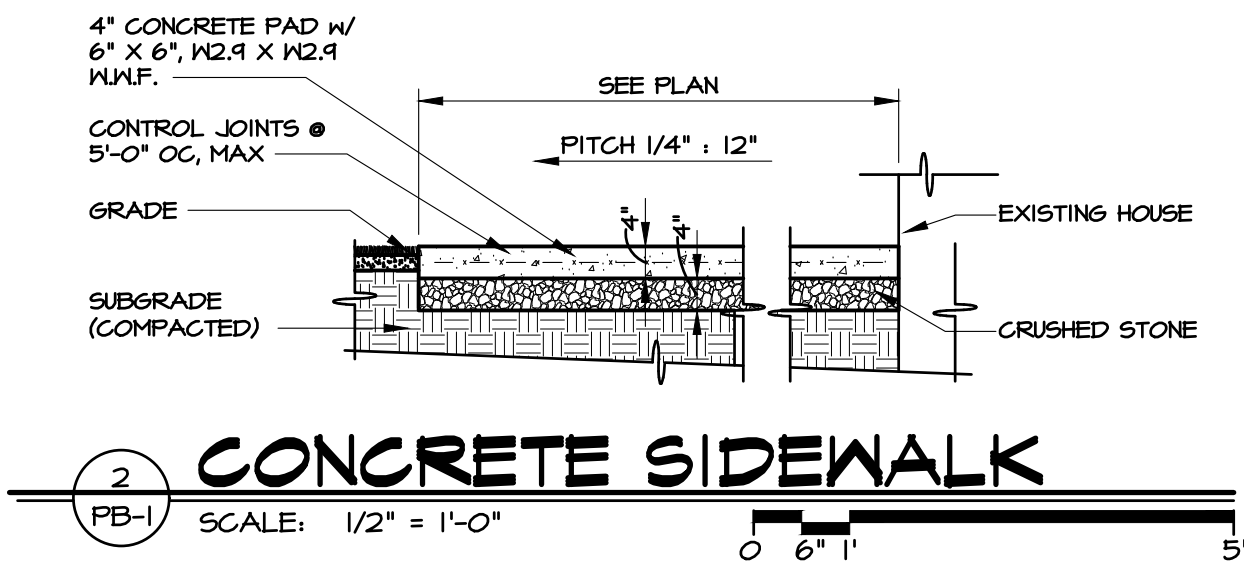
FIRST FLOOR (TWO BEDROOM APT)	-	1,110 S.F.
SECOND FLOOR (TWO BEDROOM APT)	-	1,110 S.F.
THIRD FLOOR (ONE BEDROOM APT)	-	182 S.F.
TOTAL	-	3,002 S.F.

ZONING DATA CHART

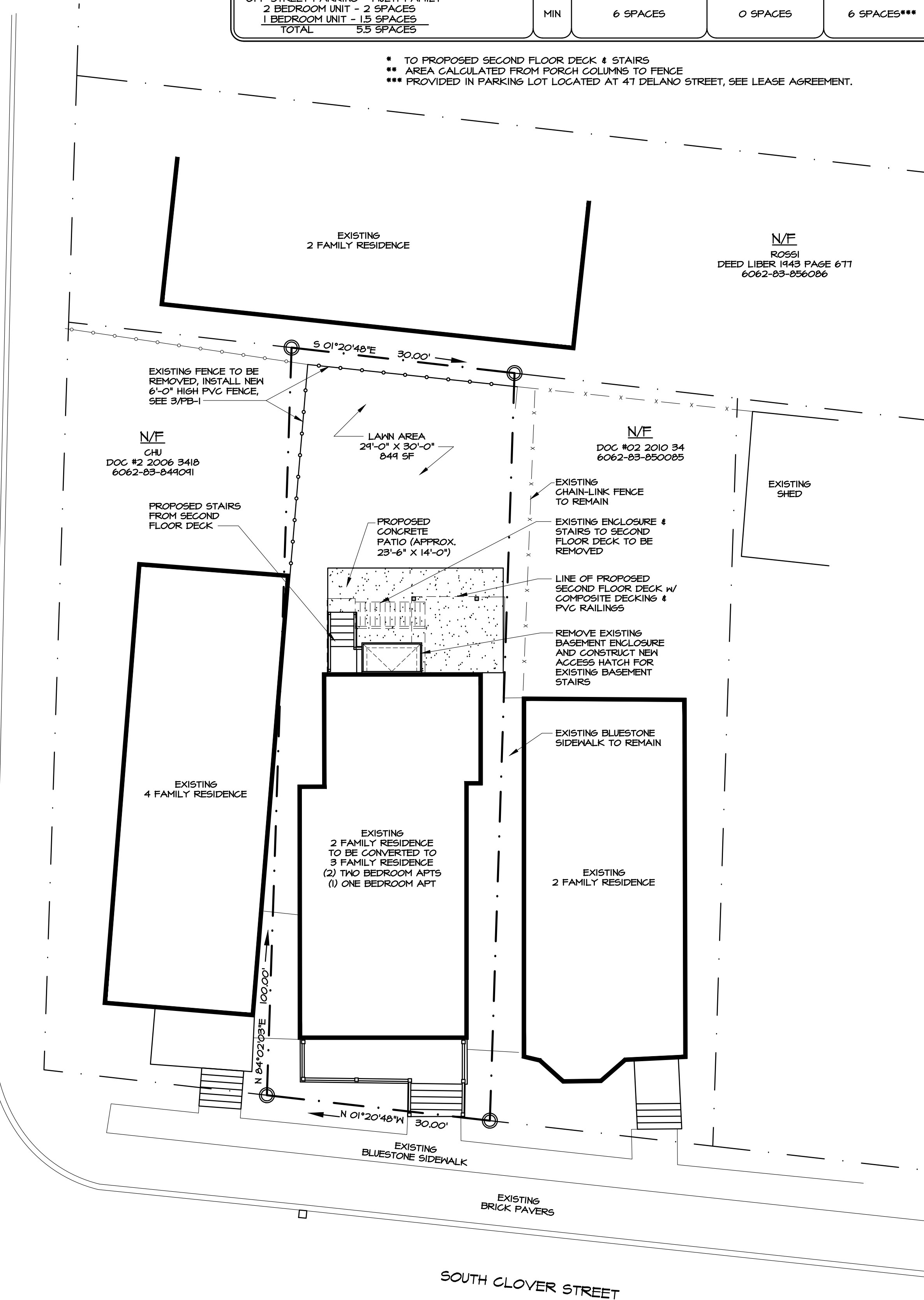
PARCEL # 19300-6062-83-849088-0000
CITY OF POUGHKEEPSIE

ZONE	R-4A	REQUIRED	EXISTING	PROPOSED
LOT AREA				
(1) ONE BEDROOM UNIT - 900 S.F.	=	900 S.F.		
(2) TWO BEDROOM UNITS - 1,050 S.F.	=	2,100 S.F.		
TOTAL				
LOT FRONTAGE	MIN	30'-0"	30'-0"	NO CHANGE
LOT WIDTH	MIN	30'-0"	30'-0"	NO CHANGE
FRONT YARD SETBACK	MIN	NONE	0'-0"	NO CHANGE
REAR YARD SETBACK	MIN	20'-0"	31'-1"	NO CHANGE
SIDE YARD SETBACKS	MIN	6'-0"	2'-10" (NORTH SIDE) 2'-6" (SOUTH SIDE)	5'-5" (NORTH SIDE)* 3'-5" (SOUTH SIDE)*
BUILDING HEIGHT	MAX	40'-0" OR 3 STORIES	3 STORIES	3 STORIES
LOT COVERAGE	MAX	40%	40.6%	NO CHANGE
REQUIRED OPEN SPACE	MIN	1,100 SF	849 SF**	849 SF**
OFF STREET PARKING - MULTI-FAMILY				
2 BEDROOM UNIT - 2 SPACES				
1 BEDROOM UNIT - 1.5 SPACES				
TOTAL				
6 SPACES	MIN	6 SPACES	0 SPACES	6 SPACES***

- TO PROPOSED SECOND FLOOR DECK & STAIRS
- ** AREA CALCULATED FROM PORCH COLUMNS TO FENCE
- *** PROVIDED IN PARKING LOT LOCATED AT 47 DELANO STREET, SEE LEASE AGREEMENT.



DELANO STREET



project no.
2306

date
24 MAY 23

drawn by
RAM, RKT

revision	description
1	REVISED
2	
3	
4	
5	
6	
7	
8	
9	
10	

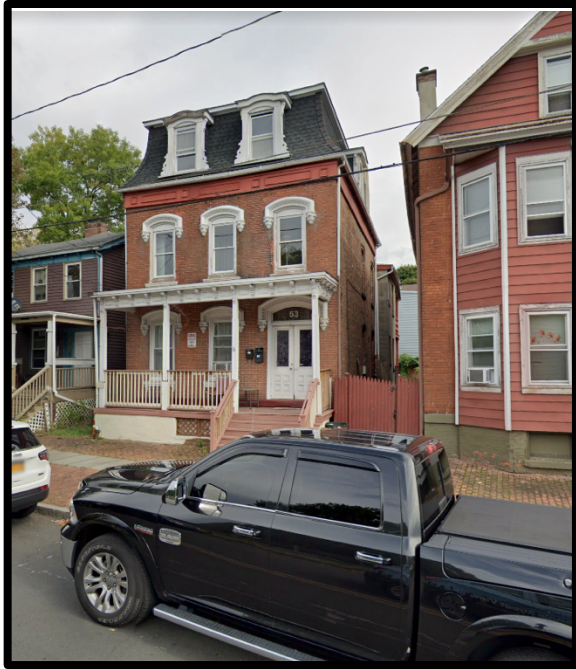
PROPOSED SITE PLAN FOR:
53 SOUTH CLOVER STREET
POUGHKEEPSIE, NY

PROPOSED SITE PLAN, ZONING DATA CHART, & DETAILS
MAURI ARCHITECTS PC
73 MANSON STREET POUGHKEEPSIE NY 12601 845.452.0250 mauriarchitects.com

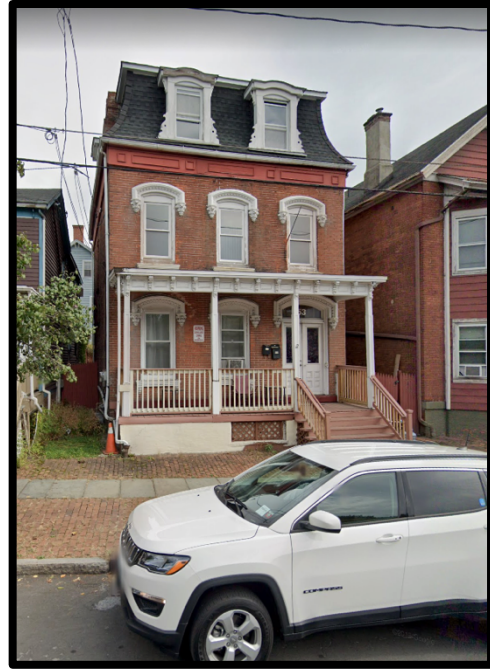
PURSUANT TO SECTION 64.5 (b) OF THE REGULATION OF THE COMMISSIONER OF EDUCATION, ANY UNAUTHORIZED ALTERATIONS TO THIS DOCUMENT IS A VIOLATION OF THE LAW.

53 SOUTH CLOVER STREET - PHOTOS

June 5, 2023



Southwest View



Northwest View



South Side Facing West



East Side Facing West



**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: Mateuz Kozoil

From: Tyler Maegerle, Junior Planner

Date: 6/27/2023

Re: 53 South Clover Street

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 a two family dwelling to a three family dwelling.

Based on the above description it is the determination of the planning division that the proposed action is classified as Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(11) "residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith." The action is therefore not subject to further environmental review.

Short Environmental Assessment Form

Part 1 - Project Information

RECEIVED

JUN 09 2023

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.

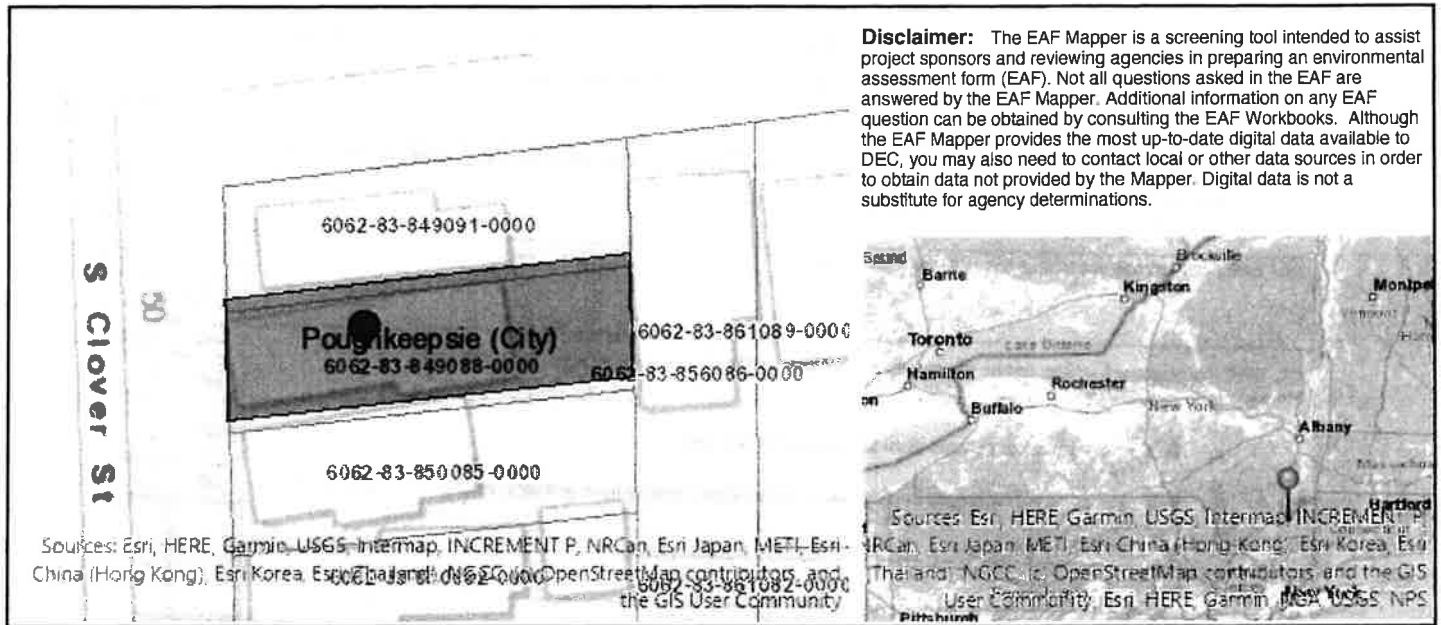
Part 1 – Project and Sponsor Information			
Name of Action or Project: 53 South Clover Street			
Project Location (describe, and attach a location map): 53 South Clover Street, Poughkeepsie NY 126091			
Brief Description of Proposed Action: Convert and existing two family residence into a three family residence. The project includes the replacement of the existing rear deck, stair and existing basement stair enclosure.			
Name of Applicant or Sponsor: Mateusz Koziol - Worrall Properties LLC		Telephone: 1-845-705-0562 E-Mail: mkoziol@kineticre.io	
Address: 11 Lagrange Avenue			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
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: Building Permit - City of Poughkeepsie		☐	☒
3. a. Total acreage of the site of the proposed action?		0.069 acres	
b. Total acreage to be physically disturbed?		0.0007 acres 320 s.f.	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.069 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. <u>A permitted use under the zoning regulations?</u>	☐	☒	☐
b. <u>Consistent with the adopted comprehensive plan?</u>	☐	☐	☒
6. <u>Is the proposed action consistent with the predominant character of the existing built or natural landscape?</u>	NO	YES	
	☐	☒	
7. <u>Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</u>	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. <u>Will the proposed action result in a substantial increase in traffic above present levels?</u>	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. <u>Does the proposed action meet or exceed the state energy code requirements?</u>	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. <u>Will the proposed action connect to an existing public/private water supply?</u>	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. <u>Will the proposed action connect to existing wastewater utilities?</u>	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. <u>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?</u>	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? Atlantic Sturgeon, Peregrin...	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>Mateusz Koziol - Worrall Properties LLC</u> Date: <u>05/24/2023</u> Signature: <u><i>Mateusz Koziol</i></u> Title: <u>OWNER</u>		

PRINT FORM

Page 3 of 3



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]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Peregrine Falcon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

MONTHLY PARKING AGREEMENT – 160 Union Holdings LLC

Tenant Name: Matt Koziol (WORRAL PROPERTIES LLC) Car Model & Type: NA
Billing Address: _____ Car Color: NA
Address Line 11 LAGRANGE AVE License Plate No.: NA
City, State, Zip: POUGHKEEPSIE NY 12603
Daytime Phone: 845-705-0562 Car Size: ☐ Small ☐ Medium ☐ Large
Evening Phone: _____
Monthly Rent = \$300.00/month
\$50.00 per vehicle
Parking Manager: Walkway Realty
845-393-1380 / 845-432-4821

Parking Space # 132-137

1. This agreement is for the vehicle specified, and space specified. Replacement vehicle must be approved by Landlord.
2. Landlord is not an insurer, and shall not be responsible for fire, theft, accident, loss, or damage to the vehicle or its content, or for any other damage to Tenant's property.
3. Payments are due first day of the month. Tenant agrees to pay online or by check. If payment is not received by the 5th of the month a twenty dollar (\$20) late fee will be assessed.
4. There will be a bounced check fee of twenty-five dollars (\$20) plus bank fee charges applied to all returned checks.
5. Vehicles that are deemed non-operational or unsightly or without current registration or current inspection will be towed at vehicle owners/Tenants expense. Car washing, oil changes and mechanical work are not permitted on the premises.
6. Landlord shall have the right to change space with 30-day written notice.
9. All vehicles are driven at Tenant's risk and responsibility.
10. Parking is only for residents, no guest /visitor parking.

TENANT SIGNATURE:  Date: 3/24/2023

MANAGER'S SIGNATURE: Angelina Auchmoody 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: 7 Grant Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: BRRR Homes Corp
Address: 3 Anipoli Drive Unit 202
Monroe, NY 10950
Phone: _____
Email: _____

APPLICANT INFORMATION:

Name: Wayne Thompson, Esq.
Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603
Phone: 845-464-6693
Email: WayneThompson5@aol.com

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: Code Enforcement

Date of decision/determination/violation: March 23, 2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 7 Grant 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
<u>19-3.15(4)(a)</u>	<u>10,000sf (4791)</u>	<u>5209sf</u>
<u>19-4.3(11)</u>	<u>4 spaces</u>	<u>2 spaces on street</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: 7 Grant Street

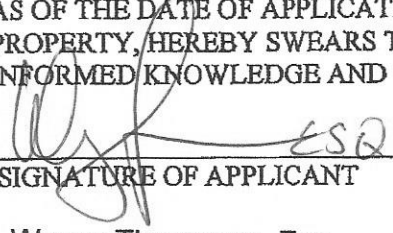
LIST OF REQUIRED ATTACHMENTS

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):

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

06/19/2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

7 GRANT STREET

(to be further explained in front of the ZBA)

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. The addition is very small compared to the overall scale of the building.

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.

No. The building was probably used as a 2 family prior to the foreclosure. Owner wants to legalize the use as a 2 family and bring into compliance.

3. Is/are the variance(s) substantial?

No. It is our belief that these requests for variances are minor.

4. Will the variances have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

No. Very little physical or environmental change will be affected by granting these variances and it will be contained primarily in the rear of the property where an additional parking spot is added.

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

The prior use and foreclosure created these difficulties. However, as a benefit, the granting of the variance will increase the available rental housing stock in the City which is in short supply.

The Development Department is in receipt of your zoning review record relative to the proposed conversion of the property at 7 Grant Street from a single family dwelling to a two family dwelling, including construction of a two story addition at the rear.

The property at 7 Grant Street is located in an area of the City zoned Medium High Density Residence (R-4) District. The use of property in R-4 Districts for two family dwellings is permitted, provided that all of the criteria relative to such use are satisfied. Your request has been reviewed and the following deficiencies noted to exist:

1. Section 19-3.15(4)(a) requires that 10,000 square feet of lot area be provided for a two family dwelling: the lot is 4791 square feet in area;
2. Section 19-4.3(11) requires that four (4) compliant off-street parking spaces be provided: three spaces are indicated, and two of these spaces are noted to be 18 feet deep where 20 feet is required. Additionally, the survey submitted indicates a retaining wall in the rear yard in the general area of the parking spaces shown on Sheet A-2. The retaining wall is not shown on Sheet A-2 and may interfere in the layout of those spaces.

The plot plan should show all features of the survey, and should also accurately reflect the information contained on the survey. For example, the survey indicates a north side yard of 1.1 to 1.4 feet in area, while the plot plan on A-2 appears to show a set-back of nearly four feet

It is suggested that you submit a revised sheet A-1 so a more accurate review can be conducted. It is clear, however, that area variances will be necessary.

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

Very truly yours,
Judith Knauss

Deputy Zoning Administrator



Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 7 Grant Street

Project Description

Dear ZBA members:

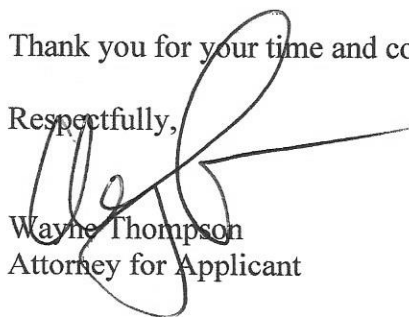
The applicant proposes to convert a dilapidated 1 family residence into a 2 family home with residences on the first and second floors. Parking will be provided both on site and street side as depicted in the plan.

Architectural plans have been completed and determined that the project is feasible as it will be part of an extensive interior and exterior renovation of the building. The addition of the additional units will help defray the escalating cost of materials and labor and provide another nicely renovated home in the neighborhood.

Once complete, the building will add rental inventory which the City desperately requires.

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

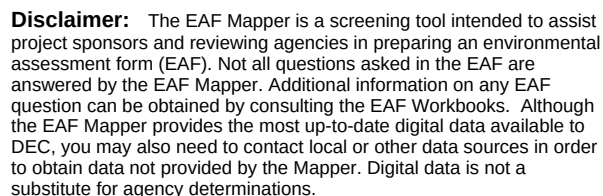
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Apartment Conversion			
Project Location (describe, and attach a location map): 7 Grant Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Convert single family to 2 family apartment			
Name of Applicant or Sponsor: Wayne Thompson, Esq.		Telephone: 845-464-6693 E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
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: Building permit		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		4800sf 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:			
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: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____ _____	☒	☐
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Wayne Thompson Esq.</u> Date: <u>6-19-2023</u> Signature: _____ Title: <u>Attorney for Owner</u>		



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]	Yes
Part 1 / Question 20 [Remediation Site]	Yes



**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: 63 Thompson Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Poughkeepsie Thompson Street LLC

Address: 584 Ackert Hook Road Rhinebeck NY 12572

Phone: 845-876-2501

Email: _____

APPLICANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.com

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: Joseph O'Brien Code Enforcement

Date of decision/determination/violation: March 20, 2023

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

PROPERTY ADDRESS: 63 Thompson 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
<u>19-3.15(4)(e)2</u>	<u>15' Side yard (11.3, 13.9)</u>	<u>3.7and 2.1ft</u>
<u>19-4.3(5)(a)</u>	<u>15' wide driveway (11.3')</u>	<u>3.7ft</u>
<u>19-4.3(1)</u>	<u>Landscaping</u>	<u>Front and side yard req't as indicated</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: 63 Thompson Street

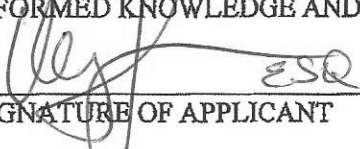
LIST OF REQUIRED ATTACHMENTS

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):

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

06/19/2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

63 THOMPSON STREET

(to be further explained in front of the ZBA)

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. The addition is very small compared to the overall scale of the building. There is adequate parking available on-site.

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.

No. The third floor was a pre-existing residence that is now sought to be brought into compliance.

3. Is/are the variance(s) substantial?

No. It is our belief that these requests for variances are minor.

4. Will the variances have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

No. Very little physical or environmental change will be affected by granting these variances and it will be contained primarily in the rear of the property.

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

The changes in the zoning laws created the need for these variances and the owner simply wishes to bring the building into compliance with current codes. Ultimately, the granting of the variance will increase the available rental housing stock in the City which is in short supply.

Subject: **RE: 63 Thompson**
Date: 3/20/2023 12:26:55 PM Eastern Standard Time
From: jobrien@cityofpoughkeepsie.com
To: waynethompson5@aol.com

Wayne,

A permit including a licensed plumber along with an application for a Certificate of Occupancy will need to be applied for to legalize the work and update the C.O. to reflect the current use. The following analysis will be based off the 2nd floor unit containing only 1 bedroom, the following deficiencies that would require a Variance are as follows;

1. Section 19-3.15(4)(e)2 requires the side yard be 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; the height of the building is not listed on the plans.
2. Section 19-3.15(4)(e)2 requires the rear yard be 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; the height of the building is not listed on the plans.
3. Section 19-4.3(1) requires when 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 rear property line does not show any proposed landscaping on the provided plans.
4. Section 19-4.3(5)(a) requires an 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 only 11'3".
5. Section 19-4.3(5)(c) requires off-street parking areas shall be adequately illuminated for convenience and safety, but no lighting for parking areas shall cause glare on adjoining property; the provided plans do not show any proposed lighting.

Attached are the applications for Area Variance, Building Permit and Certificate of Occupancy. If you have any questions please let me know, thanks.

Joseph D. O'Brien

Deputy Zoning Administrator
62 Civic Center Plaza
Poughkeepsie, NY 12601
Office - 845-451-4273
Fax - 845-451-4006
jobrien@cityofpoughkeepsie.com

From: Wayne Thompson, Esq. <waynethompson5@aol.com>
Sent: Sunday, March 19, 2023 8:19 PM
To: O'Brien, Joseph <jobrien@cityofpoughkeepsie.com>
Subject: Re: 63 Thompson

Hi Joe, you told me on Friday that there was a discrepancy in the CO issued and the as builds submitted. The as builds are correct and we need to get this resolved immediately so a proper CO can be issued, The second floor apartment is a 1 bedroom with a laundry room and not a 2 bedroom. What do I need to do to get a CO? The apartment is currently vacant so it would be an ideal time for an inspection.

Thanks for your help.

Cheers,

Wayne Thompson, Esq.
Attorney At Law
17 Hasbrouck Drive
Poughkeepsie, NY 12603
845-464-6693 (p)
845-463-0203 (f)

In a message dated 3/16/2023 8:31:05 AM Eastern Standard Time, jobrien@cityofpoughkeepsie.com writes:

Wayne,

I'll see you Friday at 9.

Joseph D. O'Brien

Deputy Zoning Administrator

62 Civic Center Plaza

Poughkeepsie, NY 12601

Office - 845-451-4273

Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com

From: Wayne Thompson <waynethompson5@aol.com>

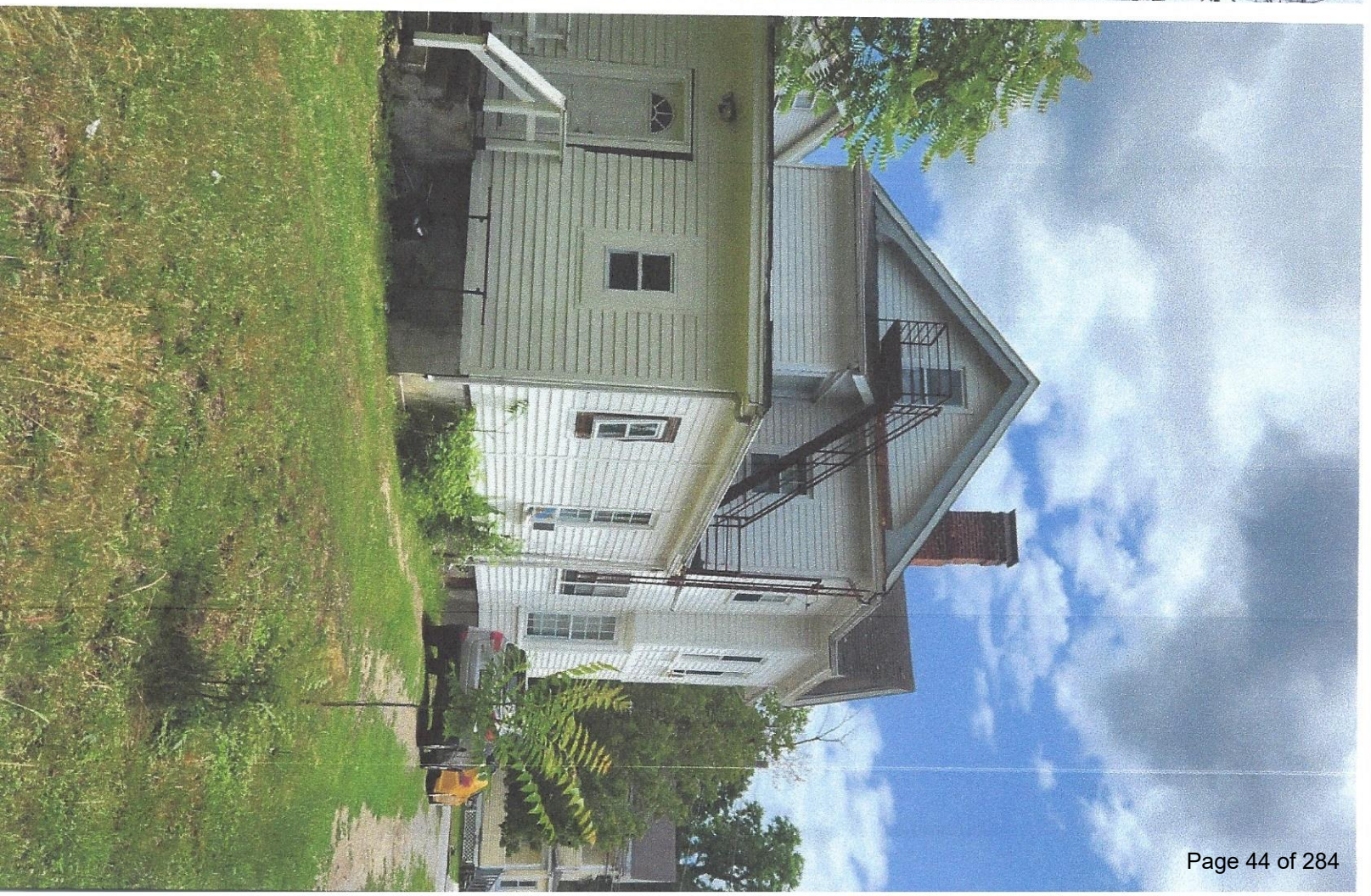
Sent: Wednesday, March 15, 2023 5:01 PM

To: O'Brien, Joseph <jobrien@cityofpoughkeepsie.com>

Subject: RE: project guidance

Hi Joe can we reschedule for Friday at 9?

Wayne Thompson



Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 63 Thompson Street

Project Description

Dear ZBA members:

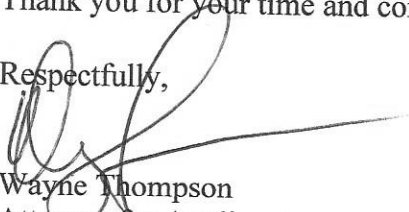
The applicant proposes to convert a current legal 2 family residence but former uncertified 3 floor, 3 family residence into a fully legal 3 family 3 floor residence. Parking will be provided both on site thus necessitating the small variances requested.

Architectural plans have been completed and determined that the project is feasible as it will be part of an extensive interior and exterior renovation of the building. Plans have been submitted to the Building Department and building requirements can be met as determined by the Building Department review. The addition of the additional unit will help defray the escalating cost of materials and labor and provide another nicely renovated home in the neighborhood.

Once complete, the building will add rental inventory which the City desperately requires.

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant

File: ./survey.pdf
Missing or invalid reference

- LEGEND
- IRON PIPE/STEEL REBAR
 - TREE
 - EVERGREEN TREE
 - SHRUB
 - UTILITY POLE
 - GUY WIRE
 - OVERHEAD WIRE
 - IPF
 - CHAIN LINK FENCE
 - BUILDING

SCALE AS SHOWN
SCALE 1" = 15'-0"

CARNEY RHINEVAULT NYSLS No. 49097
UNAUTHORIZED ALTERATION OR ADDITION
TO THIS DRAWING IS A VIOLATION OF
SECTION 7209, SUBDIVISION 2 OF THE
NEW YORK STATE EDUCATION LAW.

MAP OF PROPERTY OF
**POUGHKEEPSIE THOMPSON
STREET, LLC**
DOC. 02-2019-8048
SITUATE AT
63 THOMPSON STREET
CITY OF POUGHKEEPSIE,
DUTCHESS COUNTY, NEW YORK

SURVEYED BY CARNEY RHINEVAULT

6 Main Street
Hyde Park, NY 12538
TEL (845) 229-8225

05/21/2020 SCALE: 1" = 20' PROJ NO. 20-140 SHEET 1 OF 1

LOCATION PLAN NOT TO SCALE

DRAWING INDEX:

S-1 PLOT PLAN-SURVEY
LOCATION PLAN

A-1 BSMT. 1ST. & 2ND FLOOR PLANS

A-2 THIRD FLOOR PROPOSED &
ELECTRICAL FLOOR PLANS

DISCLAIMER: SYNERGY DESIGN DOES NOT CERTIFY OR VERIFY THE
CONDITIONS OF THE SURVEY.

PLOT & SURVEY PLANS
63 THOMPSON STREET
CITY OF POUGHKEEPSIE, NY

REVISION / DATE

PLOT PLAN - 3/15/2022

Windows OLE Object

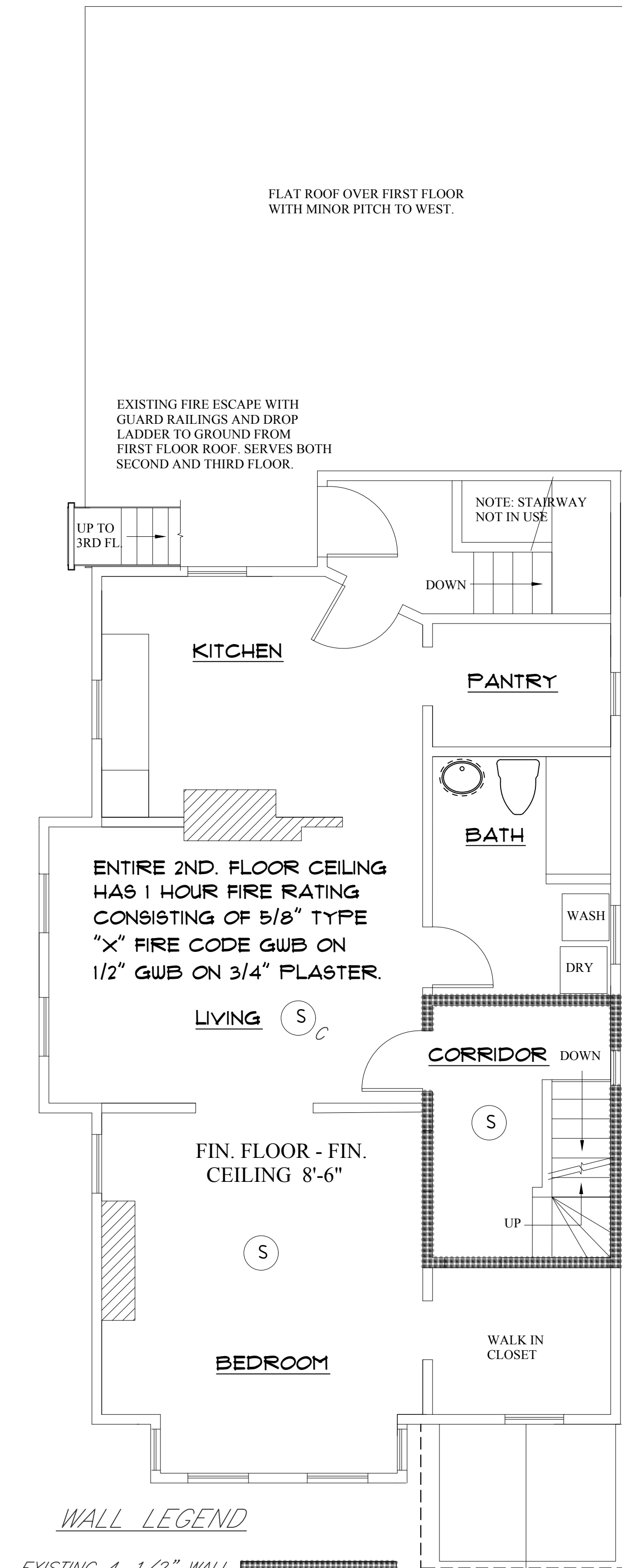
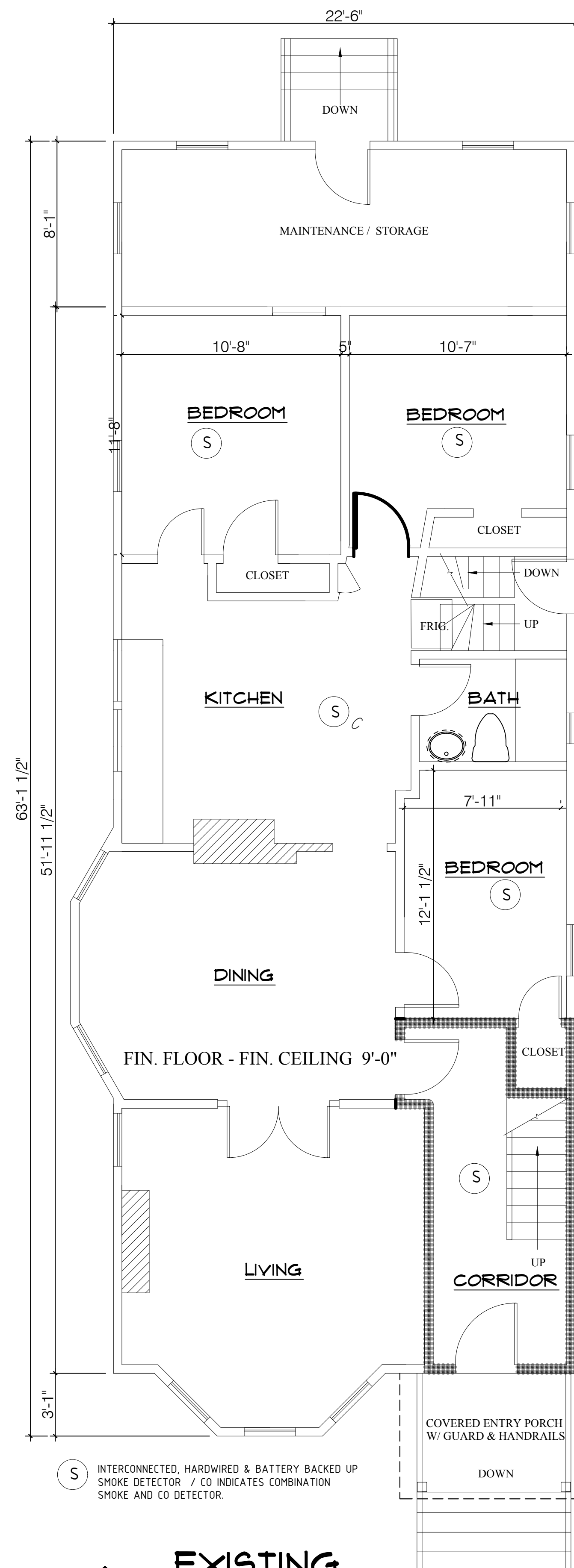
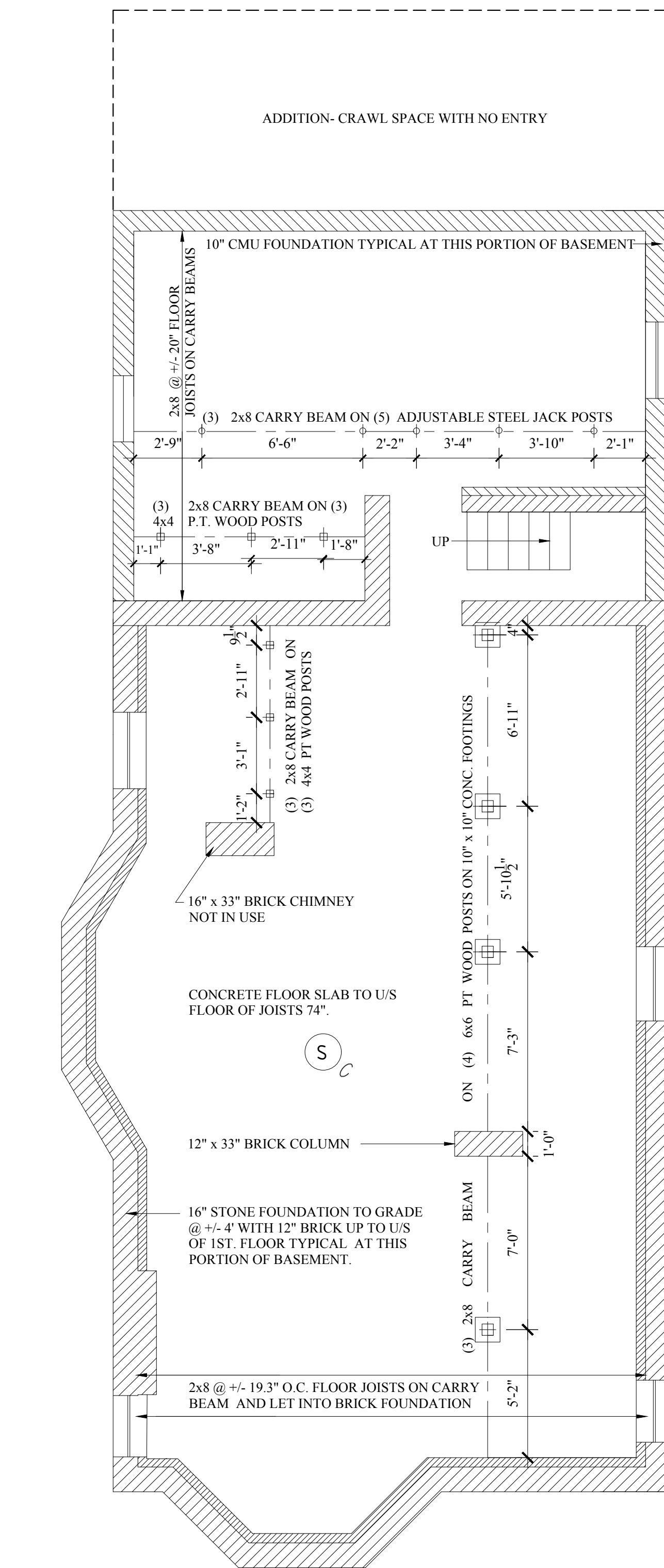
DRAWING NAME:
PLOT, SURVEY & LOCATION
PLANS

SCALE
AS NOTED

DATE
4/01/23

JOB NO.
12323

DRAWING #:
S- 1



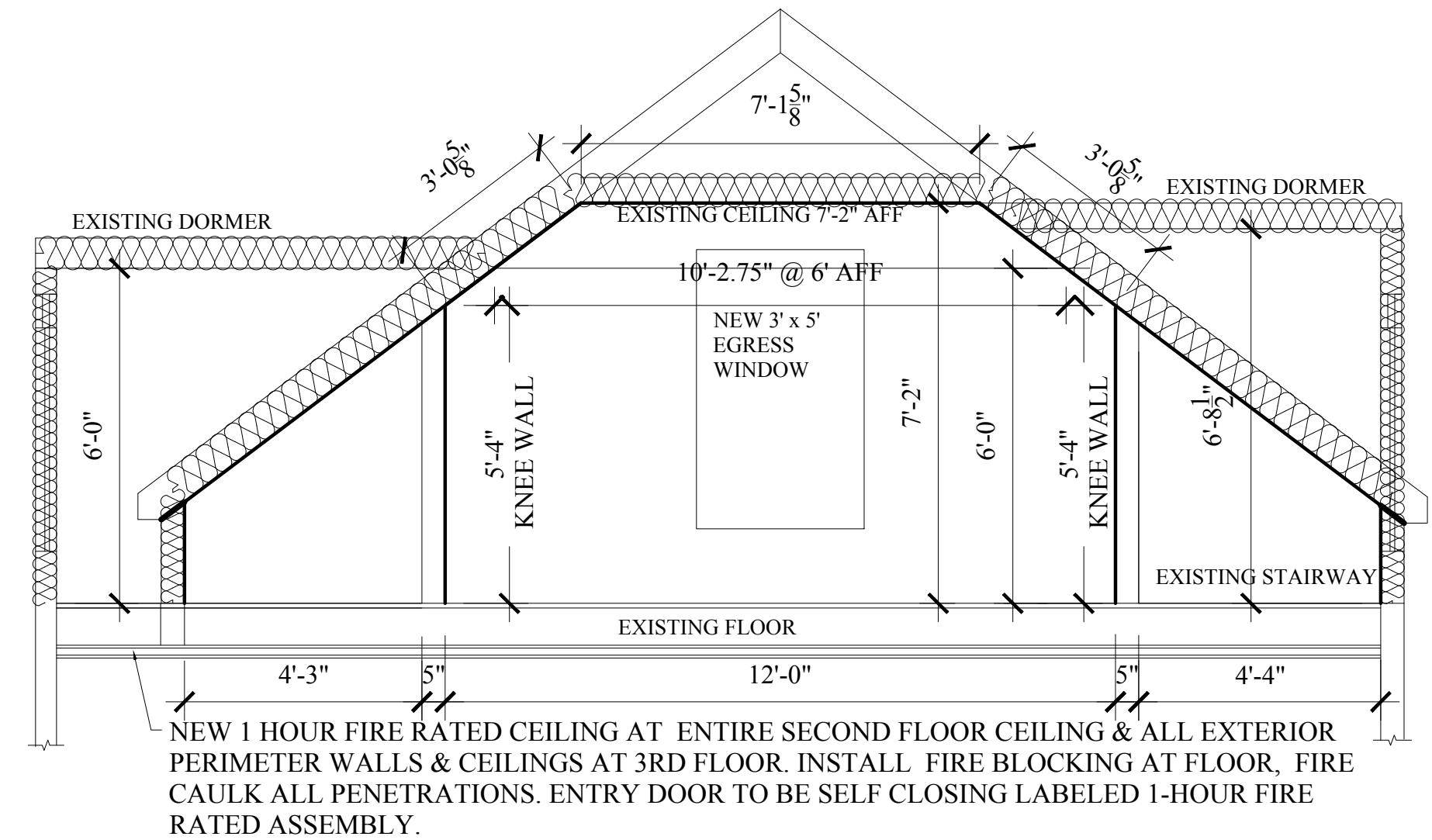
BASEMENT, 1ST & 2ND FLOOR PLANS
63 THOMPSON STREET
CITY OF Poughkeepsie, NY

REVISION / DATE

Windows OLE Object

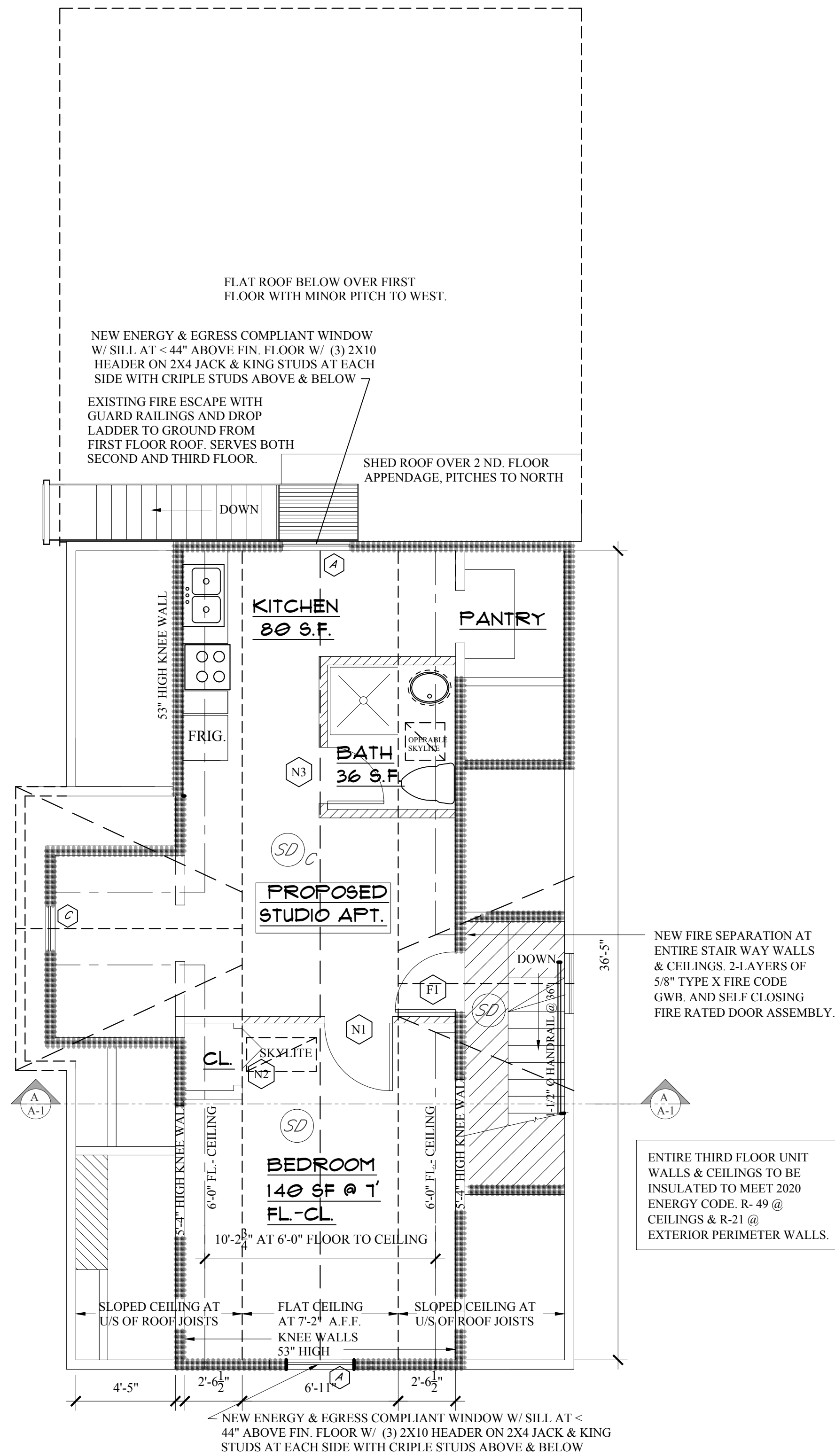
DRAWING NAME: EXISTING BSMT., 1 ST. & 2 ND. FLOOR PLANS	
SCALE AS NOTED	DRAWING #:
DATE 04/01/23	A- 1
JOB NO. 05120	

1 Hour Fire-Rated Construction	Dimensional Lumber		Acoustical Performance			Reference
Construction Detail	Description	Test Number	STC	IIC	Test Number	Index
	• 5/8" SHEETROCK FIRECODE Core gypsum panels, ceiling – 1" nominal wood sub and finished floor – 2 x 10 wood joist 16" o.c. – joints finished • optional LEVELROCK floor underlayment • optional SRM-25 or SRB sound mat • optional veneer plaster	UL Des L501	38	32	CK-6412-7 Based on 1-1/4" nominal wood floor	B-52
			39	56	CK-6412-8 Based on 1-1/4" nominal wood floor, 44 oz carpet and 40 oz pad atop flooring	



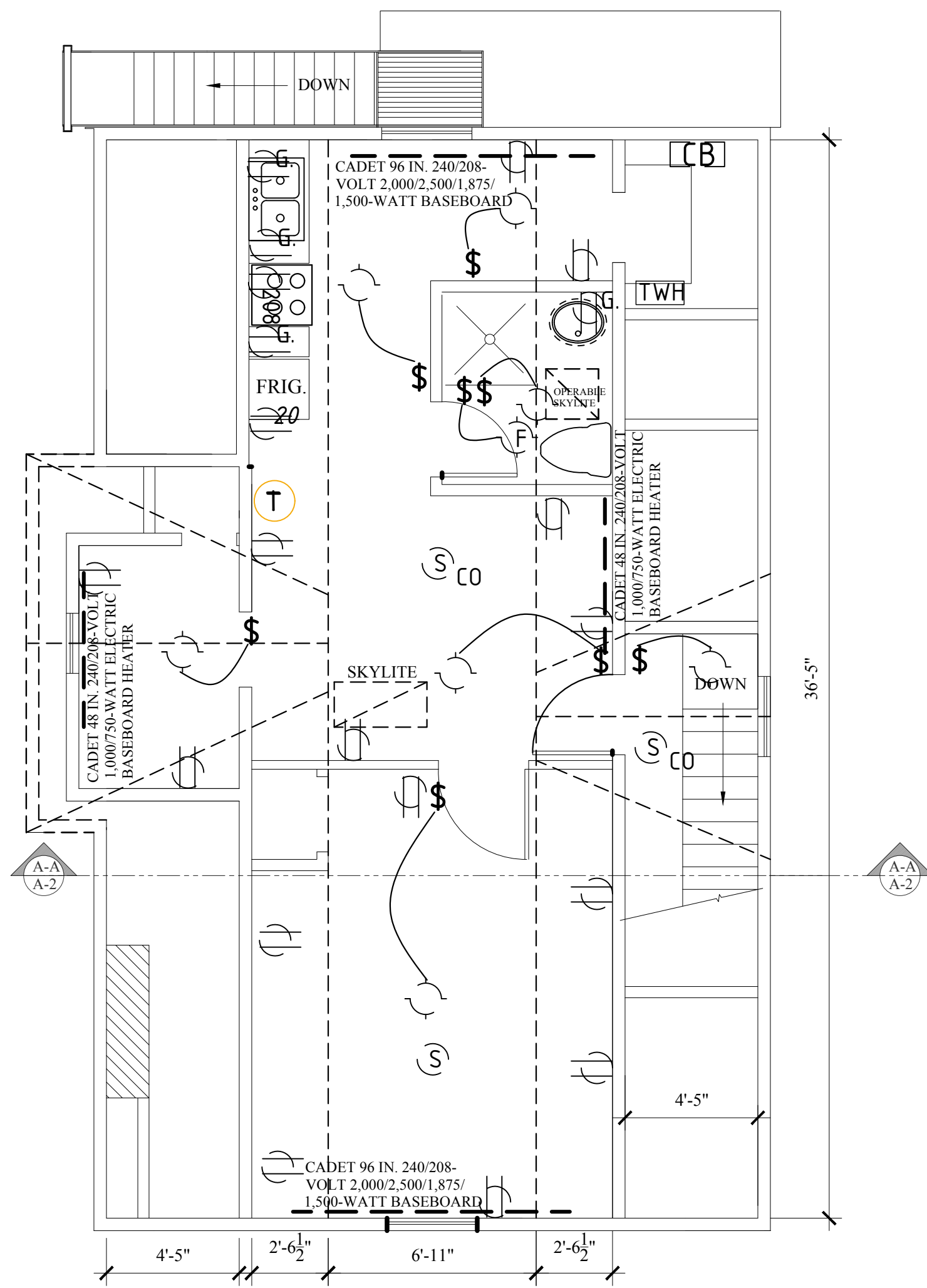
SECTION A-A @ THIRD FLOOR - LOOKING NORTH

SCALE $3/8" = 1'-0"$



PROPOSED THIRD FLOOR PLAN

SCALE 1/4" = 1'-0"



THIRD FLOOR ELECTRICAL PLAN

SCALE 1/4" = 1'-0"

GENERAL NOTES - ELECTRICAL & HVAC :

1. All work to be done by licensed electrical contractors under filed permits in accordance with New York State and local electrical and building codes.
2. Work includes all preliminary preparation work including drilling & cutting in providing for wiring runs. The flush mounting of switches, outlets, wall mounted lighting fixture boxes, circuit breaker main and sub panels and ceiling fixture boxes and all associated wiring.
3. All contractors Shall furnish the owner with certificates of Workmen's Comp. compliance and insurance and assurance bonding.
4. See specifications for fixture, cover, outlet and switch types.
5. All basement, exterior and stairway lighting fixtures to be on owners meter(s).
6. Interconnected hardwired battery backed up combination Smoke and carbon monoxide detectors at each apartment also 1 Smoke detector at each Bedroom and immediately outside of Bedrooms.

- 8. SUPPLY & INSTALL (1) 30A. 2.54 Gal. / Min. Tankless HWH**

ELECTRICAL LEGEND

- | | TERMOSTAT |
|---|--|
|  | 30A. 2.54 GAL./ MIN. TANKLESS HOT WATER HEATER |
|  | SPST 120 V. 15 A. WALL SWITCH. / 3=3WAY |
|  | 120 V. 15 A. DUPLEX WALL OUTLET. 12' O.C. |
|  | 120 V. 20 A. DUPLEX WALL OUTLET. |
|  | 120 V. 15 A. SWITCHED CEILING FIXTURE BOXED FEED. |
|  | 208 V 40 A. RANGE OUTLET |
|  | 120 V. 20 A. GFCI OUTLET W/ARC FAULT C.B.* |
|  | CIRCUIT BREAKER PANEL (SEE NOTES). |
| HR. | HOME RUN TO CBP OF IMMEDIATE SPACE.
HR-O OWNERS CBP. |
|  | 120 V. 15 A. WALL FIXTURE BOXED FEED.**
F-OUTDOOR FIXTURE W/ PHOTOCELL. |
|  | 120 V. 15 A. CEILING LIGHT / EXHAUST FAN
CONNECTED TO OUTSIDE AIR, SEE NOTES. |
|  | 120 V.15 A. CEILING FIXTURE |
|  | INTERCONNECTED, HARDWIRED & BATTERY BACKED UP
SMOKE DETECTOR / CO INDICATES COMBINATION
SMOKE AND CO DETECTOR. |
| ———— THERMOSTAT CONTROLLED ELECTRIC BASEBOARD | |

- * 1-QUAD 120V 20 A GFCI OUTLET ON A DEDICATED CIRCUIT OR FIRST OUTLET ON RUN WITH ARC FAULT C.B. AT EACH KITCHEN COUNTER TOP LOCATION
ALL COUNTERTOP OUTLETS TO BE ON A GFCI CIRCUIT.
1 DUPLEX 120V 20 A. GFCI OUTLET AT EACH BATHROOM.

- ALL OUTLETS AND LIGHT FIXTURES SHOWN IN COMMON STAIRWAYS AND CORRIDORS AND IN BASEMENT AS WELL AS 2 SWITCHED CEILING LIGHTS & 2 WALL OUTLETS (NOT SHOWN) AT THE THIRD FLOOR TO BE ON OWNERS METER.

- 1 INTERCONNECTED HARDWIRED BATTERY BACKED UP SMOKE
AND CO DETECTOR TO BE INSTALLED AT THE 3RD. FLOOR.

- BOTH APARTMENTS TO HAVE A 100 AMP CIRCUIT BREAKER
PANEL LOCATED AS SHOWN IN THE INDIVIDUAL KITCHENS.

WINDOW LEGEND

- A** SINGLE, EGRESS & ENERGY COMPLIANT 3'-0" X 5'-0" DOUBLE HUNG VINYL WINDOW-JELDWEN-JWBLVDH 3669.
- C** NEW 2'-6" X 4'-6" SINGLE, ENERGY COMPLIANT DOUBLE HUNG VINYL WINDOW- JELDWEN-JW#BLVDH 3054.

DOOR LEGEND:

- | | |
|----|--|
| N1 | 3'-0" x 6'-8" H.C. WOOD
DOOR AND FRAME. |
| N2 | 2'-8" x 6'-8" BI-FOLD DOOR |
| N3 | 2'-6" x 6'-8" H.C. DOOR & FRAME |
| F1 | 1 HR. FIRE RATED 3'-0"x6'-8" SELF
CLOSING DOOR ASSEMBLY |

WALL LEGEND

- EXIST WALL W/ NEW R- 21
CLOSED CELL INSULATION
- EXISTING 4-1/2" WALL
1 HOUR FIRE RATING
- NEW 4-1/2" STUD WALL W/
GBW FINISH PRIME & PAINT.
- REMOVE EXISTING WALL
- MAIN & DORMER RIDGE LINES
- PERIMETER OF 7'-2" FL.-CLG.
- PERIMETER OF 6'-0" FL.-CLG.
- HARDWIRED INTERCONNECTED
BATTERY BACKED UP SMOKE
DETECTOR. SUB C - WITH
CARBON MONOXIDE DETECTOR.

REGULATIONS

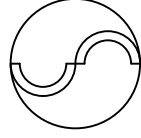
- LIVING SPACE - 248 S.F. AT 7'-2" CEILING HEIGHT.
392 S.F. AT 6'-0" CEILING HEIGHT.

- % OF NATURAL LIGHT - BASED ON 54 S.F. OF WINDOWS
21% AT 248 S.F. OF LIVING SPACE
13.7% AT 392 S.F. OF LIVING SPACE

- % OF VENTILATION - BASED ON 23 S.F. OF FRESH AIR OPENINGS
9% AT 248 S.F. OF LIVING SPACE
6% AT 392 S.F. OF LIVING SPACE

- PROJECT SCOPE : CONVERT THE THIRD FLOOR TO A STUDIO APARTMENT WITH A BATHROOM. INSTALL TWO NEW EGRESS COMPLIANT WINDOWS AT THE THIRD FLOOR.
1 HR. RATED FIREPROOFING AT THE ENTIRE SECOND FLOOR CEILING AND THE EXISTING INTERIOR STAIRWAY, CORRIDORS & UNDERSIDE OF STAIRWAY FROM THE THIRD FLOOR TO 1 ST. FL. MAIN ENTRY, TO HAVE A 1 HR. FIRE RATING INCLUDING SELF CLOSING 1 HOUR LABELED FIRE RATED ASSEMBLY DOORS AT ALL APARTMENT ENTRY DOORS.
INSTALL NEW FIRE SUPPRESSION SPRINKLER SYSTEM AT THE ENTIRE INTERIOR STAIRWAY & COMMON CORRIDORS 1ST TO 3RD FLOOR.
FIRE STOP AND SEAL ALL PENETRATIONS THROUGH STAIRWAY CEILINGS & WALLS.

- THIS IS A LEVEL II ALTERATION.



PO BOX 6220
KINGSTON NY 12402
845 546 2338
info@synergydesign.org

**BUILDING PERMIT PLANS FOR
3 RD. FLOOR PLAN & ELECTRICAL PLAN
63 THOMPSON STREET
CITY OF Poughkeepsie, NY**

REVISION / DATE

DRAWING NAME:
EXISTING & PROPOSED 3 RD.
FLOOR FLOOR PLANS

SCALE
AS NOTED

DATE
04/01/23

JOB NO.
12323

DRAWING #

A-2

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: Apartment Coersion			
Project Location (describe, and attach a location map): 64 Thompson Street			
Brief Description of Proposed Action: Add 3rd floor apartment			
Name of Applicant or Sponsor: Wayne Thomposn, Esq.		Telephone: 845-464-6693 E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
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:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action? _____ 0.25 acres b. Total acreage to be physically disturbed? _____ 0.04 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.0 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: _____ _____	☐	☒	
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, 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>Wayne Thompson, Esq</u> Date: <u>6-19-2023</u> Signature: _____ Title: <u>Attorney for 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]	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



**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: 419 Maple Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: 419 Maple LLC

Address: 4217 16th Avenue
Brooklyn, NY 11204

Phone: 917-246-7337

Email: _____

APPLICANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.com

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: Joseph O'Brien Code Enforcement

Date of decision/determination/violation: May 1, 2023

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

PROPERTY ADDRESS: 419 Maple 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
<u>19-3.15(4)(c)2</u>	<u>11,200sf (5,608)</u>	<u>5,592sf</u>
<u>19-3.15(4)(e)2</u>	<u>15 ft (2.7' and 4.9') sides</u>	<u>10.1 and 12.3 ft</u>
<u>19-4.3(11)(a)</u>	<u>8 spaces</u>	<u>PB waiver for off site parking</u>
<u>19-4.11(1)(b)</u>	<u>Landscaping</u>	<u>Use of existing fence as property screen</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: _____

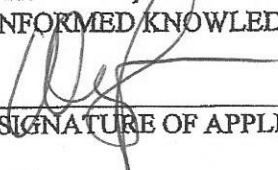
LIST OF REQUIRED ATTACHMENTS

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.

 ESQ
SIGNATURE OF APPLICANT

6-19-2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

419 MAPLE STREET

(to be further explained in front of the ZBA)

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. The addition is very small compared to the overall scale of the building. Parking already exists in the rear yard although not approved yet. There is adequate parking available on the street.

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.

No. The owner purchased the property as an investment and in work had begun with a building permit. However, the building is in such poor shape that the only way to get a return on such a large financial outlay for the magnitude of this project is to add additional units.

3. Is/are the variance(s) substantial?

No. It is our belief that these requests for variances are minor. The area variance is something that is normally acceptable since the houses were built and utilized under pre-existing conditions. The required parking will be provided off site as the existing lot configuration and location of the arterial make on-site parking an impossibility.

4. Will the variances have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

No. Very little physical or environmental change will be affected by granting these variances as it is located on the arterial.

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

We do not believe that the area variance requested is the result of itself created difficulty. Rather, it is a result of the increase taxes, cost of materials, more stringent and expensive building codes, and future costs of maintaining the building. Ultimately, the granting of the variance will increase the available rental housing stock in the City which is in short supply.

Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 419 Maple Street

Project Description

Dear ZBA members:

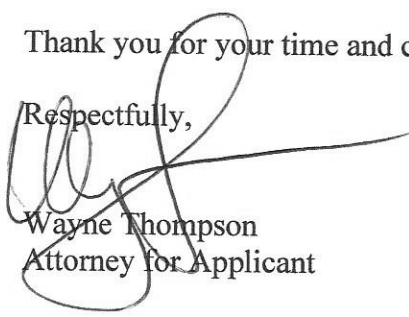
The applicant proposes to convert a dilapidated 2 family residence into a 4 family home with residences on the first and second floors. Parking will be provided off site at 29-31-North White Street as depicted in the supplemental documents.

Architectural plans have been completed and determined that the project is feasible as it will be part of an extensive interior and exterior renovation of the building. The addition of the additional units will help defray the escalating cost of materials and labor and provide another nicely renovated home in the neighborhood.

Once complete, the building will add rental inventory which the City desperately requires.

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

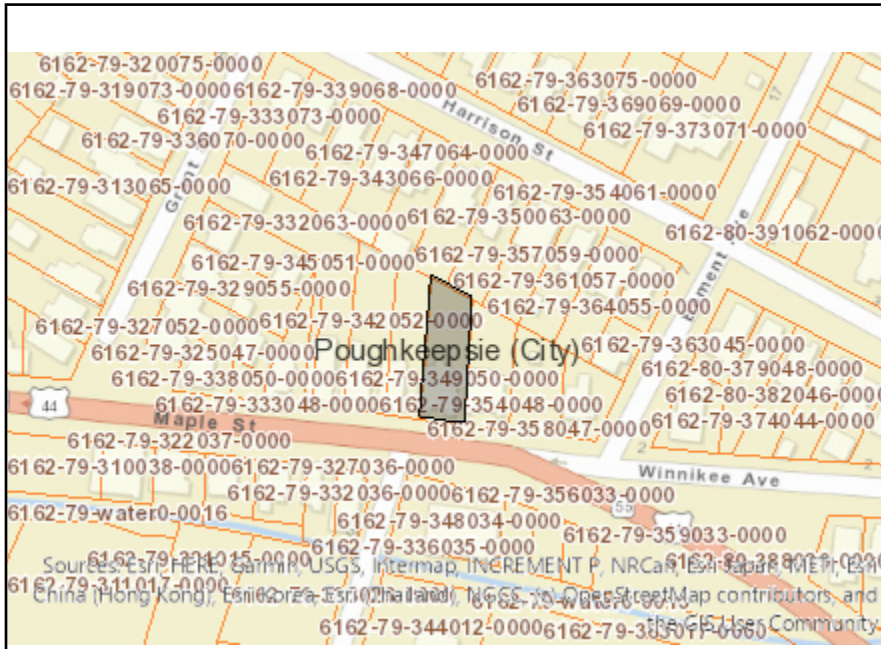
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Apartment Conversion			
Project Location (describe, and attach a location map): 419 Maple Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Convert Existing 2 Family to 4 family apartment building.			
Name of Applicant or Sponsor: Wayne Thompson, Esq.		Telephone: 845-464-6693	
		E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
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: Planning Board, ZBA		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.129 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?		0.129 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: _____ _____	☐	☒	
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, 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>Wayne Thompson, Esq</u> Date: <u>06/19/2023</u> Signature: _____ Title: <u>Attorney for 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]	Yes
Part 1 / Question 20 [Remediation Site]	Yes



**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: Wayne Thompson, Esq.

From: Tyler Maegerle, Junior Planner

Date: 6/29/2023

Re: 419 Maple Street

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 conversion of a two-family dwelling to a four family dwelling.

Based on the above description it is the determination of the planning division that the proposed action is classified as an Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part." 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

May 1st, 2023

Yehuda Herzog

Re: 419 Maple Street

ID: 494100

Zoning Review Request PD-2023-019

Dear Mr. Herzog,

The Development Department is in receipt of your updated plans for your zoning review request relative to the property at 419 Maple Street and the proposed conversion of the existing Two Family dwelling into a Four Family dwelling. This property is located within the Medium High-Density Residence District(R-4) which does allow Multi-family dwellings per code Section 19-3.15(2)(a)4 of the Zoning Ordinance but would require Site Plan approval from the Planning Board. Upon review of the updated plot plan submitted on 4/21/23, I have been able to determine a few Variances from the Zoning Board of Appeals that would be required before approval from the Planning Board for Site Plan can be obtained, they are as follows;

1. Section 19-3.15(4)(c)2 requires a lot area of 11,200sf; the lot is only 5,608sf.
2. Section 19-3.15(4)(e)2 requires minimum side yards of 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; no elevation was provided but the left side yard is 2.7' and the right-side yard is 4.9'.
3. Section 19-4.3(11)(a) requires 8 parking spaces for the proposed use; the plan indicates parking will be located at the Winnikee Avenue/Bement Street Lot which is located within 600' of 419 Maple St. A waiver from the Planning Board will be required as part of the Site Plan approval per Section 19-4.3(9).
4. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses, 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; no such landscaping is proposed.

After a Site Plan is approved by the Planning Board and the Area Variances listed above are granted by the Zoning Board of Appeals, you would then 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.



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 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



**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: 54-58 Smith Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Y&S Group, NY LLC

Address: 4217 16th Avenue
Brooklyn, NY 11204

Phone: 917-246-7337

Email: _____

APPLICANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

CONSULTANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.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

Date of decision/determination/violation: March 30, 2023

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

PROPERTY ADDRESS: 54-58 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
19-3.15(4)(c)	23,800sf (12,014)	11,086sf
19-4.13(2)	Front Yard Parking	4 spaces in "front"
		(this is a corner lot)

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: 54-58 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):

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

6/18/2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

54-58 SMITH STREET

(to be further explained in front of the ZBA)

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. The addition is very small compared to the overall scale of the building. There is already an approved site plan for the project. An application will be submitted for an amendment to the site plan to add 2 additional units should these variances be granted.

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.

No. The owner purchased the property as an investment and in work had begun with a building permit due to a fire on the third floor. As can be seen from the attached pictures, the building is of superior design and workmanship offering upgraded features for the future tenants.

3. Is/are the variance(s) substantial?

No. It is our belief that these requests for variances are minor. The area variance is something that is normally acceptable since the houses in the neighborhood were built in a compact manner. The required parking will be provided off site with the lot being a corner lot.

4. Will the variances have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

No. Very little physical or environmental change will be affected by granting these variances as it is located in a high density neighborhood.

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

We do not believe that the area variance requested is the result of itself created difficulty. Rather, it is a result of the increase taxes, cost of materials, more stringent and expensive building codes, and future costs of maintaining the building. Ultimately, the granting of the variance will increase the available rental housing stock in the City which is in short supply.



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 30th, 2023

Ariel Rodriguez

Re: 54-58 Smith Street

ID: 420060

Zoning Review Request PD-2023-030 Resubmittal

Dear Mr. Rodriguez,

The Development Department is in receipt of your updated plans pursuant to your zoning review request relative to the property at 54-58 Smith Street and the proposed conversion of the previously approved Eight unit residential building to include an additional Two dwelling units. This property is located within the Medium High-Density Residence District(R-4) which does allow Multifamily dwellings per code Section 19-3.15(2)(a)4 of the Zoning Ordinance but would require Site Plan approval from the Planning Board. After review of the updated plans, I've been able to determine you will require two area variances which are as follows;

1. Section 19-3.15(4)(c) requires a minimum of 23,800sf of lot area; the provided plans show the lot area to be only 12,014sf.
2. Section 19-4.13(2) requires that parking shall not be located in the front yard; the provided plans show parking spaces labeled 9,11,12 and 13 are located in the front yard area.

After a Site Plan is approved by the Planning Board and the two Area Variances are granted by the Zoning Board of Appeals, you would then 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.

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com

Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

OWNER'S CONSENT FORM

I, **Yehuda Herzog of Y&S Group, NY LLC**, am the owner/member of the property located at

54 – 58 Smith Street Poughkeepsie NY 12601

for which permits and/or board applications are required. I hereby consent to representation by the above office in all necessary reviews, permits, and board applications.

YEHUDA HERZOG (Print Name)
OWNER/MEMBER

yehuda herzog (Signature)
Authorized Signature

6/18/23
Date



Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 54-58 Smith Street

Project Description

Dear ZBA members:

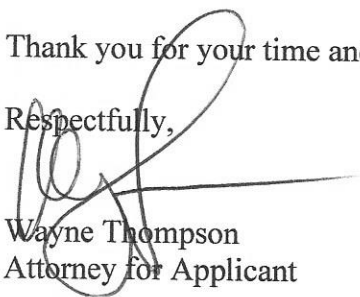
The applicant proposes to add 2 basement rental units into an approved 8 unit conversion under construction. Parking will be provided on site necessitating the requested variances.

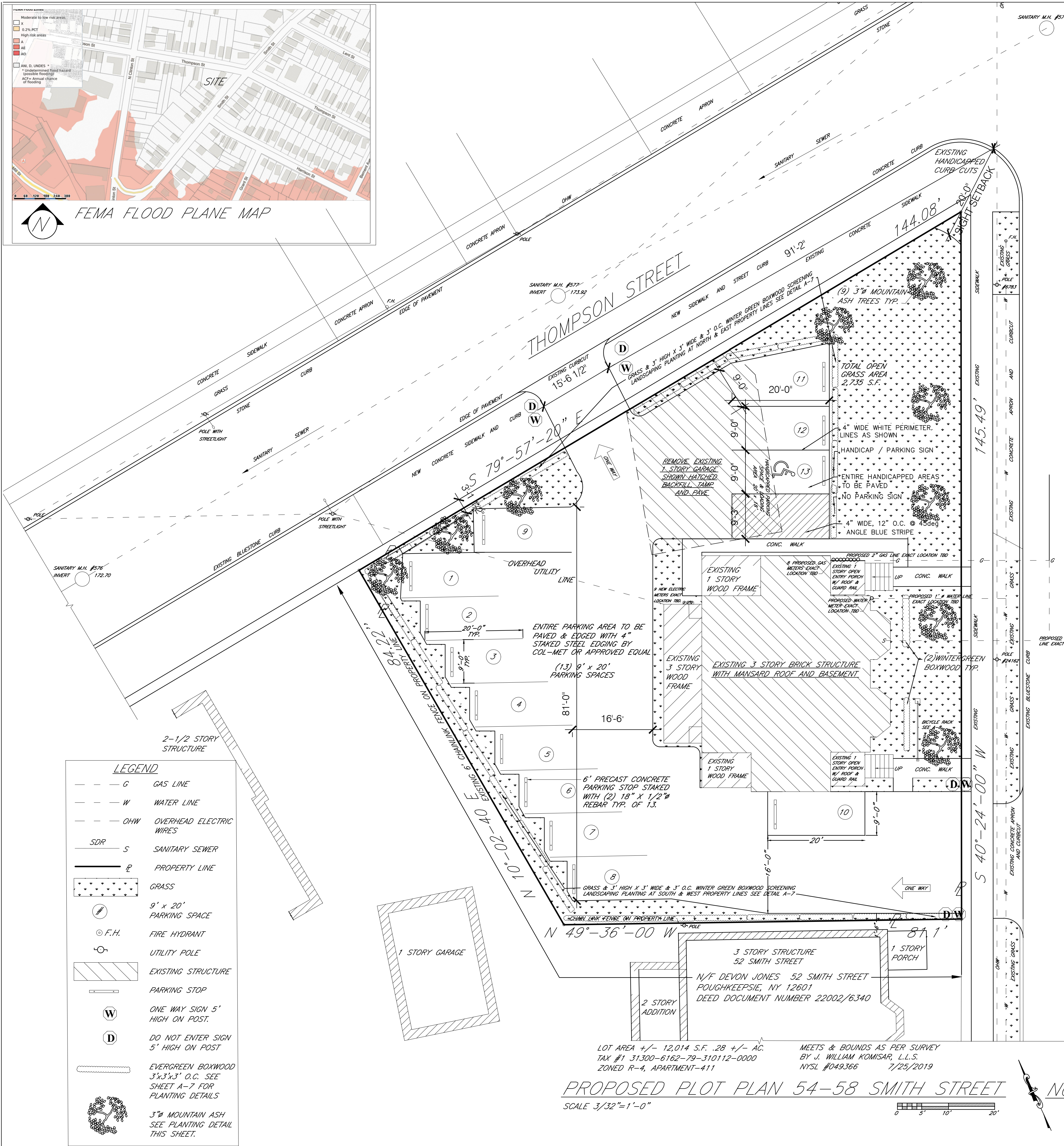
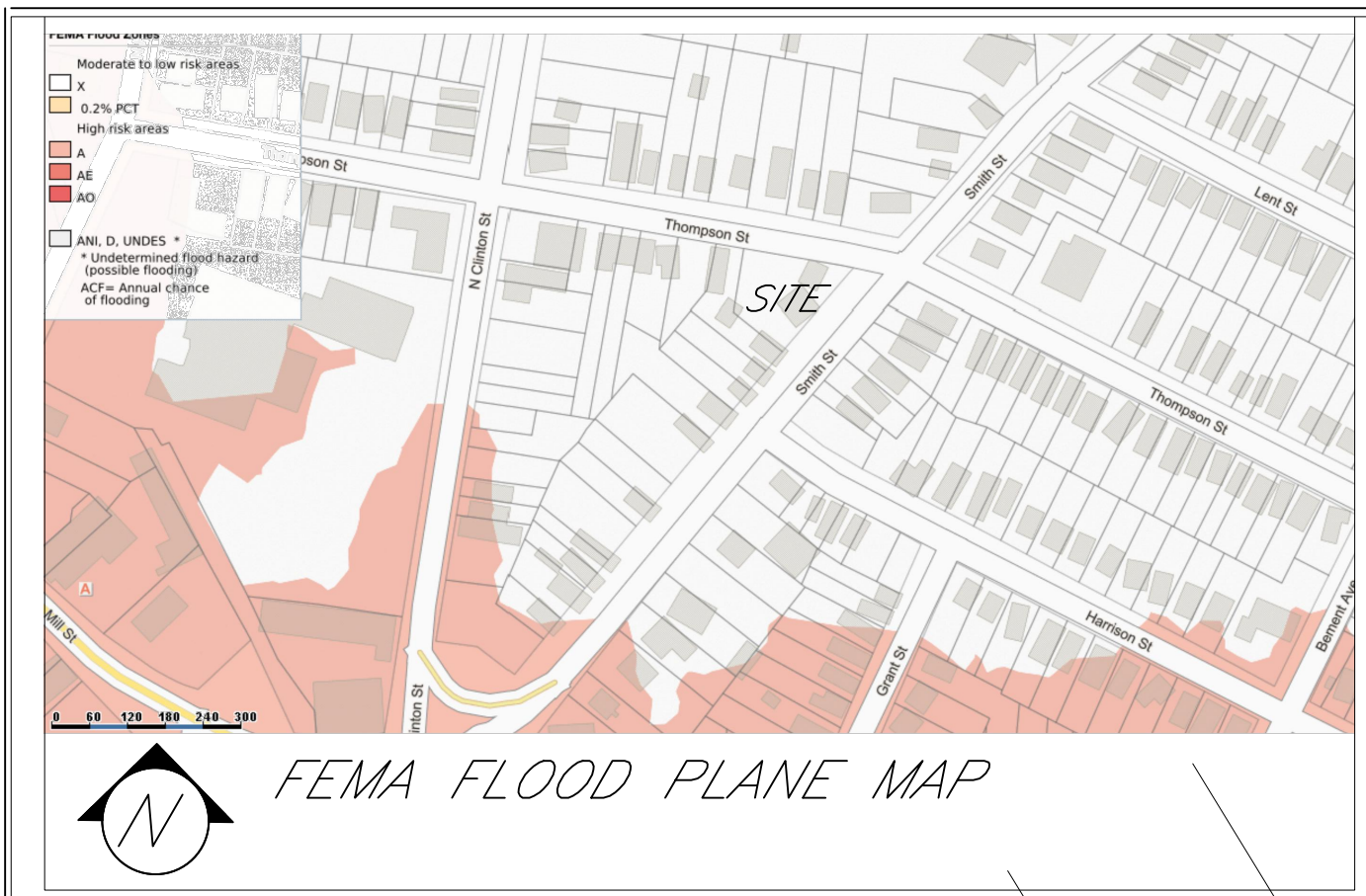
Architectural plans have been completed and determined that the project is feasible as the basement units are part of an extensive interior and exterior renovation currently under way. As can be seen from the attached photos, the renovation here is a top-quality renovation in both design and materials which greatly improves the aesthetics and character of the neighborhood. The addition of the additional units will help defray the escalating cost of materials and labor and provide another nicely renovated home in the neighborhood.

Once complete, the building will add rental inventory which the City desperately requires.

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant



PROJECT INFORMATION

New construction: ☒ (yes) ☐ (no)
Change of use: ☒ (yes) ☐ (no)
Expansion/addition: ☒ (yes) ☐ (no)
Alteration: ☒ (yes) ☐ (no)
Cost of Construction: \$ 5450,000

LOT AND BULK INFORMATION:

Lot area: .28 (acres) 12,014 (square feet)
Building Footprint: PROJECT-1,895 (proposed square feet for new construction)
0 (existing square feet for change of use/expansion)
0 (additional proposed square feet for expansion)
1,935 (total building footprint, square feet)
Lot Coverage: 8.2 (percentage, building coverage only)
Gross Floor Area: 5,948 (proposed square feet for new construction)
0 (existing square feet for change of use/expansion)
0 (additional proposed square feet for expansion)
5,948 (total gross floor area, square feet)
Building Height: 3 (stories) 38 (feet)
Floor Area Ratio: .42 (ratio of gross floor area divided by lot area)

VIII. PROJECT PARKING INFORMATION

A) Number of Off-Street Parking Spaces required: 10 13
B) Number of Off-Street Parking Spaces provided: 10 13
C) Waiver Requested: ☒ (Yes) ☐ (No)
Is municipal parking available within 600 feet? ☐ (Yes) ☒ (No)

Revised January 2018; Previous Editions Obsolete

PROJECT DESCRIPTION:

RENOVATE AND ALTER EXISTING 3 STORY MASONRY BUILDING, ADDRESS 54-58 SMITH STREET INTO 10 UPDATED RESIDENTIAL APARTMENTS. IMPROVE AND ENHANCE EXISTING FACADES WHILE PRESERVING AESTHETIC AND HISTORIC CHARACTER. IMPROVE YARD AREA WITH LANDSCAPING AND PROPERTY AMENITIES TO TENANTS.



KEY LOCATION PLAN 54-58 SMITH STREET

DEPARTMENTAL SIGN OFF

PROPERTY: 54-58 SMITH STREET
Grid #6162-79-310112; Zoning District: R-4;
Apartment (411)
ZBA File #2020-003
Owner: Y&S GROUP NY LLC;
4217 16TH AVE, BROOKLYN N.Y. 11204 Phone 845-917-7337
Applicant: Abel Rodriguez
958 North Quaker Lane Staatsburgh, NY 12580
Phone 845-891-1221

There are no easements, deed restrictions or rights of way existing or proposed.
Dimensions: Lot Area 12,014 (sq. ft.) Width 145 ft
Depth 144 ft. Frontage on street 289 ft.

There are no water courses, marshes, rock outcrops, or trees existing.

Changes of grade greater than 2' do not occur. The lot drains to the permeable surfaces within the lot.

ZONING DISTRICT R-4 APARTMENT (411)
Grid #6162-79-310112; ZBA File #2020-003

SUMMARY OF BULK REQUIREMENTS (SECTION 19-3.15)

MINIMUM YARD AND OPEN SPACE REQUIREMENTS

R-4 MEDIUM HIGH-DENSITY RESIDENTIAL DISTRICT
LOT AREA - 20,600 SF REQUIRED, 11,761 S.F. PROVIDED. ORIGINAL ZONING VARIANCE GRANTED. NEW VARIANCE REQUESTED.
LOT WIDTH - 30' REQUIRED, 145' PROVIDED.
LOT FRONTAGE - 30' REQUIRED, 145' PROVIDED.

REQUIRED YARDS
FRONT - 20' REQUIRED, 14.5' PROVIDED - THE BUILDINGS ARE EXISTING AND THE PROPOSED USE CREATES NO NEW NONCOMPLIANCE.
SIDE - EACH 6', TOTAL 12' REQUIRED - 26.5' & 36' EACH & 62.5' TOTAL PROVIDED. 1/2 THE HEIGHT OF THE STRUCTURE TO THE PROPERTY LINE OR 15' WHICHEVER IS GREATER REQUIRED. THE BUILDINGS ARE EXISTING AND THE PROPOSED USE CREATES NO NEW NONCOMPLIANCE.
REAR - 15' REQUIRED - 42' PROVIDED.

BUILDING HEIGHT - 3 STORIES OR 40' REQUIRED, 3 STORIES - 38.7' PROVIDED

LOT COVERAGE - 40% MAX. REQUIRED, 16.2 PROVIDED. THE BUILDINGS ARE EXISTING AND THE PROPOSED USE CREATES NO NEW NONCOMPLIANCE.

USABLE OPEN SPACE - 8,200 REQUIRED ORIGINAL ZONING VARIANCE GRANTED. NEW - 8,200 SF REQUIRED 2,735 SF PROVIDED. VARIANCE REQUESTED.

OFF-STREET PARKING - 12 SPACES REQUIRED, 13 SPACES PROVIDED WITH 1 BEING A DESIGNATED HANDICAPPED SPACE WITH AN ACCESS SPACE.

PERIMETER AND GENERAL LANDSCAPING: A 3" HIGH X 3" WIDE 3" ON CENTER PLANTING OF WINTERGREEN BOXWOOD PLANTINGS TO BE PROVIDED ALONG THE NORTH, WEST AND SOUTH PROPERTY BOUNDARIES AS WELL AS AREAS AT THE FRONT OF THE BUILDING AS SHOWN ON THE SITE PLAN A-1 (THIS SHEET). ADDITIONALLY (9) 3" # ASH TREES ARE PROPOSED.

ALTERATION LEVEL TYPE - 3

ALL NEW WORK SHALL COMPLY WITH THE 2015 EXISTING BUILDING CODE OF NEW YORK STATE.

CONSTRUCTION CLASS: TYPE V
OCCUPANCY CLASS: R-2 APT. BLD'G.

DESIGN CRITERIA

WEATHERING = SEVERE
FROST LINE DEPTH = 42"
TERMITE = MODERATE TO HEAVY
ICE BARRIER UNDERLAYMENT = YES
WIND SPEED (mph) = 115
SEISMIC CATEGORY = C
ROOF DEAD LOAD = 10 PSF
GND SNOW LOAD = 40 PSF
SNOW LOAD = 28 PSF
WIND LOAD = 21.4 PSF DOWN
0 PSF UP
FLOOR DEAD LOAD = 10 PSF
LIVE LOAD = 40 PSF
WALLS WIND LOAD = 21.4 PSF HORIZ.

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS OR SPECIFICATIONS IN ANY WAY, UNLESS THAT PERSON IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

REVISIONS
04/18/2023
REVISED PARKING

GRAND DESIGN
18 GRAND STREET
POUGHKEEPSIE, NY 12601
PHONE (845) 392-1874
granddesign@gmail.com

PROPOSED SITE PLAN
FOR
54-58 SMITH STREET
POUGHKEEPSIE, NY

C-1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

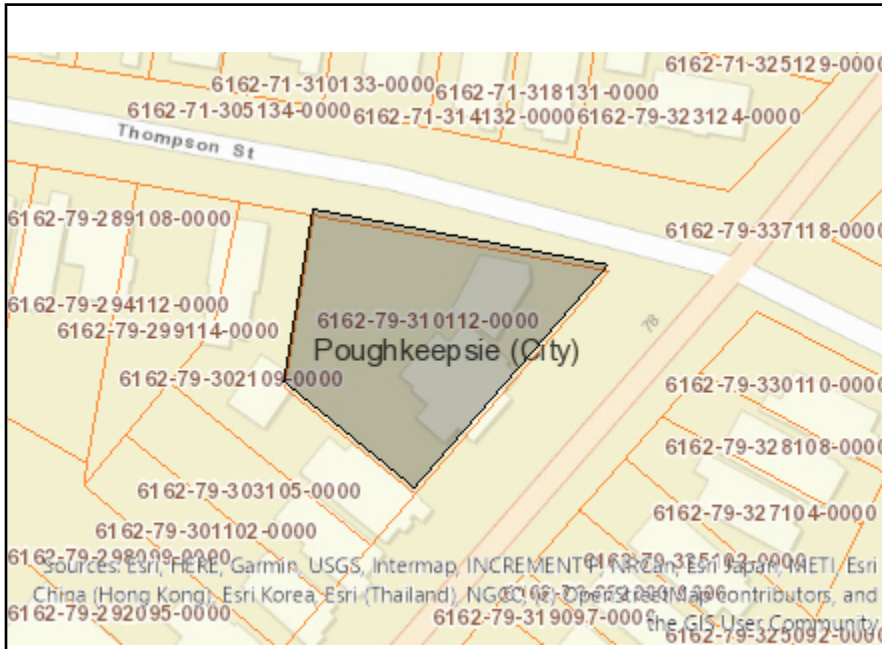
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Apartment Conversion			
Project Location (describe, and attach a location map): 54-48 Smith Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Add 2 aptmnts to previously approved site plan			
Name of Applicant or Sponsor: Wayne Thompson, Esq		Telephone: 845-464-6693	
		E-Mail: waynethompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie, NY 12603		State: NY	Zip Code: 12603
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: Planning Board, ZBA		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.28 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.28 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: _____ _____	☐	☒	
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, 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>Wayne Thompson, Esq.</u> Date: <u>6/18/2023</u> Signature: _____ Title: <u>Attorney for 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]	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



**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 Y&S Group, NY LLC

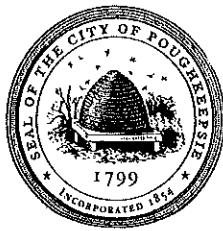
From: Tyler Maegerle, Junior Planner

Date: 6/28/2023

Re: 54-58 Smith Street

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 addition of two apartments to a approved application for a multi-family dwelling.

Based on the above description it is the determination of the planning division that the proposed action is classified as an Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part." The action is therefore not subject to further environmental review.



**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: 20 Corlies Avenue

ZONING DISTRICT: R4

OWNER INFORMATION:

Name: Javier Ortega
Address: 89 Peach Road
Poughkeepsie, NY 12601
Phone: _____
Email: builderplus21@gmail.com

APPLICANT INFORMATION:

Name: _____
Address: _____

Phone: _____
Email: _____

CONSULTANT INFORMATION:

Name: Wayne Thompson, Esq.
Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693
Email: WayneThompson5@aol.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, Zoning Administrator

Date of decision/determination/violation: 05/08/2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 20 Corlies Avenue

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.15(4)(a)	10,000 sq. ft. (6838)	3162 sq. ft.
19-3.15(4)(e)	6' setback (5 ft)	1 foot

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: 20 Corlies Avenue

LIST OF REQUIRED ATTACHMENTS

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

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

Wayne Thompson, Esq.

Print Name Attorney for Owner

Wayne Thompson
ATTORNEY AT LAW
17 Hasbrouck Drive
Poughkeepsie, NY 12603

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 20 Corlies Avenue

Project Description

Dear ZBA members:

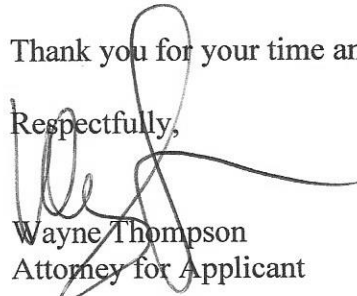
The applicant proposes to convert an existing single family residence into a 2 family home with residences on the first and second floors. Parking will be provided on site necessitating the small requested variances.

Architectural plans have been completed and determined that the project is feasible as it will be included as a small add-on to the extensive planned renovation of the building. The addition of the second unit will help defray the escalating cost of materials and labor and provide another nicely renovated home in the neighborhood.

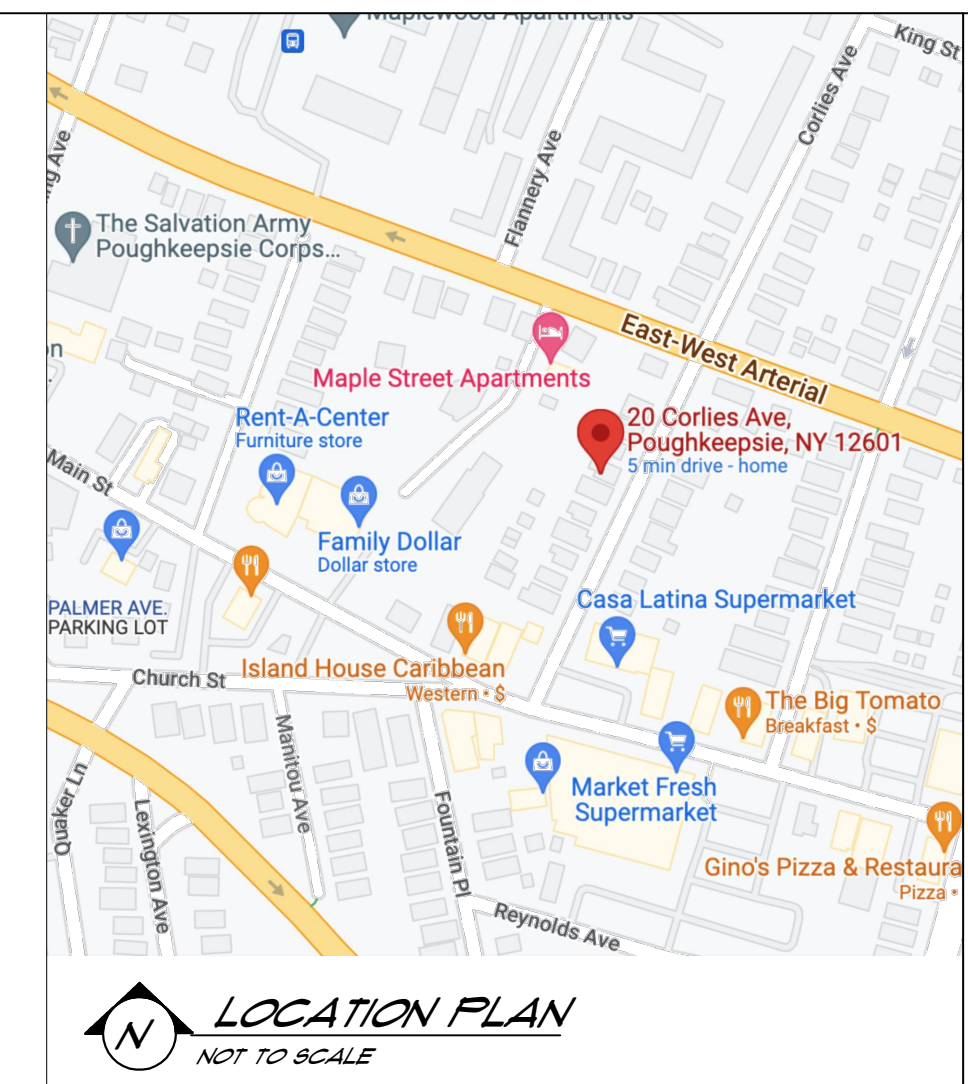
Once complete, the building will add rental inventory which the City desperately requires.

Thank you for your time and consideration.

Respectfully,



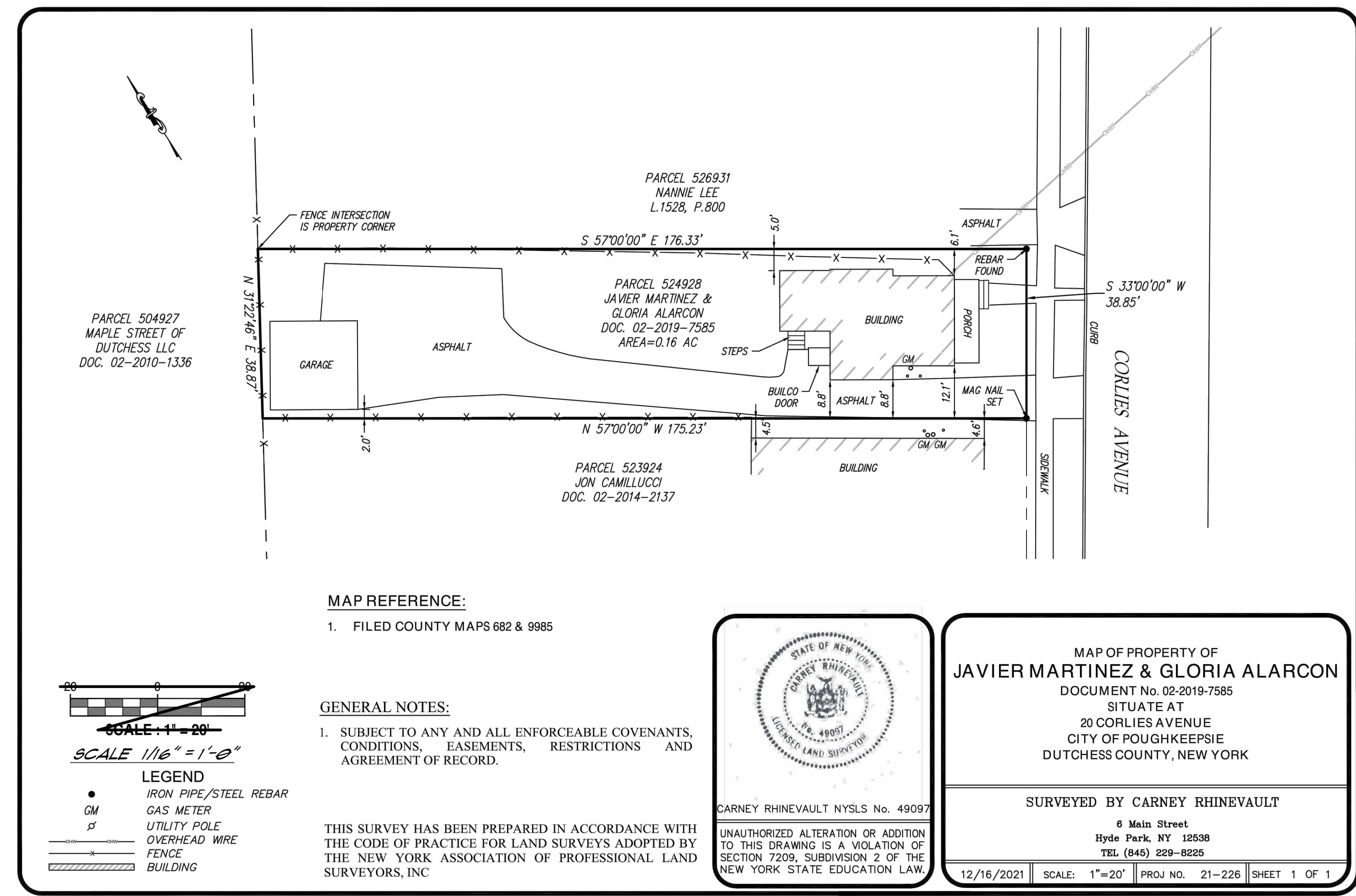
Wayne Thompson
Attorney for Applicant



REVISIONS
VARIANCES
REQUESTED

GRAND DESIGN
18 GRAND STREET POUGHKEEPSIE NY 12601
PHONE: (845) 392-1874 EMAIL GRANDDESIGN@GMAIL.COM

DATE ISSUED: MAY 08 2025	DRAWN BY: CJ4	SCALE: AS NOTED	JOB #: 22062
-----------------------------	------------------	-----------------	-----------------



OWNERS: JAVIER MARTINEZ & GLORIA ALARCON DOC. 02-2019-1585
TAX #131300-6161-25-524928-0000 - 0.16 AC. EXISTING 1 FAMILY RES (210)
PROPOSED CONVERSION TO 2 FAMILY RESIDENCE & SMALL ADDITION.

LOT AREA - 6,838 SF. STRUCTURES FOOTPRINTS = 1,507 SF.. OPEN AREA
= 5,331 OR 888. PARKING: 3 SPACES PROVIDED.

NOTE: PROPERTY DIMENSIONS & ADJACENT OWNERS AS PER SURVEY BY CARNEY RHINEVAULT NYLS #49097 DATED 11/26/2021, DUTCHESS COUNTY PROPERTY TAX MAP AND FIELD MEASUREMENTS.

1. SECTION 19-3.15(4)(A) REQUIRES THAT 10,000 SQUARE FEET OF LOT AREA BE PROVIDED FOR A TWO FAMILY DWELLING: THE LOT IS 6,838 SQUARE FEET IN AREA.

VARIANCE REQUESTED TO SECTION 19-3.15(4)(A) FOR 3,162 SF DEFICIENCY.

2. SECTION 19-3.15(4X E) REQUIRES THAT 6 FOOT SIDE YARDS BE PROVIDED: WHILE THE EXISTING NORTH SIDE YARD VARIES FROM 6.1 TO 5 FEET, AS A LEGALLY NONCOMPLYING CONDITION IT IS NOT AN ISSUE. HOWEVER, SECTION 19-5.2 STATES THAT NO NEW NONCOMPLIANCE CAN BE CREATED, NOR CAN THE DEGREE OF NONCOMPLIANCE BE INCREASED. THE ADDITION IS PROPOSED TO BE SET-BACK 5 FEET FROM THE NORTH PROPERTY LINE, WHICH IS BOTH A NEW NONCOMPLIANCE AND AN INCREASE IN THE DEGREE OF NONCOMPLIANCE.

VARIANCE REQUESTED TO SECTION 19-5.2 PERMITTING 5'-0" SETBACK AT NORTH SIDE YARD AT NEW ADDITION.

3. SECTION 19-4.3(11XA) REQUIRES THAT FOUR (4) COMPLIANT OFF-STREET PARKING SPACES BE PROVIDED:

FOUR PARKING SPACES ARE INDICATED. 2 AT THE GARAGE AND 2 ON THE SITE .

4. 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 PROVIDED PLANS DO NOT SHOW ANY PROPOSED LANDSCAPING.

6' HIGH WOOD STOCKADE FENCING IS PROPOSED AT SIDE AND REAR YARD AS SHOWN ON THE PROPOSED SITE PLAN.

5. SECTION 19-4.3(B)(2) REQUIRES OFF-STREET PARKING AREAS SHALL BE ADEQUATELY ILLUMINATED FOR CONVENIENCE AND SAFETY, BUT NO LIGHTING FOR PARKING AREAS SHALL CAUSE GLARE ON ADJOINING PROPERTY;

PARKING LIGHTING IS PROPOSED ON DRAWING .

PLOT PLAN / SURVEY
FOR
20 CORLIES AVE.
POUGHKEEPSIE NY



$P-1$



**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: Javier Ortega

From: Tyler Maegerle, Junior Planner

Date: 6/27/2023

Re: 20 Corlies Avenue

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 conversion of a single-family dwelling to a two family dwelling.

Based on the above description it is the determination of the planning division that the proposed action is classified as Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(11) "construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith." The action is therefore not subject to further environmental review.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

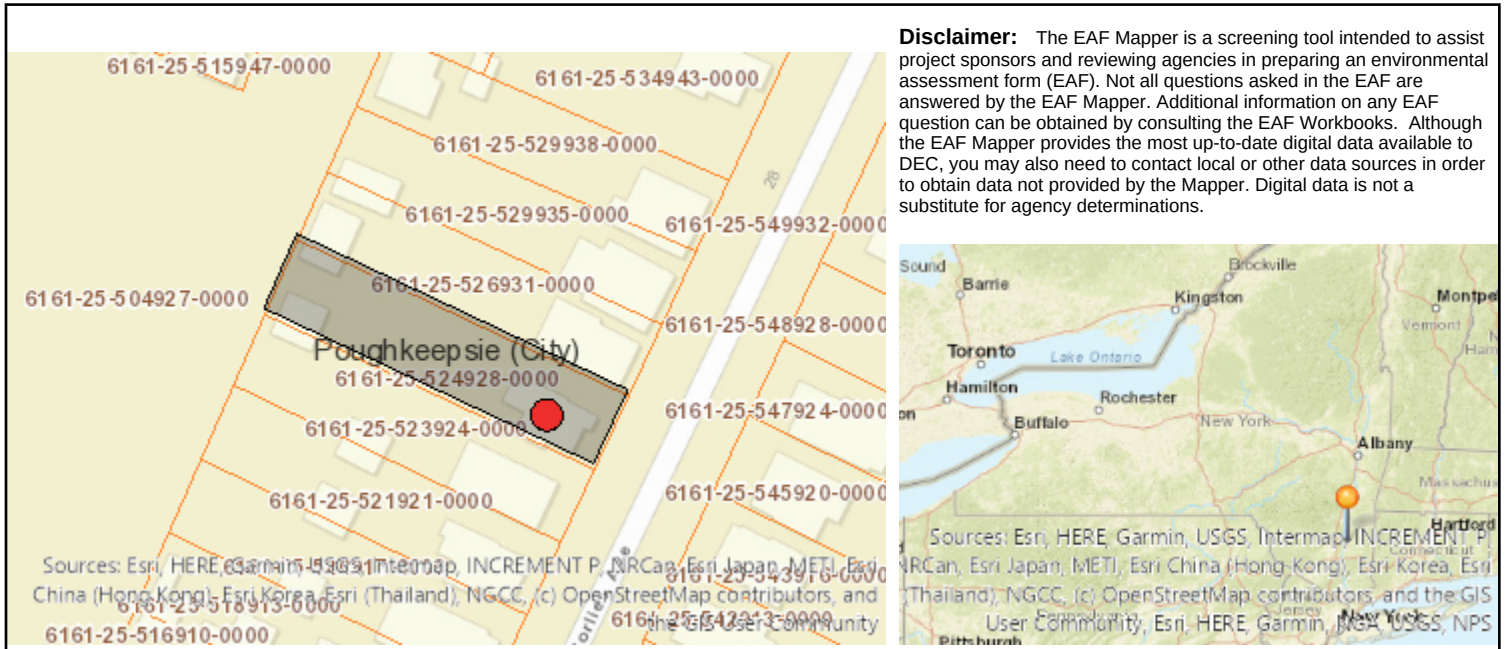
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: 20 Corlies Avenue 1-2 Family Conversion			
Project Location (describe, and attach a location map): 20 Corlies Avenue, City of Poughkeepsie, NY			
Brief Description of Proposed Action: Convert existing single family to 2 family residence.			
Name of Applicant or Sponsor: Javier Ortega by Wayne Thompson Esq.		Telephone: 845-464-6693	
		E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603 (attorney); 89 Peach Road, Poughkeepsie, NY 12601 (owner)			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
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:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.16 acres	
b. Total acreage to be physically disturbed?		0.06 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.0 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: _____ _____	☐	☒	
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, 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>Wayne Thompson, Esq.</u> Date: <u>06/12/2023</u> Signature: <u><i>Wayne Thompson</i></u> Title: <u>Attorney for Applicant</u>		



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]	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]	No





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

June 13th, 2023

Wayne Thompson

Re: 20 Corlies Avenue
ID: 107200
Zoning Review Request PD-2022-017

Dear Mr. Thompson,

The Development Department is in receipt of your zoning review request relative to the property at 20 Corlies Avenue and the proposed conversion of the existing building from a Single-family dwelling into a Two-family dwelling. This property is located within the Medium High-Density Residence District(R-4) which does allow Two-family dwellings per code Section 19-3.15(2)(a)2 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)(a) requires a minimum of 10,000sf of lot area; per the provided plan which is not drawn to scale, the lot is only 6,838sf.
2. Section 19-3.15(4)(e) requires a minimum of a 6' side yard; per the provided plan which is not drawn to scale, the right-side yard is only 4'6".
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; per the provided plan which is not drawn to scale, the dimensions listed for the parking spaces appear to comply but no dimension was provided for the aisle width between spaces.

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

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



**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: 230 Mansion st, Poughkeepsie, NY 12601

ZONING DISTRICT: R4- medium high dens. residence GP 000

OWNER INFORMATION:

Name: Jacqueline Bowen

Address: 230 Mansion st
Poughkeepsie, NY 12601

Phone: 845-849-4805

Email: _____

APPLICANT INFORMATION:

Name: iFlooded Services Inc.

Address: 17B Roselle st.
Mineola, NY 11501

Phone: 516-404-0509

Email: md@ifloodedrestorstion.com

CONSULTANT INFORMATION:

Name: Carlo Frugiuele, registered architect

Address: 34 Sprain rd.
Hartsdale, NY 10530

Phone: 917-287-8594

Email: urbanofficearchitecture@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.

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
19-3.15(4)(e)	15' combined side yard	6' (to allow 9' side yard)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 the nearby properties? If not please explain why.

No. The proposed area variance fits perfectly into the character of the neighborhood as it blends into the residential character of most adjoining properties which already have rear bump outs, verandas and patios. Moreover, the addition is designed to look "as if it ever existed" by using the same materials, geometry/mass and roof proportions to the existing house.

- 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 design, purchasing of contiguous properties, etc.) Why is the variance necessary?

Other options are not feasible. Given that the intent is to provide a properly sized master bedroom and an outdoor area on the second floor apartment, the only other option would be to expand the building sideways towards the neighboring building. However, given that the property has no room to expand (the side yard is 0 feet on the side of the proposed area variance) this option is not feasible.

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

It is not substantial (7 x 11 feet). Its protrusion is smaller than those of both adjacent properties. The bump out on the second floor is sitting shorter than both neighbors as shown in the plans and photographs attached. Both buildings to either side are estimated to extend an additional 3 to 5 feet past what will be the area variance on our property.

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

It will not. The addition is lifted on columns and won't affect the grounds. It matches existing finishes. The proposed area variance is sensitive to the environment in that it only touches the ground in isolated column form to support the upper floor bump out. Moreover, no natural features are disturbed by the addition.

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

It is not. Due to the restoration after the fire, it is sensible to plan the work alongside. This will allow for an efficient use of time and least amount of future disturbance to the neighbors.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 230 Mansion st., Poughkeepsie, NY 12601

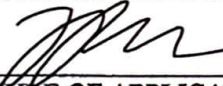
LIST OF REQUIRED ATTACHMENTS

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

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

5/10/23
DATE

John Netska
Print Name

Re: 230 Mansion St

O'Brien, Joseph <jobrien@cityofpoughkeepsie.com>

Thu, Apr 13, 2023 at 11:58 AM

To: "Nocerino, Peter" <PNocerino@cityofpoughkeepsie.com>, "Garcia, Lori" <LGarcia@cityofpoughkeepsie.com>

Cc: "urbanofficearchitecture@gmail.com" <urbanofficearchitecture@gmail.com>

Carlo,

Please note that a Site Plan application will not be required for this project but an Area Variance will be required for the side yard as the addition is proposed to be installed on the property line and per **Section 19-3.15(4)(e)** a side yard of at least 6' is required. Attached is an application for an Area Variance with the Zoning Board of Appeals. A denial is required to apply for a variance, please attach and use this email as your denial in order to seek relief from the code and try to obtain an Area Variance from the Zoning Board. If you have any questions please feel free to reach out, my contact info is listed below, thanks.

Joseph D. O'Brien

Deputy Zoning Administrator

62 Civic Center Plaza

Poughkeepsie, NY 12601

Office - 845-451-4273

Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com

From: Nocerino, Peter <PNocerino@cityofpoughkeepsie.com>**Sent:** Wednesday, April 12, 2023 3:25 PM**To:** Garcia, Lori <LGarcia@cityofpoughkeepsie.com>; O'Brien, Joseph <jobrien@cityofpoughkeepsie.com>**Subject:** FW: FW: 230 Mansion St

Beside the fact that a zoning review has not been performed, what else would be required for them to move forward with this?

Peter Nocerino
Deputy Building Inspector
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601
www.cityofpoughkeepsie.com

Main Phone 845-451-4007

From: Mia Dorville <md@ifloodedrestoration.com>
Sent: Wednesday, April 12, 2023 11:51 AM
To: Carlo Enzo <urbanofficearchitecture@gmail.com>
Cc: Nocerino, Peter <PNocerino@cityofpoughkeepsie.com>; Bradley Bonnen <bv@ifloodedrestoration.com>
Subject: Re: FW: 230 Mansion St

Hello Peter

Please see attached zoning application.

On Wed, Apr 12, 2023 at 10:28 AM Carlo Enzo <urbanofficearchitecture@gmail.com> wrote:

Thank you Peter. It is much appreciated.

Carlo

On Wed, Apr 12, 2023 at 10:25 AM Nocerino, Peter <PNocerino@cityofpoughkeepsie.com> wrote:

Sure

Peter Nocerino

Deputy Building Inspector

City of Poughkeepsie

62 Civic Center Plaza

Poughkeepsie, NY 12601

**[https://link.edgepilot.com/s/6379c3c4/_1lsvR9jv0uAkKpjyicfgQ?
u=http://www.cityofpoughkeepsie.com/](https://link.edgepilot.com/s/6379c3c4/_1lsvR9jv0uAkKpjyicfgQ?u=http://www.cityofpoughkeepsie.com/)**

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Area Variance Application.pdf

82K

[illegible]

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ALL SMOKE AND CARBON DETECTORS TO REMAIN IN WORKING CONDITION. REPAIR AS NECESSARY

1. INSPECT ROOF, A
REPLACE AS NECESSARY

- | | |
|---|--|
|  | EXISTING FLOOR FINISH TO REMAIN |
|  | REPLACE SUBFLOOR AS REQUIRED. PROVIDE WATERPROOF MEMBRANE. REPAIR/REPLACE FLOOR FINISH IN AREA. CHANGES TO SURFACE |
|  | REPLACE SUBFLOOR AS REQUIRED. REPLACE FLOOR FINISH WHERE REMOVED. CHANGES TO SURFACE |
|  | OTHERS |
|  | REPLACE EXISTING CABLES IN R AND MATCHED AREA |

- [illegible]

Urban Office Architecture PLLC
34 Sprain Rd
Hartsdale NY 10530
Carlo Fruguele, RA
T: 917-287-8594
W: www.carloenzoarchitecture.com
E: urbanofficearchitecture.com

- BY FILLING IN THE FOLLOWING SPECIFICATIONS:
 * FILLER GLASS OR POLY, BY TILES
 * ADAPTOR = 0.2 OR BETTER
 * SOLUTION CAN CONTAIN (RSC) = 0.20 OR BETTER
- ROOM IDENTIFICATION
 FLOOR LEVEL, ROOM NUMBER
 ROOM NAME
- PHOTOGRAPHICAL CUT
 DRAWING NUMBER
 SHEET NUMBER
 ARROW INDICATES DIRECTION OF
 VIEW FROM PHOTOGRAPH
-

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✓

- DOUBLE 56" GYP
FOR FIRE SEPARATION
BETWEEN FLOORS

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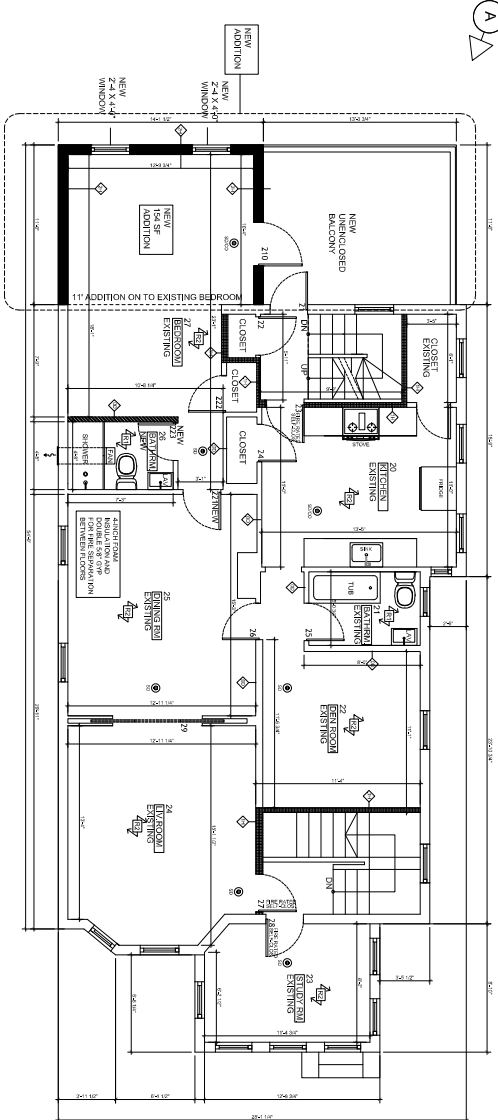
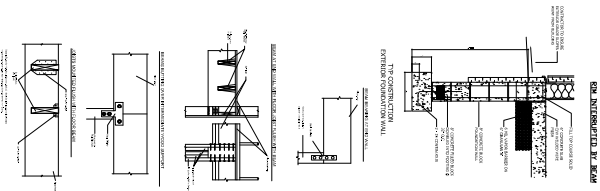
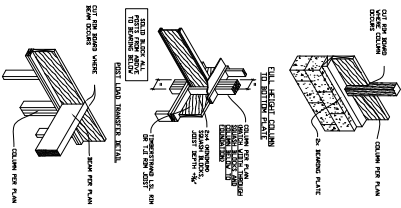
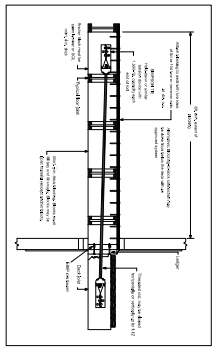
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TYPICAL STRUCTURAL DETAILS

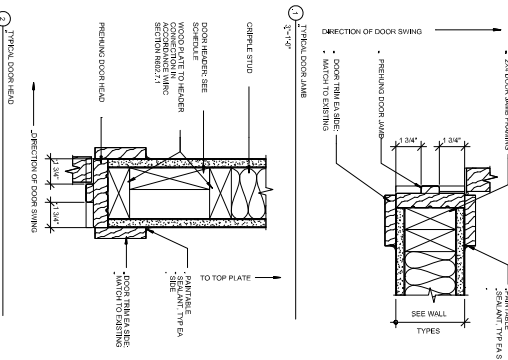


2nd Floor Plan
Scale: 1/4"=1'-0"



MANSION STREET

DOOR SCHEDULE			
NO.	DOOR LOCATION	TYPE	NOTES
210	LOBBY	8	NEW BUILD
211	REAR PORCH	8	NEW BUILD
212	REAR PORCH	8	NEW BUILD
213	REAR PORCH	8	NEW BUILD
214	REAR PORCH	8	NEW BUILD
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379	REAR PORCH	8	NEW BUILD
380	REAR PORCH	8	NEW BUILD
381	REAR PORCH	8	NEW BUILD
382	REAR PORCH	8	NEW BUILD
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397	REAR PORCH	8	NEW BUILD
398	REAR PORCH	8	NEW BUILD
399	REAR PORCH	8	NEW BUILD
400	REAR PORCH	8	NEW BUILD



WATERPROOFING NOTE
THE WATERPROOF MEMBRANES SHALL EXTEND UP THE WALL BENEATH ALL PLUMBING FIXTURES INCLUDING TUBS AND SHOWERS TURN UP AT LEAST 8" AT THE WALLS AND FORM AN EDGE DAM ON THE DRY SIDE OF DOOR SADDLES, WHICH ARE REQUIRED AT BATHROOM DOORS.

COMPANY
FLOOR SERVICES INC.
1788 S. 10th St.
Minneapolis, MN 55404
T: 612-444-0000

ARCHITECT
Urban Office Architecture PLLC
34 Sprain Rd.
Hempstead, NY 11550
Carlo Frigoli, RA
T: 917-287-8894
W: www.carlofrigoli.com
E: urbanofficearchitecture.com

PLUMBING NOTES AND REQUIREMENTS.

INSTALLATION OF ALL WORK HEREIN SPECIFIED SHALL CONFORM TO THE REQUIREMENTS OF THE NY STATE PLUMBING CODE, RULES AND REGULATIONS OF THE BUILDING DEPARTMENT, CITY OF MANHATTAN, AND ALL OTHER LOCAL AUTHORITIES HAVING JURISDICTION, INCLUDING FEDERAL O.S.P.A. SPECIFICATIONS.

ALL MATERIALS USED SHALL BE NEW, BEST OF THEIR RESPECTIVE BRANDS AND CONFORM TO THE REQUIREMENTS OF ALL STATE AND LOCAL AUTHORITIES HAVING JURISDICTION. PIPEWORK INSTALLED UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SERVICE

MATERIAL

SOIL AND WASTE LINES (WITHIN BUILDING)
ABOVE GRADE - EXTRA HEAVY CAST IRON PIPE OR DWV COPPER PIPE WITH SWEAT SOLDER CONNECTIONS;
BELOW GRADE - EXTRA HEAVY CAST IRON PIPE;
SOIL AND WASTE LINES (OUTSIDE BUILDING) EXTRA HEAVY CAST IRON PIPE;
VENT PIPING
STANDARD WEIGHT GALVANIZED PIPE OR TYPE DWV COPPER PIPE WITH SWEAT SOLDER JOINTS;
COLD AND HOT WATER PIPING
UNDERGROUND TYPE WITH FLARE FITTINGS.

ABOVE GRADE

(WITHIN BUILDING)

TYPE L COPPER TUBE WITH LEAD FREE SWEAT SOLDER CONNECTIONS

SET CLEVIS HANGERS FOR THE SUPPORT OF COPPER

SET CLEVIS HANGERS FOR CAST IRON PIPE NOT MORE THAN 5 FT

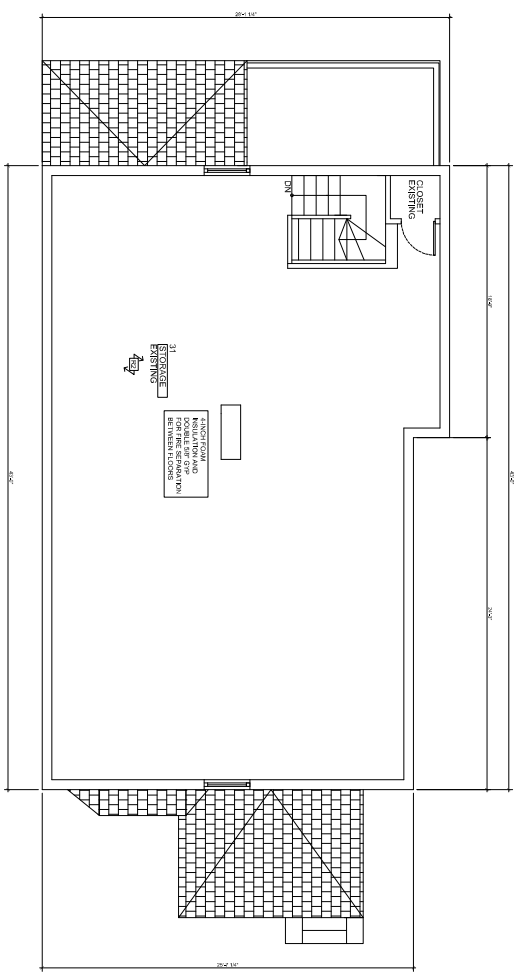
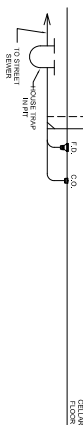
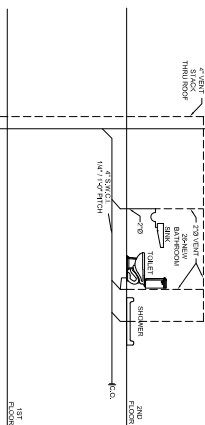
APART; USE 3/8" ROD FOR PIPE UP TO 2" AND 1/2" ROD

FOR PIPES 2" 1/2" AND LARGER

COVER ALL COLD WATER AND HOT WATER LINES WITH 1" THICK O.C. FIBERGLASS LIGHT DENSITY ONE PIECE PIPE INSULATION HAVING FRK PER MANUFACTURER'S SPECIFICATIONS. COVER ALL VALVES AND FITTINGS WITH ZESTON PRE MOULDED INSULATING SHAPES.

PLUMBING RISER DIAGRAM

N, T, S.



MANSION STREET

01 Attic Floor Plan
Scale 1/4"=1'-0"



A Rear Facade Photo
NTS



B Side Facade Photo
NTS



C Front Facade Photo
NTS

Company:
FLOOD SERVICES INC.
178 Broadway
Manhasset, NY 11501
T: 516-404-5509

Architect:
Urban Office Architecture PLLC
34 Spring Rd
Hartsdale, NY 10530
Carlo Frugiere, RA
T: 917-287-5894
W: www.carlofrugiere.com
E: urbanofficearchitecture.com

230 MANSION ST.

230 MANSION ST.

DOE SUBMISSION 04/13/2023

230 MANSION ST.

POLYMER/PSI, NY 12001

FIRST FLOOR PLAN

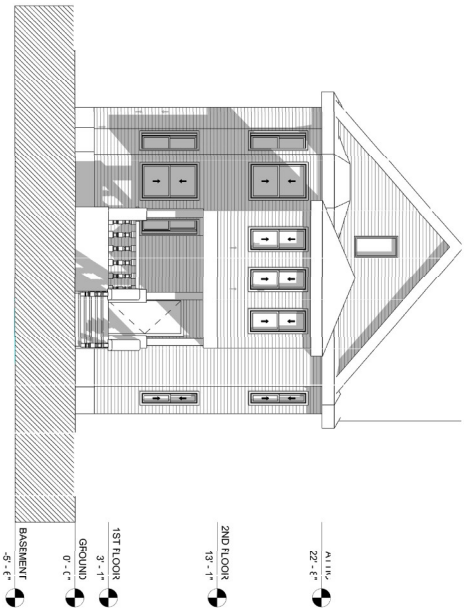
A-103.00

Company:
FLOOD SERVICES INC.
178 Roselle St.
Mineola, NY 11501
T: 516-404-0509

Architect:
Urban Office Architecture PLLC
34 Sprain Rd
Hertfordale NY 10530
Carlo Frugilele, RA
T: 917-267-5594
NY: www.carlofrugilele.com
E: urbanofficearchitecture.com

230 MANSION ST.

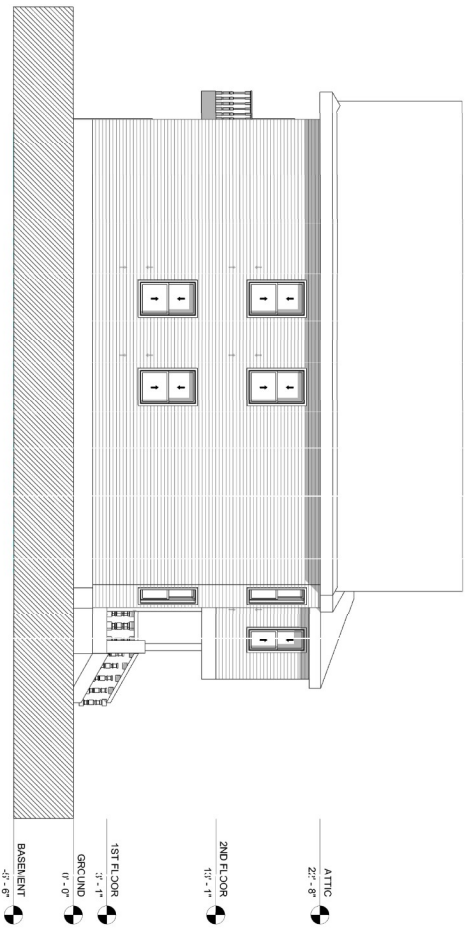
1 East
3/16" = 1'-0"



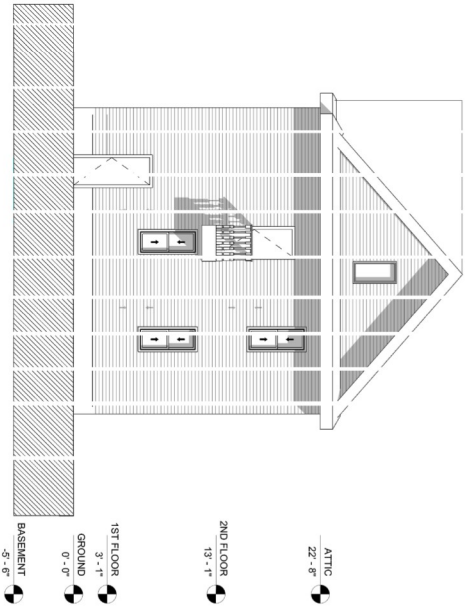
2 North
3/16" = 1'-0"



3 South
3/16" = 1'-0"



4 West
3/16" = 1'-0"

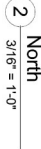


DOB SUBMISSION - 04/13/2023

230 MANSION ST.
POUGHKEEPSIE, NY 12601

ELEVATIONS EXISTING

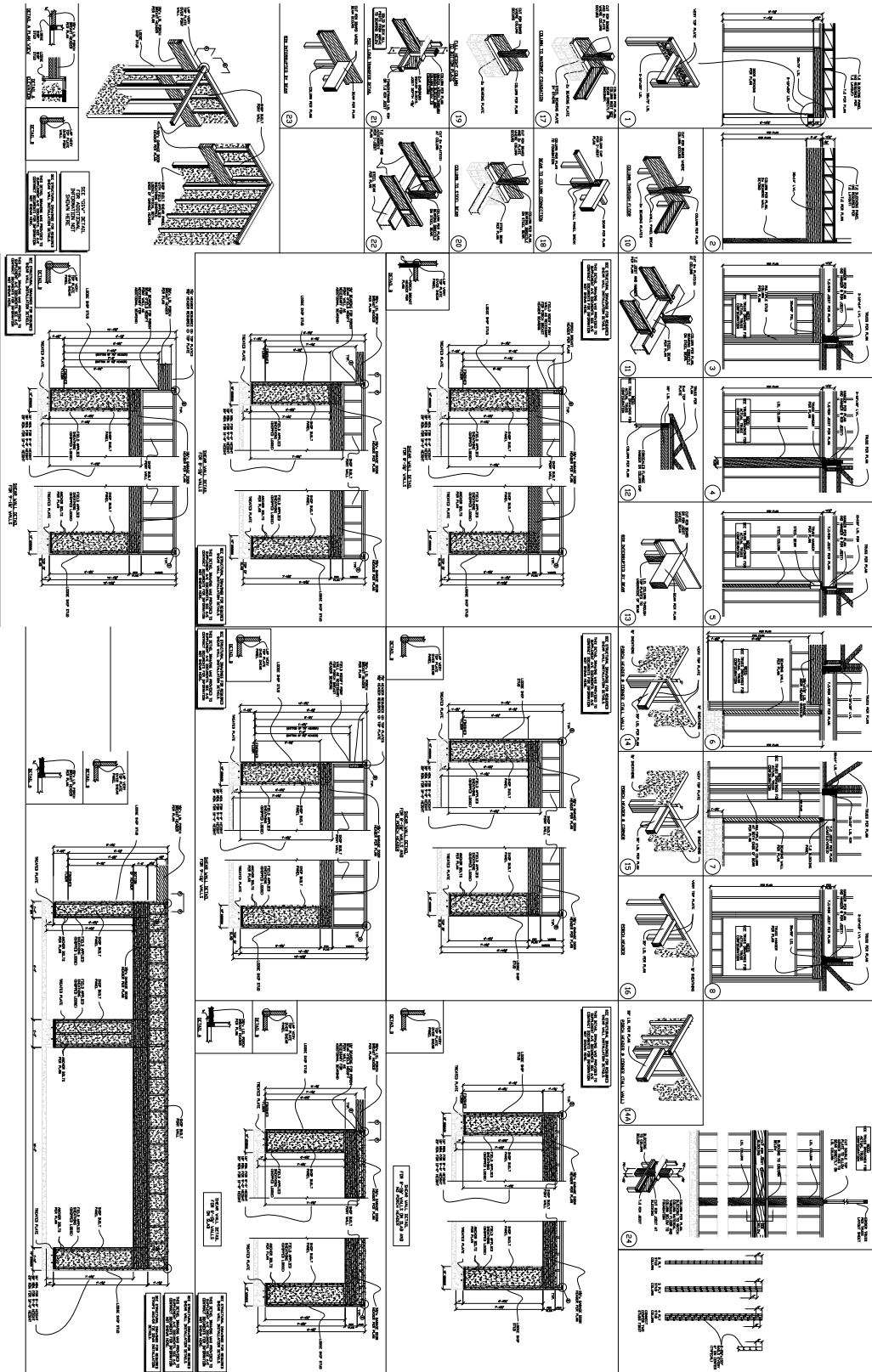
A-104.00



Company:
IFC/OOD SERVICES INC.
178 Broadway
Manhasset, NY 11501
T: 516-404-5009

Architect:

Urban Office Architecture PLLC
34 Spring Rd
Hartsdale, NY 10530
Carlo Friguiele, RA
T: 917-287-8594
W: www.carlofriguiele.com
E: urbanofficearchitecture.com



230 MANSON ST.

DOB SUBMISSION 04/13/2023

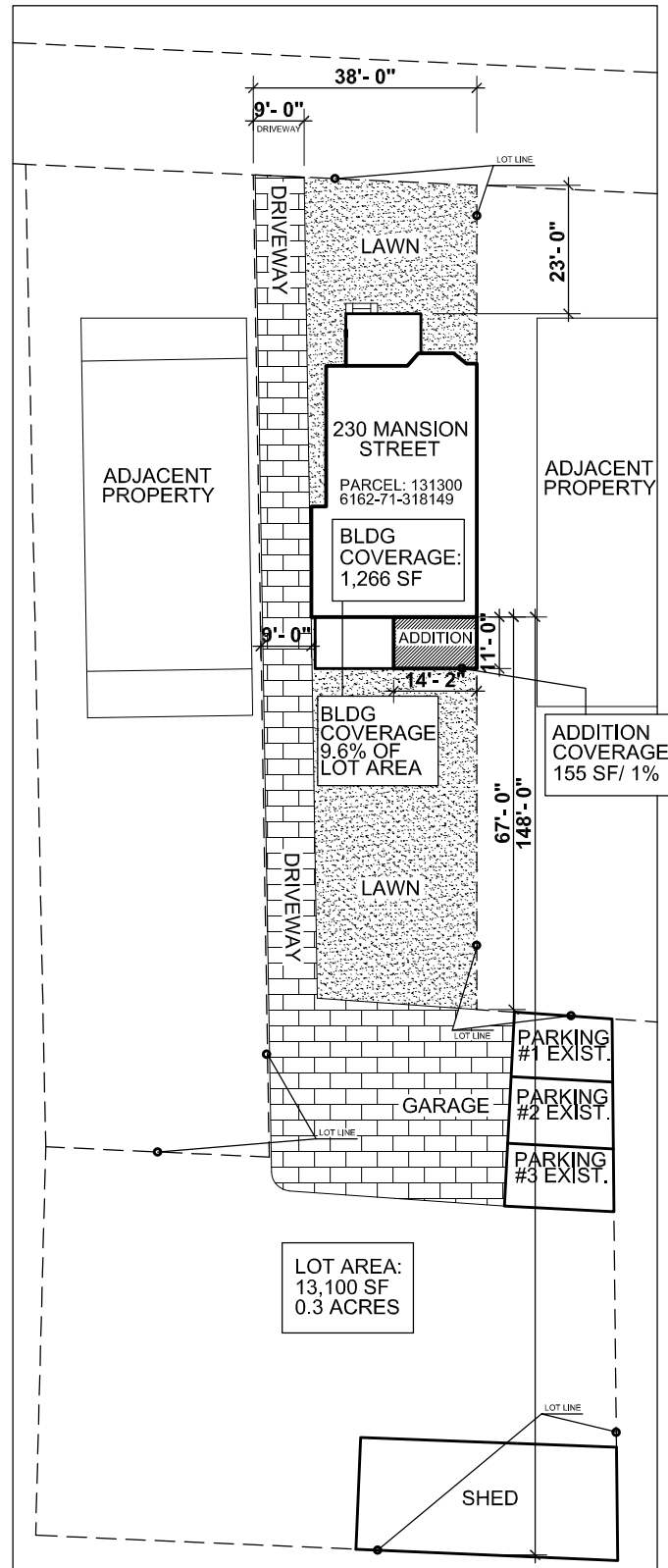
230 MANSON ST.
POUGHKEEPSIE, NY 12601

STRUCTURAL DETAILS



A-106.00

MANSION STREET



01 SITE PLAN
scale 1/32"=1'-0"

NORTH





1 Rear Facade Photo
NTS



2 Front Facade Photo
NTS



3 Side Facade Photo
NTS



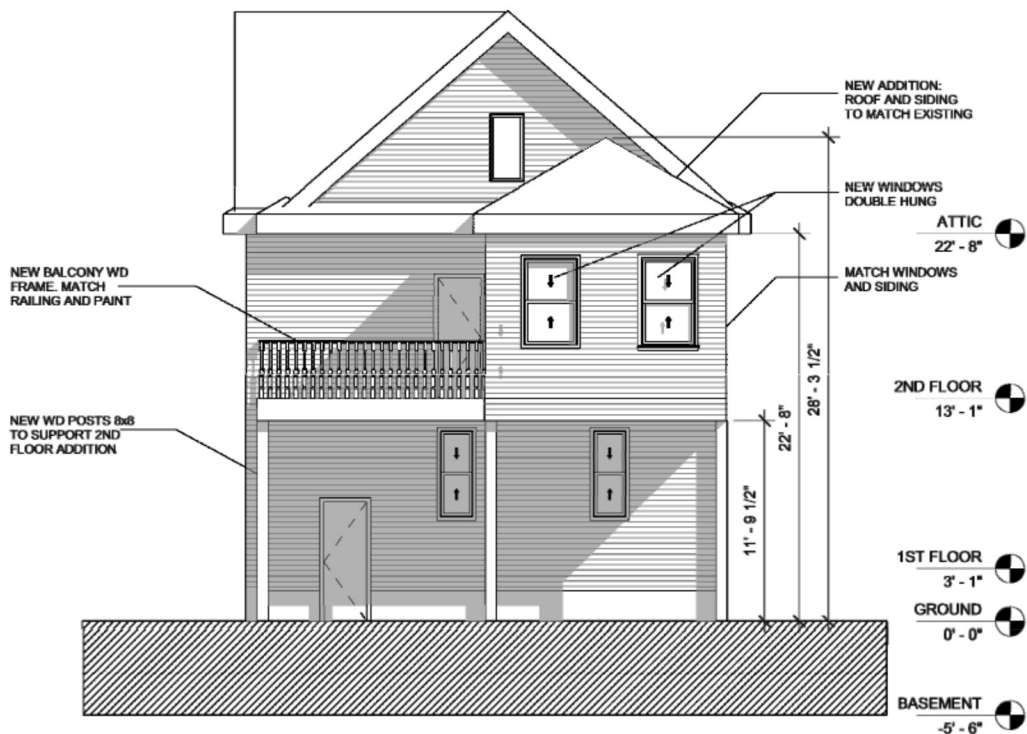
1 Side Elevation
scale 3/32" = 1'-0"



2 Side Elevation
scale 3/32" = 1'-0"



3 Front Elevation
scale 3/32" = 1'-0"



4 Rear Elevation
scale 3/32" = 1'-0"

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: REAR ADDITION TO 2ND FLOOR BEDROOM OF RESIDENTIAL 2-FAMILY RESIDENTIAL BUILDING		
Project Location (describe, and attach a general location map): 230 Mansion street, Poughkeepsie, NY 12601		
Brief Description of Proposed Action (include purpose or need): The proposed action is to enlarge the building horizontally, by expanding the second floor rear bedroom. The proposed addition measures 11FT x 14FT 2IN of enclosed/roofed construction and 13FT x 11FT of unenclosed balcony/deck connected/accessible from the newly expanded 2nd floor bedroom. The purpose is to create a properly sized master bedroom and outdoor space facing the rear yard. This expansion by no means expands past the neighboring buildings, which are all already expanded and/or larger/deeper than the house here in question. Furthermore, the proposed expansion won't be visible from the Mansion street and will not alter the character of the neighborhood in any substantial way.		
Name of Applicant/Sponsor: iFlooded Services Inc.	Telephone: 516-404-0509	
	E-Mail: md@ifloodedrestorstion.com	
Address: 17B Roselle st.,		
City/PO: Mineola	State: NY	Zip Code: 11501
Project Contact (if not same as sponsor; give name and title/role): Mia Dorville	Telephone: 516-404-0509	
	E-Mail: md@ifloodedrestorstion.com	
Address: 17B Roselle st.,		
City/PO: Mineola	State: NY	Zip Code: 11501
Property Owner (if not same as sponsor): Jacqueline Bowen	Telephone: 845-849-4805	
	E-Mail:	
Address: 230 Mansion street		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601

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 Council, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission ☐ Yes ☒ No		
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	Village Zoning Board of Appeals	June 13, 2023
d. Other local agencies ☒ Yes ☐ No	Department of Buildings	June 14, 2023
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
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):

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?

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?

Mansion Square 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

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

b. Total acreage to be physically disturbed? _____ acres

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

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: _____ 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	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

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:

i. Total anticipated water usage/demand per day: _____ 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: _____
- 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: _____

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

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 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): _____

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

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- 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? _____	☐ Yes ☐ No	
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): _____ _____ _____		
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____		
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 _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ 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)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • 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) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☐ No ☐ 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): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ 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: _____ 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? ☐ 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: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ 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%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

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: _____ _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
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: Exterior deck lighting to illuminate the balcony/deck at night. It will face upward and towards the backyard, not the adjacent properties. Light type: Hurley Modern 1-Light Matte Black Hardwired Medium Outdoor Wall Lantern Sconce 60 watts	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____ _____	
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: _____ _____ _____	
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: _____ _____	
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): _____ _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ 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: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

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): _____ 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			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

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: _____ _____	☐ 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? • 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 ☐ 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): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	☐ Yes ☐ No ☐ 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): B00148, C314134, C314130, 314122 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☒ Yes ☐ No

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? _____ 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: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % 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: _____ _____ _____
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: 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): _____ _____ _____
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? ☒ Yes ☐ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: <u>DIXON HOUSE</u> iii. Brief description of attributes on which listing is based: _____	
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? ☐ Yes ☐ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No	
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ 3 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
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	

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 iFlooded Services Inc. Date 5-4-2023

Signature  Title Project Manager



**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: iFlooded Services Inc.

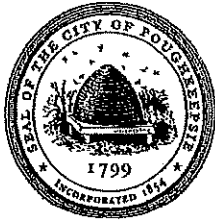
From: Tyler Maegerle, Junior Planner

Date: 6/26/2023

Re: 230 Mansion Street

Upon review of project materials provided by the applicant, including Full EAF and site plan application, it is my understanding that the proposed action to be undertaken includes enlarging the building horizontally, via the second-floor rear bedroom. The enclosed addition is 11 ft by 14 ft 2in, and the unenclosed addition is 13ft by 11 ft of balcony/deck which extends from the 2nd floor bedroom. The expansion will not expand past the neighboring buildings or be visible from mansion street.

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)(9) "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density." The action is therefore not subject to further environmental review.



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: MARSHAW ST
ZONING DISTRICT: R-2A

OWNER INFORMATION:

Name: HABITAT FOR HUMANITY DUTCHESS COUNTY
Address: 1822 SOUTH RD
WAPPINGERS FALLS, NY 12590
Phone: 845-297-0806
Email: MAUREN.LASHLEE@HABITATDUTCHES.ORG

APPLICANT INFORMATION:

Name: DAVID FREEMAN RA
Address: 26 SHELDON DRIVE
POUGHKEEPSIE, NY 12603
Phone: 845-452-5359
Email: DAVID@DFAR4IT.COM

CONSULTANT INFORMATION:

Name: _____
Address: SAME AS APPLICANT
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.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 11 MARSHALL 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>19-3.13.1(4)(b)</u>	<u>50' FRONT WIDTH</u>	<u>10' (40' EXISTING LOT)</u>
<u>19-3.13.1(4)(d)2</u>	<u>10' SIDEYARD</u>	<u>5'</u>
<u>19-4.3(11)</u>	<u>2 PARKING SPACE</u>	<u>(1) PROPOSED</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.
 - 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: 11 MARSHALL ST.

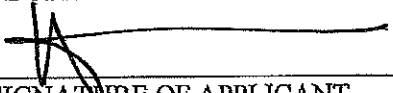
LIST OF REQUIRED ATTACHMENTS

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

D. FERNANDEZ

Print Name

2/13/23

DATE
UPDATED 6/6/23

D. FREEMAN ARCHITECT

26 SHELDON DRIVE
POUGHKEEPSIE, NEW YORK 12603
Telephone 845-452-5359
Fax 845-452-5359
Email david@dfarcht.com
Web www.dfarcht.com

Variance Zoning Request Justification 11 Marshall Street For New Home for Habitat for Humanity of Dutchess County

1. Will the of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

The Variances will not and undesirable changes. The proposed house is a single family home like many in the neighborhood and the proposed five foot side yard is the same as many of the existing neighboring homes. The lot width is existing. Parking for one car is shown. This is the same with the majority of homes on the street. Public parking is not available within 600 feet of the site.

2. Can the benefit sought be achieved by some other method feasibly for the applicant to pursue other than an area variance?

The existing lot width is undersized from what appears to be a standard lot width of 50 feet. Complying with Setbacks would require a twenty-foot house width. Placing side by side bedrooms creates undersized bedrooms or stretching the house moves the rear of the house further down the hill and closer to the creek.

3. Are the requested variances substantial?

Typically, a variance greater than 50 percent is considered substantial. The reduce in width from 50 feet to 40 feet is a 20 percent reduction and a reduction in overall side yards from 20 feet to 15 feet is a 25% reduction.

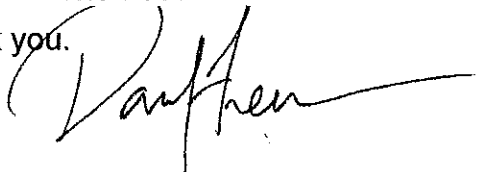
4. Will the variance have an adverse effect or impact on the physical or environment conditions in the neighborhood or district?

The proposed single family home will be in keeping with the neighborhood and the proposed variance (side yard) reflects the existing side yard set back on many homes in the area. The single car parking is in keeping with the majority of properties on the street,

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

The need for the variances is unique to the existing undersized lot width of 40 feet.

Thank you.



June 6, 2023



1830 South Rd. Wappingers Falls NY 12590 | www.habitatdutchess.org | (845) 297-0806 x8

February 14, 2023

To whom it may concern:

This letter is to attest that Habitat for Humanity of Dutchess County, located at 1830 South Rd, Wappingers Falls NY, 12590 is the owner of 11 Marshall St property located in the City of Poughkeepsie.

David Freeman is the Architect for Habitat for Humanity of Dutchess County and may act as an agent of the organization in all discussions and applications to the City of Poughkeepsie Planning Board and Building Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen Brennan Lashlee". The signature is fluid and cursive.

Maureen Brennan Lashlee
CE

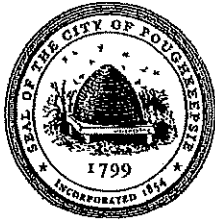
D. FREEMAN ARCHITECT

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Fax 845-452-5359
Email david@dfarcht.com
Web www.dfarcht.com

Site Photo

New Home for 11 Marshall Street for Habitat for Humanity of Dutchess County





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# _____

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Name: _____
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PROPERTY ADDRESS: 11 MARSHALL ST.

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ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 11 MARSHALL ST.

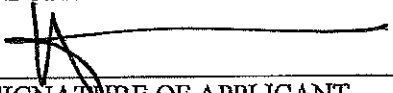
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SIGNATURE OF APPLICANT

D. FERNANDEZ
Print Name

2/13/23
DATE
UPDATED 6/6/23

D. FREEMAN ARCHITECT

26 SHELDON DRIVE
POUGHKEEPSIE, NEW YORK 12603
Telephone 845-452-5359
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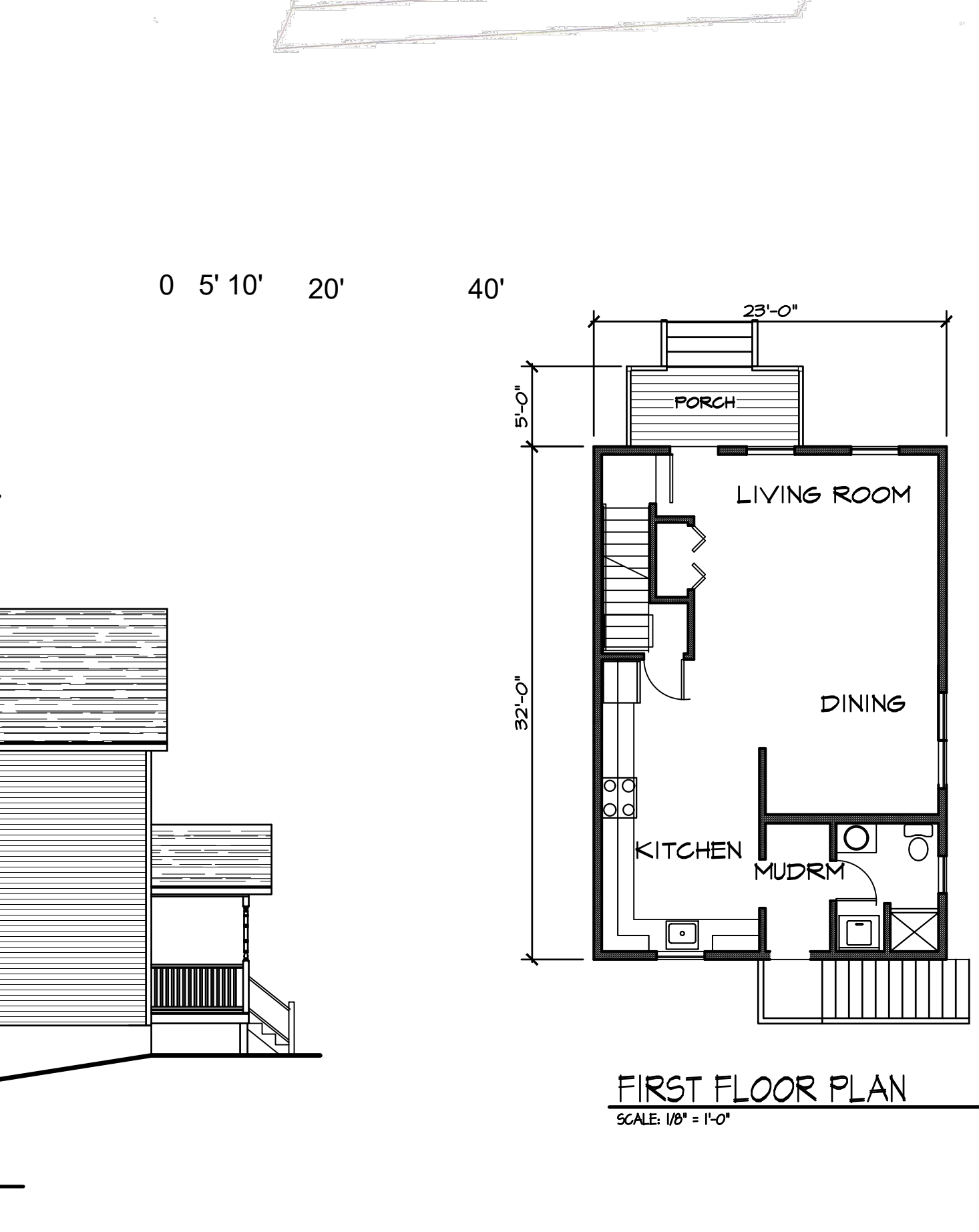
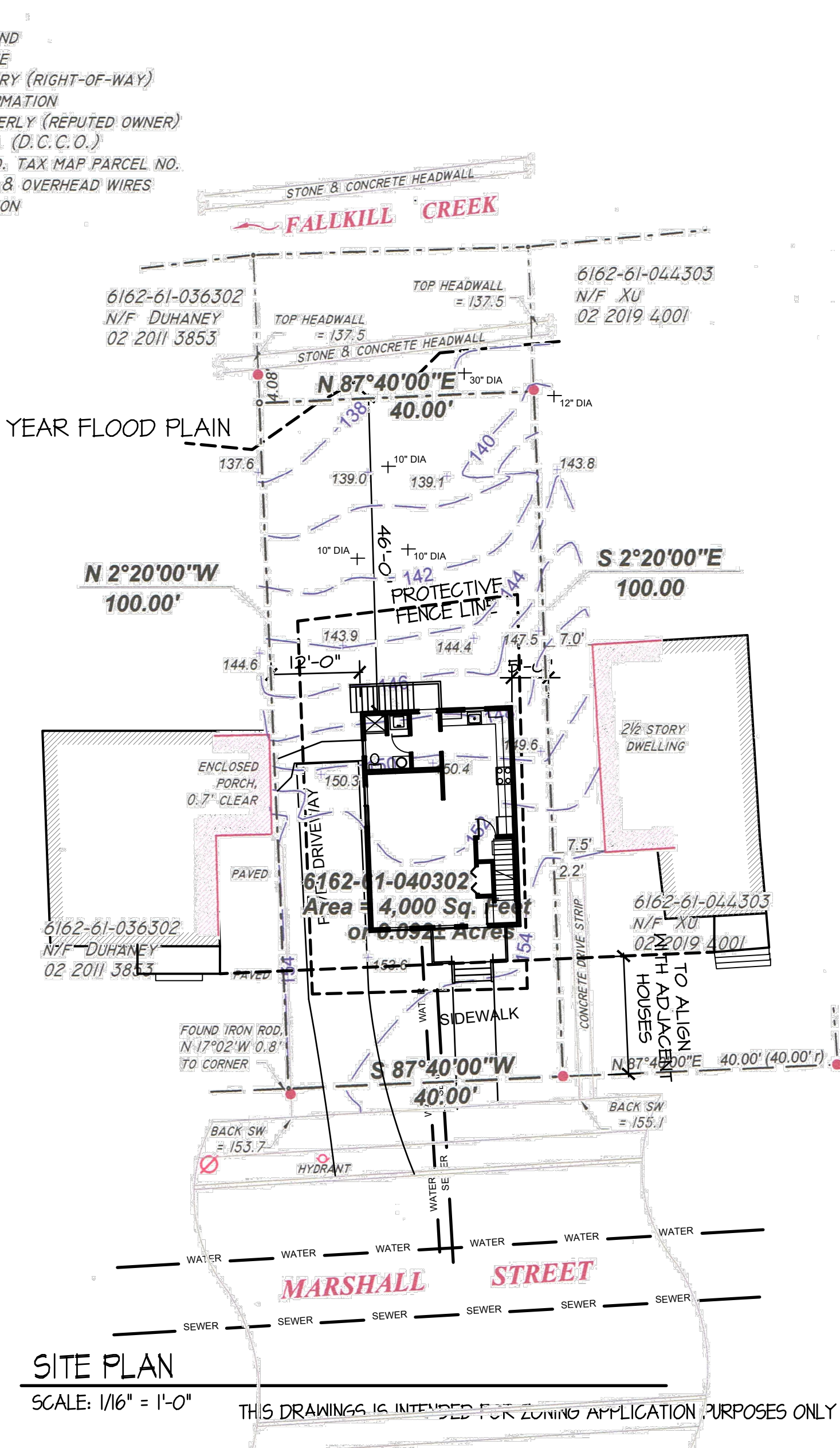
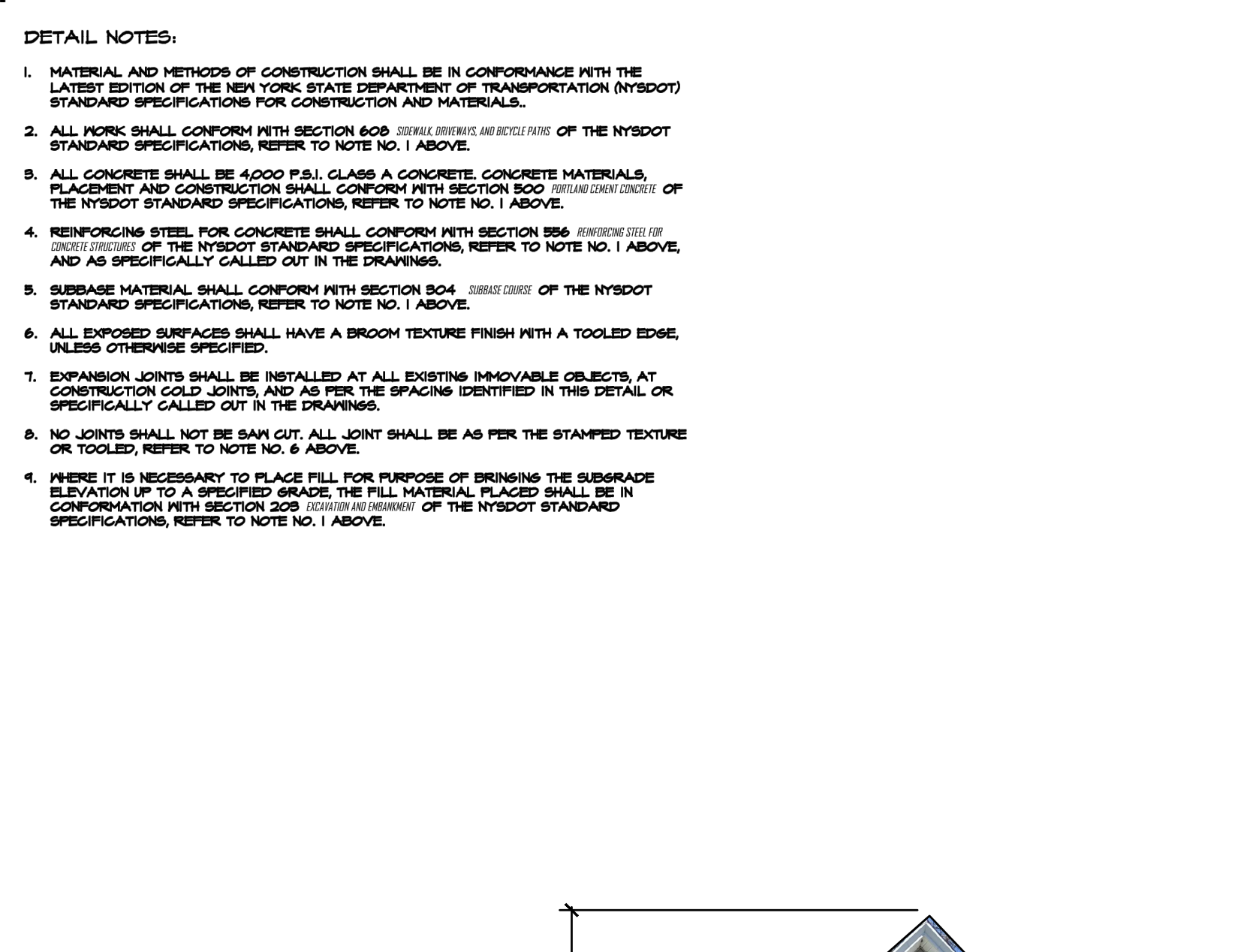
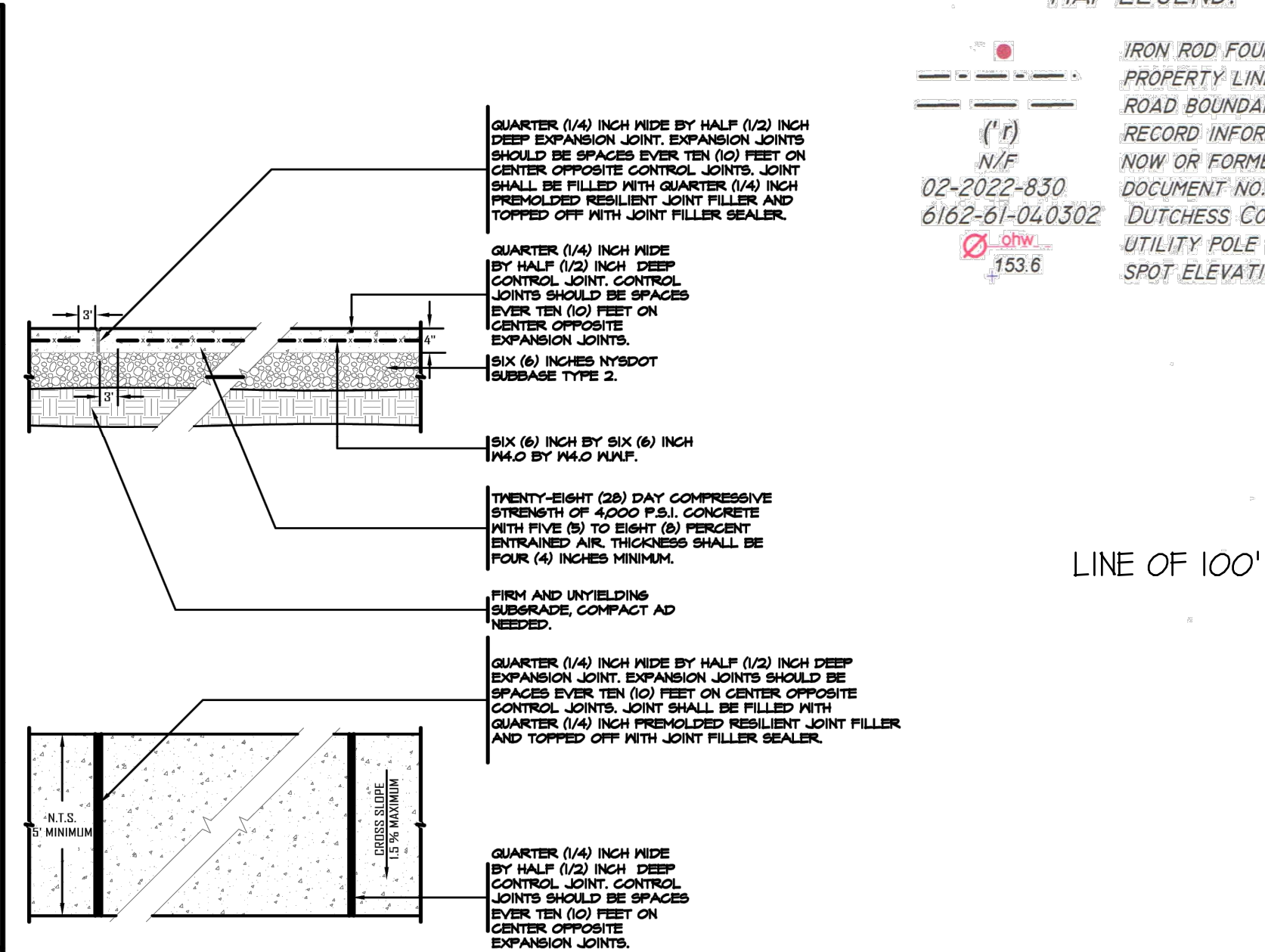
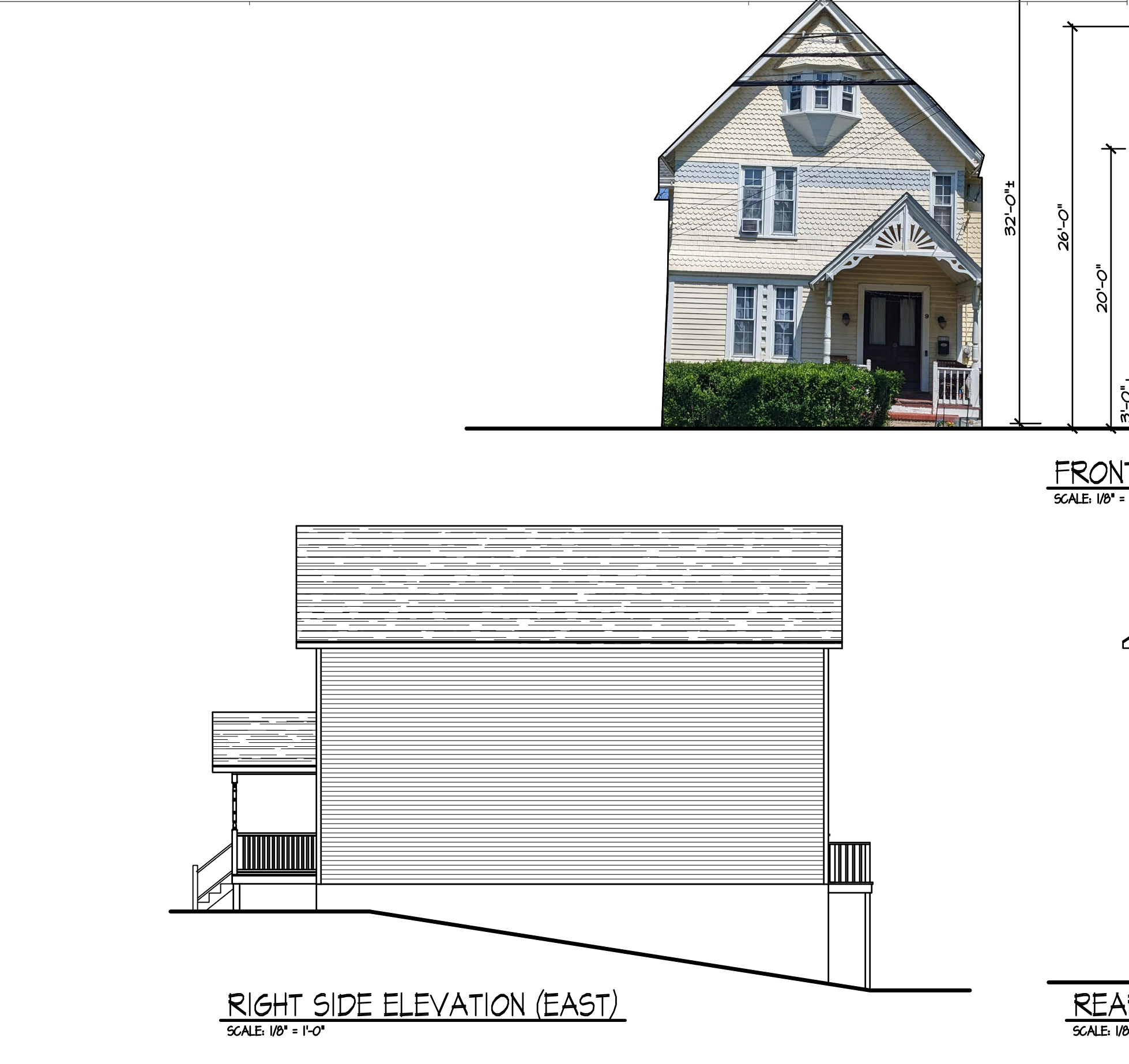
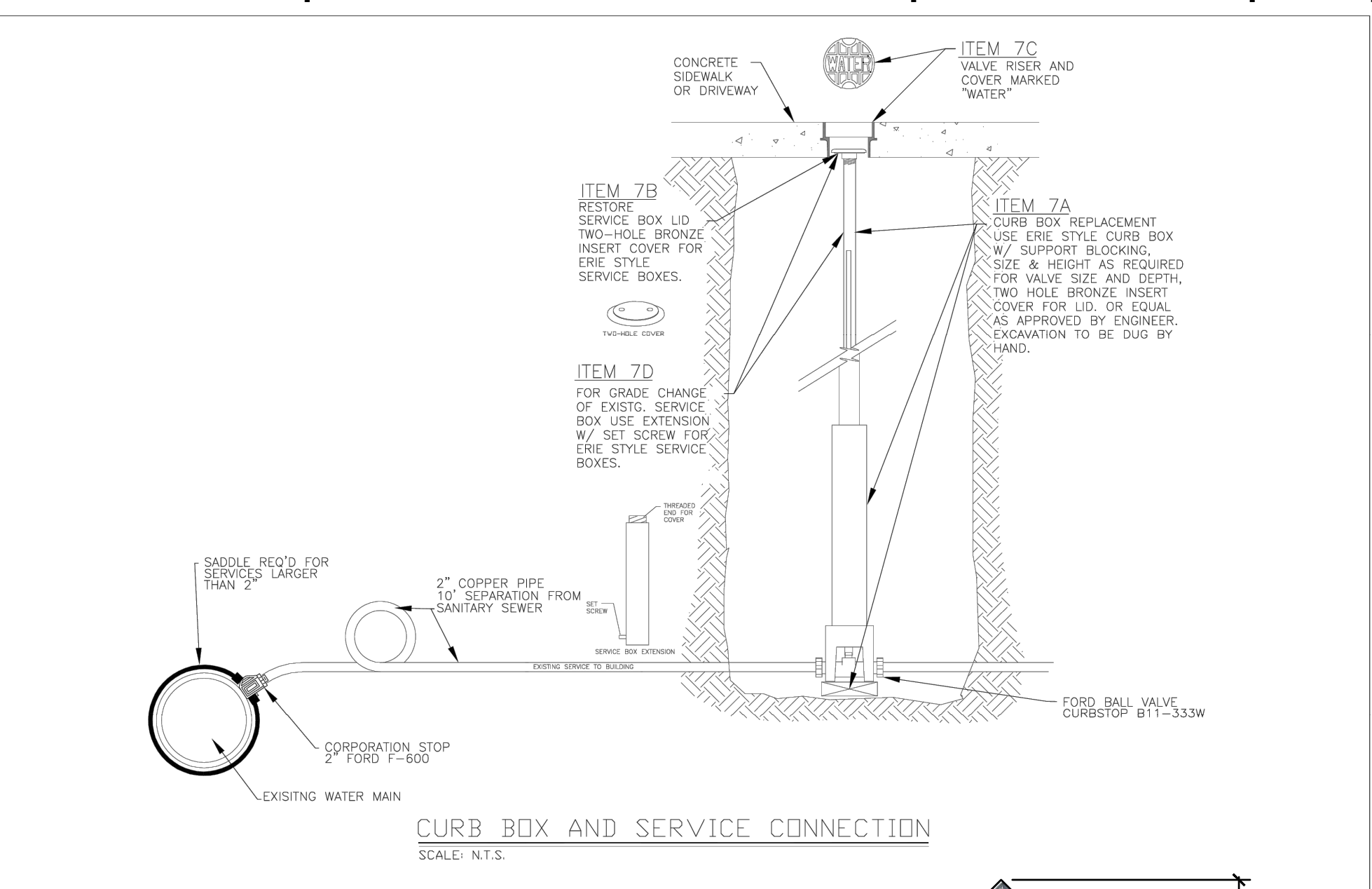
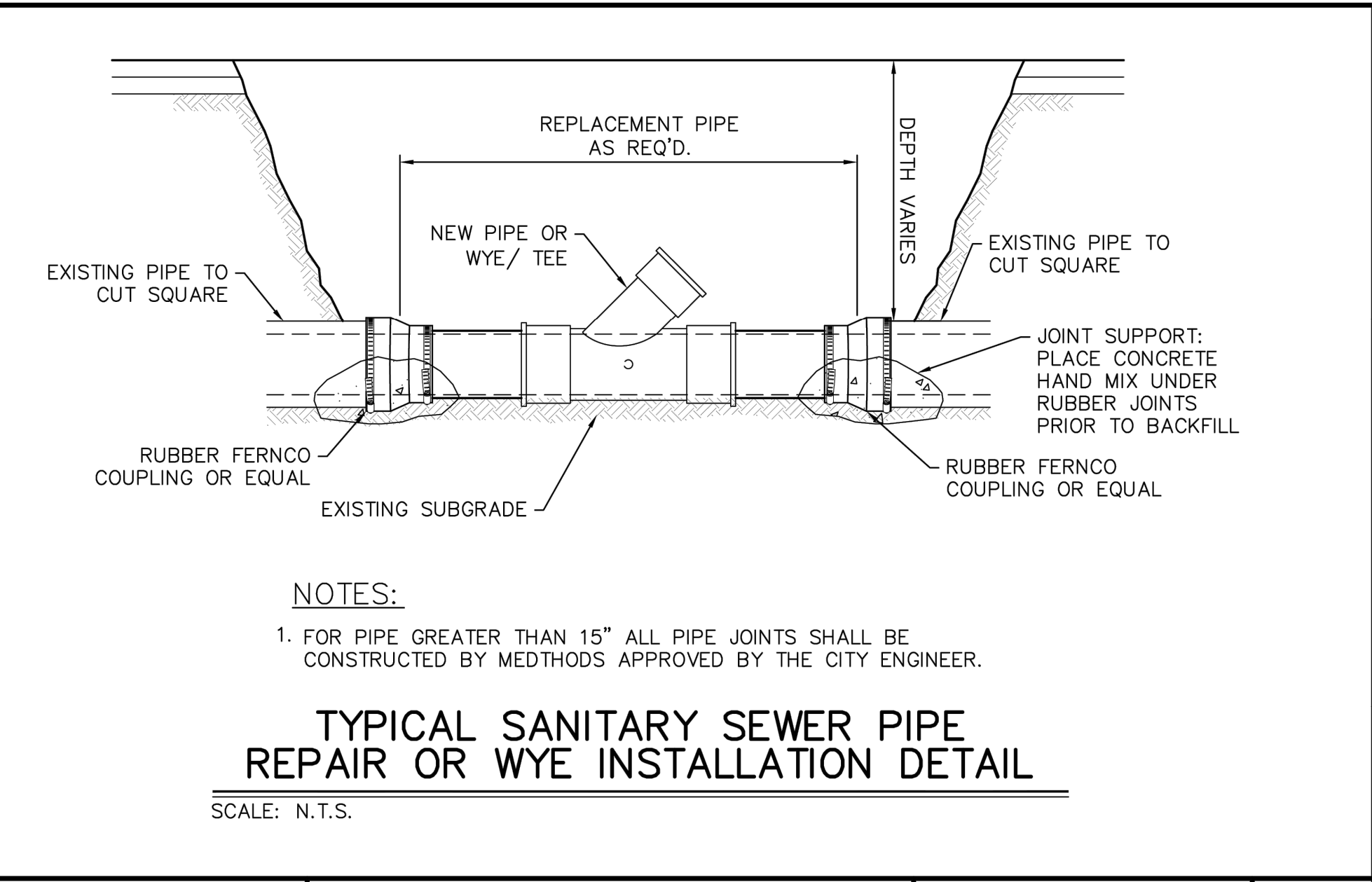
Cover Letter
11 Marshall Street
For New Home for Habitat for Humanity of Dutchess County

Application to Planning Board is to construct a single family home of Modular Construction at 11 Marshall Street. Application to Zoning Board of Appeals is for reduction of Lot Width and Side Yard variance and number of parking spaces.

Thank you.

A handwritten signature in black ink, appearing to read "David Freeman", with a long horizontal flourish extending to the right.

June 7, 2023



PARCEL INFORMATION

PARCEL NUMBER 131300-6162-61-040302-0000
ADDRESS MARSHALL STREET
OWNER: HABITAT FOR HUMANITY
1822 SOUTH ROAD
WAPPINGERS FALLS, NEW YORK 12540

ZONING

ZONE R-2A

LOT AREA REQUIREMENTS	REQUIRED	PROPOSED	VARIANCE
6000 SF	4000 SF	REQUESTED	

SETBACK REQUIREMENTS

FRONT WIDTH	60'	40'	REQUESTED
FRONT	20'	ALIGN WITH ADJACENT	COMPLIES
SIDE 1 (LEFT)	10'	12'-0"	COMPLIES
SIDE 2 (RIGHT)	10"	5'	REQUESTED
REAR	15'	46'	COMPLIES
LOT COVERAGE	MAX. 35%	20%	COMPLIES
PARKING REQUIRED	2	1	REQUESTED

LIGHTING WILL BE RESIDENTIAL IN NATURE

THERE ARE NO EXISTING OR PROPOSED EASEMENTS, RIGHT OF WAYS, SETBACK, RESERVATION AND REARS DEDICATED TO PUBLIC USE.

THERE ARE NO FIRE ALARM BOXES

EXISTING GRADE TO REMAIN EXCEPT AT PARKING

THERE ARE NO PLANS FOR STORM WATER IMPROVEMENTS

SCREENING AND LANDSCAPING IS NOT REQUIRED

ALL TREES WITHIN PROTECTIVE FENCE AREA TO BE REMOVED

PROTECTIVE FENCING TO BE INSTALLED AND MAINTAINED ON ALL SIDES PRIOR TO THE START OF CONSTRUCTION

ROADWAY TO BE SWEEPED OF DEBRIS AND SOIL EACH DAY CONSTRUCTION OCCURS

PRIOR TO THE START OF CONSTRUCTION OR EXCAVATION, TREES TO BE RETAINED SHALL BE PROTECTED BY SILT FENCE, SNOW FENCE, CONSTRUCTION FENCE, OR EQUAL, WHICH WILL BE PLACED AT THE DRIP LINE OR SEVERAL FEET BEYOND. HOWEVER, THE FENCING SHALL NOT CROSS PUBLIC SIDEWALKS. NO STORAGE OR STOCKPILING OF CONSTRUCTION MATERIALS, DEBRIS OR EQUIPMENT SHALL OCCUR WITHIN THE FENCED AREA.

PROJECT

PROPOSED NEW HOME FOR DUTCHESS COUNTY HABITAT FOR HUMANITY

LOCATION
MARSHALL STREET
CITY OF Poughkeepsie, NEW YORK

D. FREEMAN ARCHITECT
26 SHELDON DRIVE
POUGHKEEPSIE, NY 12603
845-452-5354
FAX 845-452-5354
email: david@dfarcht.com
www.dfarcht.com

DATE
JUNE 6, 2023

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information							
Name of Action or Project: PROPOSED NEW HOME							
Project Location (describe, and attach a location map): 11 MARSHALL ST.							
Brief Description of Proposed Action: CONSTRUCTION OF NEW SINGLE FAMILY HOME							
Name of Applicant or Sponsor: DAVID FREEMAN RA		Telephone: 845.452.5359 E-Mail: DAVID@DFAR4IT.COM					
Address: 26 SHELDON DRIVE Poughkeepsie, NY 12603							
City/PO: POUGHKEEPSIE		State: NEW YORK	Zip Code: 12603				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 5px;">☒</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☒	☐
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: BUILDING PERMIT			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 5px;">☐</td> <td style="text-align: center; padding: 5px;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3. a. Total acreage of the site of the proposed action?		0.111 acres					
b. Total acreage to be physically disturbed?		1.026 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.111 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: _____ FALKIL CREEK _____ _____			

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>DAVID FREEMAN RA</u> Date: <u>2/13/23</u> Signature: <u></u> Title: <u>ARCHITECT</u>		



1830 South Rd. Wappingers Falls NY 12590 | www.habitatdutchess.org | (845) 297-0806 x8

February 14, 2023

To whom it may concern:

This letter is to attest that Habitat for Humanity of Dutchess County, located at 1830 South Rd, Wappingers Falls NY, 12590 is the owner of 11 Marshall St property located in the City of Poughkeepsie.

David Freeman is the Architect for Habitat for Humanity of Dutchess County and may act as an agent of the organization in all discussions and applications to the City of Poughkeepsie Planning Board and Building Department.

Sincerely,

A handwritten signature in cursive script, reading "Maureen Brennan Lashlee".

Maureen Brennan Lashlee
CE

D. FREEMAN ARCHITECT

26 SHELDON DRIVE
POUGHKEEPSIE, NEW YORK 12603
Telephone 845-452-5359
Fax 845-452-5359
Email david@dfarcht.com
Web www.dfarcht.com

Site Photo

New Home for 11 Marshall Street for Habitat for Humanity of Dutchess County





**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: 51 Worrall Ave, Poughkeepsie, N.Y.
ZONING DISTRICT: R-2

OWNER INFORMATION:

Name: E-Cyn Ortiz Properties LLC (Elias + Cynthia Ortiz)
Address: 49 Huckleberry Lane
Hopewell Junction, NY 12533
Phone: 845-494-8150 914-565-9142
Email: cynthiagirl73@aol.com / elicyn6873@gmail.com

APPLICANT INFORMATION:

Name: Elias + Cynthia Ortiz
Address: 49 Huckleberry Lane
Hopewell Junction, NY 12533
Phone: 845-494-8150 / 914-565-9142
Email: cynthiagirl73@aol.com / elicyn6873@gmail.com

CONSULTANT INFORMATION:

Name: _____
Address: _____
Phone: _____
Email: _____

RECEIVED

JUN 14 2023

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 27, 2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 51 Worrall Ave. Poughkeepsie, N.Y. 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
<u>19-3.14(4)(a)2</u>	<u>14,000 sq. ft. of lot area</u>	<u>requesting 10,516 sq. ft. variance</u>
<u>19-3.14(4)(d)2</u>	<u>6 ft side yard</u>	<u>it is a 6' wide alley</u>
<u>19-3.14(4)(g)</u>	<u>40 Sq. ft. landscaped space</u>	<u>need 2 Sq. ft variance</u>
<u>19-4.3(1)</u>	<u>required parking spots</u>	<u>requesting 3 parking spots</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: 511 Worral Ave. Poughkeepsie, NY 12601

LIST OF REQUIRED ATTACHMENTS

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

Neighbors letter of approval
for the change

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.

Cynthia Ortiz
SIGNATURE OF APPLICANT

5/23/23
DATE

Cynthia Ortiz
Print Name

- 1.) Changing the Hair Salon to residential unit will free up more street parking and eliminate street congestion. Since Covid; Hair Salons have been going out of business or combining with other businesses. This left a long vacancy which hurts my investment value. This caused us hardship as a property owner. There is also a need for more studio apartments in the City of Poughkeepsie.
- 2.) The City of Poughkeepsie wants us to add more parking spaces, when a change to a studio apartment uses less parking. There are two streets around the property for the studio tenant to park. We did slightly alter design of the space. (See floor plan) The City of Poughkeepsie has stated that a Variance is necessary.
- 3.) Variance is being substantial... The Variances are not substantial to the neighborhood, or to the building. The building footprint remains the same with better usage of the property.
- 4.) No, the variance will not adversely impact physical or environmental conditions. As stated earlier, there will be less congestion of cars and traffic.
- 5.) The need for the variances is unique to the property; converting from a mixed use to a residential space. There are no expanded areas, everything was there, just reconfigured. All property lines remain the same.



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 27th, 2023

E-Cyn Ortiz Properties LLC
49 Huckleberry Lane
Hopewell Junction NY 12533

RE: 51 Worrall Avenue
ID: 504010
Application # BP-23-0652

Draw up a plan

*350.00
for all.*

To whom it may concern,

The Building Department has received your application # BP-23-0652 for change of use from a Two family with a hair salon to a Three family located at 51 Worrall Ave. Please be advised that the property at 51 Worrall Ave is located in an area of the City zoned Medium-Density Residence District (R-3). Although Three family dwellings are a permitted use per Section 19-3.14(2)(a)2, there are multiple zoning requirements that are not met due to the change of use which are as follows;

- ① Section 19-3.14(4)(a)2 requires 14,000 square feet of lot area; per Dutchess County Parcel Access the lot area is only 3,484sf.
- ② Section 19-3.14(4)(d)2 requires a 6' side yard; no plot plan drawn to scale was submitted but it appears from viewing DCPA that the side yard would not meet this requirement.
- ③ Section 19-3.14(4)(g) requires a minimum of 900sf of usable open space which is landscaped and that has a minimum dimension of 40'; no plot plan drawn to scale was submitted but it appears from viewing DCPA that the lot would not meet this requirement.
- ④ Section 19-4.3(11) requires 5 parking spaces; no plot plan drawn to scale was submitted but it appears from viewing DCPA that the lot would not meet this requirement.

Therefore your application is hereby denied. You may appeal the terms of this denial to the Zoning Board of Appeals within thirty (30) days of the date of denial.

If you have any questions you can reach me at 845-451-4273

Very truly yours,
Joseph O'Brien
Deputy Zoning Administrator

*written response to
5 questions*

STREET

SIDEWALK

38'

NEIGHBORING
BUILDING

EXISTING
BUILDING

100'

20'

DRIVEWAY

NEIGHBORING
BUILDING

35'

GRASS

100'

GRASS

SIDEWALK

STREET

PLOT PLAN
SCALE - 1" = 10'



**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: E-Cyn Ortiz Properties LLC

From: Tyler Maegerle, Junior Planner

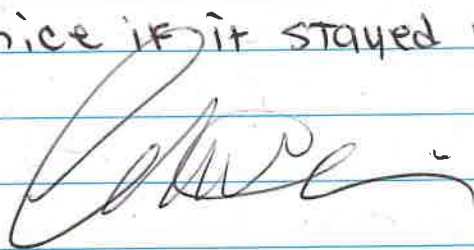
Date: 6/27/2023

Re: 51 Worrall Avenue

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 conversion of a mixed use two family property to a three family dwelling.

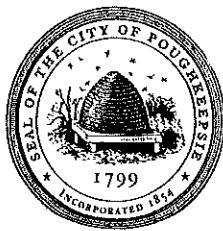
Based on the above description it is the determination of the planning division that the proposed action is classified as Type II Action with regards to SEQRA pursuant to 6 NYCRR Section 617.5 (c)(11) "construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system, or both, and conveyances of land in connection therewith;" The action is therefore not subject to further environmental review.

I Alexander flavens live at 53 Worrall ave
across the street from 51 Worrall Ave
since the salon has been changed to a
studio apartment. The neighborhood has
been quite no late night traffic There's
more parking available no loud music
coming from the salon. one Friday night
A group of people were hanging out in front
of the salon and one person through a bottle
across the street. This is a quiet residential
neighborhood this is not a commercial area
I would be nice if it stayed residential.

 5/21/23

I Jesse Fortuna reside at 1 Grubb St. I am a neighbor immediately nextdoor to the property of 51 Worrall Ave. I am writing this letter on behalf of Eli + Cynthia about changing the Hair Salon into a Studio Apartment. I would like to say there is an immediate change in parking. I have only a one car driveway so I need to use street parking for my second car, and now there is ample parking. Next there is much less traffic overall. There use to be much more thru traffic, different cars, different people all the time. The noise level has changed. The Hair Salon would be open much later than normal business hours, and the music would be loud at times, as well as people hanging outside the Salon. I'm thankful for the change. It's very peaceful and quiet now.

Jesse Fortuna
5-21-22



**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.

ZONING BOARD OF APPEALS AREA VARIANCE 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.



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.

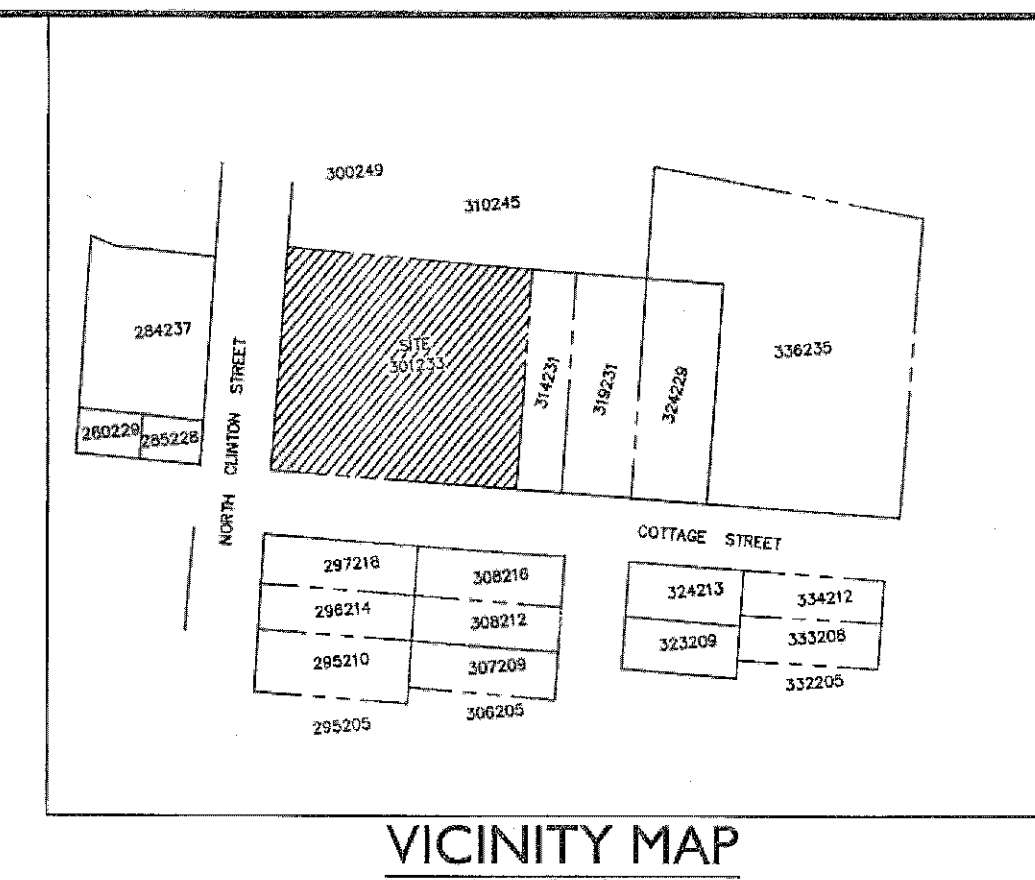
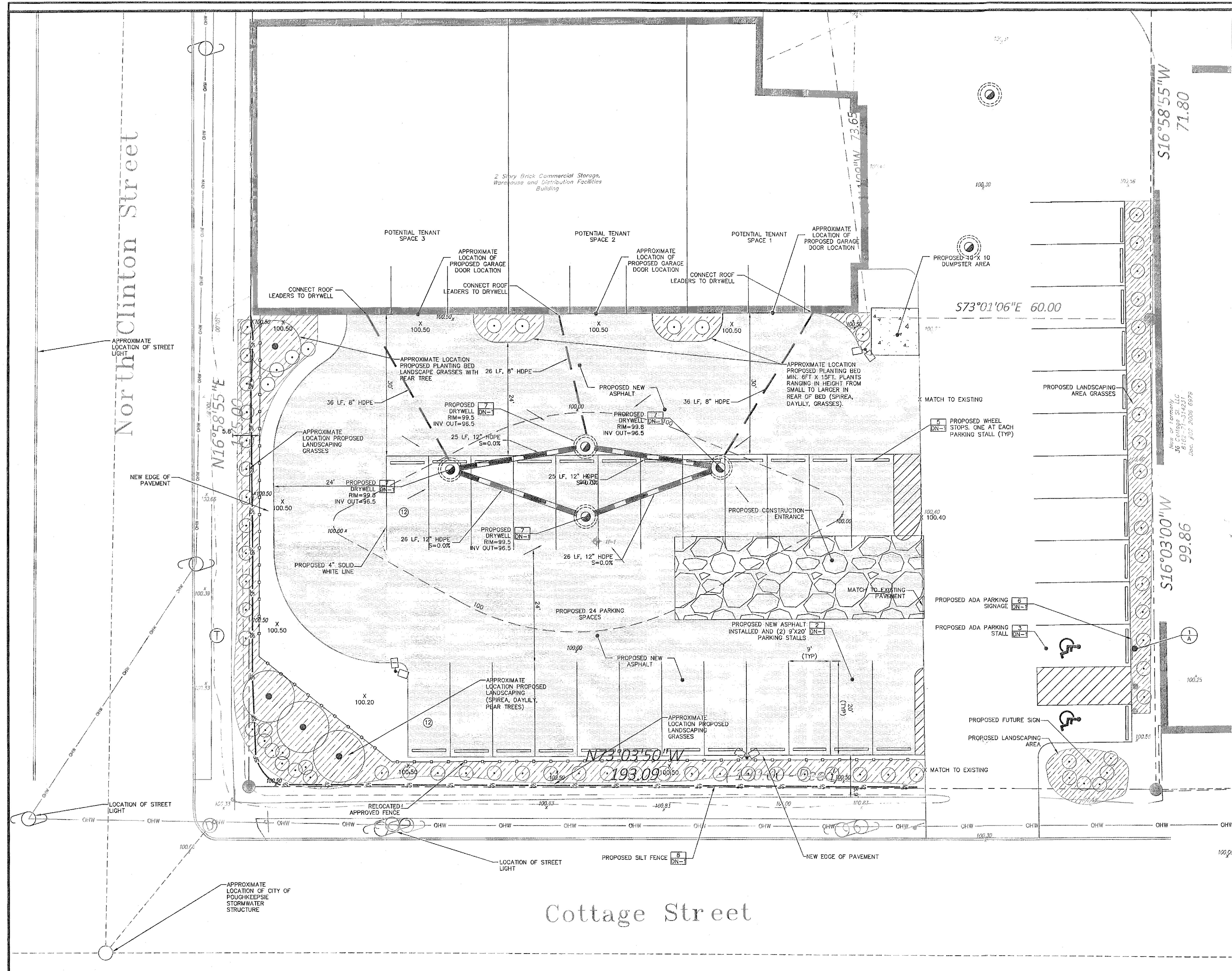
Sincerely,

A handwritten signature in blue ink, appearing to read "KLibolt", is written over a horizontal line.

Kelly Libolt

KL:sm

Encl.

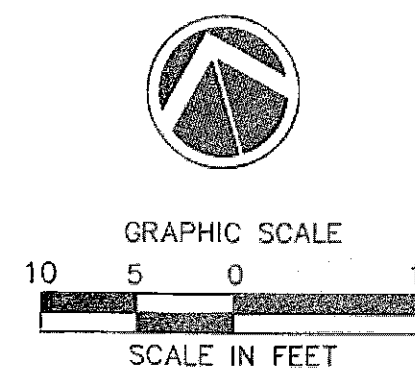


SUMMARY CHART		
ZONING INFORMATION		
PARCEL SIZE	32,234 SF OR 0.74 ACRES	
TAX MAP IDENTIFICATION	6162-71-301233	
ZONING DISTRICT	C-1 (NEIGHBORHOOD COMMERCIAL)	
PROPOSED USE	AMENDED PARKING LOT	
ZONING SUMMARY		
ITEM	REQ'D C-1 ZONE	PROPOSED
MINIMUM FRONT YARD	15 FEET	
MINIMUM SIDE YARD (IF CORNER LOT)	6 FEET 15 FEET	
MINIMUM REAR YARD	25 FEET	
LOT AREA	6,000 SF	32,234 SF
MINIMUM LOT FRONTAGE	40 FEET	
LOT COVERAGE	80%	

- NOTES:**
- NO EXISTING OR PROPOSED EASEMENTS, DEED RESTRICTIONS, CONVEYANCES, RIGHTS OF WAY, RESERVATIONS, REARS TO DEDICATION TO PUBLIC USE, AND ANY PUBLIC IMPROVEMENTS CONTEMPLATED ON OR ADJOINING PROPERTIES ARE ASSOCIATED WITH THE PROPOSED PROJECT.
 - NO LOCATION OF ANY FIRE BOXES AND OR CONNECTIONS TO THE CITY FIRE ALARM ARE SHOWN FOR THIS PROJECT.
 - THE PROPOSED PROJECT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN PER FEMA FLOOD MAP #3602700358E.
 - NO PROPOSED UTILITY WORK (IE. SANITARY, STORM, GAS OR ELECTRIC) WORK IS ASSOCIATED WITH THIS PROJECT.
 - NO EXISTING WATERCOURSES, MARCHES, WOODED AREAS, ROCK OUTCROPS, TREES WITH A DIA OF 8" OR MORE ARE ASSOCIATED WITH THIS PROJECT.

CITY PLANNING BOARD
CITY OF Poughkeepsie, New York
SITE PLAN APPROVAL
FILE NO: 2018-095
PROJECT NAME: LEPORE PARKING LOT EXPANSION
PROJECT LOCATION: 95 N CLINTON ST
APPLICANT: LSC COMPANIES
OFFICIALLY APPROVED AT THE PLANNING BOARD MEETING HELD THE 21ST DAY OF AUGUST, 2018
PLANNING CHAIR: ROBERT S. LEVINE, ESQ.
DESIGNED BY: [Signature]
DATE SIGNED: 10/10/18
CONDITIONS:
SEE ATTACHED LETTER DATED 8/23/18

MADE W/ [Signature] 10/1/18
CITY ENGINEER
[Signature] 10/3/18
[Signature] 10/13/18
[Signature] FOR: 10/10/18
COMMISSIONER OF PUBLIC WORKS



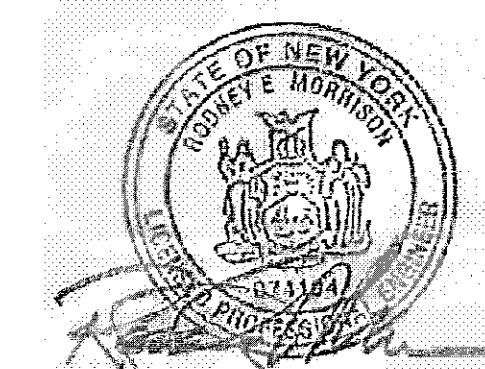
TAX MAP ID#6162-71-301233
PROPERTY OWNER
KOURI'S INC.
95 NORTH CLINTON STREET
POUGHKEEPSIE, NY 12601

- ADDITIONAL NOTES:**
- SURVEY BASED ON ENTITLED "MAP OF A SURVEY PREPARED FOR 95 NORTH CLINTON STREET" DATED 2017.10.12 PREPARED BY JOHNSON SURVEYING.
 - TOPOGRAPHIC INFORMATION FIELD PROVIDED BY LSC BASED ON LOCAL DATUM.
 - CONTRACTOR TO WORK WITH CITY DPW FOR CURB CUT PERMIT.
 - CONTRACTOR TO FIELD VERIFY UTILITIES PRIOR TO CONSTRUCTION.

SITE / GRADING PLAN
SCALE 1"=10'

SIGN LEGEND		
NO.	LEGEND	QTY.
A		1

- LEGEND**
- PROPOSED EDGE OF PAVEMENT
 - PROPOSED NEW ASPHALT
 - PROPOSED SILT FENCE
 - PROPOSED SIGN
 - EXISTING SPOT GRADE
 - PROPOSED SPOT GRADE
 - PROPOSED DRYWELL



REVISIONS	
NO.	DESCRIPTION
1	07/05/18 REVISED PER LOT MODIFICATION
2	07/16/18 REVISED PER PLANNING COMMENTS
3	07/19/18 REVISED PER PLANNING COMMENTS
4	09/11/18 REVISED PER PLANNING COMMENTS

Revisions:

SITE PLAN

LEPORE PROPERTY
95 NORTH CLINTON STREET
CITY OF Poughkeepsie DUTCHESS COUNTY, NEW YORK

Designed	LRC	CAD File	SP18223001	Sheet No.
Drawn	SMC	Project No.	18-2330	
Checked	KFC	Date	06/09/18	
Approved	REM	Scale	1"=10'	

SP-1

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

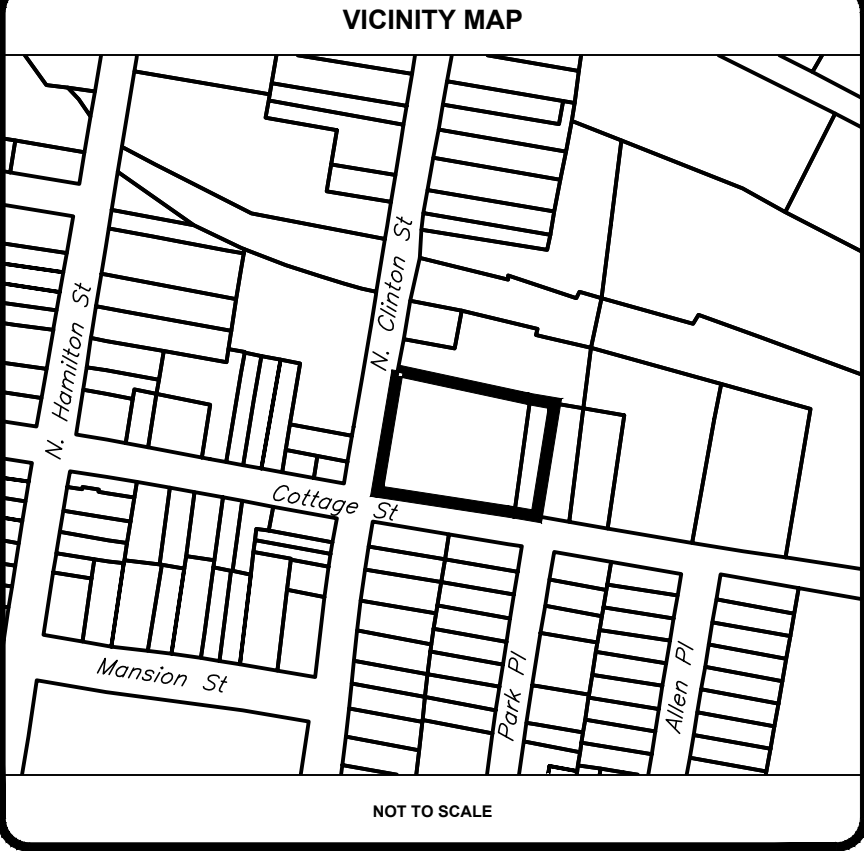
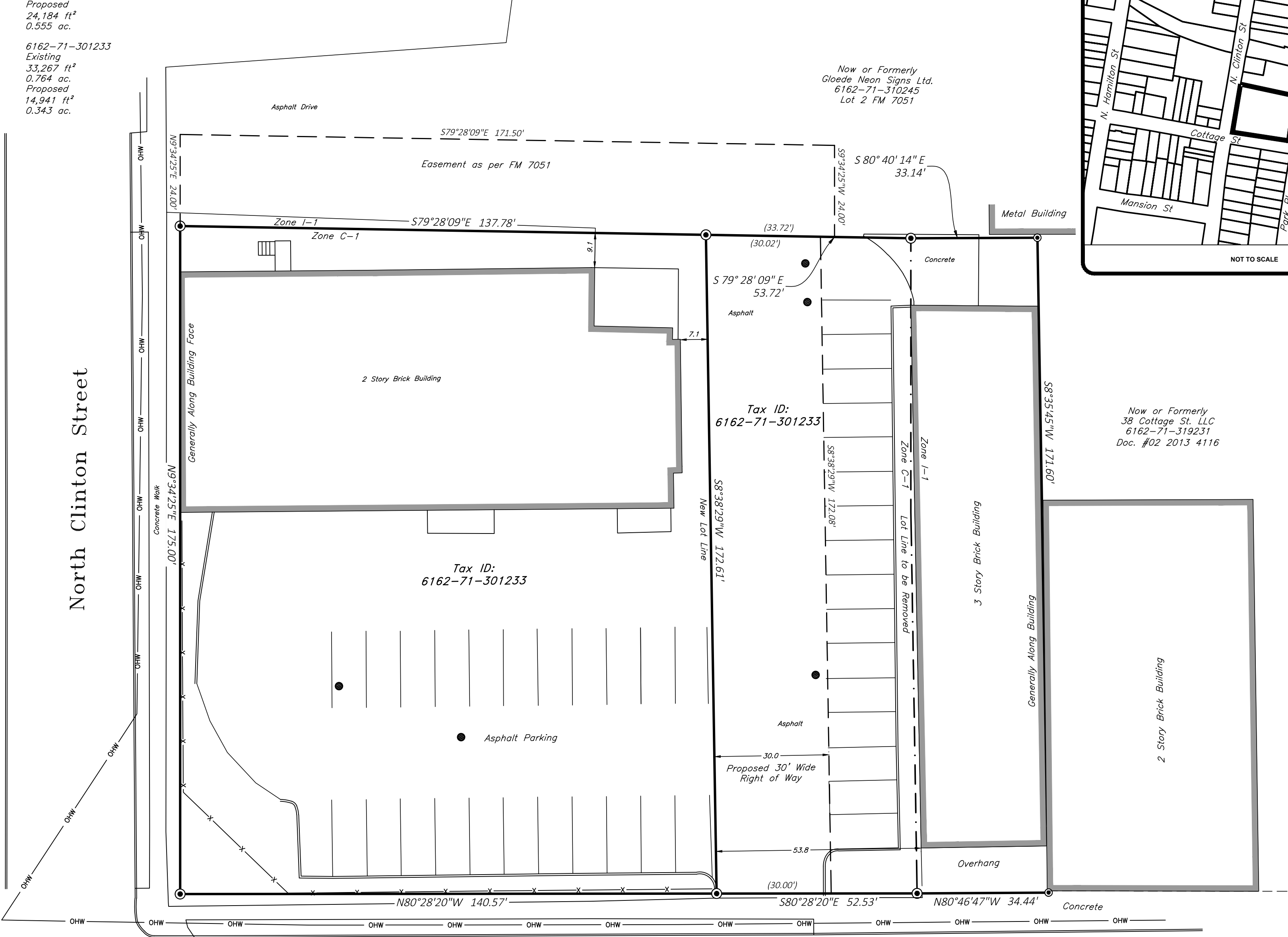
BRENDAN JOHNSON, PLS
10 Meadow Lane
Pleasant Valley, NY 12569
Phone No. (845) 380-0528
johnsonboundaries@gmail.com

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.



Cottage Street

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

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

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: _____			

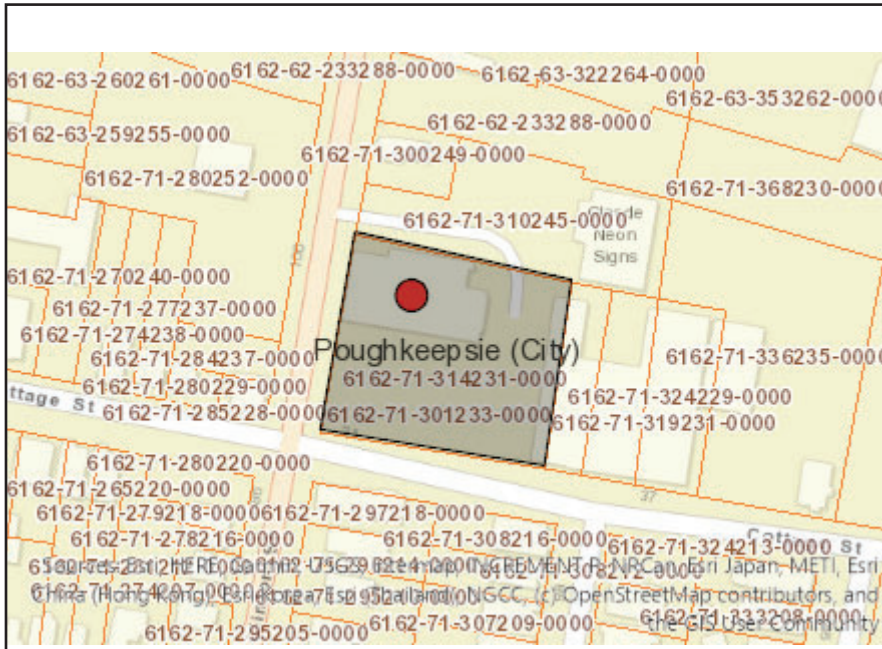
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or 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,	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
_____	☐	☒

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

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









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

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
		Co./Dept.	From		
		Fax #	Phone #		

239 Planning/Zoning Referral - Exemption Communities	
Municipality: City of Poughkeepsie	
Referring Agency: Zoning Board of Appeals	
Tax Parcel Number(s): 3012330000	
Project Name: Reduced Setback for Lot Line Adjustment	
Applicant: 36 Cottage LLC	
Address of Property: 95 Clinton St, Poughkeepsie, NY 12601	

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☒ Area Variances for all non-residential uses
- ☐ Other (Describe):

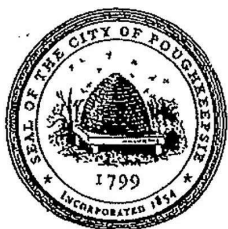
Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☒ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: 7/7/2023
Entered By: Garcia, Lori

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only		
Response From Dutchess County Department of Planning and Development		
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)		
Date Submitted: 6/27/2023	Notes:	☐ Major Project
Date Received: 6/27/2023		
Date Requested: 7/7/2023		Referral #: ZR23-202
Date Required: 7/26/2023	☐ Also mailed hard copy	Reviewer:
Date Transmitted: 6/27/2023		



**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

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.

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:

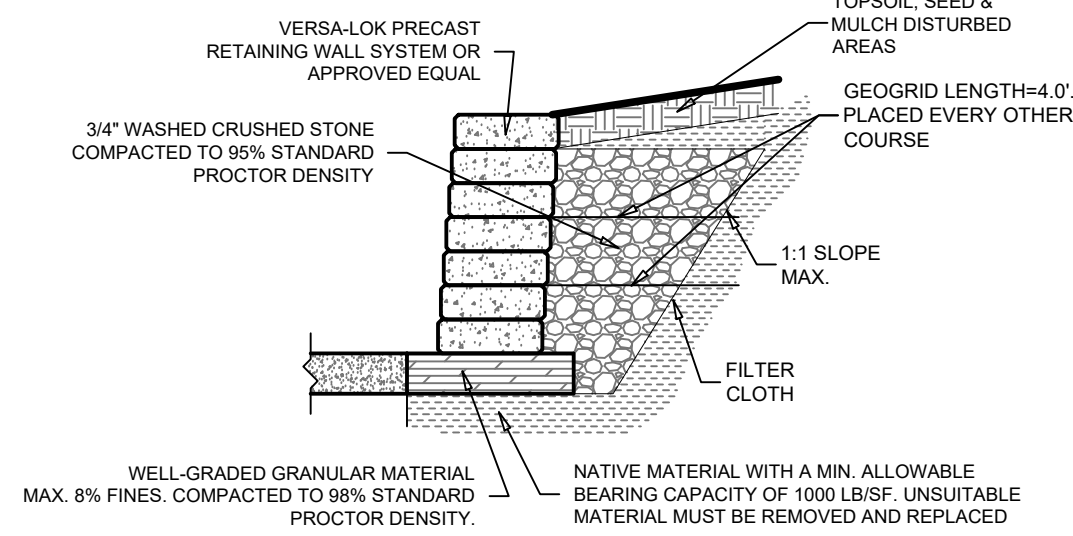
- (9) Completed application.
- Application fee in the amount of \$350.00 (submitted 5.18.23)
- (9) Letter / communication letter from City of Poughkeepsie.
- (9) Completed short EAF
- (9) copies of existing and proposed site plan sheet S-1.0 inclusive of site photos. (submitted 5.18.23)
- (9) Survey 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.

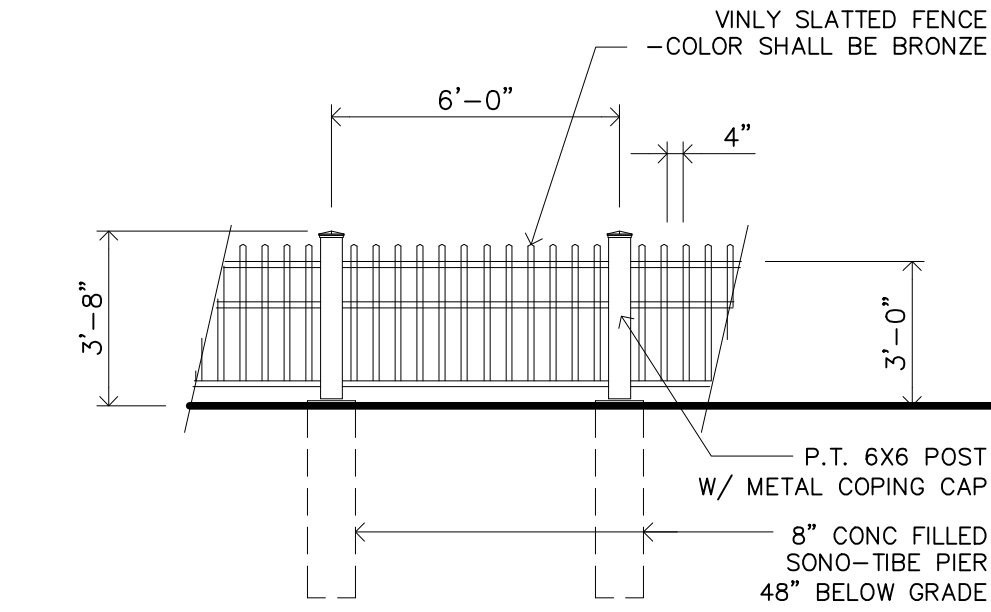
Cc: Daniel Rohde – Managing member the Cannon Street Collaborative.



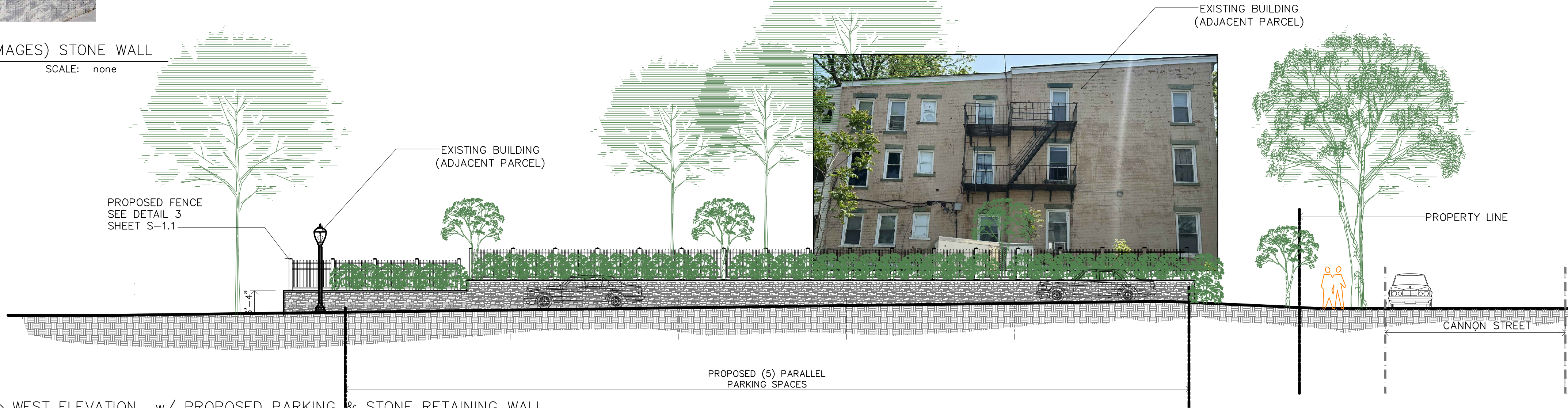
4 RETAINING (stone) WALL DETAIL
SCALE: NONE



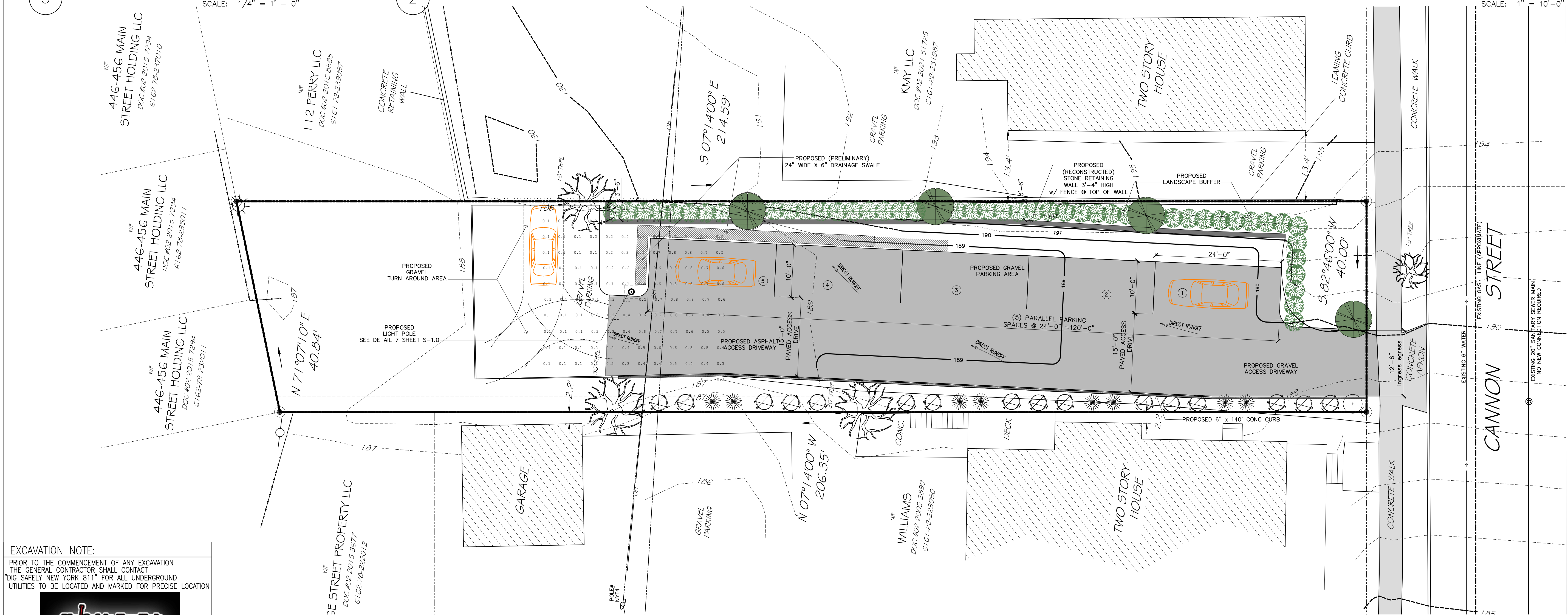
5 PROPOSED (IMAGES) STONE WALL
SCALE: none



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



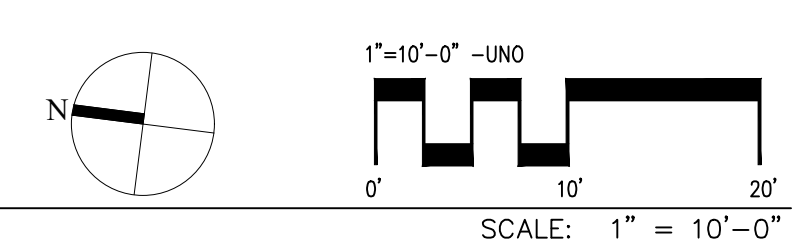
2 WEST ELEVATION w/ PROPOSED PARKING & STONE RETAINING WALL



1 EXISTING SITE PLAN w/ PROPOSED PARKING

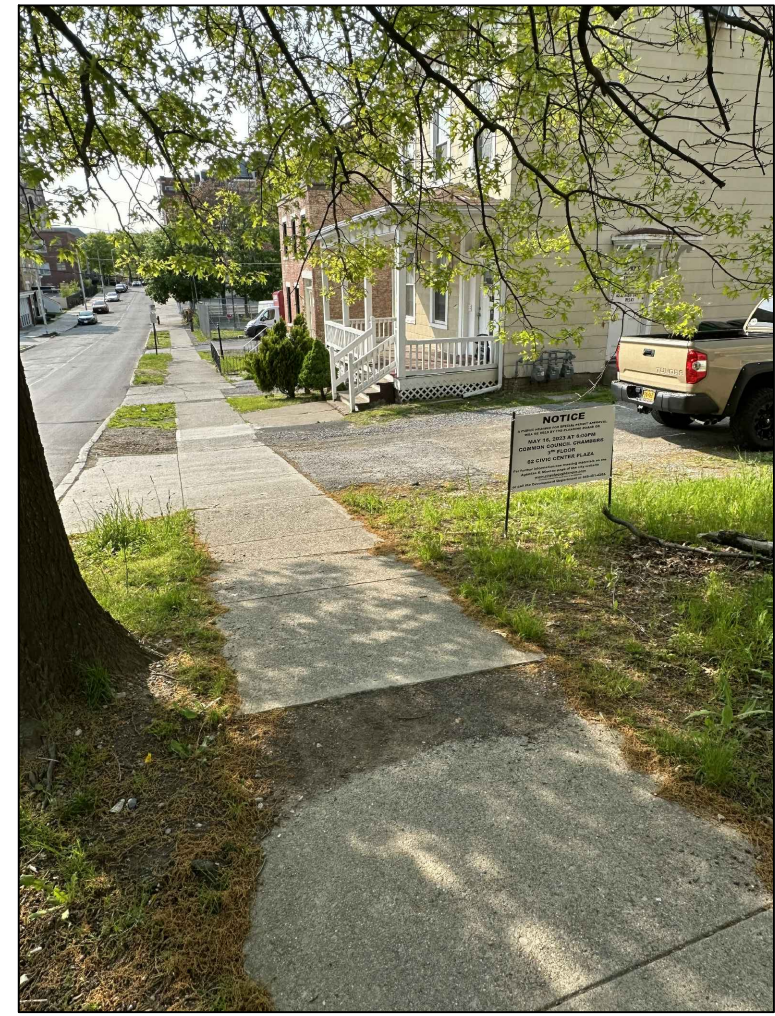
EXCAVATION NOTE:
PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION
THE GENERAL CONTRACTOR SHALL CONTACT
"DIG SAFELY NEW YORK 811" FOR ALL UNDERGROUND
UTILITIES TO BE LOCATED AND MARKED FOR PRECISE LOCATION

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

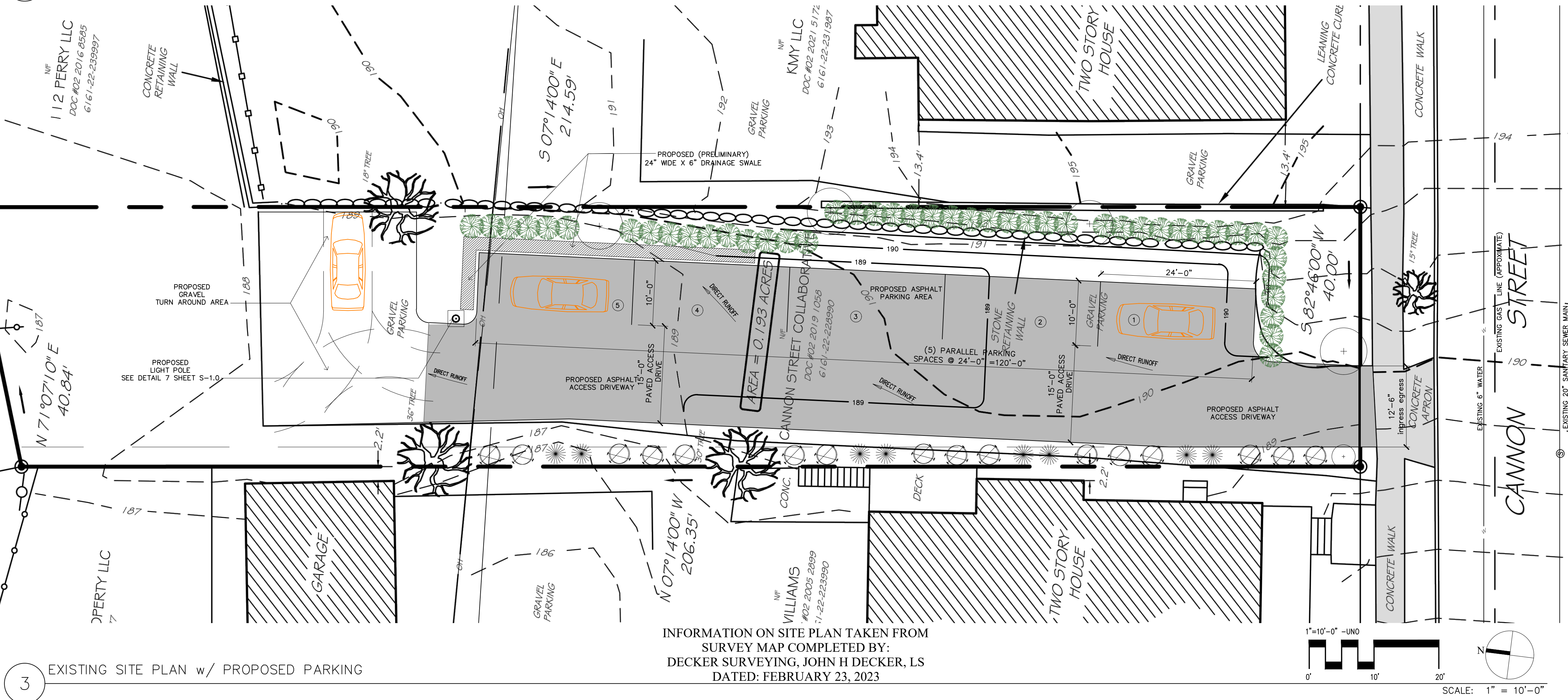
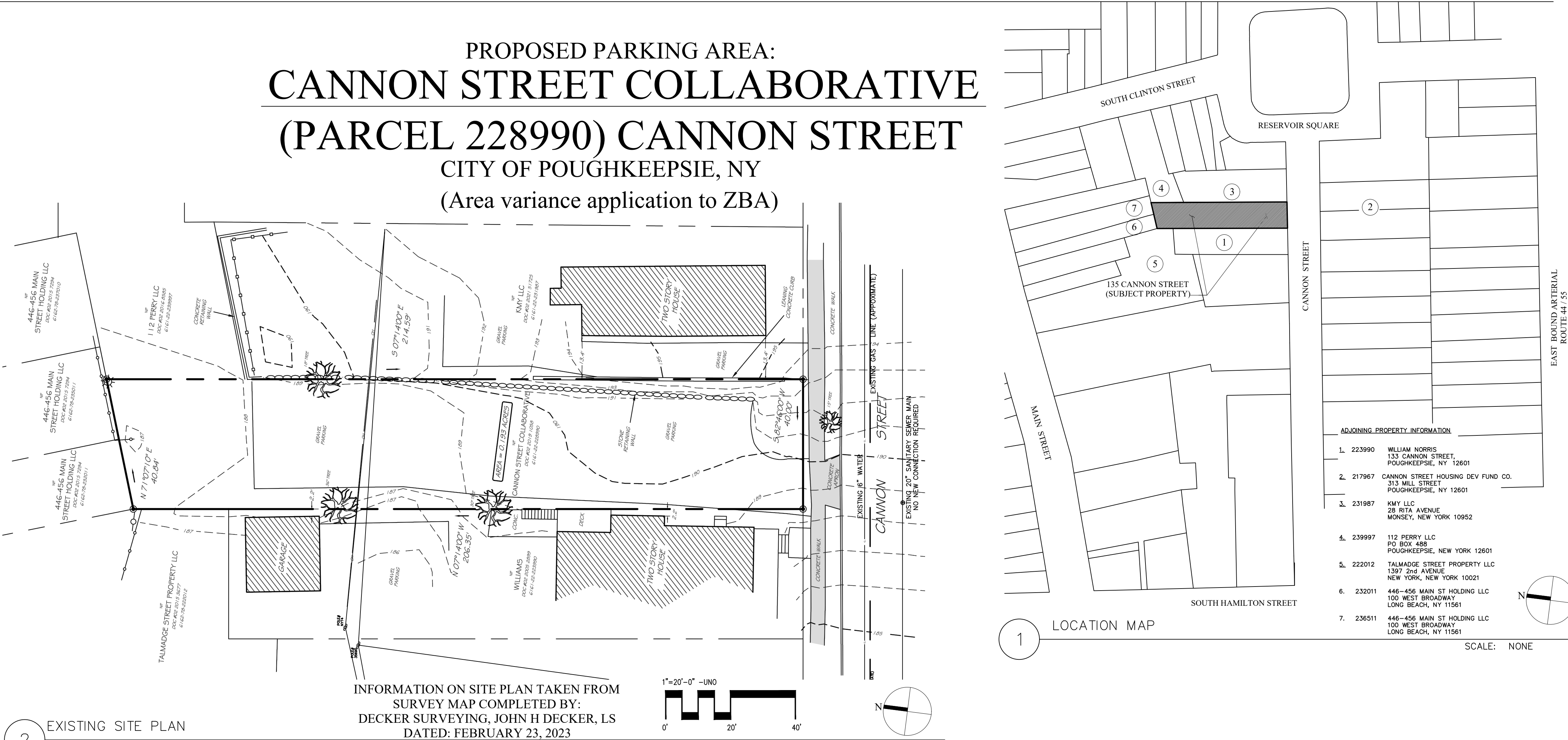


DESIGN AND DRAWINGS PREPARED BY:	
JOHN SULLIVAN - associate a.i.a. BARCLAY STREET POUGHKEEPSIE, NY	
WILLIAM MOREAU, P.E. 60 RYMPH ROAD LA GRANGEVILLE, NY	
PROPERTY OWNER:	
CANNON STREET COLLABORATIVE DANIEL ROHDE 131 CANNON STREET POUGHKEEPSIE, NY	
Date Issue	
3.28.2023 ISSUED TO CITY OF POUGH. PLANNING BOARD	
5.16.2023 REVISED DRAWING FOR PLANNING BOARD MEETING	
5.30.2023 ISSUED TO CITY OF POUGH. PLANNING BOARD	
6.21.2023 REVISED DRAWING FOR PLANNING BOARD MEETING	
Project Title	
PROPOSED PARKING LOT / AREA (PARCEL 228990) CANNON STREET POUGHKEEPSIE, NY	
Drawing Title	
Proposed Site Plan Elevation of Parking Area & Landscape	
Project No.	2301
Date	3.28.2023
Scale	AS NOTED
Drawing by	JVS
Checked by	
Drawing No.	S-1.1

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)	8'-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



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
Drawing No. S-1.0

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

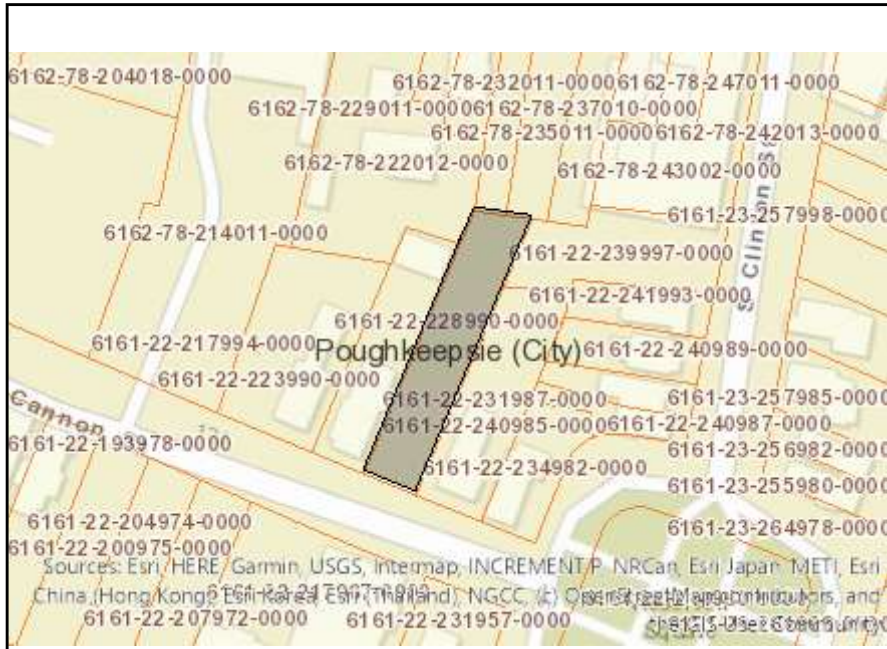
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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



**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: Daniel Rohde

From: Tyler Maegerle, Junior Planner

Date: 6/12/23

Re: Lot# 228990 Cannon Street

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 gravel paving 5 parallel parking spots.

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)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part." 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

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;

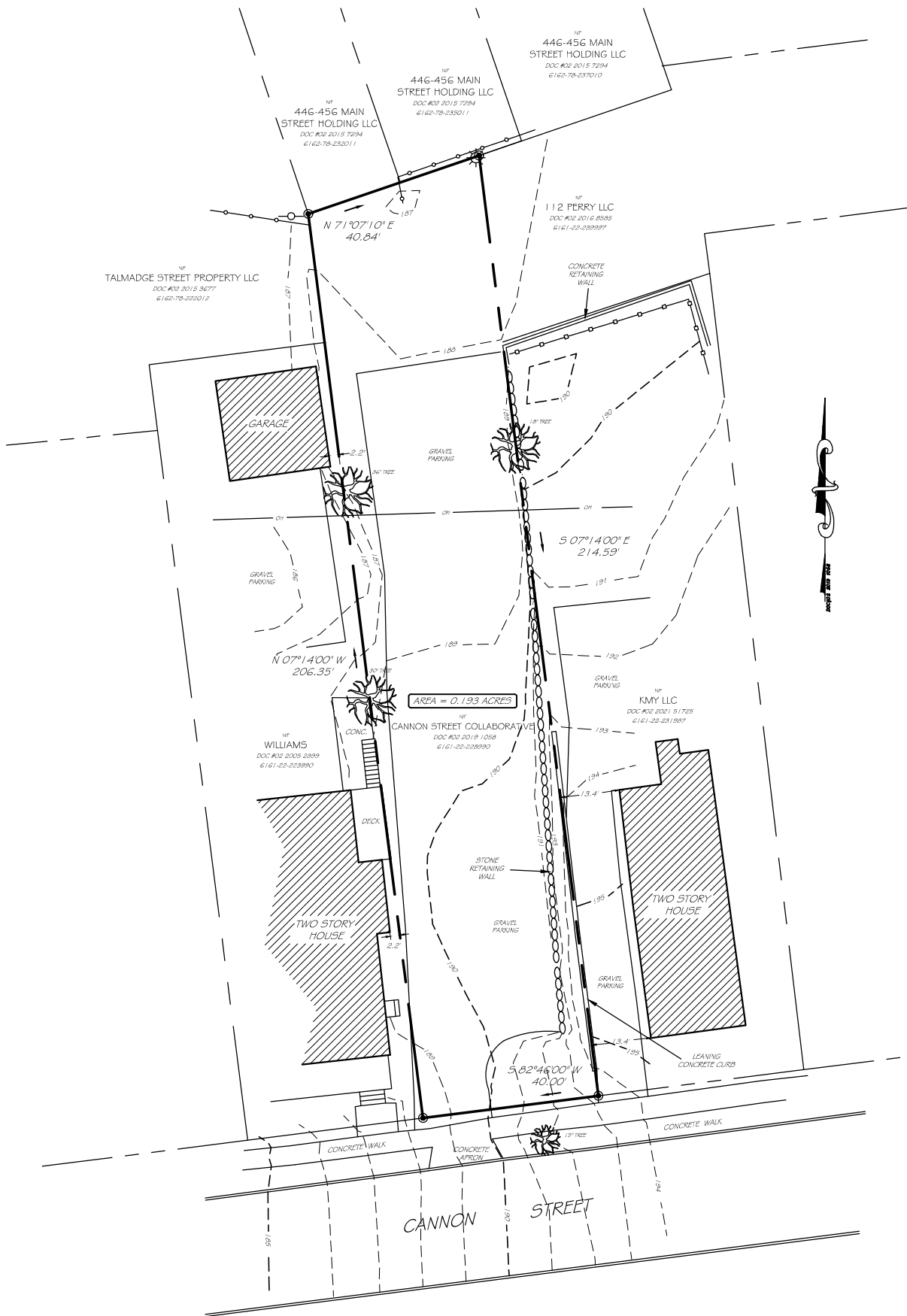
1. **Section 19-4.3(5)(a)** requires the access shall consist of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; the provided plans show the access is 12'6" at entry.

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



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, L.S.
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, L.S. #050572

BOUNDARY SURVEY

CANNON STREET COLLABORATIVE

CITY OF Poughkeepsie
FEBRUARY 23, 2023

DUTCHESS COUNTY, NEW YORK
1" = 20'

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".

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,

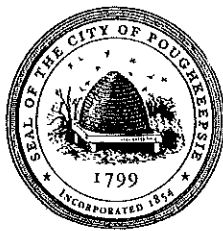


LaBella Associates

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

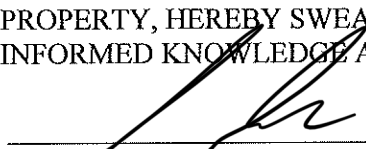
LIST OF REQUIRED ATTACHMENTS

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

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

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
- Figure 3: Land Use Map
- Figure 4: Soils Map
- Figure 5: Wetlands and Streams Map
- Figure 6: DEC Environmental Resources Map
- Figure 7: CRIS Map
- Figure 8: Scenic Resources Map

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. If Yes, what is the zoning classification(s) including any applicable overlay district? Research and Development District (R-D)	☒ Yes ☐ No
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? If Yes, i. What is the proposed new zoning for the site? _____	☐ Yes ☒ No
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

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>
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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.	
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>	
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>	
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>	
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:	
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: _____	
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>	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ 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>	

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)
☐ Forest	☐ Agriculture	☐ Aquatic	☒ Other (specify): <u>parking lots</u>
ii. If mix of uses, generally describe: _____			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	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: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Udorthents, smoothed (Ud)</td> <td style="width: 40%; text-align: right;">98.2 %</td> </tr> <tr> <td>Urban Land (Ur)</td> <td style="text-align: right;">1.8 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Udorthents, smoothed (Ud)	98.2 %	Urban Land (Ur)	1.8 %	_____	_____ %						
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: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
• 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? ☐ Yes ☒ No 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>	
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? ☐ Yes ☒ No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No 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.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No 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	

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

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

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:

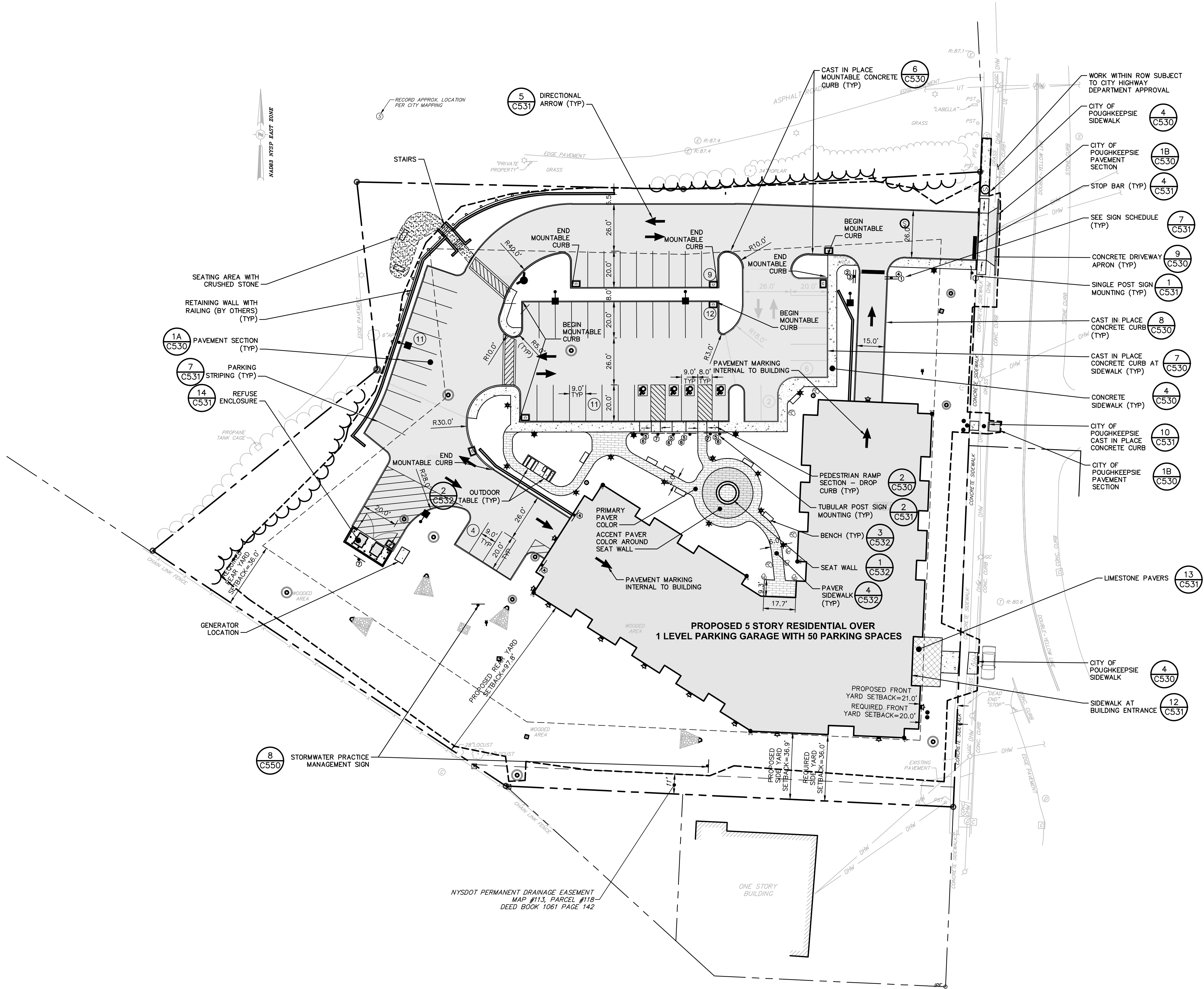
SITE PLAN

DRAWING NUMBER:

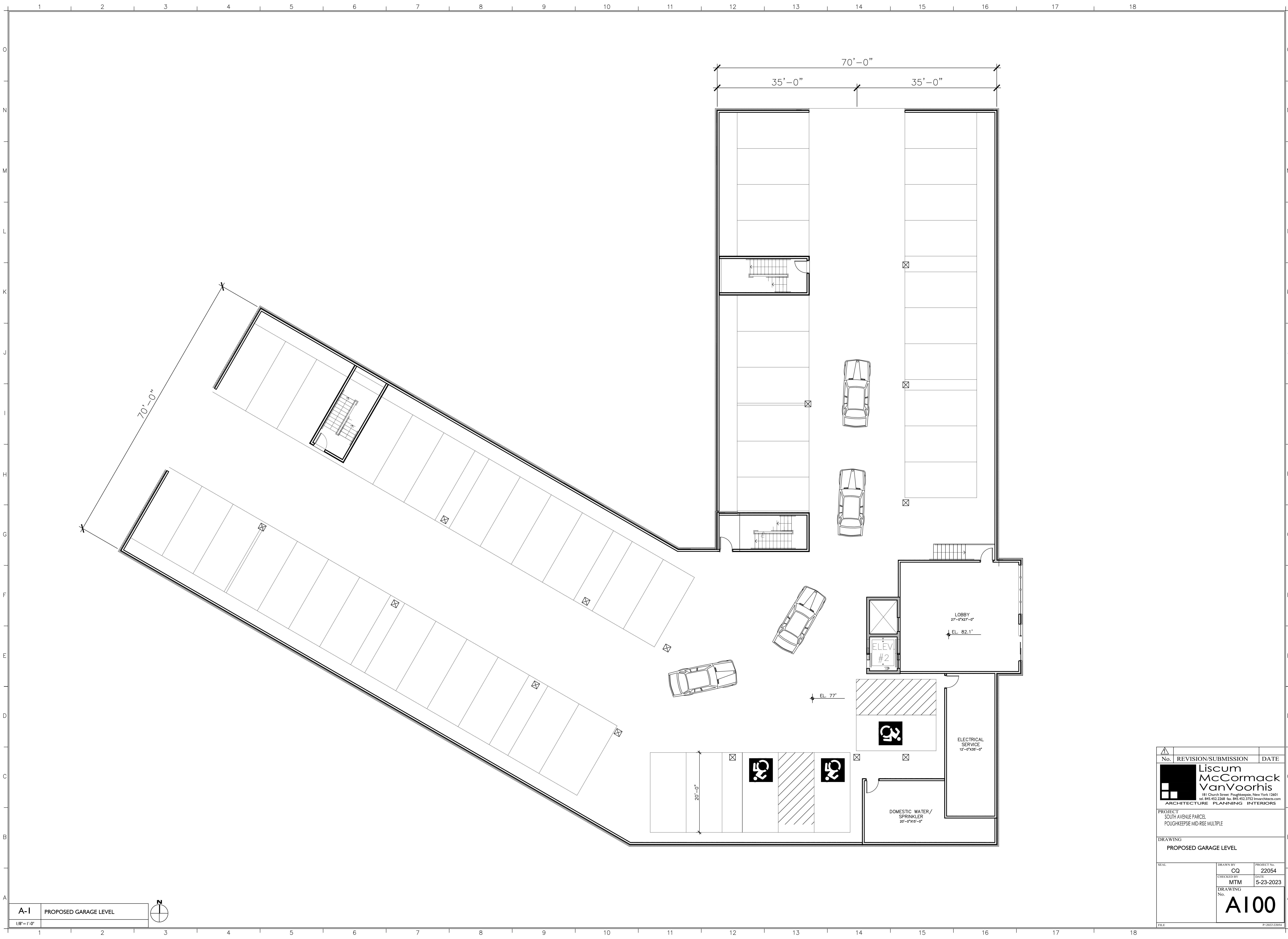
C130

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'



No.		REVISION/SUBMISSION		DATE	
Liscum McCormack VanVoorhis 181 Church Street Poughkeepsie, New York 12601 tel. 845.452.2248 fax. 845.452.3752 lmvarchitecture.com ARCHITECTURE PLANNING INTERIORS					
PROJECT SOUTH AVENUE PARCEL POUGHKEEPSIE MID-RISE MULTIPLE					
DRAWING PROPOSED GARAGE LEVEL					
DRAWN BY CQ		PROJECT NO. 22054		DATE 5-23-2023	
CHECKED BY MTM		DRAWING No.		A100	
FILE		P:202322054			



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





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

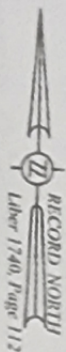
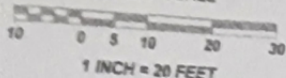
This conversion of the structure will be financed by the owner of the property, Abraham Smilowitz. Funds are readily available.

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

GRAPHIC SCALE

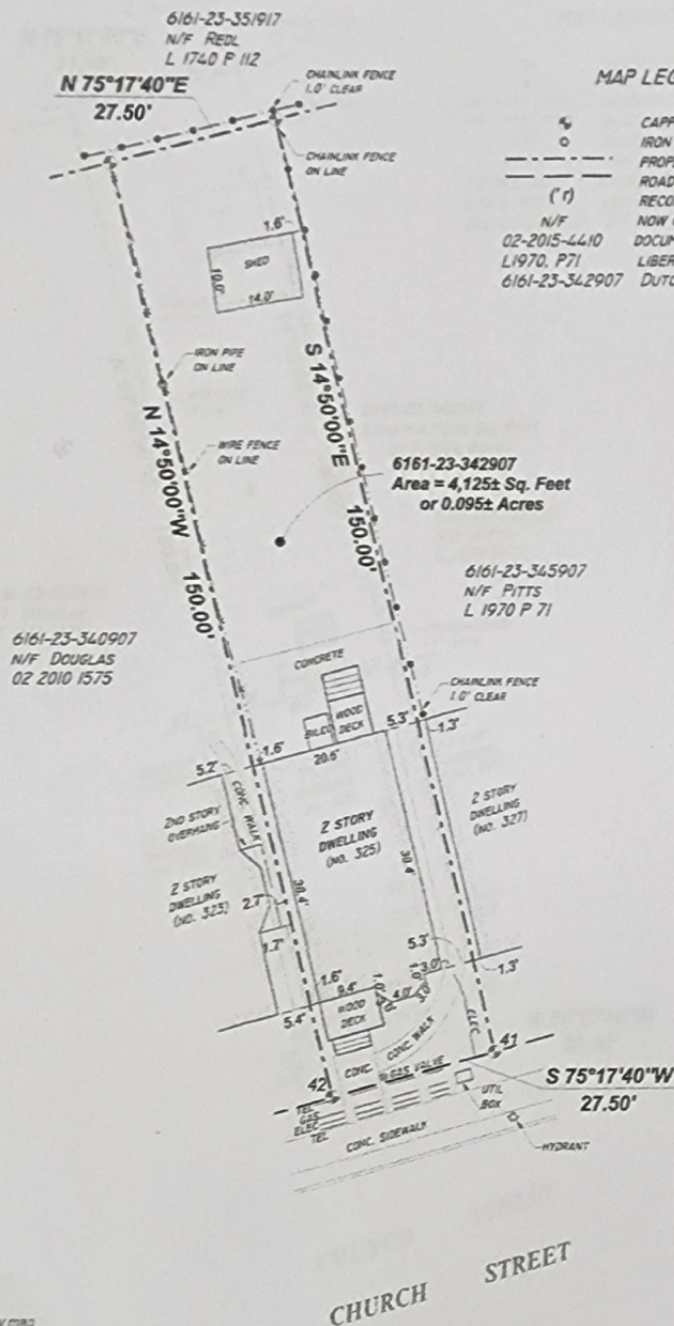


MAP NOTES:

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.



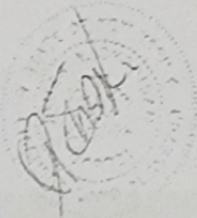
Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of Section 7209 (2), of the New York State Education Law. Only copies from the original of this survey marked with the land surveyor's signature and an original embossed or red ink seal shall be 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

City of Poughkeepsie

State of New York

County of Dutchess

Scale: 1" = 20'

Survey Completed: April 3, 2023

Map Date: April 5, 2023



SHERIDAN LAND SURVEYORS

BOUNDARY, MORTGAGE AND SUBDIVISION SURVEYS
50 CLOVER HILL DRIVE (845) 849-2217
LAGRANGE, N.Y. 12603 slsurvey50@gmail.com









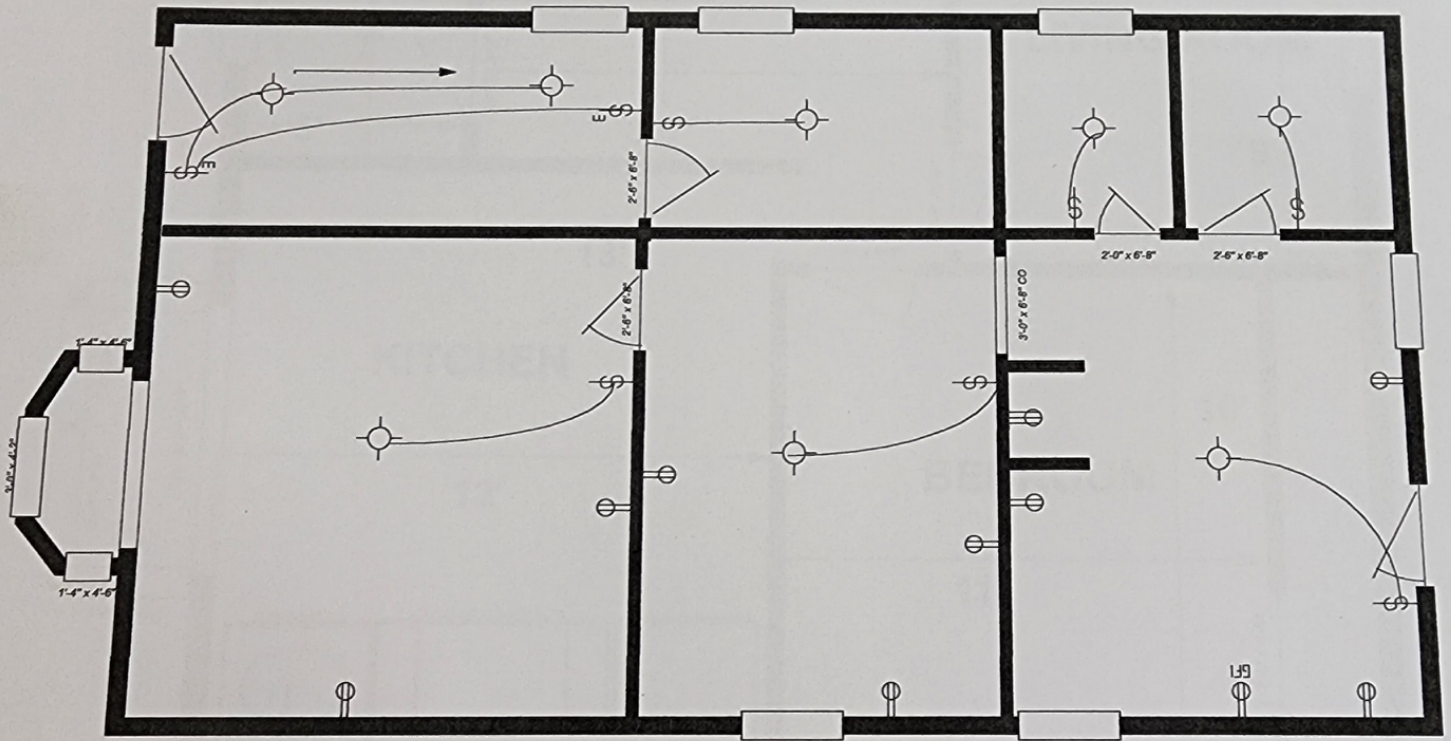








**325 CHURCH STREET
FIRST FLOOR ELECTRIC**



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

[illegible]

Page 250 of 284

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			
Brief Description of Proposed Action: Change a single family 2 bedroom to a Two family of one 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



**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: Jack Voss

From: Tyler Maegerle, Junior Planner

Date: 6/26/2023

Re: 325 Church Street

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 involves conversion of a one family two-bedroom unit into two apartments, each one bedroom.

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

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:

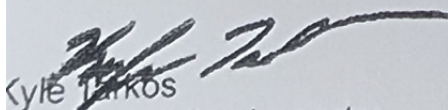
A review of the building permit application # BP-23-0198 found it to be deficient to complete the review process and issue the permit. Below is/are the deficiencies found:

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

THE CITY OF POUGHKEEPSIE NEW YORK

Daniel Vonknoblauch
Parking System Administrator
Hours: Mon., Wed. & Fri. 10-2



Marc Nelson
Mayor

June 20, 2023

Zoning Board
62 Civic Center PLZ
Poughkeepsie NY 12601

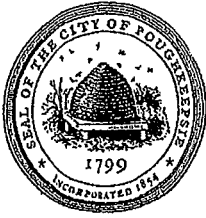
RE: 325 Church St – Parking Waiver

To Whom It May Concern:

325 Church ST. is within 500 feet of two separate residential parking lots. Hammersley Lot (2 Hammersley) and South White Lot (342 South White ST.) Both have availability for additional parking.

Thank you,

Daniel Vonknoblauch
Parking System 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: 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.

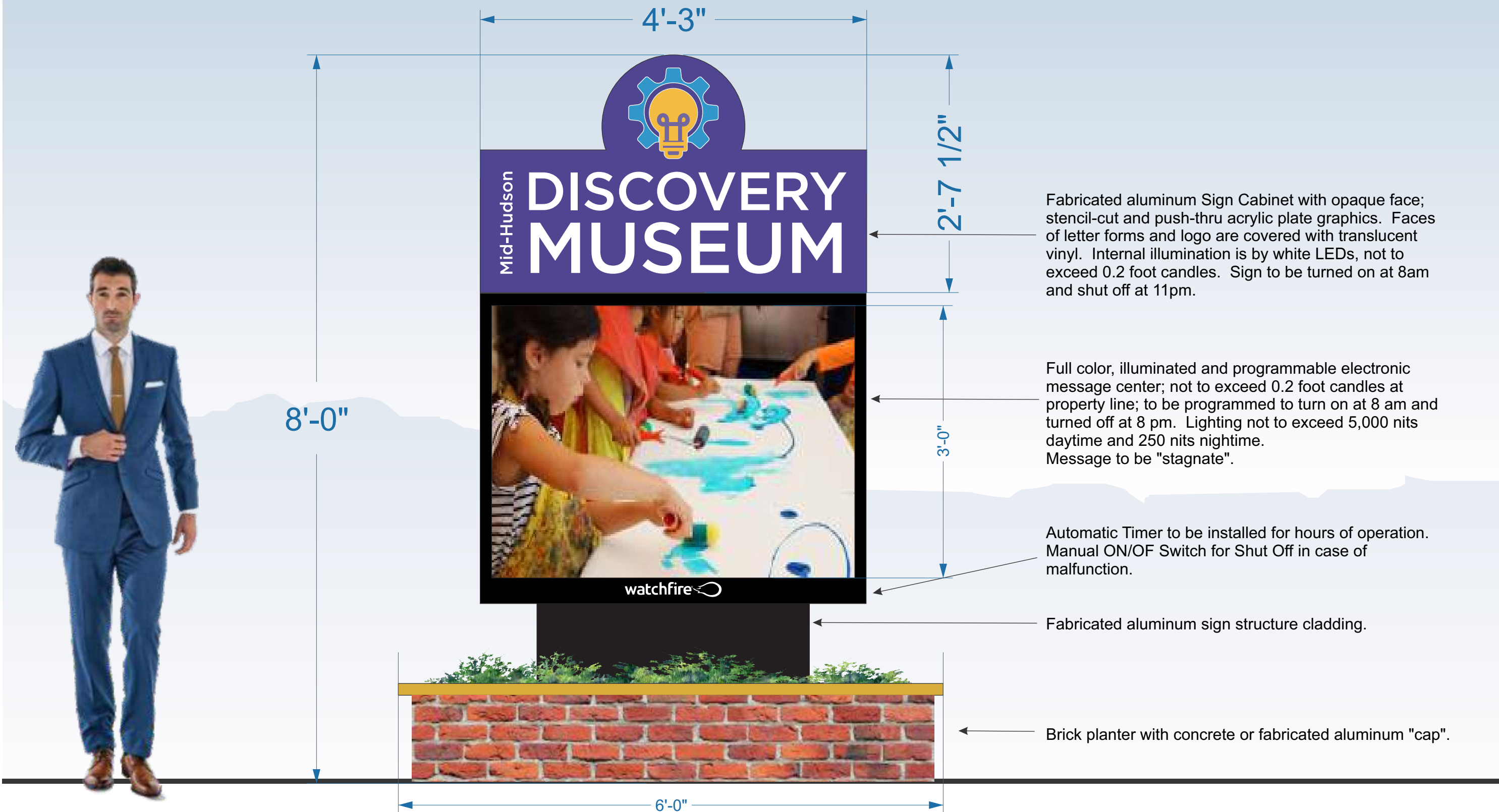
The Museum is located between Waryas Park, Upper Landing Park, only feet from the Poughkeepsie train station, and within walking distance where hundreds of weekend tourists arrive on any given weekend day or holiday. The Museum is also located near several new and growing apartment building complexes 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 MHDMM'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

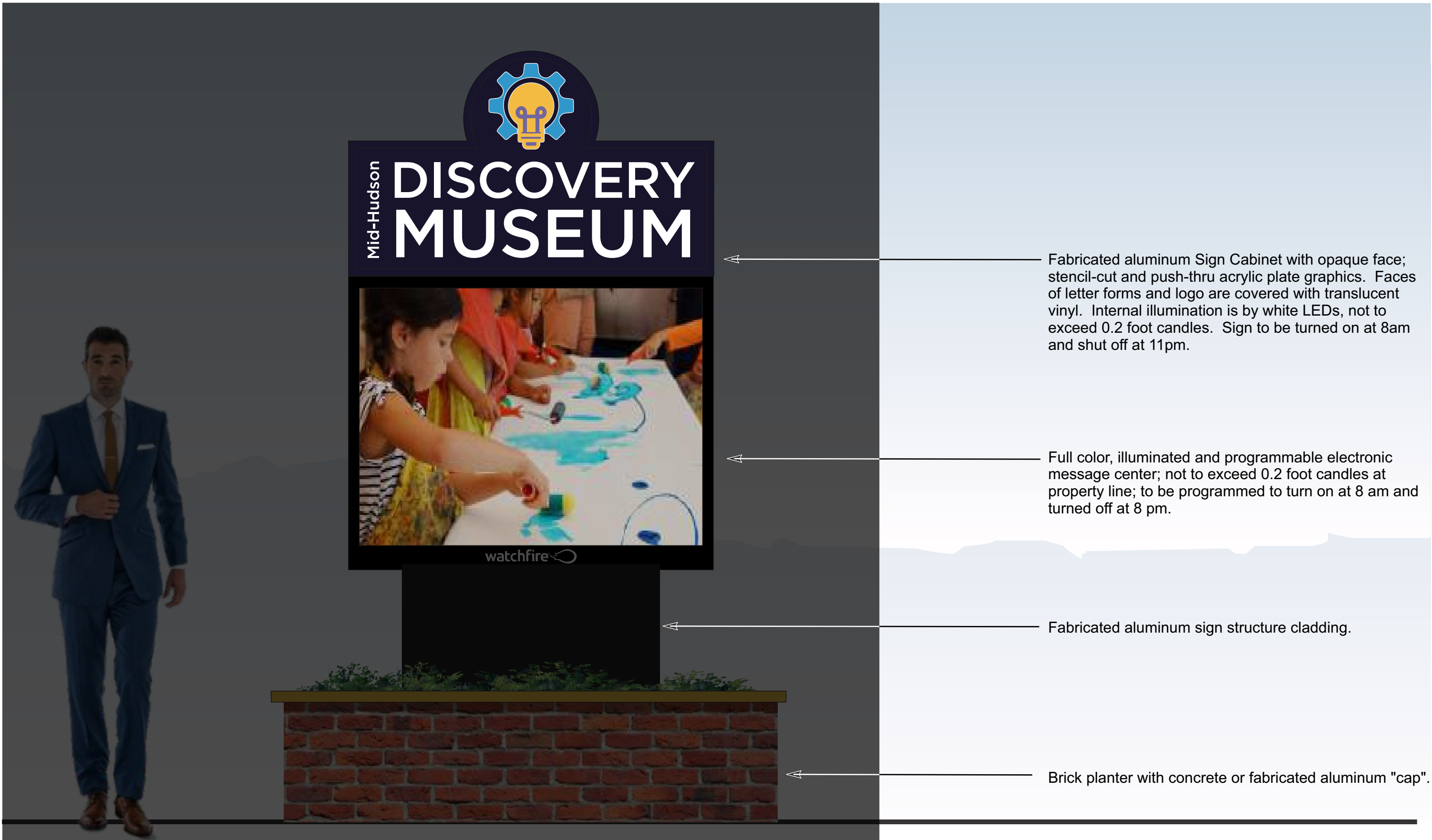
Date:
12/6/2022
3/30/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1



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Poughkeepsie, NY 12601
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845-471-0987 - fax
www.gnsgroupltd.com

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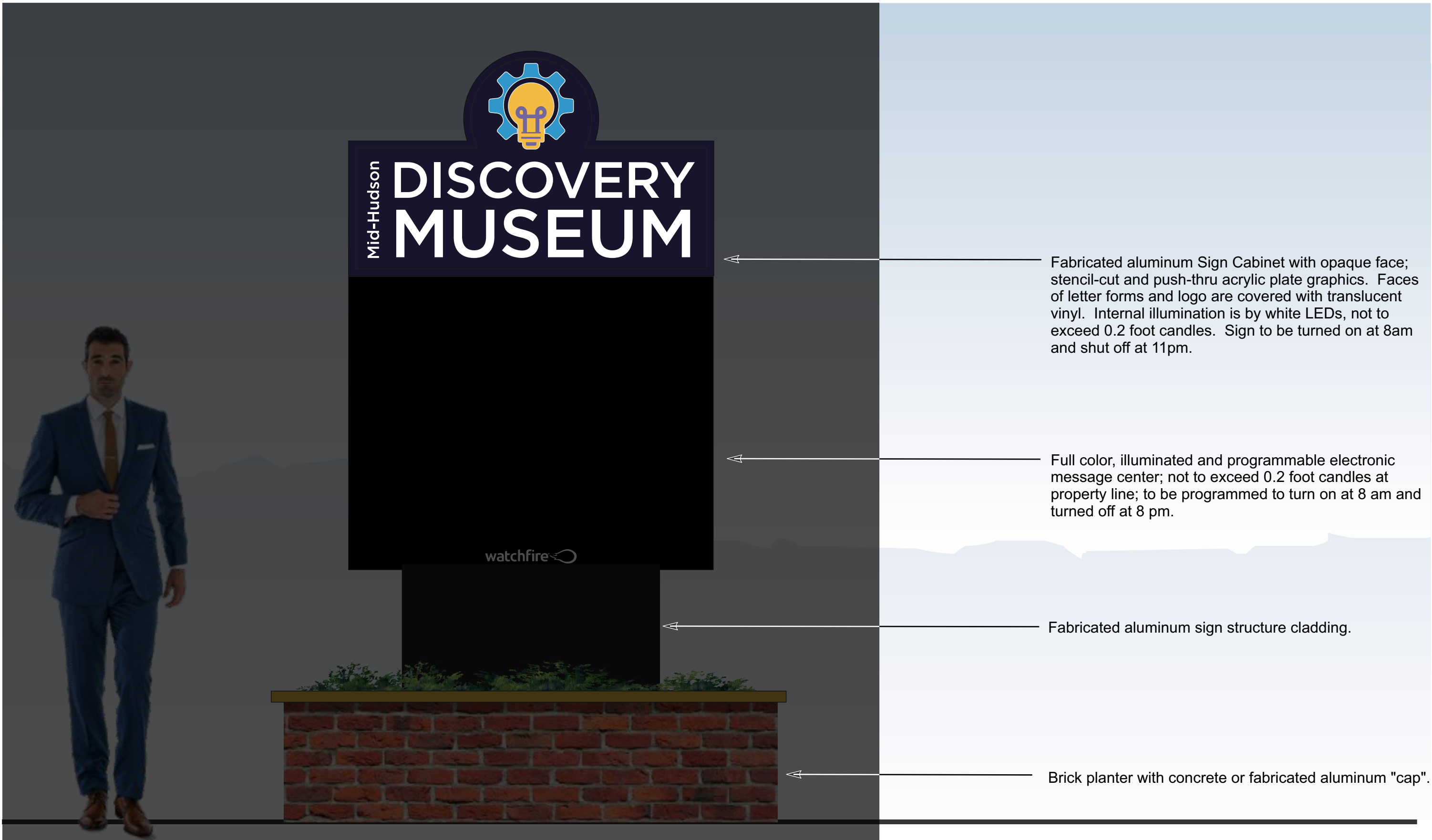
Date:
12/6/2022
1/3/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1N



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

Client Approval: _____
Date: _____

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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



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
1/3/2023

Client Approval: _____

Date: _____

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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



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:

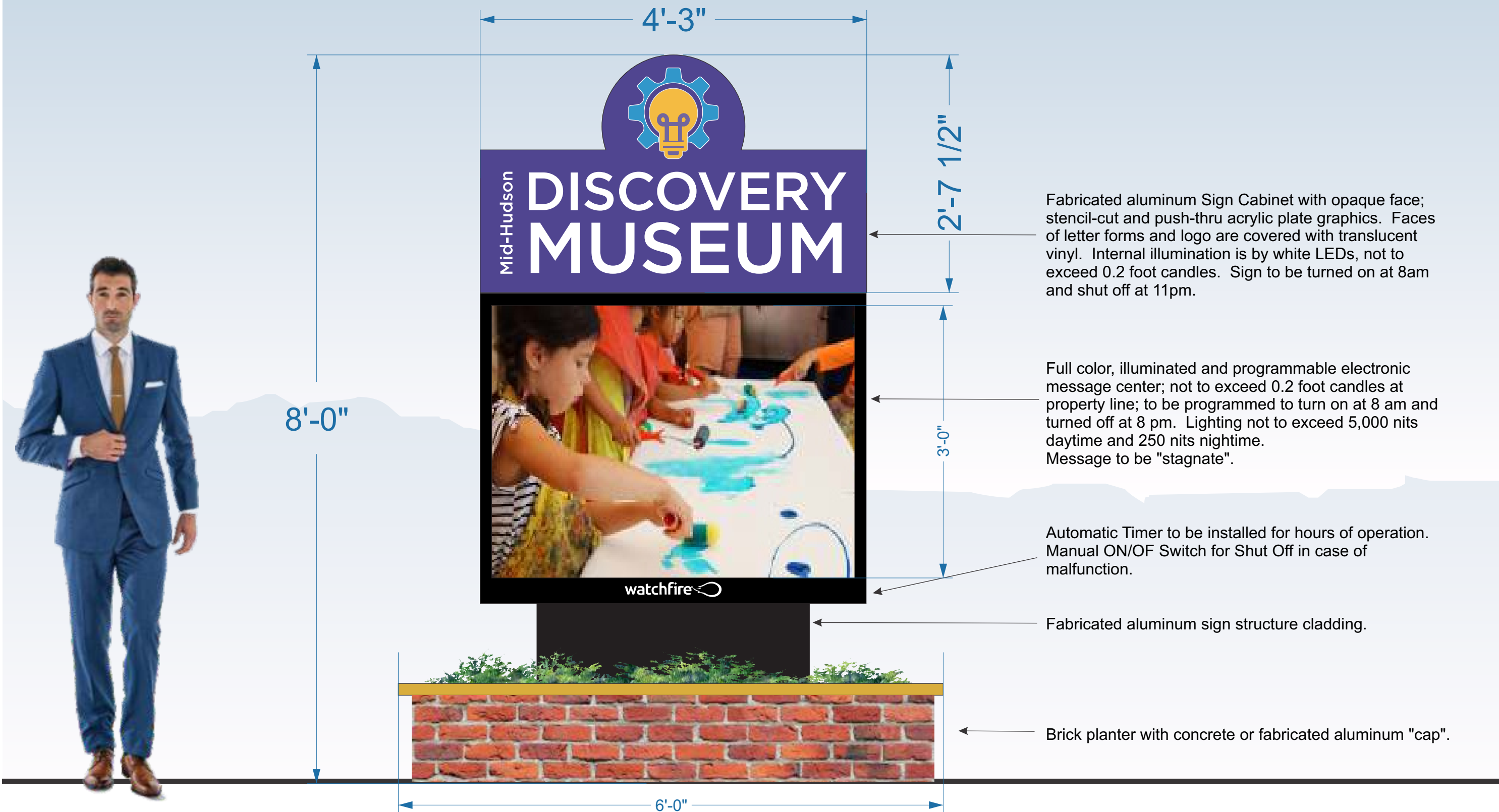
Date:
8.24.22
12/19/2022
1/4/2023

Client Approval: _____
Date: _____

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Sheet:
G.1S2



Fabricated aluminum Sign Cabinet with opaque face; stencil-cut and push-thru acrylic plate graphics. Faces of letter forms and logo are covered with translucent vinyl. Internal illumination is by white LEDs, not to exceed 0.2 foot candles. Sign to be turned on at 8am and shut off at 11pm.

Full color, illuminated and programmable electronic message center; not to exceed 0.2 foot candles at property line; to be programmed to turn on at 8 am and turned off at 8 pm. Lighting not to exceed 5,000 nits daytime and 250 nits nighttime. Message to be "stagnate".

Automatic Timer to be installed for hours of operation. Manual ON/OFF Switch for Shut Off in case of malfunction.

Fabricated aluminum sign structure cladding.

Brick planter with concrete or fabricated aluminum "cap".



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rvsd post PB
review.cdr

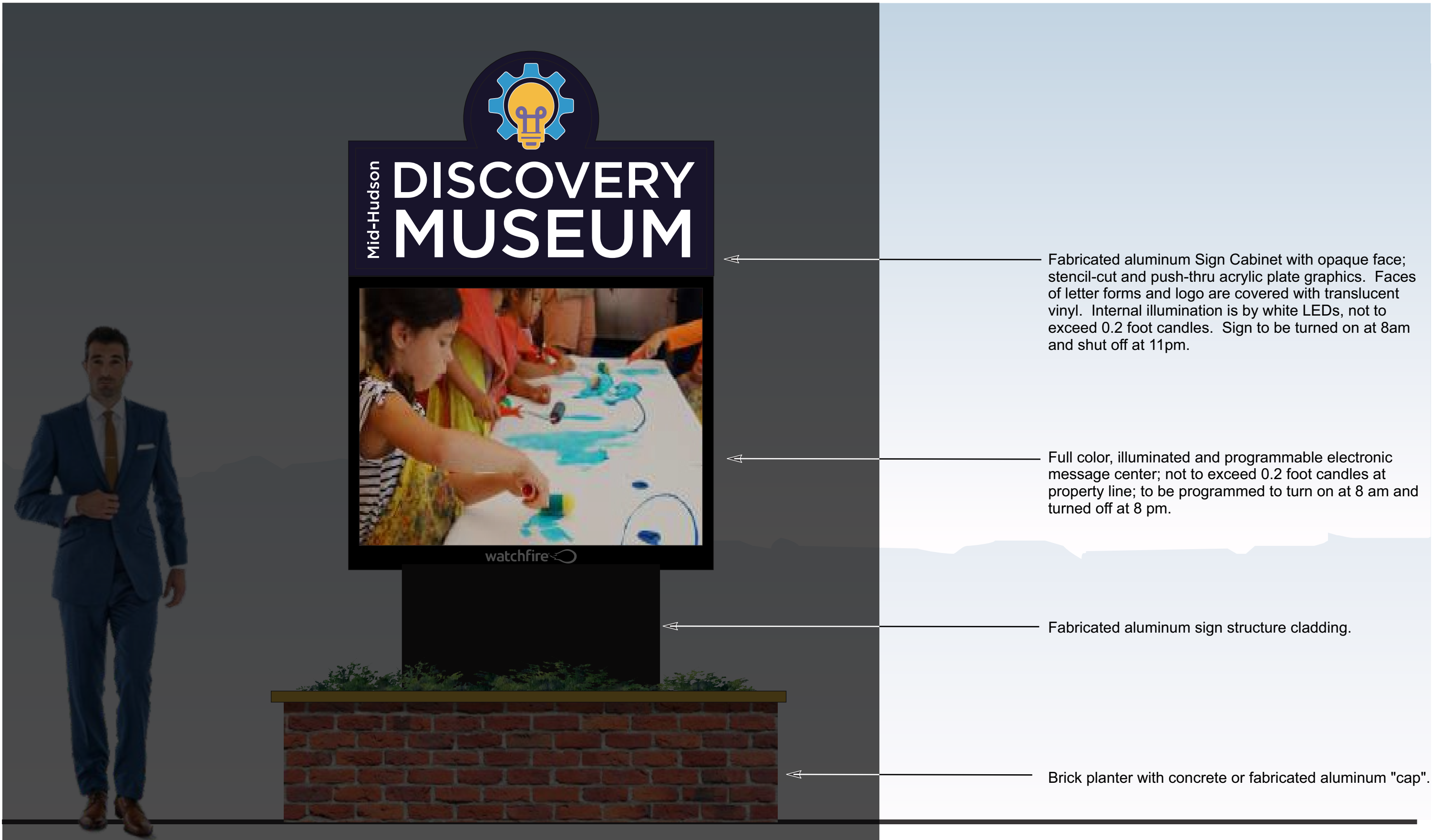
Date:
12/6/2022
3/30/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1



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

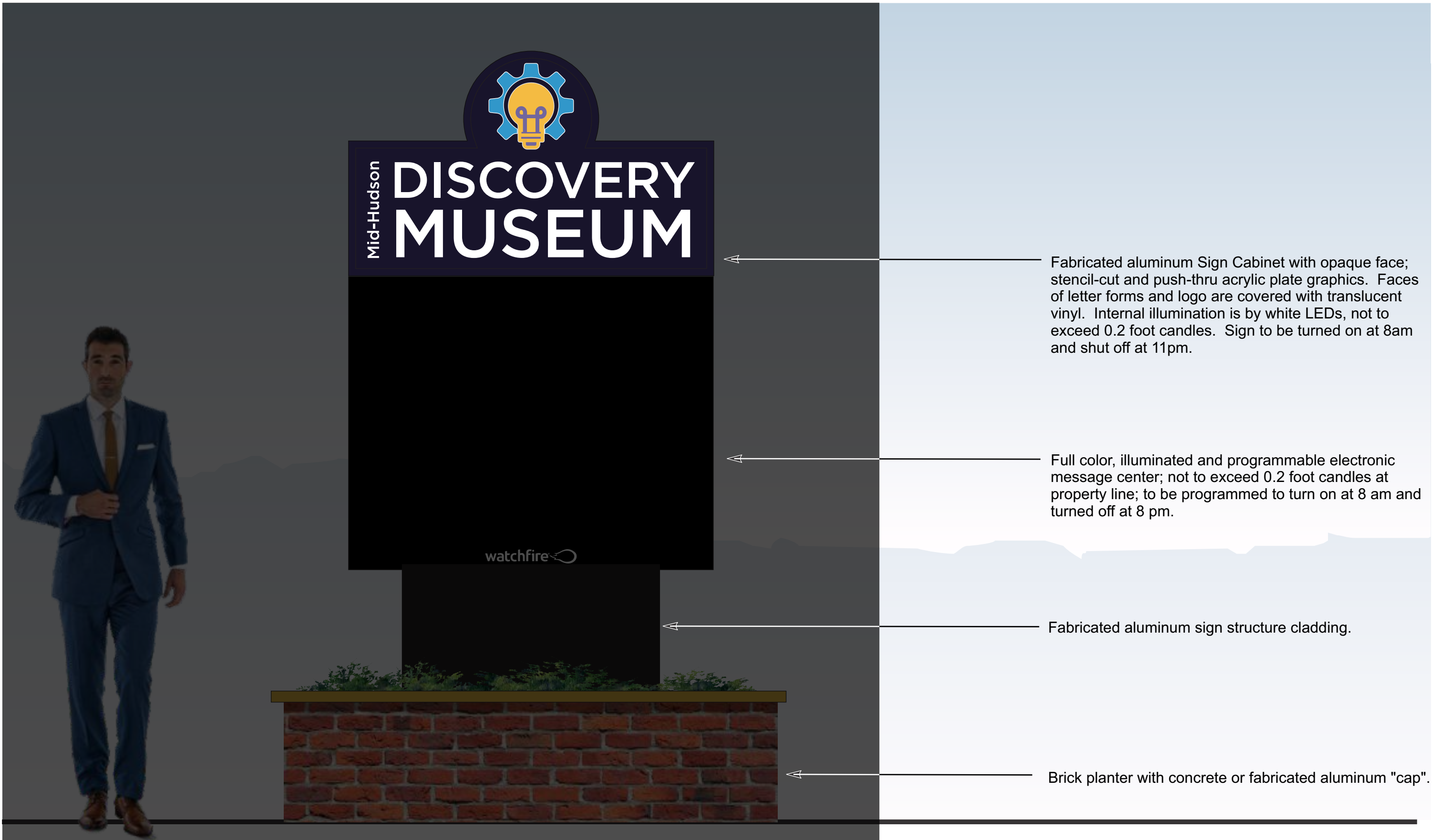
Date:
12/6/2022
1/3/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1N



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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
1/3/2023
Scale:
3/4"=1'-0"

Client Approval: _____
Date: _____

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Sheet:
G.1N2



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
1/3/2023

Client Approval: _____
Date: _____

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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



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: _____
Date: _____

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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 YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☒ ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			☒ ☐
3. a. Total acreage of the site of the proposed action?		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

From: Evan Walsh <Evan.Walsh@watchfire.com>
Sent: Tuesday, March 28, 2023 1:07 PM
To: nforrest gnsgroupltd.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 gnsgroupltd.com <nforrest@gnsgroupltd.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

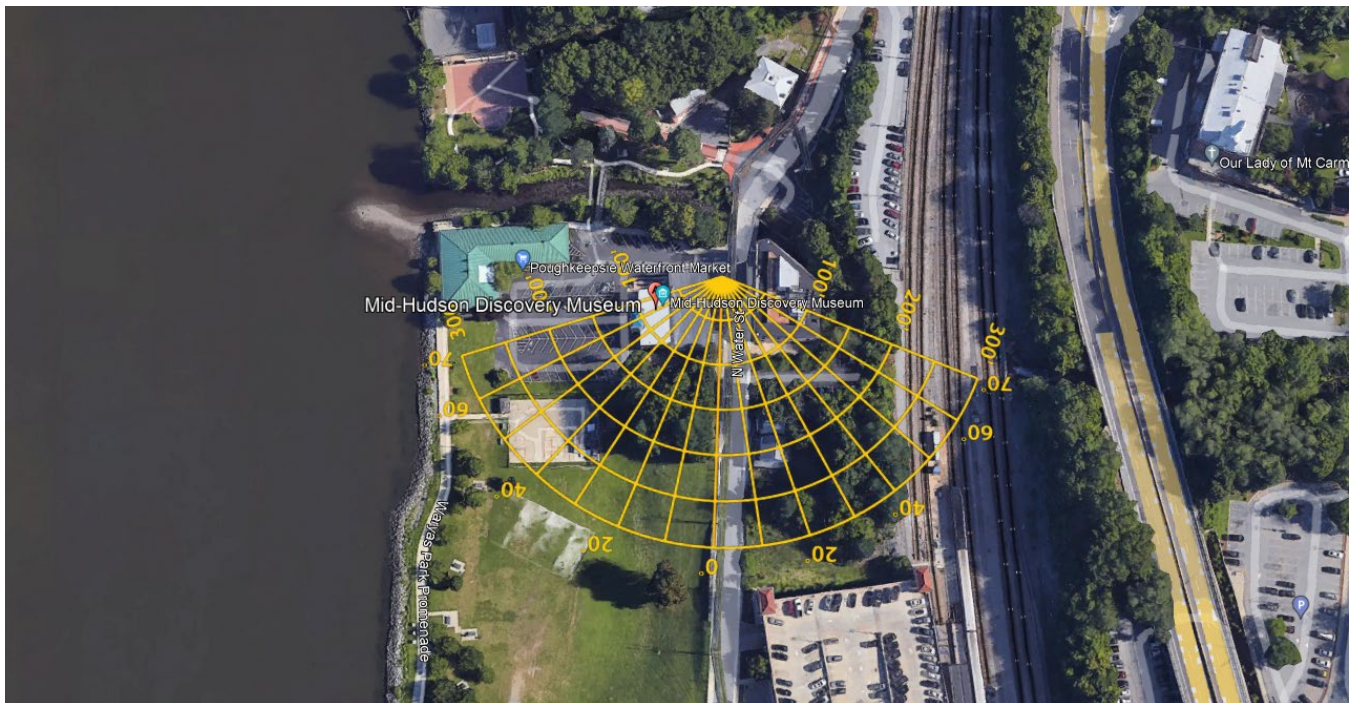
Size: 3' x 4'

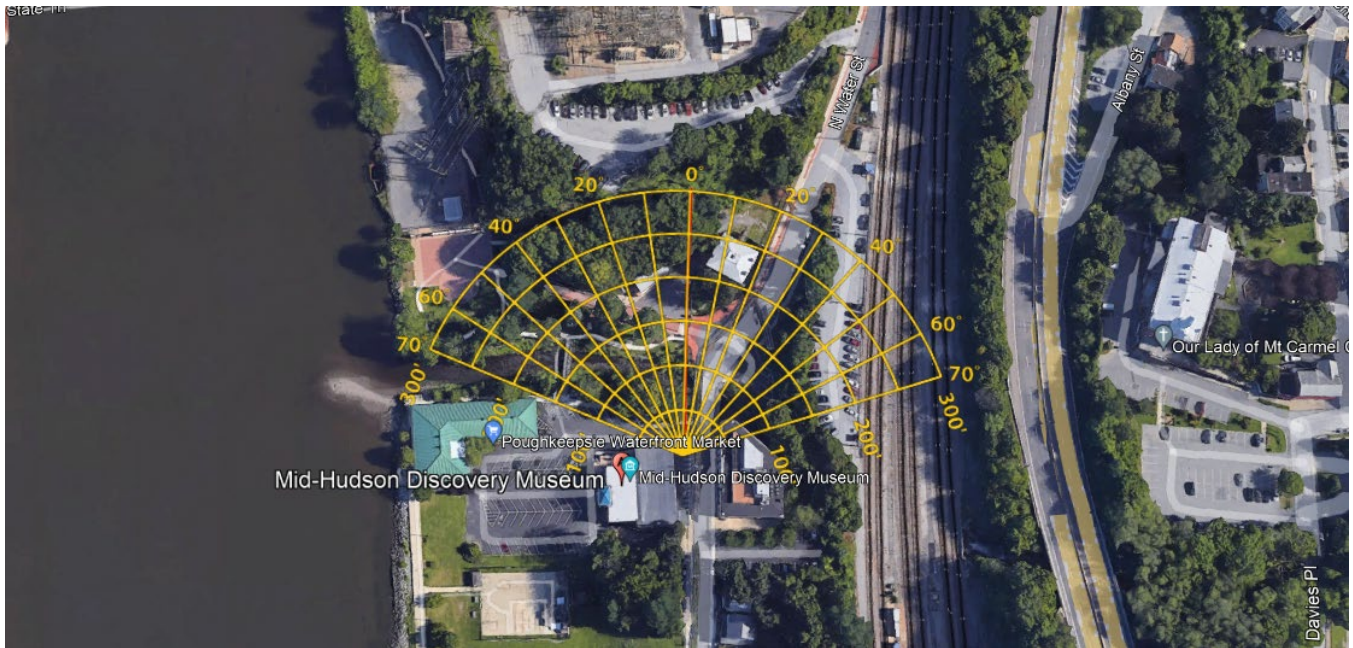
Location: *Mid-Hudson Discovery Museum, 75 N. Water Street, Poughkeepsie*

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



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

June 7, 2023

To: Zoning Board of Appeals, City of Poughkeepsie
Re: **ZR23-135 Mid-Hudson Discover Museum – Electronic Sign Installation**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The applicant is seeking several variances in relation to a request to the Planning Board to allow the installation of a freestanding electronic message display sign, as follows:

- Allow message to change once per 10 minutes, where no more frequently than once per 12 hours is permitted;
- Allow an unlimited number of colors where a maximum of 3 colors is permitted;
- Allow up to 12 words where a maximum of 5 words is permitted.

COMMENTS

While electronic message display signs are only allowed with Planning Board approval due to their potentially negative effects on the surrounding area, the definition of an electronic message display sign clearly states that "televisions and electronic video displays are not considered electronic message displays and are **prohibited**" (emphasis added). While the cover letter from the applicant indicates that the sign will display still images, those images are still proposed to be displayed via a television screen, not a standard electronic message display. As designed, it appears the proposed sign is prohibited.

Information provided in the variance application includes several rebuttable answers to some of the variance justification questions, as follows (organized by the corresponding question numbers in the application):

1. The light emanating horizontally from a fully-lit, 12 square foot television screen will create glare and light pollution in the area, and could be distracting to drivers. If additional lighting is necessary due to the "dark street", the more appropriate solution would be the addition of dark-sky compliant street lighting.
3. Regarding the following subsection answers provided in question 3 of the justification test:
 - 1) The federal guidelines mentioned are irrelevant in this case as they refer to digital billboards located along limited access highways with high-speed traffic. The proposed sign is on a local street that includes a variety of uses, some of which generate regular pedestrian activity including families with children.
 - 2) The City's ordinance prohibits television and video displays so the use of such, even to display still photographic/video-like images, is prohibited by the code.
 - 3) A higher word count requires more time to read the message, increasing the safety risk especially as it relates to passing vehicles.
4. The City expressly prohibits this type of sign. If this establishment is granted this sign type, what would the justification be for the City to deny other similar signs that might be proposed as a result of this sign being granted? This could result in a change to neighborhood character across the City. In

addition, the sign will contribute glare and light pollution along the street and could be a distraction to drivers in an area with families and children walking and crossing the road. The issue is not strictly about the footcandle levels given off by the sign, but rather the horizontal directionality of the light, producing eye-level glare via a television screen displaying full-coverage still images.

5. While the museum's existence predates the current sign regulations, those regulations were not "updated recently"; they have been part of the zoning code since 2018.

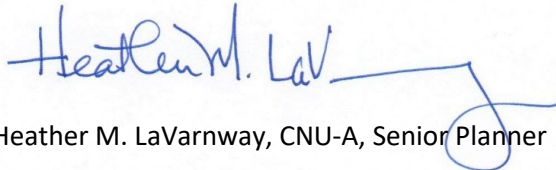
RECOMMENDATION

For the reasons stated above, we recommend the Board **not grant** the requested variances.

Voting and Reporting Requirements: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Eoin Wrafter, AICP, Commissioner

By

A handwritten signature in blue ink, reading "Heather M. LaV", followed by a stylized flourish that loops around the word "Planner" in the caption below.

Heather M. LaVarnway, CNU-A, Senior Planner

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
			Co./Dept.	From	
			Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Poughkeepsie**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Numbers(s): **7382310000**

Project Name: **Mid-Hudson Discovery Museum Electronic Sign Installation**

Applicant: **75 N Water St.**

Address of Property: **9 Thompson St, Poughkeepsie, NY 12601**

**Exempt Actions:*
239 Review is NOT Required**

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☒ Area Variances for all non-residential uses
- ☐ Other (Describe):

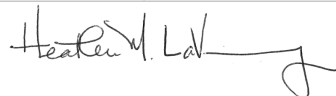
Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested:

Entered By: **Garcia, Lori**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☒ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 5/10/2023	Notes:	☐ Major Project	
Date Received: 5/10/2023		Referral #: ZR23-135	
Date Requested:			
Date Required: 6/8/2023	☐ Also mailed hard copy	Reviewer: 	
Date Transmitted: 6/7/2023			