



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

Common Council Chambers
Tuesday, August 29, 2023
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING 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

2. 40 GARDEN STREET – AREA VARIANCE

Application for area variance relative to the installation of a replacement sign. Lot deficiencies were noted regarding; Section 19-4.9(9)(d)2 requiring signs be a maximum of 6 feet high, to allow for 11 feet, (a variance of 5 feet); Section 19-4.9(9)(d)2 requiring a maximum sign face of 36 square feet, to allow for 44 square feet, (a variance of 8 square feet); Section 19-4.9(9)(d)4 requiring a maximum of 4 words, to allow for 40-50 words, (a variance of 36-46 words). Owner: 40 Garden Street, LLC; Applicant: GNS Group, Ltd; Grid: # 6162-69-084135; Zoning District: C-2 Central Commercial; File #2023-017

3. 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

4. 27 HIGH STREET AREA VARIANCE

Application for area variance relative to Section 19-3.15(4)(c) requiring a lot area of 159,000 sf to allow for a lot area of 53,579 sf, a variance of 11,600 sf more than previously approved 93,821 sf and section 19-3.15(4)(f) requiring 22,900 sf of open space to allow for 21,548 sf a variance of 225 sf more than the previously approved 1,097 sf. Owner/Applicant: 27 High Street Lofts LLC; Consultant: KARC Planning Consultants, Inc.; Grid: # 6162-62-192294; File #ZBA2023-024

5. 398 CHURCH STREET: AREA VARIANCE

Application for the installation of a fence. The area variance is relative to Section 19-4.12(5) where no fence shall be permitted nearer that 10 feet to any wall or an adjoining building that contains legal windows to allow a fence within 6 and 8 feet depending on portion of wall. Owner/Applicant: 398 Church LLC, George Lulaj; Grid: # 6162-24-492881; Zoning District: R-4 Medium High-Density Residential; File #2023-026

6. LOT #581599 SOUTH GRAND AVENUE: AREA VARIANCE

An application for the placement of a single-story modular home. The area variance is relative to Section 19-3.12(4)(d)(l) which requires a front yard set-back of twenty (20) feet to allow for a set-back of 12', a variance of 8'.
Owner/Applicant: Habitat for Humanity Dutchess County; Consultant: Lawrence J. Paggi, PE, PC; Grid: # 6161-49-581599; Zoning District: Central Low-Density (R-2A); File #2023-010

IV. APPLICATION REVIEW

1. 20 CORLIES AVENUE - AREA VARIANCE

Application for area variance relative to converting a single family dwelling to a two family dwelling.

ADJOURNED TO SEPTEMBER 26, 2023

2. 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.

ADJOURNED TO SEPTEMBER 26, 2023

3. 419 MAPLE STREET - AREA VARIANCE

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

ADJOURNED TO SEPTEMBER 26, 2023

4. 63 THOMPSON STREET - AREA VARIANCE

Application for area variance relative to adding a 3rd apartment to a two family dwelling.

ADJOURNED TO SEPTEMBER 26, 2023

5. 7 GRANT STREET – AREA VARIANCE

Application for area variance relative to the conversion of a single family dwelling to a two family dwelling.

ADJOURNED TO SEPTEMBER 26, 2023

6. 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

7. 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

8. 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

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 Frugiele; Grid: # 6162-71-318149; Zoning District: Medium High-Density Residence District (R-4); File #2023-014

10. 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



City of Poughkeepsie Zoning Board of Appeals

Draft Meeting Minutes

Common Council Chambers

Monday, July 24, 2023 6:00 PM

ATTENDANCE

Scott Parker
Thomas Klug
Justin Phillips
Jessica Vinall
Brian Ineson

ABSENT

STAFF

Joseph Donat, Development Director - 7
pm
Richard Distel, City Planner
Tyler Maegerle, Junior Planner
Lori Garcia, Board Administrative
Assistant

I. CALL TO ORDER 6:02 pm

II. APPROVAL OF MEETING MINUTES

1. Approval of June 13, 2023 Minutes
Motion: Jessica Vinall
Second: Thomas Klug
Carried: 4:0:1

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

Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

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

ADJOURNED TO THE AUGUST 8, 2023 MEETING

Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

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 1,1000 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

Presenting: Richard from Mauri Architects
Mateusz Koziol, Owner/Applicant

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

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

Presenting: Chris Johnston, Consultant
Wayne Thompson, Applicant

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Jessica Vinall

Carried: 5:0:0

Written communications read into record

Motion to Close the Public Hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

Motion to adjourn until September 12, 2023 meeting

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

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

Presenting: Chris Johnston, Consultant

Wayne Thompson, Applicant

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

Motion to Close the Public Hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

Motion to adjourn until September 12, 2023 meeting

Motion: Scott Parker

Second: Jessica Vinall

Carried: 5:0:0

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.

Presenting: Chris Johnston, Consultant
Wayne Thompson, Applicant

Motion to Open the Public Hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

Motion to Close the Public Hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

Motion to adjourn until September 12, 2023 meeting

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

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

Presenting: Chris Johnston, Consultant
Wayne Thompson, Applicant

Motion to Open the Public Hearing

Motion: Thomas Klug

Second: Scott Parker

Carried: 5:0:0

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

Motion to adjourn until September 12, 2023 meeting
Motion: Thomas Klug
Second: Jessica Vinall
Carried: 5:0:0

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

Presenting: Chris Johnston, Consultant
Wayne Thompson, Applicant

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

Speakers: Kwami Rashad, Javier Ortega

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

Motion to adjourn until September 12, 2023 meeting
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

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 Frugieuele; Grid:# 6162-71-318149; Zoning District: Medium High-Density Residence District (R-4); File #2023- 014

Presenting: John

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

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

Presenting: Dave Freeman Architect

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

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)(9) 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 sparking 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

Presenting: Karen Briscoll Reed, Real Estate Broker
Cynthia Ortiz, Owner/Applicant

Motion to Open the Public Hearing
Motion: Scott Parker
Second: Jessica Vinall
Carried: 5:0:0

Motion to Close the Public Hearing
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

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

Presenting: Natalie Quinn, KARC Consulting

Motion to Approve the Resolution as Drafted
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

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

Adjourned until September
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

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

Presenting: Chris Lapine, Labella and associates

Motion to Approve the Resolution as Drafted

Motion: Scott Parker

Second: Jessica Vinall

Carried: 5:0:0

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

Presenting: Jack Voss, Grayhawk Building

Motion to Approve the Resolution as Drafted

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0

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

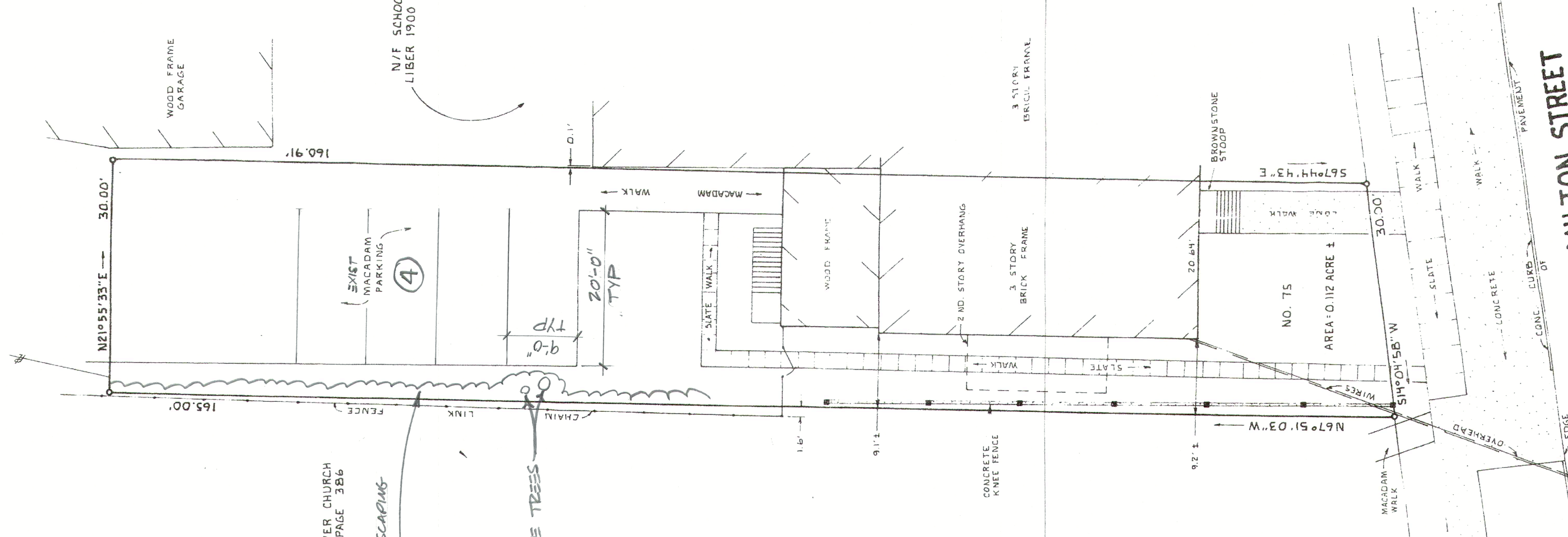
APPLICATION WITHDRAWN FRIDAY AFTERNOON

Motion to Adjourn

Motion: Scott Parker

Second: Thomas Klug

Carried: 5:0:0



WAR 01 2007

REF TAX MAP NO. 6161-21-118891

THIS MAP IS CERTIFIED ONLY TO:

NIKOLAS ELEVITCH
COMMONWEALTH LAND TITLE INSURANCE COMPANY
A ALLENDORPH SCHOONMAKER III AND PETER L. SCHOONMAKER

LAND SURVEY MAP

PREPARED FOR
ELEVITCH

**SITUATE IN THE
OF POUGHKEEPSIE
TCHESS COUNTY**

NEW YORK

SCALE: 1 INCH = 10 FEET

SURVEYED BY

J. CHARLES BOOLUKOS P.L.S.
NEW YORK STATE LICENSE NO 049494

EAST MARKET ST. ~ RHINEBECK, N.Y.

TELE: 845-876-7423 FAX: 3650

REV. FEB. 15, 2007 RE-CECT1F7
REV. NOV. 30, 2006 FIELD INSPCT.

4 RE. CERTIFY

100

11



**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: Natia Porter

From: Tyler Maegerle, Junior Planner

Date: 6/27/2023

Re: 75 South Hamilton 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 single-family dwelling into 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

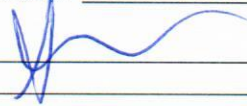
Instructions for Completing

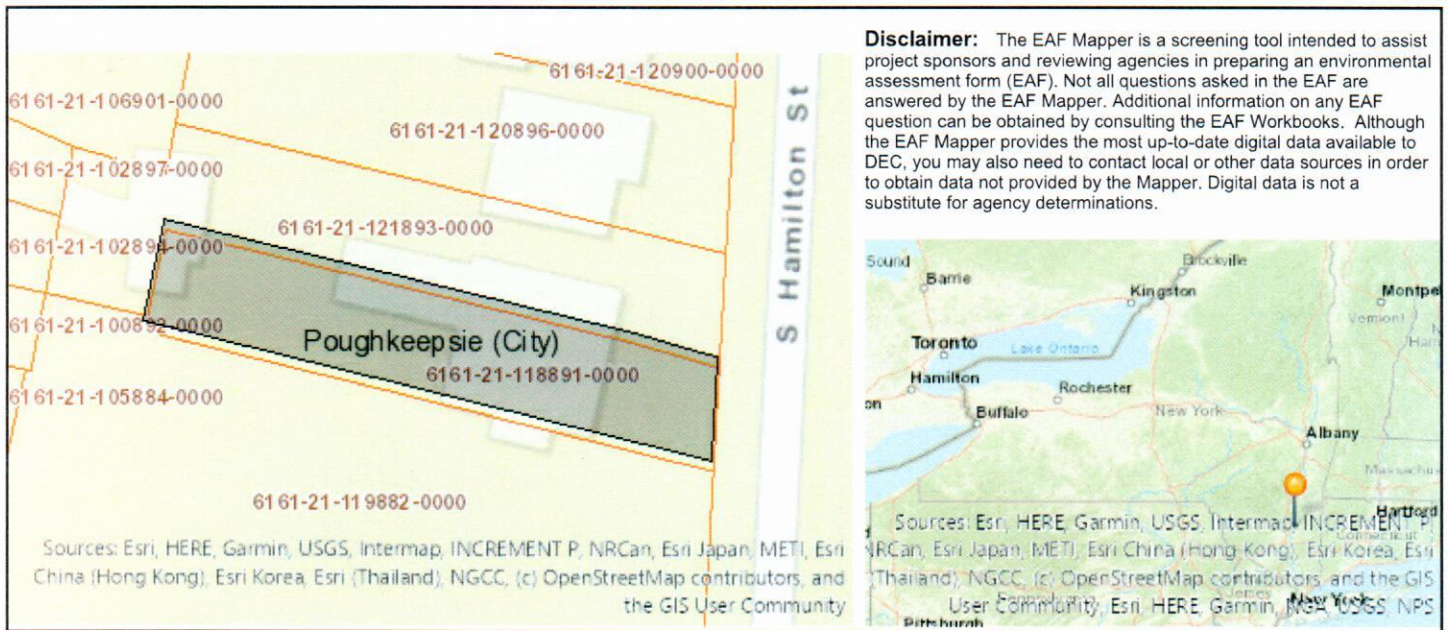
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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			
NATIA PORTER, 75 SHAMILTON LLC			
Name of Action or Project:			
ALTERATIONS AND RENOVATIONS TO 75 SOUTH HAMILTON STREET			
Project Location (describe, and attach a location map):			
75 SOUTH HAMILTON STREET			
Brief Description of Proposed Action:			
WE ARE CONVERTING EXISTING ONE FAMILY HOUSE TO TWO FAMILY HOUSE.			
Name of Applicant or Sponsor:		Telephone: 3472917525	
NATIA PORTER		E-Mail: NATIA 2009@gmail.com	
Address:			
476E 146TH STREET			
City/PO:		State:	Zip Code:
BRONX		NY	10455
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☒
			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: BUILDING DEP; BUILDING PERMIT.			YES
			☐
			☒
3. a. Total acreage of the site of the proposed action?		.112 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?		.112 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 ☐
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>NATIA PORTER</u> Date: <u>5.22.2023</u>		
Signature: <u></u> Title: <u>OWNER / president</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]	Yes

DRIVEWAY MAINTENANCE AGREEMENT

This agreement made this 28 day of August, 2018 between 75 South Hamilton Street LLC, having an address at 75 South Hamilton Street, Poughkeepsie, New York 12601 and Barbara Lopez, Hancer Ricardo Reyes, Gilbert Reyes and Guido Melvin Reyes, residing at 73 South Hamilton Street, Poughkeepsie New York 12601.

Whereas the above parties are owners of contiguous parcels in the City of Poughkeepsie known respectively as 75 S. Hamilton Street and 73 S. Hamilton Street, which lots share a common driveway extending into each of the two parcels, and

Whereas both the above mentioned parcels are subject to a driveway easement set forth in Dutchess County Clerk's office Doc. # 02 2007 1512 which requires that the owners of 73 S. Hamilton and 75 S. Hamilton maintain the common drive which is also shared with 71 S. Hamilton, and

Whereas the above noted driveway easement does not set forth any percentage of responsibility for maintenance between 73 S. Hamilton and 75 S. Hamilton and therefore the purpose of this agreement is to establish the percentage of responsibility between the two lot owners,

NOW, therefore, it is agreed by and between the above parties as follows:

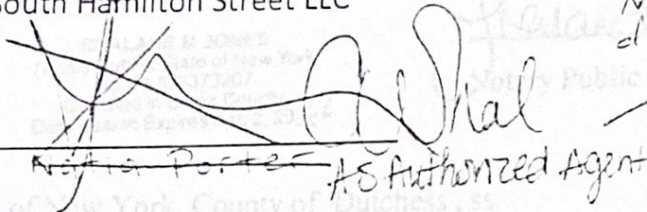
1. The parties agree to share equally in the cost of the regular maintenance of the driveway.
2. Each party releases the other from any claim they may have against the other arising out of injury or damage occasioned by their use of the common driveway.
3. To the extent the common driveway is blacktopped, each agrees to contribute equally to the periodic replacement of the same.
4. This agreement shall be binding upon the successors and assigns of the parties

5. This agreement, as to 75 S. Hamilton Street LLC, is made with the consent of the members of the company.

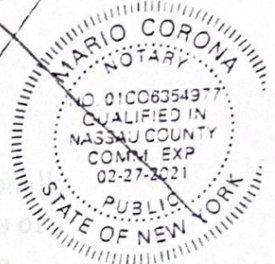
In witness whereof, the parties have signed and acknowledged this agreement as follows.

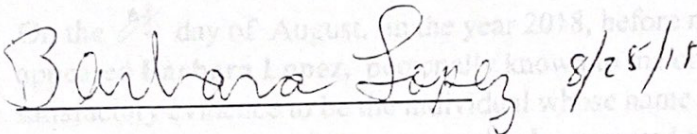
75 South Hamilton Street LLC

By:

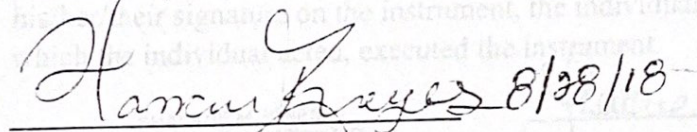

Natia Porter AS Authorized Agent

Acknowledged Signature of
Natia Porter on this 10th
day of September 2018

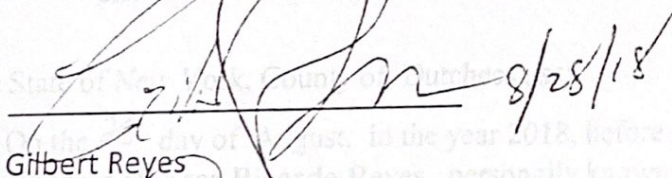



Barbara Lopez 8/25/18

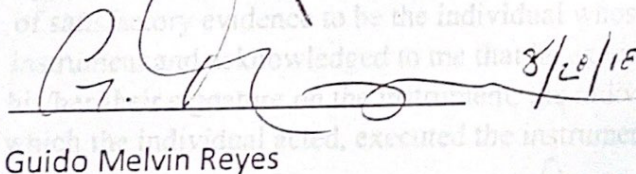
Barbara Lopez


Hancer Ricardo Reyes 8/28/18

Hancer Ricardo Reyes


Gilbert Reyes 8/28/18

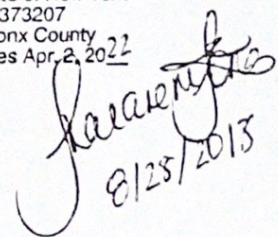
Gilbert Reyes


Guido Melvin Reyes 8/28/18

Guido Melvin Reyes

SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022

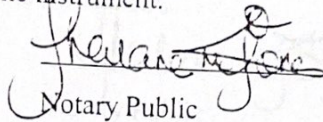
SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


8/25/2018

State of New York, County of Dutchess, ss:

On the 9th day of August, in the year 2018, before me, the undersigned, personally appeared Barbara Lopez, Gilbert Reyes, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

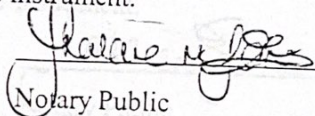
SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


Notary Public

State of New York, County of Dutchess, ss:

On the 9th day of August, in the year 2018, before me, the undersigned, personally appeared **Barbara Lopez**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

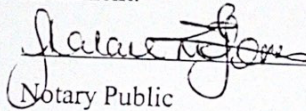
SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


Notary Public

State of New York, County of Dutchess, ss:

On the 28 day of August, in the year 2018, before me, the undersigned, personally appeared **Hancer Ricardo Reyes**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

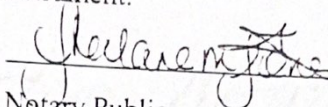
SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


Notary Public

State of New York, County of Dutchess, ss:

On the 08 day of August, in the year 2018, before me, the undersigned, personally appeared **Gilbert Reyes**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

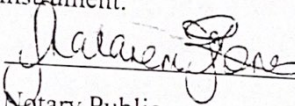
SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


Notary Public

State of New York, County of Dutchess, ss:

On the 08 day of August, in the year 2018, before me, the undersigned, personally appeared **Guido Melvin Reyes**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SHALANE M JONES
Notary Public, State of New York
No. 01JO6373207
Qualified in Bronx County
Commission Expires Apr. 2, 2022


Notary Public

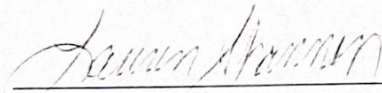
Record and Return to:

Natia Porter
111 West 106th Street, Apt 5E
New York, NY 10025

STATE OF NEW YORK, COUNTY OF DUTCHESS)

ss.:

On the 11th day of September, in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared **CARA A. WHALEN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



NOTARY PUBLIC

Susan Spinnen
Notary Public, State of New York
2018-2020 Dutchess County
Commission Expires Oct. 23, 2020

Consent of Property Owner(s)

Date: 22 MAY 23

Location of Property: 75 SOUTH HAMILTON ST

Record Owner(s): 75 SHAMILTON LLC
NATIA PORTER, PRESIDENT

Address: 476 EAST 146 ST
BRONX, NY 10455

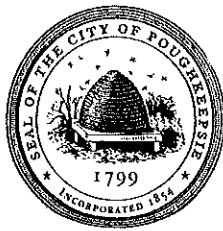
Phone #: 347-291-7525

I, Natia Porter hereby give consent to Mazzarelli Architecture + Planning, PC to act as my agent with regard to the application to the "Zoning Board" concerning the above property, which is scheduled to appear before the Zoning board on 11 July 23 & any additional meetings as required.

Signed: 

Printed: NATIA PORTER

Title: OWNER



**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 SOUTH HAMILTON STREET, POUGHKEEPSIE, NY 12601

ZONING DISTRICT: R4

OWNER INFORMATION:

Name: 75 SHAMILTON LLC C/O NATIA PORTER
Address: 476E 146 STREET, BRONX, NY 10455

Phone: 347-291-7525
Email: natia2009@gmail.com

APPLICANT INFORMATION:

Name: NATIA PORTER
Address: 476E 146 STREET, BRONX, NY 10455

Phone: 3472917525
Email: natia2009@gmail.com

CONSULTANT INFORMATION:

Name: MAZZARELLI ARCHITECTURE and PLANNING
Address: 44 NORTH CLOVER STREET
POUGHKEEPSIE, NY 12601

Phone: 845 485 0275
Email: mazzarch@mazzarelli.biz

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: 75 SOUTH HAMILTON STREET, POUGHKEEPSIE,NY 12601

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.15(4)(A)	10,000 LOT AREA	5121 SQ
19-3.15(4)(E)	6 SIDE YARD	0 FT

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: 75 SOUTH HAMILTON STREET, POUGHKEEPSIE, NY 12601

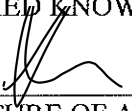
LIST OF REQUIRED ATTACHMENTS

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

5/1/2023

DATE

Natia Porter

Print Name

Date: 5.22.2023

Re: Variance Request Justification

Property Address: 75 South Hamilton Street, Poughkeepsie, NY 12601

To: Zoning Board of Appeals

1. Granting of the variance will not produce undesirable result. It will not change the character of the neighborhood. Our project does not change exterior appearance of the property. We are not adding any additional paving or parking.
2. The sought benefits cannot be achieved by any other method. The only alternatives are to sell the property or rent it. Neither of the alternatives are feasible options to me. The variance is necessary in order support the house of this size financially and helps the demand for housing within the city.
3. Requested variance is substantial at plus or minus 51%. However, there is no change to the exterior of the residence or the lot. In the back of the house there is an ample room for parking. {Please see the site plan attached}
4. Requested variance does not change the exterior of the structure or its surroundings, therefore it does not have an adverse effect or impact on the environmental conditions of the neighborhood or the district.
5. The hardship is not self-created; this is a 4-story large house that could house more than one family. I believe keeping it as a one family is a waste of huge space, especially in the heart of the city where the housing demand is very high.

If you have any questions, please do not hesitate to contact me.

Sincerely ,

Natia Porter

natia2009@gmail.com

3472917525



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 2nd, 2023

Mazzarelli Architecture and Planning

Re: 75 S Hamilton Street

ID: 213020

Zoning Review Request PD-2023-048

Dear Mr. Bernabe,

The Development Department is in receipt of your zoning review request relative to the property at 75 S Hamilton Street 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 for the proposed use; the lot area is 4,879sf.
2. Section 19-3.15(4)(e) requires a minimum of a 6' side yard for the proposed use; the right-side yard is 0'.

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

Wednesday, June 14, 2023

To: Poughkeepsie Zoning Board

Dear Zoning Board,

I, Natia Porter, wish to convert an existing single-family home to a 2-family home.

I, Natia Porter, hereby certify that I am familiar w/ the zoning board submission and hereby certify that I am financially capable of completing this project.

Thank you.



Signed: _____

Printed: NATIA PORTER _____

Title: OWNER / PRESIDENT _____

Location of Property:	75 SOUTH HAMILTON ST
Record Owner(s):	75 SHAMILTON LLC NATIA PORTER, PRESIDENT
Mailing Address:	476 EAST 146 ST BRONX, NY 10455
Phone #:	347-291-7525
Email	natia2009@gmail.com

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. Title Report Reference FHT1113 Dated February 21, 2022
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 herein are referenced to NAD 83--NY East using NYSNET RTN GPS.

TAX PARCEL NUMBER

City of Poughkeepsie, Dutchess County,
New York
6162-69-084135

DEED REFERENCE

Doc. #02 2011 5743
BHR Properties II, LLC
To
40 Garden Street, LLC
December 7, 2011

ZONING

Subject parcel is located with in the Urban Village (UV) as shown on a map entitled "City of Poughkeepsie Zoning District" Prepared by the City of Poughkeepsie Planning Board on November 29, 2019.

FLOOD ZONE

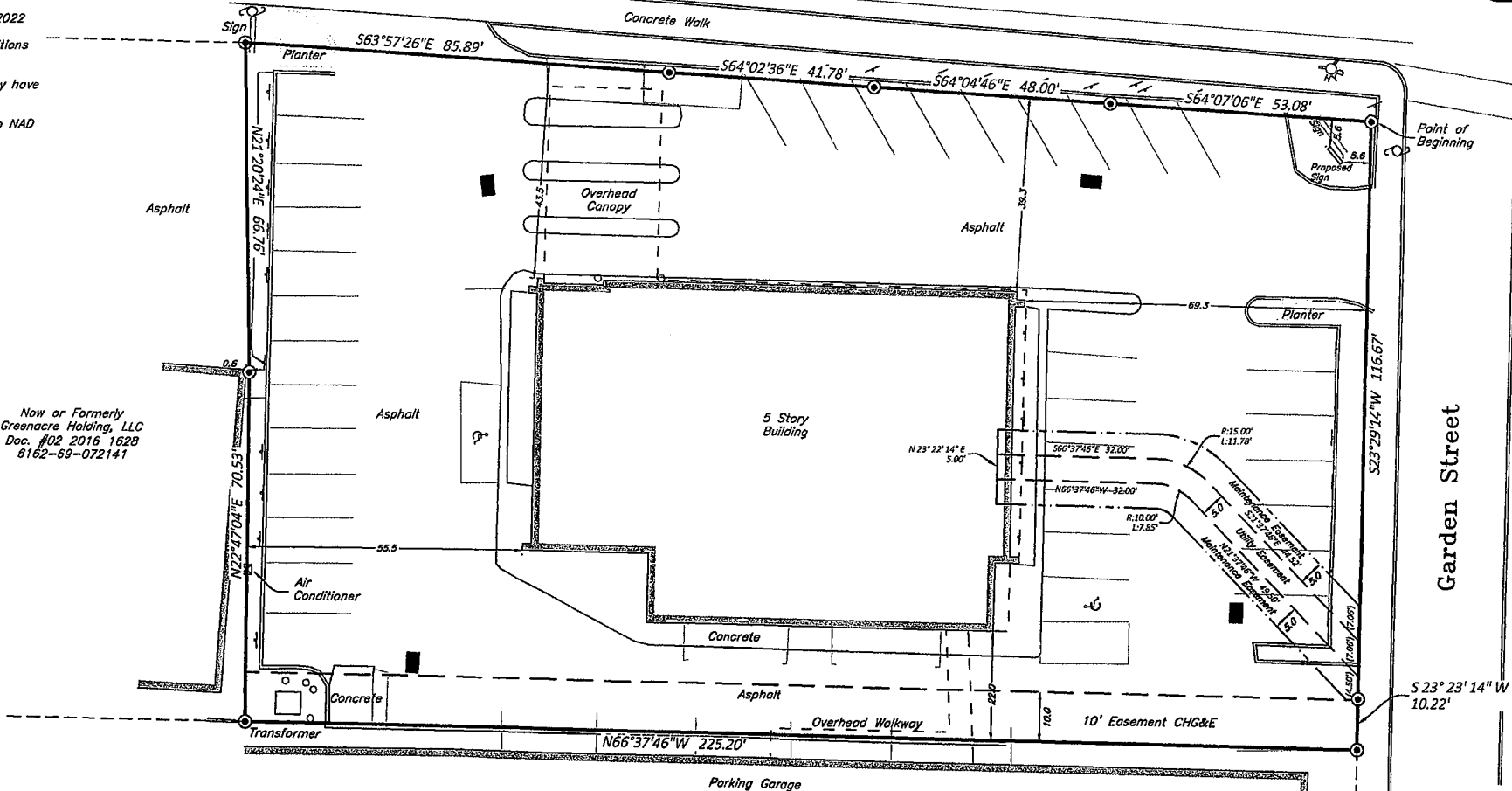
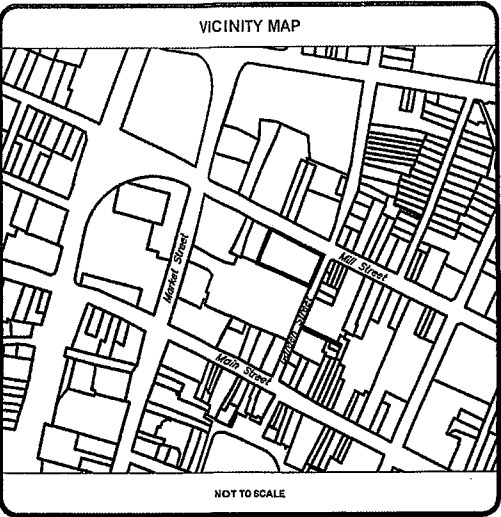
Subject parcel is located in Flood Zone "X"
Unshaded as shown on FEMA FIRM
3602C0358E effective date 5/2/2012

PROPERTY ADDRESS

278 Mill Street, Poughkeepsie, NY 12601

PARKING NOTE

Total Spaces: 46
Handicap Spaces: 2



DESCRIPTION

Being a Parcel of land situate, lying and being in the City of Poughkeepsie, County of Dutchess and State of New York being bounded and describes as follows:
Beginning at a point located at the southerly intersection of Mill Street (AKA NYS Rt 44/55) and Garden Street, said point being the northeast corner of the herein described parcel; Thence along Garden Street S 23° 29' 14" W for a distance of 116.67 feet and S 23° 23' 14" W for a distance of 10.22 feet to a point, said point being the northeast corner of the lands, now or formerly, City of Poughkeepsie (Liber 1543, Page 505); Thence along the same N 65° 37' 46" W for a distance of 225.20 feet to a point, said point being the southeast corner of the lands, now or formerly, Greenacre Holding, LLC (Doc. #02 2016 1628). Thence along the same N 22° 47' 04" E for a distance of 70.53 feet and N 21° 20' 24" E for a distance of 66.76 feet to a point, said point being located on the southerly line of said Mill Street; Thence along the same the following four (4) courses:
1. S 63° 57' 26" E for a distance of 85.89 feet;
2. S 64° 02' 36" E for a distance of 41.78 feet;
3. S 64° 04' 46" E for a distance of 48.00 feet and
4. S 64° 07' 06" E for a distance of 53.08 feet to the Point or Place of Beginning.

SCHEDULE B

Liber 1450, Page 15--as shown hereon
Liber 1471, Page 512--as shown hereon

SURVEYOR'S CERTIFICATION

TO:
40 Garden Street,
First Hudson Title Agency LLC
Fidelity Title Insurance Company
TD Bank, N.A., ISADA, ATIMA

THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE ITEMS 2, 3, 4, 6(A), 8, 10, 11(A), 13 and 19 OF TABLE A THEREOF.
THE FIELD WORK WAS COMPLETED ON MARCH 10, 2022.

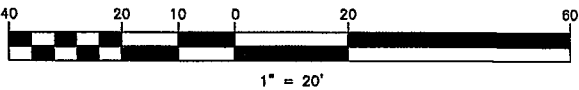
DATE OF MAP March 16, 2022

rev.	date	description

Now or Formerly
City of Poughkeepsie
Liber 1543, Page 505
6162-69-070126



GRAPHIC SCALE



JOHNSON
SURVEYING

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

Copyright 2014

278 MILL ST

ALTA/NSPS SURVEY
PREPARED FOR
40 GARDEN STREET, LLC

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

tax id	6162-69-084135
address	278 MILL STREET
date	3/17/2022
scale	1"=20'
project no.	22-039
project name	278 MILL ST
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			
Monument Sign 278 Mill St.			
Name of Action or Project: 278 Mill St.			
Project Location (describe, and attach a location map): 278 Mill Street (corner of Garden St.)			
Brief Description of Proposed Action: Installation of a monument sign to replace existing one damaged by an accident			
Name of Applicant or Sponsor: GNS Group, Ltd		Telephone: 845-471-4366	
Address: 97 N Clinton St.		E-Mail: hforrest@gnsgroutltd.com	
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?			NO ☐
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO ☒
If Yes, list agency(s) name and permit or approval:			YES ☐
3. a. Total acreage of the site of the proposed action?		0 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Nancy Forrest</u> Date: <u>3/27/23</u>		
Signature: <u>Nancy Forrest</u> Title: <u>applicant</u>		



**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: GNS Group, Ltd.

From: Tyler Maegerle, Junior Planner

Date: 6/29/2023

Re: 40 Garden 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 installation of a replacement sign.

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 19th, 2023

GNS Group Ltd
97 N Clinton Street
Poughkeepsie NY 12601

Re: 278 Mill Street
ID # 339170
Sign Permit Application # 2023-14

To Whom it May Concern;

A review of the Sign Permit application # 2023-14 found it to be deficient to complete the review process and issue the permit. Below is/are the deficiencies found;

- ✓ 1. 19-4.9(9)(d)1. Requires the location of freestanding signs be located in the front yard and a minimum of 5' from the front property line; please submit a plot plan drawn to scale showing the proposed location.
- Variance 2. 19-4.9(9)(d)2. Limits the maximum height of freestanding signs in nonresidential zoning districts to 6'; the proposed plans indicate the height is 11'.
- Variance 3. 19-4.9(9)(d)2. Limits the sign face to a maximum of 36 square feet; the proposed sign is 44 square feet.
- noted on drawing 4. 19-4.9(8)(c)1.g.i. requires that signs on nonresidential properties may be illuminated from 5:00 a.m. until 11:00 p.m., or 1/2 hour past the close of business of the facility being identified or advertised, whichever is later. A business or facility that is open 24 hours a day is not required to turn off its sign(s); this will be indicated as a condition of approval on your permit if issued.
- noted on drawing 5. 19-4.9(8)(c)1.g.ii. requires that signs shall provide an automatic timer to comply with the intent of this section; there is no mention that an automatic timer will be installed on your application.
6. A building permit including electrical will be required for the sign and stated as a condition of approval if the permit is issued.

Variance For amount of words

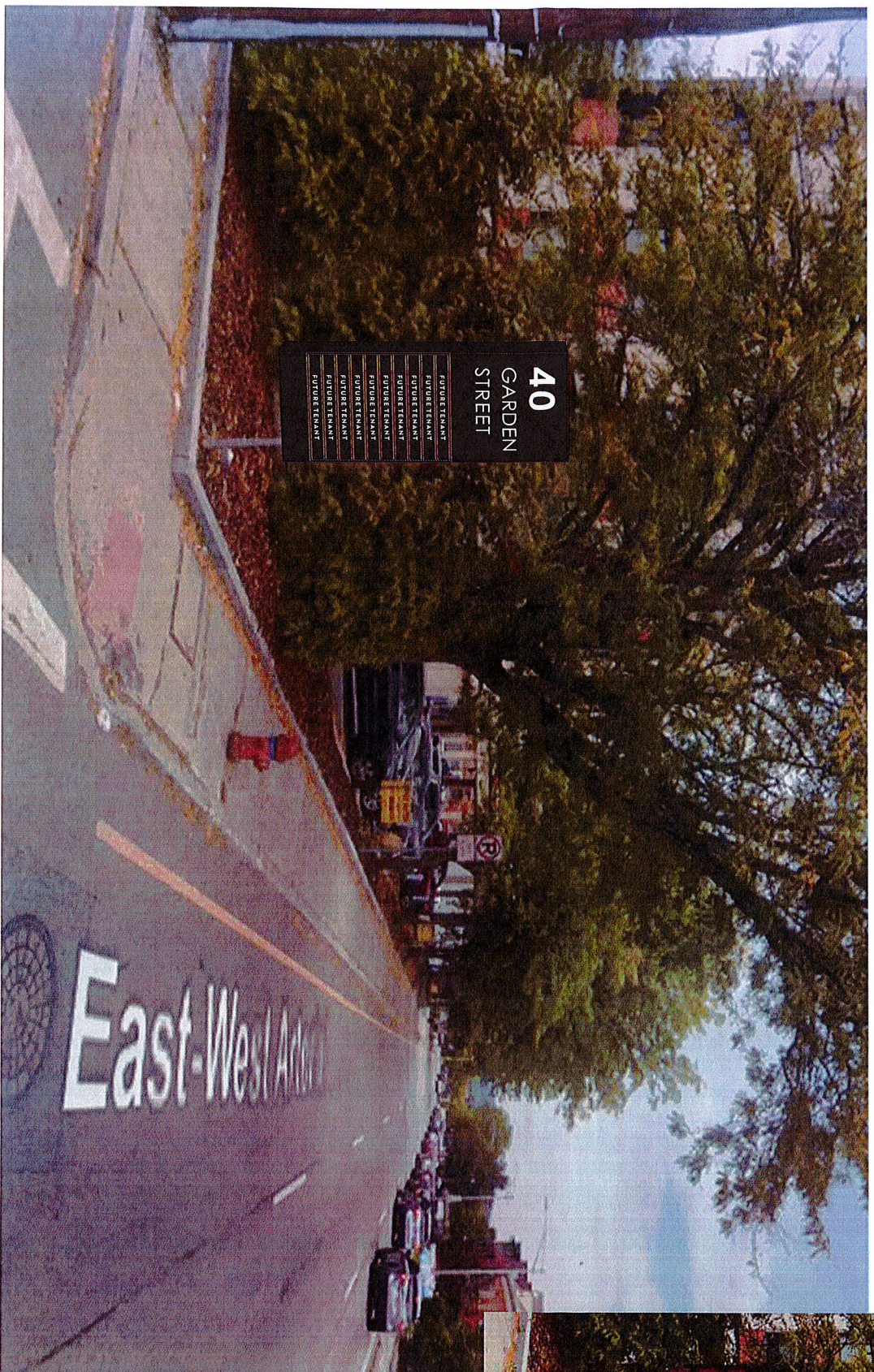
Please submit the required additional information as listed above so that the review process can be completed and application approved. Your application will be kept on file for a period of 30 days, failure to submit the required documentation in the specified time frame shall cause the application to expire.

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

Page 1

Communication
letter resulting
in application
to ZBA

100 sq.ft.
↓



Existing "40 Garden St." sign to be removed.

New Sign to be installed with minimum 5' setback from Property line.

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

Client/Project location:
Proposed signage
278 Mill Street

File Name:
BAXTER CONSL Proposed
signage_278 Mill Street
with tenants_07-11-22.cdr

Date: 11.22.21
rwsd 05.22.2023
Scale:

Client Approval: _____
Date: _____

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Sheet:
B.2



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: 278 Mill St.
ZONING DISTRICT: C2

OWNER INFORMATION:

Name: 40 Garden St. LLC
Address: 278 Mill St. Suite 100
Poughkeepsie, NY 12601
Phone: 845-471-1047
Email: Amanda@baxterbuilt.com

APPLICANT INFORMATION:

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

CONSULTANT INFORMATION:

Name: n/a
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
Date of decision/determination/violation: 4/19/2023

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
<u>19-4.9(a)(d)2</u>	<u>6' height</u>	<u>5'</u>
<u>19-4.9(a)(d)2</u>	<u>36 sq ft sign</u>	<u>8 sq ft</u>
<u>19-4.9(a)(d)4</u>	<u>5 words max</u>	<u>40-50 words</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.

VARIANCE REQUEST 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 PROPERTY CURRENTLY HAS A LARGER FREESTANDING DIRECTORY SIGN AND THERE ARE NEIGHBORING FREESTANDING SIGNS ON THE ARTERIAL.
- 2) THERE IS NO FEASIBLE ALTERNATIVE TO THE AREA VARIANCE. THE SIZE HAS BEEN REDUCED FROM WHAT CURRENTLY EXISTS ON THE SITE THEREFORE REDUCING THE REQUESTED SQ. FT. FOR THE SIGN. The directory is needed for the tenants of the building.
- 3) THE REQUESTED VARIANCE IS NOT SUBSTANTIAL FOR THE AMOUNT OF TENANTS TO BE LISTED ON THE DIRECTORY.
- 4) THE VARIANCE WILL NOT HAVE AN ADVERSE AFFECT OR IMPACT ON THE PYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD.THERE IS CURRENTLY A SIGN IN THIS LOCATION AS WELL AS OTHER SIGNS ALONG THE ARTERIAL. SIGNS ARE NOT AN ENVIRONMENTAL ISSUE.
- 5) THE NEED FOR THE VARIANCE IS NOT SELF CREATED. WHEN THE SIGN ORDINANCE WAS RE WRITTEN THERE WAS NO INCLUSION FOR BUILDINGS WITH MULTIPLE TENANTS THEREFORE REQUIRING A VARIANCE. SELF CREATED IS NOT AUTOMATIC REASON FOR DISMISSAL OF APPROVALS FROM THE BOARD.

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):

photo of existing monument sign

SIGNATURE AND VERIFICATION

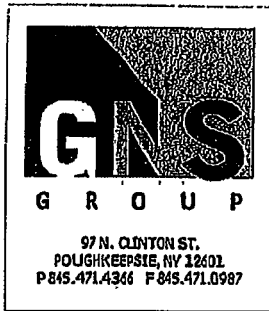
Please be advised that no application can be deemed complete unless signed below.

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

5/25/23
DATE

Nancy Forrest
Print Name



NOTICE of Owner's Consent

Date: 2/7/23

Property: 40 Garden St.

Owner of Record: 289 Main St., LLC
Address: 11 Garden Street
Poughkeepsie NY 12601

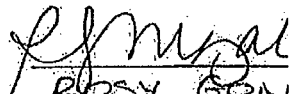
Phone: 845-471-1047

I (we) Rosy Gonzalez hereby give consent to the GNS Group, Ltd., Gloede Signs to act as my (our) agent with regard to this application.

Signed

Print

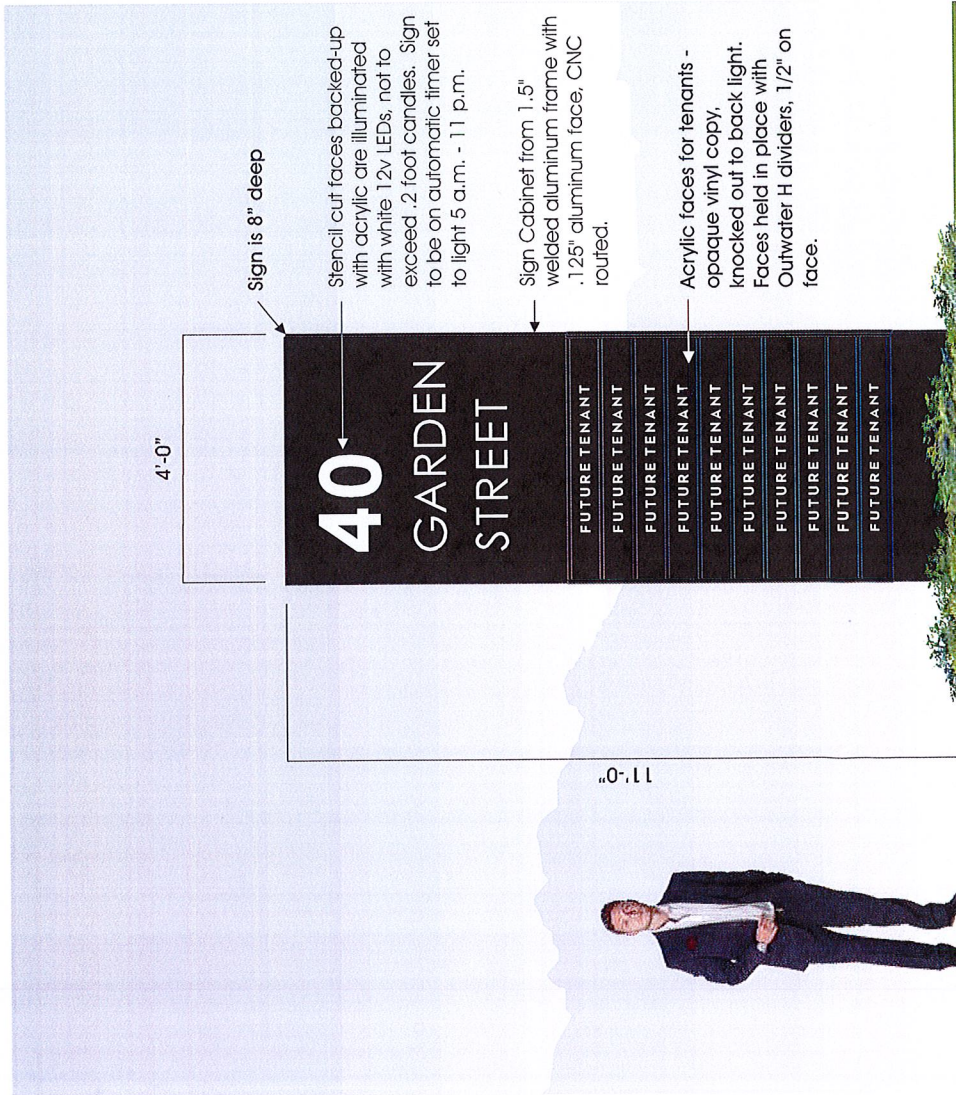
Title


ROSY GON 2
EXECUTIVE PROPERTY MGR.

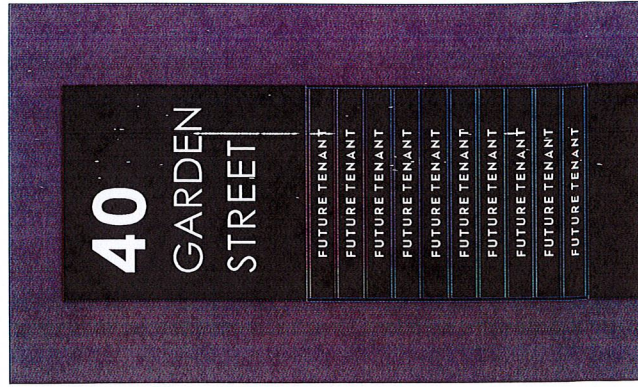


Perspective View

Tenant Panel Visible Opening:
5.75" x 46"
x 10 = 18.4 SF
Address = 3.75 SF
TOTAL = 22.2 SF



Elevation View of Proposed S/F Sign



Simulated Night View

Sheet: **B.1**

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Client Approval: _____
Date: _____

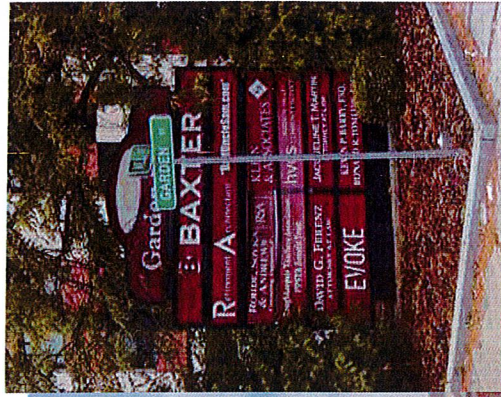
File Name:
BAXTER CONS\ Proposed
signage_278 Mill Street
with tenants_07-11-22.cdr

Client/Project location:
Proposed signage
278 Mill Street

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



100 sq ft.



Existing "40 Garden St." Sign to be removed.

New Sign to be installed with minimum 5' setback from Property Line.



97 North Clinton Street
Poughkeepsie, NY 12601
845-471-4366 - phone
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Client/Project location:
Proposed signage
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File Name:
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signage_278 Mill Street
with tenants_07-11-22.cdr

Date: 11.22.21
rvsd 05.22.2023
Scale:

Client Approval: _____
Date: _____

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Sheet:

B.2



Underwriters
Laboratories Inc.

**OWNER
AFFIDAVIT**

State of New York
County of Dutchess

}
}
} ss:

Ibranis Dominguez, being duly sworn, deposes and says:

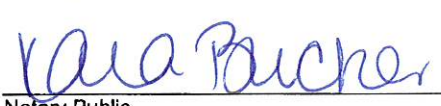
1. That I/we are the Owner(s) of the within property as described in the foregoing application for a ZBA Interpretation Application and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Frank Redl and/or Gary Beck to act as my representative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


Applicant/Owner

Applicant/Owner

Sworn to before me this 25th day of

April, 2023.


Notary Public

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



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Phillipp
Building Inspector

VIOLATION(S) / SCHEDULE A

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

Count: 1

Violation Date: 08/24/22

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

Area involved: 1 Cottage St

Violation Code:

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

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

Comply by date: 09/23/22

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

Count: 2

Violation Date: 08/24/22

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

Area involved: 1 Cottage St

Violation Code:

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

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

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

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

- (b) Shall not be moved to another location where such use would be nonconforming.
- (c) Shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use which, in the opinion of said Board is of the same or of a more restricted nature. No building or land changed to a more restricted nonconforming use shall be changed back to a less restrictive use.
- (d) Shall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so.
- (e) Shall not be reestablished if such use has been changed to or replaced by a conforming use.
- (f) Shall not be restored for other than a conforming use after damage for any reason exceeding 75% of its market value. If the restoration of a building whose damage does not exceed 75% of its market value is not completed within a one-year period, the nonconforming use of such building shall be deemed to have been discontinued.

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

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

Comply by date: 09/23/22

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

Count: 3

Violation Date: 08/24/22

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

Area involved: 1 Cottage St

Violation Code:

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

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

Comply by date: 09/23/22

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



Gary E. Beck, Jr.
Building Inspector

**THE CITY OF POUGHKEEPSIE
NEW YORK**

**BUILDING PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR**

POUGHKEEPSIE, NY 12601

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

POUGHKEEPSIE, NEW YORK - May 4, 2017

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

ID #111010

ZONING DISTRICT R-4

CERTIFICATE OF OCCUPANCY

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

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

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

THE FOLLOWING USES ARE PERMITTED:

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

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


Eric Philipp, Deputy Building Inspector

CK # 4913

CASE #:

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

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

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

See attached rationale

VII. LIST OF REQUIRED ATTACHMENTS

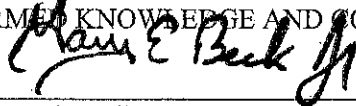
1. Electronic version of all submission materials
2. Site or plot plan (8) copies
3. Other attachments deemed pertinent by applicant (please list):

Violations
Certificate of occupancy
Certificates of compliance for all open permits

VIII. SIGNATURE AND VERIFICATION

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

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


Signature of Applicant

DATE:

5-22-23

ZONING BOARD OF APPEALS CITY OF POUGHKEEPSIE

Property Location:
1 Cottage Street

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

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INTRODUCTION

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

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

Section 19-5.1 Nonconforming uses.

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

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

THE PROPERTY

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

Background

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

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

Permits & CCs received to abate violations.

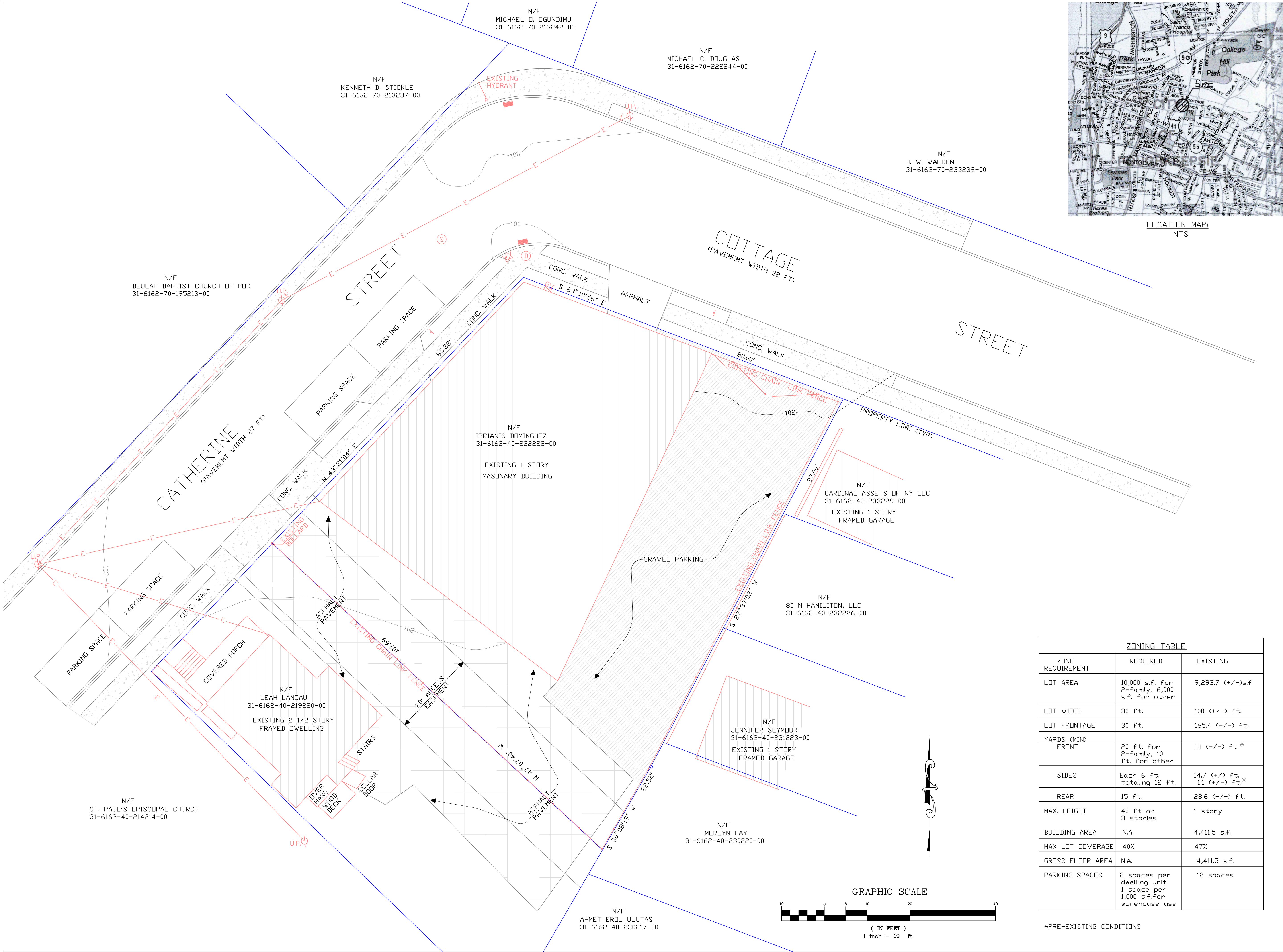
	Permit #	Permit Issued	CC Issued
Electric	22-1365	9-13-22	10-31-22
Walls	22-1362	9-20-22	12-6-22
Furnaces & AC	22-1361	9-13-22	12-5-22

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

DISCUSSION

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

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



LOCATION MAP:
NTS

General Notes

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209(2) OF NYS EDUCATION LAW.

NOTES:

SITE PLAN PREPARED USING PREVIOUS SURVEY PREPARED BY:
CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

FOR *SUDIVISION PLAN OF LANDS OF SURVEYING CO., P.C.

FOR *SUDIVISION PLAN OF LANDS OF GLOEDE NEON SIGNS, LTD* FILED ON 12/11/98, FM# 10706

AND WITH FIELD INSPECTION/ VERIFICATION ON DECEMBER 7, 2022

OWNER INFORMATION:

IBRIANIS DOMINGUEZ
88 RINALDI BLVD.
POUGHKEEPSIE, NY 12601

TAX IDENTIFICATION:

131300-6162-70-222228-0000

EX. LAND USE CLASS: 449 COMMERCIAL: STORAGE, WAREHOUSE AND DISTRIBUTION FACILITIES:
OTHER STORAGE, WAREHOUSE AND DISTRIBUTION FACILITIES

- LEGEND:
- EXISTING STRUCTURE
 - EXISTING GRAVEL SURFACE
 - EXISTING ASPHALT SURFACE
 - EXISTING CONC. SIDEWALK
 - EXISTING OVERHEAD ELEC. — E —
 - EXISTING WATER VALVE
 - EXISTING GAS VALVE
 - EXISTING DRAIN MANHOLE
 - EXISTING DRAIN INLET
 - EXISTING SANITARY MANHOLE
 - EXISTING FENCE
 - EXISTING SIGN

1		
No.	Revision/Issue	Date

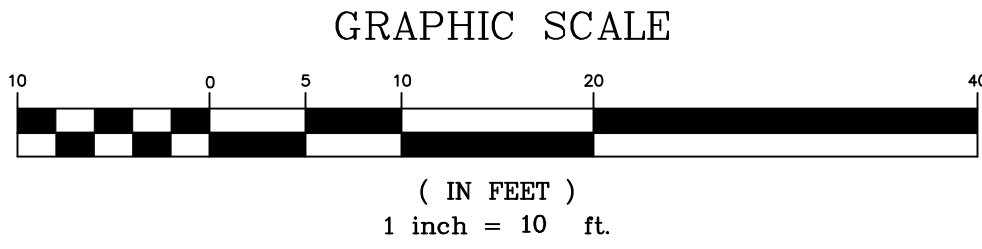
JEFFREY A. ECONOM, P.E.
CONSULTING ENGINEER
48 LOGANBERRY COURT
HOPEWELL JUNCTION, N.Y. 12533
PHONE: (845) 554-8442
EMAIL: jaeconom@optonline.net

PROPOSED SITE PLAN
for
MR. IBRIANIS DOMINGUEZ
1 COTTAGE STREET
POUGHKEEPSIE, NY 12603

Project C:\Jobs\22-15\1 COTTAGE STREET SITE PLAN.DWG	Sheet C-1
Date 12-05-22	
Scale AS NOTED	

ZONING TABLE		
ZONE REQUIREMENT	REQUIRED	EXISTING
LOT AREA	10,000 s.f. for 2-family, 6,000 s.f. for other	9,293.7 (+/-) s.f.
LOT WIDTH	30 ft.	100 (+/-) ft.
LOT FRONTAGE	30 ft.	165.4 (+/-) ft.
YARDS (MIN)		
FRONT	20 ft. for 2-family, 10 ft. for other	1.1 (+/-) ft.*
SIDES	Each 6 ft. totaling 12 ft.	14.7 (+/-) ft. 1.1 (+/-) ft.*
REAR	15 ft.	28.6 (+/-) ft.
MAX. HEIGHT	40 ft or 3 stories	1 story
BUILDING AREA	N.A.	4,411.5 s.f.
MAX LOT COVERAGE	40%	47%
GROSS FLOOR AREA	N.A.	4,411.5 s.f.
PARKING SPACES	2 spaces per dwelling unit 1 space per 1,000 s.f. for warehouse use	12 spaces

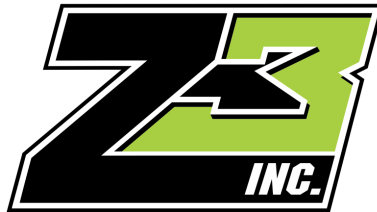
*PRE-EXISTING CONDITIONS



Gary Beck

[Z3 Consultants Inc.](#)

12/12/2022 | 29 Photos



1 Cottage Street



Section 1



Project: 1 Cottage Street
Date: 11/30/2022, 9:11am
Creator: Danielle LeClerc



Project: 1 Cottage Street
Date: 11/30/2022, 9:11am
Creator: Danielle LeClerc



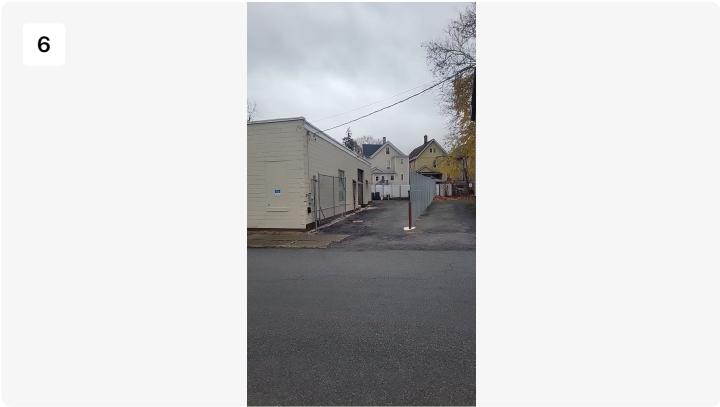
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Creator: Danielle LeClerc



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Creator: Danielle LeClerc



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Creator: Danielle LeClerc



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Creator: Danielle LeClerc



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Creator: Gary Beck



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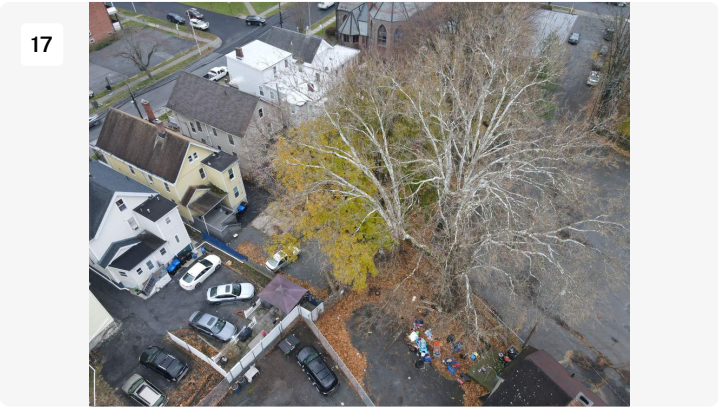
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Creator: Danielle LeClerc



Project: 1 Cottage Street
Date: 11/30/2022, 9:20am
Creator: Danielle LeClerc

1 COTTAGE STREET

ZONING BOARD OF APPEALS USE VARIANCE

Introduction: We are seeking approval for a family-owned upholstery shop. It is the belief of the property owner, that the requested variance will not be detrimental to the health, safety and welfare of the neighborhood, nor to the City of Poughkeepsie. Previously, the building was used by a sign company and a wholesale beverage company with trucks coming in and out and open to the public. The current owner and his parents want to use it for a private garage and an upholstery business that is for service only and no retail sales. The purpose of the R-4 district is "to provide areas for a broad range of housing types with opportunity for appropriate nonresidential uses at a fairly high density commensurate with the scale and characteristics of the city's older neighborhoods; these are areas with access to major transportation arteries and a range of community services." The permitted uses of R-4 include: Single-family detached dwellings, two-family detached dwellings; Townhouses; Multifamily dwellings; Home occupations; Municipal parks and recreational facilities; Public, private and parochial schools; Cemeteries; and Renting of not more than two rooms by the resident family.

Reason for appeal:

- 1) **The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. (The applicant must demonstrate, by competent financial evidence, that they cannot realize a reasonable financial return on their property for any of the currently permitted uses in the Zoning District. The financial statement should relate only to the subject property and not to the applicant's personal finances.**

The space would be far too costly to convert from commercial to residential. The cost of converting the property/building to a structure that could house a permitted use would exceed any reasonable rate of return on the owner's investment.

A rough estimate of the construction cost to convert the existing 3,060 square feet of space to residential space would be \$150 per sf x 3,060 sf, for a total cost of renovation at appx. \$459,000. Parking is limited and could be an issue for prospective tenants.

- 2) **The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. (Please explain how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood.**

The building at 1 Cottage Street was built in 1955 and the building was used as storage & warehouse and was previously occupied by a sign company. Most of the surrounding buildings in this neighborhood are one, two and three-family homes with limited parking. The owner is operating a family-owned upholstery business with his mother and father as his only employees. The upholstery shop does not rely on walk-in customers for business as most of his orders are placed online and over the phone. If the building were to be used for a warehouse it would create more traffic in the neighborhood from trucks, etc. with deliveries.

- 3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered and the intent of the Zoning Ordinance will not be adversely affected.

If the requested use variance were granted, it will not alter the essential character of the neighborhood, nor will the zoning ordinance be adversely affected. The owner has made only positive improvements to the interior and exterior of the building, cleaning it up and maintaining his property. Being that this is a family business, it fits in with the residential neighborhood of families that surrounds it and it is not contributed to additional traffic in the neighborhood.

- 4) Is the alleged difficulty self-created? Explain fully how the hardship is not self-created.

This hardship is not self-created, the property was purchased as a legal non-conforming building/use. The owner was looking for a location with enough space for him and his parents to make an honest living in the upholstery business. What they are doing does not create loud noise or extra traffic in the neighborhood.

Short Environmental Assessment Form

Part 1 - Project Information

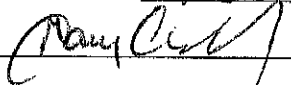
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information							
City of Poughkeepsie, ZBA							
Name of Action or Project:							
Ibriants Dominguez							
Project Location (describe, and attach a location map):							
1 Cottage Street, Poughkeepsie, NY 12601							
Brief Description of Proposed Action:							
Name of Applicant or Sponsor:		Telephone: 845-471-9370					
23 Consultants		E-Mail: support@23consultants.com					
Address: PO Box 363							
City/PO: La Grangeville		State: NY	Zip Code: 12546				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☐	☐
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?			<table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Building Dept. and Zoning Board							
3. a. Total acreage of the site of the proposed action?		0.21 acres					
b. Total acreage to be physically disturbed?		_____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)							
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):							
☐ Parkland							

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
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:		
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: <u>Z3 CONSULTANTS INC</u> Date: <u>10/28/22</u>		
Signature: <u></u> Title: <u>Pres</u>		

PRINT FORM

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

PRINT FORM

Agency Use Only [If applicable]	
Project:	
Date:	

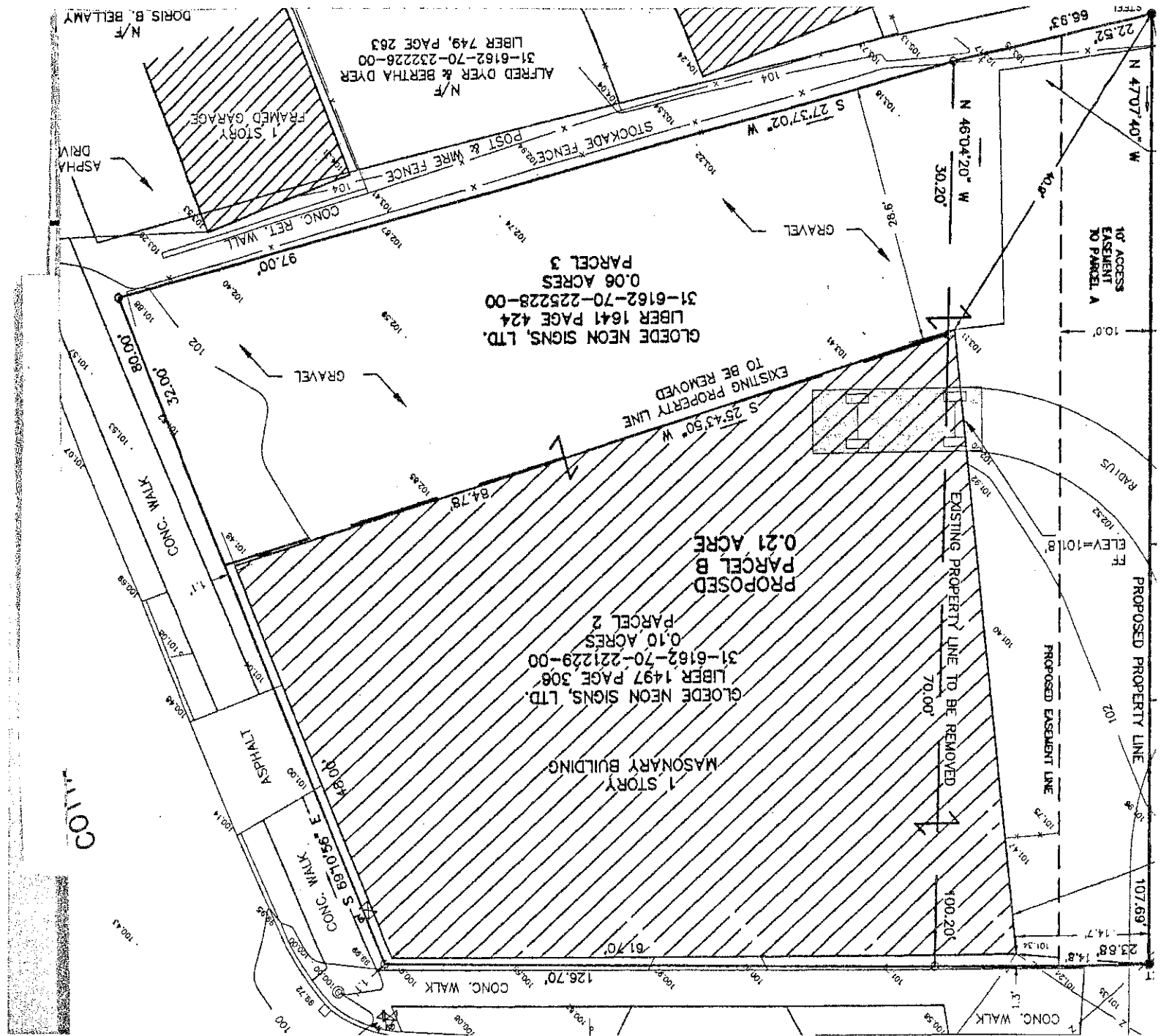
Short Environmental Assessment Form

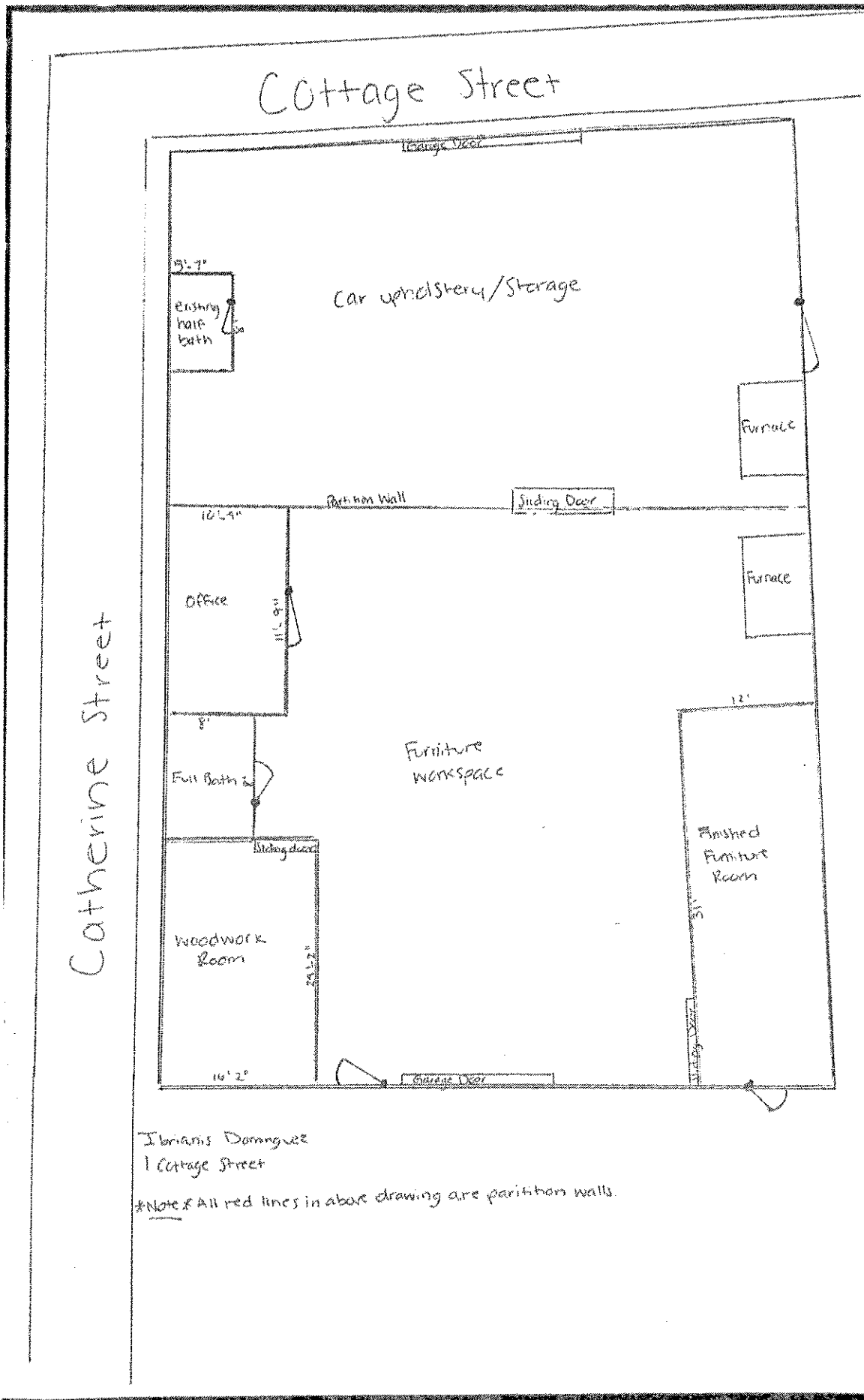
Part 3 Determination of Significance

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

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Zoning Board of Appeals</u> Name of Lead Agency <u>10/28/22</u> Date	
_____ Print or Type Name of Responsible Officer in Lead Agency <u>Pres</u> Title of Responsible Officer	
_____ Signature of Responsible Officer in Lead Agency <u>Mary C</u> Signature of Preparer (if different from Responsible Officer)	

PRINT FORM





JULY 1st, 2023

**ZONING BOARD OF APPEALS
CITY OF POUGHKEEPSIE**

Property Location:
1 Cottage Street

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

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INTRODUCTION

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

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

Section 19-5.1 Nonconforming uses.

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

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

THE PROPERTY

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

Background

- On May 4, 2017, the City of Poughkeepsie Building Department issued a Certificate of Occupancy for the property.
- The CO provides that the allowed uses of the property are: One Story Construction Type: 3-B Occupancy, Class S-2. Permitted uses listed as: Warehouse – Storage area with toilet room and one office space.
- Ibrianis Dominguez purchased 1 Cottage Street in a dilapidated state in 2017.
- Ibrianis has been a resident of Poughkeepsie since moving from Cuba in 2004.
- Ibrianis has been a property owner since 2007

- Ibrianis has been a small business owner since 2009.
- Ibrianis made much needed improvements to the building inside and out while working in the family-owned upholstery warehouse.
- The upholstery warehouse that he operates employs two family members, is not open to the public and there is no loud machinery or vehicular traffic coming in and out all day long.
- Ibrianis was unaware that he needed to get permits for the improvements that he was making or that his upholstery warehouse was not considered a legal nonconforming use.
- Ibrianis operated the upholstery warehouse from 2017 until August of 2022 without any complaints.
- Without knowing Ibrianis let a friend use a small portion of the warehouse for car detailing but shortly after a complaint was filed with the Building Department.
- Violations were issued by Deputy Zoning Administrator in August 2022.
- On August 23, 2022, Z3 met with Joe O'Brien at the site to review violations and directives.
- After being issued violations in August 2022, the owner immediately removed the vehicle detailing shop.
- Z3 then proceeded to apply for and obtained Building Permits for a storage container, interior walls, electric, fencing, a bathroom, Furnaces & AC. The work was inspected and approved by the Building Inspector's office and Certificates of Compliance were issued for all work.

- Permits & CCs received to abate violations.

	Permit #	Permit Issued	CC Issued
Electric	22-1365	9-13-22	10-31-22
Walls	22-1362	9-20-22	12-6-22
Furnaces & AC	22-1361	9-13-22	12-5-22
Fence	22-1363	9-27-22	12-5-22
Storage Ct	22-1642	11-21-22	12-5-22
Bathroom	22-1364	12-6-22	12-6-22

- In September of 2022, there were multiple communications with Natalie recommending that we reach out to the zoning official who issued the violations and that we attend the Zoning meeting hosted by the City that discussed the zoning changes that would be happening shortly. Unfortunately, none of these changes would help our client.
- Communications about the Use Variance continued between Z3, Joe O'Brien and Lori Garcia.
- A use variance application was submitted on Nov. 1, 2022, and the fee of \$1,000.00 was paid.
- Our application for a Use Variance was submitted and rejected three times by Lori Garcia.
- In February, our client decided to put the building up for sale and received an offer very quickly.

JULY 1st, 2023

- On March 2, 2023, we requested the use variance application be placed on hold since the owner had received an accepted offer for the property.
- The prospective buyer submitted a Zoning Review Request form to the City of Poughkeepsie.
- On March 21, 2023, we received a response to the Zoning Review Request from the Deputy Zoning Administrator stating the building had no approved use.
- Our client then lost the buyer and has been unable to sell his property without a valid CO.

DISCUSSION

After the sale of the building fell through and further review of this project, we believe that the upholstery warehouse fits within the definition of warehouse and the legal non-conforming use for the CO issued in 2017 and that a use variance is not warranted.

The upholstery warehouse has operated since 2017 where materials and furniture are stored and prepared for delivery without increased noise, traffic, or any incidents.

We would like to have the Board consider approving this upholstery warehouse as legal nonconforming which we believe is an appropriate nonresidential use for this older neighborhood and consistent with the R-4 Zoning which allows for a broad range of housing types with opportunity for appropriate nonresidential uses with close proximity to the major transportation arteries and this use is more restrictive in nature than the prior uses.



Gary E. Beck, Jr.
Building Inspector

**THE CITY OF POUGHKEEPSIE
NEW YORK**

**BUILDING PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR**

POUGHKEEPSIE, NY 12601

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

POUGHKEEPSIE, NEW YORK - May 4, 2017

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

ID #111010

ZONING DISTRICT R-4

CERTIFICATE OF OCCUPANCY

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

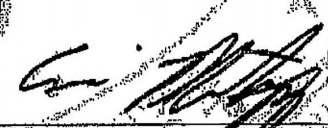
THE AUTHORIZED USE OF THIS BUILDING/STRUCTURE/PROPERTY IS A:

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

THE FOLLOWING USES ARE PERMITTED:

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

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


Eric Philipp, Deputy Building Inspector

A good warehouse layout consists of 5 areas:

- **Loading and unloading area** - This is the area where goods are unloaded and loaded into the truck. It could be part of the building or separated from the building.
- **Reception area** - Also known as staging area, this is a place where the incoming goods are processed and reviewed and sorted before proceeding to storage.
- **Storage area** - This is the area of the warehouse where goods sit as it awaits dispatch. This area can be further subdivided into static storage for goods that will take longer before being dispatched and dynamic storage for goods that sell faster.^[11]
- **Picking area** - This is the area where goods being dispatched are prepared or modified before being shipped.
- **Shipping area** - Once goods have been prepared, they proceed to the packing or shipping area where they await the actual shipping.
- The NYS Building Code or the Zoning Code of the City of Poughkeepsie does not have a definition of a warehouse. The definition, there are many different types of warehouses such as distribution centers, cold storage warehouses, public & private warehouses. The term warehouse is open-ended.



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 21st, 2023

Frank Redl

Re: 1 Cottage Street
Zoning Review Request

Dear Mr. Redl,

The Development Department is in receipt of your zoning review request relative to the property at 1 Cottage Street and the proposed conversion of the existing building with no approved use into storage of motor vehicles. This property is located within the Medium High-Density Residence District(R-4) which does not allow the storage of motor vehicles as the primary use per code Section 19-3.15(2) of the zoning ordinance. Therefore, any request to establish such a use would be denied. You would have the right to appeal the terms of such denial to the Zoning Board of Appeals, requesting that a Use Variance be granted. Please note that there may be Area Variances that would be required if a Use Variance was to be granted, they are as follows;

1. Section 19-3.15(4)(e) requires side yards be at least 10'; the right side yard appears to be less than 10' but the plan provided is not to scale.
2. Section 19-3.15(4)(e) requires the rear yard be at least 15'; the provided plan shows the rear yard is only 14'8".
3. Section 19-3.15(4)(f) requires the front yard be at least 20'; the front yard appears to be less than 20' but the plan provided is not to scale.
4. Section 19-3.15(4)(h) requires a maximum lot coverage of 40%; this cannot be determined at this time due to the plan not being to scale, please submit a calculation on the updated plan.
5. Section 19-4.3(11)(d) states that all uses not listed shall have their parking requirements determined by Planning Board to be needed to prevent frequent parking on the street; no parking is indicated on the plans but if the Planning Board determines parking will be required then you will need to comply with Section 19-4.3 in its entirety.
6. Section 19-4.11 requires landscaping for commercial properties; no landscaping is proposed on the provided plan.
7. Section 19-4.12(6) requires lots under water or subject to flooding shall not have more than 10% of the minimum area requirement of a lot may be fulfilled by land which is under water or subject to periodic flooding, all minimum front, side and rear yard requirements shall be satisfied on dry land; the entirety of the lot is in a flood zone.

If a Use Variance is granted by the Zoning Board of Appeals and after any Area Variances are granted by the Zoning Board of Appeals if required, you would then need to obtain Site Plan



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Eric Philipp
Building Inspector

approval from the Planning Board. After that you would need to file all required Building permits and obtain an Issued Certificate of Occupancy from the Building Department.

Additionally 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





2017

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: 27 High Street Lofts			
Project Location (describe, and attach a location map): 27 High Street			
Brief Description of Proposed Action: Renovation of existing building for multi family units and construction of new (nearly identical) building for multi family residential.			
Name of Applicant or Sponsor: 27 High Street Lofts, LLC		Telephone: 845-471-0191	
		E-Mail: kelly@pageparkassociates.com	
Address: PO Box 792			
City/PO: Poughkeepsie		State: NY	Zip Code: 12602
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: Site Plan, Area Variances, DC239M, DCDOH, DEC, SWPPP		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? _____ 1.23 acres b. Total acreage to be physically disturbed? _____ .97 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.23 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____ _____	☒	☐
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ 314074, B00036, B00020, 314122 - see attached reports	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Kelly Libolt</u> Date: <u>July 20, 2021</u> Signature: <u></u> Title: <u>Project Manager</u>		



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Schatz Plant

Site Code: 314074

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 3

Address: 70 FAIRVIEW AVENUE

City:POUGHKEEPSIE Zip: 12601

County:Dutchess

Latitude: 41.71668964

Longitude: -73.92178268

Site Type: STRUCTURE

Estimated Size: 30 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Lot Six Realty Corporation

Current Owner(s) Address: 70 Fairview Avenue
Poughkeepsie, NY, 12601

Current Owner Name: SCHATZ FEDERAL BEARING COMPANY

Current Owner(s) Address: 70 FAIRVIEW AVE.
POUGHKEEPSIE, NY, 12601

Owner(s) during disposal: SCHATZ FEDERAL BEARING COMPANY

Current On-Site Operator: Schatz Federal Bearings Company

Stated Operator(s) Address: 70 Fairview Avenue
Poughkeepsie, NY 12601

Hazardous Waste Disposal Period

From: 1910 **To:** 1981

Site Description

Location: The Schatz Plant Site (Site) is located at 10-70 Fairview Avenue in the City and Town of Poughkeepsie, Dutchess County, New York. The Site consists of four tax parcels and occupies an area of approximately 30 acres. **Site Features:** The original Schatz Plant Facility, two stand-alone buildings, and miscellaneous debris and storage boxes occupy the three northernmost parcels of the Site (~22 acres). A bearing manufacturing plant currently operates on the southernmost parcel of the Site (approx. 8 acres). **Current Zoning and Land Use:** The area south of the Site is primarily industrial, with residential areas located to the north and east. A formerly utilized railroad bed abuts the west side of the Site, and immediately beyond the western boundary is a residential area and medical facilities. **Past Use of the Site:** The Schatz Company began operations at the Site in 1910, started manufacturing ball bearings in 1915, and increased the plant size in 1920 and 1926. The company filed for bankruptcy in 1980 was closed in 1981. The Schatz Company name was purchased in 1983 and Schatz Manufacturing currently produces bearings at a plant located on the southernmost

parcel of the Site at 10 Fairview Avenue, owned by the Schatz Land Company. The remaining three tax parcels making up the Site were purchased in 1988 and are presently owned by Lot Six Realty Corporation and Hudson Valley Management Associates. Currently, the property owner leases space in the former manufacturing facility to various small commercial/industrial entities. Site Geology and Hydrogeology: The site geology at the Schatz Plant Site consists of lacustrine silts and fine sands overlying weathered Austin Glen Formation phyllites. The fill and lacustrine sediments (overburden) range in thickness from 0.5 feet to 27 feet. Weathered bedrock ranges in thickness from less than 2 feet to 7 feet on-site. Competent bedrock was found at depths across the site ranging from 7.5 feet to 30 feet below grade. Groundwater flow direction across the site is generally west-northwesterly from Fairview Avenue towards the Hudson River. Groundwater movement in the bedrock is limited primarily to fractures, joints and bedding planes.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

PCBS (1.7 PPM- 330 PPM) (B007)

TOLUENE, ETHYLBENZENE & XYLENES

polychlorinated biphenyls (PCB)

DRUMS OF WASTE CONTAINING:

Site Environmental Assessment

Nature and Extent of Contamination: Contaminants of concern at the site include PCBs, SVOCs (PAHs), and metals (lead, chromium, arsenic, and antimony). Extensive PCB contamination was found in numerous floor wipe, floor drain, and floor sweeping samples collected within Building #3, the Heat Treatment Building, and the former Rehabilitation Center. In 1996, approximately 1,800 cubic yards of PCB-contaminated soil was removed from the southern edge of the site. In October 2009 USEPA performed an emergency response action to identify, remove and dispose of hazardous materials abandoned in the facility buildings. By March 2011, all of the staged and containerized wastes were shipped off-site for disposal and EPA demobilized from the site. The USEPA evaluated the results of the test pitting and soil sampling performed around the facility in 2010 for possible additional removal action, however, no additional action is planned by the USEPA at this time. The southernmost parcel of the Site has been previously remediated.

Site Health Assessment

Polychlorinated biphenyls (PCBs) were detected in soil at several on-site locations. PCB-contaminated soil was excavated and disposed of at an off-site location in 1996. PCBs have been detected at concentrations above the NYSDOH cleanup guideline on the floors in two on-site buildings and in the soil at several on-site locations. One of the contaminated buildings (#3) is readily accessible. PCBs were detected on the subflooring of the on-site building that previously housed a rehabilitation center; however, since the subfloor is inaccessible, contact with contaminated surfaces is not expected. To minimize potential exposures to contaminated building surfaces, NYSDOH has recommended restricting access to authorized persons only. PCBs were not detected during two rounds of air sampling conducted in the rehabilitation center. Exposures to site-related contaminants in drinking water are not expected since nearby homes and businesses are supplied with public drinking water.

For more Information: [E-mail Us](#)

Refine This Search



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Qual Krom Site

Site Code: B00036

Program: Environmental Restoration Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 28 Orchard Place

City: Poughkeepsie Zip: 12602

County: Dutchess

Latitude: 41.712122207

Longitude: -73.926662504

Site Type:

Estimated Size: 0.2 Acres

Site Owner(s) and Operator(s)

Site Description

This 0.2 acre site is located in a residential section in the City of Poughkeepsie. The site is bordered by an abandoned railroad grade and residential housing. The facility was operated as a metal plating facility until 1987 by the same PRP that operated the hazardous waste site Qual Krom, ID No. 314013. The City took ownership in 1988 for back taxes. Abandoned drums were found inside and outside the building. Samples were collected in 1989. A partial removal was performed in 1992. The drums and wastes that were in the building were similar to those removed from the outside the building. In 1996 the USEPA conducted a CERCLA removal action. It included stabilization of the building; containerization of the vat sludges, drums, and labpacks; inventorying, sampling and analysis of all materials for waste characterization; and disposal. This site was initially designated a potential Registry site ('P' site) and was then remediated under the Environmental Restoration Program. Asbestos abatement, building demolition and soil removal has been completed. Based upon the fact that soil cleanup numbers for unrestricted residential use were met in the excavation confirmation samples, an Environmental Easement will not be required for the property.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

arsenic

lead

mercury

chromium

Site Environmental Assessment

The primary contaminants of concern at the site are metals. The site has been remediated. Asbestos abatement, building demolition and soil removal has been completed. An Environmental Easement will not be required for the property

Site Health Assessment

This site no longer represents a public health concern because metals-contaminated soils were excavated and properly disposed off-site and municipal water serves the area.

For more Information: [E-mail Us](#)

Refine This Search



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Former Hamilton Reproduction

Site Code: B00020

Program: Environmental Restoration Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 166-186 North Hamilton Street

City: Poughkeepsie (c) Zip: 12601-

County: Dutchess

Latitude: 41.71181953

Longitude: -73.92125559

Site Type:

Estimated Size: 1.96 Acres

Institutional And Engineering Controls

Control Type:

[Environmental Easement](#)

Control Elements:

Ground Water Use Restriction

Vapor Mitigation

Soil Management Plan

Landuse Restriction

Site Management Plan

Site Owner(s) and Operator(s)

Site Description

Investigate approximately 1.96-acre property previously used for various manufacturing operations including buttons, clothing and printing. Contamination included PCBs, asbestos, solvents and petroleum from a 10,000 gallon underground storage tank. The site has been remediated. Asbestos abatement, building demolition and soil removal has been completed. An Environmental Easement was recorded by the County clerk on 6/2/2009. SMP is complete and COC was signed 6/11/2010.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of

issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Project Completion Dates

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

ethylbenzene
iron
trichloroethene (TCE)
benzo(b)fluoranthene
tetrachloroethene (PCE)
toluene
benzene
copper
benzo[k]fluoranthene
benzo(a)anthracene
dibenz[a,h]anthracene
lead
chromium
chrysene
indeno(1,2,3-CD)pyrene
arsenic
benzo(a)pyrene
xylene (mixed)

Site Environmental Assessment

The primary contaminants of concern at the site are solvents, PCBs, and BTEX. The site has been remediated. Asbestos abatement, building demolition and soil removal are completed. Environmental easement and site management plan are in place.

Site Health Assessment

Exposures to potentially contaminated groundwater and/or soils are not expected because public water serves this municipality and contaminated soils have been removed. The environmental easement requires that the potential for vapor intrusion into any buildings developed on the site must be evaluated, including provisions for mitigation of any impacts identified.

For more Information: [E-mail Us](#)

Refine This Search



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: HRH Lead Abatement Site

Site Code: 314122

Program: State Superfund Program

Classification: A

EPA ID Number:

Location

DEC Region: 3

Address: 55 Garden Street

City: Poughkeepsie **Zip:** 12601

County: Dutchess

Latitude: 41.705761

Longitude: -73.925741

Site Type:

Estimated Size: 0.17 Acres

Site Owner(s) and Operator(s)

Current Owner Name: HRH Neighborhood Development Fund Company

Current Owner(s) Address: 313 Miller Street
Poughkeepsie, NY, 12601

Site Description

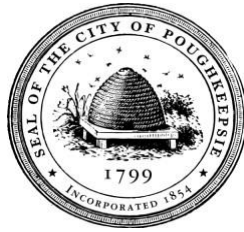
Location: The site is located at 55 Garden Street in the City of Poughkeepsie, Dutchess County. **Site Features:** The 0.17 acre site includes a single family home with small front and rear yards. **Current Zoning and Land Use:** The site is currently zoned and in use as a single family residence. **Past Use of the Site:** The site was a single family residence that was abated for lead paint as part of a rehabilitation project. **Site Geology and Hydrogeology:**

Site Environmental Assessment

The primary contaminant associated with the site is lead, which resulted from the abatement of lead paint as part of the rehabilitation of the structure. All lead resulting from the abatement was containerized and properly disposed off-site.

For more Information: [E-mail Us](#)

Refine This Search



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS DECISION**

In the matter of the appeal of 27 High Street Lofts, LLC, regarding the property at 27 High Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 12th day of October, 2021, at 6:30pm:

Present

Nathan Shook Chair
John Gildard
Thomas Klug
Rob Page
Steven Reifler
Jessica Vinall

Excused

Scott Parker

WHEREAS, the Zoning Board of Appeals has received an application for area variances relative to the proposed 67 unit multifamily development at 27 High Street, including the conversion of the existing vacant building and construction of a new building, requiring variances of Sections 19-3.15(4)(c), Section 19-3.15(4)(f), Section 19-3.15(4)(g), Section 19-3.15(4)(i), Section 19-4.3(11), Section 19-4.3(1), Section 19-4.3(5)(b), Section 19-4.3(1) of the Zoning Ordinance relative to open space, lot area, yard set-backs, parking, parking layout and landscaping; and;

WHEREAS, the application was accompanied by additional materials, including a site plan prepared by LRC Group, with a revision date of 9/10/21, a Short EAF dated 7/20/21, prepared by Kelly Libolt; and,

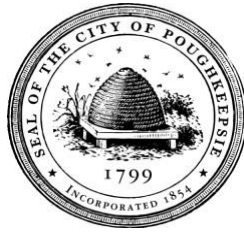
WHEREAS, pursuant to the provisions of SEQR, the Planning Board, as lead agency, adopted a Negative Declaration on September 21, 2021; and,

WHEREAS, a public hearing was held on October 12, 2021; and,

WHEREAS, the applicant has demonstrated that the granting of the area variance will not produce an undesirable change in the character of the neighborhood, and will not be a detriment to nearby properties; and,

WHEREAS, the applicant has demonstrated that there is no other feasible method to achieve compliance at this time; and,

WHEREAS, the applicant has demonstrated that the variance requested is not substantial; and,



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS DECISION**

WHEREAS, the applicant has demonstrated the granting of the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and,

WHEREAS, the applicant has demonstrated that the need for the variances is not necessarily self-created:

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances as noted above.

Motion: Jessica Vinall

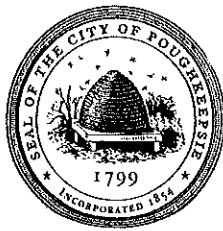
Second: Robert Page

Carried: 6:0:0

The motion to grant the variances carried unanimously.



Nathan Shook
Chairman
Zoning Board of Appeals



**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: 27 High Street (6162-62-192294-180291)

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: 27 High Street Lofts, LLC
Address: PO Box 792
Poughkeepsie, NY 12602
Phone: c/o 845-594-1055
Email: c/o kelly@karcpc.com

APPLICANT INFORMATION:

Name: Same as owner
Address: _____

Phone: _____
Email: _____

CONSULTANT INFORMATION:

Name: KARC Planning Consultants, Inc.
Address: PO Box 924
Poughkeepsie, NY 12602
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: Judith Knauss , City of Poughkeepsie Zoning Officer

Date of decision/determination/violation: waiting on review record/letter noting deficiencies from City of Poughkeepsie

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 27 High Street (6162-62-192294-180291)

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)	159,000 sq ft lot area	11,600 sq ft variance
19-3.15(4)(f)	22,900 sq ft open space	255 sq ft variance
see attached addendum		

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: 27 High Street (6162-62-192294-180291)

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):

October 12, 2021 ZBA Decision

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

July 18, 2023
DATE

Kelly Libolt
Print Name

27 High Street - ZBA Area Variance Application Addendum

Area Variance(s) Summary:

Area Variance Item	Zoning Code Section	Required Dimension	Proposed Dimension	Variance Granted 10.12.2021	Area Variance Required
Lot Area	19-3.15(4)(c)	159,000 sq. ft.	53,579 sq. ft.	93,821 sq. ft.	11,600 sq. ft.
Open Space	19-3.15(4)(f)	22,900 sq. ft.	21,548 sq. ft.	1,097 sq. ft.	255 sq. ft.

The zoning board of appeals 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 grant. In making such determination the board shall also consider:

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 character of the neighborhood is currently characterized as medium-density residential, with instances of intermixed industrial, commercial, and warehousing uses. The site in question is somewhat of an existing anomaly within the neighborhood due to its large parcel size (53,578 square feet), historic commercial use, and existing three-story structure with a partially exposed basement level, making the building appear as four stories on the Elm Place frontage. The majority of parcels within the immediate vicinity have an average lot area of 6,500 square feet and contain structures of 2.5 stories.

Lot Area: The requested lot area variance of 11,600 sq. ft. will have no impact on the previously approved bulk or height of the development and will therefore have zero impact on the aesthetic characteristics of the neighborhood.

The lot area variance, which is tied to the number of bedrooms per unit, is related to a density increase of 7 units and the addition of co-working office space within the approved building footprint. The addition of these units and office space will have minimal impact on traffic levels versus what was previously approved and will not have an adverse impact on parking within the neighborhood.

Traffic: Based on ITE trip generation standards¹, the addition of 7 low- to mid-rise apartment units is estimated to generate an additional 35 ADT (average daily trips). However, this number is expected to be lower than ITE standards due to the more urban nature of the neighborhood, lower local rates of car ownership, and the availability of office / co-working space on site. In regard to change to the character of the neighborhood, the previous general office use had an estimated ADT of 323 trips (11.7 trips per 1,000 SF of office space¹). The proposed use of 74 residential units is estimated to generate 370 ADT in total, which is somewhat larger but generally similar to traffic generated by the previous use.

Parking: With regards to parking, a total of 131 spaces is required by code and the

¹ Trip Generation. By ITE Technical Council Committee A6A. https://nacto.org/docs/usdg/trip_generation_ite.pdf

proposed project includes 97 parking spaces on site. The applicant is seeking an additional waiver of 22 spaces from the Planning Board, as a waiver of 11 spaces was previously granted in 2021. The applicant is confident that 97 on-site parking spaces will be sufficient to meet the needs of future residents and visitors of the proposed development. The proposed project includes a total of 74 units, or 93 bedrooms. As the property owner has done for other residential developments within the area, including the recently completed Fulton Landing in Town of Poughkeepsie, residents of 27 High Street will be offered one parking space per bedroom – i.e. one-bedroom units will be offered one parking space and two-bedroom units will be offered two parking spaces. Parking will not be assigned, but offered on a first-come, first-served basis with parking permits posted in windshield to ensure only permitted cars are parking in the lot. Assuming all residents are home at the same time, this will leave an excess of four (4) parking spaces for non-resident users of the coworking space. All tenants will be instructed to have visitors park at 9 Oakley, an adjacent property owned by the applicant/owner. 9 Oakley currently has 15 parking spaces to serve an industrial / warehousing facility. The lot is never more than 20% occupied during peak hours.

Furthermore, the addition of 7 units and co-working space improves the character of the community by meeting both City² and County³ goals of increasing housing supply to address an ongoing housing crisis, while also providing a community asset of flexible coworking space for a significant percentage of the population that now work either fully remote or hybrid jobs⁴.

Open Space: The site is currently characterized by limited landscaped open space. The proposed project will improve outdoor open space and indoor common space on-site significantly via the creation of balconies, fitness room, outdoor landscaped areas, and an outdoor roof terrace. The requested variance of 255 sq ft of open space will have minimal to no impact on the community character since new residents of the proposed development will be adequately served by the 21,500 sq. ft of proposed open space on-site, and both residents of the building and neighborhood will be served by improved outdoor spaces within the immediate vicinity, including the newly upgraded Malcolm X Park and forthcoming Urban Rail Trail along the former CSX rail line, with direct connection to Dutchess County Rail Trail / The Empire Trail.

2. Can the benefit sought be achieved by some other method feasible for the applicant to pursue, other than an area variance? Identify what alternatives to the variance, if any, have been explored. Why is the variance necessary.

The benefit sought by the applicant includes the creation of more two-bedroom units, as well as the creation of commercial office space desired by the City of Poughkeepsie IDA. The amendment also allows for a better floor plan layout and mix of apartments. One alternative explored was the purchase of adjacent properties in order to add more square

² Poughkeepsie Housing Needs Assessment, March 2022, prepared by Hudson Valley Pattern for Progress, [web link](#).

³ Dutchess County Housing Needs Assessment, March 2022, prepared by czbLLC, [web link](#).

⁴ Barrero, Jose Maria, Nicholas Bloom, and Steven J. Davis, 2021. "Why working from home will stick," National Bureau of Economic Research Working Paper 28731. www.wfhresearch.com

footage to the property to address lot area and open space needs. However, there are no vacant parcels adjacent to the property. The applicant did, however, purchase 9 W. Oakley Street in 2021 to provide auxiliary parking for visitor parking, if needed. The applicant also explored other design layouts for the project in an attempt to achieve their desired benefit while eliminating or lessening the need for variances. However, the design proposed was deemed to be the best option for the addition of two-bedroom units and superior unit layout, while still achieving a project that is financially feasible and meets the desired use mix of the IDA.

3. Are the requested variances substantial? Explain why they are not substantial.

The requested lot area variance of 11,600 square feet is only 7% of the total required lot area. The requested open space variance of 255 square feet is only 1% of the total required open space. The requested variances are numerically insubstantial, but more importantly, will not have a substantial adverse impact on the community.

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

The requested variances will have zero impact on environmentally sensitive land such as wetlands. The project is not significant enough to be classified as a Type 1 Action nor rise to the level of triggering a coordinated review under SEQRA.

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

The need for area variances is self-created due to the applicant's desire to rehabilitate an existing structure, and add needed housing units to the community, via a financially feasible development— i.e. requiring a specific number of units and commercial office space component to meet requirements of the IDA. However, the fact that the hardship is self-created does not preclude the granting of the variances.

July 18, 2023

Ms. Judith Knauss
City of Poughkeepsie Zoning Administrator
62 Civic Center Plaza
Poughkeepsie, NY 12601

**Re: 27 High Street
Amendment to Approved Site Plan – Area Variances**

Dear Ms. Knauss:

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

1. Application for Area Variances dated July 18, 2023
2. Amended Site Plan prepared by LRC dated June 27, 2023
3. SEAF Part 1 dated July 20, 2021
4. ZBA Decision dated October 12, 2021
5. Fee for the amount of \$350

As you may know, this project located at 27 High Street, Parcel ID 131300-6162-62-192294, received Planning Board approval on October 19, 2021 and plans were signed on July 1, 2022. The project was granted an extension on May 16, 2023.

On October 12, 2021, the Zoning Board of Appeals granted the following variances:

Area Variance Item	Zoning Code Section	Required Dimension	Approved Dimension	Area Variance Granted
Lot Area	19-3.15(4)(c)	147,400 sq. ft.	53,578.8 sq. ft	93,821 sq. ft.
Front Yard	19-3.15(4)(f)	20 ft.	0 ft. Elm 0 ft. Zimmer	20 ft. Elm 20 ft. Zimmer
Building Height	19-3.15(4)(g)	3 stories	3.5/4 existing 4 proposed	1 story

Area Variance Item	Zoning Code Section	Required Dimension	Approved Dimension	Area Variance Granted
Open Space	19-3.15(4)(i)	20,100 sq. ft.	19,003 sq. ft.	1,097 sq. ft.
Parking	19-4.3(11)	108 spaces	97 spaces	Wavier from Planning Board
Parking Rows	19-4.3(1)	No more than 12 spaces in a row	2 rows containing Continuous 16 and 17 spaces	2 rows non-compliant
Parking Aisle	19-4.3(5)(b)	22 ft. aisle	20 ft. aisle	2 ft.
Landscaping	19-4.3(1)	3 ft.	0 ft. Zimmer	3 ft.
Landscaping Strips	19-4.11(b)	3 ft.	0 ft. Elm 0 ft. Zimmer	3 ft. Elm 3 ft. Zimmer

The site plan has since been amended to include commercial space. Due to this change the applicant is seeking the following additional variances:

Open Space:

Current Required: 22,900 SF
 Current Proposed: 21,548 SF
 Variance: 1,352 SF

Variance Granted: 1,097 SF
Current Variance Needed 255 SF

Total Lot:

Current Required: 159,000 SF
 Current Proposed: 53,579 SF
 Variance: 105,421 SF

Variance Granted: 93,821 SF
Current Variance Needed: 11,600 SF

Please see the attached addendum supporting the proposed area variances.



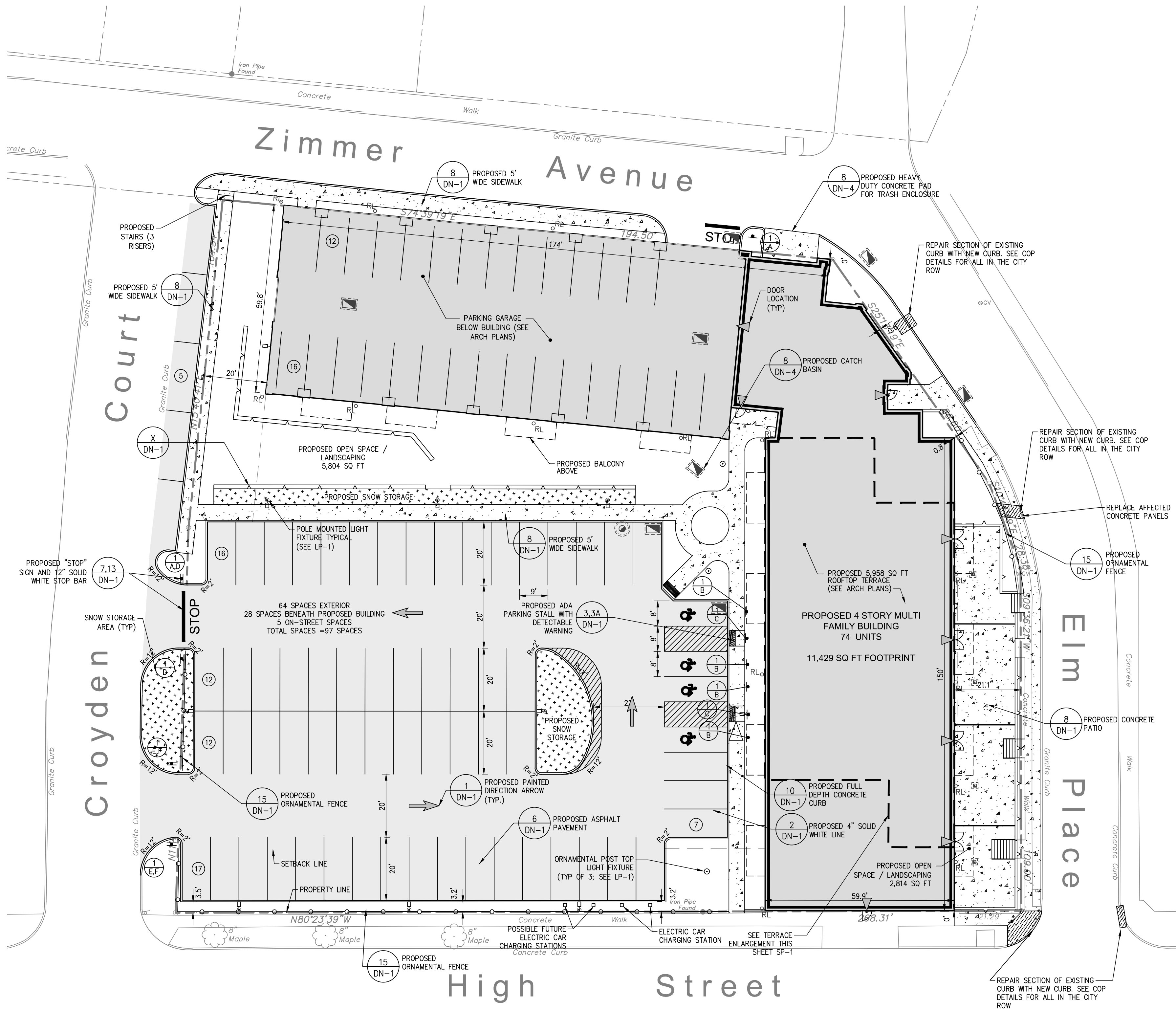
PLANNING CONSULTANTS, INC.

We kindly ask to be placed on the next Zoning Board Agenda on August 8, 2023.

Thank you,

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

Kelly Libolt



* VARIANCES GRANTED OCTOBER 12, 2021

- (1) **OPEN SPACE** PREVIOUSLY REQUIRED=20,100 SF
PREVIOUSLY PROPOSED=19,003 SF
VARIANCE GRANTED=1,097 SF

CURRENT PROPOSED=21,548 SF
CURRENT REQUIRED=22,900 SF

DEVIATION=1,352 SF
VARIANCE ISSUED=1,097
CURRENT DEVIATION=255 SF
- (2) **FRONT YARD** REQUIRED 20 FEET
VARIANCE GRANTED TO PERMIT 0 FT ZIMMER, ELM STREETS
- (3) **LOT AREA** PREVIOUSLY REQUIRED=147,400 SF
PREVIOUSLY PROPOSED=53,579 SF
VARIANCE GRANTED=93,821 SF

CURRENT PROPOSED=53,579 SF
CURRENT REQUIRED=159,000 SF

DEVIATION=105,421 SF
VARIANCE ISSUED=93,821 SF
CURRENT DEVIATION=11,600 SF
- (4) **PARKING** PREVIOUSLY REQUIRED=108 SPACES
PREVIOUSLY PROPOSED=97 SPACES
WAIVER GRANTED=12 SPACES

CURRENT PROPOSED=97 SPACES
CURRENT REQUIRED=131 SPACES
DEVIATION=34 SPACES

WAIVER GRANTED=12 SPACES
CURRENT DEVIATION=22 SPACES
- (5) **BLDG HEIGHT** PREVIOUSLY REQUIRED=3 STORIES
PREVIOUSLY PROPOSED=4 STORIES
VARIANCE GRANTED=1 STORIES
CURRENT PROPOSED=4 STORIES
- (6) **PARKING ROWS** PREVIOUSLY REQUIRED=NO MORE THAN 12 SPACES IN A ROW
PREVIOUSLY PROPOSED=2 ROWS CONTAINING CONTINUOUS 16 AND 17 SPACES
VARIANCE GRANTED=2 ROWS NON-COMPLIANT
- (7) **PARKING AISLE** PREVIOUSLY REQUIRED=22 FEET
PREVIOUSLY PROPOSED=20 FEET
VARIANCE GRANTED=2 FEET
- (8) **LANDSCAPING** PREVIOUSLY REQUIRED=3 FEET
PREVIOUSLY PROPOSED=0 FEET ZIMMER
VARIANCE GRANTED=3 FEET
- (9) **LANDSCAPE STRIPS** PREVIOUSLY REQUIRED=3 FEET
PREVIOUSLY PROPOSED=0 FEET ELM, 0 FEET ZIMMER
VARIANCE GRANTED=3 FEET ZIMMER, 3 FEET ELM

SUMMARY CHART

ZONING INFORMATION		
PARCEL SIZE	1.234 ACRES	
TAX MAP IDENTIFICATION	6162-62-192294 & 6162-62-180291	
PROPOSED ZONING DISTRICT	R-4 (MEDIUM HIGH DENSITY RESIDENCE)	
PROPOSED USE	RESIDENTIAL USE	
ZONING SUMMARY		
ITEM	REQUIRED R-4	PROPOSED
MINIMUM LOT AREA	3.65 ACRES (1)	1.234 ACRES *
MINIMUM LOT WIDTH	30 FEET	194.50 FEET
MINIMUM FRONT YARD	20 FEET	0 FT *
MINIMUM SIDE YARD	35.2 (2)	0.6 FT *
SIDE YARD (OTHER SIDE)	NONE REQUIRED	20'
MINIMUM REAR YARD	32.5 (2)	0 FT *
MAXIMUM BUILDING HEIGHT	3 STORIES OR 40 FEET	4 STORIES, 65.5 FT *
MAXIMUM LOT COVERAGE	40%	37.6% *
USABLE OPEN SPACE	22,900 SF 0.52 ACRES (3)	21,548 SF 0.49 ACRES (TOTAL) *
FLOOR AREA RATIO (FAR)	NONE REQUIRED	1.48

* VARIANCES GRANTED OCTOBER 12, 2021

(1) MINIMUM LOT AREA

EFFICIENCY UNIT/
4-LIVE WORK=2,200 SF EACH (4X2,200=8,800 SF)
51 ONE BEDROOM UNIT=2,200 SF EACH (51X 2,200=112,200 SF)
19 TWO BEDROOM=2,000 SF EACH (19X 2,000=38,000 SF)
TOTAL LOT AREA REQUIRED 159,000 SF OR 3.65 ACRES

(2) SIDE / REAR YARDS

DISTANCE FROM STRUCTURE TO THE PROPERTY LINE=1/2 THE HEIGHT OF THE STRUCTURE CLOSEST TO THE PROPERTY LINE OR 15', WHICHEVER IS GREATER
1/2 OF 65.5=32.5 FT

(3) REQUIRED OPEN SPACE

ONE BEDROOM UNIT=300 SF EACH (51X300=15,300 SF)
TWO BEDROOM UNIT=300 SF EACH (19X300=5,700 SF)
TOTAL OPENS SPACE REQUIRED 22,900 SF OR 0.52 ACRES

PARKING SUMMARY CHART

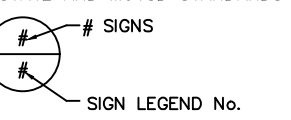
PARCEL SIZE	1.234 ACRES	
TAX MAP IDENTIFICATION	6162-62-192294 & 6162-62-180291	
PARKING SUMMARY		
ITEM	REQUIRED	PROVIDED
PARKING REQUIREMENTS: 1 PER LIVE / WORK 1.5 PER ONE BEDROOM 2.0 PER TWO BEDROOM VISITOR PARKING LIVE WORK UNITS=(4) (2 x 51 TWO BEDROOM UNITS)=(4)+(102)=106 SPACES)	<u>106 REQUIRED</u>	28 SPACES UNDER BLDG 64 EXTERIOR SPACES 5 ON-STREET SPACES <u>97 TOTAL SPACES</u>
HANDICAP SPACES	4 REQUIRED *	4
MIN. PARKING DIMENSIONS	9'x20'	9'x20'
MIN. AISLE WIDTH (ONE WAY TRAFFIC)	20'	20' (ONE WAY)

* PER ADA TABLE 208.2

SIGN LEGEND

NO.	LEGEND	QTY.
A	STOP	2
B	RESERVED PARKING	4
C	NO PARKING ANYTIME	2
D	DO NOT ENTER	2
E	ONE WAY	2
F	ONE WAY	2

NOTE: SIGNAGE TO BE CONSISTENT WITH TOWN/STATE AND MUTCD STANDARDS



LEGEND

- PROPOSED ASPHALT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED SNOW STORAGE AREA
- PROPOSED CONCRETE CURB
- PROPOSED SIGN



GRAPHIC SCALE
20 10 0 20
SCALE IN FEET



Date	Revisions
2021-09-10	REVISED PER COMMENTS
2021-09-28	REVISED PER COMMENTS
2021-12-08	SUBMITTED FOR SIGNATURES
2021-04-29	SUBMITTED FOR SIGNATURES
2021-06-27	REVISED PER UNIT COUNTS



• Land Planning
• Civil Engineering
• Environmental Services
• Land Surveying
• Landscape Architecture
85 Civic Center Plaza, Suite 103
Poughkeepsie NY 12601
Tel:845.243.2880
160 West Street, Suite E
Cromwell, CT 06416
Tel:860.635.3977
1 International Blvd, Suite 400
Mahwah, NJ 07495
Tel:908.463.5750
www.lrcconsult.com
LRC Engineering and Surveying, DPC
LRC Engineering and Surveying, LLC
LRC Environmental Services, Inc.
Land Resource Consultants, Inc.

SITE PLAN

RESIDENTIAL DEVELOPMENT

27 HIGH STREET
CITY OF POUGHKEEPSIE,
DUTCHESS COUNTY, NEW YORK

Design/Calcs	BS	CAD File	SP18227701.dwg	Sheet No.
Drawn	SMC	Project No.	18-2277	
Checked	KFC	Date	2021-04-02	
Approved	REM	Scale	1"=20'	

SP-1



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

August 11, 2023

27 High Street Lofts LLC
PO Box 792
Poughkeepsie, NY 12602

RE: 27 High Street

The Development Department is in receipt of your application for a mixed use building consisting of 4 live/work lofts, 51 one bedroom units, 19 two bedroom units and office/conference space. The application has been reviewed for compliance with the of the Zoning Ordinance relative to the Medium High Density Residence (R-4) District in which the property is located. Please note that the following deficiencies were noted to exist:

- 1) Section 19-3.15(4)(c) now requiring a lot area of 159,000 square feet resulting from the increase of one-bedroom units to 51, decrease of two-bedroom units to 19, four one-bedroom live-work units and office/conference space. The lot area variance indicated is 11,600 square feet in addition to the 93,821 square feet previously granted for the 1.23-acre lot.
- 2) Section 19-3.15(4)(i) now requires 22,900 square feet of open space resulting from the increase of one-bedroom units to 51 and decrease of two-bedroom units to 19, four one-bedroom live-work units and office/conference space. The open space variance indicated is 255 square feet in addition to the 1,097 square feet previously granted for the 1.23-acre lot.

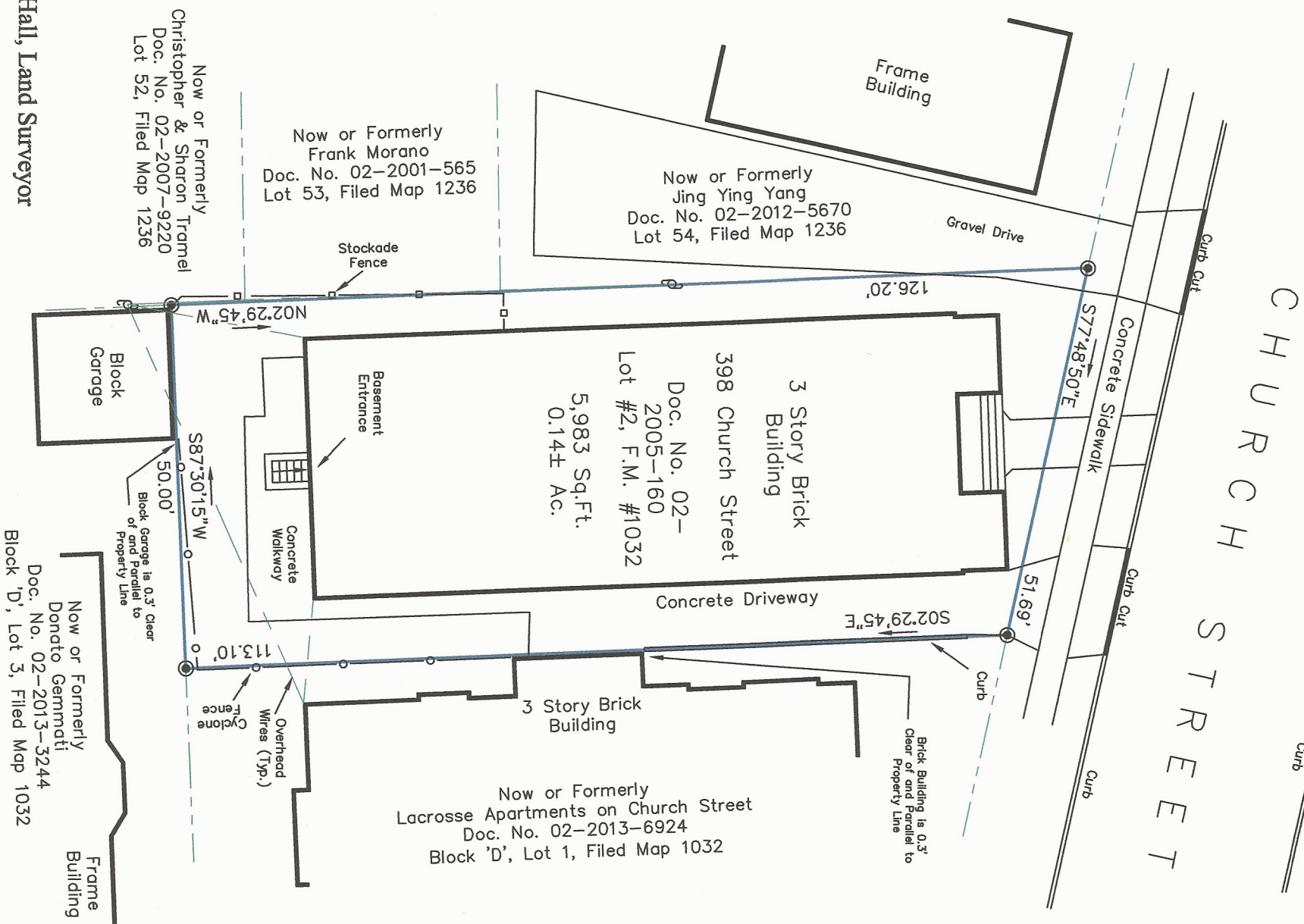
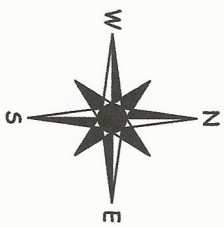
Therefore the application is hereby denied. You may, within sixty (60) days of the date of this letter, either, revise the plan to reflect compliance with the requirements of the Ordinance or appeal the terms of denial to the Zoning Board requesting that variances be granted (forms included).

Please feel free to contact either myself or Deputy Zoning Administrator Joseph O'Brien should you have any questions in this regard.

Very truly yours,

Judith Knauss

Deputy Zoning Administrator



Spencer S. Hall, Land Surveyor

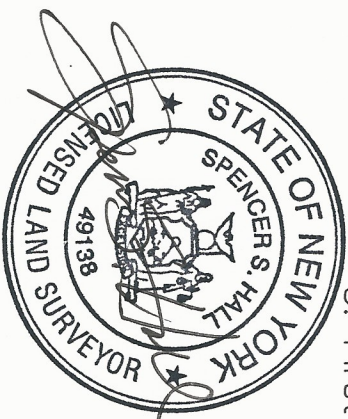
NYS Lic. No.: 49138
6244 Route 82, Stanfordsville, NY 12581
(845) 868-1262

NOTES

1. Field location work performed on December 28, 2015, field check on January 5, 2017.
2. Surveyed as per maps and deeds filed and recorded in the Dutchess County Clerk's Office as noted hereon and as in indicated possession.
3. Subject to rights-of-way, easements, covenants and restrictions of record, if any, and any statement of facts an accurate and up-to-date examination of title may reveal.
4. Underground improvements or encroachments, if any, are not shown hereon.
5. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

CERTIFIED TO:

1. The Community Preservation Corporation, its successors and/or assigns.
2. CPC Funding SPE 1 LLC, its successors and/or assigns.
3. State of New York Mortgage Agency.
4. Comptroller of the State of New York as Trustee of the Common Retirement Fund.
5. First American Title Insurance Company.



Map of a Survey
for

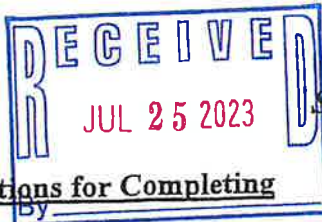
398 Church Street LLC

City of Poughkeepsie

Dutchess County, New York

Scale: 1"=20'

January 6, 2017



617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing
By _____

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 LEGALIZE FENCE (Existing Fence)																	
Name of Action or Project: 390 Church UC LEGALIZE FENCE																	
Project Location (describe, and attach a location map): 390 Church ST TONIGHTKEEPSIE NY 12601																	
Brief Description of Proposed Action: LEGALIZE FENCE																	
Name of Applicant or Sponsor: GEORGE LULAJ.	Telephone: 917 807-8777	E-Mail: GLULAJ@YAHOO.COM															
Address: 642 Main ST																	
City/PO: TONIGHTKEEPSIE	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.		<table border="1"><tr><td>NO</td><td>YES</td></tr><tr><td>☒</td><td>☐</td></tr></table>	NO	YES	☒	☐											
NO	YES																
☒	☐																
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		<table border="1"><tr><td>NO</td><td>YES</td></tr><tr><td>☒</td><td>☐</td></tr></table>	NO	YES	☒	☐											
NO	YES																
☒	☐																
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<table border="1"><tr><td>0.17222222 acres</td><td>750 Sq Ft.</td></tr><tr><td>0.17222222 acres</td><td>750 Sq Ft.</td></tr><tr><td>0.17222222 acres</td><td>750 Sq Ft.</td></tr></table>	0.17222222 acres	750 Sq Ft.	0.17222222 acres	750 Sq Ft.	0.17222222 acres	750 Sq Ft.									
0.17222222 acres	750 Sq Ft.																
0.17222222 acres	750 Sq Ft.																
0.17222222 acres	750 Sq Ft.																
4. Check all land uses that occur on, adjoining and near the proposed action. <table border="0"><tr><td>☐ Urban</td><td>☐ Rural (non-agriculture)</td><td>☐ Industrial</td><td>☒ Commercial</td><td>☐ Residential (suburban)</td></tr><tr><td>☐ Forest</td><td>☐ Agriculture</td><td>☐ Aquatic</td><td>☒ Other (specify): Apartment Building</td><td></td></tr><tr><td>☐ Parkland</td><td></td><td></td><td>14 units.</td><td></td></tr></table>			☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☒ Commercial	☐ Residential (suburban)	☐ Forest	☐ Agriculture	☐ Aquatic	☒ Other (specify): Apartment Building		☐ Parkland			14 units.	
☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☒ Commercial	☐ Residential (suburban)													
☐ Forest	☐ Agriculture	☐ Aquatic	☒ Other (specify): Apartment Building														
☐ Parkland			14 units.														

	NO	YES	N/A
5. Is the proposed action, 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?	☒	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☒	☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
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?	☒	☐	
16. Is the project site located in the 100 year flood plain?	☒	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ NO ☐ YES If Yes, briefly describe: _____	☒	☐	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO ☒	YES ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>GEORGE Winkaj</u> Date: <u>2/24/2023</u> Signature: <u>[Signature]</u>		







**NO
TRESPASSING**
PRIVATE PROPERTY
VIOLATORS WILL BE
PROSECUTED











**NO
TRESPASSING**
PRIVATE PROPERTY
VIOLATORS WILL BE
PROSECUTED



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

07/25/2023

398 Church LLC
642 Main St.
Poughkeepsie, NY 12601

RE: 398 Church St

Mr. Lulaj,

With regard to Building Permit 22-0016, the permit has been Issued to abate violations on the above referenced property, including an installed fence. As discussed, fences must conform to section 19-4.13 (3) of the City of Poughkeepsie zoning and land use regulations. (see below)

Fences and walls. Except as provided in Section **19-4.12(5)**, on corner lots and except as otherwise provided hereinafter, fences and walls not exceeding eight feet in height may be erected or hedges maintained and planted on any lot line. No such fence, wall or ledge shall be permitted nearer than 10 feet to any wall or an adjoining building that contains legal windows. All walls and fences shall be substantially constructed and shall meet with the approval of the Building Inspector with respect to public safety. No hedges shall overhang the public street or sidewalk in such a manner as to interfere with pedestrian or vehicular traffic.

Given that the fence is substantially closer than 10 feet from a parallel neighboring structure It will need to be removed. You also may wish, as an alternative, to apply for relief through the variance process.

Please let me know how you wish to proceed.

Peter Nocerino

City of Poughkeepsie
Deputy Building Inspector



**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: George Lulaj

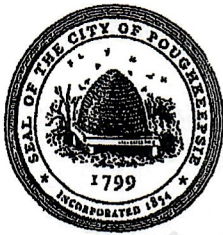
From: Tyler Maegerle, Junior Planner

Date: 7/26/2023

Re: 398 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 includes a variance for an existing fence.

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.



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: 398 Church St Poughkeepsie NY 12601

ZONING DISTRICT: _____

OWNER INFORMATION:

Name: 398 Church LLC (George Lulaj)
Address: 642 Main St
Poughkeepsie N.Y. 12601
Phone: 917-807-8777
Email: GLULAJ@VATTED.COM

APPLICANT INFORMATION:

Name: GEORGE LULAJ
Address: 642 Main St
Poughkeepsie NY 12601
Phone: 917-807-8777
Email: GLULAJ@VATTED.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: PETER NOCERINO

Date of decision/determination/violation: 3/23/2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 398 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>19-4.14(3)(a)</u>	<u>Fence no within 10 ft of</u> <u>Adjoining Property wall with window</u>	<u>A Fence with in 6-8 ft of</u> <u>wall with window</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: 398 Church St

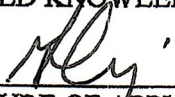
LIST OF REQUIRED ATTACHMENTS

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

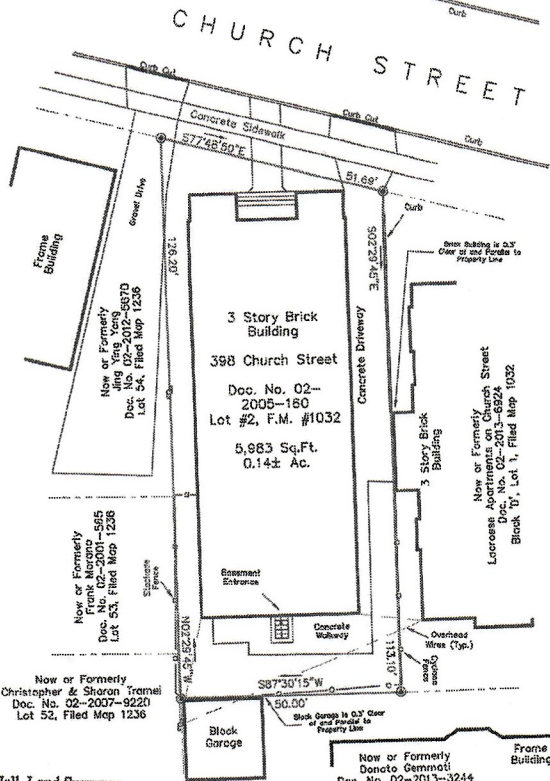
Please be advised that no application can be deemed complete unless signed below.

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

3/23/2023
DATE

GEORGE LUKAS
Print Name



NOTES

1. Field location work performed on December 28, 2015, field check on January 5, 2017.
2. Surveyed as per maps and deeds filed and recorded in the Dutchess County Clerk's Office as noted herein and as indicated possession.
3. Subject to rights-of-way, easements, covenants and restrictions of record, if any, and any statement of facts on accurate and up-to-date examination of title may reveal.
4. Underground improvements or encroachments, if any, are not shown herein.
5. Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7205, Subdivision 2 of the New York State Education Law.

CERTIFIED TO:

1. The Community Preservation Corporation, its successors and/or assigns.
2. CPC Funding SPE 1 LLC, its successors and/or assigns.
3. State of New York Mortgage Agency.
4. Comptroller of the State of New York as Trustee of the Common Retirement Fund.
5. First American Title Insurance Company.



Map of a Survey
for

398 Church Street LLC

City of Poughkeepsie
Scale: 1"=20'

Dutchess County, New York
January 6, 2017

Spencer S. Hall, Land Surveyor

NYS Lic. No.: 49138
6244 Route 82, Stanfordville, NY 12581
(845) 868-1262

Job No. 2332

Lulaj Realty & Property Management LLC
642 Main Street
Poughkeepsie, New York 12601
917-807-8777

July 14, 2023

398 Church LLC

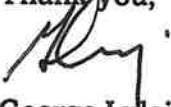
398 Church Street
Poughkeepsie NY 12601

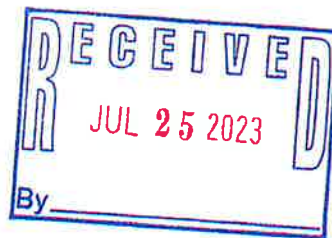
Legalizing Fence

When we purchased the building, the fence was already installed.

I would like to have the fence legalized because I keeps non tenants from entering the property and drug addicts from shooting up and smoking drugs in the driveway and back of the building, it also keeps the homeless from picking through the garbage cans and making a mess all over the driveway as well as sleeping in the back of the building, it deters people from dumping garbage from outside on my property. It is a safety issue for my tenants if the fence has to be removed because of the above-mentioned issues. I ask you for the safety of my tenants to please allow the fence to stay in place.

Thank you,


George Lulaj
President
LRPM



Lulaj Realty & Property Management LLC

642 Main Street

Poughkeepsie, New York 12601

917-807-8777



July 14, 2023

- 1) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

The fence will not produce an undesirable change in character of the neighborhood and will not be a detriment to the nearby properties, it will keep the neighborhood safe from homeless accessing it to seek shelter and a place to use drugs and keep neighboring properties safe as well.

- 2) Can the benefit sought be achieved by some other method feasible for the applicant to pursue, other than an area variance?

NO the most feasible method is legalizing the fence to keep the building and surrounding properties safe from homeless using property as shelter and a place to use drugs.

- 3) Is/are the requested area variance substantial?

Yes it is substantial because if the fence is to be removed it will welcome homeless to use the property as shelter and give them a place to use drugs without being seen and cause a safety threat to the tenants and their children living in the building and neighboring buildings.

- 4) Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

NO, I will keep the neighborhood safe and the neighboring buildings safe from homeless using the property for shelter and a place to use drugs.

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

The need for the variance is for the Safety of all tenants in 398 Church Street and 400 Church Street. Without the variance the property would be over ran with homeless people seeking shelter and using drugs and would become a second location drug usage as is the corner of Main Street and Rose Street. I ask you to legalize the fence to keep the tenants and their families safe.



Figure 1: View of subject property from S Grand looking West



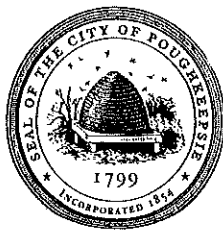
Figure 2: View of South side of subject property and S Grand/Fountain Brook intersection from S Grand Ave looking Southwest



Figure 3: View of subject property from S Grand/Fountain Brook intersection looking Northwest



Figure 4: View across S Grand from subject property looking Northeast



**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: S Grand Avenue - Stone Root Subdivision Lot 1
ZONING DISTRICT: R-2

OWNER INFORMATION:

Name: Habitat For Humanity
Address: 1822 South Road, Wappingers Falls, NY 12590
Phone: 845-297-7610
Email: maureen.lashlee@habitatdutchess.org

APPLICANT INFORMATION:

Name: Same as Owner
Address: _____
Phone: _____
Email: _____

CONSULTANT INFORMATION:

Name: Lawrence J. Paggi, PE, PC
Address: 43 Broad Street, Fishkill, NY 12524
Phone: 845-897-2375
Email: cpaggi@paggiengineers.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: _____

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
Section 19-3.12	20-ft front yard setback	8-ft variance to allow 12-ft setback
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.
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- 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.

Maureen Brennan Lashlee
SIGNATURE OF APPLICANT

8/1/2023
DATE

Maureen Lashlee
Print Name

HABITAT FOR HUMANITY OF DUTCHESS COUNTY
STONE ROOT SUBDIVISION – ZBA AREA VARIANCE APPLICATION
CITY OF POUGHKEEPSIE | NEW YORK

August 8, 2023

Responses to the Variance Request Justification questions are provided below:

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, explain why.

Answer: The character of the neighborhood along this section of S Grand Avenue (between Fountain Brook Avenue and College Avenue) is generally characterized by 1.5 story cape houses situated closer to the street than current zoning appears to allow, with the majority of houses set back from the existing sidewalk between 12-18 feet. Additionally, the existing residence directly across Fountain Brook Avenue from proposed Lot #1 (parcel # 586580) appears to be setback from the Fountain Brook Avenue edge of pavement approximate 10-12 feet. The granting of the proposed variance would result in the proposed house being set back from the Fountain Brook Avenue edge of pavement by approximately 23 feet. For these reasons, we believe that the granting of the variance would allow for the proposed residence to be constructed in general conformance to the existing character of the surrounding property and would therefore not be a detriment or create an undesirable change.

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?

Answer: The proposed subdivision could only be achieved without the requested variance if the existing City easements (along with any utilities existing within those easements) currently encumbering the property were relocated or eliminated.

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

Answer: This property is burdened by two front yards as a corner lot. The required front yard setback from S Grand Avenue is provided, however, the secondary front yard setback from Fountain Brook Avenue cannot be provided due to the presence of the existing City easements running through the property. The application requests an 8-ft variance to the front yard setback requirement to Fountain Brook Avenue to allow for a 12-ft yard where 20-ft is required, which constitutes a 40% reduction in the requirement. From a proportional standpoint, the requested variance could be considered substantial. However, as indicated above, the granting of the proposed variance would result in the proposed house being set back from the Fountain Brook Avenue edge of pavement by approximately 23 feet, which appears to be consistent with or greater than most other properties in the immediate vicinity. The granting of the variance would therefore result in a condition that is not substantially different from the current character of the surrounding area.

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

Answer: The granting of the requested area variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, as all other applicable codes and regulations would be adhered to. As mentioned above, the granting of the requested variance would appear to be in line with the current character of the surrounding neighborhood, therefore no detriment is anticipated.

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

Answer: The need for the area variance is self-created in that its need has arisen from the owner/applicant's desire to subdivide the property. However, it is noted that the property could be subdivided without the need for variances if it were not encumbered by the existing City utility easements.



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

August 11, 2023

Habitat for Humanity
Attn: Maureen Lashlee
1822 South Road
Wappingers Falls NY
12590

RE: "Stone Root" Subdivision
South Grand Avenue

Dear Ms. Lashlee:

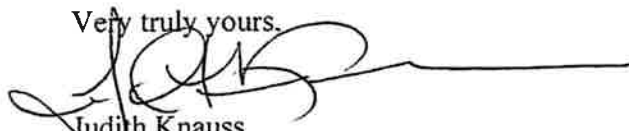
The Development Department is in receipt of your application for the "Stone Root Subdivision" on South Grand Avenue. The application has been reviewed for compliance with the provisions of the Zoning Ordinance relative to the Medium Low Density (R-2) Zoning District in which the property is located. Please note that the following deficiency was noted to exist:

- 1) Section 19-3.12(4)(d)(1) requires front yard set-backs of twenty (20) feet: the proposed front yard set-back for Lot #1, at the corner of Fountainbrook and South Grand Avenues, is twelve (12) feet.

Therefore, application for subdivision is hereby denied. You may appeal the terms of this denial to the Zoning Board of Appeals within sixty (60) days of the date of this letter.

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

Very truly yours,


Judith Knauss
Deputy Zoning Administrator



**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: Habitat for Humanity

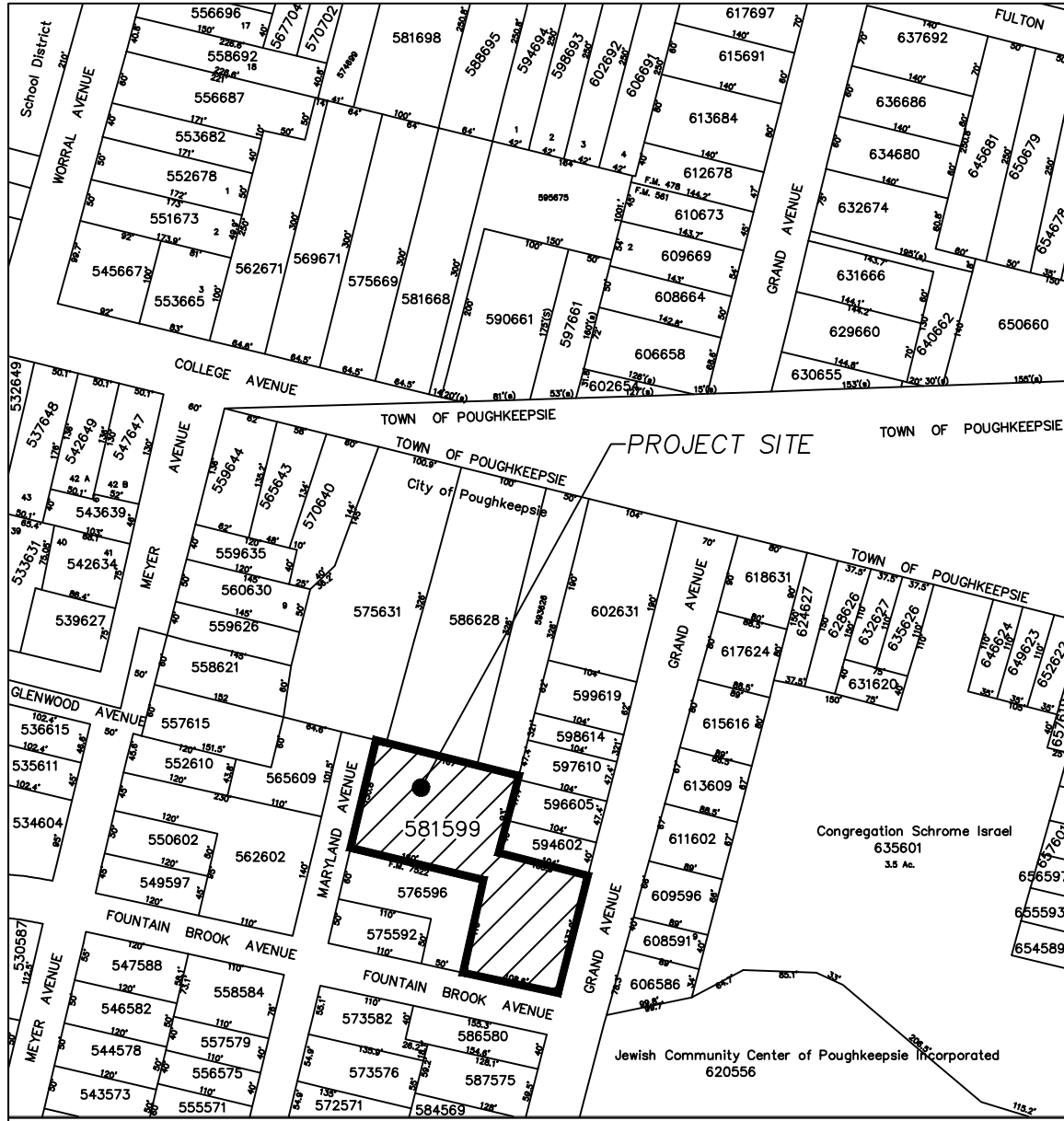
From: Tyler Maegerle, Junior Planner

Date: 8/22/2023

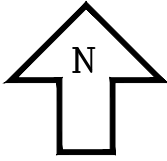
Re: South Grand Avenue, Stone Root Subdivision

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 subdivision of an existing 0.835 acre parcel that is currently vacant into three lots to accommodate two new single family residences.

Based on the above description it is the determination of the planning division staff that the proposed action is classified as an Unlisted Action with regards to SEQRA, and therefore is subject to an uncoordinated or coordinated (optional) environmental review. This determination was made due to the fact that the proposed action was not expressly listed in 6 NYCRR Section 617.4 (Type I Actions) or 617.5 (Type II Actions).



LOCATION MAP
TAX MAP No.: 6161-49-581599



OWNER'S CONSENT NOTE

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY CERTIFY THAT WE ARE FAMILIAR WITH THIS MAP, ITS CONTENTS AND DETAILS, AND HEREBY AGREE TO THE TERMS AND CONDITIONS EXPRESSED HEREON.

MAUREEN LASHLEE, CEO
DATE
HABITAT FOR HUMANITY OF DUTCHESS COUNTY
1822 SOUTH ROAD
WAPPINGERS FALLS, NY 12590

SITE DATA:

TAX ID No.: 6161-49-581599
TOTAL AREA: 0.835 ACRES
ZONE: R-2 (MEDIUM LOW-DENSITY RESIDENCE DISTRICT)

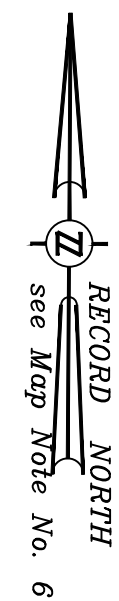
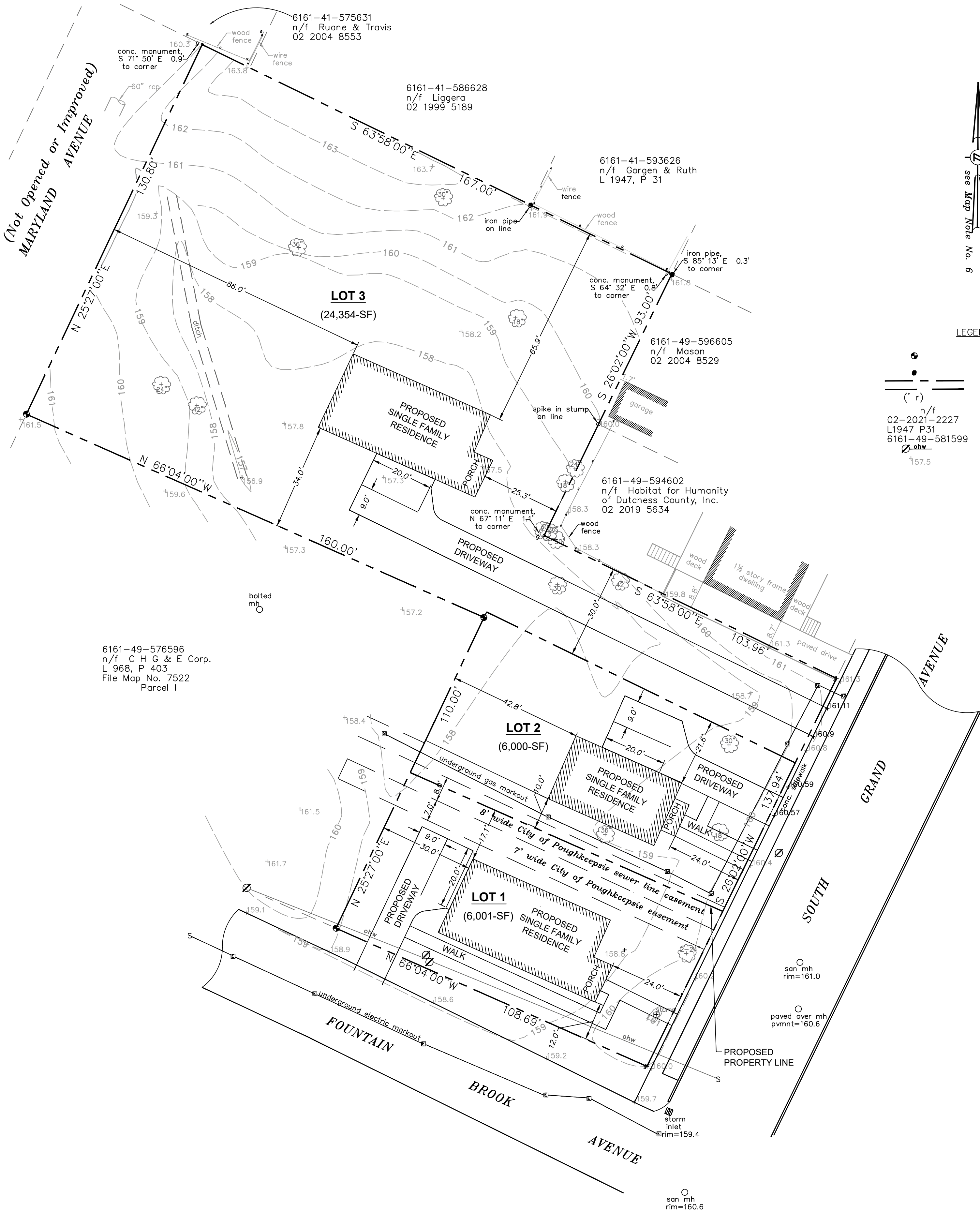
SETBACK REGULATIONS	REQUIRED	EXISTING	LOT 1	LOT 2	LOT 3
MIN. LOT AREA (SQ.FT.)	6,000	36,365	6,001	6,000	24,364
MIN. LOT WIDTH (FT.)	50	50	55.1	52.8	125.4
MIN. LOT FRONTAGE (FT.)	30	137.94	55.1	52.8	30.0
MIN. FRONT YARD (FT.)	20	20	12.0**	24.0	25.3
MIN. SIDE YARD EACH (FT.)	10	N/A	12.0	10.0	34.0
MIN. SIDE YARD TOTAL (FT.)	20	N/A	29.1	31.6	99.9
MIN. REAR YARD (FT.)	15*	N/A	30.0	42.8	86.0
MIN. LOT COVERAGE (%)	30	0	22.3	14.5	5.5

*THE REAR YARD SHALL BE AT LEAST 15% OF THE LOT DEPTH, BUT NO LESS THAN 15 FEET.

**AREA VARIANCE REQUIRED TO ALLOW FOR 12-FT SETBACK TO FOUNTAIN BROOK AVENUE WHERE 20-FT IS REQUIRED FOR A CORNER LOT

BOUNDARY, TOPOGRAPHIC AND EXISTING CONDITIONS INFORMATION SHOWN HEREON TAKEN FROM A PLAN ENTITLED "SURVEY OF PROPERTY PREPARED FOR HABITAT FOR HUMANITY OF DUTCHESS COUNTY, INC., SITUATE AT SOUTH GRAND AVENUE, CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF NEW YORK", PREPARED BY SHERIDAN LAND SURVEYORS, DATED JULY 1, 2021, LAST REVISED MAY 22, 2022.

UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A PROFESSIONAL ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.



LEGEND

capped iron rod set
 concrete monument found
 iron rod or pipe found
 property line
 road boundary (right-of-way)
 record information
 now or formerly (reputed owner)
 document no. (D.C.C.O.)
 liber (book) and page (D.C.C.O.)
 Dutchess Co. tax map parcel no.
 utility pole & overhead wires
 spot elevation

LAWRENCE J. PAGGI, PE, PC
CONSULTING ENGINEERING
43 BROAD STREET
FISHKILL, NEW YORK 12524
Civil, Sanitary
& Site Engineering
Environmental
Assessment
TELEPHONE: (845) 897-2375

STONE ROOT SUBDIVISION
SOUTH GRAND AVENUE | CITY OF POUGHKEEPSIE
COUNTY OF DUTCHESS | NEW YORK STATE

SUBDIVISION PLAT

DATE: MAY 31, 2023
SCALE: 1" = 20'
JOB NUMBER: 23-10
SHEET NUMBER:

C1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

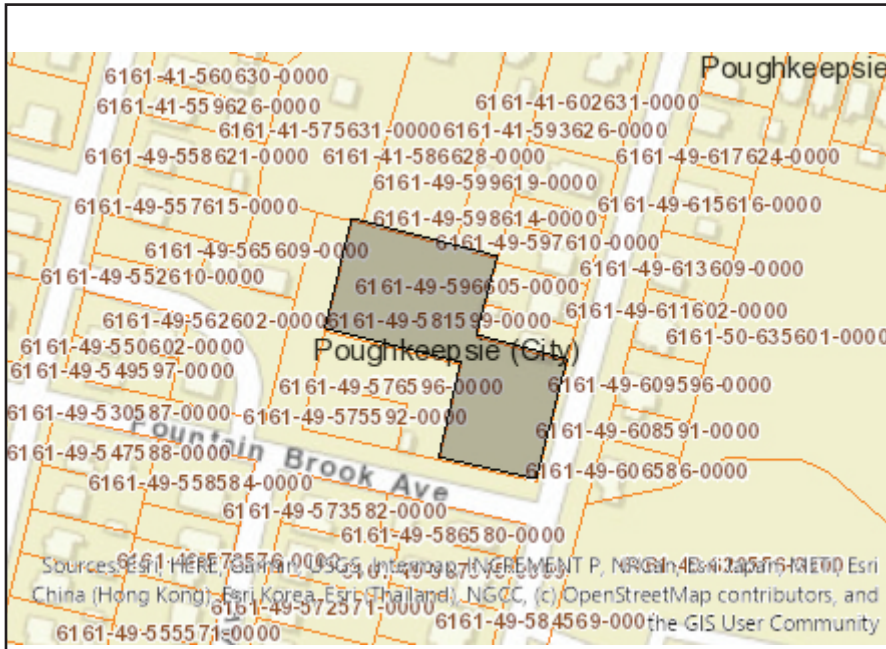
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Stone Root Subdivision & Site Plan for Modular Construction			
Project Location (describe, and attach a location map): S Grand Avenue (Corner of S Grand Avenue and Fountain Brook Avenue)			
Brief Description of Proposed Action: Subdivision of an existing 0.835 acre parcel that is currently vacant into three (3) lots to accommodate three (3) new single family residences. The new residences for Lots 1 and 2 are proposed to be modular home construction. All lots shall connect to the existing municipal water and sewer systems.			
Name of Applicant or Sponsor: Habitat For Humanity		Telephone: 845-297-7610	
		E-Mail: maureen.lashlee@habitatdutchess.org	
Address: 1822 South Road			
City/PO: Wappingers Falls		State: NY	Zip Code: 12590
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: Subdivision & Site Plan Approval from City of Poughkeepsie Planning Board; Area Variance Approval from the City of Poughkeepsie ZBA		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.835 acres	
b. Total acreage to be physically disturbed?		0.835 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): Religious			
☐ 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:			
All proposed new structures will conform to the state energy code requirements.	☐	☒	
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? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	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:	☒	☐
_____ The runoff from the proposed new houses and driveways will discharge toward existing City stormwater collection system.		
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>Habitat For Humanity, Maureen Lashlee</u> Date: <u>5/30/83</u> Signature: <u>Maureen Brennan Lashlee</u> Title: <u>CEO</u>		



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



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

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



Marshall Street Project

For New Home for Habitat for Humanity of Dutchess County

Adjacent Existing Parking



3 Marshall
Street



9 Marshall
Street

Habitat Parcel
Marshall
Street



15 Marshall
Street



19 Marshall
Street
*Two Family

D. FREEMAN ARCHITECT

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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.

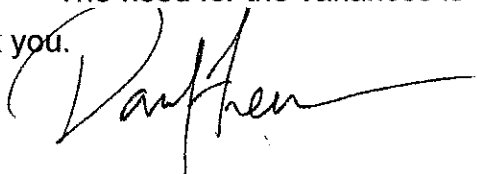
4. Will the variance have an adverse effect or impact on the physical or environment conditions in the neighborhood or district?

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, which appears to read "Maureen Brennan Lashlee". The signature is fluid and cursive.

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
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Site Photo

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



D. FREEMAN ARCHITECT

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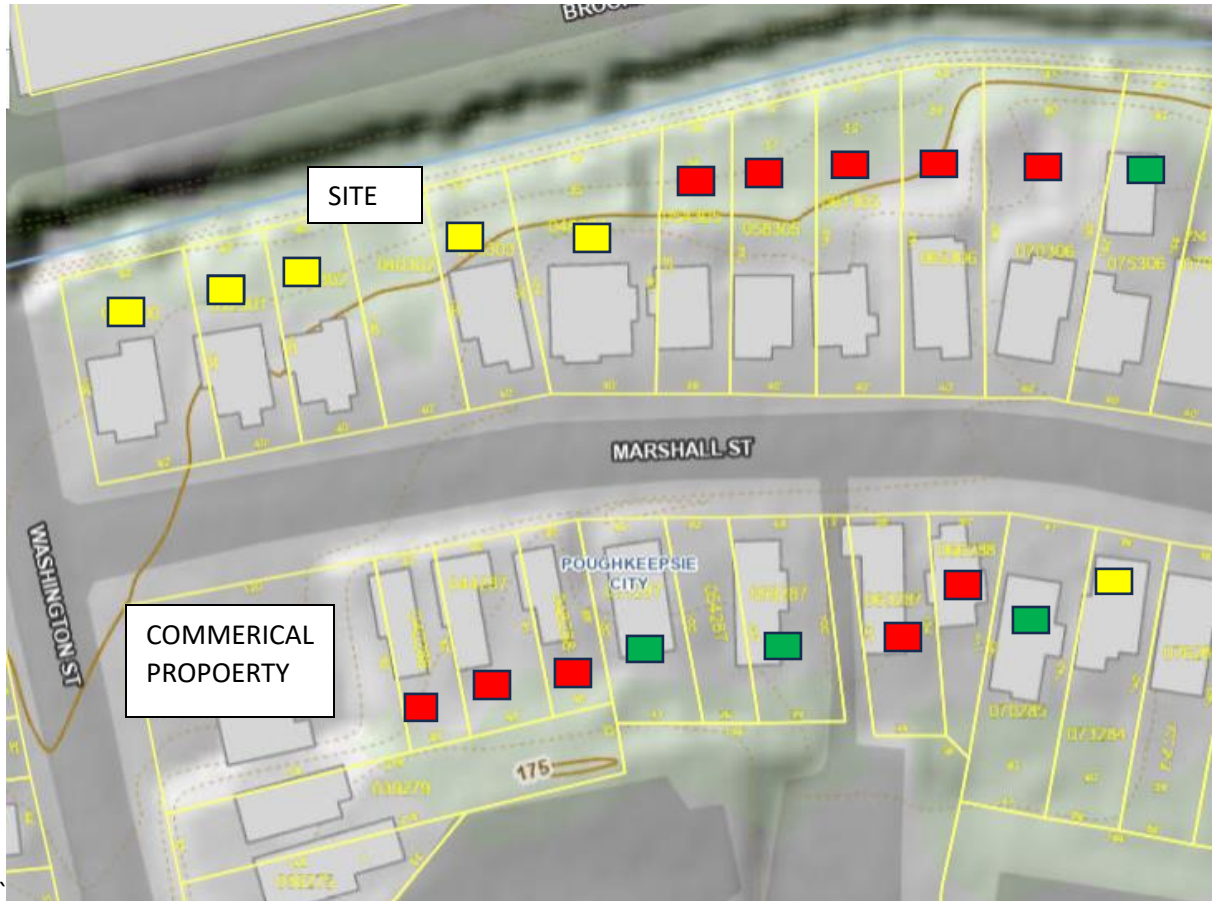
Cover Letter
11 Marshall Street
For New Home for Habitat for Humanity of Dutchess County

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



Marshall Street Project

For New Home for Habitat for Humanity of Dutchess County

Adjacent Existing Parking



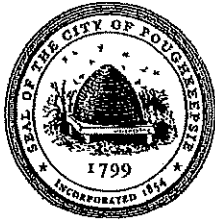
No Parking



Single Car Parking Side Yard



Meets Zoning Code Parking



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@HABITATDUTCHESS.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.

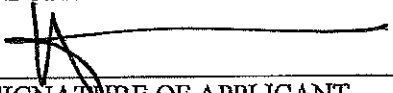
LIST OF REQUIRED ATTACHMENTS

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

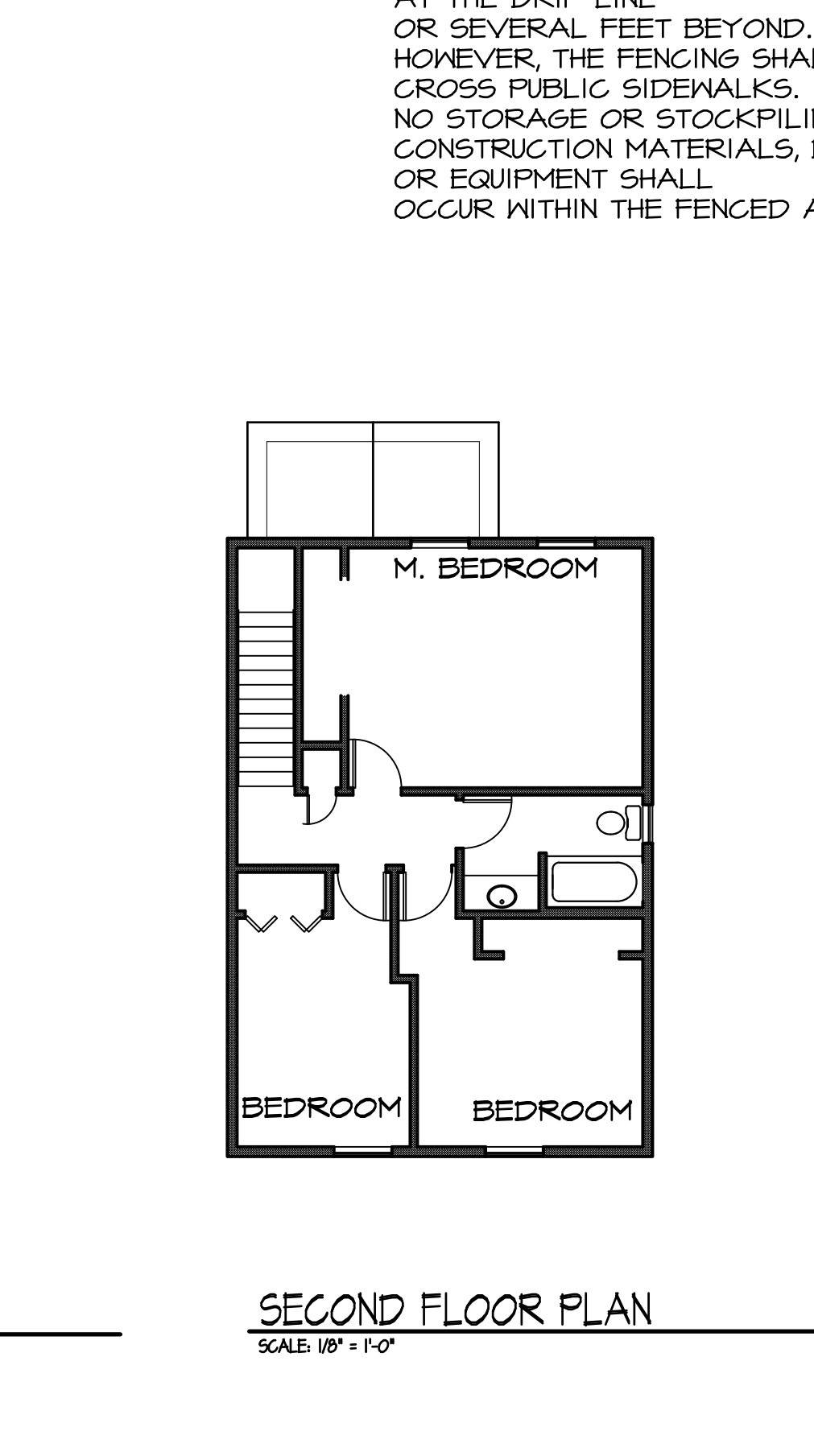
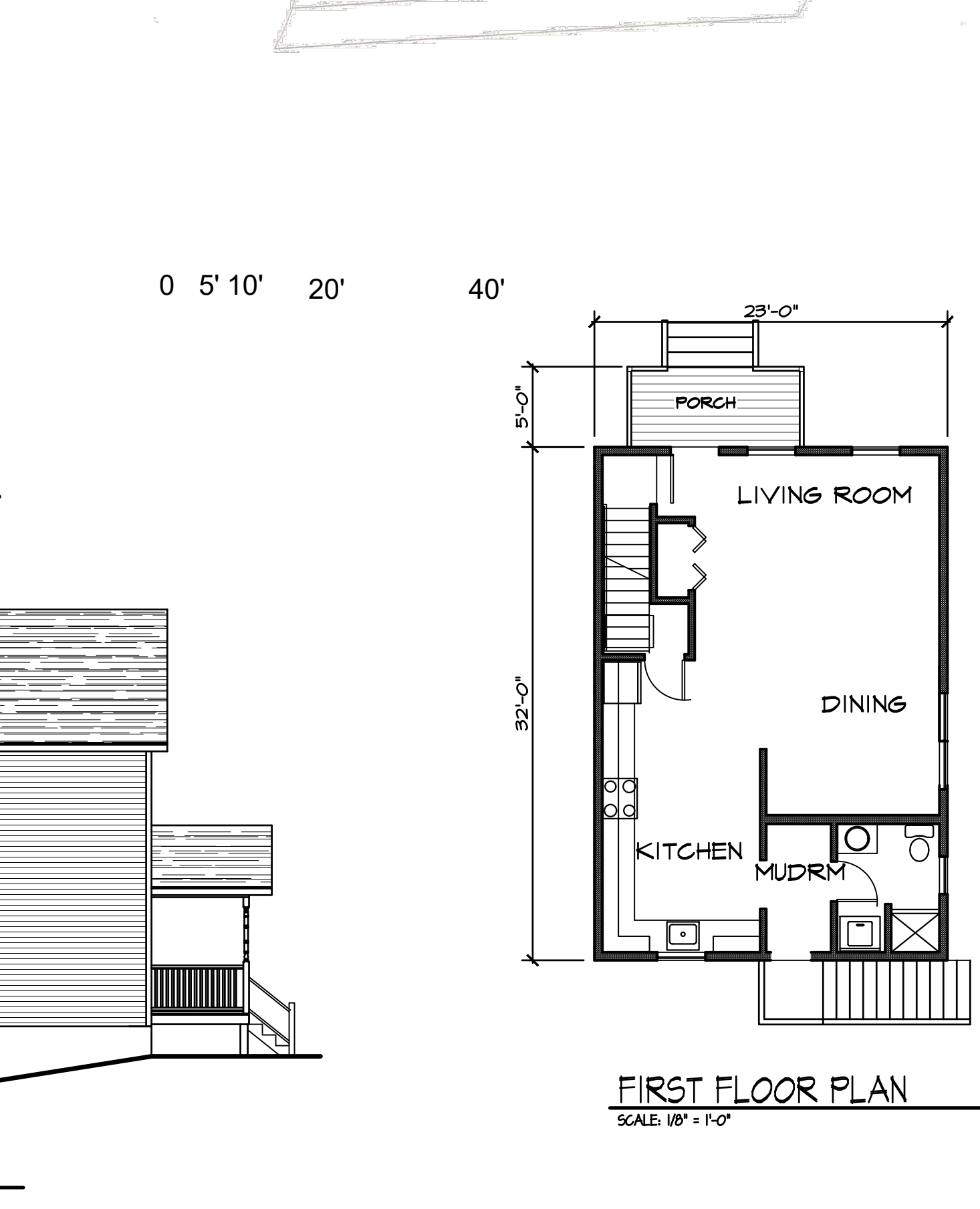
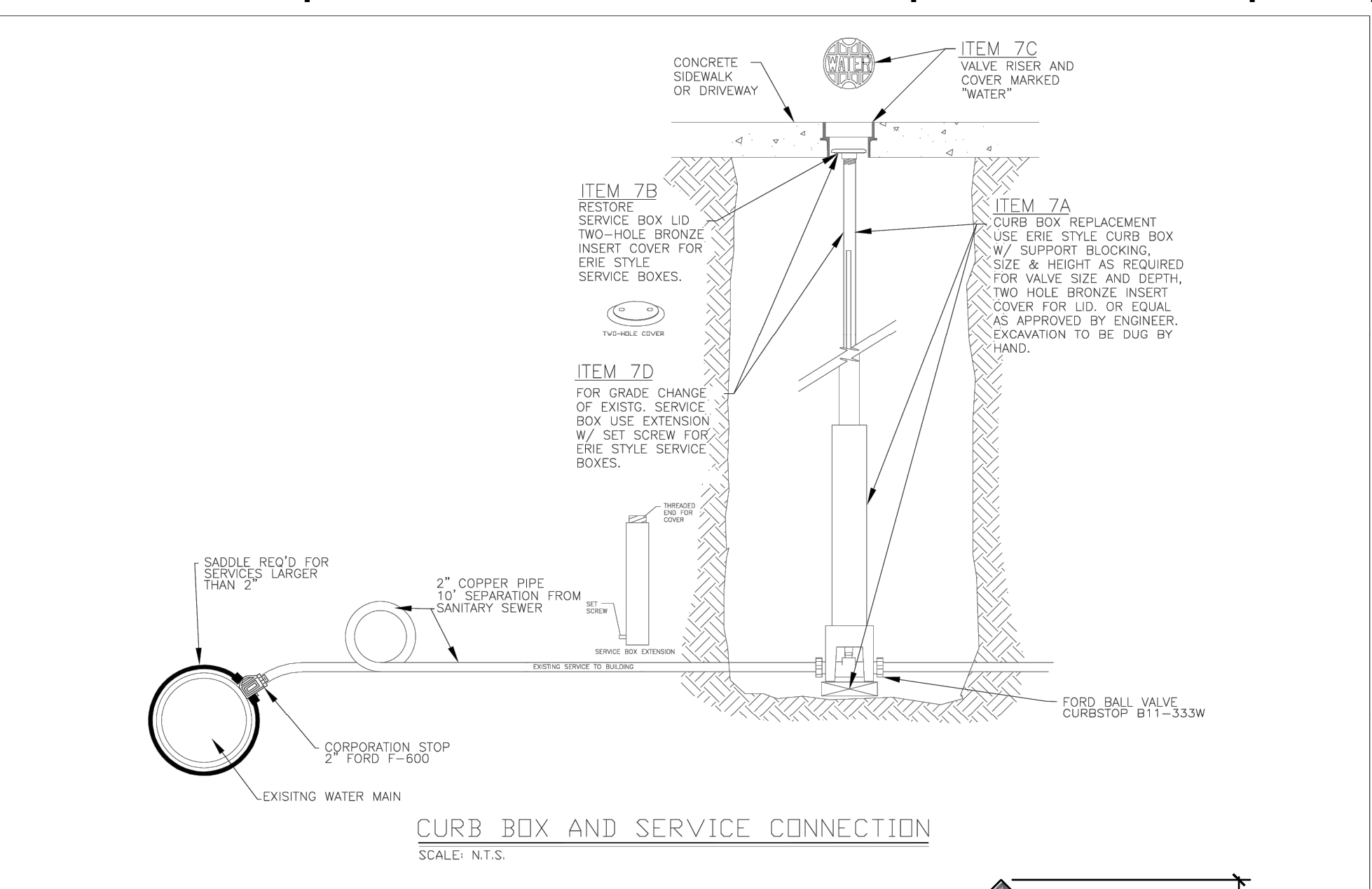
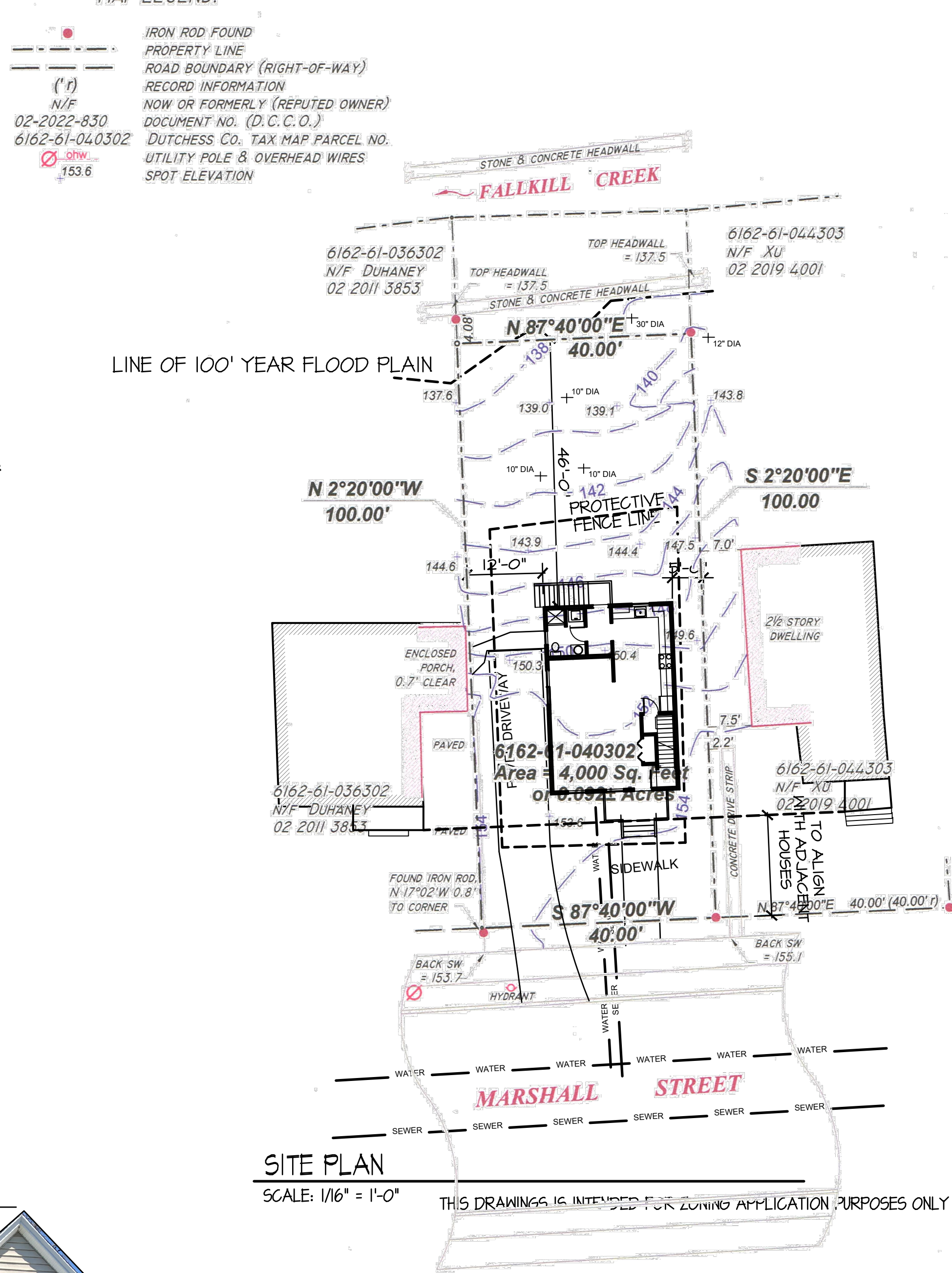
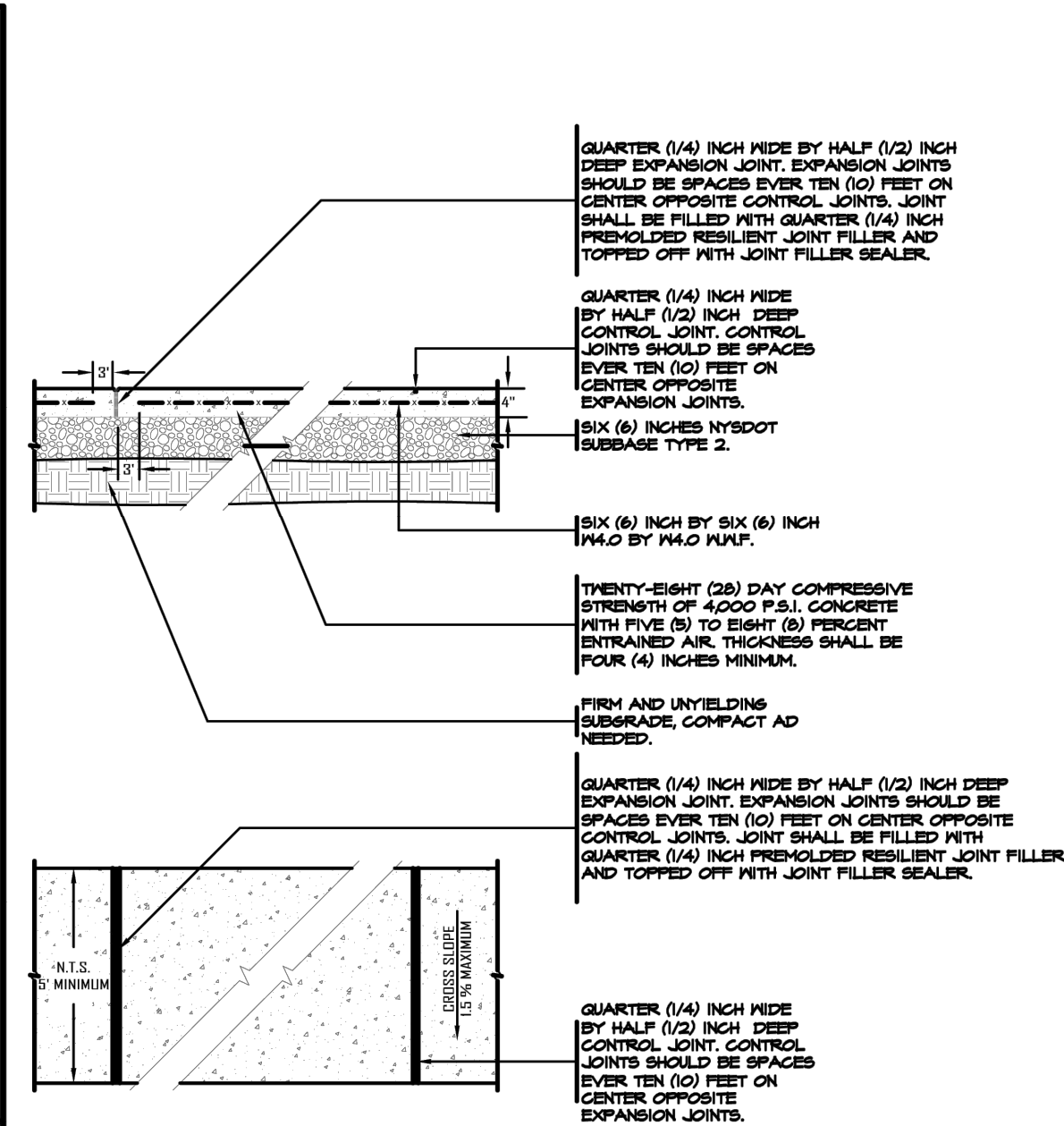
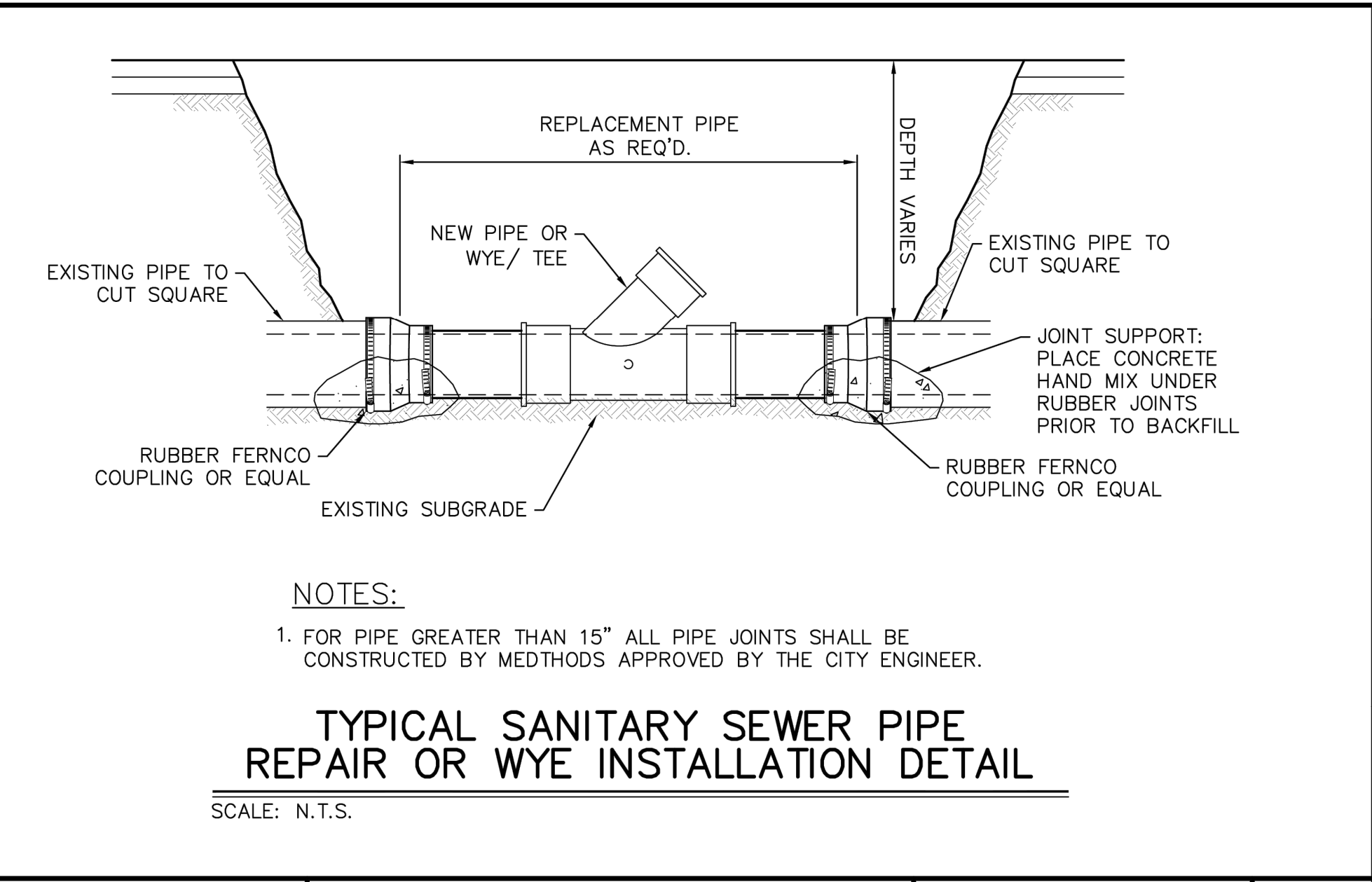
Please be advised that no application can be deemed complete unless signed below.

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



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	REQUIRED	PROPOSED	VARIANCE
LOT AREA REQUIREMENTS	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

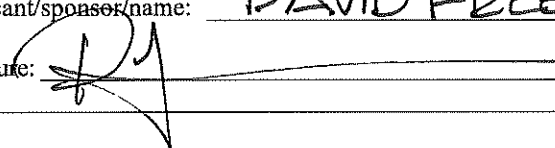
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Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

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="text-align: center;">NO</th> <th style="text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</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="text-align: center;">NO</th> <th style="text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;">☐</td> <td style="text-align: center;">☒</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



**THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4623 Fax: (845) 451-4006**

DRAFT RESOLUTION OF APPROVAL:

In the matter of the appeal of Habitat for Humanity and David Freeman, RA, regarding the property at Lot #040302 Marshall Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 29th day of August, 2023, at 6:00pm:

WHEREAS, the Zoning Board has received an application from David Freeman for the proposed construction of a two (2) story single family modular home. The area variances requested are from: 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). City File #ZBA2022-003; and,

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the action is more fully detailed on a site plan and elevations prepared by David Freeman, RA, dated 3/6/2023, and supplemental documentation; and,

WHEREAS, a public hearing on the application was held and closed on July 26, 2023; and,

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting an area variance;

The addition of a modular home will not be a detriment to the character of the neighborhood in that it will be of similar style and height of the surrounding structures. The lot size variance is created because this was a pre-existing lot established prior to the current lot area

requirements and cannot be enlarged due to the existence of pre-existing lots/structures. The majority of homes on the street have parking for only one car.

(2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than an area variance;

The applicant has demonstrated that the benefit sought can't be achieved by any other means than a variance. The lot size can't be enlarged due to pre-existing lots/structures. Also, the home can only be located in a certain area of the lot due to the FEMA flood mapping line that cannot be changed; locating the house on the lot in a different place would still require a variance. More parking cannot be added due to the size of the lot.

(3) whether the requested area variance is substantial;

The variance requests a reduction in minimum lot size by 20% and could be argued to be substantial in terms of percentage. However, the variance does not have a substantial impact as the proposed lot and home are consistent with other, pre-existing structures in the neighborhood. The parking variance is not substantial.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The applicant demonstrated there would not be an adverse impact on the physical or environmental conditions of the neighborhood. It is a fairly densely populated neighborhood with other homes in close proximity, the lot size is similar in size and shape to nearby lots. The creation of a single-family home would not appear to significantly add to the existing population density or usage of services- i.e. water/sewer, traffic etc. Parking for one car is in keeping with the majority of properties on the street.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance;

The difficulty does not appear to be self-created in that; the lot size was created many years ago, is not able to be increased, and is impacted by the FEMA drawing which changed after the creation of the lot.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance for File #2022-23 as outlined above.

Motion:
Second:
Carried:

Board Administrative Assistant

Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

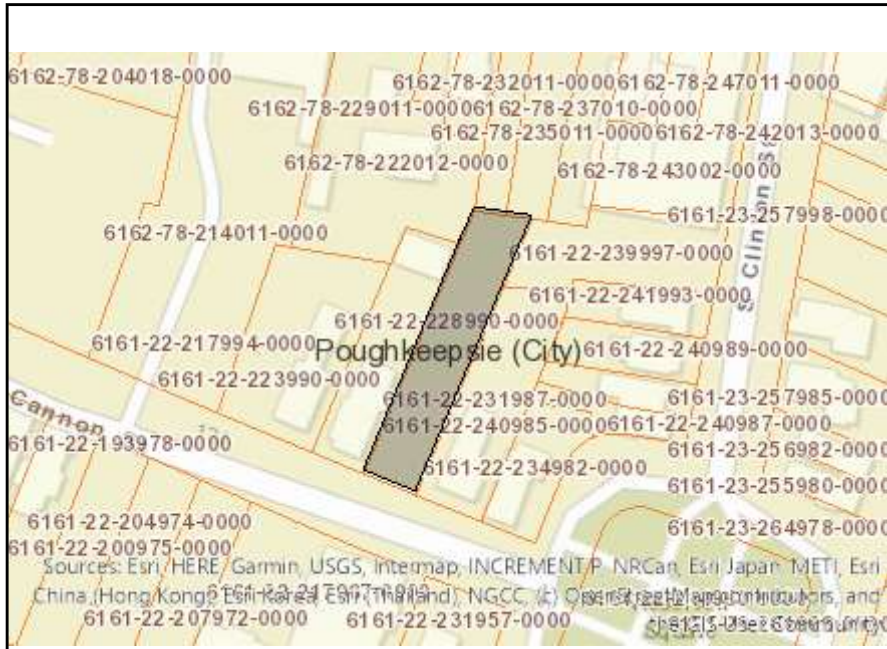
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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



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;

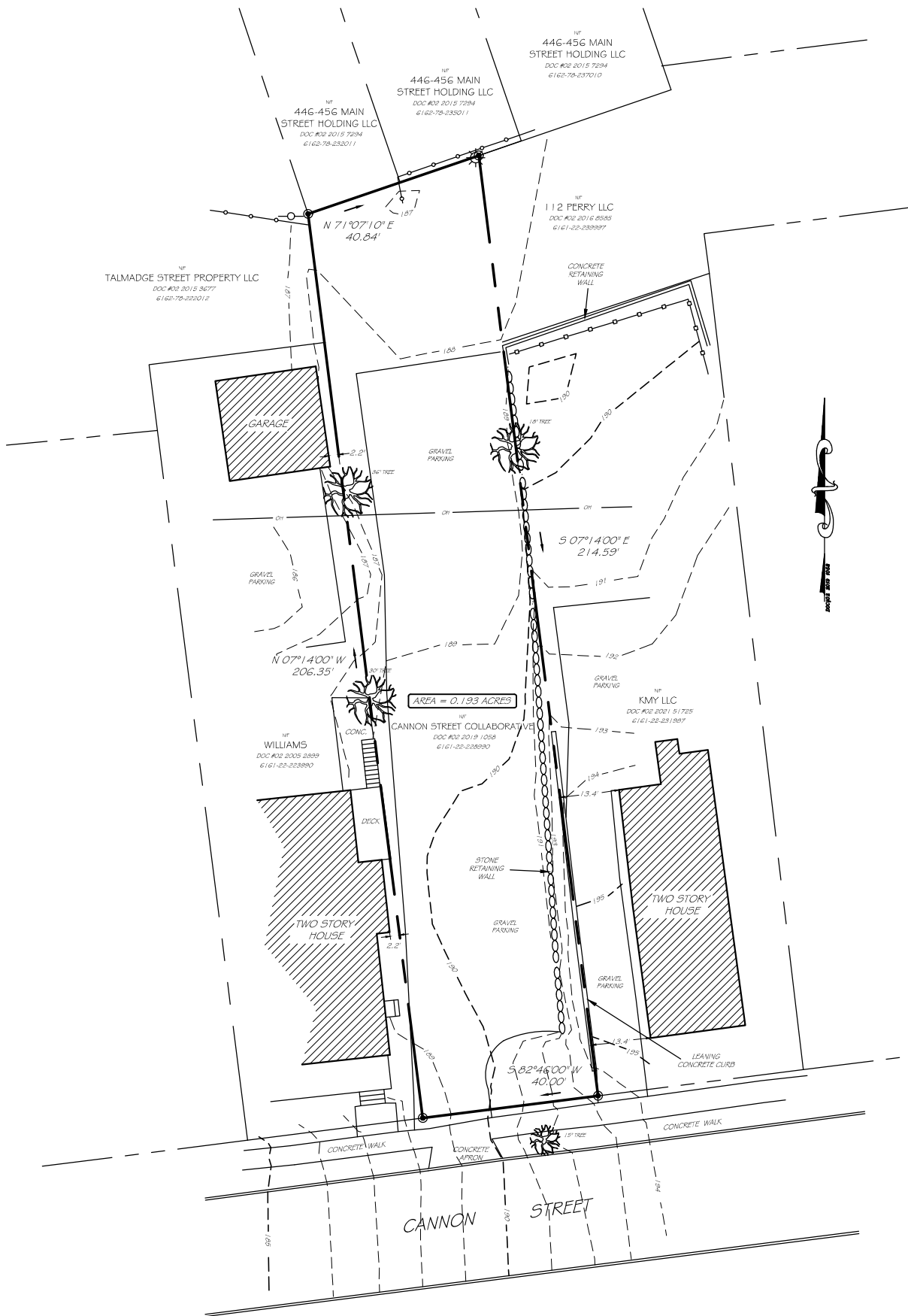
1. **Section 19-4.3(5)(a)** requires the access shall consist of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; the provided plans show the access is 12'6" at entry.

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

© Copyright 2005

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

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

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

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

SURVEYED AS PER MAPS AND DEEDS OF RECORD AND AS IN
INDICATED POSSESSION ON OR BEFORE FEBRUARY 17, 2023.

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



JOHN H. DECKER LS #050572

BOUNDARY SURVEY

CANNON STREET COLLABORATIVE

CITY OF POUGHKEEPSIE
FEBRUARY 23, 2023

DUTCHESS COUNTY, NEW YORK
1" = 20'

Parcel 28990 CANNON STREET – VARIANCE REQUEST JUSTIFICATION

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

1) The granting of this will not produce an undesirable change in the character of the neighborhood. The proposal is consistent with adjacent and neighboring properties. The proposal is not detrimental to nearby properties. A majority of the concrete curb cuts serving parcels of this size are of similar dimension. It should also be mentioned that a large mature healthy maple tree in the city right-of-way would need to be removed to allow for an access lane two and half feet larger in width.

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

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

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

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



**THE CITY OF POUGHKEEPSIE
NEW YORK**

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: Parcel 228990 Cannon Street

ZONING DISTRICT: C-2

OWNER INFORMATION:

Name: Cannon Street Collaborative

Address: 131 Cannon Street - Poughkeepsie, NY 12601

Phone: 845.264.9644

Email: dan@drohdeheatingandac.com

APPLICANT INFORMATION:

Name: Daniel Rohde

Address: (Same as above)

Phone: _____

Email: _____

CONSULTANT INFORMATION:

Name: John Sullivan

Address: 16 Barclay Street - Poughkeepsie, NY 12601

Phone: 914.456.1299

Email: jsullivan2@hvc.rr.com

SUBJECT OF APPEAL

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

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

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

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

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

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-4.3(5)(a)	15'-0" / 12'-6" access lane	2'-6"

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

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

LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short EAF
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):
 Survey Map (Decker Surveying - 2.23.23)

SIGNATURE AND VERIFICATION

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

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

SIGNATURE OF APPLICANT

Daniel Rohde (Cannon Street Collaborative)

Print Name

May 16, 2023

DATE

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:

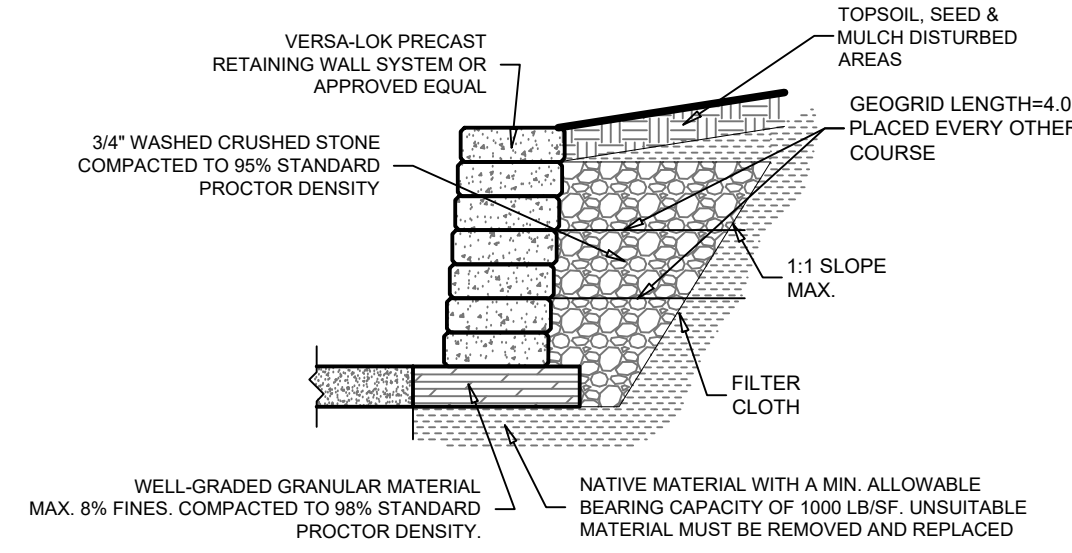
- (9) Completed application.
- Application fee in the amount of \$350.00 (submitted 5.18.23)
- (9) Letter / communication letter from City of Poughkeepsie.
- (9) Completed short EAF
- (9) copies of existing and proposed site plan sheet S-1.0 inclusive of site photos. (submitted 5.18.23)
- (9) Survey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

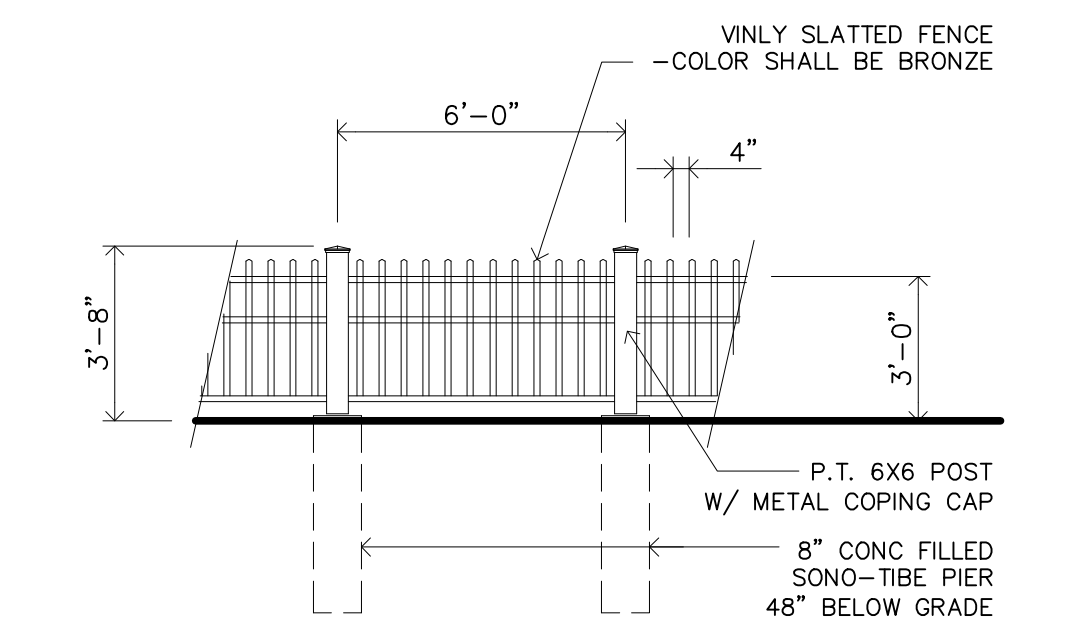
Cc: Daniel Rohde – Managing member the Cannon Street Collaborative.



4 RETAINING (stone) WALL DETAIL
SCALE: NONE



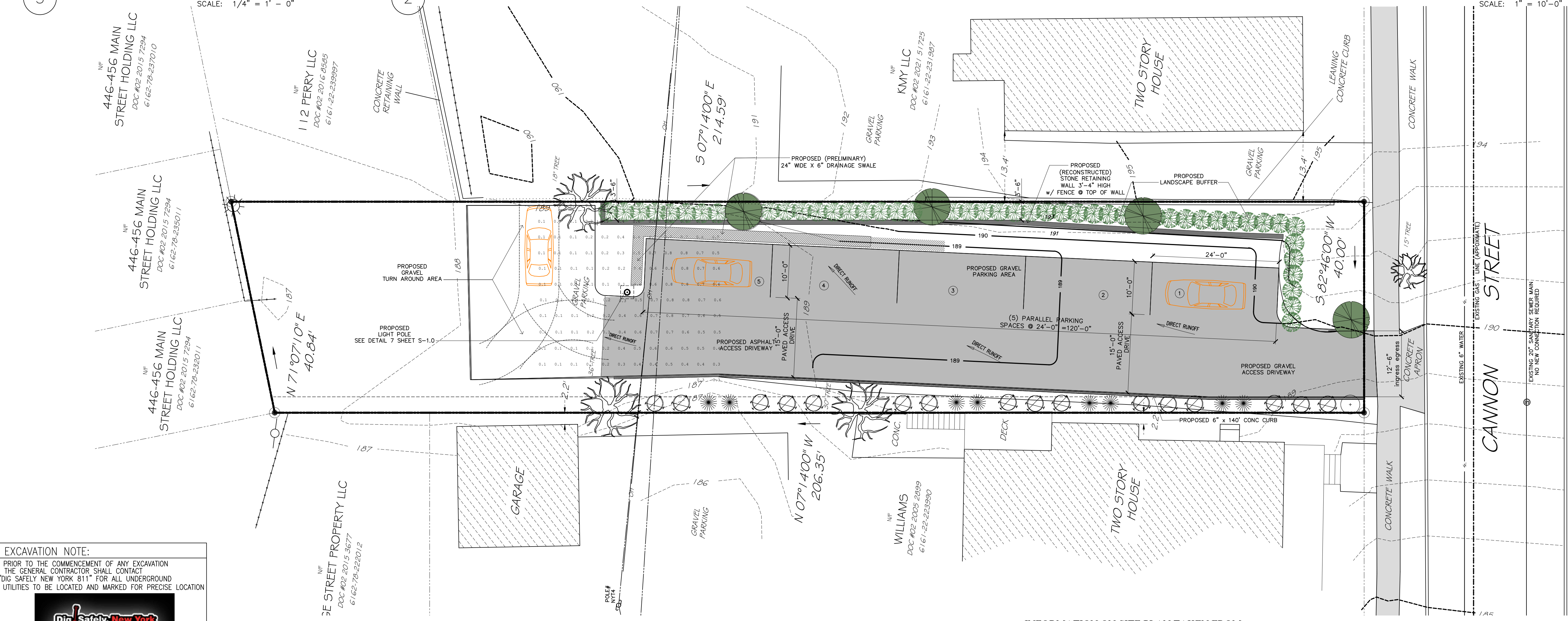
5 PROPOSED (IMAGES) STONE WALL
SCALE: none



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



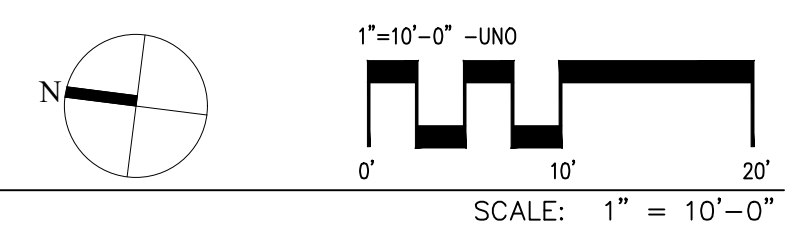
2 WEST ELEVATION w/ PROPOSED PARKING & STONE RETAINING WALL



1 EXISTING SITE PLAN w/ PROPOSED PARKING

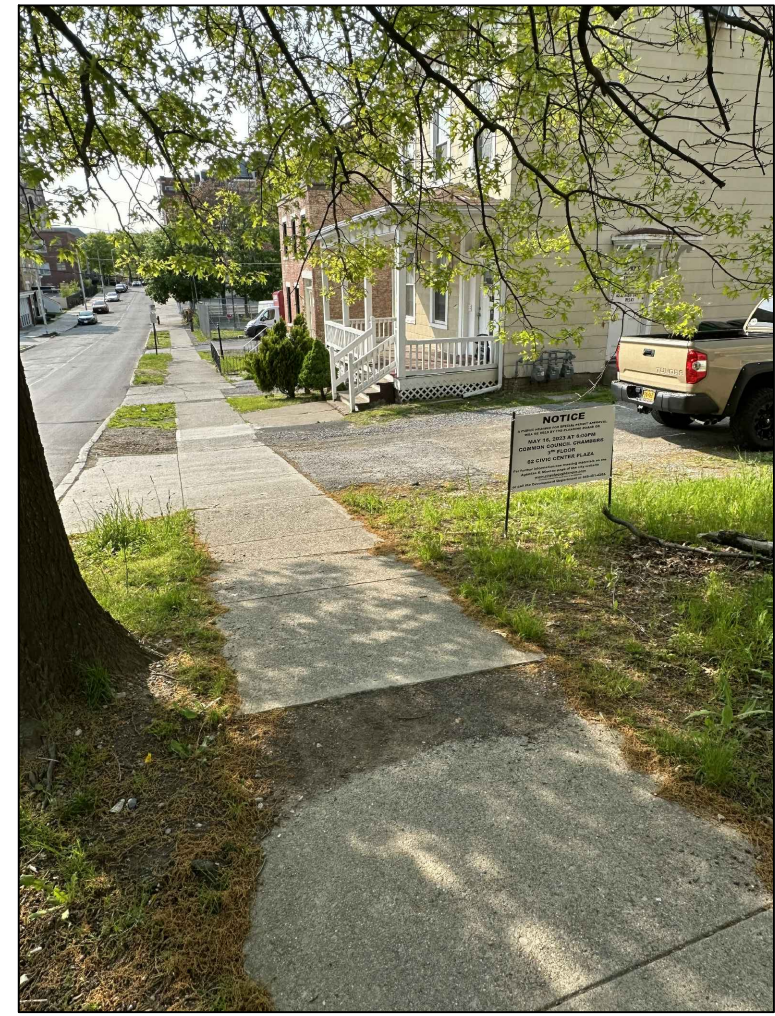
EXCAVATION NOTE:
PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION
THE GENERAL CONTRACTOR SHALL CONTACT
"DIG SAFELY NEW YORK 811" FOR ALL UNDERGROUND
UTILITIES TO BE LOCATED AND MARKED FOR PRECISE LOCATION

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

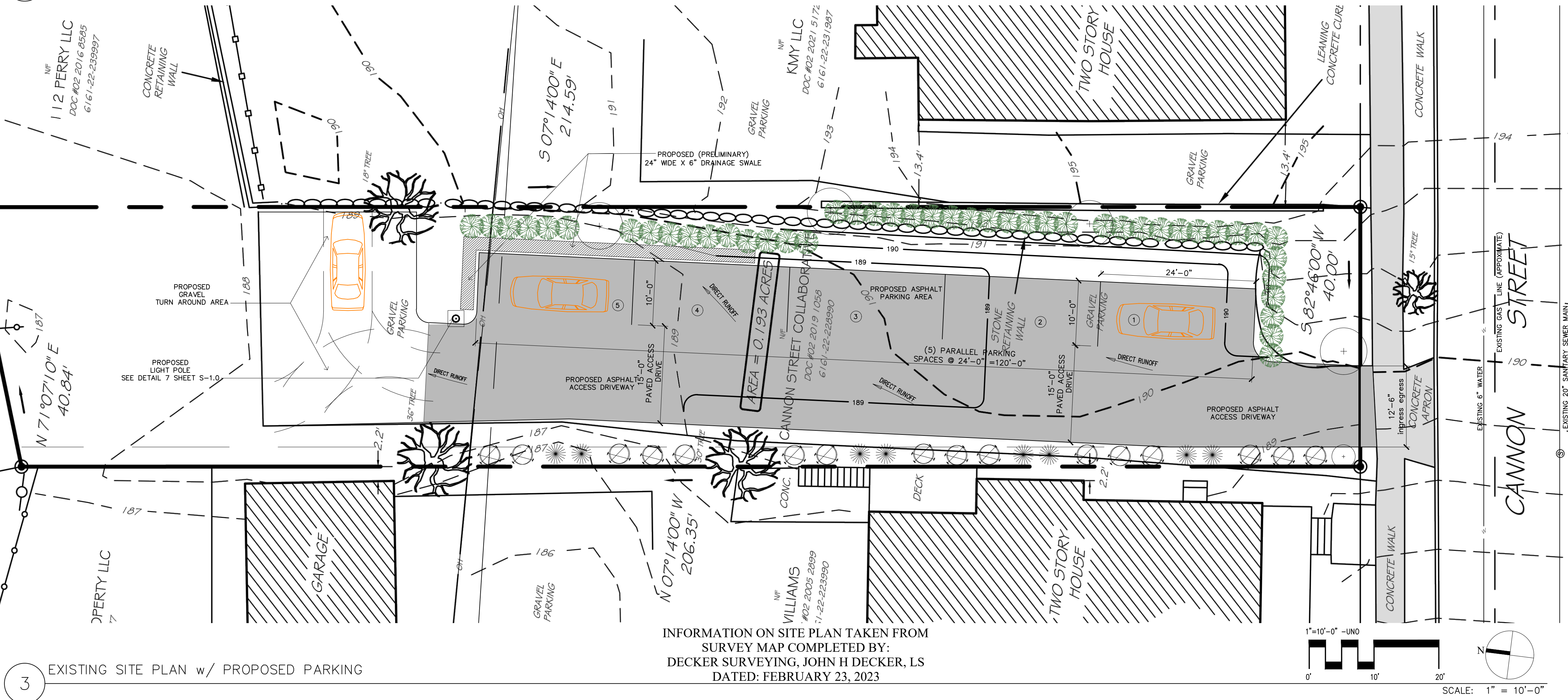
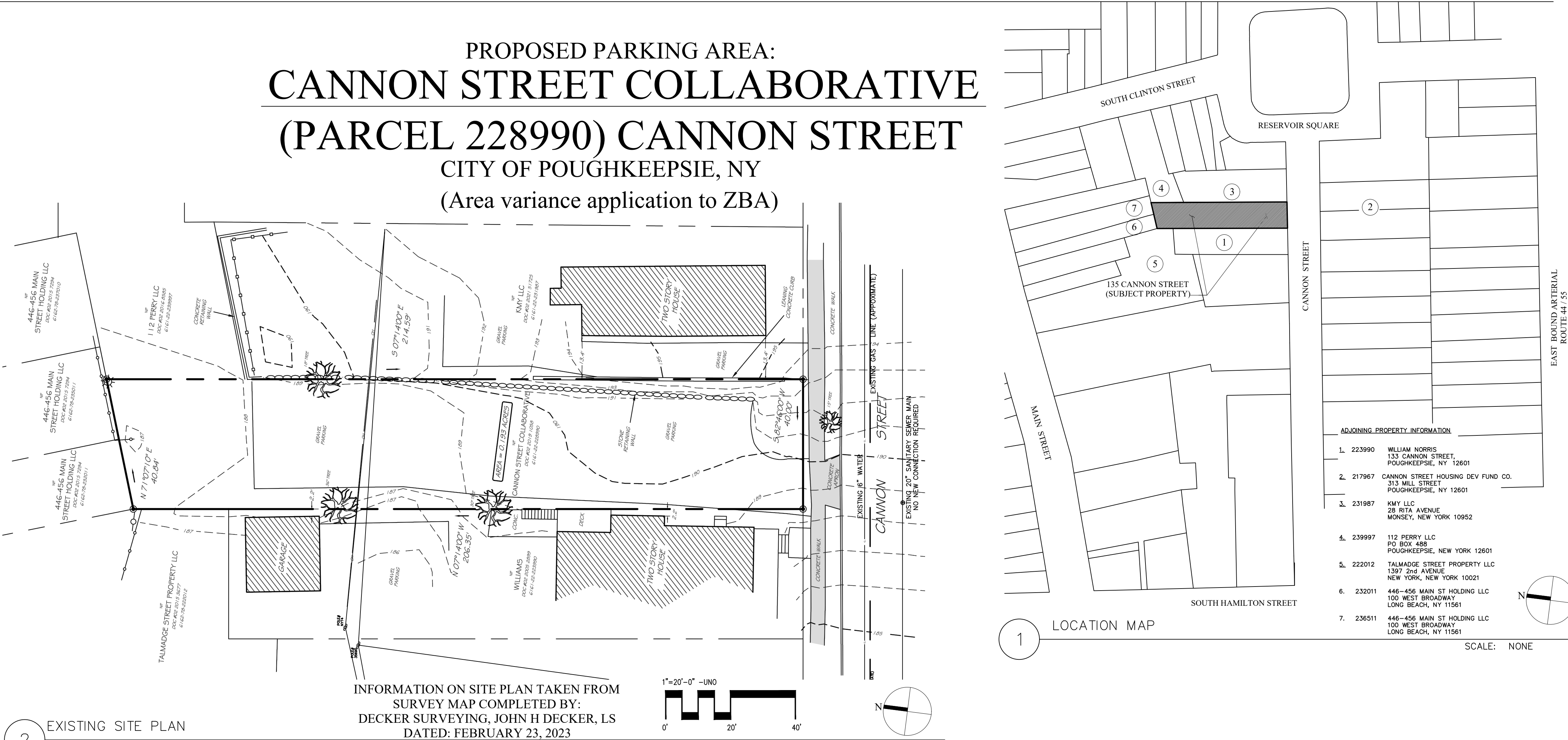


DESIGN AND DRAWINGS PREPARED BY:	
JOHN SULLIVAN - associate a.i.a. BARCLAY STREET POUGHKEEPSIE, NY	
WILLIAM MOREAU, P.E. 60 RYMPH ROAD LA GRANGEVILLE, NY	
PROPERTY OWNER:	
CANNON STREET COLLABORATIVE DANIEL ROHDE 131 CANNON STREET POUGHKEEPSIE, NY	
Date Issue	
3.28.2023 ISSUED TO CITY OF POUGH. PLANNING 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



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT APPROVAL RESOLUTION**

In the matter of the appeal of Cannon Street Collaborative and Daniel Rohde, regarding the property at Lot 228990 Cannon Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 24 day of July, 2023:

With regard to our File #ZBA2023-009

WHEREAS, the Zoning Board of Appeals has received an application from Cannon Street Collaborative for the proposed construction of a parking lot containing five (5) parallel parking spaces; and,

WHEREAS, the following variances are requested from Section 19-4.3(5)(a) which requires a minimum fifteen-foot (15') access lane for parking areas with fewer than 20 spaces to allow for an access lane of twelve feet six inches (12'6"); a variance of two feet six inches (2'6"); and,

WHEREAS, the action is more fully detailed on a survey prepared by the John Decker LS dated 2/23/23, site plan prepared by John Sullivan, AIA dated 5/15/23 and supplemental documentation; and,

WHEREAS, this application is considered to be a Type 2 Action under SEQRA requiring no further environmental review; and,

WHEREAS, a public hearing was held on June 13, 2023.

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting an area variance;

The board finds that allowing a 12' 6" access lane will not produce an undesirable change. No change will be made to the existing curb cut and access lane, which will allow the continued health of a large tree on the street line.

- (2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than an area variance;

There is an alternative in that the access lane could be widen. However, the Board finds that there is not a preferable method for the applicant to pursue, given the existing curb cut, and the presence of a large tree. A larger access lane would also expose a car parked in the nearest space to the street to an incoming vehicle.

- (3) whether the requested area variance is substantial;

The board finds that the requested area variance of 2 feet 6 inches is not substantial.

- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The board finds that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and will maintain the positive existence of an oak tree on the street line.

- (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

The difficult is self-created. This factor constitutes only one factor to be considered by the board of appeals and it does not, in and of itself, preclude the board from granting the variance requested;

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance for File #ZBA2023-009 as outlined above, with the following conditions:

•

Motion:
Second:
Carried:

Board Administrative Assistant

Date

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.

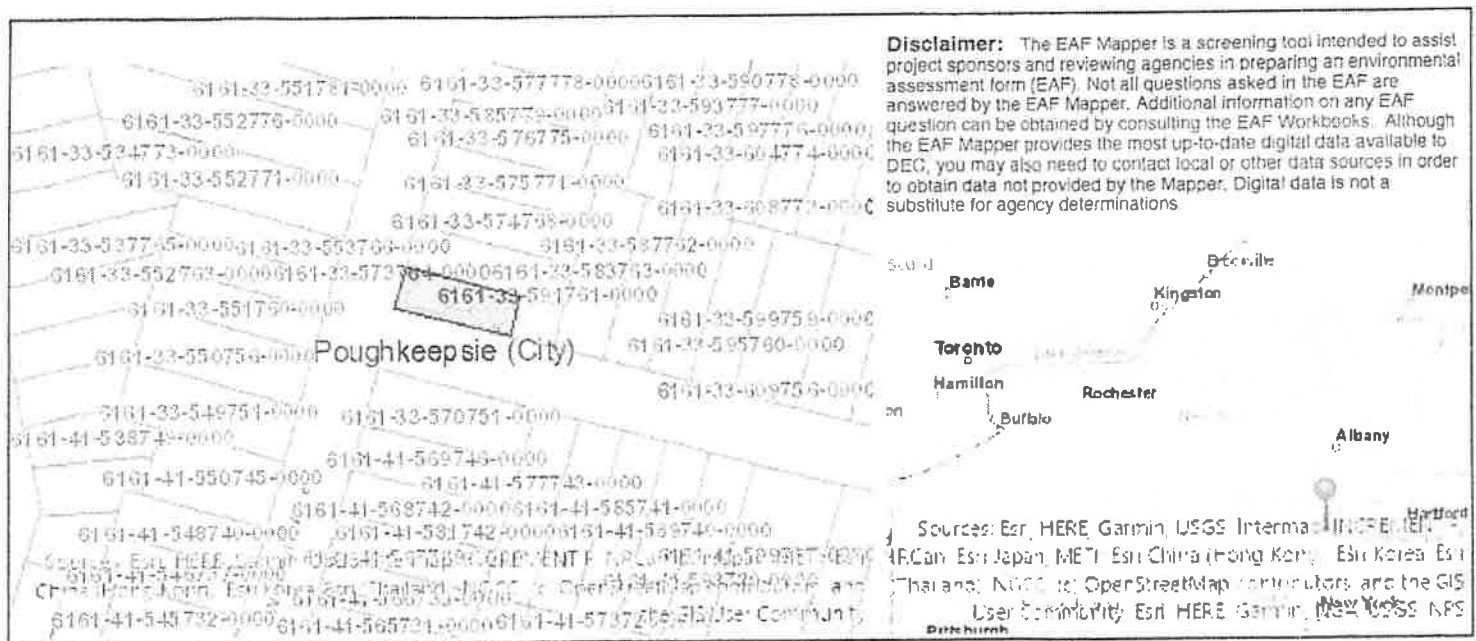
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: #BP-23-0652 Zoning Appeal			
Project Location (describe, and attach a location map): 51 Worrall Ave. Poughkeepsie, Ny 12601			
Brief Description of Proposed Action: Requesting approval of Variances by The Zoning Board			
Name of Applicant or Sponsor: E-Cyn Ortiz Properties LLC		Telephone: (845)494-8150/ (914)-565-9142 E-Mail: cynthiagirl73@aol.com/elcyn6873@gmail.co	
Address: 49 Huckleberry Lane			
City/PO: Hopewell Junction		State: NY	Zip Code: 12533
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? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
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? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Cynthia Ortiz</u> Date: <u>6/8/2023</u> Signature: <u>Cynthia Ortiz</u> Title: <u>E-Cyn Ortiz Properties-President</u>		

PRINT FORM



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



**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

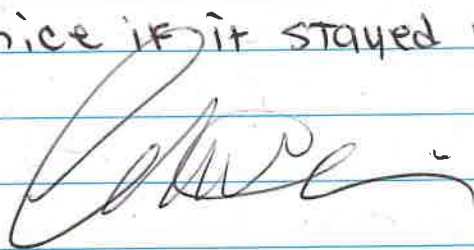
Date: 6/27/2023

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 Flavers 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: 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.

Worrall Ave.
STREET

SIDEWALK

NEIGHBORING
BUILDING

EXISTING
BUILDING

100'

20'

DRIVEWAY

NEIGHBORING
BUILDING

35'

GRASS

100'

GRASS

SIDEWALK

Grubb St.
STREET

PLOT PLAN
SCALE - 1" = 10'

RECEIVED
JUN 14 2023



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



**THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4623 Fax: (845) 451-4006**

DRAFT RESOLUTION OF APPROVAL:

In the matter of the appeal of Elias and Cynthia Ortiz, regarding the property at 51 Worrall Avenue Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 29th day of August, 2023, at 6:00pm:

WHEREAS, the Zoning Board has received an application from Elias and Cynthia Ortiz for the proposed conversion of a mixed use commercial and two family residential building to a three family dwelling. The variances requested are relative to 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 foot side yard, to allow 4 feet, a reduction of 2 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), City File #ZBA2023-012; and, is that the variance they are requesting – to convert to 3 units? What code section does that vary?

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the action is more fully detailed on a site plan and elevations prepared by Cynthia Ortiz dated 6/11/2023, and supplemental documentation; and,

WHEREAS, a public hearing on the application was held and closed on July 24, 2023; and,

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting an area variance;

The board finds that an undesirable change will not be produced. Removal of a commercial use would bring the property into conformity with the rest of the neighborhood.

(2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than an area variance;

The applicant has demonstrated that the variances cannot be achieved by another means as this is an existing lot surrounded by structures on the adjoining properties. I'm not understanding this last sentence? Do they need a lot size variance to permit the third unit?

(3) whether the requested area variance is substantial;

The variance requested is not substantial. The footprint of the building is not changing, and the property is being brought into conformity with the neighborhood.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The applicant demonstrated that the proposed variance will not have an adverse effect. The variance will bring the property into conformity with the neighborhood.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance;

The difficulty is self-created. This factor constitutes only one factor to be considered by the board of appeals and it does not, in and of itself, preclude the board from granting the variance requested.

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances for File #2023-012 as outlined above.

Motion:

Second:

Carried:

Board Administrative Assistant

Date

[illegible]



1 Rear Facade Photo
NTS



2 Front Facade Photo
NTS



3 Side Facade Photo
NTS



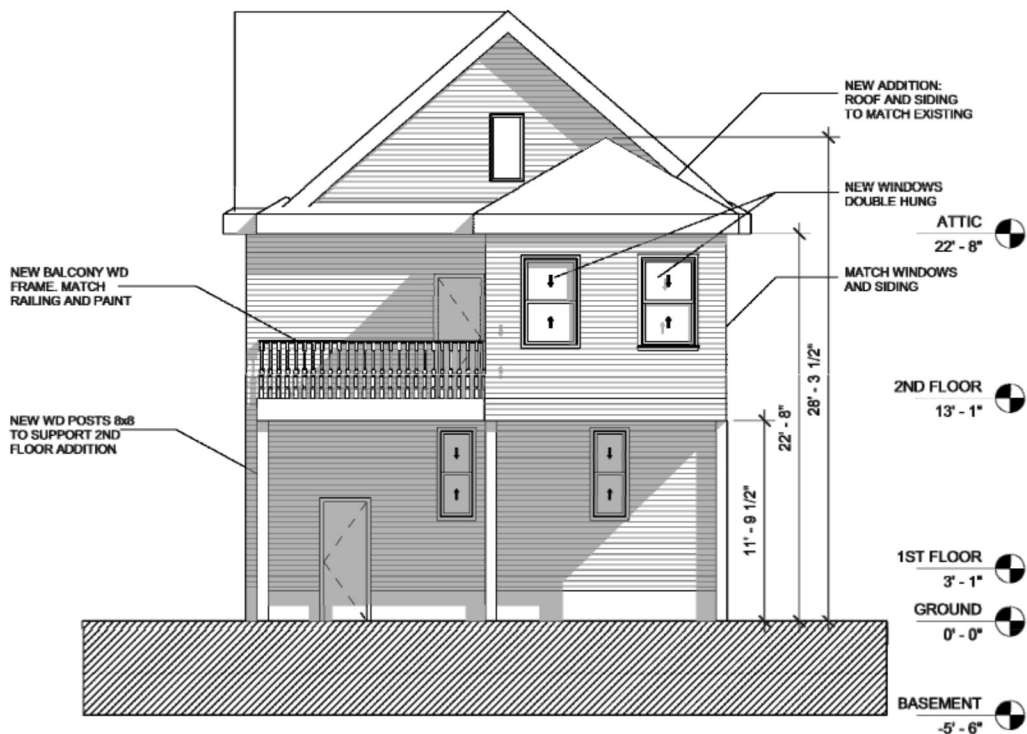
1 Side Elevation
scale 3/32" = 1'-0"



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 ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☒ Yes ☐ No Village Zoning Board of Appeals	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>i.</i> Total number of structures _____ <i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length <i>iii.</i> 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>i.</i> Purpose of the impoundment: _____ <i>ii.</i> If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ <i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____ <i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres <i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length <i>vi.</i> 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>i.</i> What is the purpose of the excavation or dredging? _____ <i>ii.</i> 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? _____ <i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
<i>iv.</i> Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ _____	
<i>v.</i> What is the total area to be dredged or excavated? _____ acres <i>vi.</i> What is the maximum area to be worked at any one time? _____ acres <i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet <i>viii.</i> Will the excavation require blasting? ☐ Yes ☐ No <i>ix.</i> 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>i.</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 covertypes on the project site. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Land use or Covertypes</th> <th style="width: 15%;">Current Acreage</th> <th style="width: 25%;">Acreage After Project Completion</th> <th style="width: 20%;">Change (Acres +/-)</th> </tr> </thead> <tbody> <tr> <td>• Roads, buildings, and other paved or impervious surfaces</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Forested</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Agricultural (includes active orchards, field, greenhouse etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Surface water features (lakes, ponds, streams, rivers, etc.)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Wetlands (freshwater or tidal)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Non-vegetated (bare rock, earth or fill)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>• Other Describe: _____</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Land use or Covertypes	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: _____			
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• Other Describe: _____																																							

c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____	☐ 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>i. Identify Facilities:</i> _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____	☐ 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>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____ <i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____ <i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____	☐ 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>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____	☐ 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>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i> ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ <i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ <i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): B00148, C314134, C314130, 314122	☐ Yes ☐ No ☐ Yes ☐ No
<i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____	☒ 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? 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: _____	☒ Yes ☐ No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐ Yes ☒ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	☐ Yes ☐ No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ 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.	☐ Yes ☐ No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	☐ Yes ☒ No ☐ Yes ☐ No

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name 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: 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

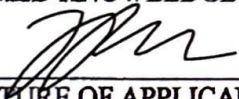
LIST OF REQUIRED ATTACHMENTS

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]

- | | |
|----|--|
| 1 | What time did you get up this morning?
I got up at 6:00. I had to get up early because I had to go to work on time. On my way to work, I saw a lot of people on the street. It was very busy. |
| 2 | What time did you go to bed last night?
I went to bed at 10:00. I was very tired because I had a long day at work. I had a good sleep. |
| 3 | What time did you have lunch today?
I had lunch at 12:00. I ate a sandwich and some fruit. It was very delicious. |
| 4 | What time did you finish your work today?
I finished my work at 5:00. I was happy to go home. I had a good day. |
| 5 | What time did you go to the gym today?
I went to the gym at 7:00. I did some exercises. I felt very strong. |
| 6 | What time did you go to the store today?
I went to the store at 3:00. I bought some groceries. I was very happy. |
| 7 | What time did you go to the park today?
I went to the park at 4:00. I played with my friends. It was very fun. |
| 8 | What time did you go to the movies today?
I went to the movies at 7:00. I saw a very good movie. I was very happy. |
| 9 | What time did you go to the restaurant today?
I went to the restaurant at 8:00. I ate a very good meal. I was very happy. |
| 10 | What time did you go to the bank today?
I went to the bank at 9:00. I did some business. I was very happy. |

1. INSPECT ROOF, A
REPLACE AS NECESSARY

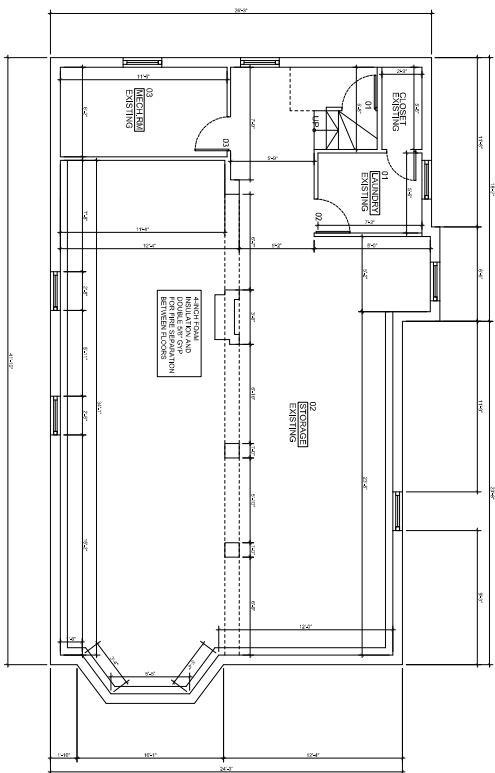
1. PROVIDE AN OVERVIEW OF THE QUESTIONS AT THE AGENTS, IL, I, PROTON, BATHROOM, AND WINDOWS.
2. ANALYZE THE SCENE AND IDENTIFY THE KEY EVIDENCE AND THE AGENTS' ACTIONS.
3. PROVIDE A DETAILED ANALYSIS OF THE EVIDENCE AND THE AGENTS' ACTIONS.
4. PROVIDE A SUMMARY OF THE FINDINGS AND THE AGENTS' ACTIONS.
5. PROVIDE A SUMMARY OF THE FINDINGS AND THE AGENTS' ACTIONS.
6. PROVIDE A SUMMARY OF THE FINDINGS AND THE AGENTS' ACTIONS.
7. PROVIDE A SUMMARY OF THE FINDINGS AND THE AGENTS' ACTIONS.

Carlo F.

Urban Office Architecture PLLC
34 Sprain Rd
Hartsdale NY 10530
Carlo Fruguiele, RA
T: 917-287-8554
W: www.carlofruguiele.com
E: urbanofficearchitecture.com

- [illegible]

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



MANSION STREET

Cellar Plan



SCOPE OF WORK

Company:
IFLOOD SERVICES INC
17B Roselle st.
Mineola, NY 11501
T: 516-404-0509

Page 227 of 251

Architect

Urban Office Architecture PLLC
34 Sprain Rd
Hartsdale NY 10530

Carlo Frugiuete, RA
T: 917-287-8594
W: www.carloenzooarchitecture.com
E: urbanofficecarlitecture.com

230 MANSION ST

DOB SUBMISSION 04/13/2023

230 MANSION ST.,
POUGHKEEPSIE, NY 12601

CELLAR FLOOR PLAN

A-100.00

WALL TYPE 14 - INSULATED INTERIOR WALL
--

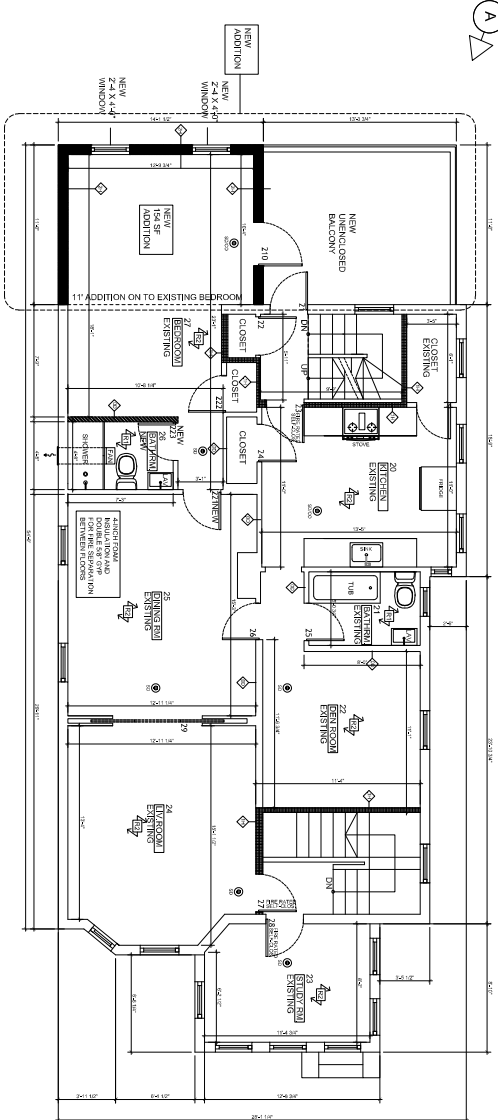
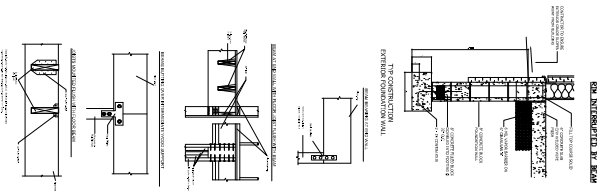
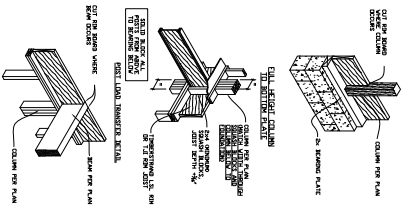
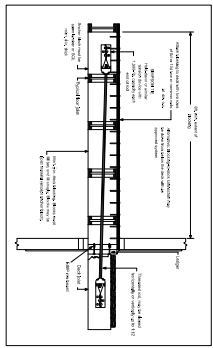
EXTG WINDOWS TO REMAIN
(F) = REPLACE WINDOWS IN KIND WHERE REMOVED OR DAMAGED BY FIRE W/ THE FOLLOWING SPECIFICATIONS:

(R) EXISTING WINDOW TO REMAIN

Carlo Fruguele, RA
T: 917-287-8594
W: www.carloenzooarchitecture.com
E: urbanofficearchitecture.com



TYPICAL STRUCTURAL DETAILS

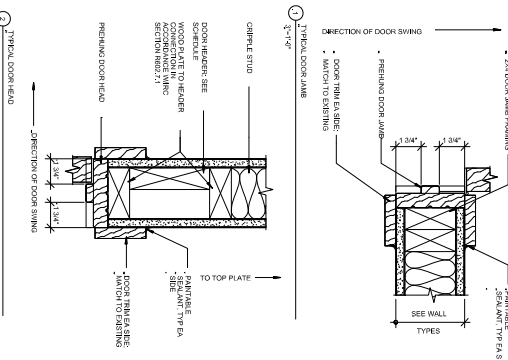


2nd Floor Plan
Scale 1/4"=1'-0"



MANSION STREET

NO.	DOOR LOCATION	TYPE	NOTES	FINISH
210	LOBBY	8	NO. 1000	WOOD
211	REAR PORCH	8	NO. 1000	WOOD
212	REAR PORCH	8	NO. 1000	WOOD
213	REAR PORCH	8	NO. 1000	WOOD
214	REAR PORCH	8	NO. 1000	WOOD
215	REAR PORCH	8	NO. 1000	WOOD
216	REAR PORCH	8	NO. 1000	WOOD
217	REAR PORCH	8	NO. 1000	WOOD
218	REAR PORCH	8	NO. 1000	WOOD
219	REAR PORCH	8	NO. 1000	WOOD
220	REAR PORCH	8	NO. 1000	WOOD
221	REAR PORCH	8	NO. 1000	WOOD
222	REAR PORCH	8	NO. 1000	WOOD
223	REAR PORCH	8	NO. 1000	WOOD
224	REAR PORCH	8	NO. 1000	WOOD
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299	REAR PORCH	8	NO. 1000	WOOD
300	REAR PORCH	8	NO. 1000	WOOD



WATERPROOFING NOTE
THE WATERPROOF MEMBRANES SHALL EXTEND UP 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:
J&J SERVICES INC.
1783
Middletown, NY 11501
T: 516-404-0509

Architect:
Urban Office Architecture PLLC
34 Spring Rd
Hempstead, NY 11550
Carlo Frigoli, RA
T: 917-287-8594
W: www.carlofrigoli.com
E: urbanofficearchitecture.com

230 MANSION ST.
POUGHKEEPSIE, NY 12601

FIRST FLOOR PLAN



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 MAMARONECK, AND ALL OTHER LOCAL AUTHORITIES HAVING JURISDICTION, INCLUDING FEDERAL O.S.H.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 INSTALLATION UNDER THIS CONTRACT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

SOIL AND WASTE LINES (WITHIN BUILDING)
ABOVE GRADE - EXTRA HEAVY CAST IRON PIPE OR DUCTY 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 DUCTY COPPER PIPE WITH SWEAT SOLDER JOINTS;
COLD AND HOT WATER PIPING
UNDERGROUND - TYPE K WITH FLARE FITTINGS;

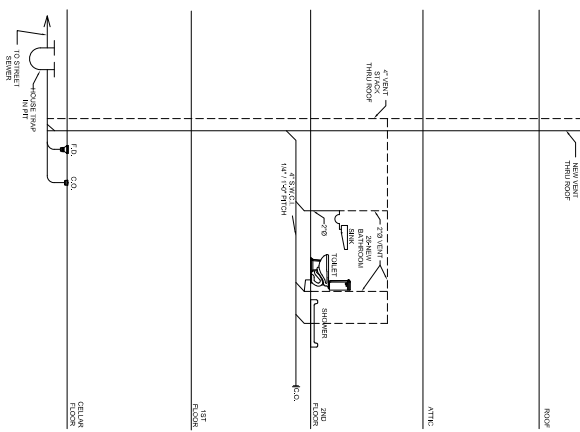
ABOVE GRADE
[WITHIN BUILDING]

SET CLEVIS HANGERS FOR THE SUPPORT OF COPPER
RIDING NOT ABOVE THIRTIETH IT ON CATER

SET 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 PIPE 2" TO 4" AND 1" ROD FOR PIPE 4" AND LARGER.

COVER ALL COLD WATER AND HOT WATER LINES WITH 1" THICK O-C FIBERGLASS LIGHT DENSITY ONE-PIECE PIPE INSULATION HAVING FIRE UNIVERSAL TYPE VAPOR BARRIER OUTER JACKET. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS. COVER ALL VALVES AND FITTINGS WITH ZESTON PRE-MOULDED INSULATING SHAPES.

A. T. S.



Scale 1/4"=1'-0"



A



(B) NTS



NTS

Urban Office Architecture PLLC

34 Sprain Rd
Hartsdale NY 10530

Carlo Frugiuete, RA
T: 917-287-8594
W: www.carloenzoarchitecture.com
E: urbanofficearchitecture.com

230 MANSION ST.

Δ	DOB SUBMISSION	04/13/2022
Δ	DOB SUBMISSION	04/13/2022

All measurements must be verified by the General Contractor in field.

230 MANSION ST.,
POUGHKEEPSIE, NY 12601

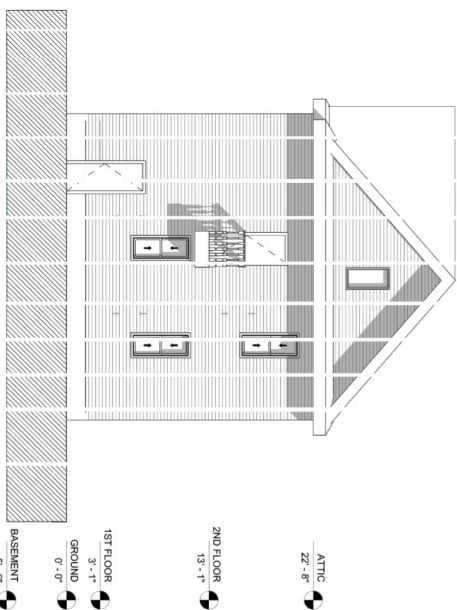
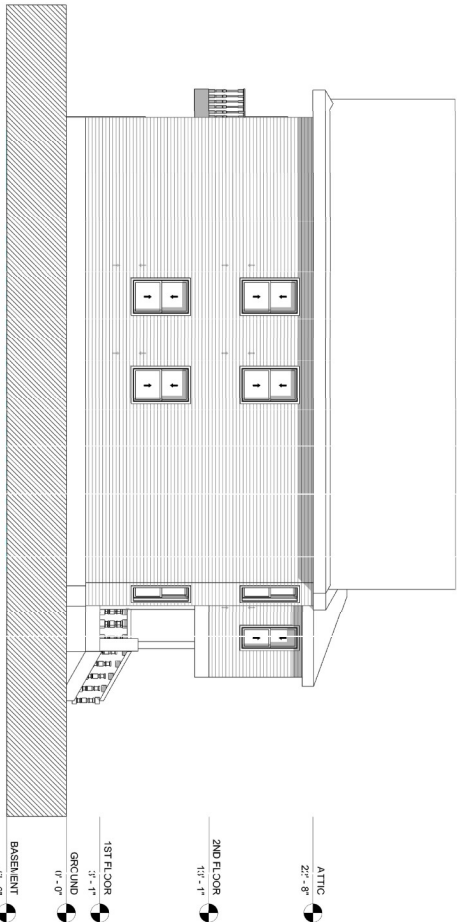
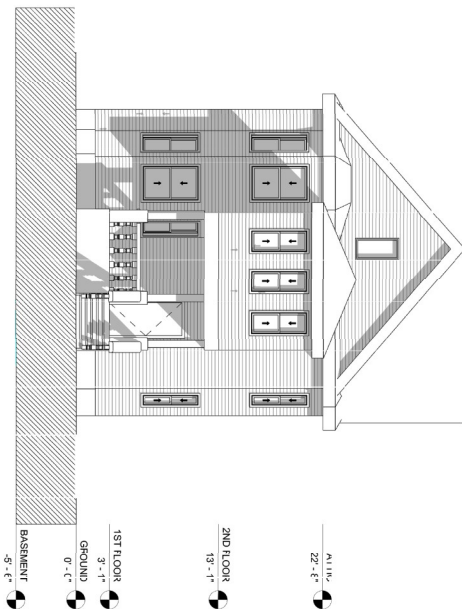
FIRST FLOOR PLAN



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



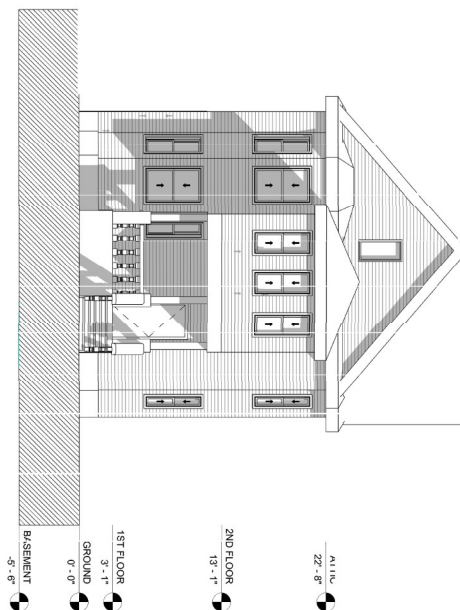
230 MANSION ST.

DOB SUBMISSION - 04/13/2023

230 MANSION ST.
POUGHKEEPSIE, NY 12601

ELEVATIONS EXISTING

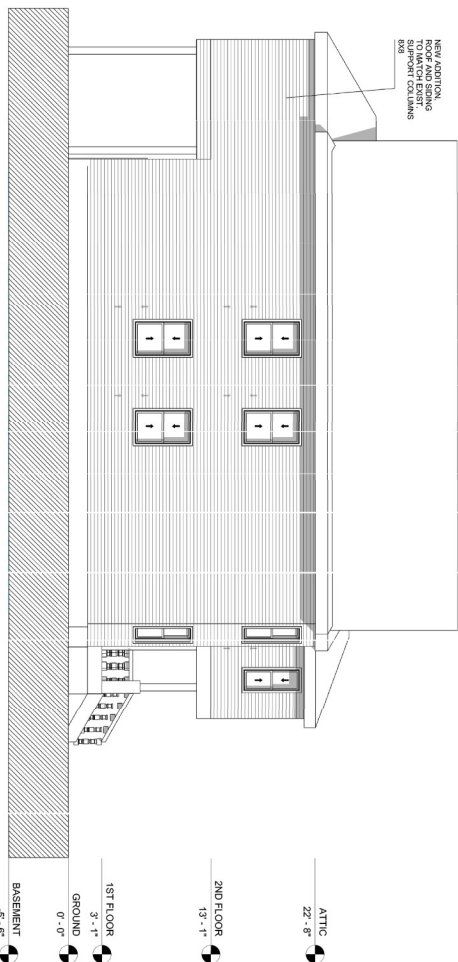
A-104.00



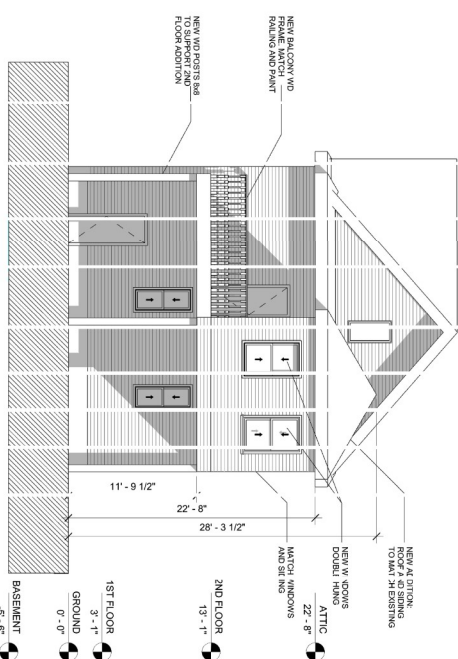
East
1
3/16" = 1'-0"



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



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

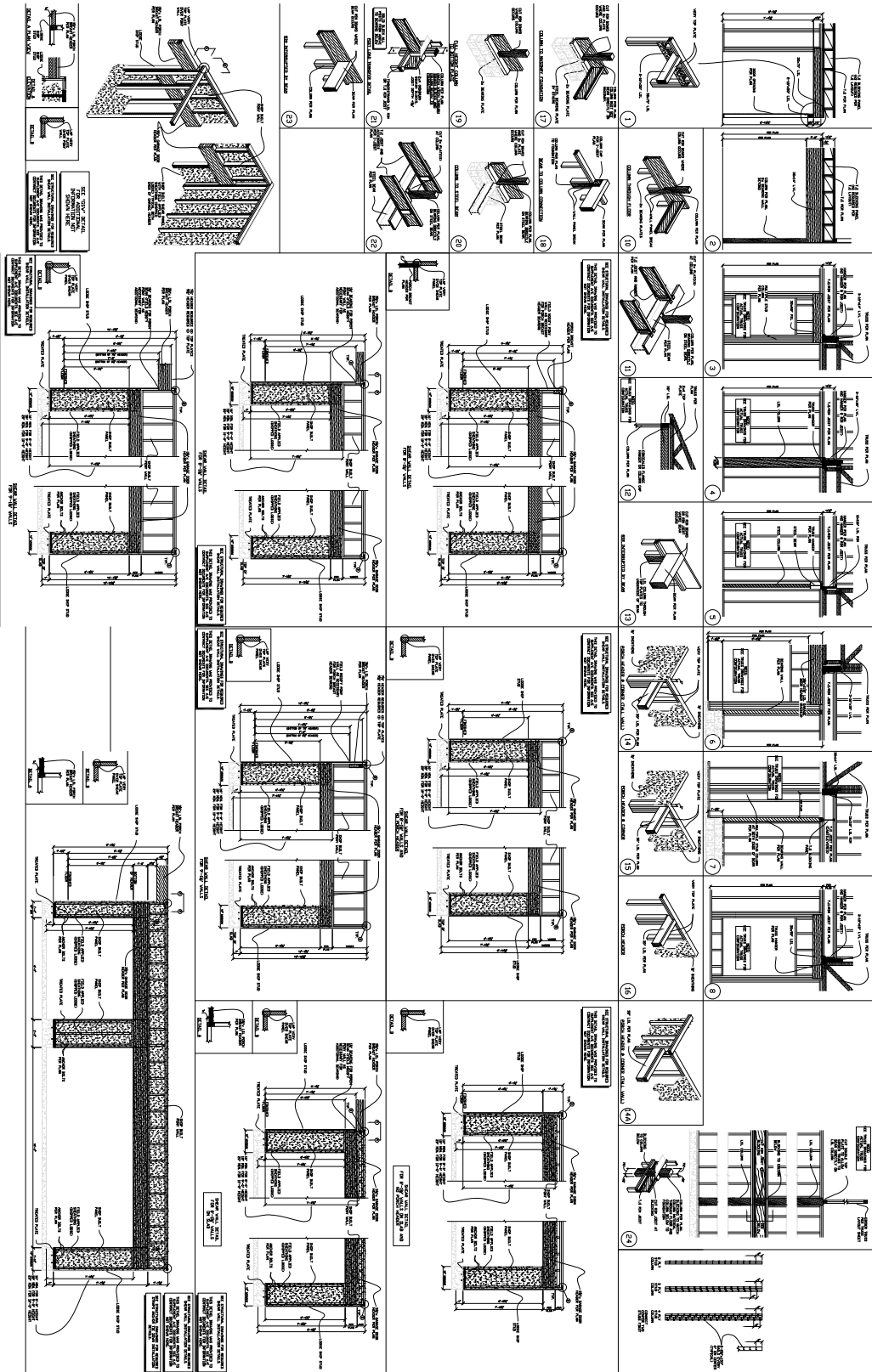


4 $\frac{V_{est}}{3/16''} = 1'-0$

Company:
 IFLOOD SERVICES INC.
 178 Broadway
 Monsey, 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 MAISON ST.

DOB SUBMISSION 04/13/2023

230 MAISON ST.
 POLKOWITZ, NY 12001

STRUCTURAL DETAILS



A-106.00



**THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4623 Fax: (845) 451-4006**

DRAFT RESOLUTION OF APPROVAL:

In the matter of the appeal of iFlooded Services Inc., regarding the property at 230 Mansion Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 29th day of August, 2023, at 6:00pm:

WHEREAS, the Zoning Board has received an application from iFlooded Services Inc. for a 155 square foot addition on the back of an existing residence. The area variance requests relief from 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. City File #ZBA2023-014; and,

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the action is more fully detailed on a site plan and elevations prepared by Urban Office Architecture PLLC, dated 6/1/2023, and supplemental documentation; and,

WHEREAS, a public hearing on the application was held and closed on July 24, 2023; and,

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting an area variance;

It was determined by the board that the addition would not cause an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The applicant is not extending their back footprint further than the back footprint of the neighboring property. The applicant is building along the existing side yard setback of the property.

(2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than an area variance;

The applicant has demonstrated that it can't be achieved by any other means than a variance. The existing side yard of the property is already shorter than the minimum side yard width proscribed by the zoning code and the addition will be consistent with that existing side yard setback.

(3) whether the requested area variance is substantial;

The variance requested is less than 50% of the required side yard width and is therefore not substantial. The variance is also not substantial as it is continuing the existing side yard setback that already exists.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The applicant demonstrated the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The applicant is not extending their back footprint further than the back footprint of the neighboring property.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance;

The difficult is self-created. This factor constitutes only one factor to be considered by the board of appeals and it does not, in and of itself, preclude the board from granting the variance requested;

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances for File #2023-014 as outlined above.

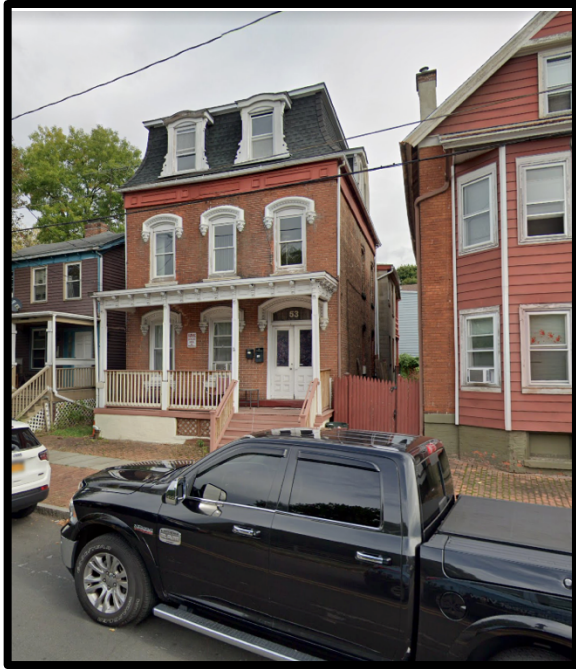
Motion:
Second:
Carried:

Board Administrative Assistant

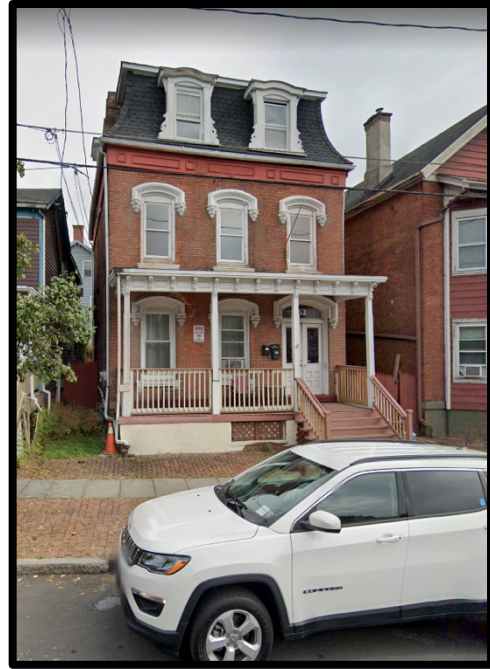
Date

53 SOUTH CLOVER STREET - PHOTOS

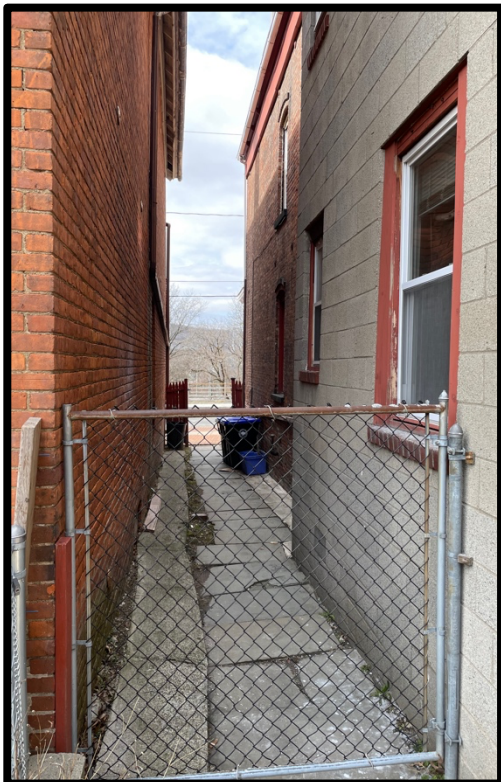
June 5, 2023



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.

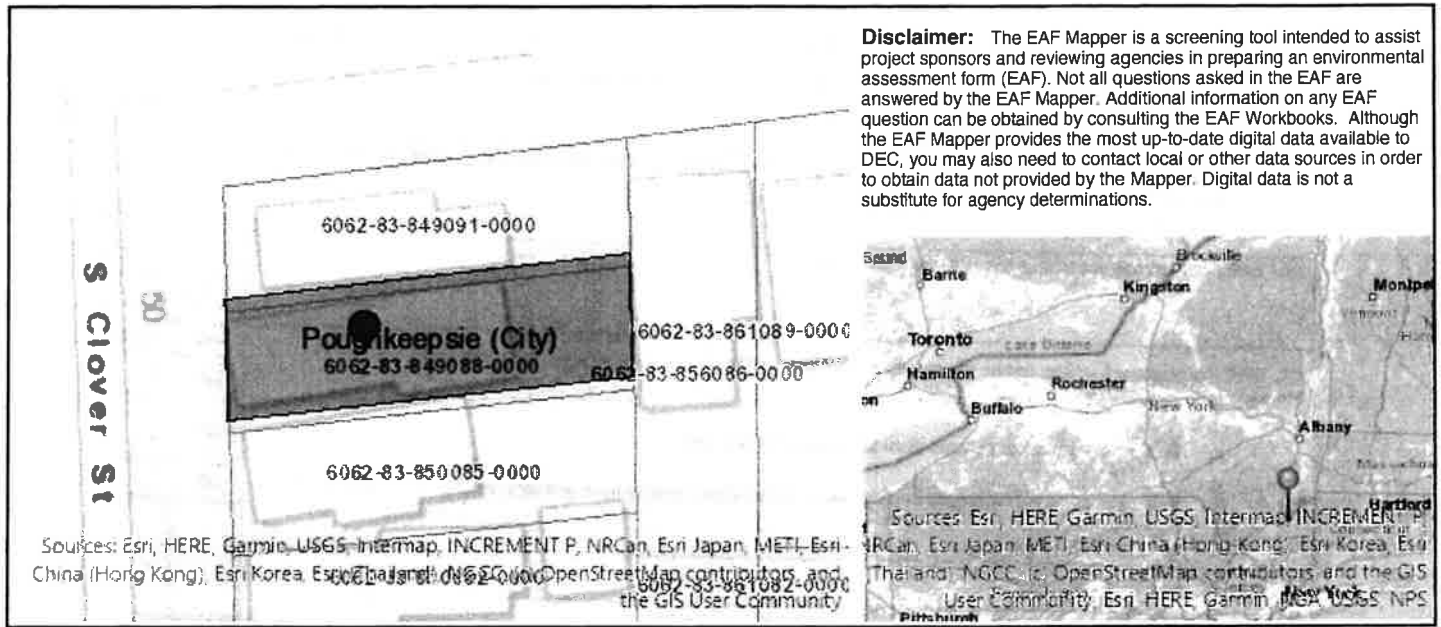
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

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



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

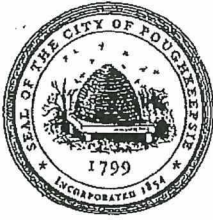
Tenant Name: Matt Koziol (WORRAL PROPERTIES LLC) Car Model & Type: NA
Billing Address: _____ Car Color: NA
Address Line 11 LAGRANGE AVE License Plate No.: NA
City, State, Zip: POUGHKEEPSIE NY 12603
Daytime Phone: 845-705-0562 Car Size: ☐ Small ☐ Medium ☐ Large
Evening Phone: _____
Monthly Rent = \$300.00/month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

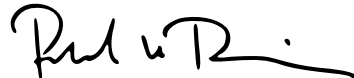
The variances requested will not adversely impact physical or environmental conditions in the neighborhood or district. As noted above many of the neighboring properties have very narrow lots with little green space. The historic nature of this neighborhood pre-dates the widespread use of motor vehicles, 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.

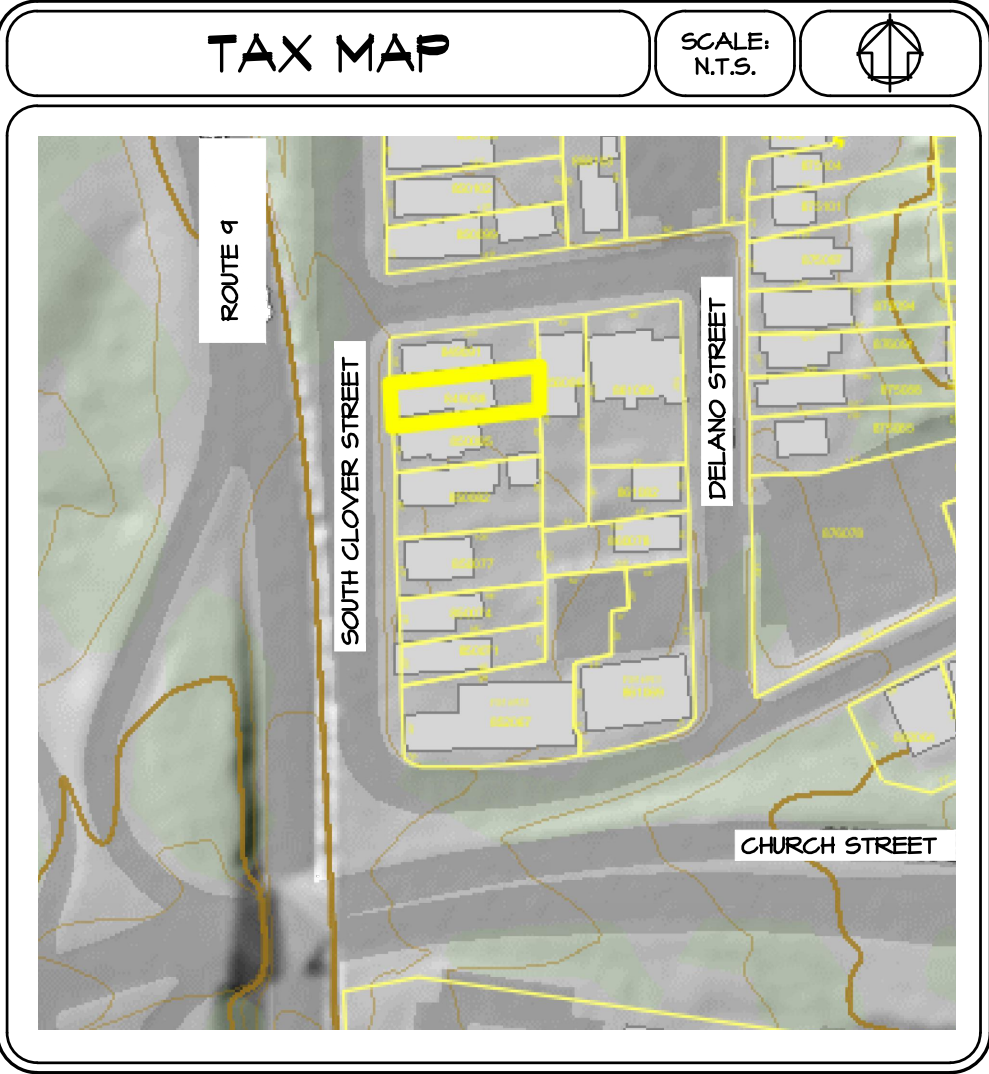
The difficulty is not self-created and not unique to this property. As noted above, most of the properties in the neighborhood have similar constraints with narrow property widths and lack of driveways /parking areas.

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

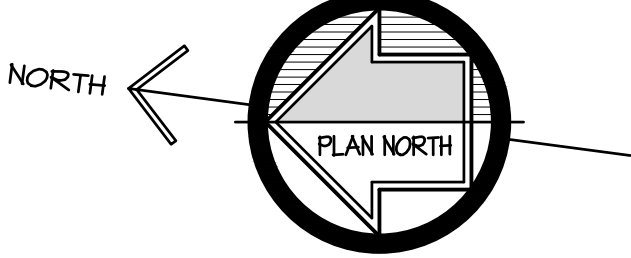
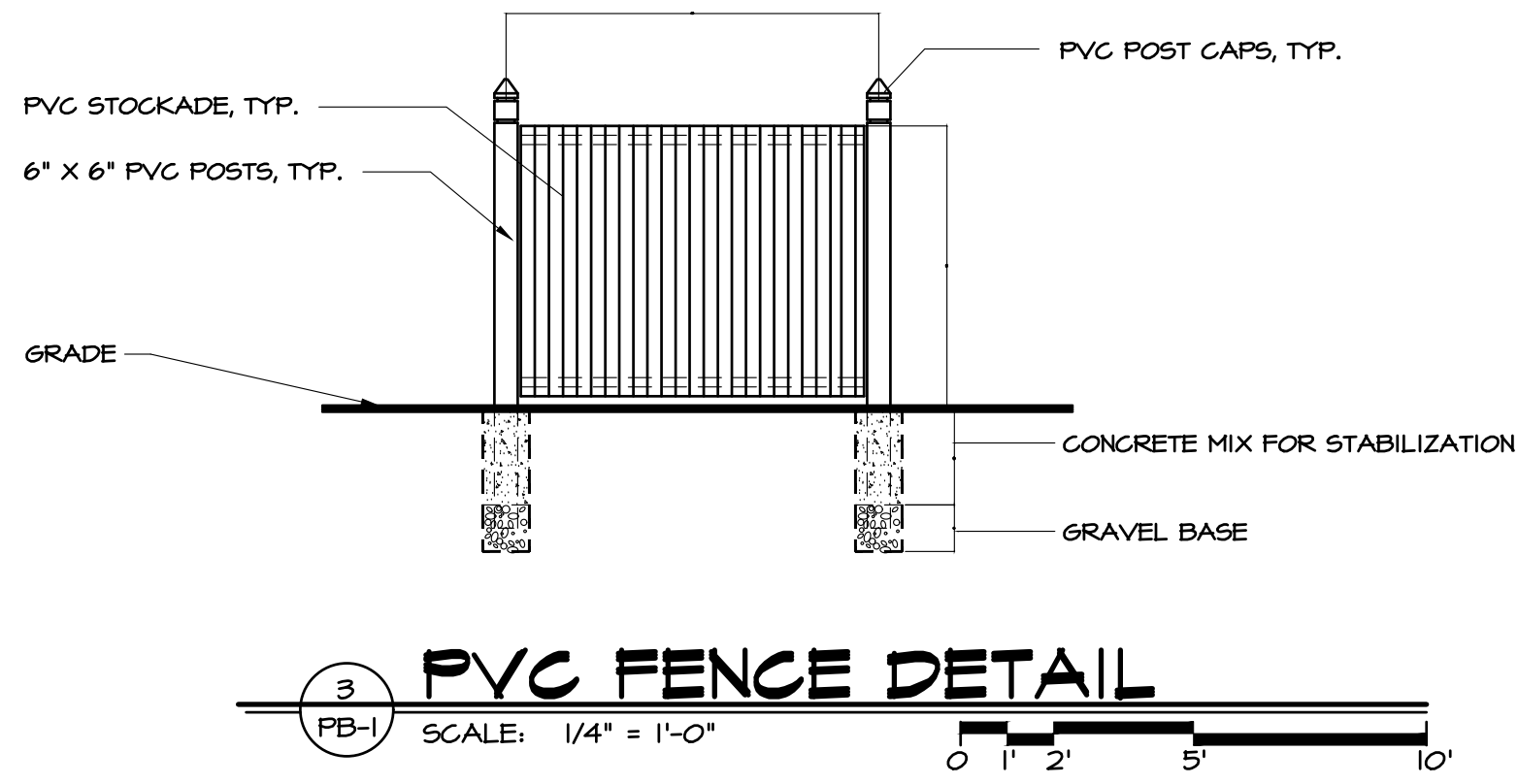
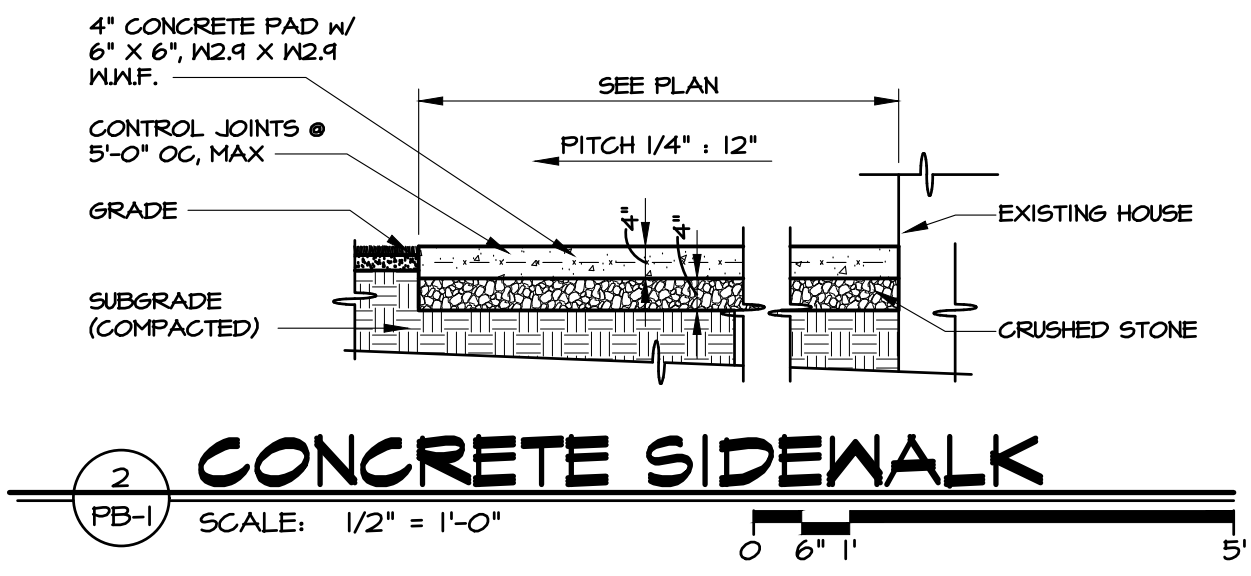
FIRST FLOOR (TWO BEDROOM APT)	-	1,110 S.F.
SECOND FLOOR (TWO BEDROOM APT)	-	1,110 S.F.
THIRD FLOOR (ONE BEDROOM APT)	-	183 S.F.
TOTAL	-	3,003 S.F.

ZONING DATA CHART

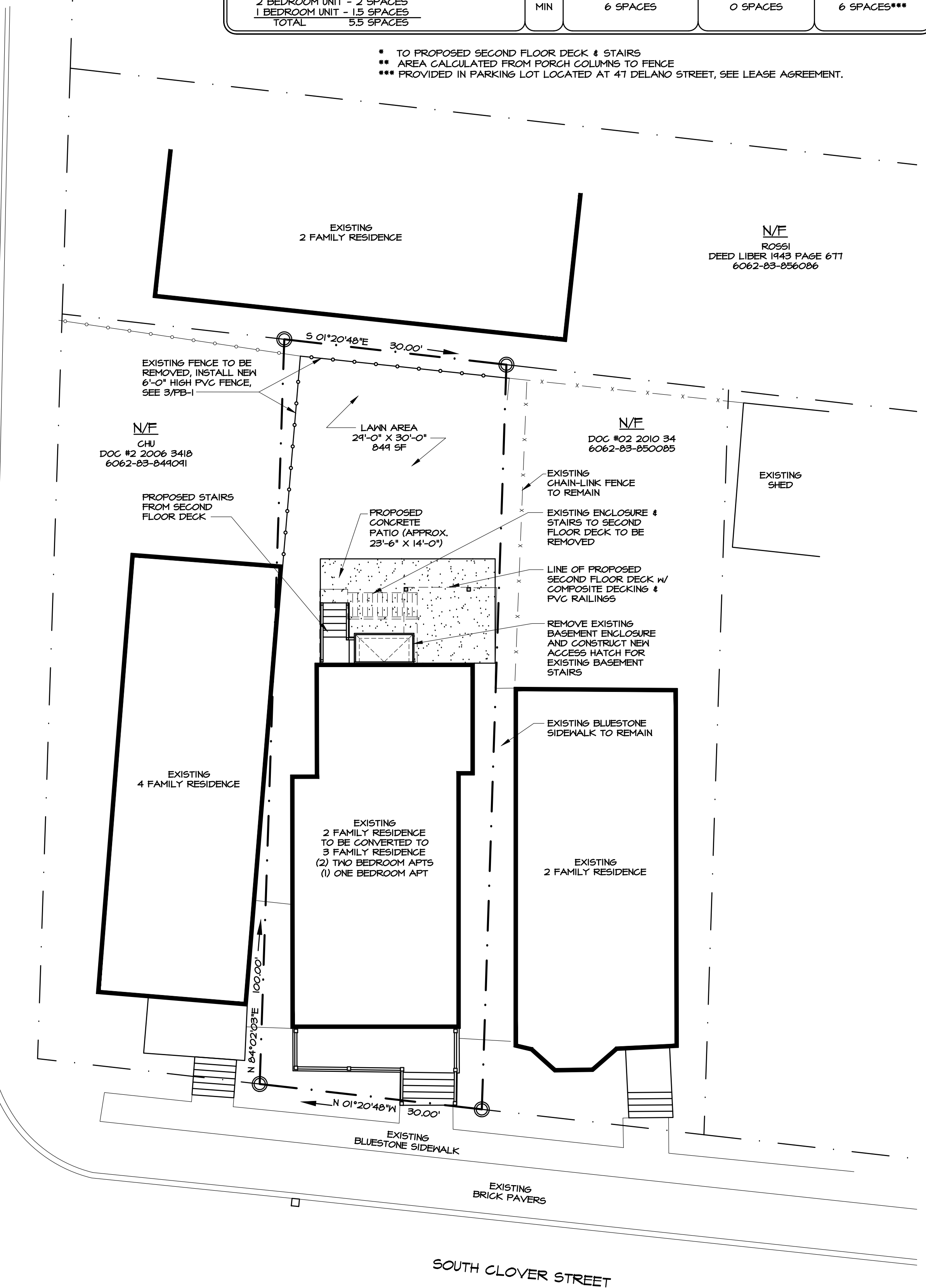
PARCEL # 19300-6062-83-849088-0000
CITY OF POUGHKEEPSIE

ZONE	R-4A	REQUIRED	EXISTING	PROPOSED
LOT AREA (1) ONE BEDROOM UNIT - 900 S.F. (2) TWO BEDROOM UNITS - 1,050 S.F. TOTAL		MIN 3,000 SF	0.069 ACRES (3,006± SF)	NO CHANGE
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 40'-0" MIN DIMENSION	849 SF** 30'-0" DIMENSION	849 SF** 30'-0" DIMENSION
OFF STREET PARKING - MULTI-FAMILY 2 BEDROOM UNIT - 2 SPACES 1 BEDROOM UNIT - 1.5 SPACES TOTAL	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	

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

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



**THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4623 Fax: (845) 451-4006**

DRAFT RESOLUTION OF APPROVAL:

In the matter of the appeal of Mauri Architects PC, Richard K. Thompkins, RA, AIA, regarding the property at 53 South Clover Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 29th day of August, 2023, at 6:00pm:

WHEREAS, the Zoning Board has received an application from Richard K. Thompkins for the proposed conversion of a two family dwelling to a three family dwelling. The area variance requests relief from 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), City File #ZBA2023-022; and,

WHEREAS, this application has been classified as a Type 2 Action for the purposes of SEQRA, requiring no further environmental review; and,

WHEREAS, the action is more fully detailed on a site plan and elevations prepared by Richard K. Thompkins, RA, AIA, dated 6/5/2023, and supplemental documentation; and,

WHEREAS, a public hearing on the application was held and closed on July 24, 2023; and,

NOW THEREFORE BE IT RESOLVED THAT THE ZONING BOARD OF APPEALS MAKES THE FOLLOWING FINDINGS:

In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following criteria in making this determination:

(1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting an area variance;

The applicant has demonstrated that an undesirable change will not be produced in the character of the neighborhood and the variance will not be a detriment to nearby properties. A lack of parking space on the property is characteristic of the properties surrounding 53 South Clover Street.

(2) whether the benefit sought by the applicant(s) can be achieved by some method, feasible for the applicant(s) to pursue, other than an area variance;

The applicant has demonstrated that it can't be achieved by any other means than a variance. There is not sufficient room on either side yard for a driveway.

(3) whether the requested area variance is substantial;

The board finds the requested area variance is not substantial as the applicant is providing six parking spaces off-site.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The applicant demonstrated that the proposed variance will not have an adverse effect on the neighborhood as parking for the property is being provided off site.

(5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance;

The difficulty is self-created. This factor constitutes only one factor to be considered by the board of appeals and it does not, in and of itself, preclude the board from granting the variance requested;

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances for File #2023-022 as outlined above with the following condition:

An indefinite Parking Lease Agreement shall be established with the lot at 47 Delano Street for the six (6) parking spaces required. The lease shall be provided to the Development Department of the City of Poughkeepsie before a building permit is issued. The Development Department will be notified in the event the lease is terminated for any reason. Should the lease agreement not be in effect at any time, the approval shall be void unless proof of secured alternative parking can be presented.

Motion:

Second:

Carried:

Board Administrative Assistant

Date