

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

Common Council Chambers
Monday, November 20, 2023
1:00 PM

I. CALL TO ORDER

II. REVIEW OF RESOLUTIONS

1. 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.

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. 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-

3. 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

4. 357 HOOKER AVENUE - AREA VARIANCE

Application for area variances relative to the proposed renovation of the standard restaurant at 357 Hooker Avenue, including: proposed outdoor seating areas, outdoor cooking area, pavilion, outdoor storage container and dumpster. The variances requested are of Section 19-4.3(1), requiring that whenever a parking area containing three or more spaces faces a street or property line, a planting area a minimum of three feet wide and three feet high planted three feet on center shall be provided between the parking area and the property line, to allow no landscaping; Section 19-4.3(1), requiring that all parking lots with more than 24 spaces shall be interrupted by landscaping approved by the Planning Board, to allow no landscaping; Section 19-4.11(1)(b), requiring landscape strips or opaque screening along the property lines of all nonresidential uses, to allow no such perimeter landscaping; Owner: Highway Displays Inc; Applicant: Terricena Brown; Consultant: Ciro Interrante, Architect, P.C.; Grid #6161-66-744353; File #ZBA2023-031

5. 50 DELAFIELD AVENUE – AREA VARIANCE

Request for area variances relative to the proposed installation of condensers in the Hoffman Street front yard the building at 50 Delafield Street, requiring a variance of Section 19-19-4.13(1) of the Zoning Ordinance which prohibits location of accessory uses in front yards. Further, the use has expanded since the original approval resulting in addition of staff impacting the parking requirement, requiring a variance of Section 19-4.3(11)(a) which requires 101 off street parking spaces to allow 51 parking spaces on site. Owner: Astor Services; Applicant/Consultant: Jay Diesing, RA, AIA; Zoning District: R-4; Grid #6062-59-857380; File #ZBA2023-045



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 419 Maple Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: 419 Maple LLC

Address: 4217 16th Avenue
Brooklyn, NY 11204

Phone: 917-246-7337

Email: _____

APPLICANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.com

CONSULTANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

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

Name and title of agent: Joseph O'Brien Code Enforcement

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

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

PROPERTY ADDRESS: 419 Maple Street

AREA VARIANCE REQUESTS

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

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

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: _____

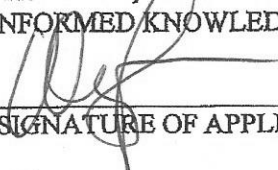
LIST OF REQUIRED ATTACHMENTS

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

SIGNATURE AND VERIFICATION

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

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

 ESQ
SIGNATURE OF APPLICANT

6-19-2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

419 MAPLE STREET

(to be further explained in front of the ZBA)

1. Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not please explain why.

No. The addition is very small compared to the overall scale of the building. Parking already exists in the rear yard although not approved yet. There is adequate parking available on the street.

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

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

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

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

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

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

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

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

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

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 419 Maple Street

Project Description

Dear ZBA members:

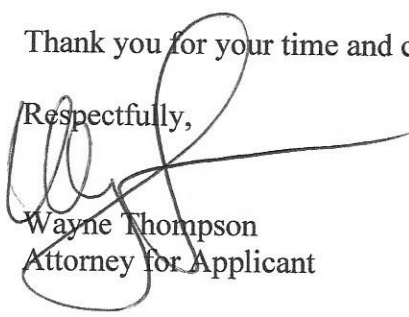
The applicant proposes to convert a dilapidated 2 family residence into a 4 family home with residences on the first and second floors. Parking will be provided off site at 29-31-North White Street as depicted in the supplemental documents.

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

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

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant



**THE CITY OF POUGHKEEPSIE
NEW YORK**

DEVELOPMENT DEPARTMENT

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

Phone: (845) 451-4263 Fax: (845) 451-4006

MEMORANDUM

To: Wayne Thompson, Esq.

From: Tyler Maegerle, Junior Planner

Date: 6/29/2023

Re: 419 Maple Street

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

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Apartment Conversion			
Project Location (describe, and attach a location map): 419 Maple Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Convert Existing 2 Family to 4 family apartment building.			
Name of Applicant or Sponsor: Wayne Thompson, Esq.		Telephone: 845-464-6693 E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board, ZBA		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.129 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.129 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Wayne Thompson, Esq</u> Date: <u>06/19/2023</u> Signature: _____ Title: <u>Attorney for Owner</u>		



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



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





BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

May 1st, 2023

Yehuda Herzog

Re: 419 Maple Street
ID: 494100
Zoning Review Request PD-2023-019

Dear Mr. Herzog,

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

1. Section 19-3.15(4)(c)2 requires a lot area of 11,200sf; the lot is only 5,608sf.
2. Section 19-3.15(4)(e)2 requires minimum side yards of 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; no elevation was provided but the left side yard is 2.7' and the right-side yard is 4.9'.
3. Section 19-4.3(11)(a) requires 8 parking spaces for the proposed use; the plan indicates parking will be located at the Winnikee Avenue/Bement Street Lot which is located within 600' of 419 Maple St. A waiver from the Planning Board will be required as part of the Site Plan approval per Section 19-4.3(9).
4. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses, said landscape strips shall be at least three feet wide and include evergreen planting and other landscaping of such type, height, spacing and arrangement as, in the judgment of the Planning Board, will effectively screen the activity on the lot from neighboring uses. New trees shall have a caliper of not less than eight inches three feet from the base and shall be at least six feet high when planted; no such landscaping is proposed.

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

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



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

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

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com

EXISTING COMPARABLE ZONING	
RE; 419 MAPLE STREET	
ADDRESS	EXISTING ZONING
425 MAPLE STREET	1 FAMILY
421 MAPLE STREET	3 FAMILY
419 MAPLE STREET	2 FAMILY
417 MAPLE STREET	2 FAMILY
415 MAPLE STREET	2 FAMILY
413 MAPLE STREET	2 FAMILY
411 MAPLE STREET	2 FAMILL
418 MAPLE STREET	2 FAMILY
416 MAPLE STREET	1 FAMILY
414 MAPLE STREET	2 FAMILY
412 MAPLE STREET	2 FAMILY
410 MAPLE STREET	2 FAMILY
17 & 18 ROSE STREET	APARTMENTS
8 NORTH CHERRY STREET	DETACHED ROW BLDG.
(9) 2 FAMILY - (2) 1 FAMILY (1) 3 FAMILY (1) APARTMENTS	
(1) DETACHED ROW BUILDING	

419 Maple LLC
4217 16th Ave. #B1, Brooklyn, NY 11219
PHONE: (718) 208-8528

August 27, 2023

Dear Chairman and Members of the Zoning Board of Appeals.

I submit this financial justification regarding the request zoning change for the above referenced project.

Cost Information

Purchase price	\$174,000
Closing cost	\$28,527
Construction cost of 2 units (Including design, permits, and architectural plans)	\$241,721
Interest	\$35,000
Refinance cost	\$40,000
Total cost	\$519,248
Mortgage	\$280,000
Total invested	\$239,248

Construction cost of 4 units (Including design, permits, and architectural plans)	\$422,721
Total Cost	\$700,248
Mortgage	\$400,000
Total invested	\$300,248

Income & expenses

<u>2 Units</u>			<u>4 Units</u>		
Unit	Beds	Rent	Unit	Beds	Rent
1	2	\$1,800	1	1	\$1,600
2	2	\$1,800	2	1	\$1,600
			3	1	\$1,600
			4	1	\$1,600
Annual Rent		\$43,200	Annual Rent		\$76,800
EXPENSES		Annual	EXPENSES		Annual
Maintenance		\$4,752	Maintenance		\$7,680
Utilities (Electric & Sanitation)		\$7,00	Utilities (Electric & Sanitation)		\$1,000
Management		\$2,400	Management		\$4,800
Property Tax		\$3,500	Property Tax		\$3,500
Insurance		\$2,500	Insurance		\$2,500
Mortgage		\$24,848	Mortgage		\$35,497
Total Exp.		\$38,700	Total Exp.		\$54,977
Return on Investment		\$4,500	Return on Investment		\$21,823
		1.9%			7.3%

If you have any questions regarding this project, please do not hesitate to call us at (718) 208-8528.

The members of 419 Maple LLC



SCALE 1" = 16'-0"

PROPERTY DESCRIPTION

29-31 NORTH WHITE STREET
CITY OF Poughkeepsie, NY 12601

OWNER - N. WHITE STREET AND
THOMPSON STREET LLC
4217-16TH. AVE
BROOKLYN, NY 11204
TEL # 917-246-7337

TAX ID #
131300-6162-79-406019-0000
10,177.3 SF- 0.2336 ACRES
EXISTING 2 FAMILY RESIDENCE
ZONING DISTRICT, R-4
LOT SIZE 10,177.3 SF
BUILDING FOOTPRINT 1,070 SF
OPEN SPACE 9,107 SF
PARKING AREA 6,278 SF
REMAINING OPEN SPACE
MINUS PARKING 2,829 SF

REQUEST: TO ENLARGE THE EXISTING
PARKING AREA TO ACCOMMODATE
THE 4 SPACES REQUIRED FOR THIS
2 FAMILY RESIDENCE WITH (2)
APARTMENTS SO AS
TO PROVIDE 6 OFF SITE PARKING
SPACES FOR 419 MAPLE STREET.
LOCATED WITHIN 600' OF THIS LOT.



LOCATION MAP
NOT TO SCALE

NOTE:
DO NOT SCALE DRAWINGS - WRITTEN DIMENSIONS TAKE PRECEDENCE.
IN CASE OF DISCREPANCIES OR CONFLICTS, NOTIFY DESIGN PROFESSIONAL.

IT IS UNLAWFUL TO MODIFY A DOCUMENT BEARING THE SEAL AND SIGNATURE
OF A REGISTERED ARCHITECT OR PROFESSIONAL ENGINEER

GRAND DESIGN

18 GRAND STREET
POUGHKEEPSIE, NY
12601
845-392-1874

SURVEY / SITE PLAN

DRAWINGS FOR:

29-31 NORTH WHITE STREET

POUGHKEEPSIE, NEW YORK 12601

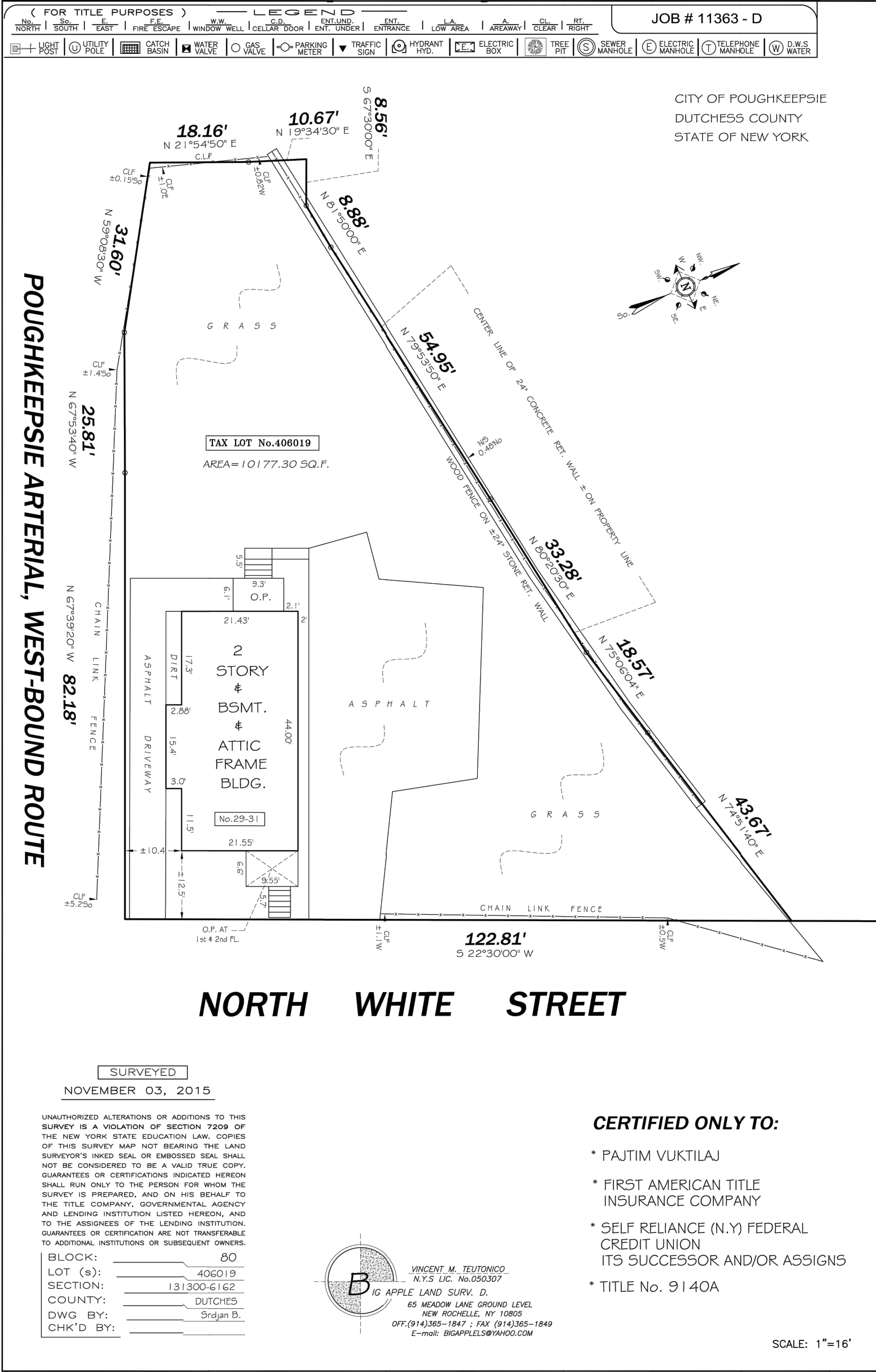
SCALE AS SHOWN

DATE	07/05 2023
PROJECT NO	22-123

DRAWN BY
CVJ

SHEET NO.

S-1



POUGHKEEPSIE ARTERIAL, WEST BOUND ROUTE



SITE PLAN 29-31 NORTH WHITE STREET

SCALE 1" = 16'-0"

SITE PLAN MEETS & BOUNDS AND PHYSICAL INFORMATION AS PER
SURVEY BY VINCENT TEUTONICO NYS LIC NO. 050307
SURVEY DATED: NOVEMBER 3, 2015 - SEE ATTACHED ADJACENT SURVEY

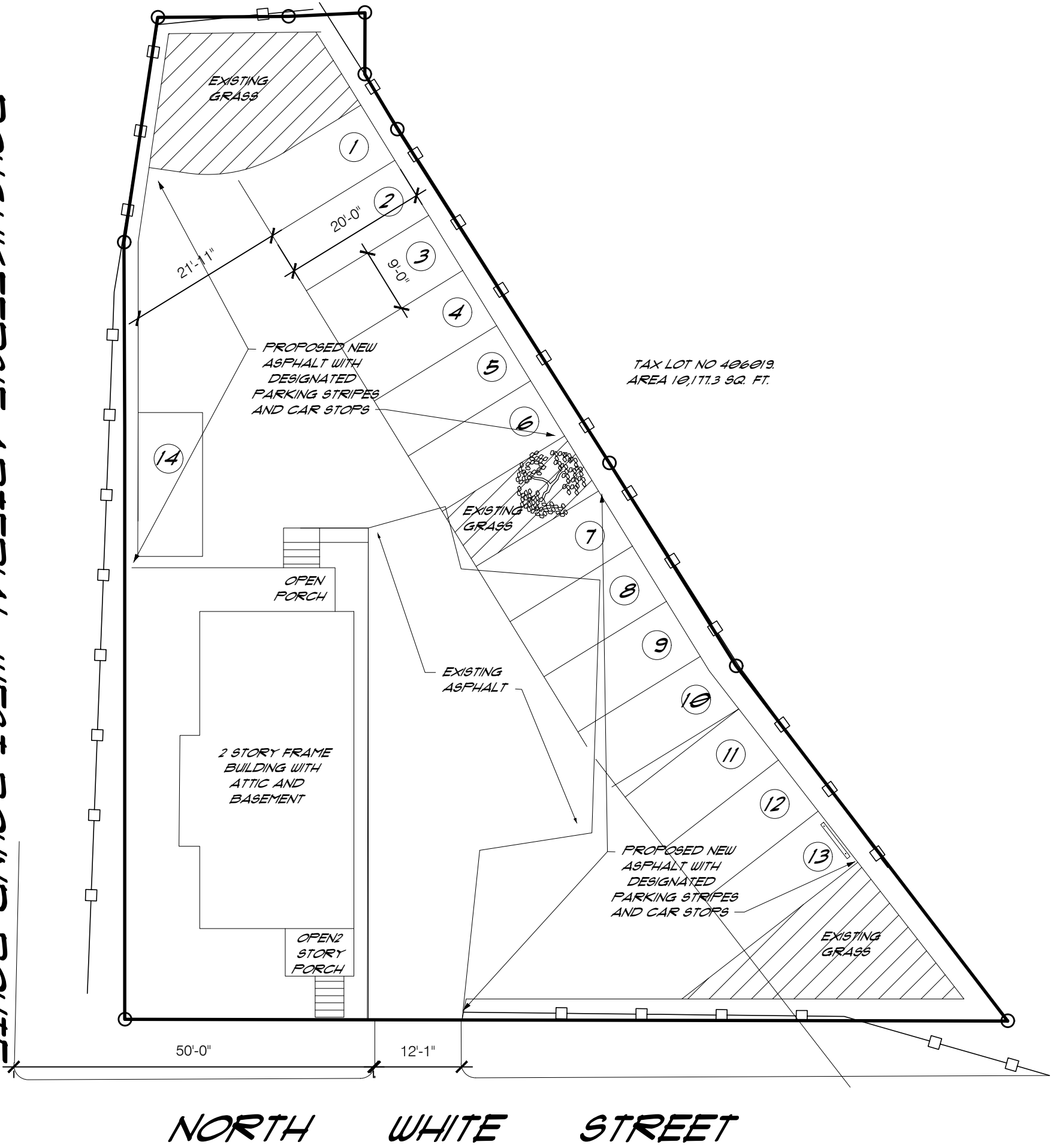
PROPERTY DESCRIPTION

29-31 NORTH WHITE STREET
CITY OF POUGHKEEPSIE, NY 12601

OWNER - N. WHITE STREET AND
THOMPSON STREET LLC
4217-16TH AVE
BROOKLYN, NY 11204
TEL # 917-246-7337

TAX ID #
131300-6162-19-406019-0000
10177.3 SF- 0.2336 ACRES
EXISTING 2 FAMILY RESIDENCE
ZONING DISTRICT, R-4
LOT SIZE 10,177.3 SF
BUILDING FOOTPRINT 1,070 SF
OPEN SPACE 9,107 SF
PARKING AREA 6,278 SF
REMAINING OPEN SPACE
MINUS PARKING 2,829 SF

REQUEST: TO ENLARGE THE EXISTING
PARKING AREA TO ACCOMMODATE
THE 4 SPACES REQUIRED FOR THIS
2 FAMILY RESIDENCE WITH (2) 3
BEDROOM APARTMENTS SO AS
TO PROVIDE 6 OFF SITE PARKING
SPACES FOR 419 MAPLE STREET.
LOCATED WITHIN 600' OF THIS LOT.



LOCATION MAP
NOT TO SCALE

SURVEY / SITE PLAN

DRAWINGS FOR:

29-31 NORTH WHITE STREET

POUGHKEEPSIE, NEW YORK 12601

GRAND
DESIGN

18 GRAND STREET
POUGHKEEPSIE, NY
12601
845-392-1874

SCALE AS SHOWN

DATE
04 21 2023
PROJECT NO.
22-123
DRAWN BY
CVJ
SHEET NO.

S-1



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

Attending Members:

In the matter of the appeal of 419 Maple LLC, regarding the property at 419 Maple Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 20th day of November, 2023:

With regard to our File #ZBA2023-018

WHEREAS, the Zoning Board of Appeals has received an application from 419 Maple LLC for the proposed conversion of a two-family dwelling to a four-family dwelling and,

WHEREAS, the following variances are requested 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 19-4.11(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.; and,

WHEREAS, the action is more fully detailed on a survey prepared by Carney Rhinevault, dated 3/23/23 and supplemental documentation; and,

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

WHEREAS, a public hearing was held on July 24, 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;

An undesirable change will not be produced in the character of the neighborhood by granting an area variance. There is an existing apartment building at 17 Rose Street. There is street parking available in the neighborhood of 419 Maple 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 benefit sought by the applicant cannot be achieved by any other reasonable method. Two extra units are necessary for the applicant to receive a reasonable financial return on repairing the property.

(3) whether the requested area variance is substantial;

The following requested variances 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 19-4.11(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; are not substantial. 8 missing parking spaces is substantial but can be waived by the City of Poughkeepsie Planning Board.

(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 proposed variance will not have any adverse effect or impact on the physical or environmental conditions in 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 alleged 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 #ZBA2023-018 as outlined above, with the following conditions:

- The City of Poughkeepsie Planning Board approves a parking waiver for 419 Maple Street.

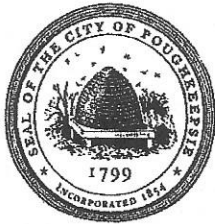
Motion:

Second:

Carried:

Board Administrative Assistant

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: 54-58 Smith Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Y&S Group, NY LLC

Address: 4217 16th Avenue
Brooklyn, NY 11204

Phone: 917-246-7337

Email: _____

APPLICANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

CONSULTANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.com

SUBJECT OF APPEAL

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

Name and title of agent: Joseph O'Brien

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

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

PROPERTY ADDRESS: 54-58 Smith Street

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.15(4)(c)	23,800sf (12,014)	11,086sf
19-4.13(2)	Front Yard Parking	4 spaces in "front"
		(this is a corner lot)

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 54-58 Smith Street

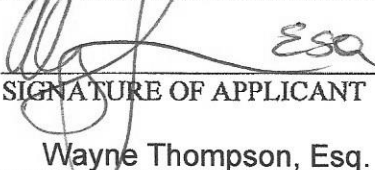
LIST OF REQUIRED ATTACHMENTS

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

SIGNATURE AND VERIFICATION

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

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



SIGNATURE OF APPLICANT

6/18/2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

54-58 SMITH STREET

(to be further explained in front of the ZBA)

1. Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not please explain why.

No. The addition is very small compared to the overall scale of the building. There is already an approved site plan for the project. An application will be submitted for an amendment to the site plan to add 2 additional units should these variances be granted.

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

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

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

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

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

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

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

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



BUILDING DEPARTMENT

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

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

Eric Philipp
Building Inspector

March 30th, 2023

Ariel Rodriguez

Re: 54-58 Smith Street

ID: 420060

Zoning Review Request PD-2023-030 Resubmittal

Dear Mr. Rodriguez,

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

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

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

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

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

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com

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

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

OWNER'S CONSENT FORM

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

54 – 58 Smith Street Poughkeepsie NY 12601

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

YEHUDA HERZOG (Print Name)
OWNER/MEMBER

yehuda herzog (Signature)
Authorized Signature

6/18/23
Date



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

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 54-58 Smith Street

Project Description

Dear ZBA members:

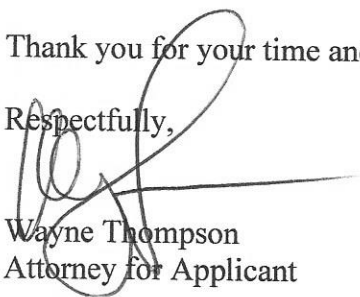
The applicant proposes to add 2 basement rental units into an approved 8 unit conversion under construction. Parking will be provided on site necessitating the requested variances.

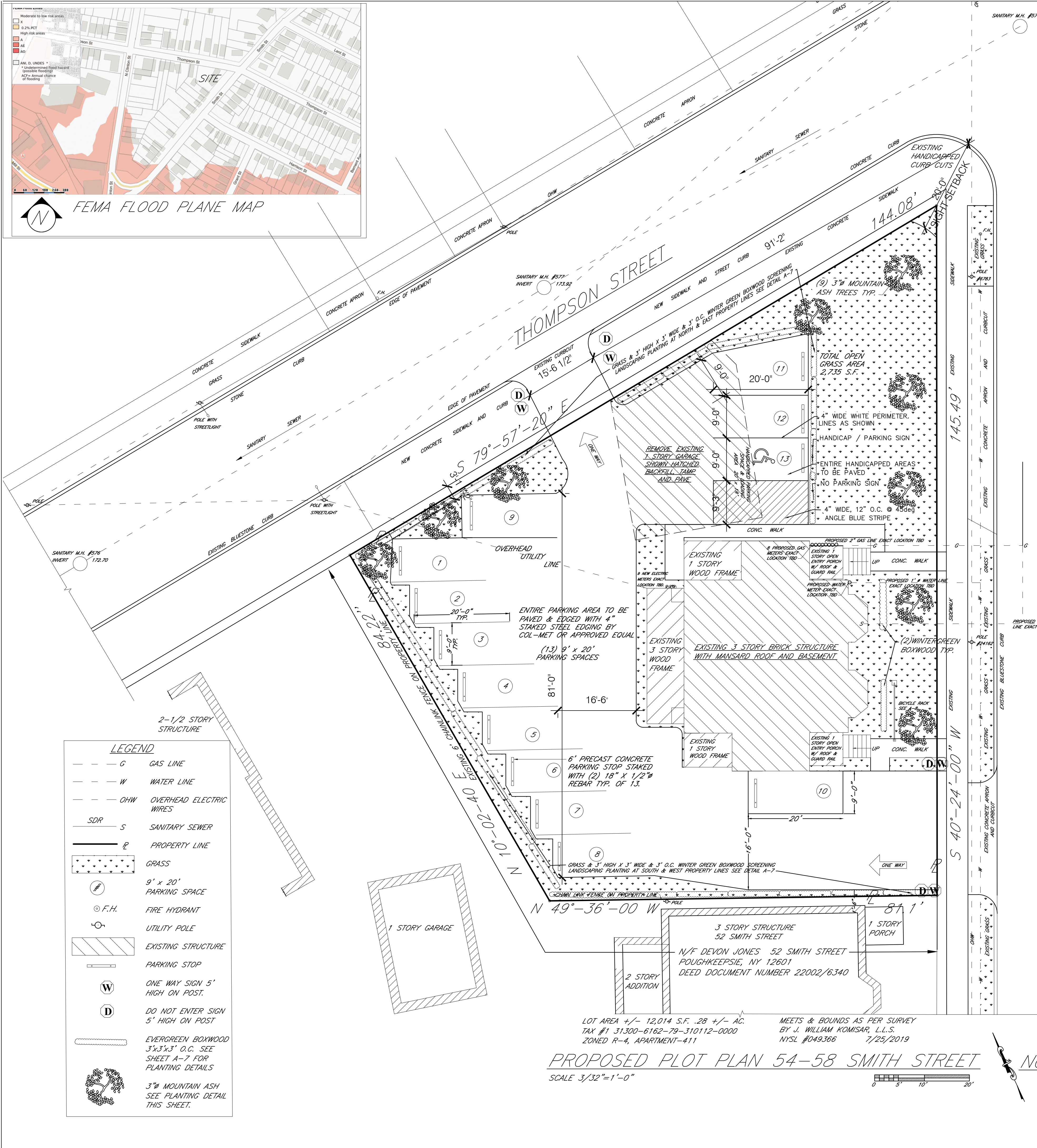
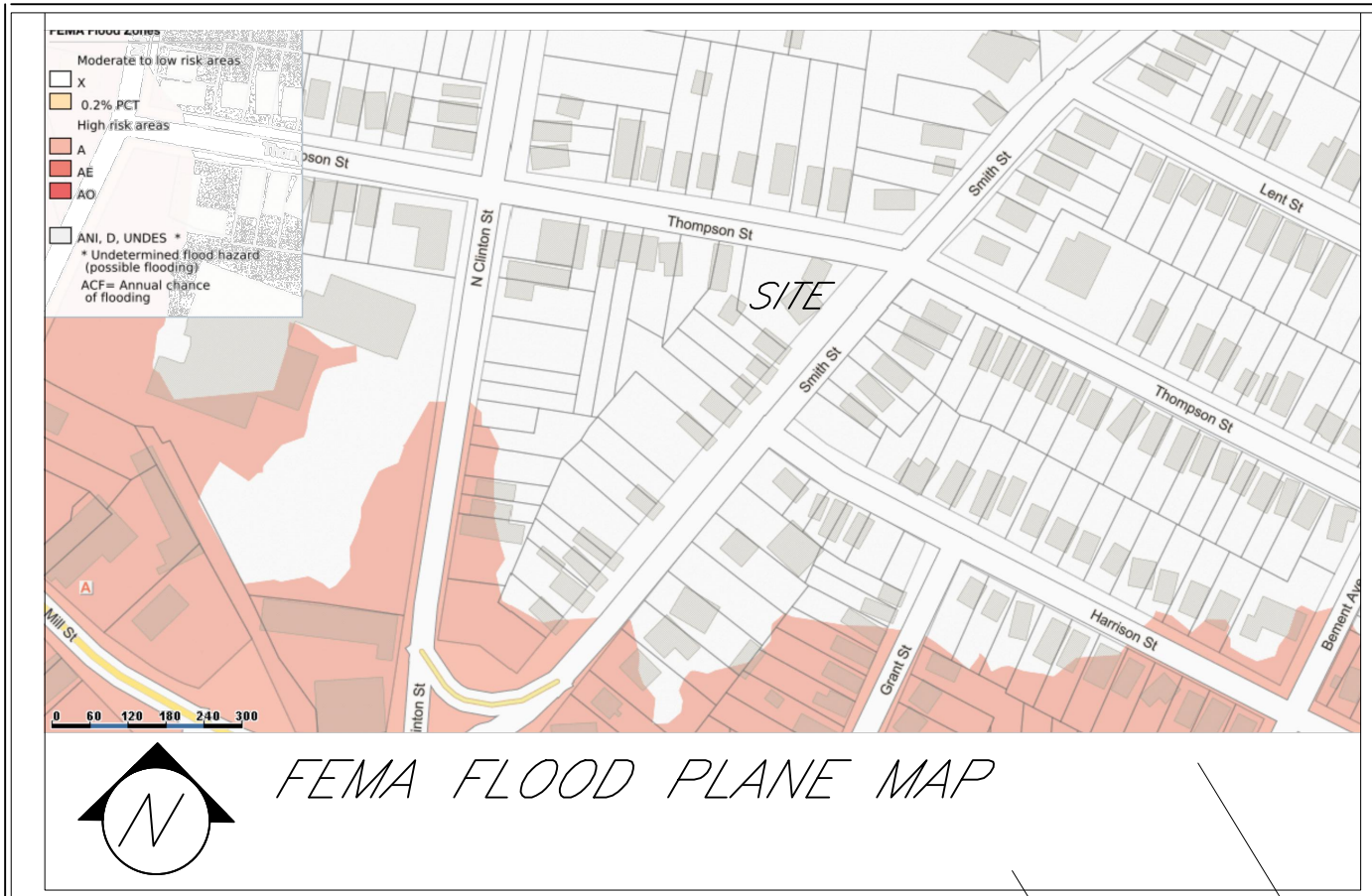
Architectural plans have been completed and determined that the project is feasible as the basement units are part of an extensive interior and exterior renovation currently under way. As can be seen from the attached photos, the renovation here is a top-quality renovation in both design and materials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

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

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant



PROJECT INFORMATION

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

LOT AND BULK INFORMATION:

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

VIII. PROJECT PARKING INFORMATION

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

Revised January 2018; Previous Editions Obsolete

PROJECT DESCRIPTION:

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



KEY LOCATION PLAN 54-58 SMITH STREET

DEPARTMENTAL SIGN OFF

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

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

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

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

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

SUMMARY OF BULK REQUIREMENTS (SECTION 19-3.15)

MINIMUM YARD AND OPEN SPACE REQUIREMENTS

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

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

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

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

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

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

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

ALTERATION LEVEL TYPE - 3

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

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

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

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

REVISIONS
04/18/2023
REVISED PARKING

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

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

C-1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

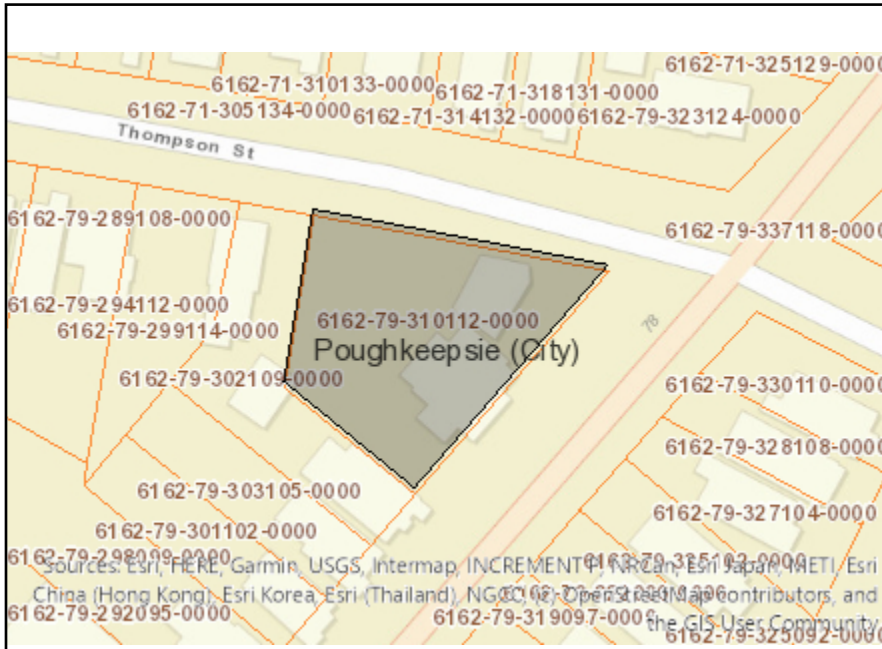
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Apartment Conversion			
Project Location (describe, and attach a location map): 54-48 Smith Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Add 2 aptmnts to previously approved site plan			
Name of Applicant or Sponsor: Wayne Thompson, Esq		Telephone: 845-464-6693	
		E-Mail: waynethompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie, NY 12603		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Planning Board, ZBA		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		0.28 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.28 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

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



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



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



**THE CITY OF POUGHKEEPSIE
NEW YORK**

DEVELOPMENT DEPARTMENT

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

Phone: (845) 451-4263 Fax: (845) 451-4006

MEMORANDUM

To Y&S Group, NY LLC

From: Tyler Maegerle, Junior Planner

Date: 6/28/2023

Re: 54-58 Smith Street

Upon review of project materials provided by the applicant, including Short EAF Part 1 and site plan application, it is my understanding that the proposed action to be undertaken includes addition of two apartments to a approved application for a multi-family dwelling.

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

EXISTING COMPARABLE ZONING	
RE: 54-58 SMITH STREET	
ADDRESS	EXISTING ZONING
21 SMITH STREET	APARTMENTS
25 SMITH STREET	APARTMENTS
29 SMITH STREET	APARTMENTS
33 SMITH STREET	2 FAMILY
35 SMITH STREET	2 FAMILY
43 SMITH STREET	3 FAMILY
45 SMITH STREET	1 FAMILY
47 SMITH STREET	3 FAMILY
49 SMITH STREET	3 FAMILY
51 SMITH STREET	3 FAMILY
53 SMITH STREET	2 FAMILY
55 SMITH STREET	2 FAMILY
57 SMITH STREET	2 FAMILY
50 SMITH STREET	3 FAMILY
48 SMITH STREET	1 FAMILY
46 SMITH STREET	2 FAMILY
44 SMITH STREET	STORAGE
42 SMITH STREET	VACANT
34 SMITH STREET	1 FAMILY
30 SMITH STREET	VACANT
28 SMITH STREET	3 FAMILY
26 SMITH STREET	1 FAMILY
24 SMITH STREET	2 FAMILY
22 SMITH STREET	3 FAMILY
(7) 2 FAMILY - (4) 1 FAMILY (7) 3 FAMILY (3) APARTMENT (2) VACANT	
(1) STORAGE	

August 27, 2023

Dear Chairman and Members of the Zoning Board of Appeals.

I submit this financial justification regarding the request zoning change for the above referenced project.

Cost Information

Purchase price	\$580,000
Closing cost	\$40,000
Construction (Including design, permits, and architectural plans)	\$1,245,000
Interest	\$120,000
Refinance cost	\$87,797
Total Current cost	\$2,072,797
Mortgage	\$1,500,000
Total invested	\$572,797
Renovation cost of 2 units	\$100,000
Total Future Invested	\$672,797

Income & expenses

8 Units			10 Units		
Unit	Beds	Rent	Unit	Beds	Rent
1	3	\$2,750	1	3	\$2,750
2	2	\$2,150	2	2	\$2,150
3	1	\$1,850	3	1	\$1,850
4	1	\$1,700	4	1	\$1,700
5	1	\$1,550	5	1	\$1,550
6	1	\$1,850	6	1	\$1,850
7	1	\$1,550	7	1	\$1,550
8	1	\$1,550	8	1	\$1,550
			9	1	\$1,500
			10	1	\$1,500
Annual Rent		\$179,400	Annual Rent		\$215,400
EXPENSES		Annual	EXPENSES		Annual
Maintenance		\$17,940	Maintenance		\$21,540
Utilities (Electric & Sanitation)		\$6,000	Utilities (Electric & Sanitation)		\$6,400
Management		\$9,600	Management		\$12,000
Property Tax		\$4,500	Property Tax		\$4,500
Insurance		\$3,000	Insurance		\$3,000
Mortgage		\$133,115	Mortgage		\$133,115
Total Exp.		\$174,155	Total Exp.		\$180,555
Return on Investment		\$5,245	Return on Investment		\$34,845
		0.9%			5.2%

If you have any questions regarding this project, please do not hesitate to call us at (718) 208-8528.



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

Attending Members:

In the matter of the appeal of Y&S Group, LLC, regarding the property at 54-58 Smith Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 20th day of November, 2023:

With regard to our File #ZBA2023-019

WHEREAS, the Zoning Board of Appeals has received an application from Y&S Group, LLC for the proposed addition of two apartments to an eight-unit residential dwelling; and,

WHEREAS, the following variances are requested 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.; and,

WHEREAS, the action is more fully detailed on a site plan prepared by Grand Design, dated 4/18/23 and supplemental documentation; and,

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

WHEREAS, a public hearing was held on July 24, 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;

An undesirable change will not be produced in the character of the neighborhood by granting an area variance. Other apartment buildings exist on Smith Street at 21, 25 and 29 Smith 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 benefit sought by the applicant cannot be achieved by any other feasible method. Two more units are necessary for the applicant to receive a reasonable return on the purchase and repair of the property.

(3) whether the requested area variance is substantial;

The requested area 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; and

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in 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 alleged 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 variance for File #ZBA2023-019 as outlined above, with the following conditions:

-

Motion:
Second:
Carried:

Board Administrative Assistant

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: 63 Thompson Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Poughkeepsie Thompson Street LLC

Address: 584 Ackert Hook Road Rhinebeck NY 12572

Phone: 845-876-2501

Email: _____

APPLICANT INFORMATION:

Name: Wayne Thompson, Esq.

Address: 17 Hasbrouck Drive, Poughkeepsie, NY 12603

Phone: 845-464-6693

Email: WayneThompson5@aol.com

CONSULTANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

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

Name and title of agent: Joseph O'Brien Code Enforcement

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

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

PROPERTY ADDRESS: 63 Thompson Street

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
<u>19-3.15(4)(e)2</u>	<u>15' Side yard (11.3, 13.9)</u>	<u>3.7and 2.1ft</u>
<u>19-4.3(5)(a)</u>	<u>15' wide driveway (11.3')</u>	<u>3.7ft</u>
<u>19-4.3(1)</u>	<u>Landscaping</u>	<u>Front and side yard req't as indicated</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 63 Thompson Street

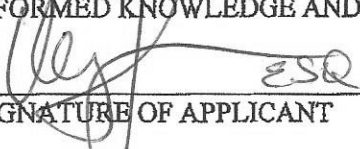
LIST OF REQUIRED ATTACHMENTS

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

SIGNATURE AND VERIFICATION

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

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



SIGNATURE OF APPLICANT

06/19/2023
DATE

Wayne Thompson, Esq.
Print Name Attorney for Owner

VARIANCE JUSTIFICATIONS

63 THOMPSON STREET

(to be further explained in front of the ZBA)

1. Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not please explain why.

No. The addition is very small compared to the overall scale of the building. There is adequate parking available on-site.

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

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

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

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

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

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

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

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

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

Wayne,

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

1. Section 19-3.15(4)(e)2 requires the side yard be 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; the height of the building is not listed on the plans.
2. Section 19-3.15(4)(e)2 requires the rear yard be 1/2 the height of the structure closest to the property line or 15 feet, whichever is greater; the height of the building is not listed on the plans.
3. Section 19-4.3(1) requires when a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; the rear property line does not show any proposed landscaping on the provided plans.
4. Section 19-4.3(5)(a) requires an access shall consist of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces; the provided plans show the access is only 11'3".
5. Section 19-4.3(5)(c) requires off-street parking areas shall be adequately illuminated for convenience and safety, but no lighting for parking areas shall cause glare on adjoining property; the provided plans do not show any proposed lighting.

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

Joseph D. O'Brien

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

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

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

Thanks for your help.

Cheers,

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

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

Wayne,

I'll see you Friday at 9.

Joseph D. O'Brien

Deputy Zoning Administrator

62 Civic Center Plaza

Poughkeepsie, NY 12601

Office - 845-451-4273

Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com

From: Wayne Thompson <waynethompson5@aol.com>

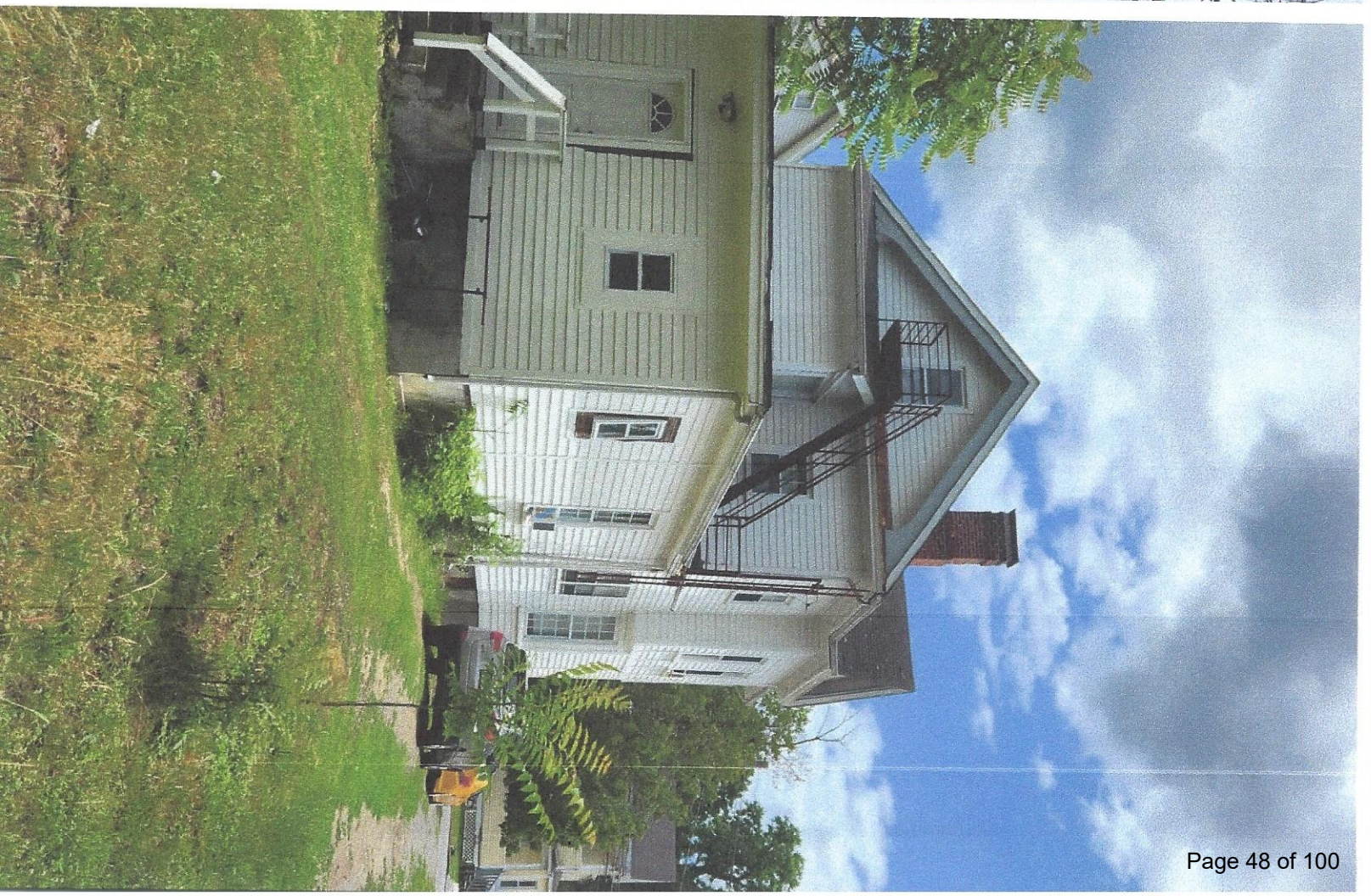
Sent: Wednesday, March 15, 2023 5:01 PM

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

Subject: RE: project guidance

Hi Joe can we reschedule for Friday at 9?

Wayne Thompson



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

PHONE: 845-464-6693

FAX: 845-463-0203

EMAIL: WayneThompson5@aol.com

June 29, 2023

To: City of Poughkeepsie ZBA

RE: 63 Thompson Street

Project Description

Dear ZBA members:

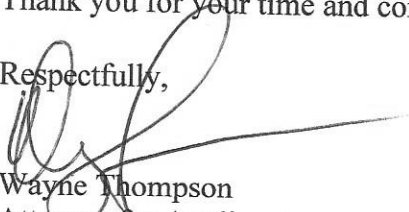
The applicant proposes to convert a current legal 2 family residence but former uncertified 3 floor, 3 family residence into a fully legal 3 family 3 floor residence. Parking will be provided both on site thus necessitating the small variances requested.

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

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

Thank you for your time and consideration.

Respectfully,


Wayne Thompson
Attorney for Applicant

File: ./survey.pdf
Missing or invalid reference

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

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

PARCEL 301135
ANDRE ELLIS
DOC. 02-2016-5409

PARCEL 305134
POUGHKEEPSIE THOMPSON
STREET, LLC
DOC. 02-2019-8048
AREA=0.23 AC

PARCEL 310133
CELEDONIO SANTOS &
DAMIANA PEREZ
DOC. 02-2013-6715

PARCEL 303156
CLIFTON KEARNEY
L.1740 P.643

PARCEL 310154
THERESA BOYKIN & LOIS
LOCKRIDGE-BRELAND
DOC. 02-2019-4267

MAP OF PROPERTY OF
**POUGHKEEPSIE THOMPSON
STREET, LLC**

DOC. 02-2019-8048

SITUATE AT

63 THOMPSON STREET
CITY OF POUGHKEEPSIE,
DUTCHESS COUNTY, NEW YORK

SURVEYED BY CARNEY RHINEVAULT

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

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

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



LOCATION PLAN NOT TO SCALE

DRAWING INDEX:

C-1 PLOT PLAN-SURVEY
LOCATION PLAN

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

A-2 THIRD FLOOR PLAN &
ELECTRICAL PLAN

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

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

REVISION / DATE

PLOT PLAN / 3/15/2022

PLOT PLAN 7/25/2022
ADDING SOUTH & EAST
LANDSCAPING.

Windows OLE Object

DRAWING NAME:
PLOT, SURVEY & LOCATION
PLANS

SCALE AS NOTED DRAWING #:

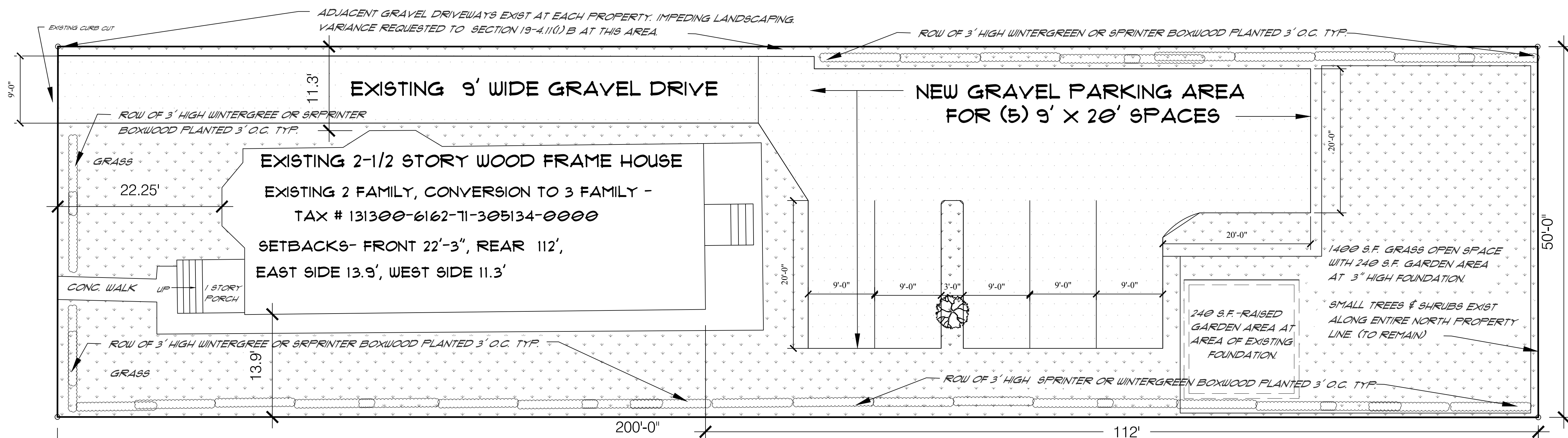
DATE

7/25/23

JOB NO.

12323

S- 1



PROPOSED PLOT PLAN
SCALE 1/8" = 1'-0"

LOT AREA - 10,000 S.F.- STRUCTURE AREA- 1,446 S.F. OPEN SPACE PROVIDED = 1,400 S.F.

VARIANCES REQUESTED: SECTION 19-4.11 (1) B REQUIRES THAT LANDSCAPE STRIPS SHALL BE PROVIDED ALONG ALL PROPERTY LINES
OF MULTIFAMILY AND NONRESIDENTIAL USES. REQUEST VARIANCE AT PORTION OF WEST PROPERTY LINE AS SHOWN.

SECTION 19-4.3(5) DRIVEWAY WIDTH REQUIRED 15', 9' EXISTS - 6' EXEMPTION REQUESTED.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Apartment Coersion			
Project Location (describe, and attach a location map): 64 Thompson Street			
Brief Description of Proposed Action: Add 3rd floor apartment			
Name of Applicant or Sponsor: Wayne Thomposn, Esq.		Telephone: 845-464-6693	
		E-Mail: WayneThompson5@aol.com	
Address: 17 Hasbrouck Drive			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		0.25 acres	
b. Total acreage to be physically disturbed?		0.04 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

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



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



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

EXISTING COMPARABLE ZONING	
RE: 63 THOMPSON STREET	
ADDRESS	EXISTING ZONING
75 THOMPSON STREET	2 FAMILY
71 THOMPSON STREET	2 FAMILY
67 THOMPSON STREET	3 FAMILY
63 THOMPSON STREET	2 FAMILY
59THOMPSON STREET	2 FAMILY
57 THOMPSON STREET	VACANT
51 THOMPSON STREET	2 FAMILY
49 THOMPSON STREET	APARTMENT
50 THOMPSON STREET	3 FAMILY
52 THOMPSON STREET	1 FAMILY
54 THOMPSON STREET	2 FAMILY
56 THOMPSON STREET	3 FAMILY
62 THOMPSON STREET	2 FAMILY
43 NORTH CLINTON	3 FAMILY
80 SMITH STREET	2 FAMILY
54-58 SMITH STREET	APARTMENT
(8) 2 FAMILY - (1) 1 FAMILY (4) 3 FAMILY (2) APARTMENT (1) VACANT	

Poughkeepsie Thompson Street, LLC
63 Thompson Street, Poughkeepsie, NY 12601
Phone: (914) 760-1203

September 25, 2023

Dear Members of the Poughkeepsie Zoning Board of Appeals.

I submit this financial justification regarding the request zoning change for the above referenced project.

Cost Information

Purchase price	\$165,000
Closing cost	\$ 3,238
Cost of Unit 2 improvements	\$ 11,304
Interest	\$ 54,190
Refinance cost	-----
Total cost	\$233,732
Mortgage	\$150,000
Total invested	\$ 83,732

Construction cost of unit 3 (Including design, permits, and architectural plans)	\$ 35,200
Total Cost	\$268.932
Existing Mortgage	\$150,000
Total invested	\$118,932

Income & expenses

<u>2 Units</u>			<u>3 Units</u>		
Unit	Beds	Rent	Unit	Beds	Rent
1	2	\$1,400	1	2	\$1,400
2	1	\$1,300	2	1	\$1,300
			3	1	\$1,200
Annual Rent (Full Year)		\$32,400	Annual Rent (Full Year)		\$46,800
EXPENSES		Annual	EXPENSES		Annual
Maintenance		\$6,850	Maintenance		\$8,865
Utilities (Electric Landlord)		\$ 670	Utilities (Electric Landlord)		\$805
Unit Repairs		\$2,850	Unit Repairs		\$3,565
Property Tax		\$5,630	Property Tax		\$7,035
Insurance		\$2,243	Insurance		\$2,790
Mortgage		\$10,212	Mortgage		\$10,212
Total Exp.		\$28,455	Total Exp.		\$33,272
Return on Investment		\$3,945	Return on Investment		\$13,528
		4.7%			11.4%

If you have any questions regarding this project, please do not hesitate to call me at (914 760-1203)

Keiran Conway - Poughkeepsie Thompson Street, LLC.



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

Attending Members:

In the matter of the appeal of Poughkeepsie Thompson Street LLC, regarding the property at 63 Thompson Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 20th day of November, 2023:

With regard to our File #ZBA2023-020

WHEREAS, the Zoning Board of Appeals has received an application from Poughkeepsie Thompson Street LLC, for the proposed addition of a 3rd unit to family dwelling; and,

WHEREAS, the following variances are requested 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); and,

WHEREAS, the action is more fully detailed on a plot plan prepared by Synergy Design, dated 7/25/23 and supplemental documentation; and,

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

WHEREAS, a public hearing was held on July 24, 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;

An undesirable change will not be produced in the character of the neighborhood. The neighborhood is a mix of single, two, three and four family dwellings. The existing width of the lot and the residence necessitates the variances.

(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 benefit being sought by the applicant cannot be achieved by another feasible method. A third unit is necessary for the applicant to receive a reasonable return on the property. The existing width of the lot and the residence necessitates the variances.

(3) whether the requested area variance is substantial;

The variances requested are 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 proposed variances will not have an adverse effect on the physical or environmental conditions in 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 alleged 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 variance for File #ZBA2023-020 as outlined above, with the following conditions:

•

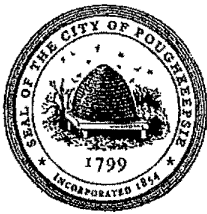
Motion:

Second:

Carried:

Board Administrative Assistant

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: 357 HOOKER AVENUE

ZONING DISTRICT: C-1

OWNER INFORMATION:

Name: HIGHWAY DISPLAYS INC
Address: 404 MAPLE STREET
POUGHKEEPSIE, N.Y. 12601
Phone: 845-452-2121
Email: MSCHW1020@AOL.COM

APPLICANT INFORMATION:

Name: TERRICIANA A. BROWN
Address: 4 BALDING AVENUE
POUGHKEEPSIE, N.Y. 12601
Phone: 845-416-3921 OR 845-264-8680
Email: TERRICIANA146@YAHOO.COM

CONSULTANT INFORMATION:

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

SUBJECT OF APPEAL

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

Name and title of agent: JOSEPH O'BRIEN

Date of decision/determination/violation: JULY 6, 2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 357 HOOKER AVENUE

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
<u>19-4.3 (1)</u>	<u>PLANTING</u>	<u>REQUEST 100% VARIANCE</u>
<u>19-4.3 (5)(b)</u>	<u>9' WIDE PARKING</u>	<u>NONE</u>
<u>19-4.11 (1)(b)</u>	<u>LANDSCAPING OR OPAQUE SCREENING</u>	<u>REQUEST 100% VARIANCE</u>
<u>19-4.13 (1)</u>	<u>ACCESSORY USES</u>	<u>NONE</u>
<u>19-4.14 (3)(a)</u>	<u>NO FENCE WITHIN 10' OF ADJACENT BUILDING</u>	<u>NONE - NO WINDOWS IN ADJACENT BUILDING</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: 357 HOOKER AVENUE

LIST OF REQUIRED ATTACHMENTS

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

AUTHORIZATION EMAIL FROM PROPERTY OWNER
EXHIBIT "A"
PICTURES

SIGNATURE AND VERIFICATION

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

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


SIGNATURE OF APPLICANT

8/3/23
DATE

TERRICIANA A. BROWN
Print Name

Highway Displays

1 message

Marcy Schwartz <mschw1020@aol.com>
To: "cioint@gmail.com" <cioint@gmail.com>

Fri, Jun 16, 2023 at 12:56 PM

Please be advised that **Ciro Interrante** and **Terriciena Brown** are authorized to represent Highway Displays in the approval process.

-**Marcy K. Schwartz, Esq.**
President
Highway Displays, Inc.

APPLICATION TO THE PLANNING BOARD
CITY OF POUGHKEEPSIE, NEW YORK

Application for Site Plan, Special Permit & Facade Approval

I. PROPERTY ADDRESS: <u>357 HOOKER AVENUE</u> II. PROPERTY OWNER: <u>HIGHWAY DISPLAYS, INC.</u> ADDRESS: <u>404 MAPLE ST.</u> <u>POUGHKEEPSIE</u> <u>N.Y. 12601</u> (state and zip code) PHONE NUMBER: <u>845-452-2121</u> (include area code) III. NAME OF APPLICANT: <u>TERRICIENA A. BROWN</u> ADDRESS: <u>4 BALDING AVENUE</u> <u>POUGHKEEPSIE</u> <u>N.Y. 12601</u> (state and zip code) PHONE NUMBER: <u>845-416-3921</u> (include area code) EMAIL ADDRESS: <u>TERRICIENA 146 @ YAHOO.COM</u> (If applicant is NOT the owner, proof of owner's consent to the application MUST be provided.) IV. CONSULTANT: <u>CIRO INTERRANTE ARCHITECT, P.C.</u> ADDRESS: <u>25 MARKET STREET, SUITE 3</u> <u>POUGHKEEPSIE</u> <u>N.Y. 12601</u> (state and zip code) PHONE NUMBER: <u>845-473-7572</u> (include area code) V. PROPOSED USE or FAÇADE CHANGE (Summarize proposed use or uses): <u>EXISTING RESTAURANT</u> <u>USE TO REMAIN UNCHANGED. REPLACE FRONT WINDOW WITH OVERHEAD DOOR.</u> VI. ZONING DISTRICT: <u>C-1 NEIGHBORHOOD COMMERCIAL</u>	OFFICE USE ONLY CODE: PLSF ID # _____ FEE: _____ Total, from: \$500, plus \$ _____ (\$150 per 1000 square feet of floor area), plus \$ _____ (\$35 per number of required parking spaces), plus \$ _____ (\$500 for special permit, if applicable)
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(Proceed to XVII for special permit & façade approval only)

PROJECT INFORMATION

New construction: _____ (yes) X (no)
Change of use: _____ (yes) X (no)
Expansion/addition: _____ (yes) X (no)
Alteration: X (yes) _____ (no)
Cost of Construction: \$ 25,000 ±

LOT AND BULK INFORMATION:

Lot area: 0.60 (acres) 26,136 (square feet)
Building Footprint: 0 (proposed square feet for new construction)
0 (existing square feet for change of use/expansion)
0 (additional proposed square feet for expansion)
2,580 (total building footprint, square feet)
Lot Coverage: 9.8% (percentage, building coverage only)
Gross Floor Area: 0 (proposed square feet for new construction)
0 (existing square feet for change of use/expansion)
0 (additional proposed square feet for expansion)
2,580 (total gross floor area, square feet)
Building Height: 1 (stories) 22' (feet)
Floor Area Ratio: 9.8% (ratio of gross floor area divided by lot area)

VIII. PROJECT PARKING INFORMATION

A) Number of Off-Street Parking Spaces required: 25
B) Number of Off-Street Parking Spaces provided: 48
C) Waiver Requested: _____ (Yes) X (No)
Is municipal parking available within 600 feet? _____ (Yes) X (No)

If yes, name all such municipal facilities: N/A

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

If a private parking facility is to be utilized, is such facility within 600 feet?

N/A _____ (Yes) _____ (No)

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

IX. RESIDENTIAL PROPOSALS N/A

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

B) Unit Breakdown:

Number of efficiency or "studio" units: _____

Number of one (1) bedroom units: _____

Number of two (2) bedroom unit's _____

Number with three or more bedrooms: _____

Total number of units: _____

C) Is funding public? _____ Yes _____ No

If yes, describe funding source: _____

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

N/A A) Number of Employees: _____

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

C) Days/Hours of Operation: _____

XI. SERVICE BUSINESS PROPOSALS

N/A

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

XII. MERCANTILE PROPOSALS (Retail _____ Wholesale _____)

N/A

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

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

- A) Specify Use: RESTAURANT
- B) Number of seats (excluding bar stools and outdoor seating): 60
- C) Meals served (i.e., breakfast, lunch, dinner): LUNCH & DINNER
- D) Type of Menu: BAR BE QUE
- E) Days/Hours of Operation: M, T, W, T - 11AM - 10PM & F, S, S 11AM - 1AM
- F) Entertainment (live and/or recorded): YES F, S, S 4-8 PM
- G) Will the restaurant contain a bar/lounge?: X Yes _____ No
- H) If yes, how many seats at the bar? 15
- I) Is a drive-through window proposed? NO
- J) Is a walk-up window proposed? NO
- K) Is an outdoor seating area proposed? YES
- L) If yes, how many seats are proposed? 10
- M) If yes, is outdoor cooking proposed? YES

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

N/A

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

CIA

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

(845) 473-7572

July 30, 2023

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

**RE: 357 Hooker Avenue
Poughkeepsie, New York 12601**

Dear Zoning Board,

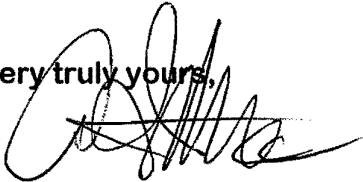
The proposal is to operate a restaurant business as tenant in an existing restaurant building. The existing restaurant and developed site were originally constructed in the 1960s for a new Friendly's ice cream restaurant. The site and building has operated for restaurant use continuously since then. For this current applicant no changes to the existing site plan are proposed with the exceptions of the following site improvements:

- 1. The installation of a concrete slab in the front of the building**
- 2. Replacement of the existing front window with an overhead door to allow for outdoor dining at the front of the restaurant.**
- 3. The installation of a concrete slab at the rear right side of the building also for additional seating for outdoor dining.**
- 4. The installation of a concrete slab at the rear of the building to provide a location for a barbecuing grill.**
- 5. The installation of a small storage unit at the rear of the parking lot.**
- 6. The installation of a 6'-0" high stockade style fence on the right side of the building to provide privacy for dining.**

No other changes to the existing facility are proposed.

Please review the site plan and exterior elevation view of the front of the building for further understanding.

Very truly yours,



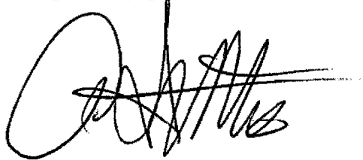
Ciro Interrante, Architect

4. **Section 19-4.13(1)** - The storage container has been moved to provide the 6'-0" minimum clearance required. See revised the site plan was revision date of July 27, 2023.

5. **Section 19-4.14(3)(a)** - Please see the attached photographs of the adjacent building. There are no windows of the adjacent building in the wall facing the subject property.

Please review the site plan and exterior elevation view of the front of the building for further understanding.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Interrante', with a large, stylized initial 'C' and a horizontal line extending to the right.

Ciro Interrante, Architect

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

(845) 473-7572

October 16, 2023

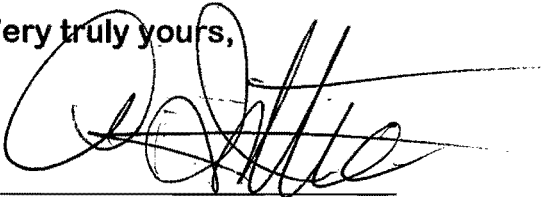
Zoning Board
City of Poughkeepsie
PO Box 300
Poughkeepsie, NY 12602

RE: 357 Hooker Avenue
Poughkeepsie, New York 12601

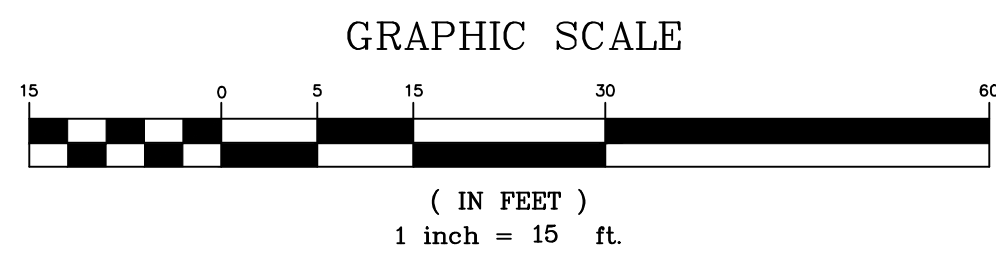
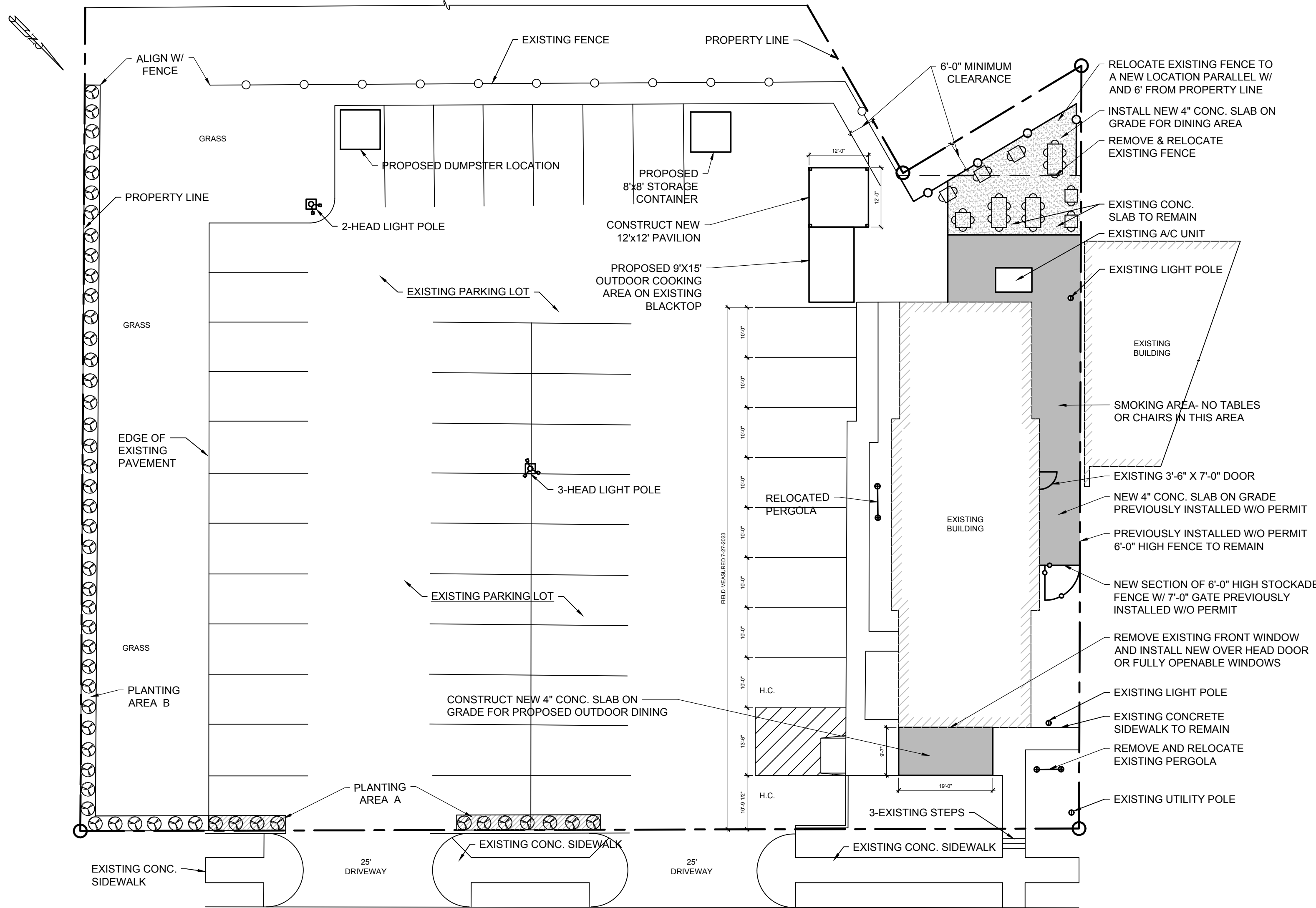
Dear Zoning Board,

Please review the submitted amended site plan for the above referenced project with a revision date of October 11, 2023. At the last zoning board meeting a request was made to show a seating arrangement for the proposed outdoor seating area at the rear of the site. An arrangement of tables and chairs has been shown on the site plan at the rear of the building. Also, schedules have been added to show the hours of operation and the indoor seating capacity of the restaurant as well as the outdoor seating capacity. Also, the landscape drawing, LP1, showing the landscaping that a variance is requested for, has been eliminated and the landscaping plan has been combined with the site plan drawing SP1.

Very truly yours,

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

Ciro Interrante, Architect.



1 SITE PLAN
SCALE: 1" = 16'-0"



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

PLANTING AREA KEY

PLANTING AREA A	CUT & REMOVE A 3 FOOT WIDE STRIP OF BLACKTOP FROM THE EXISTING PARKING LOTS. DIG DOWN, 30 INCHES & REMOVE EXISTING SUB BASE OF PARKING LOT. REPLACE WITH TOPSOIL MODIFIED BY ADDING FERTILIZER AND PEAT MOSS AS RECOMMENDED, PLANT, 3 FOOT HIGH GOLD FLAME SPIREA AT 3 FEET ON CENTER.
PLANTING AREA B	CULTIVATE SOIL, ADD PEAT MOSS & FERTILIZER AS RECOMMENDED. PLANT IN A 3 FOOT WIDE STRIP ALONG THE PROPERTY LINE 3 FEET HIGH GOLD FLAME SPIREA AT 3 FEET ON CENTER IN AREA SHOWN ON SITE PLAN.

LANDSCAPING SCHEDULE

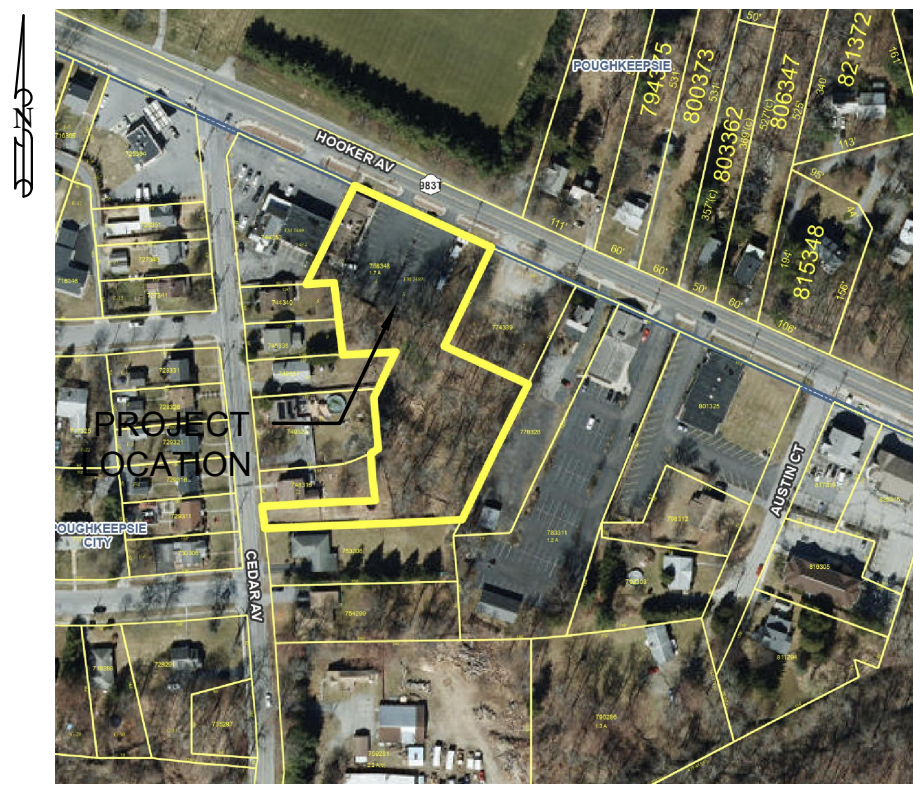
TYPE	SYMBOL	QUANTITY	COMMON NAME	MATURE WIDTH	MATURE HEIGHT
SHRUBS	GFS	53	GOLD FLAME SPIREA	3' - 4'	3'

HOURS OF OPERATION

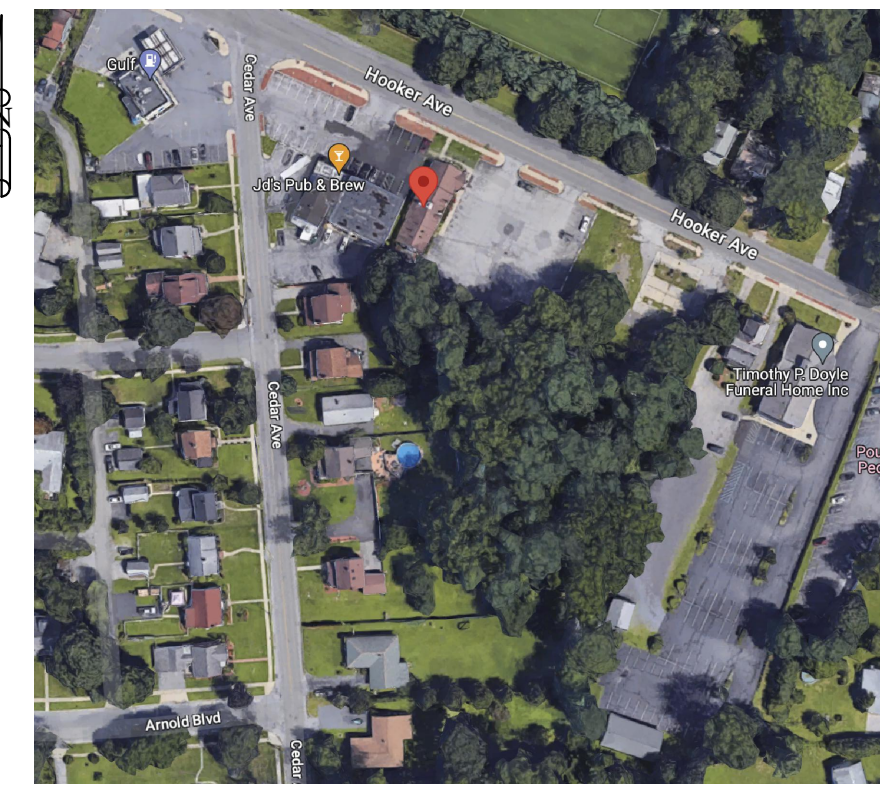
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
CLOSED	11-10	11-10	11-12	11-1AM	11-1AM	11-10
				LIVE MUSIC	BLUES MUSIC	

SEATING CAPACITY

INTERIOR: 70 CHAIRS & TABLES (INCLUDING 12 @ BAR)
EXTERIOR: 32 CHAIRS & TABLES



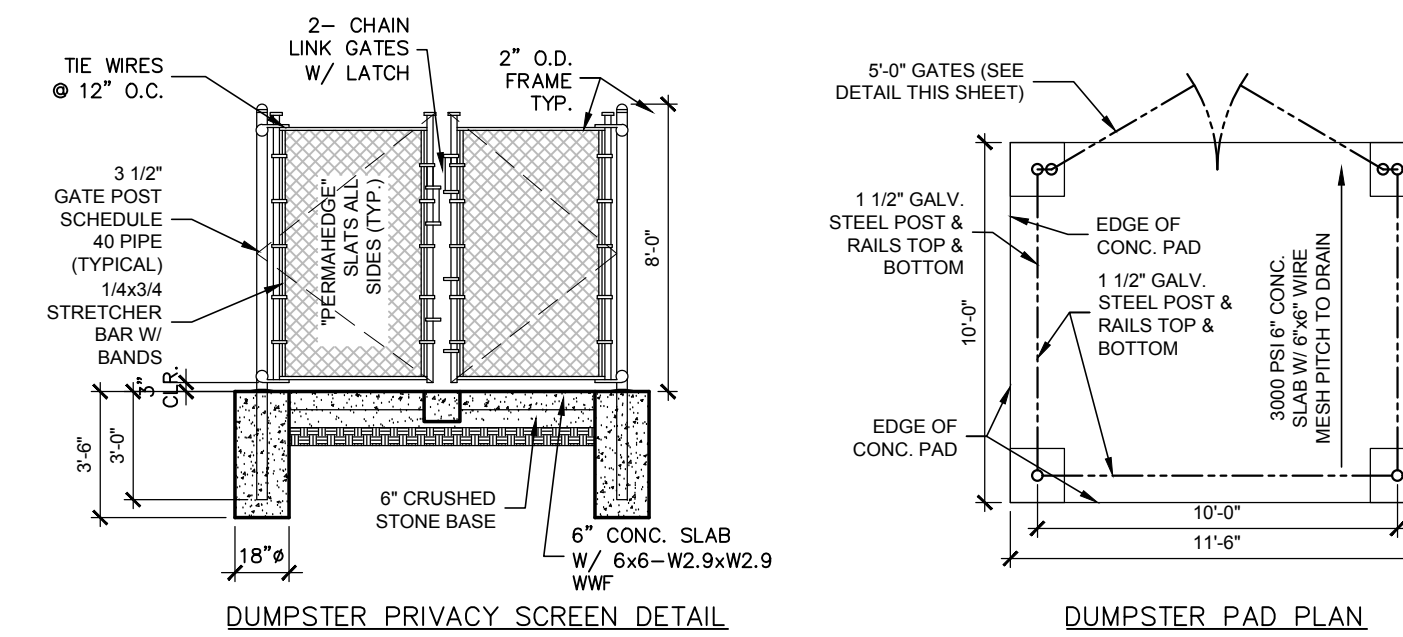
3 PARCEL MAP
SCALE: N.T.S.



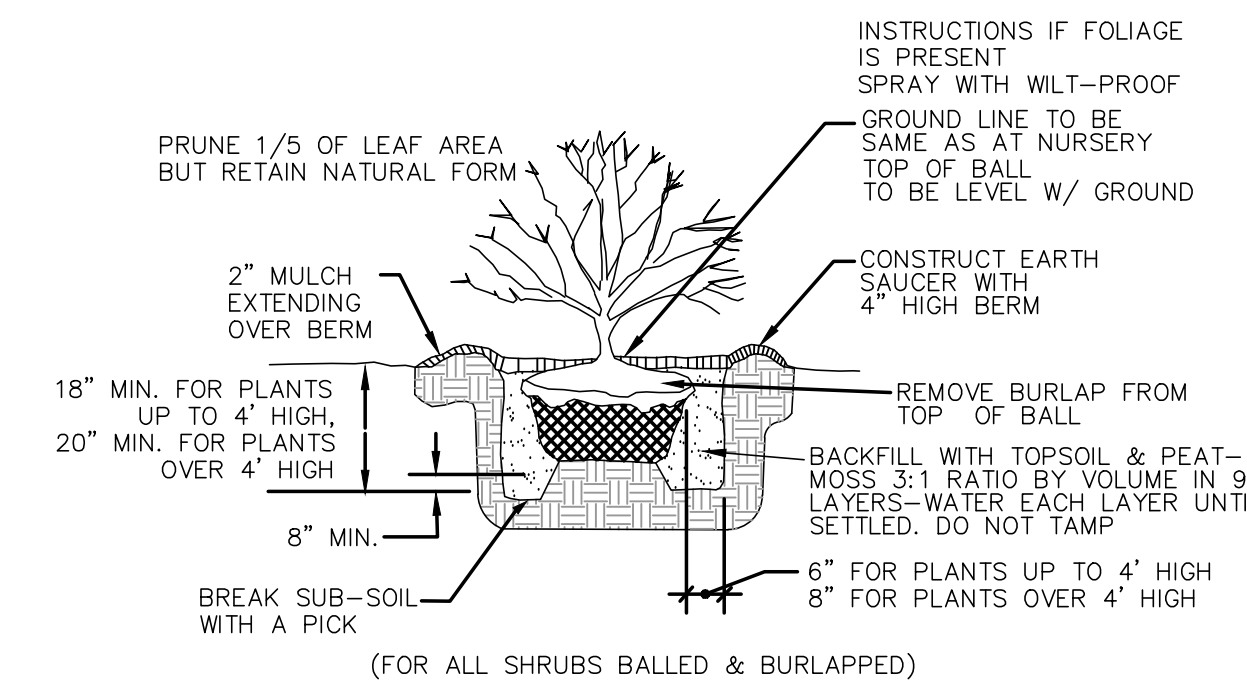
4 GOOGLE MAP
SCALE: N.T.S.



5 GOOGLE STREET VIEW
SCALE: N.T.S.

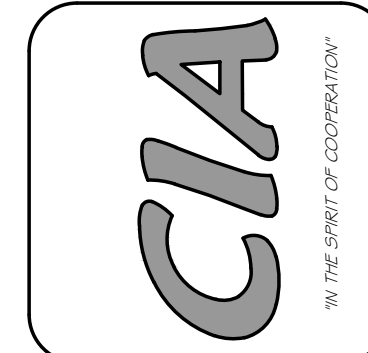


6 DUMPSTER ENCLOSURE DETAILS
SCALE: N.T.S.



7 SHRUB PLANTING DETAIL
SCALE: N.T.S.

Revisions	No.	Date	Description
NO. 1	08/01/23	ZONING REPLY	
NO. 2	09/19/23	PLANNING COMMENTS	
NO. 3	10/11/23	ZONING COMMENTS	



CIRO INTERRANTE ARCHITECT P.C.

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

DRAWN BY: S.T.T. CHECKED BY: C.I. ISSUED DATE: 06-09-2023

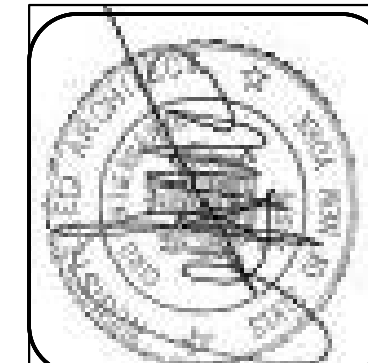
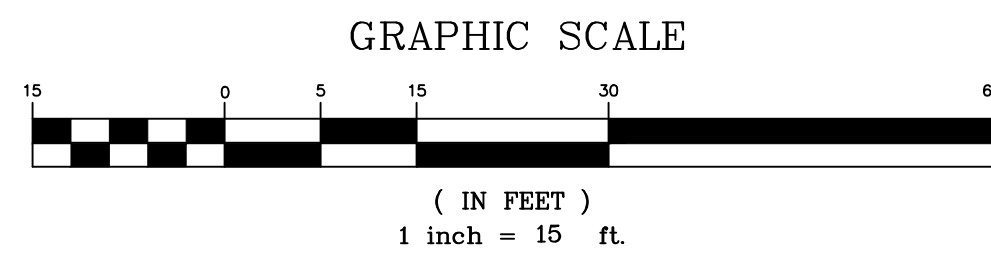
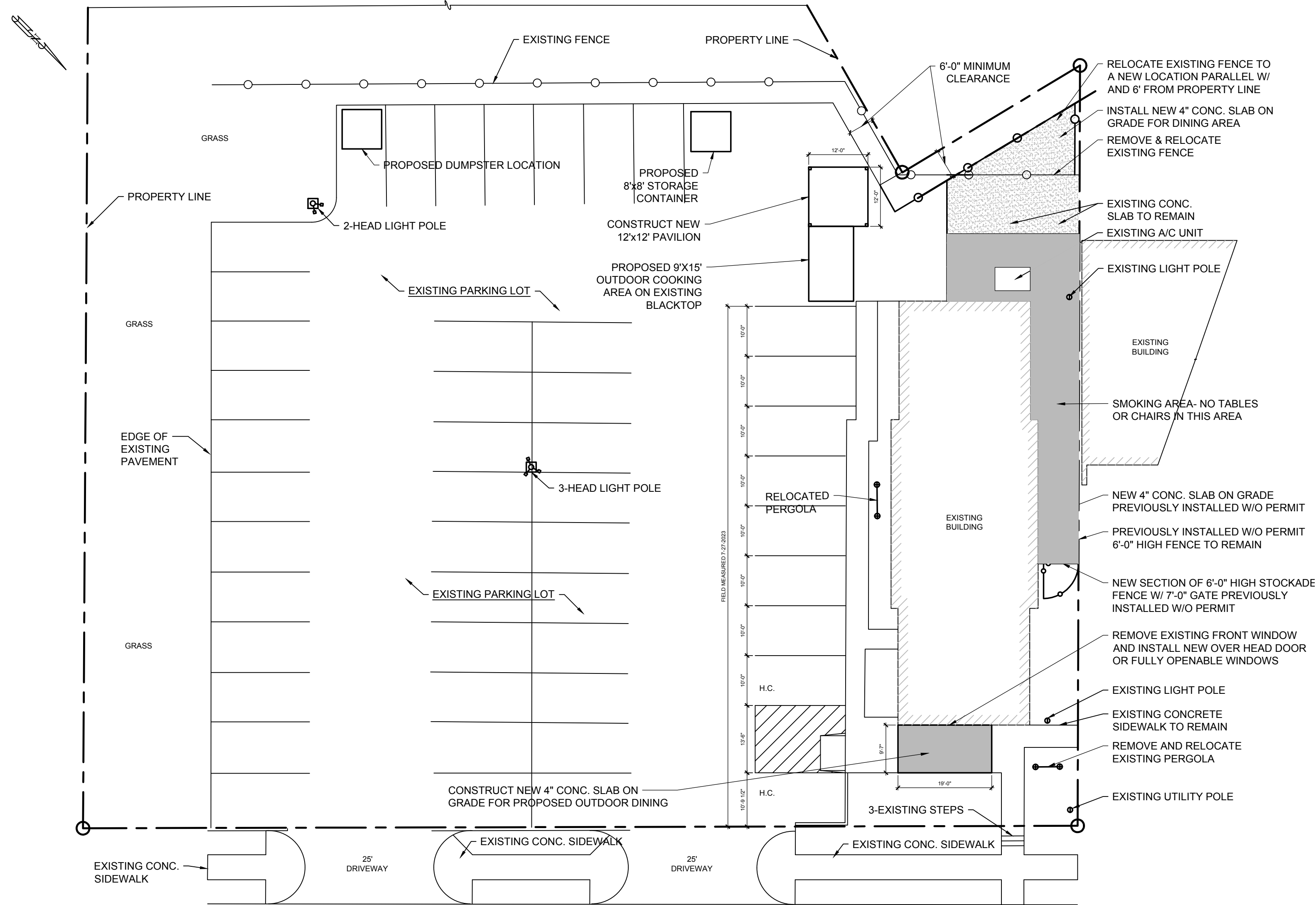


IMAGE OF SITE PLAN

PROPOSED SITE PLAN FOR:
GENEVA'S BLUES HOUSE
SOUTHERN BARBEQUE
357 HOOKER AVENUE
POUGHKEEPSIE, NY 12601

Project Number: 23-16

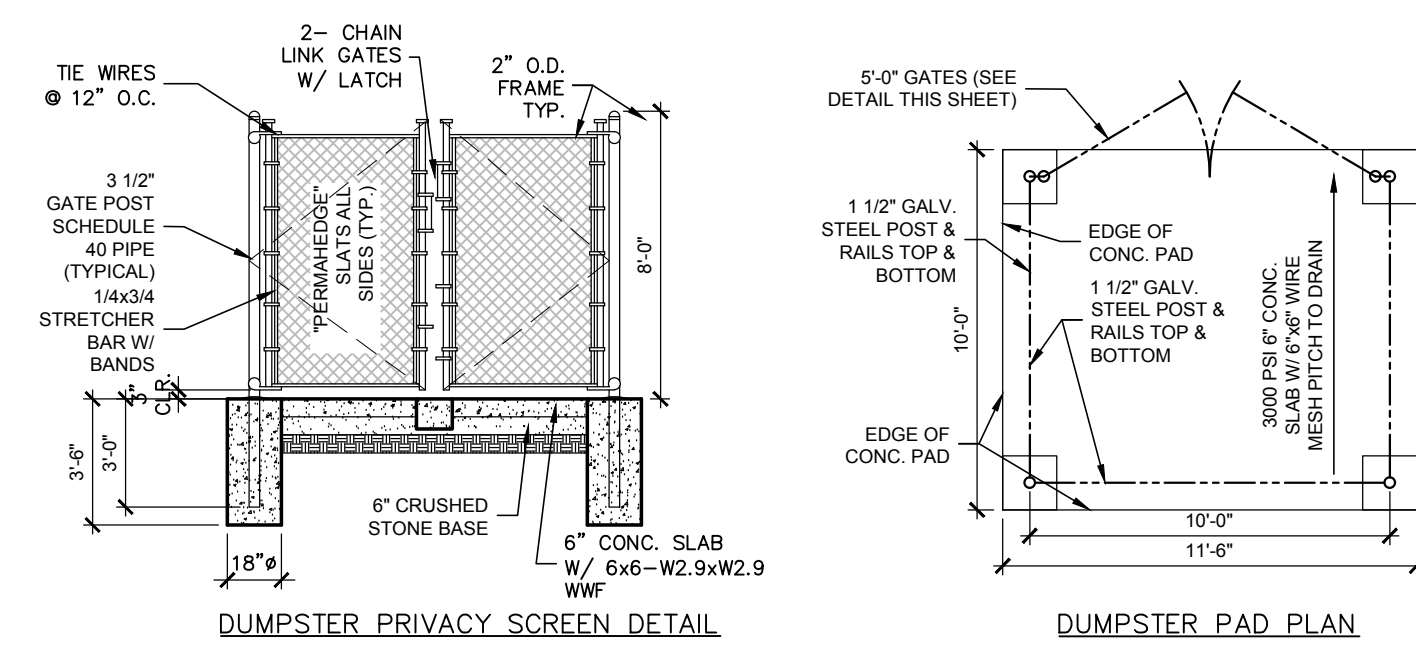




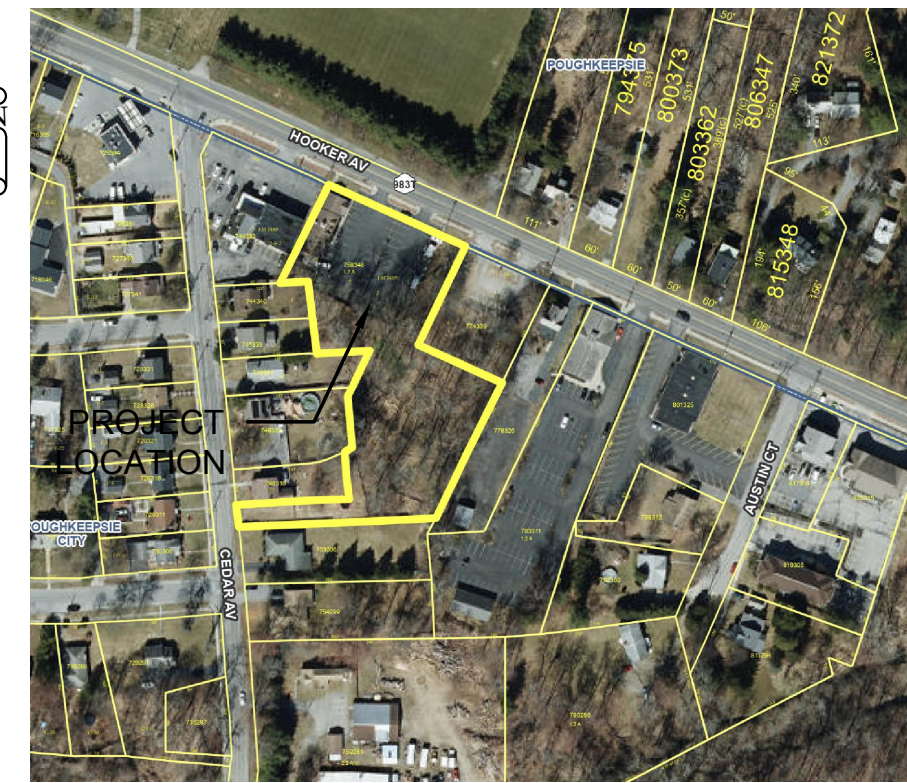
1 SITE PLAN
SP1 SCALE: 1" = 16'-0"



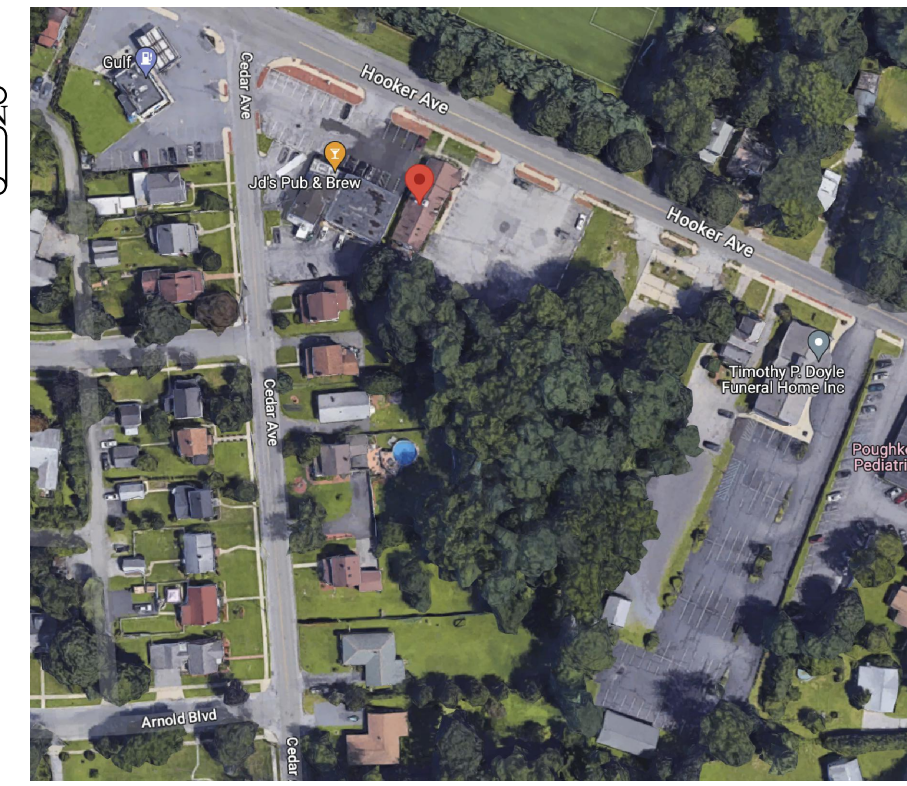
2 EXISTING FRONT ELEVATION
SP1 SCALE: 1/4"=1'-0"



6 DUMPSTER DETAILS
SP1 SCALE: N.T.S.



3 PARCEL MAP
SP1 SCALE: N.T.S.



4 GOOGLE MAP
SP1 SCALE: N.T.S.



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

Revisions	NO. 1	08/01/23	ZONING REPLY
	NO. 2	09/19/23	PLANNING COMMENTS
Date:	No.		Description:



CIRO INTERRANTE ARCHITECT P.C.			
25 MARKET STREET			
POUGHKEEPSIE, NEW YORK 12601			
(845) 473-7572 Office			
DRAWN BY:	S.T.T.	CHECKED BY:	C.I.
		ISSUED DATE:	06-09-2023

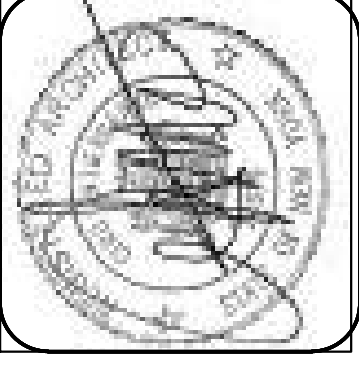
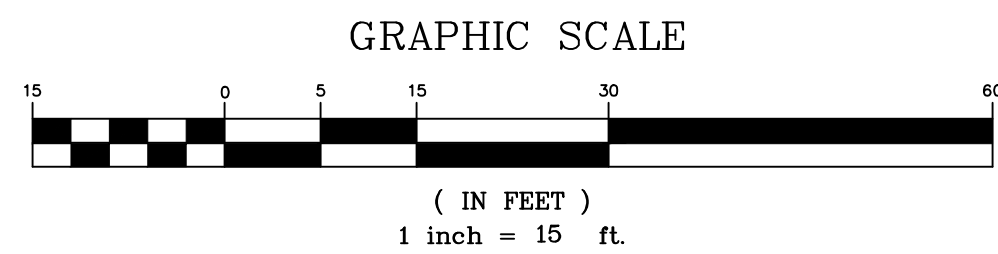
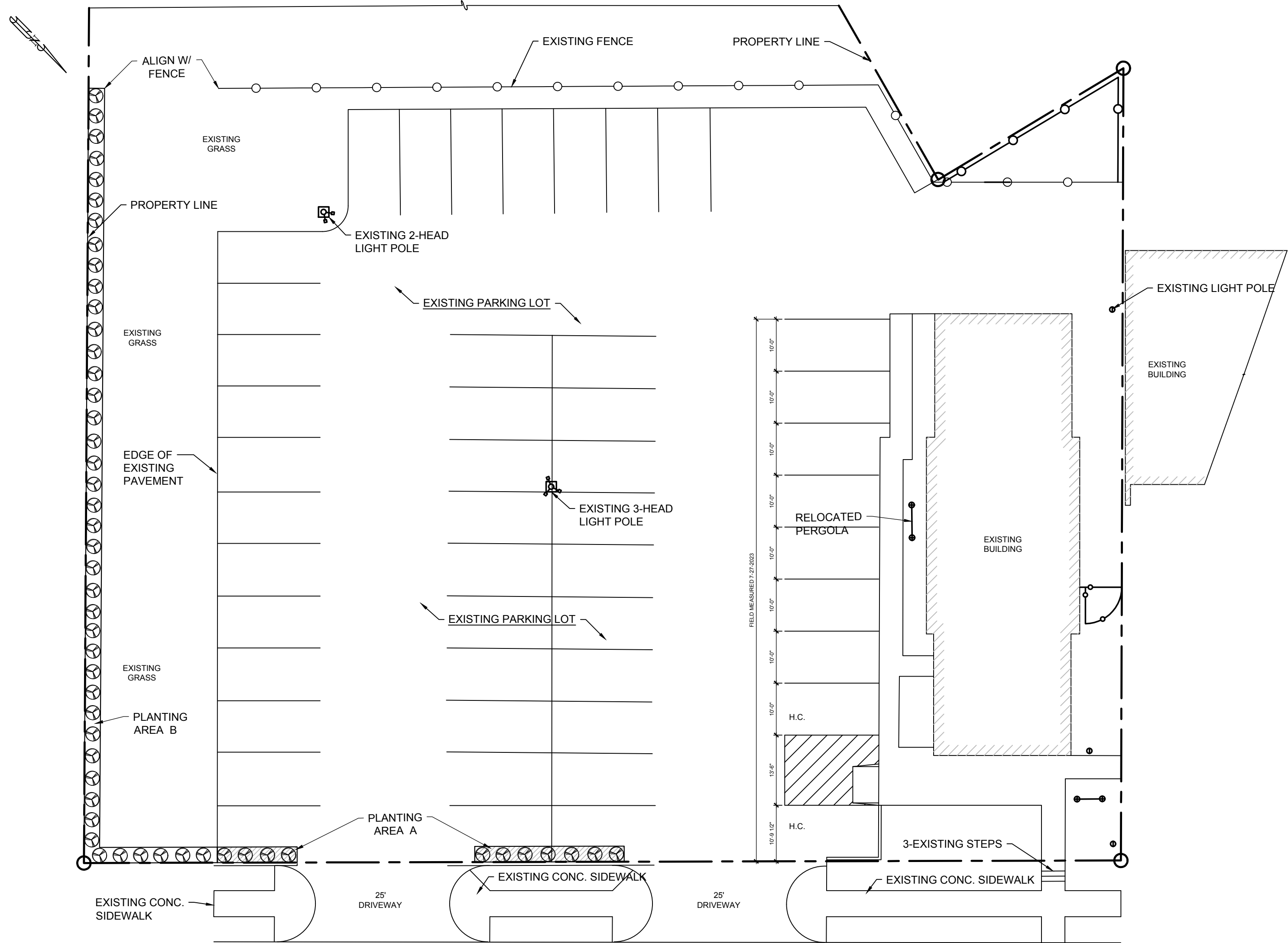


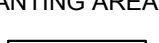
IMAGE OF SITE PLAN
PROPOSED SITE PLAN FOR:
GENEVA'S BLUES HOUSE
SOUTHERN BARBEQUE
357 HOOKER AVENUE
POUGHKEEPSIE, NY 12601

Project Number.	23-16
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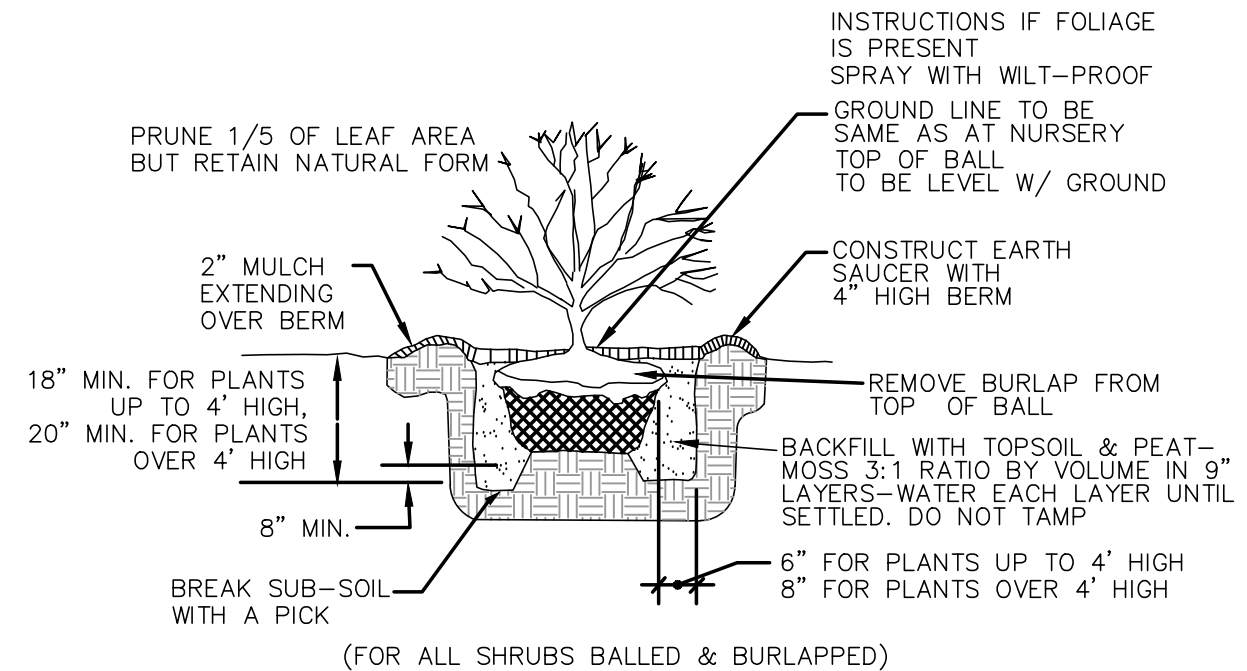




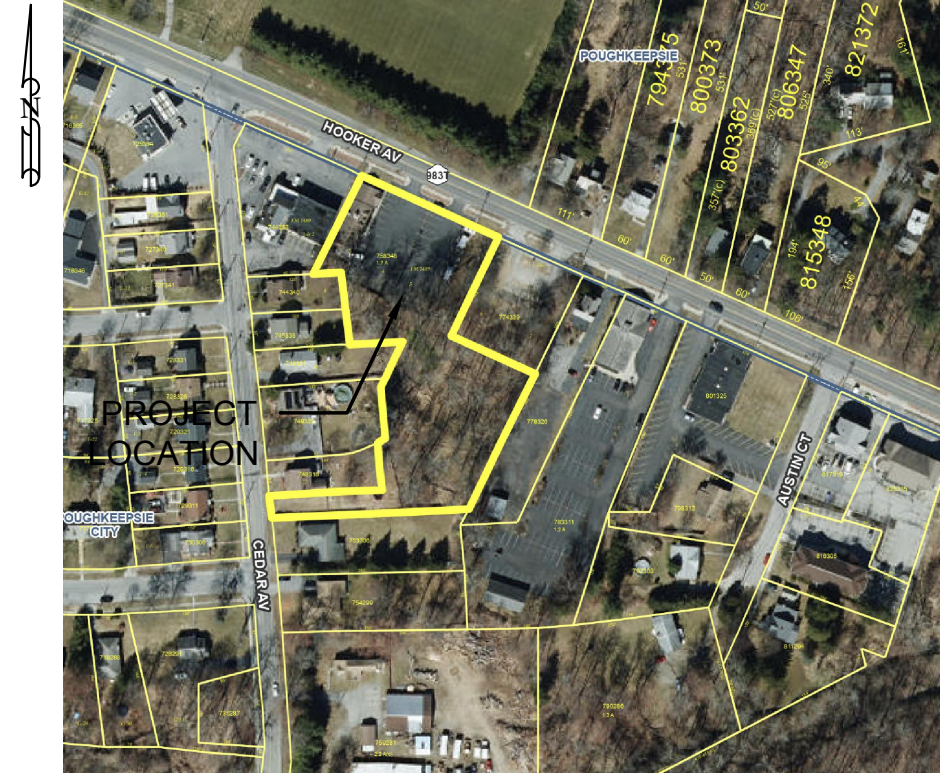
1 SITE PLAN
LP1 SCALE: 1" = 15'-0"

PLANTING AREA KEY	
PLANTING AREA A	
	CUT & REMOVE A 3 FOOT WIDE STRIP OF BLACKTOP FROM THE EXISTING PARKING LOTS. DIG DOWN, 30 INCHES & REMOVE EXISTING SUB BASE OF PARKING LOT. REPLACE WITH TOPSOIL MODIFIED BY ADDING FERTILIZER AND PEAT MOSS AS RECOMMENDED. PLANT, 3 FOOT HIGH GOLD FLAME SPIREA AT 3 FEET ON CENTER.
PLANTING AREA B	
	CULTIVATE SOIL, ADD PEAT MOSS & FERTILIZER AS RECOMMENDED. PLANT IN A 3 FOOT WIDE STRIP ALONG THE PROPERTY LINE 3 FEET HIGH GOLD FLAME SPIREA AT 3 FEET ON CENTER IN AREA SHOWN ON SITE PLAN.

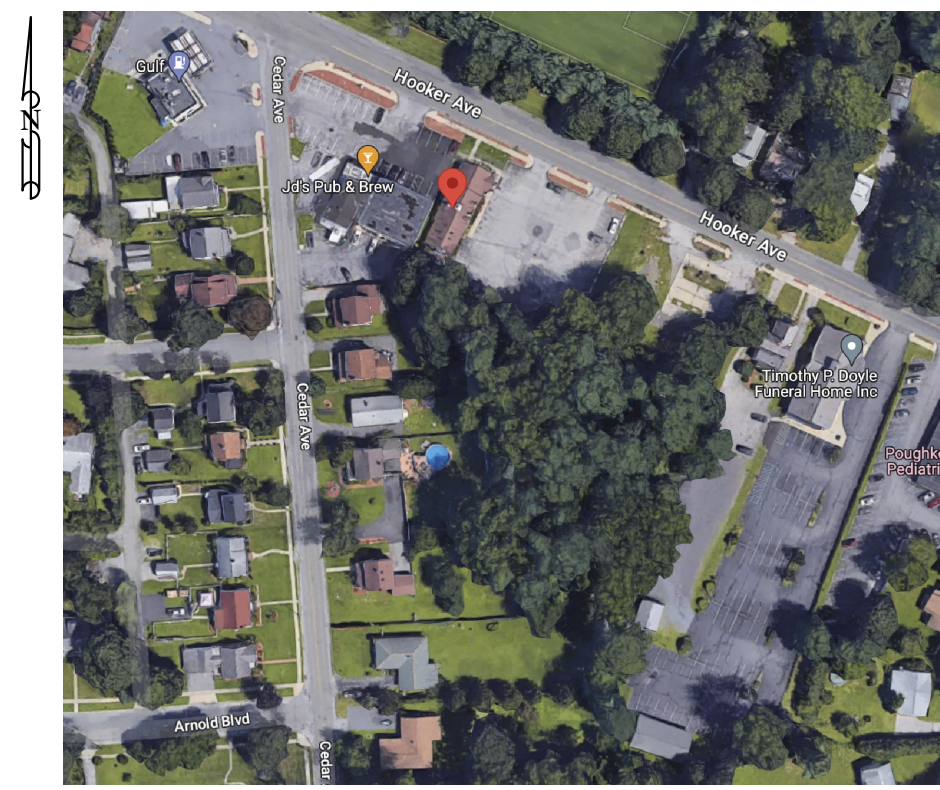
LANDSCAPING SCHEDULE					
TYPE	SYMBOL	QUANTITY	COMMON NAME	MATURE WIDTH	MATURE HEIGHT
SHRUBS		GFS	53	GOLD FLAME SPIREA	3' - 4'
					3'



2 SHRUB PLANTING DETAIL
LP1 SCALE: N.T.S.



3 PARCEL MAP
LP1 SCALE: N.T.S.

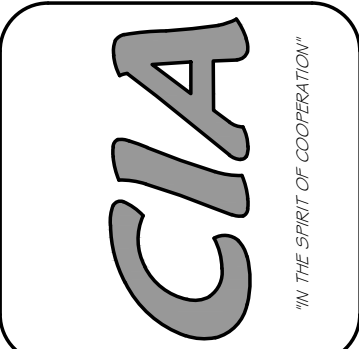


4 GOOGLE MAP
LP1 SCALE: N.T.S.



5 GOOGLE STREET VIEW
LP1 SCALE: N.T.S.

Revisions		Description:	
No.	Date:	No.	Date:



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

DRAWN BY: S.T.T. CHECKED BY: C.I. ISSUED DATE: 09-19-2023

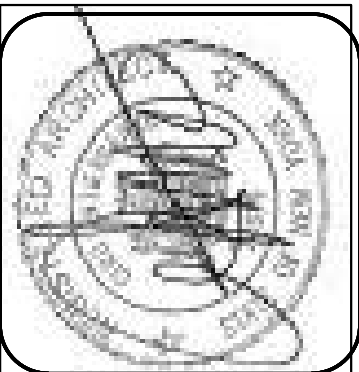


IMAGE OF SITE PLAN
PROPOSED SITE PLAN FOR:
GENEVA'S BLUES HOUSE
SOUTHERN BARBEQUE
357 HOOKER AVENUE
POUGHKEEPSIE, NY 12601

Project Number: 23-16





**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: Terricena A. Brown

From: Tyler Maegerle, Junior Planner

Date: 9/11/2023

Re: 357 Hooker 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 the operation of a restaurant.

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)(18) "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part." The action is therefore not subject to further environmental review.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: 357 HOOKER AVENUE			
Project Location (describe, and attach a location map): 2/10 MILE WEST OF RAYMOND AVE. ON SOUTH SIDE OF HOOKER AVE.			
Brief Description of Proposed Action: OPERATE AN EXISTING RESTAURANT AND MAKE MINOR IMPROVEMENTS AND ALTERATIONS TO IMPROVE SERVICE AND VARIETY OF FOOD PRODUCT.			
Name of Applicant or Sponsor: TERRICIENA A. BROWN		Telephone: 845-416-3921 E-Mail: TERRICIENA146@YAHOO.COM	
Address: 4 BALDING AVENUE			
City/PO: POUGHKEEPSIE		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: PLANNING BOARD - SITE PLAN APPROVAL		NO ☐	YES ☒
3.a. Total acreage of the site of the proposed action?		0.6 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?		0.6 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>CIRIO INTER RANTE, ARCHITECT</u> Date: <u>6-15-23</u> Signature: <u>[Signature]</u>		

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

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

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

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

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

PRINT



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

September 25th, 2023

Terriciensa Brown
4 Balding Avenue
Poughkeepsie NY 12601

Re: 357 Hooker Avenue
ID # 235162
Area Variance Application # ZBA-2023-031

To whom it may concern,

The Development Department is in receipt of your updated plans for your Area Variance Application # ZBA-2023-031 relative to the Restaurant located at 357 Hooker Avenue. This property is located within the Neighborhood Commercial District (C-1) which does Restaurants per code Section 19-3.22(2)(a)3 of the Zoning Ordinance. Upon review of the provided updated plans, the following deficiencies remain;

1. Section 19-4.3(1) requires that whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review; no such proposal was indicated on the provided plans.
2. Section 19-4.11(1)(b) requires landscape strips or opaque screening shall be provided along all property lines as approved by the Planning Board; no such proposal is indicated on the provided plan.
3. Section 19-4.13(1) requires that all accessory uses be located not nearer than 6' to an adjoining property line; the proposed uses for a smoking area and a dining area are both located on the western property line which would require a variance of 6'.

Please note that this review of plans was conducted on plans submitted through email and the plans were not too scale. Also please note that if all Area Variances are granted by the Zoning Board of Appeals, Site Plan approval from the Planning Board will be required. If Site Plan approval is granted by the Planning Board, then a Building permit will be required to legalize the changes made to the site.

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



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com



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

Attending Members:

In the matter of the appeal of Terricena Brown, regarding the property at 357 Hooker Avenue, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 20th day of November, 2023:

With regard to our File #ZBA2023-031

WHEREAS, the Zoning Board of Appeals has received an application from Terricena Brown for the proposed renovation of a restaurant and the addition of an outdoor seating areas, outdoor cooking area, pavilion, outdoor storage container and dumpster; and,

WHEREAS, the following variances are requested regarding Section 19-4.3(1), requiring that whenever a parking area containing three or more spaces faces a street or property line, a planting area a minimum of three feet wide and three feet high planted three feet on center shall be provided between the parking area and the property line, to allow no landscaping; Section 194.3(1), requiring that all parking lots with more than 24 spaces shall be interrupted by landscaping approved by the Planning Board, to allow no landscaping; Section 19-4.11(1)(b), requiring landscape strips or opaque screening along the property lines of all nonresidential uses, to allow no such perimeter landscaping; and,

WHEREAS, the action is more fully detailed on site plan prepared by Ciro Interrante Architect P.C., dated 6/09/23 and supplemental documentation; and,

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

WHEREAS, a public hearing was held on October 23, 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;

An undesirable change will not be produced in the character of the neighborhood. Other commercial properties in the area also lack perimeter and parking lot landscaping.

(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 benefit sought by the applicant cannot be achieved by any other feasible method.

(3) whether the requested area variance is substantial;

The requested area 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; and

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in 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 alleged 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;

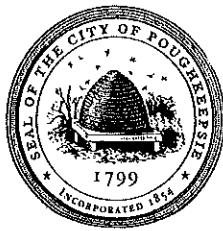
NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance for File #ZBA2023-031 as outlined above, with the following conditions:

-

Motion:
Second:
Carried:

Board Administrative Assistant

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: 50 Delafield Street Poughkeepsie, NY 12601

ZONING DISTRICT: R-4, Medium High-Density Residential

OWNER INFORMATION:

Name: Astor Services
Address: 6339 Mill Street
Rhinebeck, NY 12572
Phone: 845-871-1000
Email: SMcLaughlin@astorservices.org

APPLICANT INFORMATION:

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

CONSULTANT INFORMATION:

Name: Jay Diesing RA, AIA - Mauri Architects PC
Address: 73 Mansion Street
Poughkeepsie, NY 12601
Phone: 845-452-1030
Email: Jay@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 O'Brien, Deputy Zoning Administrator

Date of decision/determination/violation: August 16, 2023 (Letter Item #1 and #8)

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 50 Delafield 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
<u>19-4.13(1)</u>	<u>Accessory structures to be located in side or rear yard</u>	<u>Accessory structures (heat pump compressors) to be located in front yard</u>
<u>19-4.3(11)(a)</u>	<u>One parking space per staff member (88) plus one space per classroom (13) = 101 required parking spaces</u>	<u>51 parking spaces provided - variance requested for remaining 50 parking spaces</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 50 Delafield 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

October 11, 2023

DATE

Jay Diesing RA, AIA

Print Name



MARTIN J DIESING AIA
RICHARD K TOMPKINS AIA

October 11, 2023

Mr. Scott Parker, Chair and Zoning Board of Appeals Members
City of Poughkeepsie Zoning Board of Appeals
62 Civic Center Plaza
Poughkeepsie, NY 12601

**RE: Astor Head Start
50 Delafield Street
Poughkeepsie, NY 12601**

Dear Chair Parker and Zoning Board of Appeals Members:

Enclosed for your review is an application for Area Variances regarding the above referenced property. The existing site is a Head Start Pre-School operated by Astor Services. The project includes the installation of energy efficient air-conditioning and heat-pump HVAC systems. Upon review of the project, the City Deputy City Zoning Administrator issued the attached letter dated August 16, 2023. This letter includes comments related to the installation of the outdoor heat pump units as well as other as-built conditions that vary from the most recently approved Site Plan.

Out application to the Zoning Board of Appeals is a request for relief specifically related to Item #1 and #8 of the Deputy City Zoning Administrator's Letter. The remaining items in this letter are addressed on the Proposed Site Plan and do not require Zoning Variances.

Letter Item #1: Section 19-4.13(1) requires that accessory uses be located either within the principal building or in any side or rear yard and such uses shall not be located within six feet of any adjoining property line. The new HVAC units are proposed to be located within the front yard of the building along Hoffman Street.

This site is located with Delafield Street, Hoffman Street and Albany Street at the perimeter. As such, those three yards would all be considered "front" yards. The south side of the building would be considered a "side" yard, but it is not possible to locate the HVAC units on this side of the building due to the existing parking lot. The HVAC units will be located on the Hoffman Street side of the building as depicted on the attached Site Plan. "Shadow-box" style fencing is

proposed on the plan to screen the view of the HVAC units from Hoffman Street.

Letter Item #8: Section 19-4.3(11)(a) requires that for Pre-schools, 1 parking space shall be provided per staff member plus 1 space for each classroom.

The school currently has 88 employees and 13 classrooms resulting in a requirement of 101 parking spaces. 12 staff members are assigned to this building but perform offsite services at other locations. This results in an on-site staff count of 76 employees. Therefore, a total of 89 parking spaces would be necessary where 51 are provided onsite. However, some employees do not drive, and others utilize the Delafield public parking lot located within close proximity.

Variance Request Justification:

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

Granting of these variances will not produce an undesirable change in the character of the neighborhood. The outdoor heat pump units are very efficient and quiet. The units will be screened from view by decorative shadowbox style fencing. The current parking condition will not change and has existing for the recent past usage of the building.

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

There are no alternatives to granting of the requested variances. As mentioned above, being a lot with streets on three sides, only the south side of the building is considered a side yard where the outdoor heat pump units would be permitted. This side of the building cannot accommodate the heat pump units due to the existing parking lot. There is no additional lot area, or adjacent available property, that would permit the expansion of the parking area to reduce the parking variance required.

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

Although the requested area variances may seem numerically substantial, the result will not produce a noticeable change to the property or surrounding areas. The outdoor heat pumps units will be quiet and screened from view. The current parking condition will not change and has existed for the recent past usage of the building.

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

There will be no adverse effect or impact to the physical or environmental conditions in the neighborhood. The proposed outdoor heat pump units will be quiet and screened from view by decorative shadowbox style fencing. The current parking condition will not change and has existed for the recent past usage of the building.

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 need for the requested variances is unique to this property and the existing conditions. Being a lot with streets on three sides, only the south side of the building is considered a side yard where the outdoor heat pump units would be permitted. This side of the building cannot accommodate the heat pump units due to the existing parking lot. This property and school building have been in operation with the existing parking accommodations for the recent past usage of the building. There are no opportunities to expand the parking areas.

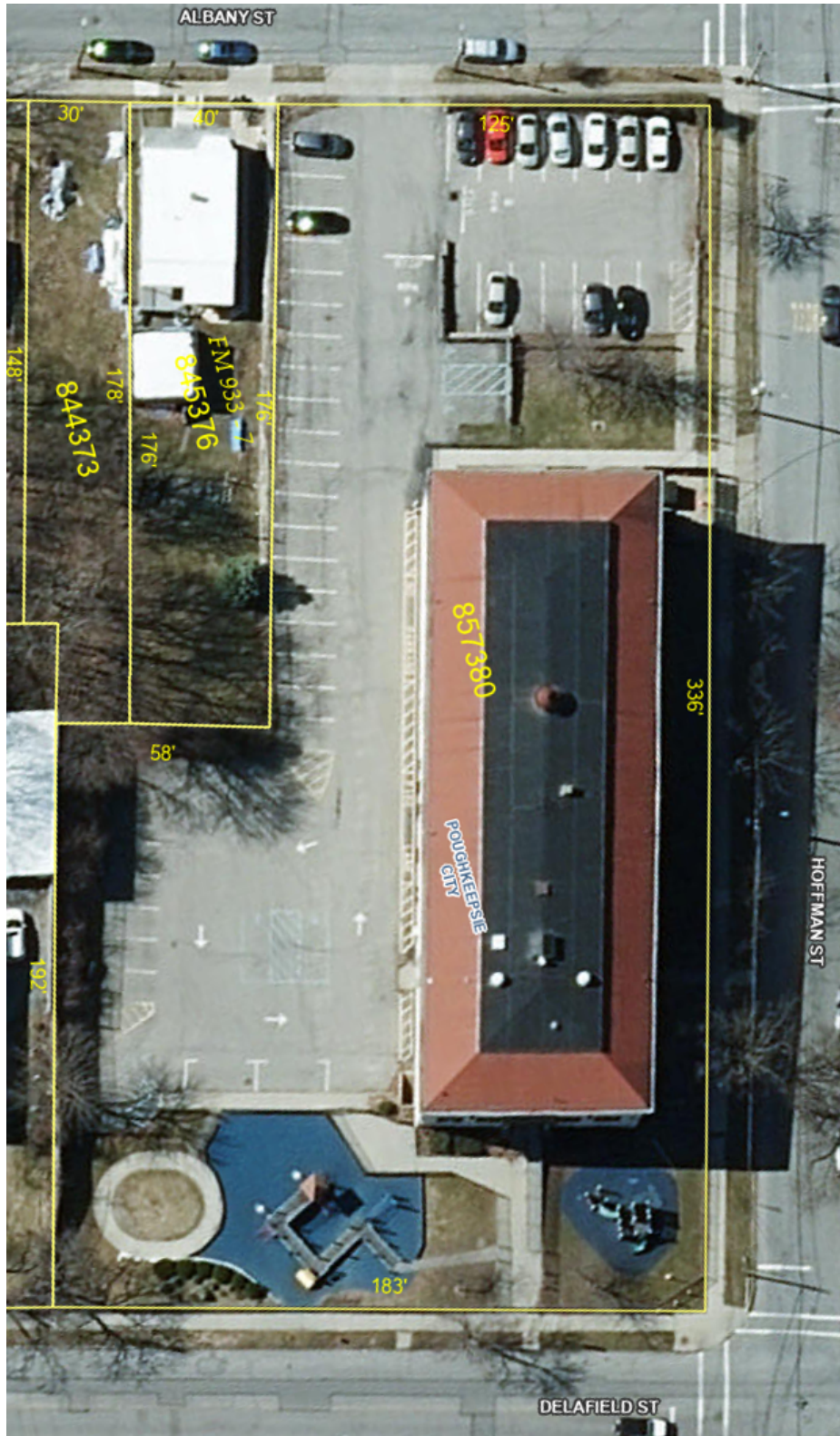
I look forward to meeting with you and the Board at the next available Zoning Board of Appeals meeting to discuss this proposal further. If you have any questions prior to the meeting, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Jay Diesing". The signature is stylized with a large, looped "J" and a cursive "Diesing".

Jay Diesing RA AIA

Current Site Conditions:



Overall site aerial view



View from Delafield Street



View from Hoffman Street



MARTIN J DIESING AIA
RICHARD K TOMPKINS AIA

TRANSMITTAL

Sent to:	City of Poughkeepsie-Zoning Board of Appeals	From:	Jay Diesing
Project:	Astor Head Start - 50 Delafield Street	Project No:	22-09
Regarding:	Area Varince Application	Date:	11-Oct-23

☐ Enclosed

☐ Under Separate Cover

Number of Copies	Document Title	Document Identification	Produced By
9	Letter to ZBA dated October 11, 2023		MAPC
9	ZBA Area Variace Application		MAPC
9	Site Plan	PB-1	MAPC
9	Short EAF		MAPC
9	Zoning Administrator Letter dated August 16, 2023		POK
1	Flash Drive with All submission documents		MAPC
1	Application Fee - Check #4001		MAPC

COMMENTS:

☐ For Your Information
☐ As Requested

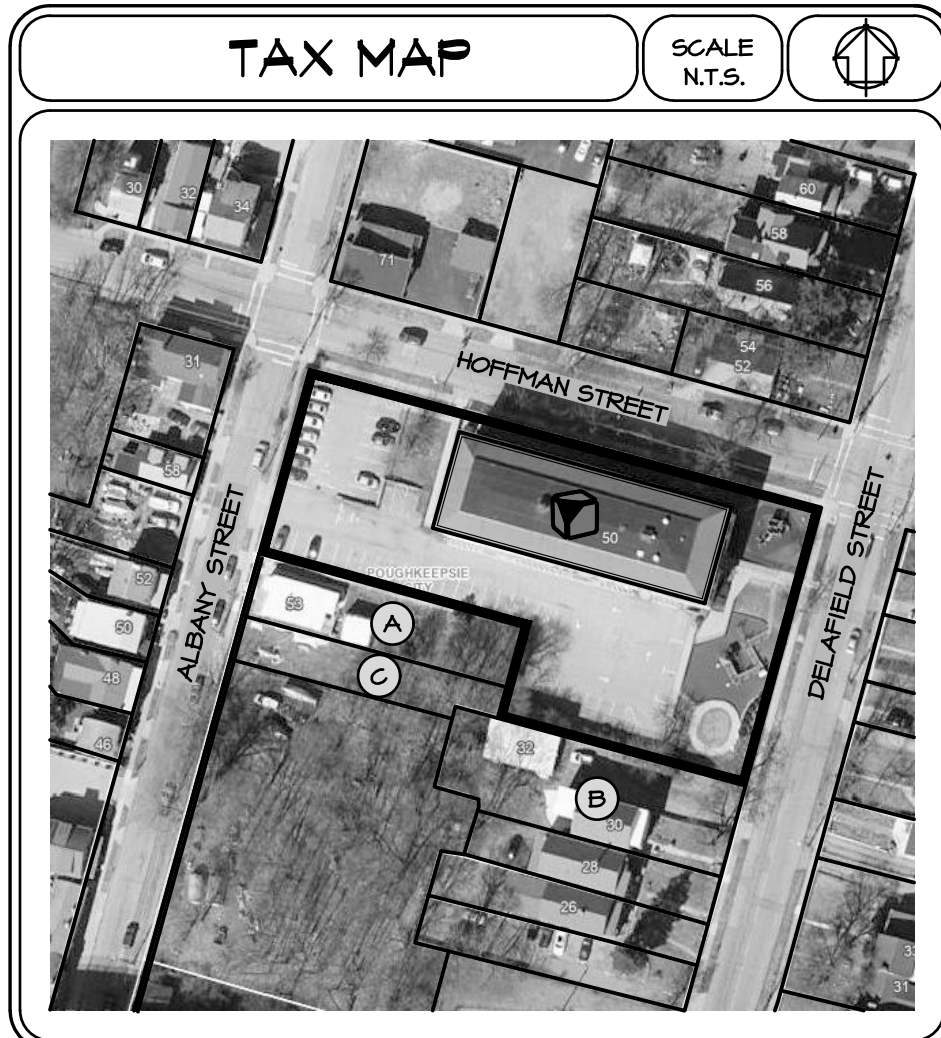
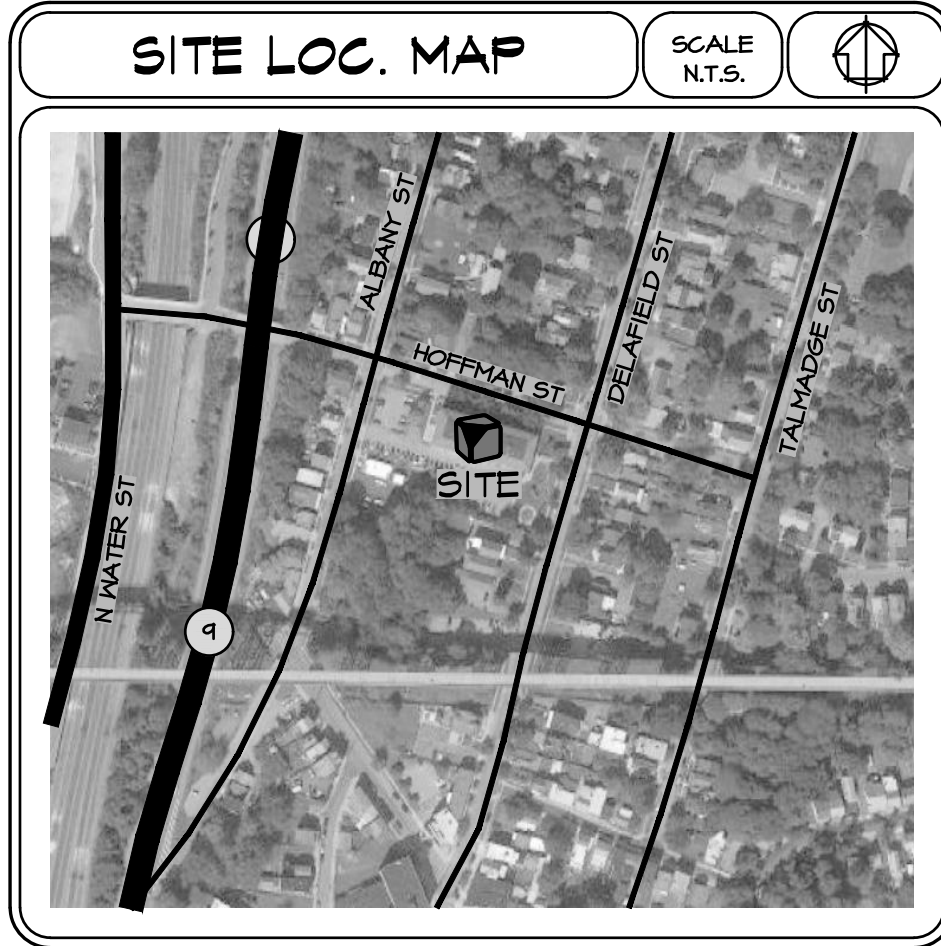
☒ For Your Approval
☐ Approved

☐ For Your Use
☐ Approved As Noted

☐ For Bidding
☐ Revise & Resubmit

COPIES TO:

ZONING DATA CHART				
CITY OF POUGHKEEPSIE PARCEL # 131300-6062-54-051380-0000				
ZONE	R-4	REQUIRED	EXISTING	PROPOSED
LOT AREA	MIN	N/A	1.18 ± ACRES (51,408 ± SF)	NO CHANGE
LOT WIDTH	MIN	50'-0"	336'-0" ±	NO CHANGE
LOT FRONTAGE	MIN	30'-0"	336'-0" ±	NO CHANGE
BUILDING HEIGHT	MAX	3 STORIES	3 STORIES	NO CHANGE
LOT COVERAGE	MIN	35%	20.4%	NO CHANGE
OPEN SPACE	MIN	N/A	N/A	NO CHANGE
FRONT YARD SETBACK	MAX	10'-0"	44'-2" ±	NO CHANGE
SIDE YARD SETBACK	MAX	6'-0"	L= 44'-8" ± R= 14'-1" ±	NO CHANGE
REAR YARD SETBACK	MIN	15'-0"	112'-4" ±	NO CHANGE
REQUIRED PARKING SPACES	MIN	(1) PER CLASSROOM = (13) (1) PER STAFF ± (82) 101 TOTAL SPACES	51 SPACES	51 SPACES



TAX MAP INFORMATION

SYMBOL	GRID NUMBER	OWNER OF RECORD
■	6062-54-051380	ASTOR HOME FOR CHILDREN PO BOX 5005 RHINEBECK, NY 12512
(A)	6062-54-045316	FEDOR IRKLIENSKI 53 ALBANY ST POUGHKEEPSIE, NY 12601
(B)	6062-67-059363	JACQUELINE J. BRACCO 30 DELAFIELD ST POUGHKEEPSIE, NY 12601
(C)	6062-67-044313	FEDOR IRKLIENSKI 53 ALBANY ST POUGHKEEPSIE, NY 12601



2 TYP HEAT PUMP UNIT
SCALE: N.T.S.

PLANNING BOARD APPROVAL

CITY PLANNING BOARD
CITY OF POUGHKEEPSIE, NEW YORK

SITE PLAN APPROVAL:

FILE NO.:
PROJECT NAME: ASTOR HEAD START
PROJECT LOCATION: 50 DELAFIELD STREET,
POUGHKEEPSIE NY 12601
APPLICANT: JAY DIESING, RA - MAURI
ARCHITECTS PC

OFFICIALLY APPROVED AT THE PLANNING BOARD MEETING
HELD THE DAY OF 2

PLANNING CHAIR:
DESIGNEE:
DATE SIGNED:
CONDITION (S):

OWNER / APPLICANT SIGNATURE

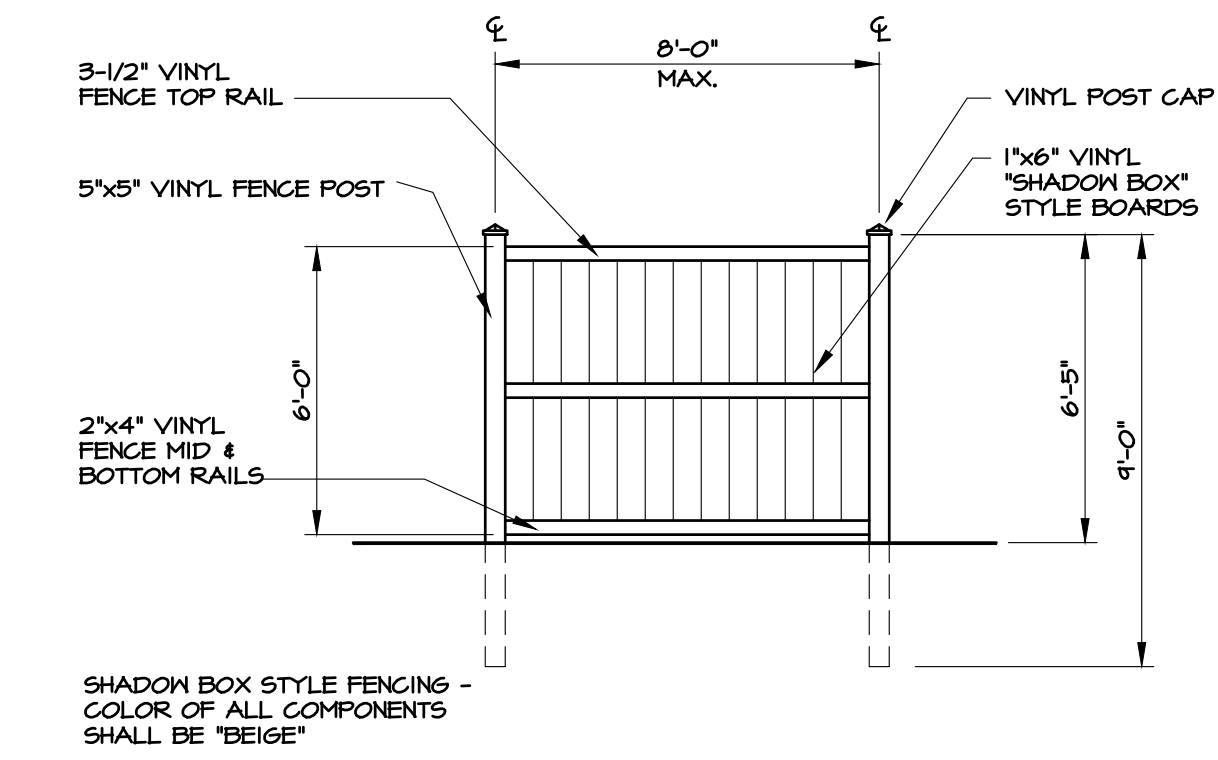
THE UNDERSIGNED APPLICANT(S) FOR THE PROPERTY AND THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN HEREIN CERTIFY THAT THEY ARE FAMILIAR WITH THIS MAP AND ITS NOTES AND ITS CONTENTS AS STATED HEREON INCLUDING ALL CONDITION OF APPROVAL.

THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE TOWN TO KEEP THIS PREMISES AS PER PLAN. APPROVAL BY THE PLANNING BOARD UNTIL A NEW OR REVISED PLAN FOR DEVELOPMENT OR USE OF THE SITE IS APPROVED BY THE PLANNING BOARD. THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE TOWN NOT TO OCCUPY THE PREMISES BEFORE A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE TOWN FOR THE OCCUPANCY AS APPROVED HEREON.

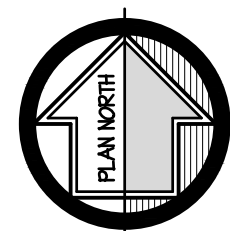
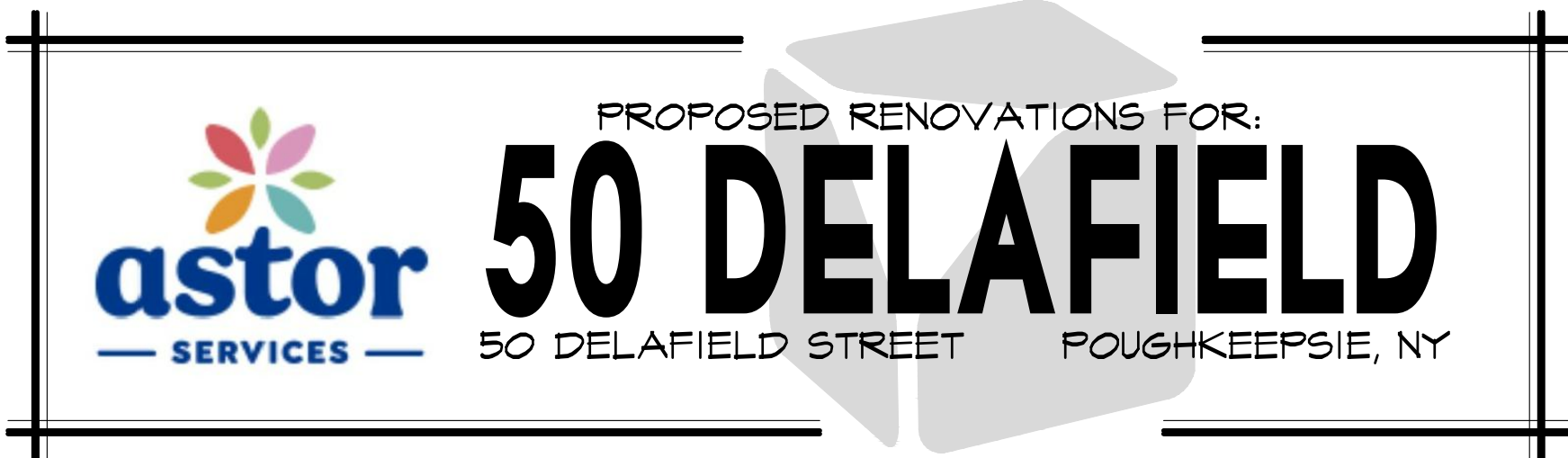
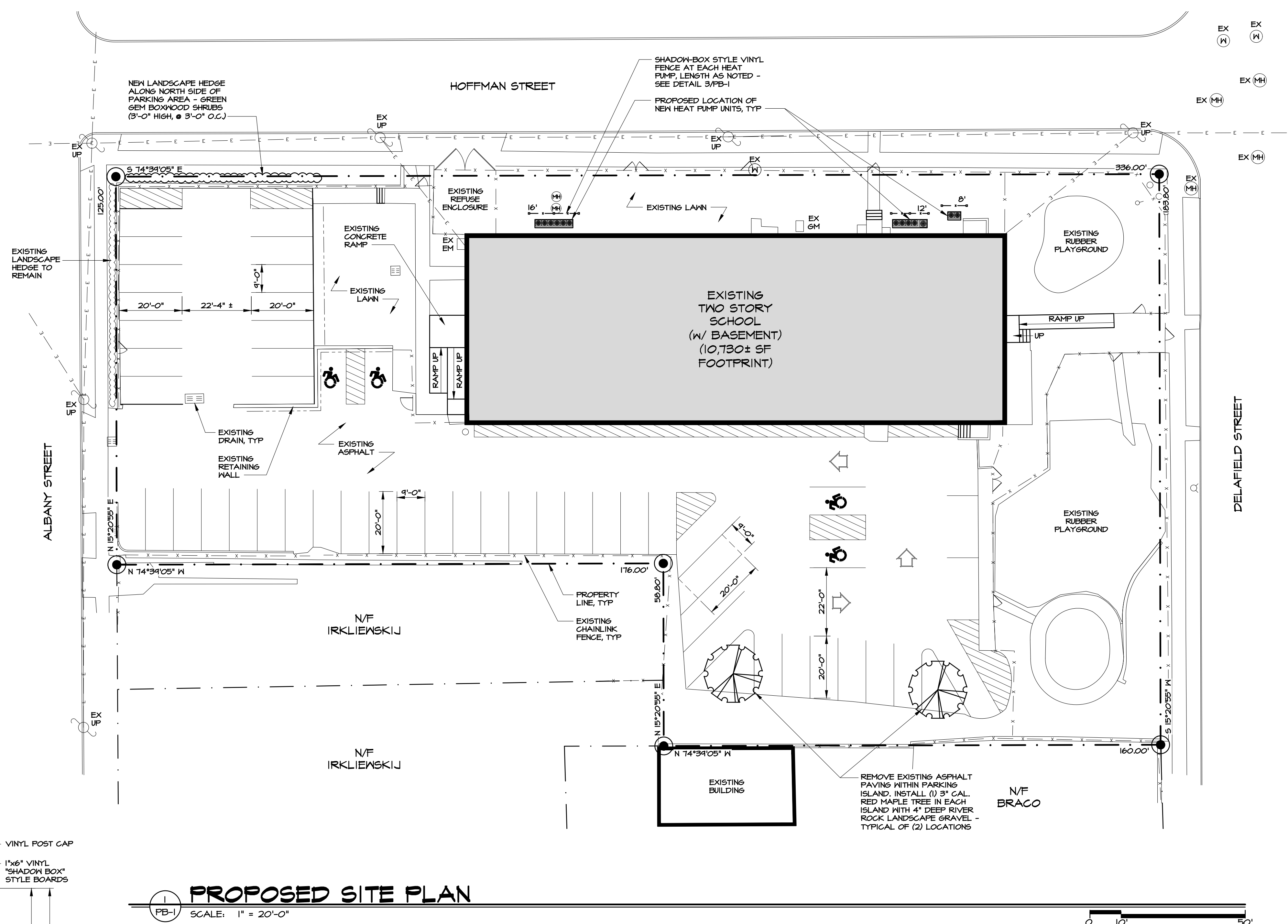
OWNER DATE
APPLICANT DATE

DEPARTMENTAL SIGNATURES

FIRE CHIEF DATE
POLICE CHIEF DATE
BUILDING INSPECTOR DATE
CITY ENGINEER DATE
COMMISSIONER OF PUBLIC WORKS DATE



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



project no.	22-04
date	25 JUL 2023
drawn by	DC
revision	
description	FENCING PARKING CITY COMMENTS
date	11 OCT 23

PROPOSED RENOVATIONS FOR:

50 DELAFIELD

50 DELAFIELD STREET POUGHKEEPSIE, NY

astor SERVICES

PROPOSED SITE PLAN

MAURI ARCHITECTS PC

73 MANSON STREET POUGHKEEPSIE NY 12601 845.452.0050 mauri-architects.com

REGISTERED ARCHITECT

MARTIN T. DIESING

039240

STATE OF NEW YORK

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: Astor Head Start			
Project Location (describe, and attach a location map): 50 Delafield Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action: Installation of ductless-split heat-pump and air-conditioning units throughout the existing building including all necessary electrical and plumbing work.			
Name of Applicant or Sponsor: Jay Diesing, RA AIA - Mauri Architects PC		Telephone: (845) 452-1030 E-Mail: Jay@Mauri-Architects.com	
Address: 73 Mansion St			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Building Department - Building Permit		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?		1.18 acres 0.002 (100 sf) acres 1.18 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: _____ Existing	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Existing	☐	☒	
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: _____ _____ _____			

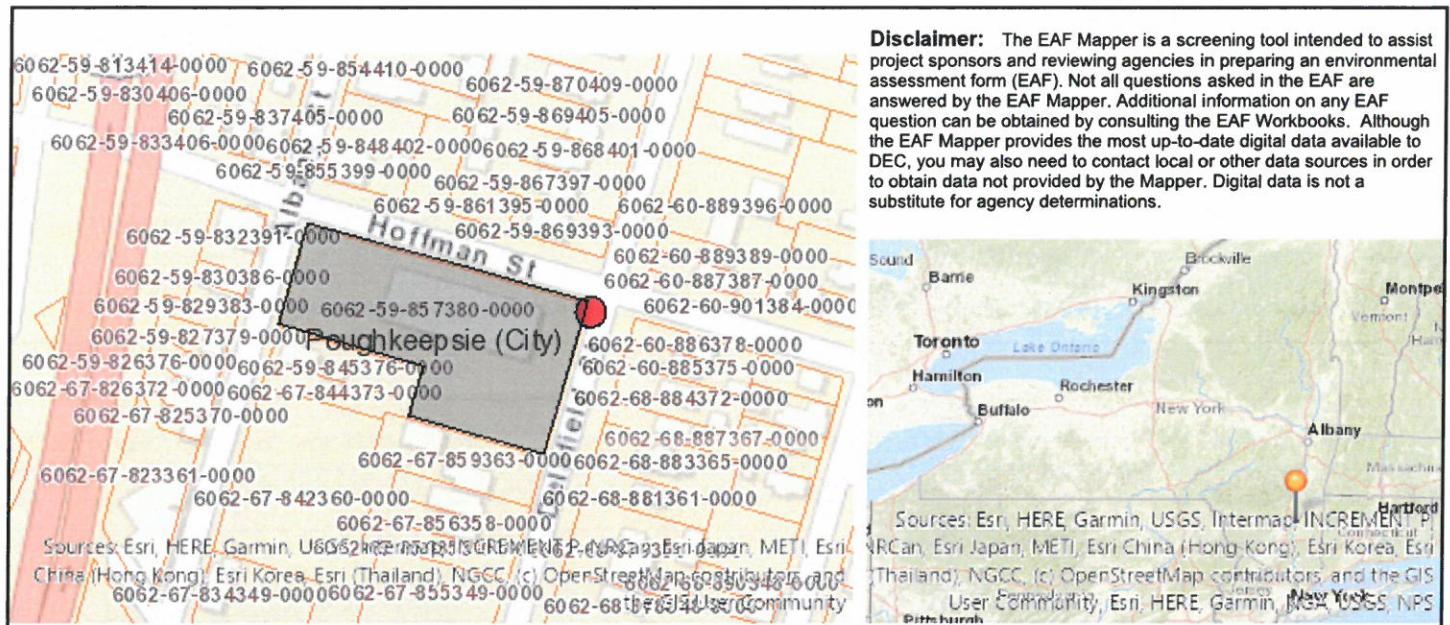
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Bald Eag...	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: Jay Diesing, RA AIA - Mauri Architects PC Date: 25 July 23 Signature: <u>Jay Diesing</u> Title: <u>ARCHITECT</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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



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

August 16th, 2023

Jay Diesing/Mauri Architects PC
6339 Mill Street
Rhinebeck NY 12572

Re: 50 Delafield Street
ID # 124095
Site Plan Application # PB-2023-055

To whom it may concern,

The Development Department is in receipt of your Site Plan Application # PB-2023-055 relative to installing new HVAC units in the front yard and to legalize changes made to the site without approvals or permits for the property of 50 Delafield Street located in the Medium High-Density Residence District (R-4). The use of the property for a Pre-school is not proposed to be changed and is allowed per Section 19-3.15(2)(b)3 subject to issuance of a special permit but the Site Plan application was not completed and will require more information to confirm there has been no increase of intensity of use. Upon review of the provided plans, I've been able to determine some Area Variance(s) that will be required along with the changes made to the site to be approved by the Planning Board which are as follows;

1. Section 19-4.13(1) requires that all accessory uses shall be located either within the principal building or in any side or rear yard and such uses shall be located not nearer than six feet to an adjoining property line; the proposed HVAC units are located in the front yard of Hoffman Street.
2. Section 19-4.3(1) requires that whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; a landscape strip for the northern property line between the parking area and Hoffman Street was previously approved by the Planning Board and was a condition of variances granted on 11/5/97 which has now been removed and not proposed on the provided plans.
3. Section 19-4.3(1) requires that not more than 12 parking spaces shall be permitted in a continuous row, and not more than 24 spaces shall be permitted in a single parking area without being interrupted by landscaping approved by the Planning Board; a variance was granted on 11/5/97 for this section with a condition that 2 trees shall be planted and maintained on the southern side of the parking area within triangular shaped hatched areas, this was also approved by the Planning



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

Board. These trees have been removed and are not proposed along with the parking area being reconfigured.

4. **Section 19-4.3(2)** requires that where a parking area for three or more vehicles abuts a residential property, it shall be screened from view by landscaping, opaque fence or wall or other means approved by the Planning Board; green slats for the existing chain link fencing on the western and southern property lines was previously approved by the Planning Board which have been removed and not proposed on the provided plans.
5. **Section 19-4.3(5)(b)** requires that each parking space shall be not less than 20 feet long; all parking spaces are less than 20' long with varying dimensions other than the 2 parallel spaces which comply.
6. **Section 19-4.3(5)(b)** requires that each parking space shall be not less than 9 feet wide; the proposed angle parking spaces excluding the accessible space along with the westernmost accessible space are less than 9' wide with varying dimensions and the proposed western access aisle is 6.25' where 8' is required per **NYS Building Code Section 1106.1.1**.
7. **Section 19-4.3(5)(b)** requires that parking spaces shall be served by an aisle between rows of parking spaces of not less than 22 feet wide; the southernmost 6 parking spaces do not meet this requirement with varying dimensions.
8. **Section 19-4.3(11)(a)** requires that for Pre-schools, 1 parking space shall be provided per staff member plus 1 space for each classroom; as stated above, your Site Plan application was not completed and more information is required to confirm compliance with this section.
9. A 4' black rod fence was to be installed per previous Site Plan approval on the Delafield Street property line along with 40' of the northeastern property line; a chain link fence exists with no proposal to install 4' black rod fence.
10. Refuse enclosure was moved and apron extended from what was previously approved without Site Plan or a building permit.
11. Existing blacktop on northern portion of building was demolished and grass planted without a building permit.

Therefore, Area Variance(s) will be required from the Zoning Board of Appeals. After you obtain approvals from the Planning Board and Zoning Board you would then need to file all required Building permits and obtain an issued Certificate of Compliance from the Building Department.



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

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

Sincerely,

Joseph O'Brien
Deputy Zoning Administrator



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

Attending Members:

In the matter of the appeal of Astor Services, regarding the property at 50 Delafield Avenue, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 20th day of November, 2023:

With regard to our File #ZBA2023-045

WHEREAS, the Zoning Board of Appeals has received an application from Astor Services for the proposed installation of condensers; and,

WHEREAS, the following variances are requested regarding Section 19-19-4.13(1) of the Zoning Ordinance which prohibits location of accessory uses in front yards. Further, the use has expanded since the original approval resulting in addition of staff impacting the parking requirement, requiring a variance of Section 19-4.3(11)(a) which requires 101 off street parking spaces to allow 51 parking spaces on site.; and,

WHEREAS, the action is more fully detailed on a survey prepared by Mauri Architects PC, dated 7/25/23 and supplemental documentation; and,

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

WHEREAS, a public hearing was held on October 23, 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;

An undesirable change will not be produced in the character of the neighborhood. The visual impact of the front yard location of the condensers will be mitigated by landscaping. The parking lot is pre-existing.

(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 benefit sought by the applicant cannot be achieved by another feasible method. Locating the condensers on another side of the building would remove parking spaces and there is not room on the property to add more parking spaces to replace them. The parking lot is pre-existing.

(3) whether the requested area variance is substantial;

The requested area 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; and

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The visual impact of the front yard location of the condensers will be mitigated by landscaping.

(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 alleged 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 variance for File #ZBA2023-045 as outlined above, with the following conditions:

-

Motion:

Second:

Carried:

Board Administrative Assistant

Date