



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

Common Council Chambers
Tuesday, February 13, 2024
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of January 9, 2024 Meeting Minutes

III. ADJOURNED APPLICATION REVIEW/HEARINGS

1. **27 SOUTH CLINTON STREET – USE & AREA VARIANCE APPLICATIONS**
2. **49 CIVIC CENTER PLAZA - INTERPRETATION**
3. **134 SMITH STREET - USE VARIANCES**

IV. REVIEW OF RESOLUTIONS

1. 579 MAIN STREET - AREA VARIANCES

Application for variances relative to the proposed conversion of the building at 579 Main Street to a mixed use building containing retail and art studio space on the first floor, and three dwelling units, requiring variances of Section 19-3.23(2)(b)(9)(vi) of the Zoning Ordinance, which limits the size of apartments to no more than 750 square feet, to allow two apartments to be greater than 750 square feet, and Section 19-4.3(11), which requires 11 off-street parking spaces, to allow one off-street parking space. Owner: Johany Property LLC; Applicant: One Stop Property Service LLC;

Consultant: Ciro Interrante, Architect; Zoning District: C-2A; Grid #6161-24-423946; File #ZBA2023-047

2. 110 SOUTH GRAND AVENUE - AREA VARIANCES

Application for area variances to allow the construction of an off-street parking lot in the Park Avenue front yard of the property, requiring a variance of Sections 19-4.13(1) and 19-4.13(2) of the Zoning Ordinance. Owner/Applicant: Faith Apostolic Ministries Inc.; Consultant: Michael Berta, AIA; Zoning District: R-2; Grid #6161-49-620556; File #2023-051

V. PUBLIC HEARINGS & DELIBERATIONS

1. 16 PERSHING AVENUE APPLICATION - AREA VARIANCES

Application for variances relative to the proposed conversion of the former emergency mobile response facility to an autobody repair shop, requiring a variance of Section 19-3.24(2)(a) of the Zoning Ordinance, which does not permit autobody facilities in the C-3 District to be located within thirty (30) feet of a residential zoning district, to allow the use to directly abut an R-4 residential district and several residential properties at the west, and Section 19-4.3(11)(c), which requires 29 parking spaces, to allow the 25 spaces. Owner/Applicant: Devanand Jaikarran; Consultants: Mackey Butts & Whalen, and Liscum McCormack VanVoorhis; Grid #6161-24-427963; Zoning District: C-2A; Grid #6161-24-427963; File #ZBA2023-040

2. 1 CIVIC CENTER PLAZA - AREA VARIANCES

Application for area variances relative to the placement of an awning sign, requiring variances of Section 19-4.9(9)(a)(2) of the Zoning Ordinance to allow a sign 19'8" wide where 10 feet is permitted and Section 19-4.9(9)(a)(4) to allow six words when five words is the limit. Owner: Acadia Hudson, LLC; Applicant: Victoria Rothman; Zoning District: PID-HC; Grid #6162-77-050111; File #2023-050

3. 15 NORTH CLINTON STREET - AREA VARIANCES

Application for area variances relative to the proposed conversion of the existing four family dwelling at 15 North Clinton Street to an eight family dwelling, requiring variances of Section 19-3.15(4)(c), to allow a lot of 8,114.45 square feet where 22,400 square feet is required, Section 19-3.15(4)(i) to allow 1889 square feet of usable open space for tenant recreational purposes where 2,400 square feet is required, and Section 19-4.3(11)(a) to allow 12 off-street parking spaces where 16 are required, Section 19-4.3(1) and (2), to allow an opaque fence along the south property line where landscape strips are required, and Section 19-4.11, to allow an opaque fence along the south, east and west property lines where a landscape strip is required. Owner/Applicant: North Clinton Holdings LLC;

Consultant: Jason Lichwick Architecture PLLC; Grid: # 6162-79-272082;
File #2024-005

4. 48 SOUTH HAMILTON STREET - AREA VARIANCES

Application for area variance relative to the conversion of the existing single family dwelling at 48 South Hamilton Street to a two family dwelling, requiring variances of Section 19-4.19-3.15(4)(a) of the Zoning Ordinance to allow a lot area of 4,773 square feet where 10,000 square feet are required, and Section 19-4.3(11) to allow two off-street parking spaces where four are required. Owner/Applicant: Peter Nocerino; Zoning District: R-4; Grid #6161-22-155937; File #2024-006

5. 76 DELAFIELD STREET - AREA VARIANCE

Application for area variance relative to the installation of condensers on the building at 76 Delafield Street, requiring a variance of Section 19-4.13(1) of the Zoning Ordinance to allow a set-back of 3.5 feet where 6 feet is required. Owner: The Shamrock Association, Inc; Applicant: Scott Parker, Vice President; Zoning District: R-4; Grid #6062-60-882431; File #2024-001



City of Poughkeepsie Zoning Board of Appeals
Draft Minutes
Tuesday, January 9, 2024 6:00 PM

ATTENDANCE

Scott Parker
Jessica Vinall
Thomas Klug
Justin Phillips
James Patterson
Sam Finnerman 6:08 pm

STAFF

Rebecca Valk, Corporation Counsel
Richard Distel, Planner
Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER 6:02 pm

II. APPROVAL OF MEETING MINUTES

Approval of December 12, 2023 Meeting Minutes
Motion: Scott Parker
Second: Thomas Klug
Carried: 5:0:0

III. REVIEW OF RESOLUTIONS

1. 504-512 MAIN STREET- INTERPRETATION

Request for Interpretation as to whether or not "mini-warehouses" are permitted in the General Commercial (C-3) Zoning District, requiring a general examination of definitions and districts in which warehousing and mini-warehouses are permitted, and specifically of Section 19-3.34(2) of the Zoning Ordinance. Owner/Applicant: Piedmont Properties of Dutchess, LLC; Consultant: Joshua Mackey, Esq, Mackey Butts & Whalen, LLP; Zoning District: Zoning District: C-3; Grid #6161-23-304986, 306985, 309983, 313982, 316981; File #ZBA2023-036

A motion was made to approve the applicant's proposed use of the property
Motion: Scott Parker
Second: Justin Phillips
Carried: 5:0:0

IV. PUBLIC HEARINGS & DELIBERATIONS

1. 49 CIVIC CENTER PLAZA - INTERPRETATION

Adjourned to February

A motion was made to adjourn the application review and public hearing to February
Motion: Scott Parker
Second: Justin Phillips
Carried: 5:0:0

2. 579 MAIN STREET - AREA VARIANCES

Application for variances relative to the proposed conversion of the building at 579 Main Street to a mixed use building containing retail and art studio space on the first floor, and three dwelling units, requiring variances of Section 19-3.23(2)(b)(9)(vi) of the Zoning Ordinance, which limits the size of apartments to no more than 750 square feet, to allow two apartments to be greater than 750 square feet, and Section 19-4.3(11), which requires 11 off-street parking spaces, to allow one off-street parking space. Owner: Jolhany Property LLC; Applicant: One Stop Property Service LLC; Consultant: Ciro Interrante, Architect; Zoning District: C-2A; Grid #6161-24- 423946; File #ZBA2023-047

A motion was made to open the public hearing
Motion: Scott Parker
Second: James Patterson
Carried: 6:0:0

No Speakers

A motion was made to close the public hearing
Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

3. 1 CIVIC CENTER PLAZA - AREA VARIANCES

Application for area variances relative to the placement of an awning sign, requiring variances of Section 19-4.9(9)(a)(2) of the Zoning Ordinance to allow a sign 19'8" wide where 10 feet is permitted and Section 19- 4.9(9)(a)(4) to allow six words when five words is the limit. Owner: Acadia Hudson, LLC; Applicant: Victoria Rothman; Zoning District: PID-HC; Grid #6162-77-050111; File #2023-050

A motion was made to open the public hearing
Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

No Speakers

A motion was made to adjourn the public hearing and application review
Motion: Scott Parker
Second: Justin Phillips
Carried: 6:0:0

4. 110 SOUTH GRAND AVENUE -AREA VARIANCES

Application for area variances to allow the construction of an off-street parking lot in the Park Avenue front yard of the property, requiring a variance of Sections 19-4.13(1) and 19-4.13(2) of the Zoning Ordinance. Owner/Applicant: Faith Apostolic Ministries Inc.; Consultant: Michael Berta, AIA; Zoning District: R-2; Grid #6161-49-620556; File #2023-051

A motion was made to open the public hearing

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

Speakers:

Tim Challey

Laurie Sandow

A motion was made to close the public hearing

Motion: Scott Parker

Second: Thomas Klug

Carried: 6:0:0

5. 200 MAIN STREET - INTERPRETATION

Request for Interpretation as to whether or not the applicant's proposed use constitutes an art gallery pursuant to the provisions of the Zoning Ordinance, requiring a general examination of definitions, permitted, uses and zoning districts, including a comparison between the C-2 and PID-HC Districts, in which of the Zoning Ordinance. Owner: 200 Main LLC; Applicant: Christina and Ty Johnson; Zoning District C-2; Grid #62-84-965121; File #2023-053

A motion was made to open the public hearing

Motion: Scott Parker

Second: Jessica Vinall

Carried: 6:0:0

No Speakers

A motion was made to close the public hearing

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

6. 16 PERSHING AVENUE APPLICATION -AREA VARIANCES

Application for variances relative to the proposed conversion of the former emergency mobile response facility to an autobody repair shop, requiring area variances of Section 19-3.23(2)(b)(3) which provides that no automotive uses be located within thirty (30) feet

of a residential zoning district, to allow the use to abut an R-4 residential district, and Section 19- 4.3(11)(c), which requires 25 parking spaces plus 1 for every 2 employees, to allow the existing 25 spaces with no additional parking for employees. Owner/Applicant: Devanand Jaikarran; Consultant: Liscum McCormack Vanvoorhis; Zoning District: C-2A/C-3; Grid #6161-24-427963; File #ZBA2023-040

Presenting: Lita Ward, Mackey, Butts and Whalen
Livia and Devanand Jaikarran Owners
Matthew Tether, Liscum, Voorhees and McCormick

A motion was made to open the public hearing
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

Speaking:
Alonso Dixon

A motion was made to adjourn the public hearing and application review
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

V. CONTINUED APPLICATION REVIEW

7. 134 SMITH STREET - USE VARIANCE

Application for use variance relative to the proposed use of the vacant storefront at 134 Smith Street as a retail (convenience) store. The previous use of the property for retail purposes was nonconforming, ceasing in 2016. Pursuant to Section 19-5.1(1)(d), such use may not be re-established without a variance of Section 19-3.31(2) of the Zoning Ordinance governing permitted uses. The single story structure also contains a dwelling unit. Owner: Ihsan Nesheiwat; Applicant: Gary Beck, Jr./Z3 Consultants; Grid #6162-72-414248; File #2023-023

A motion was made to adjourn the review and public hearing until February
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

8. 27 SOUTH CLINTON STREET- USE & AREA VARIANCES

Application for use variance relative to the proposed construction of a 4- unit multiple dwelling on the vacant lot at 27 South Clinton Street (formerly the site of a single family dwelling) in an R-2A zoning district which limits the number of dwelling units to two (2), requiring a variance of Section 19- 3.13.1(2) of the Zoning Ordinance. Application for area variances of: Section 19-3.13.1(4)(a)(3) which requires 10,000 square feet of lot area

to allow 8712 square feet; Section 19-3.13.1(4)(d)(2), which requires a 20 foot front yard to allow a 10 foot front yard on South Clinton Street and an 8 foot front yard of Church Street; Section 19-3.13.1(4)(d)(2), which requires side yards of 10 feet, to possibly allow a side yard of 6 feet, depending on the configuration of the stairs on the south side of the building; Section 19- 3.13.1(4)(d)(3), which requires a rear yard of 15 feet, to allow the (east) rear yard to be 5 feet (the remaining yard area is compromised by off-street parking); Section 19-4.3(5)(b) which requires parking spaces to be a minimum of 20 feet deep to allow 18 foot deep spaces; Section 19- 4.3(5)(b), which requires aisles between rows of parking to be 22 feet wide, to allow an 18' wide aisle between rows of parking; Section 19-4.3(5)(11), which requires 9 parking spaces, to allow 8 parking spaces; Section 19- 4.13, which requires that all accessory uses be set back a minimum of 6 feet from the property line, to allow garbage bins to be located virtually on the south side property line; and, Section 19-4.14(3)(a) which requires that all fences be a minimum of 10 feet from any wall containing a legal window, to allow a fence to be within 7 feet of a wall; Owner/Applicant: 27 South Clinton Street, LLC/Quincy William; Consultant: Ciro Interrante; Zoning District: R-2A; Grid #6161-22-237923; File #2023-035.

A motion was made to adjourn until February
Motion: Scott Parker
Second: Jessica Vinall
Carried: 6:0:0

9. 149 NORTH HAMILTON STREET -AREA VARIANCE

Application for area variances relative to the construction of a driveway and off-street parking lot on the property at 149 North Hamilton Street. The variances requested are of Section 19-19-4.3(1), 19-4.3(2), 19-4.3(5)(a) and 19-4.3(5)(b) of the Zoning Ordinance, which requires a 6 foot set-back for accessory uses, to allow at a set-back of 1.48 feet on the north and 4.91 feet on the south side. Owner/Applicant: Roy Campbell; Consultant: Paul Tirums, PE; Zoning District: R-3A; Grid #6162-63-275350; File #ZBA2023- 037

A motion was made to approve the resolution received in print with conditions
Motion: Scott Parker
Second: Thomas Klug
Carried: 6:0:0

10. 29 GIFFORD AVENUE - AREA VARIANCE

Application for an area variances relative to the proposed conversion of the legal single-family dwelling at 29 Gifford Avenue, located in an R-4 Zoning District, to a three family dwelling, requiring variances of Section 19- 3.15(4)(c)(1) to allow 3780 sf of lot area where 6600 sf is required; Section 19-3.15(4)(e)(2) to allow a side yard of 2'9.5" where 15 feet are required; Section 19-3.15(4)(i) to allow 415 square feet of usable open space with minimum dimensions of 10x35 feet and 10x15 feet 31.18' where 900sf with a minimum dimension of 40 feet is required; Section 19-4.3(5)(a) to allow a driveway of 9.48 feet wide where 15 feet is required; Section 19-4.11 to allow no perimeter landscaping where landscaping is required (a fence is provided on portions of the perimeter. Owner: Shauna Powell; Applicant: Jon Moss, Berg Moss Architects; Zoning

District: R-4; Grid #61062-68- 937310: File #ZBA2023-049

A motion was made to approve the resolution received in print

Motion: Scott Parker

Second: James Patterson

Carried: 6:0:0

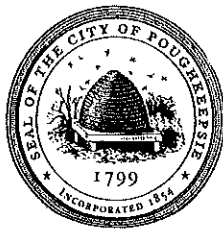
A motion was made to adjourn the meeting

Motion: Scott Parker

Second: Justin Phillips

Carried: 6:0:0

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



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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 579 main st pk ny 12601

ZONING DISTRICT: c2a

OWNER INFORMATION:

Name: Johany Property llc
Address: 30 Eastern Parkway Poughkeepsie NY, 12603

Phone: 646-552-3056
Email: onestopgc845@gmail.com

APPLICANT INFORMATION:

Name: One Stop Property Service LLC
Address: 30 Eastern Parkway Poughkeepsie NY, 12603

Phone: 914-291-4526
Email: onestopgc845@gmail.com

CONSULTANT INFORMATION:

Name: Ciro Interrante
Address: 85 Market St. Poughkeepsie NY, 12603

Phone: 845-473-7575
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 obrien

Date of decision/determination/violation: 10-06-23

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 579 Main St, Poughkeepsie NY 12601

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.23.1(2)9b)(9)(vi)	750 sqft	2 apartments are bigger than 750 sqft
19-4.3(11)	10 Parking Spaces	1 Parking Space + on street Parking

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: 579 Main St, Poughkeepsie NY 12601

LIST OF REQUIRED ATTACHMENTS

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

Not applicable.

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

10/24/23

DATE

Jonathan Pagan, Owner

Print Name

Jonathan G Pagan

160 union st
Poughkeepsie NY
(914)-291-4526
Onestopgc845@gmail.com

08 November 2023

Response from area variance questions

1.)No, we are adding livable units to the area that will benefit the local economy. This project benefits the neighborhood

and will not be a deterrent but a beneficial addition to the area and surrounding properties.

2.)

No, we have explored additional purchases surrounding the property in search of parking spots

but have not found anything feasible. We have consulted with engineers and architects to explore

the possibility of different design to accommodate but have come to no solution other than a variance.

3.)

No it is not, we are seeking a variance for two units at 800 sqft when the required amount is 750. The most substantial aspect is parking. However, there is ample and abundant street parking and 24 hour lots around the property to accommodate this deficit.

4.)No they will not. The apartment size variance has no effect at all , while the parking has minimal given the abundance of on street and local parking

5.)

•

They are unique to the property. The property is a corner lot which creates a difficulty in having a parking lot dedicated to ten spots. With the amount of on street and local lots, we believe this issue is unique to the property.

ZBA Submission for the property located at,

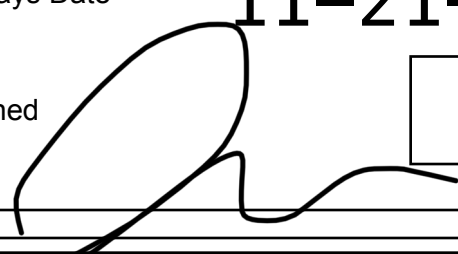
579 Main St. Poughkeepsie NY, 12601

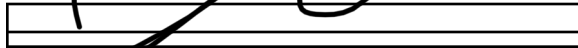
The project located at 579 Main St. is a mixed use project that has brought newly renovated, high efficiency units to the local market. Boasting three residential units and two commercial units, this property will stir activity in the local economy and benefit the City of Poughkeepsie in tax revenue and revitalization.

Today's Date

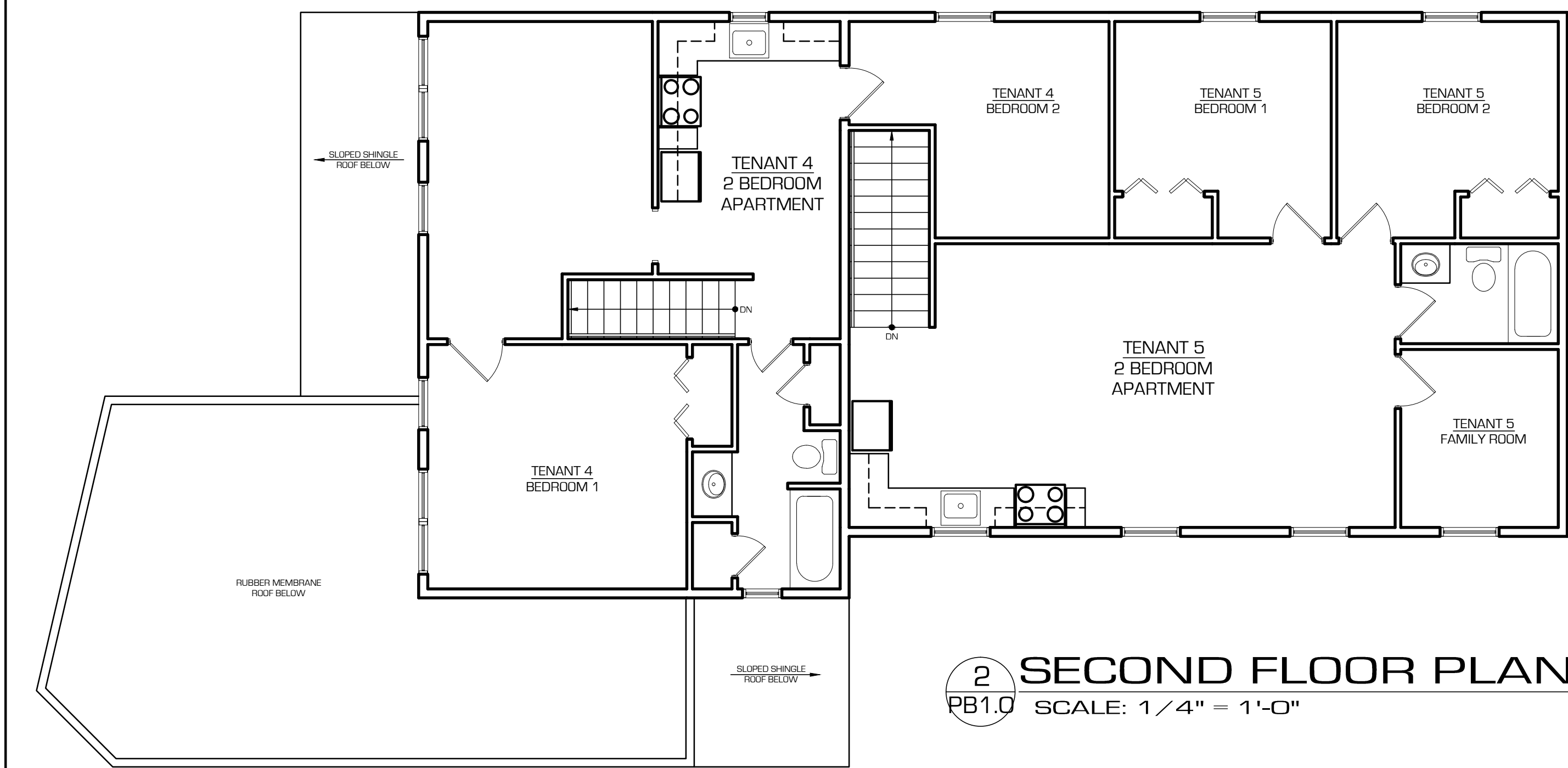
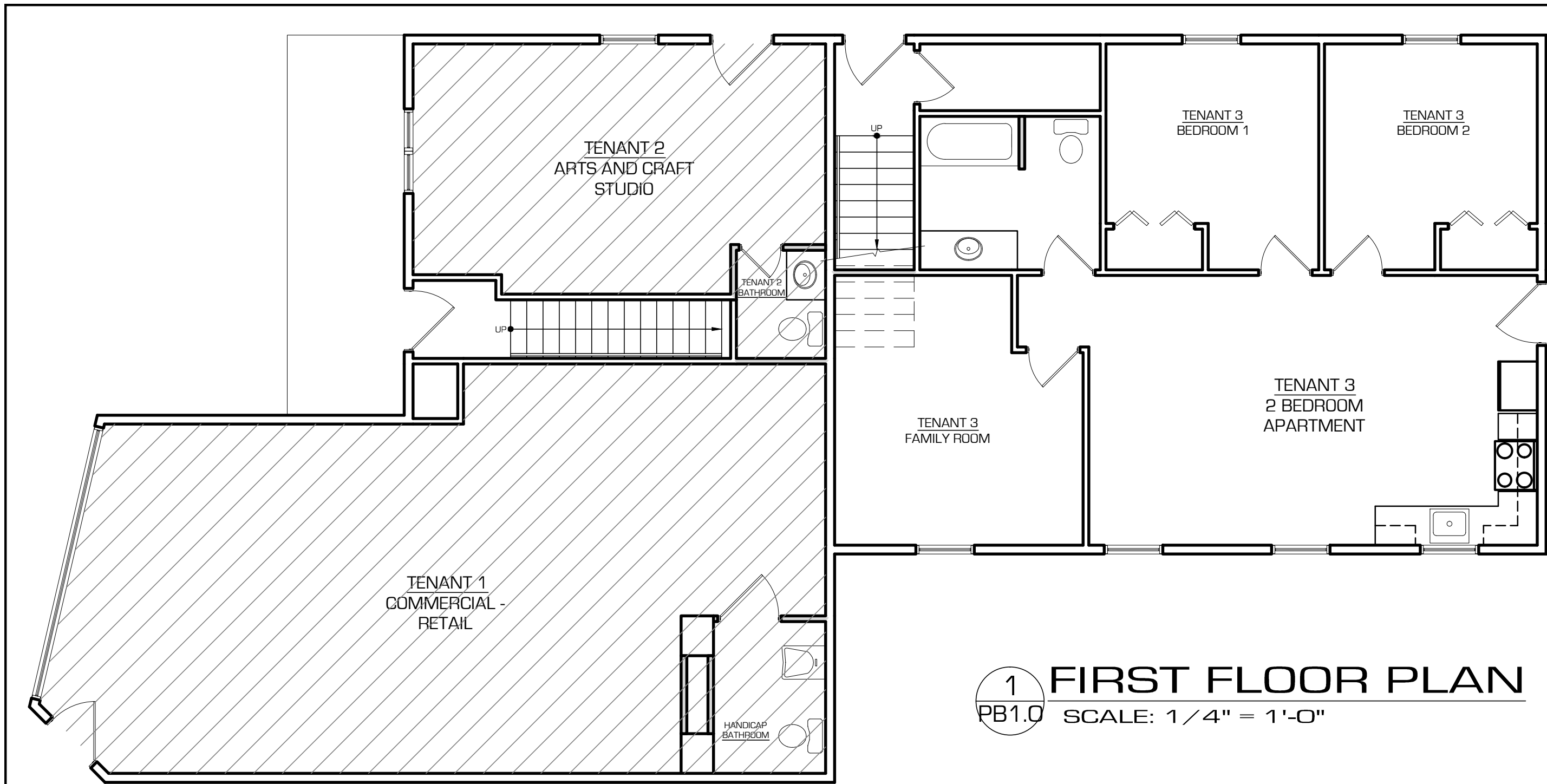
11-21-23

Signed





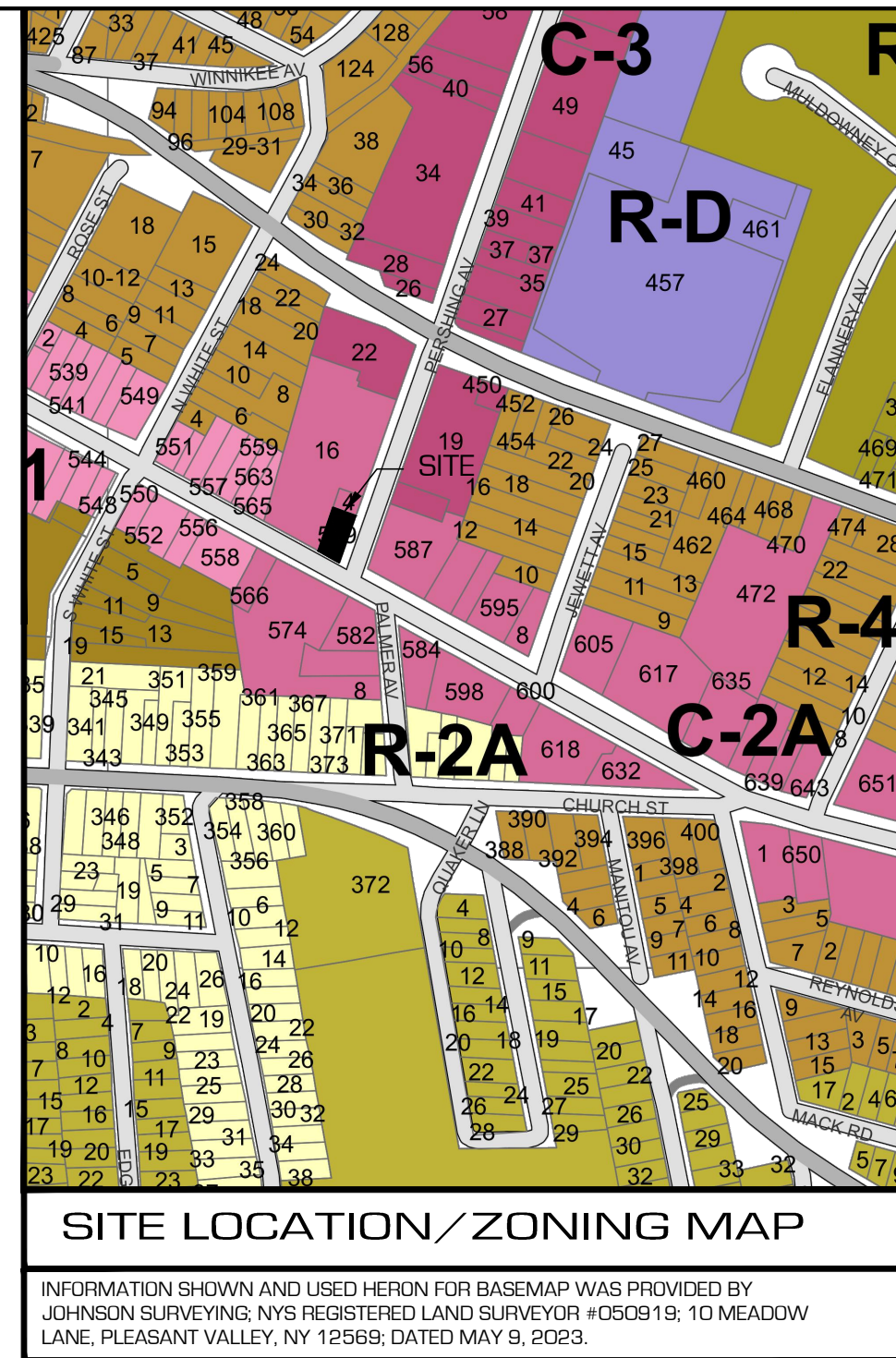
Jonathan Pagan, Owner



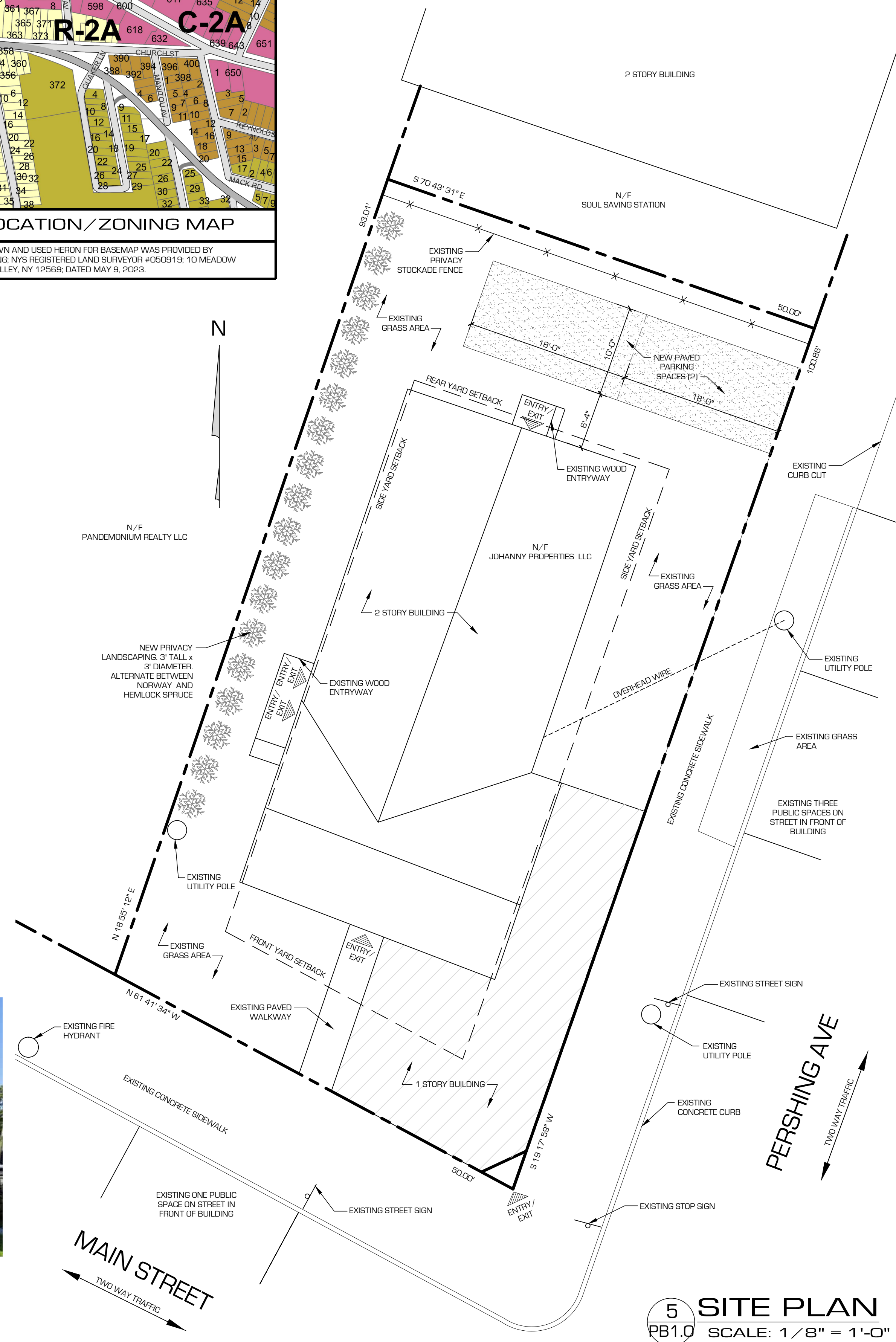
3 MAIN STREET ELEVATION
PB1.0



4 PERSHING AVE ELEVATION
PB1.0



BULK REQUIREMENTS - C-2A		
USE: APARTMENT HOUSE		
ITEM	REQUIRED / ALLOWED	PROVIDED
LOT REQUIREMENTS		
LOT AREA	NONE	7,405 SF
LOT FRONTAGE	40'	50'
FAR	20%	3768 / 7405 = .5%
YARD REQUIREMENTS		
FRONT YARD	10'	0' / 10'
REAR YARD	20'	20' 0"
SIDE YARD (EACH)	10'	0' / 40'
COVERAGE REQUIREMENTS		
MAXIMUM LOT COVERAGE	60%	28.9%
PARKING		
OFF-STREET PARKING	2 - 3 BEDROOM = 4 1 - 2 BEDROOM = 2 OFFICE (1 / 300 SF) 268 SF = 1 RETAIL (1 / 300 SF) 740 SF = 2	2 SPACES



A. HENNESSY ARCHITECTS, P.C.
•ARCHITECTURE •LAND PLANNING
•ENGINEERING •DEVELOPMENT
1200 STONY BROOK COURT - SUITE 3
NEWBURGH, NEW YORK 12550
PHONE: 845-561-7500 FAX: 845-561-7534
WWW.HENNESSYARCHITECTS.COM

CLIENT:
**JOHANNY
PROPERTY'S LLC**

2600 SOUTH ROAD
POUGHKEEPSIE, NY

PROJECT:
**MULTI-USE
ALTERATIONS**

579 MAIN STREET
POUGHKEEPSIE, NY

ARCHITECT'S SEAL:

UNAUTHORIZED ADDITION OR
ALTERATION OF THIS PLAN
IS A VIOLATION OF SECTION
2209 (2) OF THE NEW YORK
STATE EDUCATION LAW.

**BUILDING PICTURES
FLOOR PLANS
SITE PLAN**

REVISIONS:

PROJECT NO.: 22006	SHEET NO.
SCALE: AS NOTED	PB1.0
DATE: 9.25.23	
DESIGNER: MH	
CHECKED: AJH	
DRAWN BY: MH	

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: <u>579 Main Street</u>			
Project Location (describe, and attach a location map): <u>579 Main Street</u>			
Brief Description of Proposed Action: <u>3 residential apartments</u> <u>2 commercial spaces</u>			
Name of Applicant or Sponsor: <u>Jonathan Pagon</u>		Telephone: <u>914-291-4520</u>	
		E-Mail: <u>OneStepCE315@gmail.com</u>	
Address: <u>30 Eastern Parkway Poughkeepsie NY</u>			
City/PO: <u>Poughkeepsie</u>		State: <u>NY</u>	Zip Code: <u>12603</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO ☐
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO ☐
If Yes, list agency(s) name and permit or approval:			YES ☐
3. a. Total acreage of the site of the proposed action?		<u>0.25</u> acres	
b. Total acreage to be physically disturbed?		<u>0.15</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	☒	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____	☒	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____	☒	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jonathan Pish</u> Date: <u>11-21-23</u> Signature: _____ Title: <u>CEO</u>		



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT APPROVAL RESOLUTION
579 MAIN STREET
FEBRUARY 13, 2024**

Present

In the matter of the appeal of Johany Property LLC, regarding the property at 579 Main Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 13th day of February, 2024:

With regard to our File #ZBA 2023-047

WHEREAS, the Zoning Board of Appeals has received an application from Johany Property LLC for the proposed conversion of the building at 579 Main Street to a mixed-use building containing retail and art studio space on the first floor, and three dwelling units; and,

WHEREAS, the following variances are requested regarding Section 19-3.23(2)(b)(9)(vi) of the Zoning Ordinance, which limits the size of apartments to no more than 750 square feet, to allow two apartments to be greater than 750 square feet, and Section 19-4.3(11), which requires 11 off-street parking spaces, to allow one off-street parking space; and,

WHEREAS, the action is more fully detailed on a site plan prepared by A. Hennessy Architects, P.C., dated 9/25/23 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 January 9, 2024.

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. The variances will not necessarily produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties;
2. The benefit sought by the applicant to use the property as a mixed-use development are not achievable by another feasible method as the building is pre-existing. Reducing the size of the apartments would lead to more apartments, leading to new variances;
3. The requested variances are not substantial;
4. The proposed variance may not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, as there is available street parking on Main Street and Pershing Avenue;
5. The hardship is self-created, inasmuch as the applicant chose to make the improvements which were not required. 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.

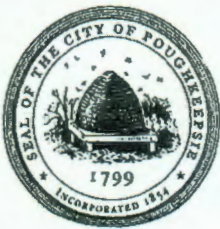
NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance for File #ZBA2023-047 as outlined above, with the following conditions:

•

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: 110 S. Grand Ave
ZONING DISTRICT: R2

OWNER INFORMATION:

Name: Faith Apostolic Ministries Inc
Address: 110 S. Grand Ave
Poughkeepsie, NY 12603
Phone: 347-772-0851
Email: faithapostolicny@gmail.com

APPLICANT INFORMATION:

Name: Faith Apostolic Ministries Inc
Address: 110 S. Grand Ave
Poughkeepsie, NY 12603
Phone: 347-772-0851
Email: faithapostolicny@gmail.com

CONSULTANT INFORMATION:

Name: Michael R. Berta, AIA Architecture & Planning
Address: 7 Robert Rd Poughkeepsie, NY 12603
Phone: 845.489.1638
Email: Mike@bertaarchitects.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: 9/25/2023 - Parking in front yard (Park Ave)

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 110 S. Grand Ave Poughkeepsie, NY 12603

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.



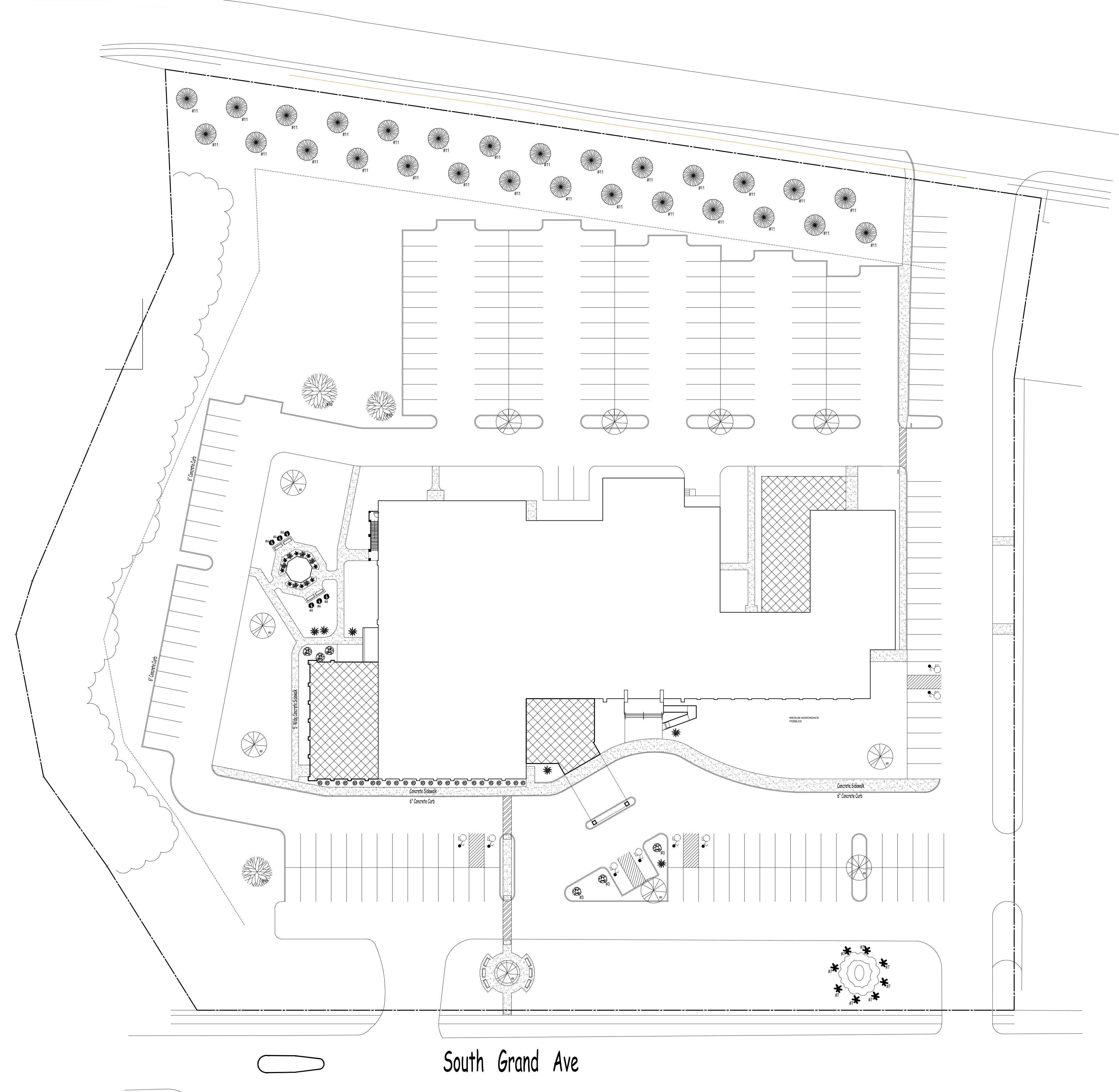
SIGNATURE OF APPLICANT

11/26/23
DATE

Tanisha Clarke

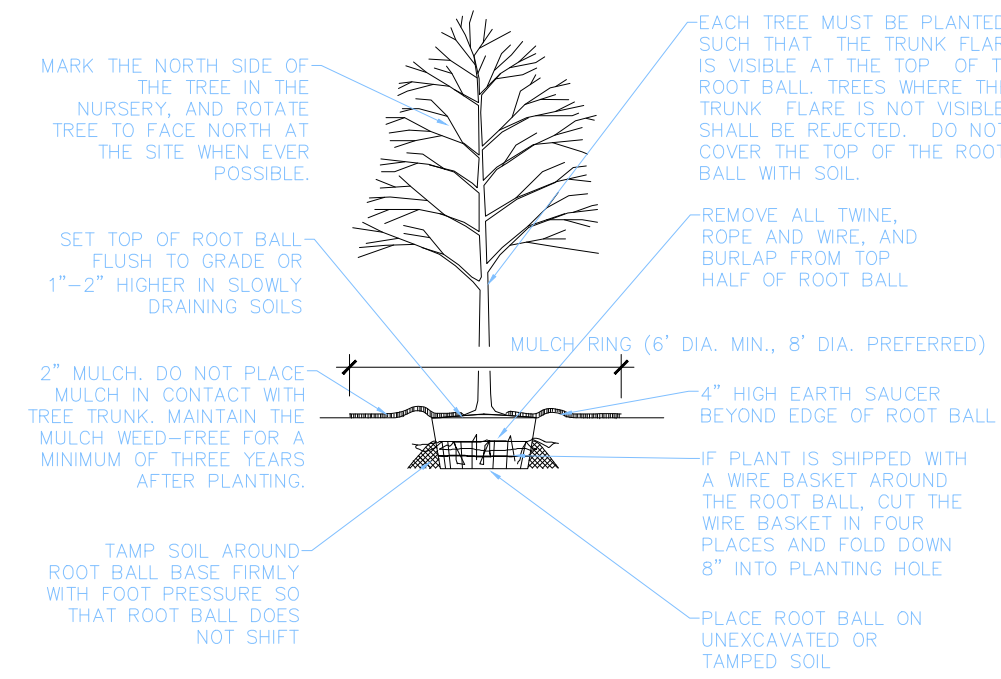
Print Name

THE ABOVE REFERENCED REGIONS REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THAT REGION.
(NYS 1-800-962-7962)



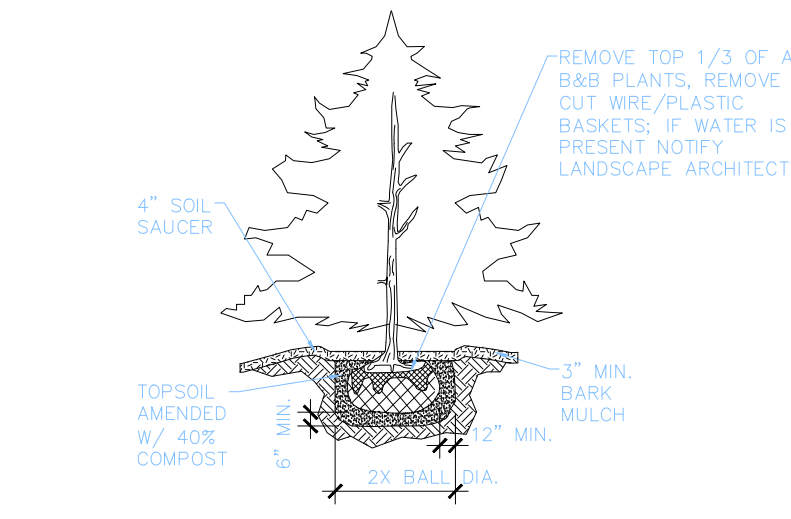
Landscapping Plan

Scale: 1" = 30'-0"



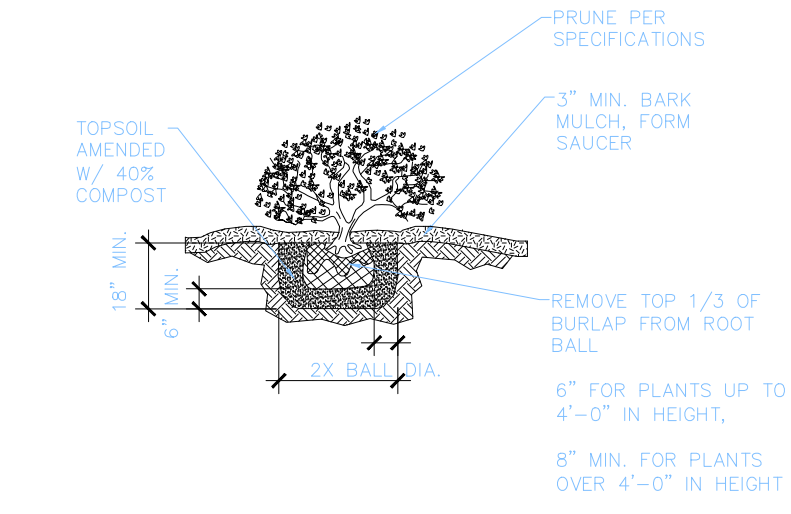
Deciduous Planting Detail

Scale: None



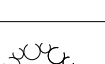
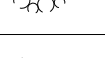
Conifer Planting Detail

Scale: None



○ Shrub Planting Detail

Scale: None

PLANTING SCHEDULE					
NUMBER	SYMBOL	BOTANICAL/COMMON NAME	QUANTITY	SIZE	REMARKS
#1		GREEN VELVET BOXWOOD (BUXUS GREEN VELVET)		2 GALLON CONTAINER	24" SPACING AS SHOWN
#2		HETZ MIDGET ARBORVITAE (THUJA OCCIDENTALLIS HETZ MIDGET)	5	4 GALLON CONTAINER	30" SPACING AS SHOWN
#3		BLACK KNIGHT BUTTERFLY BUSH (BUDDLEJA DAVIDI BLACK KNIGHT)	15	4 GALLON CONTAINER	
#4		BLOOMERANG PURPLE REBLOOMING LILAC SHRUB (SYRINGA 'SMSJBPT')	5	4 GALLON CONTAINER	30" SPACING AS SHOWN
#5		AMERICAN BOXWOOD SHRUB (BUXUS SEMPERVIRENS)	15	4 GALLON CONTAINER	24" SPACING AS SHOWN
#6		PARDON ME DAYLILLY (HEMEROCALLIS 'PARDON ME')		VARIES	MIX DIFFERENT COLORS
#7		AVALANCHE FEATHER REED GRASS		SPECIMEN	
#8		BURNING BUSH (EUONYMUS ALATUS)	12	30" TALL	5'-0" SPACING
#9		EASTERN REDBUD (CERCIS CANADENSIS)	1	5'-6" TALL	4 INCH CALIPER
#10		Norway Maple (Acer Platanoides)	1	8' TALL	4 INCH CALIPER
#11		White Pines, Colorado Blue Spruce or Norway Spruce	1	6' TALL	4 INCH CALIPER

GENERAL LANDSCAPE NOTES

1. THE CONTRACTOR IS CAUTIONED TO VERIFY ALL LAYOUT, GRADES AND OTHER EXISTING FEATURES AND TO CHECK ALL MEASUREMENTS AT THE SITE PRIOR TO ORDERING MATERIALS OR COMMENCING WORK.
2. IF AND WHENEVER PLANT MATERIAL CANNOT BE LOCATED AS INDICATED DUE TO UNDERGROUND UTILITIES OR OTHER SUBSURFACE OBSTRUCTIONS, SUCH LOCATIONS SHALL BE ADJUSTED IN THE FIELD BY THE ARCHITECT.
3. AREAS FOR STOCKPILING MATERIALS, STORING EQUIPMENT AND PARKING EMPLOYEE VEHICLES WILL BE ONLY IN THOSE AREAS AS APPROVED BY THE ARCHITECT OR OWNER.

PLANTING SPECIFICATIONS ALL TREE PITS, SHRUBS PITS AND GROUND COVER AREAS SHALL BE EXCAVATED AS FOLLOWS:

- TREE PITS SHALL BE TWO (2) TIMES AS WIDE AS THE BALL. TREE PITS SHALL BE SIX (6) INCHES DEEPER THAN THE DEPTH OF THE BALL.
- FOR SHRUBS THE PIT SHALL BE TWO (2) TIMES THE WIDTH OF THE BALL OR SPREAD OF THE ROOTS AND SIX (6) INCHES DEEPER THAN THE DEPTH OF THE BALL OR ROOTS.
- FOR GROUND COVER AREAS THE EXCAVATION SHALL BE SIX (6) INCHES DEEP.
- ALL TREES AND SHRUBS SHALL BE PLANTED TWO (2) INCHES HIGHER THAN THE ORIGINAL GROWING DEPTH.
- ALL EXCESS EXCAVATION SHALL BE REMOVED FROM THE SITE OR DISPOSED OF AS DIRECTED BY THE LANDSCAPE ARCHITECT.

TOPSOIL FURNISHED AND PLACED ALL MATERIAL SHALL BE NATURAL LOAM TOPSOIL, FREE FROM SUBSOIL, SOD, STONES OVER TWO (2) INCHES IN GREATEST DIMENSION AND ANY OTHER UNDESIRABLE MATERIAL. TOPSOIL SHALL CONTAIN NOT LESS THAN FIVE (5) PERCENT ORGANIC MATTER AND SHALL HAVE A PH OF BETWEEN 5.5 AND 7.0. TOPSOIL SHALL BE FRAGILE WITH A LOW CLAY CONTENT.

TOPSOIL SHALL BE PLACED AS FOLLOWS: BACKFILL FOR ALL TREE PITS, SHRUB PITS AND GROUND COVER AREAS AND SHALL BE COMPACTED TO FILL THE EXCAVATION AS DESCRIBED ABOVE. HUMUS SHALL BE INCORPORATED WITH TOPSOIL AS FOLLOWS:

HUMUS HUMUS SHALL BE REED PEAT, SEDGE PEAT OR NATURAL HUMUS. IT SHALL BE FREE FROM HARD LUMPS, STICKS, STONES AND OTHER UNDESIRABLE MATERIAL. THE ACIDITY RANGE SHALL BE 5.5 PH TO 7.0 PH AND THE ORGANIC CONTENT SHALL NOT BE LESS THAN 85 % AS DETERMINED BY LOSS ON IGNITION. HUMUS SHALL BE INCORPORATED AS FOLLOWS:

- BACKFILL OF TREE AND SHRUB PITS AT ONE (1) PART HUMUS TO FOUR (4) PARTS TOPSOIL.
- IN GROUND COVER BEDS SPREAD THREE (3) INCHES THICK AND INCORPORATED INTO UPPER SIX (6) INCHES OF SOIL.

IRRIGATION DESIGN / BUILD

MULCH MULCH SHALL BE SHREDDED BARK FREE OF LARGE PEELINGS, INORGANIC DEBRIS, STONES, LOGS OR ANY MATERIAL WHICH AFFECTS ITS APPEARANCE OR FUNCTION. A SAMPLE SHALL BE SUBMITTED TO ABQA, FOR APPROVAL PRIOR TO DELIVERY TO THE SITE. MULCH SHALL BE SPREAD IN ALL BEDS THREE (3) INCHES IN DEPTH. A COMMERCIAL FERTILIZER WITH A 10 - 6 - 4 RATIO SHALL BE SPREAD ON SOIL AT THE RATE OF 10 POUNDS PER 1000 SQ. FEET PRIOR TO SPREADING OF MULCH. GROUND COVER AREAS SHALL BE MULCHED WITH 1" - 1 1/2" OF SHREDDED BARK.

PLANT MATERIAL AND PLANTING PLANT MATERIALS SHALL BE AS DESCRIBED IN THE PLANT SCHEDULE. ABACA, RESERVES THE RIGHT TO INSPECT ALL PLANT MATERIAL BEFORE DELIVERY. LOCATION OF ALL TREES AND SHRUBS SHALL BE STAKED BY THE CONTRACTOR AND APPROVED BY ABACA PRIOR TO PLANTING. CALIPER OF TREES SHALL BE MEASURED SIX (6) INCHES ABOVE GROUND. BALL SIZES FOR PLANT MATERIAL SHALL CONFORM TO THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMAN.

STAKING AND GUYING IMMEDIATELY AFTER PLANTING ALL TREES OVER 10' IN HEIGHT, SHALL BE EITHER STAKED OR GUYED AS APPROVED BY ABACA.

WATERING ALL PLANT MATERIAL SHALL BE THOROUGHLY WATERED DURING PLANTING AND AS MANY TIMES AS NEEDED UNTIL THE FORMAL ACCEPTANCE OF THE PROJECT BY THE OWNER.

SPECIAL NOTES

1. AREAS SCHEDULED FOR TREE, SHRUB, PERENNIAL OR GROUND COVER BEDS AND WHICH ARE PRESENTLY IN TURF, SHALL BE SPRAYED WITH A 12 % SOLUTION OF "ROUND-UP" BY MONSANTO, TEN (10) DAYS PRIOR TO PLANTING.
2. ALL LEUCOTHOE SPECIES SHALL BE SPRAYED WITH A SOLUTION OF "BENOMYL" FUNGICIDE WITHIN FIVE (5) DAYS AFTER PLANTING AND AGAIN AFTER A TEN (10) DAY PERIOD. THE LANDSCAPE ARCHITECT SHALL WITNESS BOTH THESE PROCEDURES.
3. ALL EVERGREEN TREES AND SHRUBS SHALL BE SPRAYED WITH AN ANTI-TRANSPARENT SUCH AS "MILT-PRUP" OR "EVEEY" THE FIRST DECEMBER AFTER PLANTING, AND AGAIN DURING A TIME IN THE YEAR WHEN TEMPERATURES ARE 40 DEGREES OR HIGHER.
4. ALL PLANTING BEDS, SHRUB BEDS, GROUND COVER BEDS AND TREE PITS SHALL BE TREATED WITH A PRE-ERUPTANT HERBICIDE SUCH AS "TREFLAN" OR "SURFLYN" OR AN APPROVED ALTERNATE, PRIOR TO SPREADING OF MULCH AND AS DIRECTED BY THE ARCHITECT.
5. ALL BETULA SPECIES SHALL BE SPRAYED WITH A SOLUTION OF "LINDANE" THE FIRST MAY AFTER PLANTING.

GUARANTEE AND REPLACEMENT THE CONTRACTOR SHALL GUARANTEE AND REPLACE ALL PLANT MATERIAL PLANTED BY HIM FOR ONE (1) YEAR. THE ONE (1) YEAR PERIOD SHALL COMMENCE AT THE TIME ALL MATERIAL IS PLANTED AND FORMALLY ACCEPTED BY THE ARCHITECT. THE CONTRACTOR SHALL REPLACE IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS ANY TREES, SHRUBS, PERENNIALS AND GROUND COVER PLANTS THAT ARE DEAD OR, IN THE OPINION OF THE ARCHITECT, ARE UNHEALTHY OR UNSIGHTLY CONDITION.

CLEAN-UP THE CONTRACTOR SHALL "CLEAN-UP" AND REMOVE FROM THE SITE ALL RUBBISH, DEBRIS AND SURPLUS MATERIAL AS FAST AS IT ACCUMULATES AND SHALL NOT PERMIT IT TO BE SCATTERED ABOUT THE SITE.

Do Not Scale Prints

Date:

Revision

the action of

Note: These plans are the property of Michael R. Berts, AIA. Architectural Plans. Any use or reproduction in whole or part without the written authorization of Michael R. Berts is prohibited. Any person or corporation using plans without proper authorization will be responsible to compensate the Architect.

Proposed Site Plan

Proposed Addition / Alteration For
Faith Apostolic Ministries Inc

Date: _____

August 28, 2023

Job

2023-00

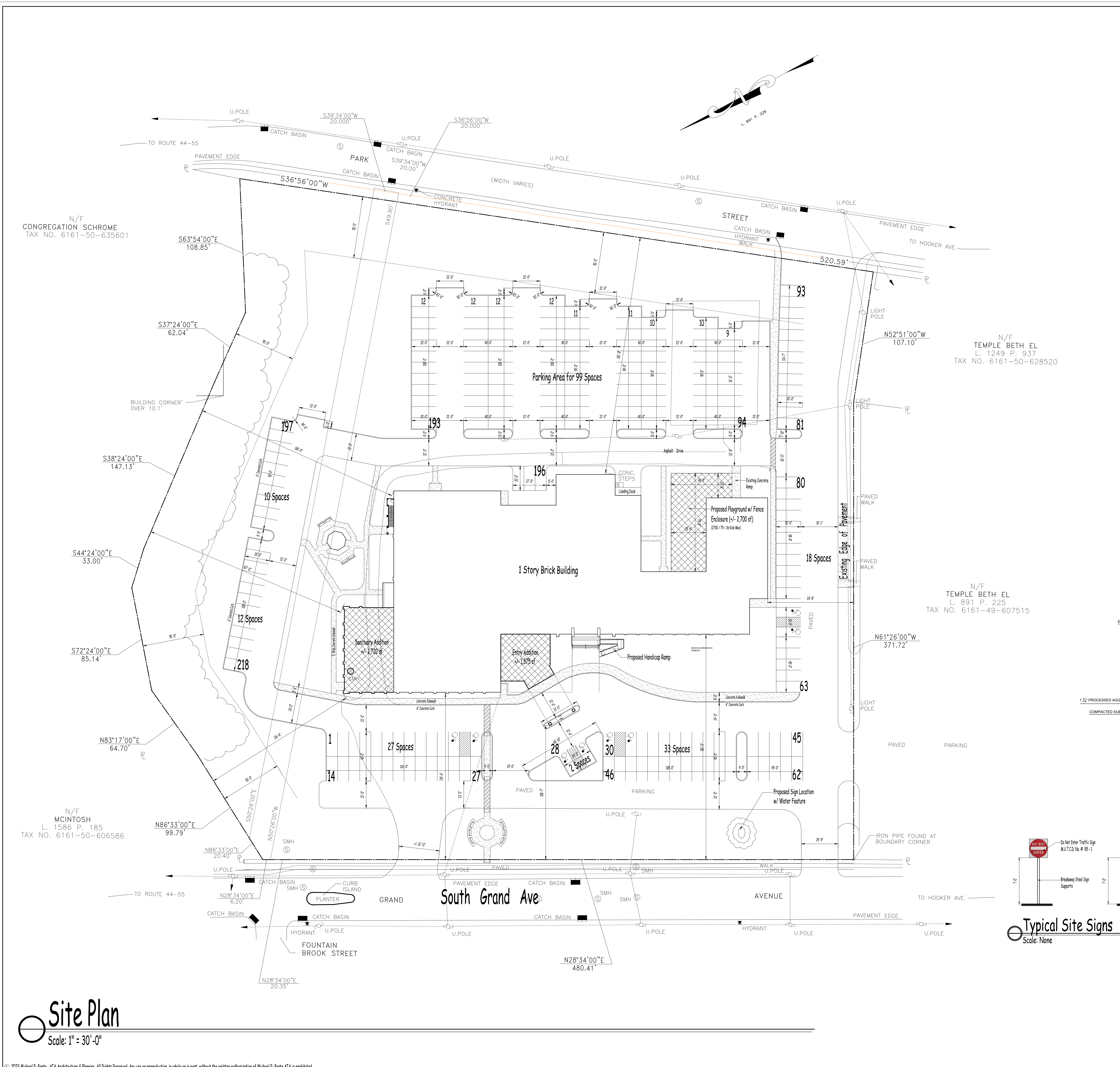
Score	
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As Note

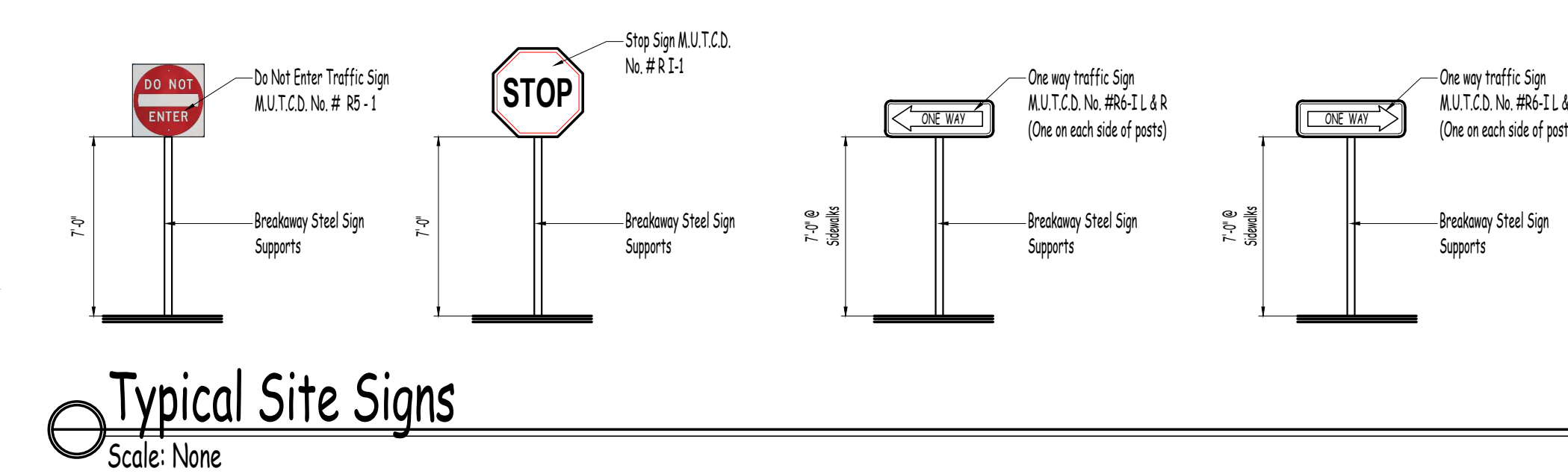
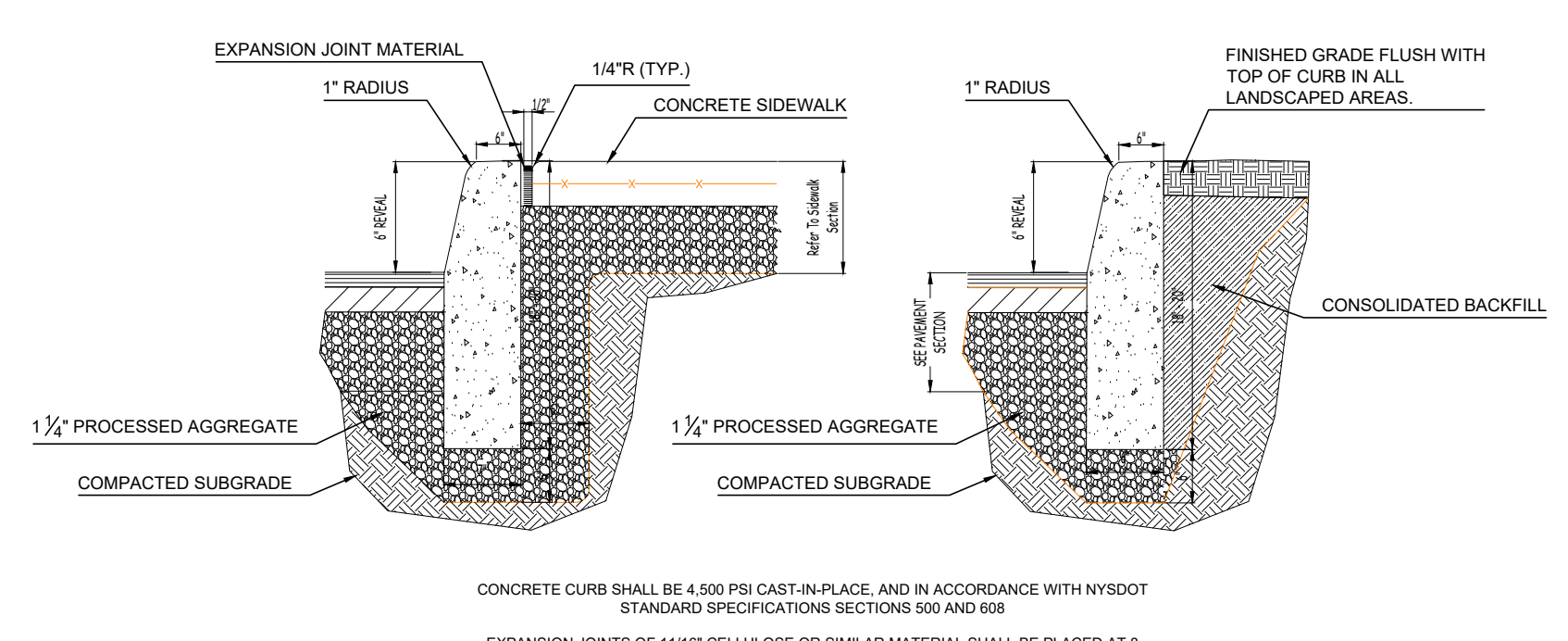
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Site Data		
Tax Map No	131300-6161-49-620556-0000	
Zone	R-2 (Medium Low Density Residence)	
Use	Mixed Use (Church & Daycare)	
Lot Area	Required 10,000 SF	Provided 6.39 ac (278,336.39 sf)
Min Lot Dimensions		
Frontage	30'	287.77'
Width	50'	287.77'
Setbacks		
Front	20'	108.58' (Addition)
Side	10'	126.50' (Addition)
Side	10'	69.90' (Existing)
Rear	15% of Lot Depth = 82.5' (Not Less Than 15')	194.42' (Existing)
Building Hgt (Height / Stories)	35' / 2 1/2	28' / 1 story (Existing)
Maximum Lot Coverage	30 %	22 % Provided 61,235 sf
Off Street Parking		
Church	1 Space per 4 seats	760 Seats / 4 = 190 Spaces
Daycare	1 Space per Staff Member	16 Staff Members = 16 Spaces
Classroom	1 Space per Classroom	5 Classrooms = 5 Spaces
		211 Spaces Required
		218 Spaces Provided (Includes 8 Handicapped Spaces)



Site Plan

Scale: 1" = 30'-0"

Michael R. Berta, AIA

Architecture & Planning

7 Hudson Street, Suite 200

(845) 499-1638

www.bertaarchitects.com

These plans are not valid for a building permit unless they are signed and sealed by the Architect.

Date

Revision

Proposed Site Plan

Proposed Addition / Alteration For Faith Apostolic Ministries Inc

110 South Grand Ave

Poughkeepsie, New York

Date

August 28, 2023

Job No

2023-001

Scale

As Noted

Drawing

SP-1

Of

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

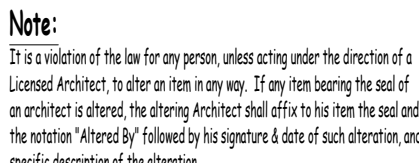
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed Addition / Alteration For Faith Apostolic Ministries Inc			
Project Location (describe, and attach a location map): 110 S. Grand Ave Poughkeepsie, New York 12603			
Brief Description of Proposed Action: Proposed sanctuary & front entry addition. New parking areas and landscaping.			
Name of Applicant or Sponsor: Michael R. Berta, AIA Architecture & Planning		Telephone: 845.489.1638 E-Mail: mike@bertaarchitects.com	
Address: 7 Robert Road			
City/PO: Poughkeepsie		State: New York	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒
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:			YES ☐
3. a. Total acreage of the site of the proposed action? 6.39 acres b. Total acreage to be physically disturbed? 2.5 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.9 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, 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
	☐	☒
	☒	☐
	☐	☐
Collection system is being designed and overflow will go into the existing storm water system		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Michael R. Berta, AIA</u> Date: <u>August 28, 2023</u> Signature: _____ Title: <u>Architect</u>		





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

September 19, 2023

Faith Apostolic Ministries
110 South Grand Avenue
Poughkeepsie, NY 12603

RE: 110 South Grand Avenue

Dear Sir/Madam:

The Development Department is in receipt of your application for site plan review relative to the proposed expansion of the building at 110 South Grand Avenue, including site that encompasses the creation of a parking area on the Park Avenue frontage of the property.

Attached please find the site plan check sheet completed in conjunction with this application identifying deficiencies noted to exist. Please be also advised that the application was reviewed for compliance with the provisions of the Zoning Ordinance, and the following deficiency was noted to exist:

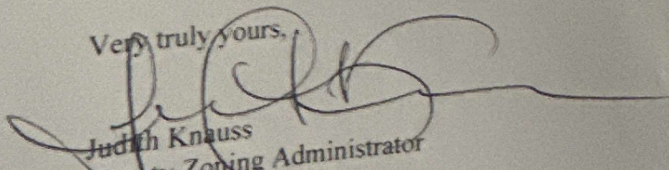
- 1) Section 19-4.13(1) of the Zoning Ordinance prohibits the location of accessory uses in front yards: 99 parking spaces are proposed to be located within the Park Avenue front yard of the property; and,
- 2) Section 19-4.13(2) specifically prohibits off street parking within the front yard of any property located in an R1, R2, R-2A, R-3, R-3A or R-4 Zoning District: the property is located in an R-2 Zoning District and a parking area for 99 parking spaces is proposed.

Therefore, the application is hereby denied. You may, within sixty (60) days of the date of this letter either:

- 1) Amend the plan to reflect compliance with the above referenced requirements; or
- 2) Make application to the Zoning Board of Appeals requesting that variances be granted.

Please feel free to contact me at 845-451-4010 or jknauss@cityofpoughkeepsie.com if you have any questions in this regard.

Very truly yours,


Judith Knauss
Deputy Zoning Administrator

**CITY OF POUGHKEEPSIE, NY
BUILDING, PLANNING & ENGINEERING DEPARTMENTS**

SITE PLAN CHECK SHEET

ADDRESS: 110 S. BRAND AVENUE

The following is a list of deficiencies noted to exist in the submission relative to the requirements for site plan review.

D) APPLICATION REQUIREMENTS AND GENERAL SITE PLAN INFORMATION

<u>Compliance Certified</u>	<u>Item Description</u>
☐ YES ☒ NO	Properly completed application form, including accurate contact information and applicant signature. MAY NEED CLARIFICATION
☒ YES ☐ NO	NO EMAIL/PHONE NUMBER FOR APPLICANT Required fees submitted: ☐ Site Plan: \$500, plus \$150 for 1000 square feet of floor area; ☐ Special Permit: \$500 ☐ Full EAF: \$500; ☐ \$35 x _____ (# of Required Parking Spaces) = _____ TOTAL: _____
☐ YES ☐ NO	Short Environmental Assessment Form submitted.
☐ YES ☐ NO	Full Environmental Assessment Form submitted.
☒ YES ☐ NO	Name and address of owner of record appears on plan.
☒ YES ☐ NO	Name and address of person, firm or organization preparing the plan.
☐ YES ☒ NO	Date (including any revision dates), north arrow, written and <u>graphic scale</u> .
☒ YES ☐ NO	Vicinity map (i.e., Sanborn, tax map).
☒ YES ☐ NO	Existing zoning with accurate lot and bulk tables.
☐ YES ☒ NO	Professional signature and seal on plan, as required by law.
☒ YES ☐ NO	Names of owners of adjoining properties, as shown on the latest tax records.
☐ YES ☒ NO	A statement indicating the financial capability of the applicant to complete the proposed development.
☐ YES ☐ NO	Are any waivers requested? If so, list here (and provide a written request for waiver, outlining the item to be waived and the rationale for waiver: _____ _____ _____

SITE PLAN CHECK SHEET PAGE 2

ADDRESS: 110 S. GRAND AVE

II) EXISTING SITE CONDITIONS

Compliance Certified

Item Description

☐ YES ☐ NO

NO SEAL/SIGNATURE

Site plan is prepared under the direction of a licensed surveyor or licensed professional engineer or references a properly prepared survey with surveyor name, license number and survey date indicated. If a city digital map is utilized, field verification of all features and elevations must be certified by a licensee surveyor or licensed professional engineer.

☒ YES ☐ NO

Location, width and purpose of all existing easements, rights-of-way, setbacks, reservations and rears dedicated to public use, outline of existing covenants and deed restrictions within, adjacent or otherwise pertaining to the property.

☐ YES ☒ NO

NORTH & SOUTH
MISPLACED

Plan view must show all existing features extending a minimum of twenty-five (25) feet past property boundary lines. Such features include all of the following:

☐ YES ☐ NO

Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Planning Board. If parcel is relatively flat, contours MAY be waived if spot elevations are shown which indicate the general slope of the terrain;

☒ YES ☐ NO

Paved areas, walkways, parking areas, vehicular access to public streets, internal drives (detailed as required by material type: i.e., asphalt, concrete, stone, etc); existing landscaping, screening and fences (detailed);

☐ YES ☒ NO

Outlines and descriptions of all structures;

BLDGS TO NORTH
W/IN 25' OF PROPERTY LINE

☐ YES ☐ NO

IDENTIFY TREES TO
BE REMOVED

All watercourses, marshes, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, curbs, sidewalks, adjacent streets with names and widths, and any other significant features.

☐ YES ☒ NO

Show locations of ALL existing utilities, underground and aboveground, within and adjacent to property and in the street, including, but not limited to: sanitary, storm, water, gas and electric, and any utility poles, including light poles. Show all existing connections.

☐ YES ☒ NO

IF NONE, SO NOTE

Approximate boundaries of any areas subject to storm water overflows (reference FEMA 100 year floodplain panel or study).

ADDRESS: 110 S. GRAND AVE

III) PROPOSED SITE IMPROVEMENTS

Compliance Certified

Item Description

☐ YES ☐ NO

The location of all proposed buildings or structural improvements.

☐ YES ☒ NO

Detailed elevations of all proposed principal and accessory structures. NO COLORS, NO MATERIALS

☐ YES ☒ NO

Show locations, size and material of all proposed utilities and service connections.

☒ YES ☐ NO

The location and design of all uses not requiring structures, such as off-street parking and loading areas, walkways, other paved areas and any open space for tenant recreational purposes for residential development. Profiles indication grading and cross sections showing location and width of roadways and walkways. Any proposed direct pedestrian connection to public parking lots or structures will also be shown.

☐ YES ☐ NO

MORE DETAILS NEEDED ON NORTH - NONE PROPOSED AT SOUTH

Proposed screening and landscaping, including a planting plan, in accordance with Section 19-4.11 of the Zoning Ordinance.

☐ YES ☒ NO

Location, direction, power and time of use of any proposed outdoor lighting or public address systems. Provide an Isometric Footcandle Distribution Diagram, maximum illuminance levels shown in footcandle measurements on a grid of the site showing readings in every ten-foot square, overlaid on the site plan, as a separate sheet or view. One-half (1/2) foot candle is recommended. All lights to be shielded to prevent glare on adjoining properties, including public property.

☒ YES ☐ NO

ENGINEERING TO REVIEW

Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.

☐ YES ☒ NO

IF NONE, SO NOTE

An outline of any proposed easements, deed restrictions, covenants or rights-of-way and a notation of any areas to be dedicated to a public agency, and any public improvements contemplated on or adjoining the property.

☐ YES ☒ NO

IF NONE, SO NOTE

Location of any fire alarm boxes and/or connections to the city fire alarm system.

☐ YES ☐ NO

TO BE REVIEWED BY ENGINEERING

A determination of storm water quality requirements based on NYDES Phase II requirements. Further, ANY improvements within the Fallkill Creek watershed, which has been declared a 303(D) impaired watershed, require full stormwater treatment as per NYSDEC.

ADDRESS: 110 S. GRAND AVENUE

IV) OTHER REQUIRED PLAN NOTES

Compliance Certified

☐ YES ☐ NO

**TO BE REVIEWED BY
ENGINEERING**

☐ YES ☒ NO

Item Description

Show plans for all proposed stormwater improvements. Applicant shall mitigate storm to historic run-off rates for the 10-year storm.

The following note concerning the protection of trees must be shown on all site plans where existing trees are proposed to be retained: "Prior to the start of construction or excavation, trees to be retained shall be protected by silt fence, snow fence, construction fence, or equal, which will be placed at the drip line or several feet beyond. However, the fencing shall not cross public sidewalks. No storage or stockpiling of construction materials, debris or equipment shall occur within the fenced area."

In addition to the note on the plan, the location of the protective fencing must be shown on the site plan or landscape plan. Where a trees close proximity to a proposed building, driveway, parking area, or construction vehicle access way prevents the installation of fencing at the drip line, the modification of the fence position shall be shown on the site plan and shall be subject to the approval of the Planning Board. Field modification of the fence position may be granted by the Building Inspector/Zoning Administrator or Deputy Building Inspector.

V) REQUIRED REFERRALS TO OTHER AGENCIES OR BOARDS

☒ YES

☐ NO

Dutchess County Planning Department

☒ YES

☐ NO

Zoning Board of Appeals

☐ YES

☒ NO

Historic District and Landmark Preservation Commission

☐ YES

☒ NO

Waterfront Advisory Committee

☒ YES

☐ NO

Shade Tree Commission

ADDITIONAL COMMENTS

FRONT YARD PARKING PROHIBITED

9/25/23
Date

Judith Knauss, Deputy Zoning Administrator

Joseph O'Brien, Deputy Zoning Administrator



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT APPROVAL RESOLUTION
110 SOUTH GRAND AVENUE
FEBRUARY 13, 2024**

Present

In the matter of the appeal of Faith Apostolic Ministries INC., regarding the property at 110 South Grand Avenue, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held on the 13th day of February, 2024:

With regard to our File #ZBA2023-051

WHEREAS, the Zoning Board of Appeals has received an application from Faith Apostolic Ministries Inc. for the proposed construction of an off-street parking lot in the Park Avenue front yard of the property; and,

WHEREAS, the following variances are requested regarding Section 19-4.13(1), providing that all accessory uses, such as off-street parking, shall be located either within the principal building or in any side or rear yard, to allow front yard parking with the Park Avenue front yard of the property and

WHEREAS, the action is more fully detailed on a site plan prepared by Michael R. Berta. AIA, dated 8/28/23 and supplemental documentation; and,

WHEREAS, this application is considered to be an Unlisted Action for the purposes of SEQRA; and,

WHEREAS, at the February 13th, 2024 meeting the Zoning Board of Appeals as acting agency of the uncoordinated SEQRA review adopted a Negative Declaration in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR 617 and City Code 19-6.4 and 19-4.17; and,

WHEREAS, a public hearing was held on January 9, 2024.

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. The variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties as the applicant will leave a 50-foot buffer between the parking lot and the property line on Park Avenue, and use landscaping to screen the parking lot from the street;
2. The benefit sought by the applicant to create more parking on the property cannot be achieved by another feasible method;
3. The requested variances are not substantial;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district,;
5. The hardship is self-created, inasmuch as the applicant chose to make the improvements which were not required. 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 #ZBA2023-051 as outlined above, with the following conditions:

- The parking access off Park Avenue shall not be a public access way but be used for emergency purposes only.
- There be landscaping screening the parking lot from Park Avenue that is immediately effective.

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: 16 Pershing Ave, Poughkeepsie NY 12601
ZONING DISTRICT: C-3

OWNER INFORMATION:

Name: AS Autobody, LLC
Address: 6 Spy glass HL
Hopewell Junction N.Y. 12533
Phone: 347 681 5626
Email: vidyajaikarran1@gmail.com

APPLICANT INFORMATION:

Name: Devanand and Vidya Jaikarran, by their Attorneys
Address: 6 Spy glass HL Mackey, Butts & Whalen, LLP
Hopewell Junction NY 12533
Phone: 347 681 5626
Email: VidyaJaikarran1@gmail.com

CONSULTANT INFORMATION:

Name: Liscum McCormack VanVoorhis, LLP
Address: 181 Church St
Poughkeepsie NY 12601
Phone: 845 452-2268
Email: lmccormack@lmvarchitects.com
Kyereance@lmvarchitects.com

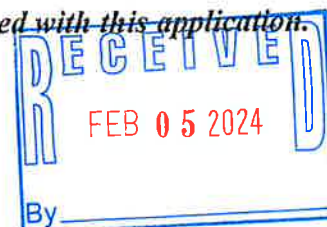
SUBJECT OF APPEAL

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

Name and title of agent: Judith Knass

Date of decision/determination/violation: 1/30/24

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



ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: _____

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
<u>19-3.24</u>	<u>Property within 30' of</u>	<u>Existing Building</u>
<u>19-4.3</u>	<u>an R-4 Property</u>	<u>within 30'</u>
	<u>Requiring 29 Parking</u>	<u>Existing 25 Spaces</u>
	<u>spaces</u>	<u>no additional spaces</u>
		<u>for employees.</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.

Vidya Jaikaran.
SIGNATURE OF APPLICANT

2/1/2024
DATE

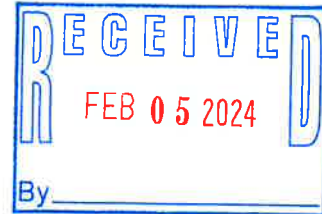
Vidya Jaikaran
Print Name

AJ Autobody, LLC
16 Pershing Avenue
Poughkeepsie, New York 12601

P: 845-454-3220
E: info@vinceautobodyworks.com

February 5, 2024

Judith Knauss
Deputy Zoning Administrator
City of Poughkeepsie
62 Civic Center Plaza, 2nd Floor
Poughkeepsie, New York 12601



Re: 16 Pershing Avenue

Dear Ms. Knauss:

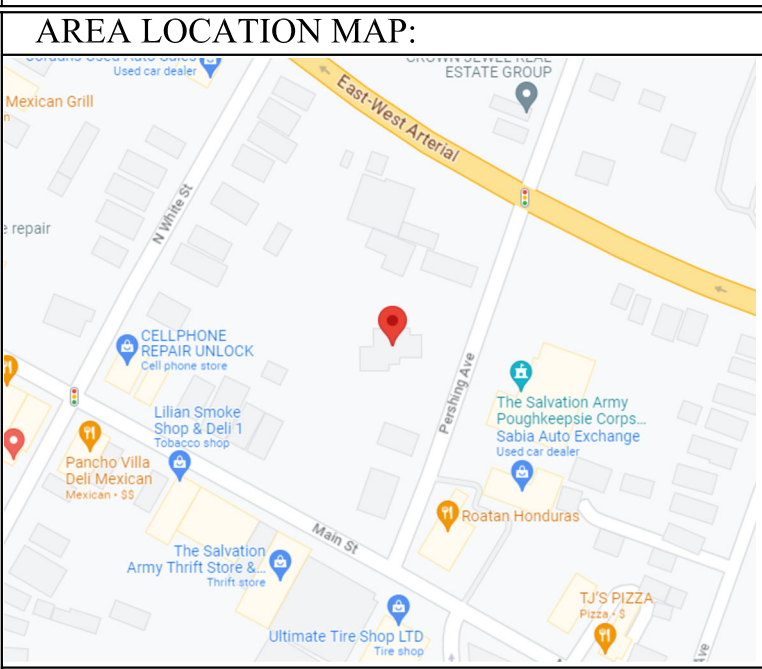
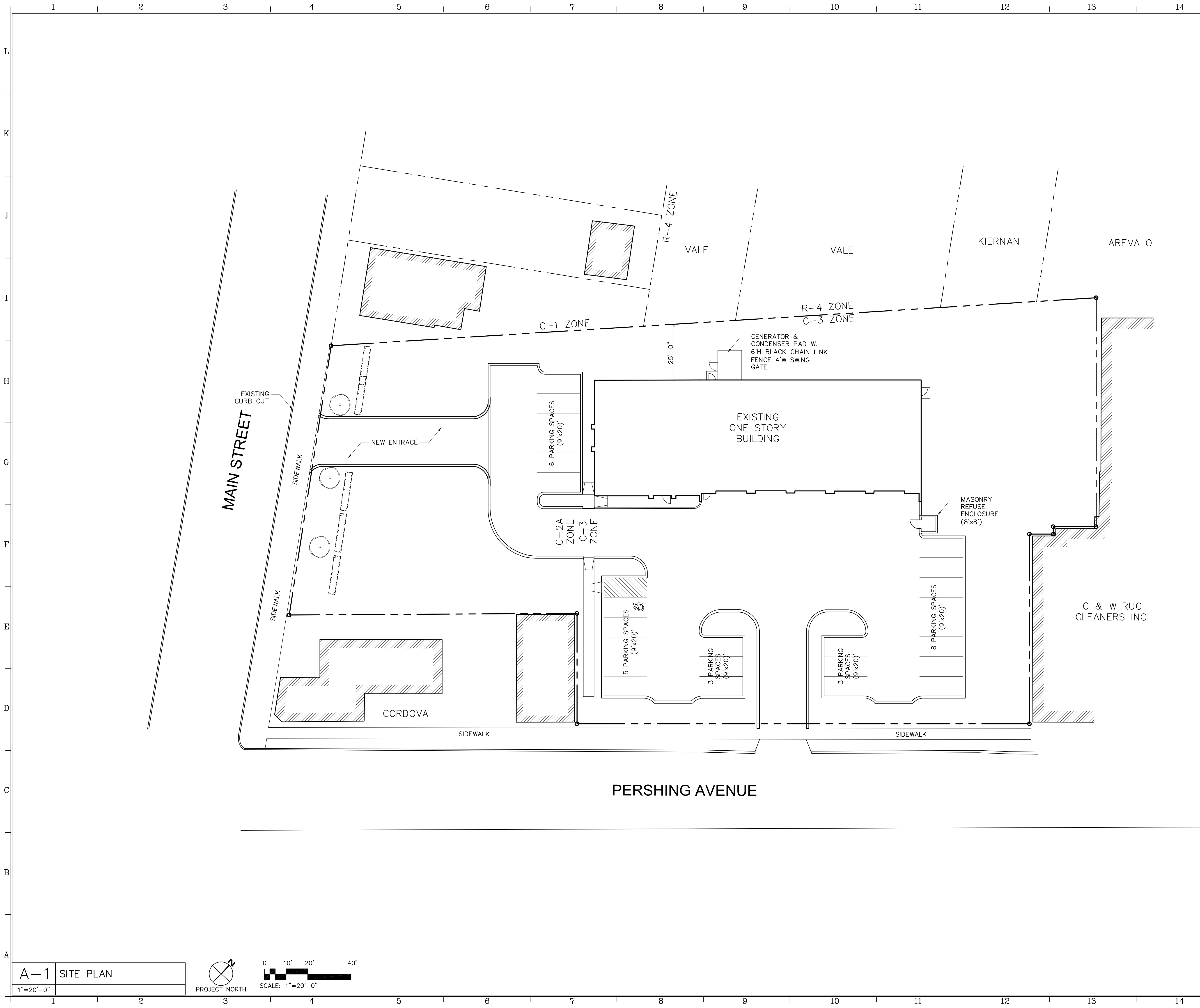
I am writing to confirm that the most recent comments from your office regarding landscaping and a prohibition on outdoor storage of vehicles is agreeable to us.

We look forward to the ZBA meeting on February 13, 2024.

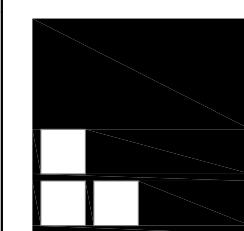
Sincerely,

Vidya Jaikarran

2/5/24



No.	REVISION/SUBMISSION	DATE



Liscum
McCormack
VanVoorhis LLP

181 CHURCH STREET
POUGHKEEPSIE, NEW YORK 12601
ARCHITECTURE PLANNING INTERIORS PHONE 845-452-2268 FAX 845-452-3752

PROJECT
JAIKARRAN
16 PERSHING AVENUE
POUGHKEEPSIE, NY

DRAWING
EXISTING SITE PLAN



DRAWN BY
KY

CHECKED BY
MM

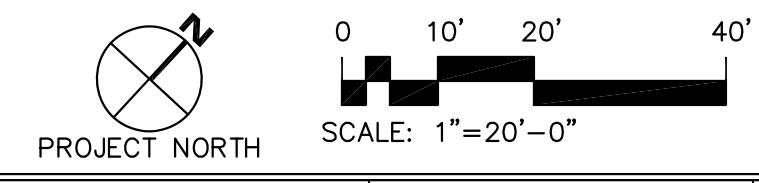
PROJECT NUMBER
23102

DATE
08-24-23

DRAWING NUMBER
C100

FILEP:\2000\JOB # - JOB NAME\

A-1 SITE PLAN
1"=20'-0"





**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: Devanand Jaikarran

From: Tyler Maegerle, Junior Planner

Date: 9/6/23

Re: 16 Pershing 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 proposed change of use to an auto repair shop.

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

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: Motor Vehicle Body Repair Shop							
Project Location (describe, and attach a location map): 16 Pershing Avenue							
Brief Description of Proposed Action: One side of the property borders the Main Street Commercial District (C-2A) which does allow Motor Vehicle Service Stations per code Section 19-3.23.1(2)(b)3 of the Zoning Ordinance but are subject to the issuance of a Special Permit from the Planning Board.							
Name of Applicant or Sponsor: Devanand Jaikarran		Telephone: 917-416-7591					
		E-Mail: vidyajaikarran1@gmail.com					
Address: 16 Spyglass Hill Rd.							
City/PO: Hopewell Junction		State: NY	Zip Code: 12533				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3.a. Total acreage of the site of the proposed action?		1.31 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?		1.31 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							

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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☒	YES ☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Devanand Jaikaran</u> Date: <u>8/28/23</u> Signature: <u>Devanand Jaikarran</u>		

RECEIVED
AUG 28 2023
By _____

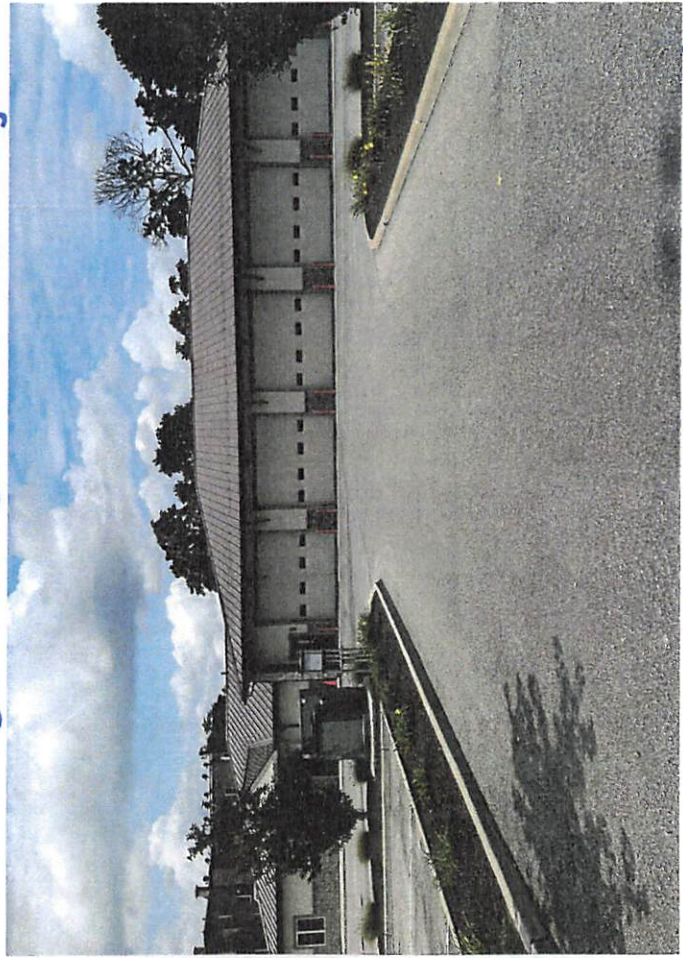
↓ Repair shop



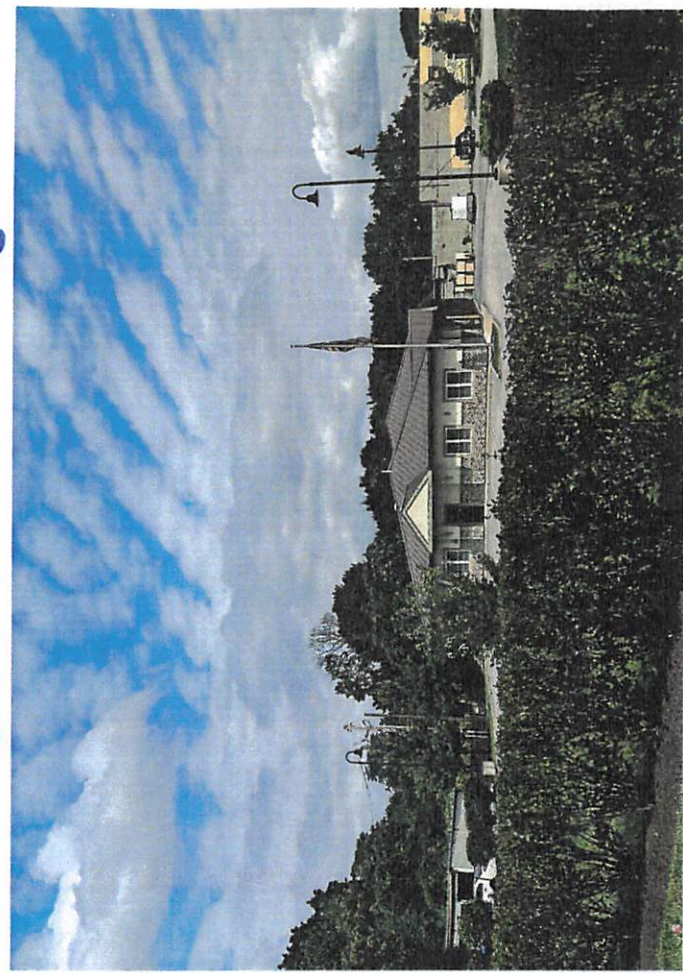
Pershing AVE Right side of building



back side of building



16 Pershing AVE (Front of building)



Main St (Left side of building)



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

November 1st, 2023

Devanand Jaikarran
16 Spyglass Hill Road
Hopewell Junction NY 12533

Re: 16 Pershing Avenue
ID # 382100
Area Variance Application # ZBA-2023-040

To whom it may concern,

Upon further review of your Zoning Board of Appeals application for Area Variances, it has been determined that the proposed use is not permitted within the Main Street Commercial District (C-2A) and thus will require a Use Variance be granted by the Zoning Board of Appeals along with the previously identified Area Variances.

Although the previous determination from your zoning review request PD-2023-069 on 8/7/23 listed that the use as an Auto Body Repair Shop is permitted per Section 19-3.23.1(2)(b)3. subject to the issuance of a Special Permit by the Planning Board, based on the following definitions, this would not be the case.

- Automobile Service Stations are defined in Section 19-2.2 as any building, land area or other premises used or intended to be used for the retail dispensing or sales of automobile fuels, which activity may be accompanied by accessory uses such as sales of lubricants, tires, accessories or supplies, minor repairing of automobiles or a single-bay auto wash; provided, however, that automobile wrecking, major repairing of automobiles, parking or storing of automobiles for hire and the operation of more than one towing vehicle shall not be deemed permissible accessory uses of an "automobile service station."]
- Major Automobile Repair is defined in Section 19-2.2 as general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating, or any activities defined as minor repairs, below, affecting trucks exceeding 1 1/2 tons' capacity.

Therefore, both Use and Area Variances will be required, after which Site Plan approval from the Planning Board will be required, not the issuance of a Special Permit by the Planning Board.



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



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 7th, 2023

Devanand Jaikarran

Re: 16 Pershing Avenue
ID: 382100
Zoning Review Request PD-2023-069



Dear Applicant,

The Development Department is in receipt of your zoning review request relative to the property at 16 Pershing Avenue and the proposed conversion of the existing Emergency Mobile Service Station to an Auto Body Repair Shop. This property is located within the Main Street Commercial District (C-2A) which does allow Motor Vehicle Service Stations per code Section 19-3.23.1(2)(b)3 of the Zoning Ordinance but are subject to the issuance of a Special Permit from the Planning Board provided that all of the following criteria are met;

- (i) No traffic hazard affecting the public safety will be present.
- (ii) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.
- (iii) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.
- (iv) No such establishment shall be within a distance of 30 feet of any R-1 through R-6, O-R or PRD District or a property on or eligible for a federal, state or local historic register.
- (v) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), nor more than 24 feet (two-ways); shall not be located nearer than 10 feet to any lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.
- (vi) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.



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

- (vii) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. The requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
- (viii) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any other lot line and the top of the tank shall be not less than two feet below the surface of the ground.
- (ix) Gasoline pumps or lubricating or other devices shall be located not nearer than 20 feet from any street or other lot line.

At this time without any proposed plans, this project will require an Area Variance from the Zoning Board of Appeals for Section 19-3.23.1(2)(b)3(iv) listed above and possibly for Section 19-4.3(11)(c) which requires 3 spaces for each work bay or 1 space per 300 square feet of gross floor area, whichever is greater, and 1 space for every 2 employees.

After a Special Permit is approved by the Planning Board along with all required Area Variances from the Zoning Board of Appeals, you would then need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department.

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

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

joebrien@cityofpoughkeepsie.com

Judith Knauss

From: Judith Knauss
Sent: Friday, February 2, 2024 2:56 PM
To: Joshua Mackey; Maria Simmons
Cc: Rebecca A. Valk; Lori Garcia; Joseph Donat; Joseph O'Brien; Tyler Maegerle; Richard Distel; Michael McCormack - Liscum, McCormack & Van Voorhis (mmccormack@lmvarchitects.com); kyereance@lmvarchitects.com
Subject: RE: 16 Pershing Avenue Revised Zoning Review

Hello, Josh.

Vidya came into the office this afternoon to meet with me. We went over the items in the deficiency list provided herein, and she decided that she would definitely apply for the following two variances (essentially simply revising the existing application to reflect the correct zoning district attribution). :

- 1) Section 19-3.24(2)(a) permits automobile repair, both heavy and light, in C-3 Districts, except that such use shall not be located nearer than 30 feet to any R-1 through R-6 District. The use immediately abuts an R-4 Zoning District and several residential properties.
However, please be advised that a patio was constructed in the rear (west) yard of the property which comes directly to the property line. This is not currently part of the variance application. Vidya indicated that she would have to consult with her husband relative to the plan for the patio before determining whether to include it as part of the variance application. See more notes below relative to the patio.
- 2) Section 19-4.3(11) requires that a minimum of twenty-nine (29) off-street parking spaces be provided: twenty-five (25) spaces are provided.

The revised application should be submitted by Monday, February 5, in order for the matter to remain on the Zoning Board of Appeals agenda for February 13.

It was agreed that the following deficiencies would be addressed as noted in bold (this can be included as a cover letter to the revised application):

- 1) Section 19-3.24(3)(f) permits fully enclosed storage as an accessory use (as in, within a structure), unless the requirements of Section 19-4.10 are satisfied. These requirements are: **(1)** *No unenclosed storage, except parking of operable passenger vehicles capable of passing inspection or recreation vehicles as set forth in Section 19-4.4 shall be permitted in an R-1 through R-6, O-R or PRD District.* **(2)** *When open storage is permitted in a commercial or industrial district as a principal or accessory use, the following conditions shall be met: (a) Storage shall be screened from view by an eight-foot high fence or evergreen screening, the design and location of which shall be approved by the Planning Board. In no case shall the stored material exceed the height of the screening. (b) No outdoor storage may be permitted within 25 feet of an R-1 through R, O-R or PRD District boundary. While no open storage is shown on the plan, it is typical of uses such as this. Therefore, if such storage is proposed, it should be shown and must meet the standards as outlined.*

Vidya indicated that all storage will take place within the building. Any overflow will be taken to the existing facility at 185 Smith Street.

- 2) Section 19-3.24(4)(3) requires that where a use in a C-3 District is within 50 feet of any R-1 through R-6 District, a landscaped buffer of at least 20 feet shall be provided along the property line: not only is no such landscape buffer provided along the western property line where the property abuts an R-4 District, previously approved landscaping was actually removed and a patio constructed on the property line;

Vidya indicated that she is willing to provide this landscaping (although the issue of the patio is still outstanding);

- 3) Section 19-4.3 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. No landscaping is proposed between the parking areas and the eastern property/street line (where previously approved landscaping was actually removed), and no landscaping is proposed along the north property line where the parking area faces the adjoining property.

Vidya indicated that the landscaping will be provided as required.

- 4) Section 19-4.11 requires that a landscape strip be provided along the entire western, northern and eastern property lines: only a partial landscape strip is provided along a portion of the western and southern property lines;

Vidya indicated that the landscaping will be provided as required.

- 5) Section 19-4.11 requires that all portions of improved multifamily and nonresidential properties which are not used for buildings, structures, off-street parking and loading, permitted outdoor storage, driveways, walkways or similar purposes shall be appropriately landscaped with grass, shrubs, trees and other ground cover in such manner as to minimize erosion and stormwater runoff and to maintain or improve the aesthetics of such development: only limited landscaping is proposed (previously approved landscaping was actually removed).

Vidya indicated that the landscaping will be provided as required.

- 6) Section 19-4.13 provides that all accessory uses be a minimum of six (6) feet from any side or rear property line: the patio was constructed on the property line, both in violation of this section and Section 19-3.24(2)(a) as noted above

Vidya indicated that she would have to consult with her husband relative to the plan for the patio before determining whether to include it as part of the variance application.

One issue that was not resolved during our meeting was the issue of the paved area, referred to as a patio, on the west side of the property, encroaching into the required twenty (20) foot landscape buffer area and immediately abutting an adjoining residential property where, even if permitted as an accessory use, it would need to be setback a minimum of six feet. This area was identified as an employee lounge area. During the meeting, however, Vidya indicated that there be a plan to install a garage door leading to this area, creating the ability for vehicles to pull through the building and exit through the rear. This would be something that would likely require additional variances and also a much more rigorous site plan review by the Planning Board. If this is indeed the plan, it should be clarified now so that appropriate approvals are requested.

Please note that deficiencies have been noted to exist in the submission relative to the application for site plan review. However, these deficiencies may change depending on the outcome of the Zoning Board of Appeals meeting and other issues as outlined above.

If there are any questions in this regard, please feel free to contact us.

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

From: Joshua Mackey <jmackey@MBWLawyers.com>
Sent: Wednesday, January 31, 2024 2:16 PM
To: Judith Knauss <JKnauss@cityofpoughkeepsie.com>; Maria Simmons <MSimmons@MBWLawyers.com>
Cc: Rebecca A. Valk <RValk@cityofpoughkeepsie.com>; Lori Garcia <LGarcia@cityofpoughkeepsie.com>; Joseph Donat <jdonat@cityofpoughkeepsie.com>; Joseph O'Brien <jobrien@cityofpoughkeepsie.com>; Tyler Maegerle <tmaegerle@cityofpoughkeepsie.com>; Richard Distel <rdistel@cityofpoughkeepsie.com>
Subject: RE: 16 Pershing Avenue Revised Zoning Review

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Judith. We will be in touch.

Joshua E. Mackey

**MACKEY
BUTTS &
WHALEN
LLP**

ATTORNEYS AT LAW

3208 Franklin Avenue
Millbrook, New York 12545
P: (845) 677-6700
F: (845) 677-2202

JMackey@mbwlawyers.com

<https://link.edgipilot.com/s/f34d8e55/vkiHcUFm7kiXHxMa6PU7w?u=http://www.mbwlawyers.com/>

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Judith Knauss

From: Judith Knauss
Sent: Tuesday, January 30, 2024 1:42 PM
To: vidya jaikarran; Michael McCormack - Liscum, McCormack & Van Voorhis (mmccormack@lmvarchitects.com)
Cc: Lori Garcia; Joseph O'Brien; Joseph Donat; Eric Philipp; Rebecca A. Valk
Subject: 16 Pershing Avenue Revised Zoning Review

Please be advised that the revised plans submitted for the conversion of the property at 16 Pershing Avenue from an emergency mobile response facility to an autobody repair (heavy motor vehicle repair) facility has been reviewed for compliance with the requirements of the General Commercial (C-3) Zoning District in which the property is located, and the following deficiencies were noted to exist.

- 1) Section 19-3.24(2)(a) permits automobile repair, both heavy and light, in C-3 Districts, except that such use shall not be located nearer than 30 feet to any R-1 through R-6 District. The use immediately abuts an R-4 Zoning District and several residential properties. Additionally, a patio was constructed in the rear (west) yard of the property which comes directly to the property line;
- 2) Section 19-3.24(3)(f) permits fully enclosed storage as an accessory use (as in, within a structure), unless the requirements of Section 19-4.10 are satisfied. These requirements are: **(1)** *No unenclosed storage, except parking of operable passenger vehicles capable of passing inspection or recreation vehicles as set forth in Section 19-4.4 shall be permitted in an R-1 through R-6, O-R or PRD District.* **(2)** *When open storage is permitted in a commercial or industrial district as a principal or accessory use, the following conditions shall be met: (a) Storage shall be screened from view by an eight-foot high fence or evergreen screening, the design and location of which shall be approved by the Planning Board. In no case shall the stored material exceed the height of the screening. (b) No outdoor storage may be permitted within 25 feet of an R-1 through R, O-R or PRD District boundary.* While no open storage is shown on the plan, it is typical of uses such as this. Therefore, if such storage is proposed, it should be shown and must meet the standards as outlined.
- 3) Section 19-3.24(4)(3) requires that where a use in a C-3 District is within 50 feet of any R-1 through R-6 District, a landscaped buffer of at least 20 feet shall be provided along the property line: not only is no such landscape buffer provided along the western property line where the property abuts an R-4 District, previously approved landscaping was actually removed and a patio constructed on the property line;
- 4) Section 19-4.3 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. No landscaping is proposed between the parking areas and the eastern property/street line (where previously approved landscaping was actually removed), and no landscaping is proposed along the north property line where the parking area faces the adjoining property.
- 5) Section 19-4.3(11) requires that a minimum of thirty-one (31) off-street parking spaces be provided: twenty-five (25) spaces are provided;
- 6) Section 19-4.11 requires that a landscape strip be provided along the entire western, northern and eastern property lines: only a partial landscape strip is provided along a portion of the western and southern property lines;

- 7) Section 19-4.11 requires that all portions of improved multifamily and nonresidential properties which are not used for buildings, structures, off-street parking and loading, permitted outdoor storage, driveways, walkways or similar purposes shall be appropriately landscaped with grass, shrubs, trees and other ground cover in such manner as to minimize erosion and stormwater runoff and to maintain or improve the aesthetics of such development: only limited landscaping is proposed (previously approved landscaping was actually removed); and,
- 8) Section 19-4.13 provides that all accessory uses be a minimum of six (6) feet from any side or rear property line: the patio was constructed on the property line, both in violation of this section and Section 19-3.24(2)(a) as noted above;

Please note that this list of deficiencies supersedes any previously issued list of deficiencies and also takes into account alterations made to the site. A use variance is not required. However, the area variance application that was previously filed will need to be revised to reflect the actual variances that you will be requesting. The link to the form is: <https://cityofpoughkeepsie.com/DocumentCenter/View/1348/ZBA-Area-Variance-application>. ***No new fees for this revision will be required.***

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

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 1 Civic Center Plaza, Ste. 103, 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>19-4.9(9)(a)2</u>	<u>Width of lettering limited to 10'.</u>	<u>19' 8" Wide</u>
<u>19-4.9(9)(a)4</u>	<u>Maximum of 5 words per awning.</u>	<u>6 words</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

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

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

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

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



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

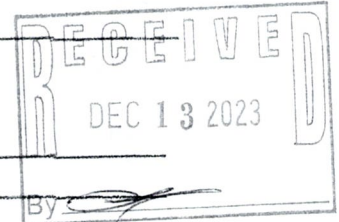
FEE: \$350.00
CODE: A2112
ID# 28A2023-050
IPS# 283170

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 1 Civic Center Plaza, STE. 103, Poughkeepsie, NY 12601
ZONING DISTRICT: H.C.

OWNER INFORMATION:

Name: Acadia Hudson, LLC
Address: 1 Civic Center Plaza, STE. 500
Poughkeepsie, NY 12601
(845) 380-4734
Phone: JAMIE @ eagleview.com
Email: JAMIE @ eagleview.com



PAID
\$350
DEC 13 2023

APPLICANT INFORMATION:

Name: Victoria Rothman
Address: 10 Lewis Avenue
Poughkeepsie, NY 12603
(718) 687-7877
Phone: PiercedHawk@gmail.com
Email: PiercedHawk@gmail.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, Deputy Zoning Administrator

Date of decision/determination/violation: 12/12/2023

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 1 Civic Center Plaza, Ste. 103, 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>19-4.9(9)(a)2</u>	<u>Width of lettering limited to 10'.</u>	<u>19' 8" Wide</u>
<u>19-4.9(9)(a)4</u>	<u>Maximum of 5 words per awning.</u>	<u>6 words</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 1 Civic Center Plaza, STE. 103, 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.

Victoria C. Rothman
SIGNATURE OF APPLICANT

12/13/2023
DATE

Victoria C. Rothman
Print Name

1. The sign variants will not be a detriment to the neighborhood or nearby properties. The variants will allow our studio to display the complete name of the business in a way that matches and compliments surrounding businesses. The variants will allow the business name to be easily read from the sidewalk without impeding nearby businesses, as well as fitting the sale of our awning.
2. There are no other ways that would allow us to display the complete business name in a way easily read by our clients or passersby without having to stop or potentially slow down foot or road traffic. A sidewalk sign would potentially block foot traffic and could be damaged.
3. The requested variants are not substantial. The requested variant is an ampersand, completing the business name, turning five words into six.
4. The variant will not have any adverse effects in the neighborhood. The scale of the awning will remain the same as it was for the last two inhabiting businesses, the only variant being the added white ampersand in the business name.
5. The need for variance is not unique to the property, it is simply the result of the naming of the business and the need to display the full name of the business to avoid confusion or misrepresentation of our goods and services.





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

December 12th, 2023

Victoria Rothman
10 Lewis Avenue
Poughkeepsie NY 12603

RE: 1 Civic Center Plaza Suite 103
ID: 283170
Application # PB-2023-085

To whom it may concern,

The Building Department has received your sign application # PB-2023-085 for an awning sign located at 1 Civic Center Plaza Suite 103. Please be advised that the property at 1 Civic Center Plaza is located in an area of the City zoned The Civic Corridor Subdistrict (PID-HC). Please note that although awning signs are permitted, this application does not meet the following code requirement(s).

1. Section 19-4.9(9)(a)2 states that the maximum allowable width of lettering on an awning sign shall be limited to 10'. The proposed lettering is 19'8" wide.
2. Section 19-4.9(9)(a)4 states that the maximum number of words permitted be limited to 5 words per awning sign. The proposed sign includes 6 words.

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

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

Very truly yours,
Joseph O'Brien
Deputy Zoning Administrator

A handwritten signature in black ink, appearing to read "Joseph O'Brien", written over a large, faint, stylized "P" or similar mark.

Acadia Hudson, LLC

One Civic Center Plaza, Suite 500, Poughkeepsie, NY 12601

Phone: 845-454-1122

Fax: 845-454-5792

Via Email: Tim Donlon tdonlon83@gmail.com; Victoria Rothman <piercedhawk@gmail.com>

O'Shea, Robert roshea@cityofpoughkeepsie.com; Lori Garcia (lgarcia@cityofpoughkeepsie.com)

January 2, 2024

City of Poughkeepsie – Building Department
62 Civic Center Plaza – 2nd Floor
Poughkeepsie, NY 12601

and

Sand Panda Fine Piercing &
Jewelry, LLC
10 Lewis Avenue
Poughkeepsie, NY 12603

Re: One Civic Center Plaza, Suite 103 – Signage

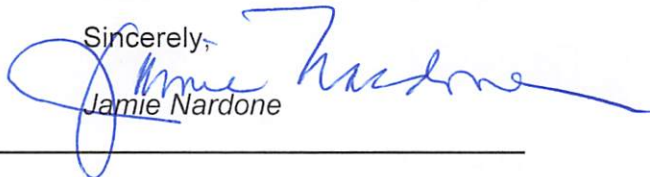
To Whom It May Concern:

Based on my conversation with Tim of Sand Panda this morning, it is my understanding the City of Poughkeepsie Building Department requires another letter from Acadia Hudson, LLC (Landlord) approving their awning mock-up, copy of which is attached.

This letter is to confirm our approval. The awning, written words, symbol, and style certainly add beauty and class to Main Street.

If there is anything else you need to approve the permit, let me know immediately. Thank you.

Sincerely,



Jamie Nardone
Financial & Operations Manager

SAND PANDA

fine piercing & jewelry

103



SAND PANDA

fine piercing & jewelry

**ZONING BOARD OF APPEALS
CITY OF POUGHKEEPSIE, NEW YORK**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING will be held by the Zoning Board of Appeals of the City of Poughkeepsie, Dutchess County, New York, in the Common Council Chambers, City Hall, 3rd Floor, 62 Civic Center Plaza on Tuesday, January 9, 2024, at 6:00 PM or as soon thereafter as the matter is reached on the agenda on the following matter:

1 Civic Center Plaza - Area Variance

Application for area variances relative to the placement of an awning sign, requiring variances of Section 19-4.9(9)(a)(2) of the Zoning Ordinance to allow a sign 19'8" wide where 10 feet is permitted and Section 19-4.9(9)(a)(4) to allow six words when five words is the limit. Owner: Acadia Hudson, LLC; Applicant: Victoria Rothman; Zoning District: PID-HC; Grid #6162-77-050111; File #2023-050

At the public hearing, the Zoning Board of Appeals will hear all persons in support of and in opposition to the application. All application materials will be available for public review through the City's website (the link is: <https://cityofpoughkeepsie.com/381/Agendas-Minutes>), or at the City Development Department, 2nd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY, by appointment. Written comments may be emailed to the Board Administrative Assistant, Lori Garcia, L.Garcia@cityofpoughkeepsie.com, no later than 4:00 pm on the day of the meeting, or faxed to (845) 451-4006. Members of the public will also be provided the opportunity to give verbal comments during the scheduled public hearing. It is strongly recommended that those wishing to speak during the meeting submit notice and/or written comments to Board Administrative Assistant, Lori Garcia, by the deadline listed above. Persons may also submit comments in writing to:

Scott Parker, Chairman
City of Poughkeepsie Zoning Board of Appeals
c/o City of Poughkeepsie Development Department
62 Civic Center Plaza
Poughkeepsie, NY 12601

THIS WILL BE THE ONLY NOTICE OF THIS PUBLIC HEARING. In the event this scheduled Zoning Board of Appeals meeting is cancelled, please contact the City Development Department (845) 451-4263 for information on the next scheduled meeting.

BY ORDER OF THE BOARD

Scott Parker
Chairman
Zoning Board of Appeals



BUILDING DEPARTMENT

CITY OF POUGHKEEPSIE

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

Eric Philipp
Building Inspector

VIOLATION(S) / SCHEDULE A

Property Address: 1 Civic Center Plz

Complaint Number: 2023-0793

Issued To: Acadia Hudson LLC

Count: 1

Violation Date: 12/18/23

Description: Awning sign installed without approval or variances granted.

Area involved: Awning (Suite 103)

Violation Code:

CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK\Chapter 19, ZONING AND LAND USE REGULATIONS\ARTICLE IV, SUPPLEMENTARY REGULATIONS\Section 19-4.9 Signs\ (3) Permit Requirements

Unless otherwise provided in this Chapter, a permit must be obtained before any sign can be erected, structurally altered, enlarged, or relocated.

Comply by date: 01/17/24

Corrective Action: Remove sign or obtain an approved sign permit for the awning within 30 days.



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

January 22, 2024

To: Zoning Board of Appeals, City of Poughkeepsie
Re: ZR23-387, Sand Panda – Signage Area Variances
Lot: 050111, Main Street and Civic Center Plaza

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

ACTION

The applicant is seeking the following area variances related to an awning sign:

- To allow 19'8" of lettering width where a maximum of 10' is permitted;
- To allow six words where a maximum of five is permitted.

COMMENTS

Our Department finds the requested variance related to the number of words to be a matter of local concern. In the matter of the proposed sign lettering width, it is almost double what is allowed by code and is not in keeping with other awning signs in the vicinity. If the requested variance were to be granted, a precedent would be set that could result in other businesses with awnings seeking variances from this provision. In this case, the applicant's business name includes a primary name ("Sand Panda") and a descriptive tagline ("fine piercing & jewelry"). Options exist for reducing the width of the sign lettering to comply with the code, such as:

- Reduce the size of the fonts so the tagline can be located beneath the primary name (as it is shown for the window sign in the photo submitted for review);
- Include only the primary name on the awning, not the descriptive tagline.

RECOMMENDATION

For the reasons stated above, we recommend the Board not grant the requested area variance for sign lettering width.

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

Eoin Wrafter, AICP, Commissioner
By

A handwritten signature in blue ink, reading "Heather M. LaVarnway". The signature is stylized and includes a long horizontal line extending to the right.

Heather M. LaVarnway, CNU-A
Senior Planner

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Poughkeepsie**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Numbers(s): **0501110000**

Project Name: **Sand Panda Sign Variance**

Applicant: **Victoria Rothman**

Address of Property: **1 Civic Center Plz, Poughkeepsie, NY 12601**

Exempt Actions:*
239 Review is NOT Required

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **1/8/2024**

Entered By: **Knauss, Judith**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☒ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 12/29/2023	Notes:		☐ Major Project
Date Received: 12/29/2023			Referral #: ZR23-387
Date Requested: 1/8/2024			
Date Required: 1/26/2024	☐ Also mailed hard copy		Reviewer:
Date Transmitted: 1/22/2024			



**THE CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT RESOLUTION
1 CIVIC CENTER PLAZA
FEBRUARY 13, 2023**

Present

In the matter of the appeal of Victoria Rothman, regarding the property at 1 Civic Center Plaza, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 13th day of January 2024, at 6:00pm:

WHEREAS, the Zoning Board has received an application for area variances from Victoria Rothman relative to the placement of an awning sign, requiring variances of Section 19-4.9(9)(a)(2) of the Zoning Ordinance to allow a sign 19'8" wide where 10 feet is permitted and Section 19-4.9(9)(a)(4) to allow six words when five words is the limit; and,

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

WHEREAS, the action is more fully detailed on an elevation dated 12/19/23, prepared Victoria Rothman, and supplemental documentation; and,

WHEREAS, a public hearing on the application was held on January, 9 2024; and,

WHEREAS, the application was reviewed by the Dutchess County Department of Planning and Development, who deems the requested variance relating to the number of words to be of local concern, and recommends the Board not grant the request area variance for sign lettering width; and,

WHEREAS, the application must receive a vote of approval by a majority plus one of the full membership of the Zoning Board of Appeals to be passed; and,

WHEREAS, the Board finds that the width of the lettering is consistent with other signs proximate to 1 Civic Center, and that the width of the lettering will reduce distractions to passing traffic; and,

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

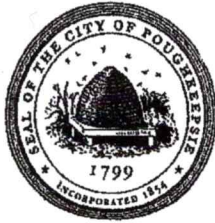
In making its determination on an area variance application, this Board must take into consideration the benefit to the applicant(s) if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The Board considers the following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

1. The variances will not necessarily produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties the size of the sign's font is consistent with other signs in that area;
2. The benefit sought by the applicant to create a sign that is proportionate to the storefront and other signs in the area. There is no other method to achieve this.
3. The requested variances are not substantial. The sign is proportional to the store front. A variance of one word is not substantial.
4. The proposed variance may not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The larger font will create a more legible sign that is less distracting to traffic;
5. The hardship is self-created, inasmuch as the applicant chose to make the improvements which were not required. 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 1 Civic Center Plaza, File #2023-050, as outlined above with the following condition:

Motion:
Second:
Carried:

Lori Garcia
Municipal 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: 15 N. CLINTON ST. POUGHKEEPSIE, NY 12603
ZONING DISTRICT: R-4 (MEDIUM HIGH-DENSITY RESIDENCE)

OWNER INFORMATION:

Name: NORTH CLINTON HOLDINGS LLC
Address: 167 N. GRAND AVE, POUGHKEEPSIE, NY 12603
Phone: 845-541-4567
Email: ISSANESH@GMAIL.COM

APPLICANT INFORMATION:

Name: NORTH CLINTON HOLDINGS LLC
Address: 167 N. GRAND AVE, POUGHKEEPSIE, NY 12603
Phone: 845-541-4567
Email: ISSANESH@GMAIL.COM

CONSULTANT INFORMATION:

Name: JASON LICHTWICK ARCHITECTURE PLLC
Address: 387 HOOKER AVENUE, SUITE 5
POUGHKEEPSIE NY 12603
Phone: 845-284-6344
Email: JASON@JLARCHITECTURE.NY.COM

SUBJECT OF APPEAL

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

Name and title of agent: _____

Date of decision/determination/violation: _____

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 15 N. CLINTON ST., POUGHKEEPSIE, NY 12603

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</u>	<u>22,400 SF / 8,114.45 SF</u>	<u>14,285.55 SF</u>
<u>19-3.15(4) i</u>	<u>2,400 SF / 1880 SF</u>	<u>520 SF</u>
<u>19-4.3(11) a</u>	<u>16 SPACES / 12 SPACES</u>	<u>4 SPACES</u>
_____	_____	_____
_____	_____	_____

VARIANCE REQUEST JUSTIFICATION

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

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

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

- 1) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not, please explain why.
- 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: 15 N. CLINTON ST., Poughkeepsie, NY 12603

LIST OF REQUIRED ATTACHMENTS

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

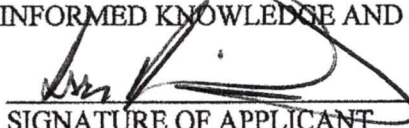
VARIANCE REQUEST JUSTIFICATION

AN QUESTION & ANSWERS

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

1/22/24
DATE

Issa Nesheim
Print Name

VARIANCE REQUEST JUSTIFICATION QUESTIONS/ANSWERS

1/22/2024

15 N. Clinton Street – Third Story Addition

- 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 expansion does not negatively impact neighboring buildings. The proposed third floor is set back from the neighboring building to maintain access to light. The structure retains the character of the existing building and serves as a multi-family unit, similar to other buildings on North Clinton Street. The structure and adjacent lot will be revitalized to enhance the streetscape by providing dedicated parking, open space and landscaping.

- 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?

No, we are adding a 3rd story addition above the existing building's footprint. There are no alternative options for the variance that do not involve extending beyond the existing structure's footprint which will create further hardship for parking and open space requirements. With the proposed addition, a variance is required because the building does not meet the minimum lot area requirement.

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

Yes, with the proposed addition, the property's current lot size is not sufficient to accommodate the minimum lot requirements and therefore needs a variance. For the parking variance, several dedicated parking spots will be available and a bus stop in front of the building will also allow tenants access to public transport. The proposed design provides a significant upgrade to the open space currently available.

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

No, there are several three-story multifamily structures present in the vicinity. Dedicated parking, landscaping improvements and open space are part of the proposed design.

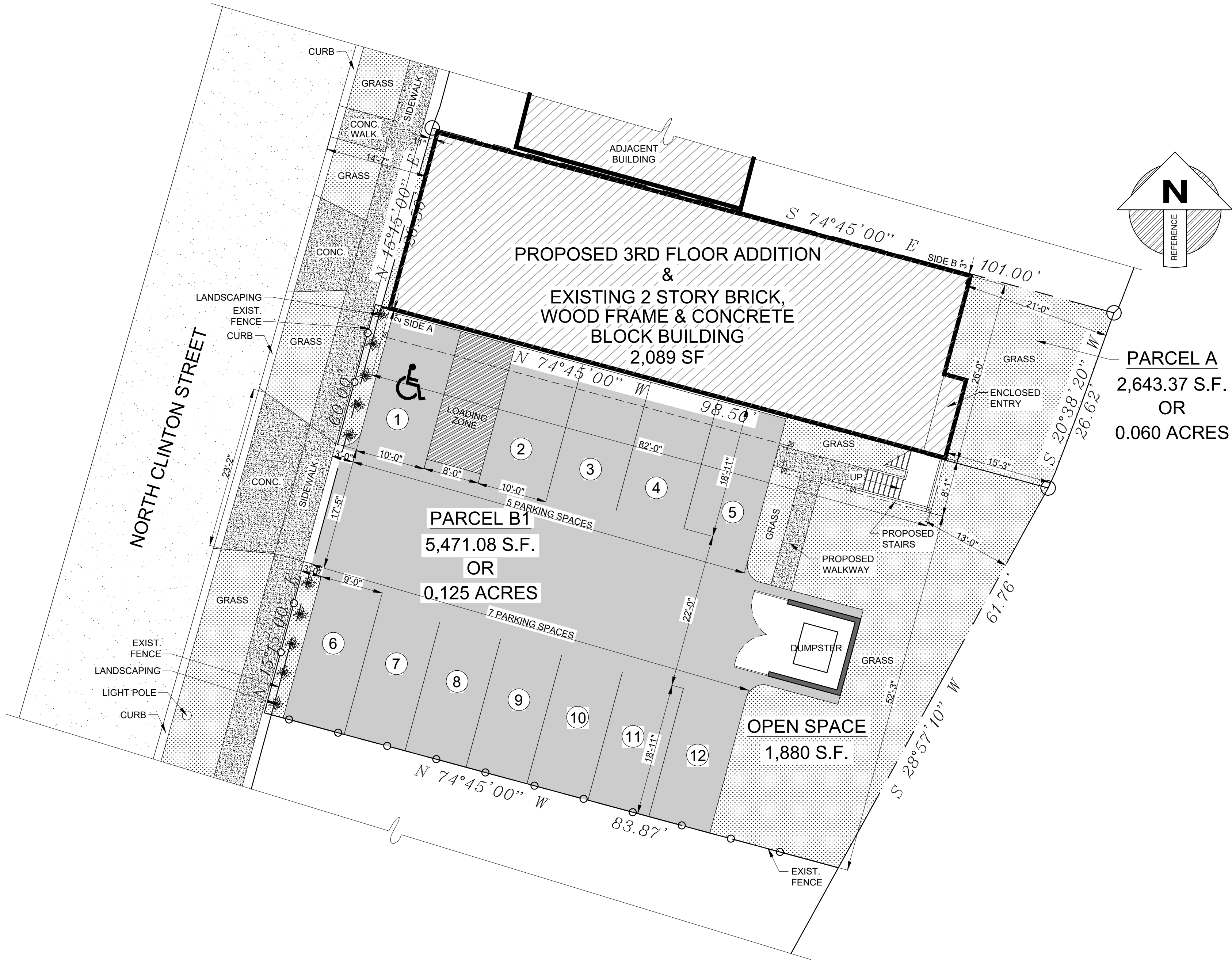
- 5) Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property? Explain.

The need for variances is due to the constraints of the lot size.

15 NORTH CLINTON STREET, POUGHKEEPSIE, NY 12601

ELEVATION PICTURES





1
ZB-1
Proposed Site Plan
Scale: 1" = 10'-0"

NOTE: INFORMATION ON THIS PLAN HAS BEEN TAKEN FROM A
PROPERTY SURVEY PREPARED BY J. WILLIAM KOMISAR, LLS, NYS LIC.
#049366 FOR N. CLINTON HOLDINGS LLC
DATED: MAY 5, 2016

BULK TABLE REQUIREMENTS				
ZONING INFORMATION	ZONE :		R4 (Medium High-Density Residence)	
	Proposed Use :		Multifamily Dwellings	
	Permitted with:		By Right	
MINIMUM REQUIREMENTS				
	Required	Existing	Provided	Variance
Usable Open Space (2 Bedroom Unit)	2400 S.F.	491 S.F.	1880 S.F.	**520 S.F.
Min. Lot Frontage	15 FT	14'-7" FT	*14'-7" FT	_____
Min. Lot Width	15 FT	26 FT	*26 FT	_____
Min. Lot Area	Multifamily Dwellings Efficiency or 2-bedroom unit: 2,800 SF	*8,114.45 SF	(4) 2-bedroom unit: 11,200 SF	**14,285.55 SF
Min. Off-Street Parking	16 Spaces	12 Spaces	12 Spaces	**4 Spaces
YARD SETBACKS				
(Parcel A ONLY)	Required	Existing	Provided	Variance
Front	20 FT	0'-11" FT	*0'-11" FT	_____
Side A	15 FT	0'-2" FT	*0'-2" FT	_____
Side B	15 FT	0'-3" FT	*0'-3" FT	_____
Rear	15 FT	15'-4" FT	*15'-4" FT	_____
MAXIMUM PERMITTED				
(Parcel A ONLY)	Permitted	Existing	Provided	Variance
Lot Coverage	40% = 1,060 S.F.	78% = 2,649 S.F.	*78% = 2,649 S.F.	_____
Max. Building Height	40 FT 3 STORIES	±24'-4" FT 2 STORIES	±37'-3" FT 3 STORIES	_____
* INDICATES PRE-EXISTING NONCONFORMING CONDITION				
** INDICATES VARIANCE REQUIRED				

JL
ARCHITECTURE

JASON LICHWICK ARCHITECTURE PLLC
387 HOOKER AVENUE, SUITE 5
POUGHKEEPSIE, NEW YORK 12603
P: 845.595.1824
jason@lichwick.com

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT OR ENGINEER, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF AN ARCHITECT OR ENGINEER IS ALTERED, THE ALTERING ARCHITECT OR ENGINEER SHALL AFFIX TO HIS ITEM THE SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION. NOTE: DO NOT SCALE.

REGISTERED ARCHITECT
JASON R. LICHWICK
038812
STATE OF NEW YORK

Third Story Addition
N. Clinton Holdings LLC
S.B.L.13100-6162-272082
15 N Clinton Street
Poughkeepsie, New York 12603

For Zoning Board of Appeals and Approval

Date: 1.19.2024

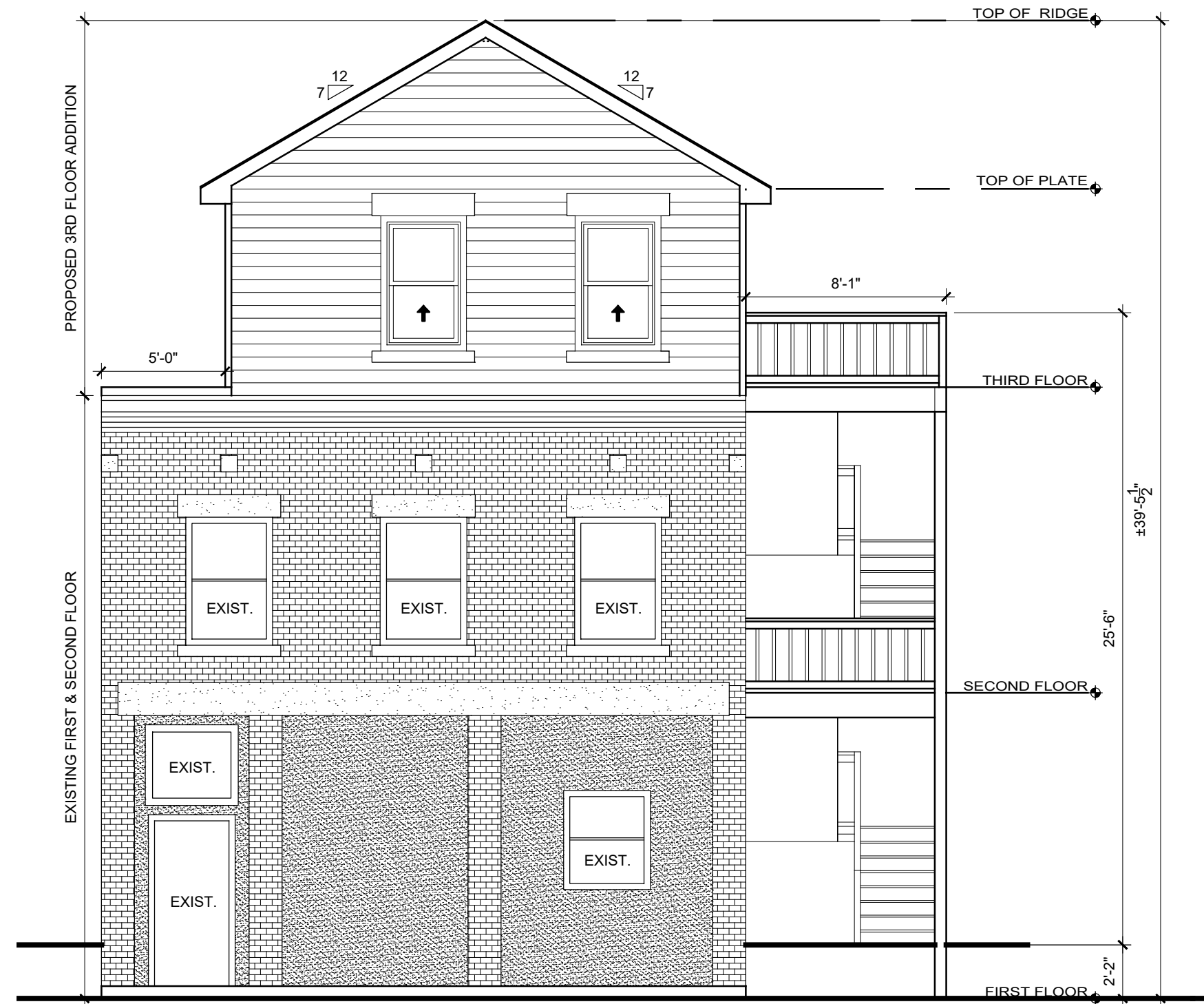
Revisions:

Drawn By: JL/AR

ZB-1

1 of 2

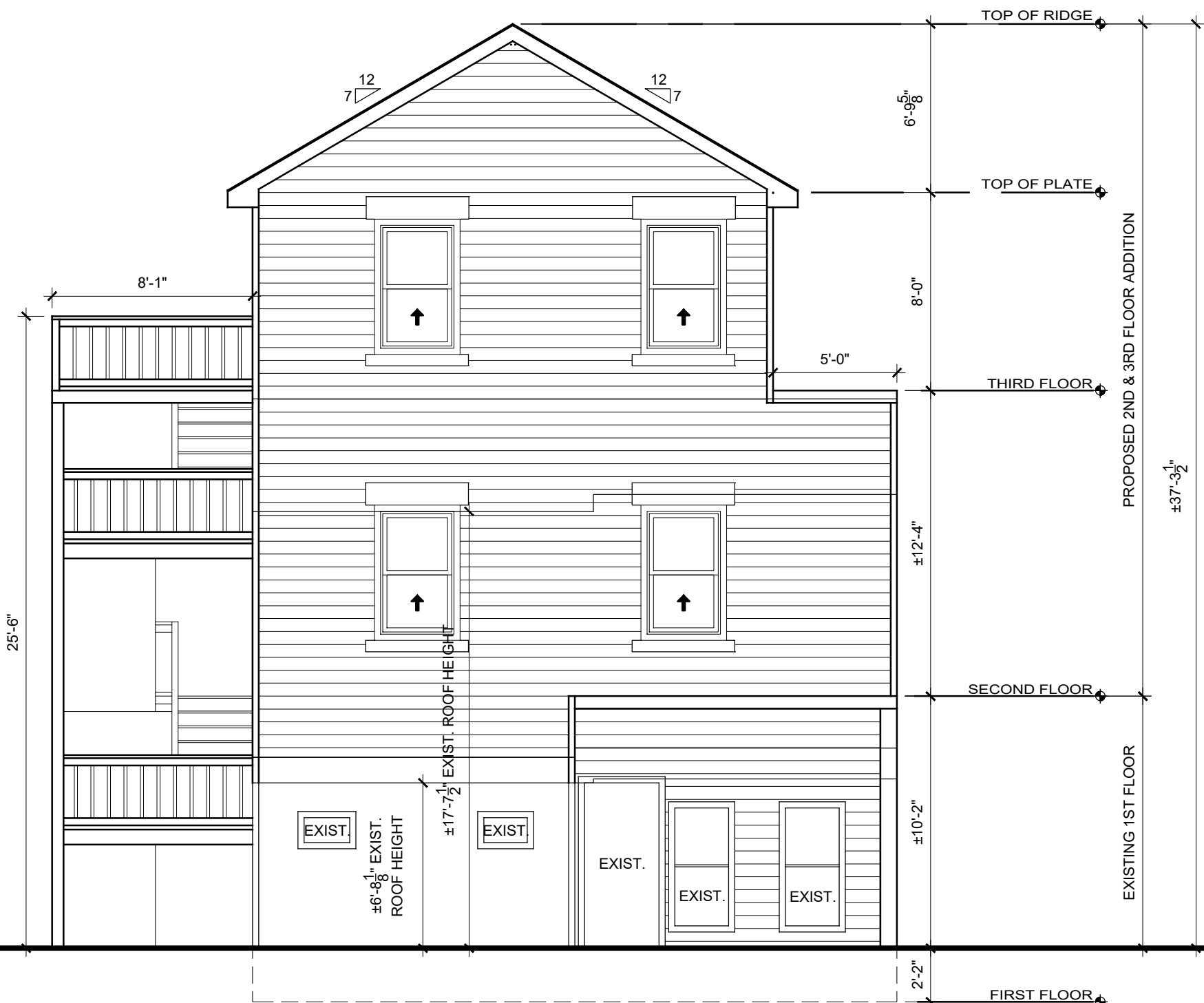
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1 Existing & Proposed Front Elevation (West)
ZB-2 Scale: 3/16" = 1'-0"



2 Existing & Proposed Right-Side Elevation (South Facing)
ZB-2 Scale: 3/16" = 1'-0"



3 Existing & Proposed Rear Elevation (East)
ZB-2 Scale: 3/16" = 1'-0"



4 Existing & Proposed Left-Side Elevation (North Facing)
ZB-2 Scale: 3/16" = 1'-0"

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
15 N. Clinton Street Addition			
Name of Action or Project:			
N. Clinton Holdings LLC			
Project Location (describe, and attach a location map):			
15 N. Clinton Street, Poughkeepsie, NY 12601			
Brief Description of Proposed Action:			
New Third story addition			
Name of Applicant or Sponsor:		Telephone: 845-284-6344	
Jason Lichwick Architecture PLLC		E-Mail: jason@JLArchitectureNY.com	
Address:			
387 Hooker Avenue, Suite 5			
City/PO:		State:	Zip Code:
Poughkeepsie		New York	12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☒
			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Zoning Board of Appeals			YES
			☐
			☒
3. a. Total acreage of the site of the proposed action? 0.19 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? 0.19 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>Jason Lichwick</u> Date: <u>01.22.2024</u> Signature:  Title: <u>Architect</u>		



**THE CITY OF POUGHKEEPSIE
NEW YORK**

DEVELOPMENT DEPARTMENT

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

MEMORANDUM

To: City of Poughkeepsie Planning Board

From: Tyler Maegerle, Junior Planner

Date: 1/31/2024

Re: 15 North Clinton 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 expansion of a 4-unit multifamily residence to an 8-unit residence.

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

Issa Nesheiwat
22, 2024
167 N. Grand Ave
Poughkeepsie, NY 12603

January 22, 2024

RE: N. Clinton Project Addition

Planning & Zoning
62 Civic Center Plaza, 2nd Floor
Poughkeepsie, NY 12601

Dear Members of the Zoning Board,

I hope this letter finds you well. I am writing to formally request a zoning variance for my property located at 15 N Clinton. I am currently facing financial challenges due to the increased burden of school and property taxes, utilities, insurance, and maintenance costs associated with my four-unit property.

Owning and managing a multi-unit property involves various costs that have significantly escalated over the past few years. Unfortunately, these increased expenses have put a strain on my ability to maintain the property and cover the rising financial obligations.

In light of these financial hardships, I am seeking approval to maximize the use of my property by adding an additional four units. This adjustment will allow me to generate the necessary cash flow to sustain the property and meet the financial demands imposed by the current economic conditions.

I understand the importance of adhering to zoning regulations, and I assure you that the proposed changes will be made in accordance with all applicable guidelines and standards. I am committed to maintaining the aesthetic and structural integrity of the property while ensuring it aligns with the city's zoning objectives.

I kindly request the Zoning Board's consideration of my circumstances and a thorough review of my application for the zoning variance. Your understanding and support in this matter will significantly contribute to the preservation of my property and financial stability.

I am available to provide any additional information or address any concerns the Zoning Board may have during the review process. Thank you for your time and attention to this matter.

Sincerely,



Issa E. Nesheiwat
845-541-4567

From: Issa Nesheiwat <issanesh@gmail.com>
Sent: Wednesday, January 24, 2024 3:26 PM
To: Jason Lichwick
Cc: Lori Garcia
Subject: Re: 15 N Clinton Street

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lori,

Thank you for taking the time to receive my application, I see that Mr. Lichwick has properly submitted the application now, and I hope to hear back from you soon. In the meanwhile, I have taken the liberty to look up the following properties that are comparable to what I am looking to build and are located within 1-2 city blocks from my property - literally a 1 minute walking distance. The following list of the neighboring properties are over the density requirements for the lot area. Many of these properties listed and others do not provide adequate parking or open space for their tenants. I have also listed two parks that are in the immediate vicinity which will assist in creating the open space requirements for my project. I would also like to note that there is a public bus stop within 100 feet of my building on 15 N Clinton Street, I mention this point to you because half of my current tenants do not have vehicles and use public transportation.

Thank you again for your tentativeness and help on this project.

Properties Not Meeting Density Requirements:

1- 37 N Clinton St

Parcel ID: 131300-6162-79-277115-0000

Description: 4 Units and commercial space

2- 55 N Clinton St

Parcel ID: 131300-6162-71-288157-0000

Description: 8 units on .22 acres

3- 169 Mansion Street

Parcel ID: 131300-6162-70-249211-0000

Description: 6 units on .13 acres

4- 171 Mansion St

Parcel ID: 131300-6162-71-254208-0000

Description: 6 units on lot size 55x130

5- 28 Smith Street

Parcel ID: 283081

Description: 3 stories

Parks NearBy:

1- Mainsion St Park

2- Pershing Ave Park

Please do not hesitate to reach out to Mr. Lichwick or myself for any further information.

Best Regards,

Issa Nesheiwat



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 12th, 2023

Issa Nesheiwat

Re: 15 North Clinton Street

ID: 083040

Zoning Review Request PD-2023-077

Dear Applicant,

The Development Department is in receipt of your zoning review request relative to the property at 15 North Clinton Street and the proposed expansion of a 4-unit Multifamily building each containing 2 bedrooms. 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. Although this is an allowed use, this building is currently noncomplying as it appears it does not meet the requirements for lot area, side yard, rear yard, open space, parking and landscaping although no plans were provided for the purpose of this review. Therefore, any expansion would require Area Variances which are listed as follows;

1. Section 19-3.15(4)(c) requires 2,200sf of lot area per studio or 1-bedroom unit, 2,800sf of lot area per 2-bedroom unit and 4,000sf of lot area per 3-bedroom unit or larger. Currently the building contains four 2-bedroom units requiring 11,200sf of lot area for which the lot only contains either 0.19 acres or 8,276.4sf of lot area; therefore, any increase in units would require a variance.
2. Section 19-3.15(4)(e) requires the side and rear yards to be half the height of the structure closest to the property line or 15', whichever is greater. The building is currently 2 stories, but no elevation was provided to determine the height of the building. Please note that the maximum allowable height for this district is either three stories or 40' per Section 19-3.15(4)(g).
3. Section 19-3.15(4)(i) requires 200sf of usable open space for each studio apartment, 300sf of usable open space for each 1-bedroom unit and 400sf of usable open space for each 2-bedroom or larger unit. This would total 1,600sf of usable open space with a minimum dimension of 40' for the current use and as it appears none currently exists, any increase in the number of units would require a variance.
4. Section 19-4.3(11) requires 1 parking space for each studio apartment, 1.5 parking spaces for each 1-bedroom unit and 2 parking spaces for each 2-bedroom or larger units. The current use of the property would require 8 parking spaces and as currently there are no legal parking spaces, a variance would be required for any additional units to be added or a waiver from the Planning Board. Also please note



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

that if a parking plan is submitted, it will need to adhere to **Section 19-4.3** in its entirety to avoid additional variances.

5. **Section 19-4.11** requires all portions of improved multifamily properties which are not used for buildings, structures, off-street parking and loading, permitted outdoor storage, driveways, walkways or similar purposes shall be appropriately landscaped with grass, shrubs, trees and other ground cover in such manner as to minimize erosion and stormwater runoff and to maintain or improve the aesthetics of such development. Landscape strips shall also be provided along all property lines and shall be at least three feet wide. This landscape plan shall be approved by the Planning Board as part of the Site Plan approval.

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

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

Joseph D. O'Brien

Deputy Zoning Administrator

Office - 845-451-4273

jobrien@cityofpoughkeepsie.com



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

December 29th, 2023

Peter Nocerino

RE: 48 S Hamilton Street
ID: 214180
Application # BP-23-2146

To whom it may concern,

The Building Department has received your application # BP-23-2146 to change the use of the existing Single-family dwelling to a Two-family dwelling located at 48 S Hamilton Street. Please be advised that the property at 48 S Hamilton Street is located in an area of the City zoned Medium High-Density Residence District (R-4).

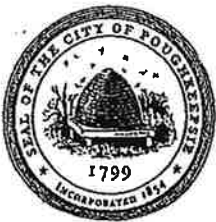
Please note that although Two-family dwellings are a permitted use within the R-4 zoning district per Section 19-3.15(2)(a)2, the conversion will require that Area Variances be granted by the Zoning Board of Appeals for the following deficiencies.

1. Section 19-3.15(4)(a) requires a minimum of 10,000 square feet of lot area for the proposed use. Per Dutchess County Parcel Access, this lot contains only 0.12 acres or 5,227 square feet of lot area.
2. Section 19-4.3(11) requires 4 parking spaces for the proposed use. No parking has been proposed at this time, if parking is to be proposed, it shall comply with Section 19-4.3.

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

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

Very truly yours,
Joseph O'Brien
Deputy Zoning Administrator



**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: 48 S. Hamilton St.
ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: Peter Nocerino
Address: 28 Bank St.
Beacon, NY. 12508
Phone: 917 881 1676
Email: Peter@countyconstruction.com

APPLICANT INFORMATION:

Name: Same as above
Address: _____

Phone: _____
Email: _____

CONSULTANT INFORMATION:

Name: N/A
Address: _____

Phone: _____
Email: _____

SUBJECT OF APPEAL

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

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

Date of decision/determination/violation: 12-29-23

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 48 S. Hamilton St.

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
<u>19-3.15(4)(a)</u>	<u>10,000 sq. ft. lot area</u>	<u>4,773 sq. ft.</u>
<u>19-4.3(11)</u>	<u>4 parking spaces</u>	<u>2 parking spaces</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 48 S. Hamilton St.

LIST OF REQUIRED ATTACHMENTS

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

SIGNATURE AND VERIFICATION

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

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



SIGNATURE OF APPLICANT

12/31/23

DATE

Peter Nocerino

Print Name

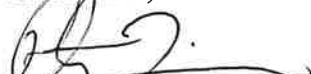
Peter Nocerino
28 Bank St.
Beacon, NY 12508

RE: 48 S. Hamilton St
ZBA Application

Variance request itemized responses

1. 1) Great lengths will be taken to repair the exterior of the structure to reflect its original character. In the vast majority of the exterior work will be completed in-kind using the same material when available. The street view will remain 100% historically accurate. The interior work will also retain the vast majority of its original character and have no distinguishable effect on the exterior at all. The interior first floor is proposed to be converted to a one bedroom unit. The second floor is proposed to be a two bedroom unit. The proposed change will fit well into the mostly multi-family neighborhood, in fact, this is the only single family on the block.
- 2) No other feasible options are evident at this point, based on my knowledge, I am open to ideas however. This structure is located in a R-4 zone which encourages multi families. In fact it is the only single family on the block. Given the need for housing in the city, especially within walking distance to main street, it would be a valuable addition to the neighborhood as well as an investment in the city's growth.
- 3) The requested variances are not substantial. In my opinion the change in status will actually help. Given the size of each unit they may very well utilize less parking than the original status as a very large 5+ bedroom one family. Smaller units encourage smaller families, if not single use occupants and less vehicles. Additionally, street parking is also available, if needed. With regard to the area requirement, there will be available 90+ ft. of green space in the rear of the property which will remain as such for tenant use, and also provide ample permeability, sufficient drainage which will prevent any run off to neighboring properties as it has for well over 100 years.
- 4) The existing site conditions will remain as they were since the building was constructed in the 1890's. There will be no noticeable changes to the property's footprint.
- 5) The variance is being requested as a result of my desire to convert the property from an outmoded large single family home into a more sustainable, more functional use of the structure which will better serve the local community and city as a whole.

Thank You,

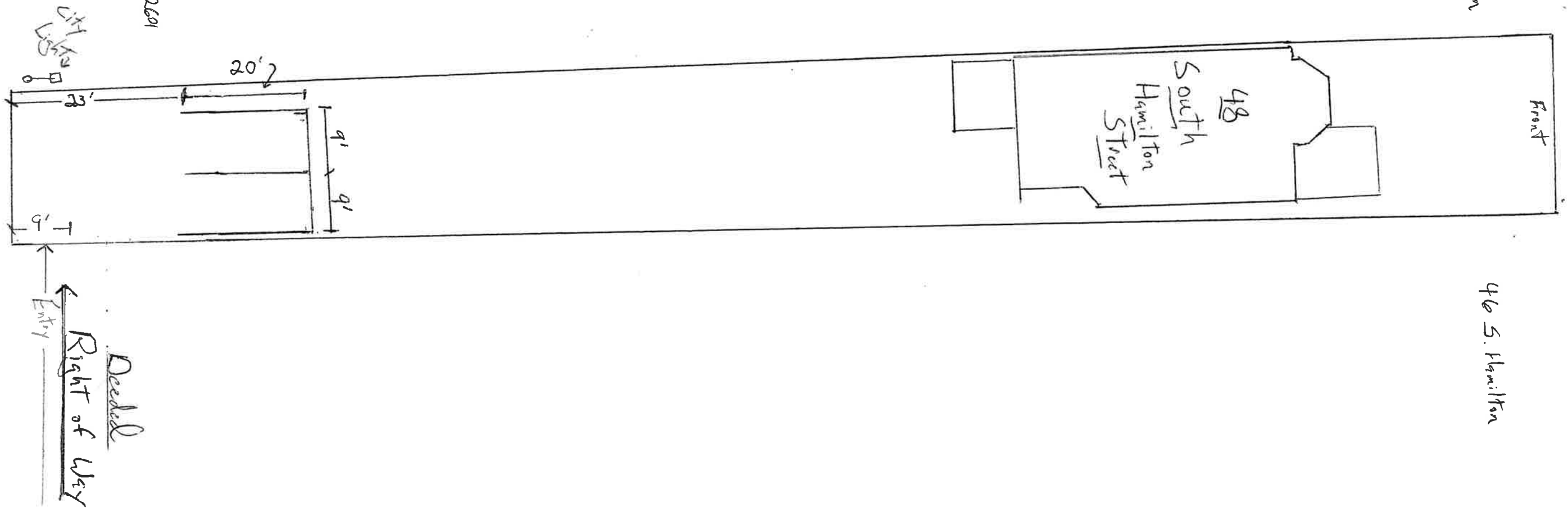


Peter Nocerino

S. Hamilton ST

52 S. Hamilton

46 S. Hamilton



Peter Nocerino
48 S. Hamilton ST.
Poughkeepsie, NY 12601

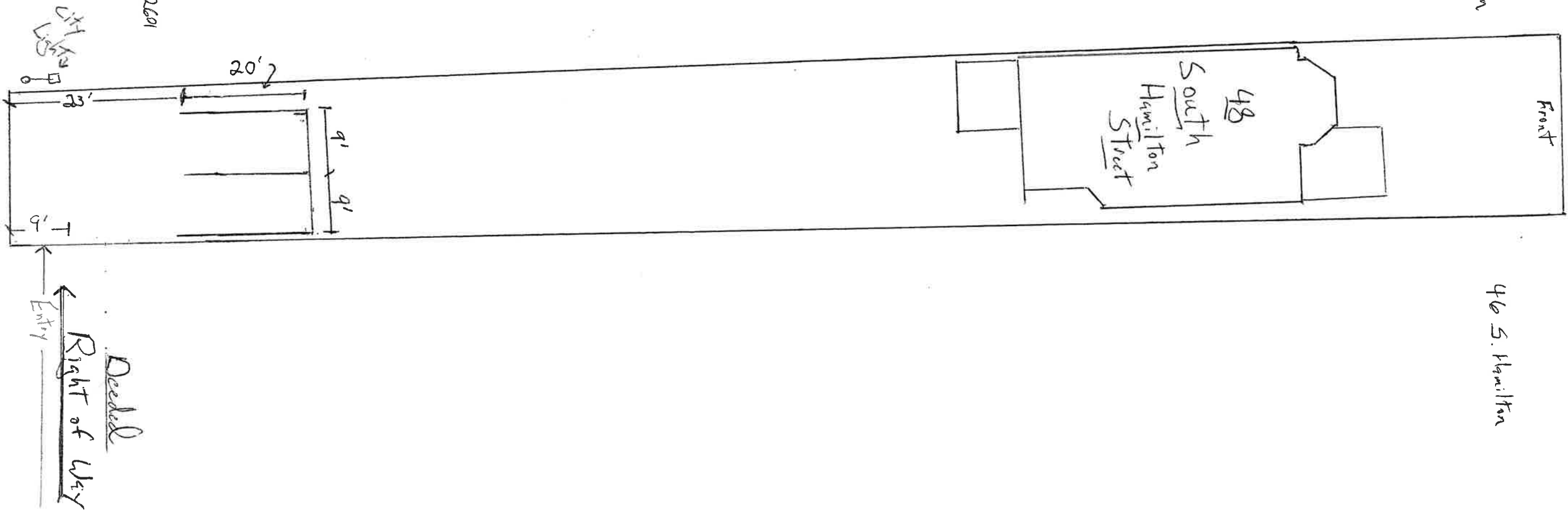
[Signature]

Scale
1" = 15'

S. Hamilton St

52 S. Hamilton

46 S. Hamilton

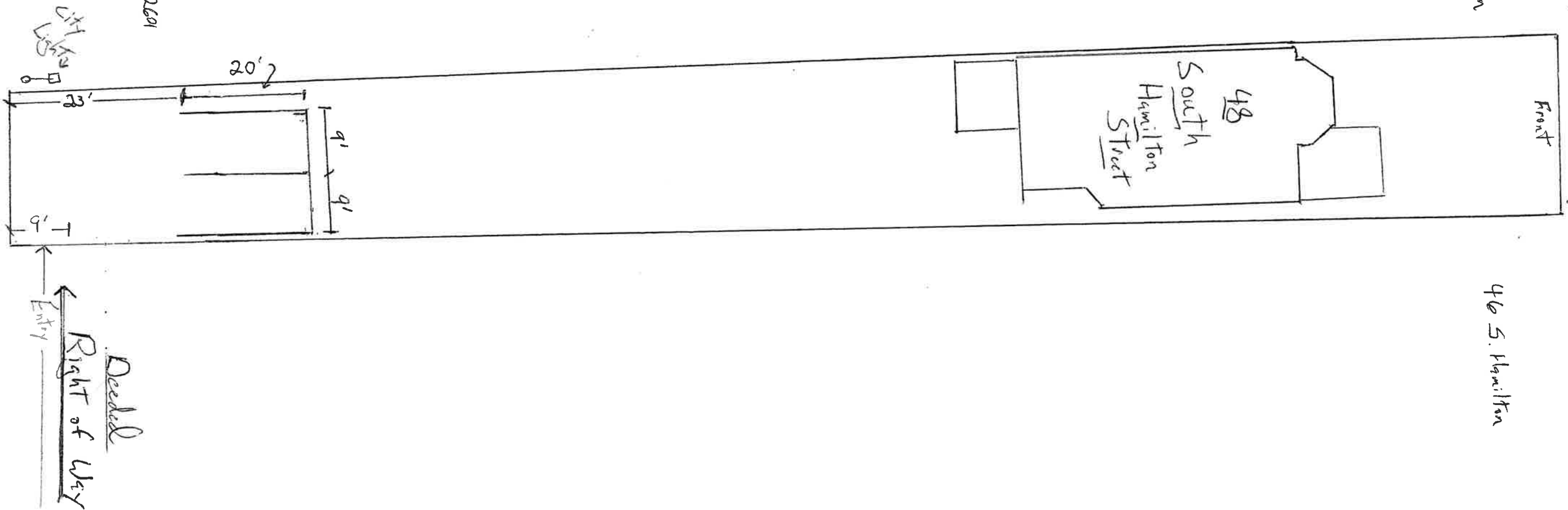


Scale
1" = 15'

S. Hamilton ST

52 S. Hamilton

46 S. Hamilton



Peter Nocerino
48 S. Hamilton ST.
Poughkeepsie, NY 12601

[Signature]

Short Environmental Assessment Form

Part 1 - Project Information

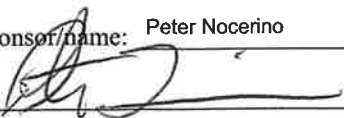
Instructions for Completing

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			
Peter Nocerino			
Name of Action or Project: Area Variance			
Project Location (describe, and attach a location map): 48 South Hamilton Street			
Brief Description of Proposed Action: Conversion of six bedroom single family home into a two unit home, one single bedroom and one two bedroom units.			
Name of Applicant or Sponsor: Peter Nocerino		Telephone: 917 881 1676 E-Mail: peter@nocerino.com	
Address: 28 Bank St			
City/PO: Beacon		State: New York	Zip Code: 12508
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		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?		.12 acres 0 acres 0 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): multi unit structures ☐ 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:			
Structure currently is not insulated at all. Insulation will be installed using a combination of dense pack cellulose and open cell spray foam.	☐	☐	
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>Peter Nocerino</u> Date: <u>1-13-24</u> Signature: <u></u> Title: <u>owner</u>		



**THE CITY OF POUGHKEEPSIE
NEW YORK**

DEVELOPMENT DEPARTMENT

62 CIVIC CENTER PLAZA, 2ND FLOOR

POUGHKEEPSIE, NY 12601

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

MEMORANDUM

To: City of Poughkeepsie Zoning Board

From: Tyler Maegerle, Junior Planner

Date: 1/31/2024

Re: 48 South Hamilton Street

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

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



WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 1

Schedule B

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

DISPOSITION

1. Taxes, tax liens, tax sales, and municipal charges for service or assessments set forth in schedule herein.
2. Mortgages returned herein (NONE). Detailed statement herein.
3. Rights of tenants set forth herein
4. Covenants, conditions, easements, leases, agreements of record, if any.
5. Survey reading appended herein and its exceptions form a part of the policy.
6. The exact acreage of the premises is not insured.
7. Rights of others in and to the free and uninterrupted flow of any creek or stream crossing or bounding the premises.
8. Title is not insured to any portion of the premises lying within the bed of South Hamilton Road.
9. Rights of utility companies to maintain their poles, wires and guys.
10. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon premises to maintain and repair the same.
11. Rights of tenants, lessees or parties in possession.
12. All deeds submitted for recording, require an equalization and assessment form (RP-5217) ****completed in PDF format only**** signed strictly by the actual sellers. Sellers attorney must submit at closing, an equalization and assessment form signed by sellers (no exceptions). (This form can be obtained on our website at www.realpropertyabstract.net)

WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 2

13. Final reading to be ordered from the Water Department with final bill to be delivered at closing. Statement must also reflect if arrears and/or charges will (will not) be relieved onto subsequent tax bills. If water service to the insured premises is provided by private water company or well and septic, then an affidavit stating same must be delivered at closing. NOTE: this exception shall not be removed until such time as final written current and arrears figures for water and sewer assessments are submitted and confirmed. Company will not obtain final bills/readings. This is the responsibility of contract vendor and their representatives. Failure to present appropriate complete final reading /bills at closing, shall necessitate an escrow not less than \$2,000.00 to be taken by the Company.
14. Due to the increasing erroneous information received via telephone, tax receipts for current taxes MUST be produced at closing. In the absence of receipts, written statements from the collectors must be furnished. IN CERTAIN COMMUNITIES, ABSENT DOCUMENTATION, COMPANY MAY REQUIRE ESCROW.
15. All parties will be required to provide Photo-Identification and Social Security Numbers to this Company's Representative at closing.
16. Compliance with New York State Tax Law Section 663 is required to record a deed of conveyance. All grantors/transferrors must be able to complete Schedule D of NYS Form TP-584. In lieu of that compliance, an IT-2663 and IT-2663-V must be completed and delivered at closing with appropriate COLLECTED (BANK OR CERTIFIED) funds payable to New York State Department of Taxation and Finance.
17. 2023-24 School Taxes are a lien as of 07/01/2023. If this Company is required to hold an escrow to omit this lien, a figure equal to last years tax plus 25% and our service fee of \$50.00 will be collected at closing.
18. A Judgment & Lien Search was conducted in the Dutchess County Clerk's Office for Vassar-Warner Home f/k/a The Old Ladies Home of The City of Poughkeepsie and nothing was found of record.
19. A Judgment & Lien Search was conducted in the Dutchess County Clerk's Office for Peter Nocerino and nothing was found of record.
20. A Bankruptcy Search was conducted on Vassar-Warner Home f/k/a The Old Ladies Home of The City of Poughkeepsie in the U.S. Bankruptcy Court- Southern District of New York and nothing was found of record.

WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 3

21. A Bankruptcy Search was conducted on Peter Nocerino in the U.S. Bankruptcy Court- Southern District of New York and nothing was found of record.
22. A United States Patriot Search was conducted on the following: Vassar-Warner Home f/k/a The Old Ladies Home of The City of Poughkeepsie and shows: No record found for the above mentioned. SEE ATTACHED
23. A United States Patriot Search was conducted on the following: Peter Nocerino and shows: No record found for the above mentioned. SEE ATTACHED
24. A UCC-1 Financing Statement Search was conducted on the following: Vassar-Warner Home f/k/a The Old Ladies Home of The City of Poughkeepsie with the NYS Department of State and the Dutchess County Clerk's Office and shows:
State: Nothing found of record County: Nothing found of record.
25. Together with and subject to Right of Way in Liber 237 cp 7, Liber 253 cp 100 and Liber 264 cp 16.
26. Access is derived over a Granted Private Roadway/Right of Way. Company insures rights of ingress and egress over said roadway/right of way to the nearest public highway, however, Company accepts no liability as to costs or maintenance associated with same.
27. Proof is required that there are no outstanding charges, disputes or litigation with respect to maintenance of said Right of Way between the parties who derive benefit over same.
28. Identity and authority of parties or persons acting on behalf of and executing the closing documents for Vassar-Warner Home f/k/a The Old Ladies Home of The City of Poughkeepsie must be established prior to closing.
29. Compliance with NYS Not for profit law Section 509.
30. Field inspection conducted on June 28, 2023 revealed boundary at right of way overgrown with considerable brush with vegetation. Company accepts no liability for costs associated with reopening use of said right of way.

WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 4

31. PLEASE NOTE: Due to the nature of personal checks which have been returned to us, due to "Insufficient Funds", it is necessary for us to ask that all funds delivered at closing for payment of title charges, recording fees, taxes, etc. over \$250.00 be certified, bank or attorney escrow checks. Please contact this office if there are any questions concerning the charges which will be due at closing.
32. Documents offered at Closing are frequently incomplete and lacking appropriate information and/or execution by parties. Often, ancillary forms are completed on outdated versions. Failure to present documents for review prior to closing may result in delays in recordation, for which this Company cannot be held responsible.
33. Due to Municipal and Governmental service interruptions, certain tax receipts, billing and levy information is unavailable at this time. It is strongly encouraged that parties furnish any and all bills and receipts. Inability to establish payment status of same may necessitate escrow or delays.

NOTE: Any municipal searches reported herein are furnished "FOR INFORMATION ONLY". They are not insured and the company assumes no liability for the accuracy thereof.

NOTE: All checks in excess of \$500.00 for payment of closing must be Certified or Bank Check payable to Real Property Abstract & Title Services, LLC unless other arrangements have been made with this Company prior to closing.

NOTE: If Power of Attorney is to be used in this transaction please contact this company prior to closing.

NOTE: All documents to be recorded in the Office of the Clerk/Register or filed in the Registrar's Office must be executed in BLACK INK ONLY or this company will assume no responsibility for the recording of same.

NOTE: Policy excepts any consequences that may arise due to the fact that the instruments submitted for recording are rejected by the County Clerk or Register because the instruments are illegible.

WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 1

Survey Reading

Survey made on 07/06/2023 by Robert L. Campbell, NYS, LLS, discloses premises on the East side of S Hamilton Street in the City of Poughkeepsie, County of Dutchess, State of New York.

No encroachments, variations, or encumbrances to premises' boundaries are disclosed except:

- 1.) Overhead utility lines and poles cross the premises and serve the buildings and building on adjoining lands.
- 2.) Curbs and concrete walks shown outside the West boundary.
- 3.) Chain link fence shown inside a portion of the North boundary and East boundary.
- 4.) Premises are depicted as sharing a 5' Right of Way in common with 46 S. Hamilton to the North straddling the boundary between same. Bay window from 46 S. Hamilton and overhang from 48 S. Hamilton project into said Right of Way.
- 5.) Survey shows Right of Way over driveways and several parcels leading southerly from Church Street westerly into the rear of the inside of the East boundary (see objection #26 of Schedule B).

Existence or presence of the foregoing encroachments, variations, or encumbrances may create certain rights which may be enforceable by or for the benefit of others.

The survey reading and survey inspection are not intended to be, and should not be used for the purpose of determining compliance with local building and zoning laws and regulations; they should only be relied upon for the purpose of disclosing exceptions to title.

Additionally, without representation as to accuracy or content, the Company offers the following for informational purposes only. No liability is accepted as to the nature of the improvements listed hereafter:

Survey discloses: 2 ½ story brick and frame building with attached porches, overhang, slate walk.

BARGAIN AND SALE DEED

RPATS-9588
CP 4P 10
205
560
765
THIS INDENTURES, made as of October 24, 2023 among
Vassar-Warner Home, fka The Old Ladies Home of The City of Poughkeepsie, with
offices located at 52 South Hamilton Street, Poughkeepsie, New York 12601,
(collectively hereinafter referred to as "Grantors"), and Peter Nocerino, residing at 28
Bank Street, Beacon, New York 12508 (collectively hereinafter referred to as
"Grantee").

WITNESSETH, that Grantor, in consideration of Ten (\$10.00) Dollars and other
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do
hereby grant and release unto Grantees and the heirs, executors, administrators, legal
representatives, successors and assigns of Grantees forever,

ALL that certain plot, piece or parcel of land situate, lying and being located at ~~48~~
South Hamilton Street, Poughkeepsie, New York 12601, City of
Poughkeepsie, County of Dutchess and State of New York bearing grid
#6161-22-155937, and is more particularly bounded and described in annexed
Schedule A.

TOGETHER with all right, title and interest, if any, of Grantors in and to
any streets and roads abutting the above described premises to the center
lines thereof,

TOGETHER with the appurtenances and all the estate and rights of
Grantors in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto Grantees and the
heirs, executors, administrators, legal representatives, successors and assigns of
Grantees forever.

Grantors are the owners of said premises. Said premises are not located
in an agricultural district.

Grantors covenant that Grantors have not done or suffered anything
whereby said premises have been encumbered in any way whatever, except as set
forth herein.

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

Sale is pursuant to Order of Supreme Court: County of Dutchess Index
#2023-54212, entered November 8, 2023.

Being the same premises transferred by Deed from Catherine B. Corbally dated 12/8/1967 and recorded on 12/8/1967 in the Dutchess County Clerk's Office in Liber 1235 at Page 7.

IN WITNESS WHEREOF Grantors have duly executed this deed as of the date first above written.

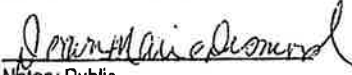
Vassar-Warner Home fka The Old Ladies Home
of The City of Poughkeepsie


BY: Ericka Von Salews, Executive Director

STATE OF NEW YORK)
) ss:
COUNTY OF DUTCHESS)

On October 24, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared, **Ericka Von Salews**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument (deed) and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individual acted, executed the instrument.

DAWN MARIE DESMOND
NOTARY PUBLIC, State of New York
Reg. No. 5004168
Qualified in Dutchess County
~~Commission Expires April 9, 2027~~


Notary Public

BARGAIN AND SALE DEED

dated October 24, 2023

from

Vassar-Warner Home fka The Old Ladies Home
of The City of Poughkeepsie, Grantor(s)

to

Peter Nocerino, Grantee(s)

=====
Grid # : 6161-22-155937
City : Poughkeepsie
County : Dutchess

✓ Please record and return to:
Craig M. Wallace, Esq.
85 Civic Center Plaza, Suite LL3
Poughkeepsie, New York 12601

WFG National Title Insurance Company

Title Number: **RPATS-9588**

Page 1

SCHEDULE A DESCRIPTION

All that parcel of land situate in the City of Poughkeepsie, County of Dutchess and the State of New York bounded and described as follows:
Beginning at an iron pipe recovered on the Easterly side of South Hamilton Street, said point marking the Northwest corner of the herein described parcel and the Southwest corner of lands now or formerly 46 Hamilton Realty, LLC, Docket 22023, frame 1342; thence running Easterly along the Southerly line of said Hamilton Realty, LLC and passing equal distance between the foundations of 46-48 Hamilton Street, South 59-48-00 East 215.62 feet to a point marking the Northeast corner of the herein described parcel and the Westerly line of 40 South Hamilton, Inc., Docket 22009, frame 7001; thence running Southerly 2.20 feet from and parallel to the Westerly face of a brick building, South 30-51-00 West 25.30 feet to a point marking the Southeast corner of the herein described parcel and the Northerly line of lands now or formerly Davis, Liber 1966, page 316; thence running Westerly along the Northerly line of said Davis in part, and along the Northerly line of Vassar-Warner Home, tax parcel, 6161-22-152927, North 59-27-15 West 215.46 feet to an iron pipe recovered marking the Southwest corner of the herein described parcel, the Northwest corner of said Vassar-Warner Home and the Easterly line of the aforementioned South Hamilton Street; thence running along the same, North 30-29-00 East 24.00 feet to the point or place of beginning.

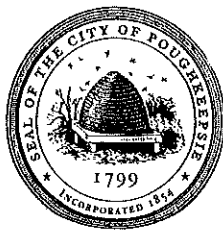
Subject to and together with a right-of-way, 5.00 feet in width, 2.5 feet from the each side of the Northerly boundary line running in an Easterly and Westerly direction 95.40 feet. Also, a 3.00 feet right-of-way 1.50 feet from each side of the Northerly boundary line, running Easterly in an Easterly direction for 75.00 feet starting and the Easterly end of the 5.00 feet right-of-way.

Reserving to the owner of premises #46 South Hamilton Street , their heirs , executors , tenants, assigns, grantees, occupant, servants, employees, or agents and granting to the parties of the second part hereto their heirs, executors, tenants, assigns, grantees, occupants, servants employees or agents, a right of way or passage way between the two properties #46 and #48 South Hamilton Street 2.5 feet either way from the southerly property line of the premises #46 South Hamilton Street, and the northerly property line of the premises #48 South Hamilton Street, extending from the range of the brick wall on the north and extending from the brick wall on the south, making a passageway 5 feet in the width from the above mentioned street line, a distance of 95.4 feet to a point in range with the lower base of the steps on the easterly side of the house on premises #46 South Hamilton Street ; thence to be the width of the existing walk along the southerly property line of the premises #46 South Hamilton Steet and 1.5 feet in width on either side of said property line a distance of 75 feet from the easterly end of said 5 foot passageway to a eucalyptus tree. Said right of way to be used in common by the owners of #46 and #48 South Hamilton Steet, their heirs, executors, tenants, assigns, grantees, occupants, servants, employees or agents for the purpose of ingress to and egress from South Hamilton Street the rear of the premises and to and from South Hamilton Street.

Said right of way to be subject to any existing incumbrances as to cornice, bay window, etc. so long as the buildings on said properties 46 and 48 South Hamilton Steet remain standing and no longer.

 Together with a right of way from the rear of the above described premises to Church Street as described in three deeds: one from Willian C. Sterling and another as Executors to Mary A. Freeman, dated July 20, 1888 and recording in the Dutchess County Clerk's Office July 21, 1888, in Liber 237 of Deeds at page 5; the second from Mary A. Freemand to Washington Monfort, dated November 6, 1890 and recorded in said Clerk's Office November 10, 1890 in Liber 253 of deeds at page 100 and the third from Mary A . Freeman to Peter L. Van Wagenen, dated June 25, 1892 and recorded in said Clerk's Office June 30, 1892 in Liber 264 of Deeds at page 16. Said right of way to be used in common with the owners of premises #46 South Hamilton Street their heirs and assigns.

 Granting to the parties of the second part , their heirs, executors, grantees, servants, occupants, tenants, employees, agents or assigns, the right to use in common with the owners of premises #46 South Hamilton Street and their heirs, executors, grantees and assigns of the land in the rear of the premises #46 South Hamilton Street, extending from the west line of the brick barn on the property of Stuart (now Dingman) to a point in line with the easterly face of the brick wall of the garage standing on the property of C. K. Deyo. Said right of way to afford easy ingress and egress for foot passenger, automobiles or other vehicles from the premises herein described and known as #48 South Hamilton Street.



**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: 76 Delafield Street

ZONING DISTRICT: R-4

OWNER INFORMATION:

Name: The Shamrock Association

Address: 76 Delafield Street

Poughkeepsie, NY 12601

Phone: _____

Email: _____

APPLICANT INFORMATION:

Name: Scott Parker, Vice President

Address: 1 Duane Street

Poughkeepsie, NY 12601

Phone: 845-476-4163

Email: _____

CONSULTANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

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

Name and title of agent: _____

Date of decision/determination/violation: _____

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 76 Delafield Street

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-4.13(1)	6' setback for condenser	to allow 3.5' (1.5' variance)

VARIANCE REQUEST JUSTIFICATION

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

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

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

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

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.

SIGNATURE OF APPLICANT

DATE

Scott J. Parker

Print Name

Justification for 76 Delafield Street Area Variance

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

We do not believe that the variance will produce an undesirable change in the neighborhood. Placing the condensers on the side of the building is more aesthetically pleasing than on the front of the building. The new system will allow use of a single condenser to replace multiple window air conditioners.

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

There are no other feasible locations to place the condenser unit. Therefore, no alternative to the variance that will allow us to achieve our goal. Multiple window units are an option, but we believe that a single condenser unit on the side of the building would be a better alternative.

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

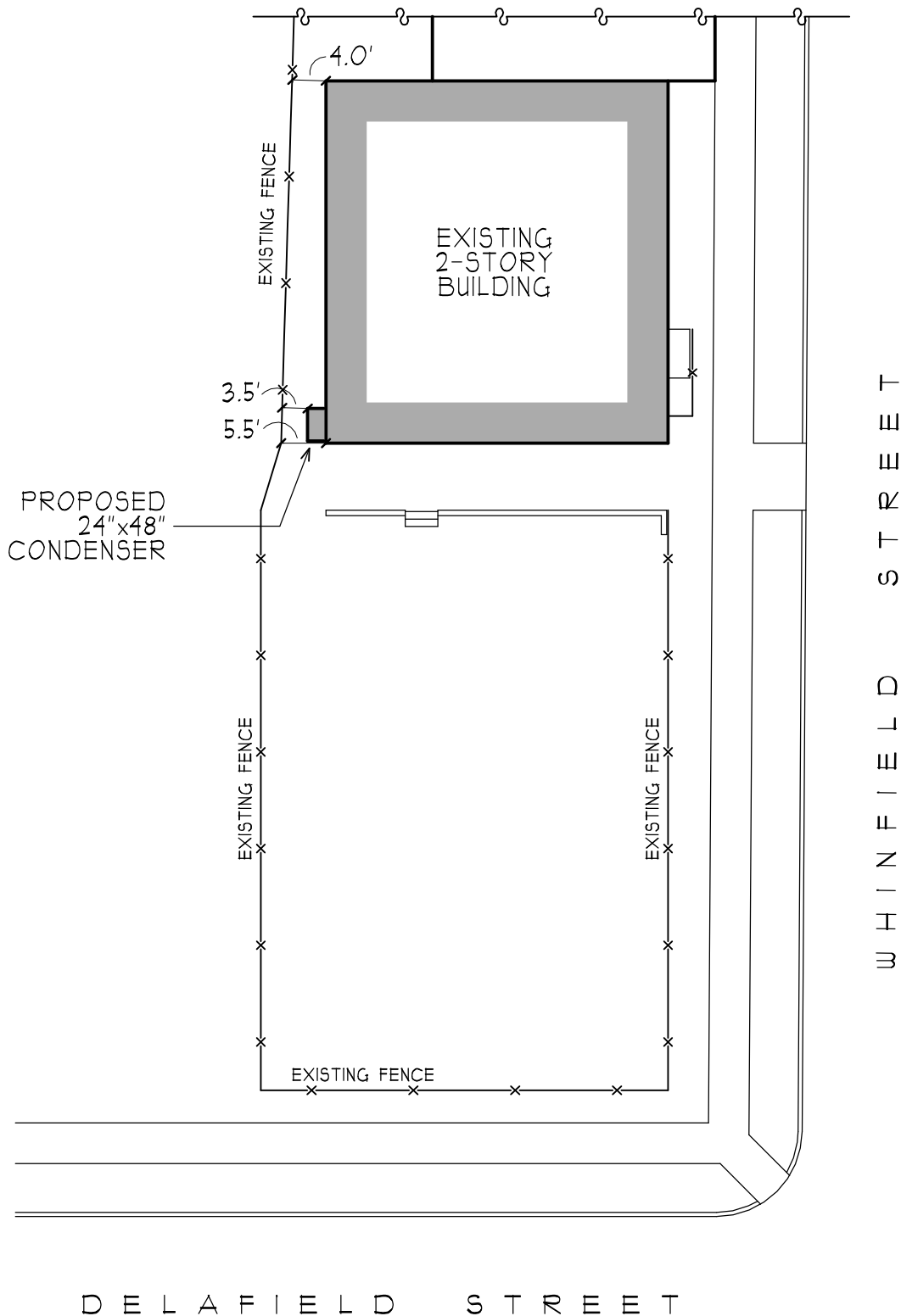
The existing building setbacks are non-conforming, ranging from 4-5.5'. The proposed setback for the condenser is 3.5'. We do not believe that to be substantial based on the current conditions.

4. Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district?

The installation of the new, more energy efficient, system will allow for the discontinued use of multiple, less efficient, window units. The system will also function as a heat pump, reducing the need for fossil fuel heating. Additionally, this variance has been found to be a Type II action under SEQRA regulations.

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

The difficulty is self-created. However, the remaining four factors weigh in favor of the variance and should not, of itself, preclude the board from granting the variance requested.



SCHEMATIC EXISTING SITE PLAN

SCALE:

1" = 20'-0"



PROJECT NAME AND ADDRESS

SCHEMATIC EXISTING SITE PLAN

76 DELAFIELD STREET
POUGHKEEPSIE, NY 12601

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: Installation of exterior HVAC condenser.			
Project Location (describe, and attach a location map): 76 Delafield Street, Poughkeepsie, NY			
Brief Description of Proposed Action: Installation of exterior HVAC condenser, mounted to the wall of the building.			
Name of Applicant or Sponsor: Scott Parker		Telephone: 845-476-4163	
		E-Mail:	
Address: 1 Duane Street			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Zoning Board of Appeals and Building Department.		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		.09 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?		.09 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: _____ _____ _____			

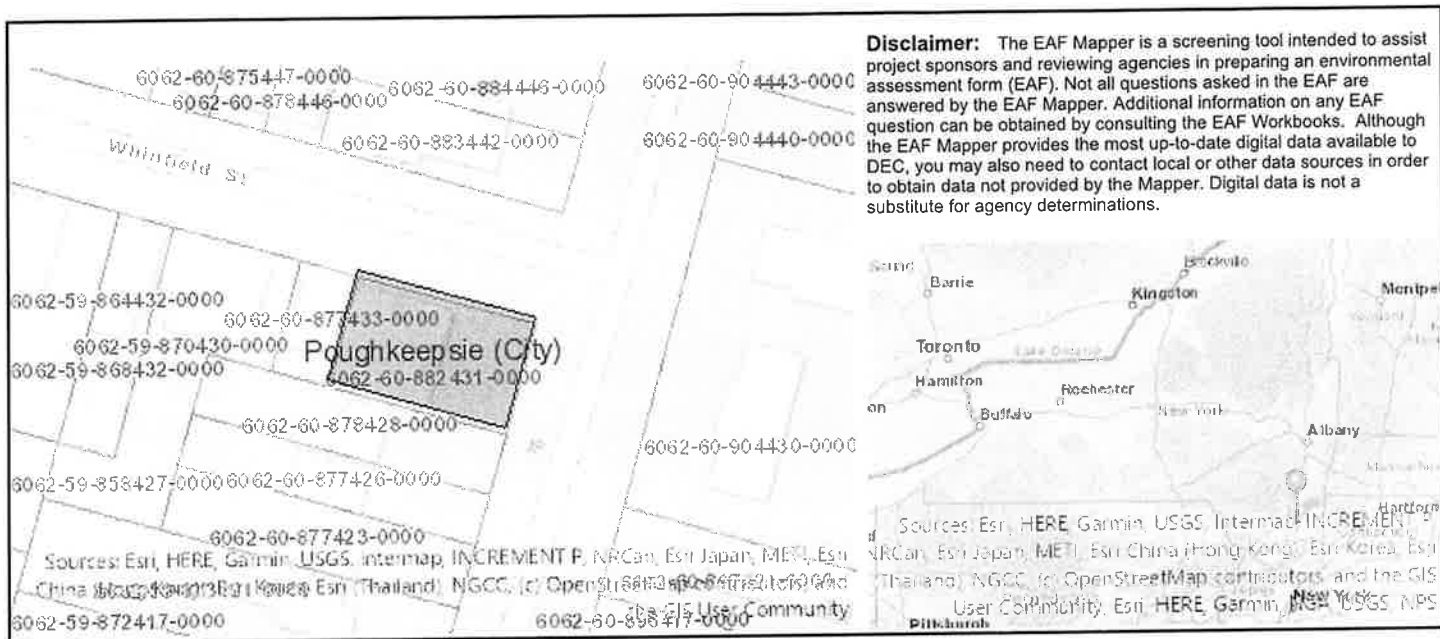
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? 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: <u>Scott Parker</u> Date: <u>12/29/23</u>		
Signature: <u></u> Title: _____		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	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



**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: City of Poughkeepsie Zoning Board

From: Tyler Maegerle, Junior Planner

Date: 1/31/2024

Re: 76 Delafield 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 an area variance for a condenser set back 3.5' from the property line.

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)(16) "granting of individual setback and lot line variances and adjustments." The action is therefore not subject to further environmental review.



BUILDING DEPARTMENT

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

Eric Philipp
Building Inspector

BUILDING PERMIT

Owner

Shamrock Assn. Inc.
76 Delafield St
Poughkeepsie, NY 12601-0000

Applicant

SCOTT PARKER
30 Delafield Street
Poughkeepsie, NY 12601

Permit # BP-23-1440
Issue Date: 09/05/2023

Permit Type: Com. HVAC
Expiration Date: 09/05/25

Location

76 Delafield St
POUGHKEEPSIE, NY 12601-0000

Tax Parcel ID # 6062-60-882431-0000
ID# 477180
Fees: \$200.00

Description of Work:
Mini split with one condenser

Required Inspections

Electrical (Third-Party)
Rough Heating
Final

Please Call Deputy Building Inspector Peter Nocerino at 845-451-4015 or ktarkos@cityofpoughkeepsie.com to schedule all required inspections.

Section 6-25 Performance of work under building permit

- a. A building permit shall be effective to authorize the commencing of work in accordance with the application, plans and specifications on which it is based for a period of six (6) months after the date of its issuance. In the event that any work authorized under a building permit is not commenced within six (6) months from the date of its issuance, such permit shall expire.

Permit Conditions

1. If the structure or site IS NOT READY TO BE INSPECTED AT THE AGREED UPON TIME OR THE INSPECTION FAILS, a civil penalty WILL be assessed against the property owner, permit holder or his/her agent or representative in the sum of FIFTY (\$50.00) DOLLARS residential and ONE HUNDRED (\$100.00) DOLLARS commercial for a re-inspection.

2. All requests for inspections shall be made two (2) business days prior to all the actual inspection.

3. NO CERTIFICATE OF OCCUPANCY or CERTIFICATE OF COMPLIANCE will be issued for any building permit until all required final inspections have been completed and the work has been accepted.

-CONDENSER CANNOT BE INSTALLED CLOSER THAN 6 FEET FROM ANY PROPERTY LINE. PLEASE CONFIRM INDICATED LOCATION MEETS THAT CRITERIA PRIOR TO INSTALL.

Peter Nocerino, Deputy Building Inspector