



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

Common Council Chambers  
Tuesday, October 14, 2025  
6:00 PM

**I. ROLL CALL**

**II. APPROVAL OF MEETING MINUTES**

1. **Approval of September 9, 2025 Meeting Minutes**

**III. ADJOURNED APPLICATION REVIEW**

1. **105 ALBANY STREET: AREA VARIANCE**

**IV. ADJOURNED PUBLIC HEARINGS to November 10th**

1. **101 SOUTH GRAND AVENUE: AREA VARIANCE**
2. **100 NORTH HAMILTON STREET: AREA VARIANCE**
3. **17 SOUTH HAMILTON STREET: AREA VARIANCE**
4. **20 LEXINGTON AVENUE: AREA VARIANCE - ADJOURNED TO DECEMBER 9TH**

**V. PUBLIC HEARINGS & DELIBERATIONS**

1. **22 PERSHING AVENUE: USE VARIANCE**  
Application for use variance relative to the proposed use of the property at

22 Pershing Avenue as an automobile sales facility, requiring a variance of Section 19-5.5 of the Zoning Code, which prohibits automobile sales facilities in the MU-5 Zoning District in which the property is located. Owner: MVK Enterprises, Inc; Applicant: Frank Redl; Grid #6161-24-427984; Zoning District: MU-5; File #2025-022

- 2. (121) LOT 314295 NORTH CLINTON STREET: AREA VARIANCE**  
Application for area variances relative to the proposed construction of a two family dwelling on a vacant parcel on North Clinton Street known as 121, requesting variances of the following sections of the Zoning Code: Section 19-2(3)(2), requiring a driveway 15 feet wide to allow a driveway ranging from 9 to 13 feet in width, and Section 19-6.2(1)(c ) requiring a driveway 15 feet in width to allow a driveway ranging from 9 to 13 feet in width. Owner/Applicant: Julio Criollo; Consultant: Mazzarelli Architecture & Planning PC; Grid: 6162-63-314295; Zoning District: RNC: File #ZBA2025-029
- 3. 12 DUANE STREET: AREA VARIANCE**  
Application for area variance relative to the proposed conversion of a single-family dwelling to a two-family dwelling at 12 Duane Street, requesting a variance of Section 19-6.2(11)(a) of the Zoning Code which requires a minimum of four (4) off street parking spaces to allow no off-street parking. Owner: Ruben Ronda: Applicant/Consultant: Jason Lichwick Architecture PLLC; Grid # 6062-68-884319; Zoning District: RNC: File #2025-031
- 4. 141 N WATER STREET: INTERPRETATION**  
Application for interpretation relative to the proposed construction of a 56-unit multiple dwelling on the property at 141 North Water Street, and whether or not the definition of “story” provide in Section 19-10 of the Zoning Code was intended to reference average grade. The definition reads: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between any floor and the ceiling next above it. If the finished floor level directly above a basement is more than six feet above grade, such basement shall be considered a “story.” Owner/Applicant: 141 North Water Street LLC; Consultant/Agent for Owner: Natalie Quinn, KARC Consulting; Grid #6062-59-771405/783401/780411; Zoning District: Waterfront (W) File #ZBA2025-032

## **VI. ADJOURNMENT**

1. Adjourn to MONDAY November 10, 2025





# The City of Poughkeepsie New York

## Zoning Board of Appeals Meeting Minutes

Tuesday, September 9, 2025 6:00 PM Common Council Chambers

### I. ROLL CALL

Present:

Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson

Staff: Rebecca Valk, Corporation Counsel  
Judith Knauss, Deputy Zoning Administrator  
Lori Garcia, Board Administrative Assistant

### II. APPROVAL OF MEETING MINUTES

#### APPROVAL OF AUGUST 12TH MEETING MINUTES

A motion to Approve was made by Chair Parker and seconded by Member Phillips.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

### III. ADJOURNED APPLICATION REVIEW/ PUBLIC HEARINGS FOLLOWING ADJOURNED TO OCTOBER 14TH MEETING

#### 1. 100 NORTH HAMILTON STREET: USE & AREA VARIANCE

Motion to Open the Public Hearing: Member Chair Parker Second:

Member Vinall Passed: 6:0:0

Motion to Adjourn the Public Hearing: Member Chair Parker Second :

Member Klug Passed: 6:0:0

**2. 22 PERSHING AVENUE: USE VARIANCE**

Motion to Open the Public Hearing: Member Chair Parker Second : Member Phillips Passed: 6:0:0

Motion to Adjourn the Public Hearing: Member Chair Parker Second : Member Klug Passed: 6:0:0

**3. 134 SMITH STREET: AREA VARIANCES**

Motion to Open the Public Hearing: Member Chair Parker Second : Member Klug Passed: 6:0:0

Motion to Close the Public Hearing: Member Chair Parker Second : Member Klug Passed: 6:0:0

**4. 92 GARDEN STREET: USE VARIANCE**

Motion to Open the Public Hearing: Member Chair Parker Second : Member Vinall Passed: 6:0:0

Motion to Adjourn the Public Hearing: Member Chair Parker Second : Member Vinall Passed: 6:0:0

**FOLLOWING ADJOURNED TO NOVEMBER 10TH MEETING**

**1. 16 PERSHING AVENUE: AREA VARIANCE**

Motion to Open the Public Hearing: Member Chair Parker Second : Member Klug Passed: 6:0:0

Motion to Adjourn the Public Hearing: Member Chair Parker Second : Member Vinall Passed: 6:0:0

**2. 185 SMITH STREET: AREA VARIANCES**

Motion to Open the Public Hearing: Member Chair Parker Second : Member Vinall Passed: 6:0:0

Motion to Adjourn the Public Hearing: Member Chair Parker Second : Member Phillips Passed: 6:0:0

**IV. REVIEW OF RESOLUTIONS**

**1.121 PARKER AVENUE: AREA VARIANCES**

Application for area variances relative to the proposed installation of a telecommunications facility (cell tower), at 121 Parker Avenue, requiring variances of Sections 19-3.25(8) Table 3.25-2B(D), 19-3.25(8) Table 3.25-2B(G), 19-3.25(10)(0), 19- 3.25(11)(d), 19-3.25(13)(b)(4), 19-3.25(14)(c), 19-3.25(14)(d)(1), 19-3.25(4)(d)(2), 19-4.3(5)(b), 19-4.3(5)(C), relative to such mixed use. Owner: Parker Ave Realty, LLC; Applicant: Verizon Wireless of the East LP d/b/a Verizon Wireless; Consultant: Young/Sommer, LLC; Grid #6162-55-257465; Zoning District Formerly Walkway-Gateway Mixed Use Commercial (now Walkway-Gateway); File #ZBA2024-015

Presenting: Scott Olson, Consultant  
Steve Grassl, Airo Smith Development

A motion to Approve was made by Chair Parker and seconded by Member Phillips.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

**V. PUBLIC HEARINGS & DELIBERATIONS**

**1.17 SOUTH HAMILTON STREET: AREA VARIANCE**

Application for area variance relative to the proposed expansion and reuse of the property at 17 South Hamilton Street requiring a variance of Section 19-6.2(12)(b) requiring 23 parking spaces where 0 parking spaces are proposed and a waiver of 10 parking spaces is requested from the Planning Board. Owner/ Applicant: Y&S Group NY LLC; Consultant: KARC Planning Consultants; Grid #6162-78-166012; Zone: PID-B File #ZBA2025-026

Presenting: Natalie Quinn, KARC Planning Consultants, LLC  
 Jozlyn Young, KARC Planning Consultants, LLC

A motion to Open the Public Hearing was made by Chair Parker and seconded by Member Klug.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

A motion to Adjourn the Public Hearing was made by Chair Parker and seconded by Member Vinall.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

**2.101 SOUTH GRAND AVENUE: AREA VARIANCE**

Application for area variances relative to the paving of two parking spaces requiring a variance of Section 19-2.1(2) allowing for a maximum driveway width of 15 feet, to allow for a driveway width of 61 feet, and Section 19-6.2(4)(b) requiring that where a parking area for three or more vehicles faces a property line, a planting area a minimum of three feet high and three feet wide planted three feet on center shall be provided between the parking area and the street or property line, to allow for no landscaping between the parking area and Fountainbrook Avenue. Owner/Applicant: Charlotte Trotter; Grid: #6161-49-586580; District:R2; File#: ZBA2025-002

Presenting: Charlotte Trotter, Applicant  
 Michael Berger, Consultant

A motion to Open the Public Hearing was made by Chair Parker and seconded by Member Klug.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

A motion to Adjourn the Public Hearing was made by Chair Parker and seconded by Member Phillips.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

### 3.105 ALBANY STREET: AREA VARIANCE

Application for area variances relative to the proposed construction of a four family dwelling on a lot containing a two family dwelling. The proposal includes addition of a foot of property through subdivision to increase lot width from requiring variances of Section 19-2.3(2)(a) requiring a lot area of 6000 square feet to allow a lot of 3900 square feet; Section 19-2.3(3)(c ) requiring a 5 foot side yard setback to allow a 4 foot south yard setback and a 1 to 2 foot north yard setback; Section 19-2.3(3)(g) requires that accessory structures be a minimum of 5- from a property line to allow the AC units to be 4 feet from the ; and, Section 19-6.2(11)(a) requires that five off-street parking spaces be provided where none are proposed. Owner: Hudson Venture Group LLC; Applicant: Michael Annunziato; Consultant: Studio 90 Design & Planning; Zoning District: RNC; Grid #6062-59-866456; File#2025-012

Presenting: Michael Anunziato, Applicant

A motion to Open the Public Hearing was made by Chair Parker and seconded by None.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

A motion to Close was made by Chair Parker and seconded by Member Phillips.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>

## VI. ADJOURNMENT

### 1. Adjourn meeting to October 14, 2025

A motion to Adjourn was made by Chair Parker and seconded by Member Klug.

Minutes of September 9, 2025 - VOICE VOTE	
<b>Yes/Aye:</b>	Chair Parker, Member Vinall, Member Klug, Member Phillips, Member Finnerman, Member Patterson
<b>No/Nay:</b>	None
<b>Abstain:</b>	None
<b>Absent:</b>	None
<b>Result:</b>	<b>Passed</b>



**THE CITY OF POUGHKEEPSIE**  
**ZONING BOARD OF APPEALS**  
 62 CIVIC CENTER PLAZA, 2ND FLOOR  
 POUGHKEEPSIE, NY 12601  
 Phone: (845) 451-4263 Fax: (845) 451-4006

FEE: \$1000.00  
 CODE: A2112  
 ID# ZP2025-022  
 IPS# \_\_\_\_\_

**USE VARIANCE APPLICATION**

**PROPERTY ADDRESS** 22 Pershing Avenue

**ZONING DISTRICT:** MU-5

**OWNER INFORMATION:**

Name: MVK Enterprises, Inc.

Address: 1158 Salt Point Turnpike, Pleasant Valley, New York 12569

Phone: 845-242-2070

Email: frank@redlh.com

RECEIVED  
 JUN 10 2025  
 By \_\_\_\_\_

**PAID**

JUN 10 2025

**APPLICANT INFORMATION:**

Name: Frank Redl

Address: 31 Quaker Hill Road, PO Box 636, Pleasant Valley, New York 12569

Phone: 845-674-5009

Email: frank@redlh.com

**CONSULTANT INFORMATION:**

Name: n/a

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**SUBJECT OF APPEAL**

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

Name and title of agent: Frank Redl, Project Manager

Date of decision/determination/violation: 12/24/2024, 4/14/25 and 5/28/2025 attached

*A copy of the communication must be attached with this application.*

**USE VARIANCE APPLICATION**

PROPERTY ADDRESS: 22 Pershing Avenue

**USE VARIANCE REQUESTS**

<b>SECTION</b>	<b>PROHIBITING</b>	<b>TO ALLOW</b>
<u>19-5.5</u>	<u>Used auto sales and repair</u>	<u>Used auto sales and repair</u>
<u> </u>	<u> </u>	<u> </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 19-10(11)(b) of the Zoning Ordinance, **no use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship.** In order to prove such unnecessary hardship, the applicant shall demonstrate the following to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:

Responses to the questions below shall be on a separate page attached to and submitted with the application. Use as many sheets as necessary.

1. The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant;
2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood . Please explain how the alleged hardship is unique to the property in question. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?;
3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.
4. The alleged hardship has not been self-created An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant. Explain fully how the hardship is not self-created.

USE VARIANCE APPLICATION

PROPERTY ADDRESS: 22 Pershing Avenue

**LIST OF REQUIRED ATTACHMENTS**

- 1. Letter or communication which resulted in application to the ZBA.
- 2. Site, Survey or Plot Plan. This must be signed and labeled.
- 3. Color photos of site conditions.
- 4. Complete Short Environmental Assessment Form. Please note that in some instances it may be determined that a Full EAF is required.
- 5. Electronic file submission of the plot plan and color photos (see attached submission guidelines)
- 6. Other attachments deemed pertinent by the applicant (please list):

Attached Narrative

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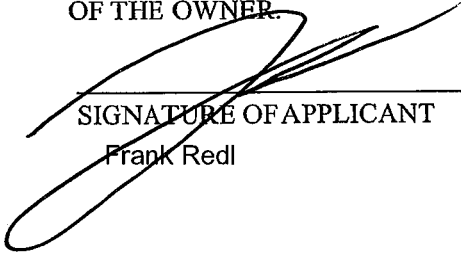


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**SIGNATURE AND VERIFICATION**

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

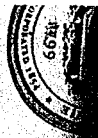
THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.




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SIGNATURE OF APPLICANT  
Frank Redl

June 9, 2025



POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4007 Fax: (845) 451-4006  
Building Inspector

December 24<sup>th</sup>, 2024

Devanand Jaikarran

Re: 22 Pershing Avenue  
ID: 382120

Zoning Review Request PD-2024-126

Dear Applicant,

The Development Department is in receipt of your zoning review request relating to the property at 22 Pershing Avenue and the proposed change of use from a carpet cleaning facility to a motor vehicle repair facility.

This property is located within the Mixed Use 5 (MU5) which does not permit motor vehicle repair facilities per code Section 19-5.5 of the Zoning Ordinance.

Therefore, a Use Variance will be required to establish the proposed use from the Zoning Board of Appeals along with a Special Use Permit granted by the Planning Board. As a prior plan was not provided, Area Variances cannot be determined at this time. If identified, would also require approval from the Zoning Board of Appeals.

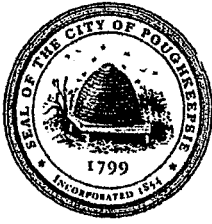
Due to the lack of a plot plan, a comprehensive review cannot be completed at this time. If provided, such a plan shall be drawn to scale, dated, and identify the property and the person responsible for such drawing. This department would be happy to provide an initial review of any preliminary plans.

After all Area Variances found to be required and the Use Variance are granted by the Zoning Board of Appeals and the Special Use Permit granted by 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. Brien**

Deputy Zoning Administrator  
Office: (845) 451-4273  
jbrien@poughkeepsie.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**

4/14/25

DJM Construction  
103 East Dorsey Lane  
Poughkeepsie, NY 12601  
MVK Enterprises Inc  
1158 Salt Point Tpke  
Pleasant Valley, NY 12567  
Edward DeGroff

RE: 22 Pershing Ave  
ID: 382120  
Application # BP-25-0700

To Whom it May Concern:

A review of the building permit application # BP-25-0700 found it to be deficient to complete the review process and issue the permit. Below is/are the deficiencies found:

-An approved site plan by the planning board is needed before this permit can be issued.

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

If you have any questions you may contact me at 845-451-4273 or [jobrien@citvofpoughkeepsie.com](mailto:jobrien@citvofpoughkeepsie.com)



Outlook

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**Re: 22 Pershing Avenue**

From CHARLES KANE <kanemotors@aol.com>  
Date Wed 5/28/2025 6:02 PM  
To Frank Redl <frank@redlh.com>

Ok  
Sent from my iPhone

On May 28, 2025, at 5:16 PM, Frank Redl <frank@redlh.com> wrote:

Charlie, just got this. I'll review in the morning and we will talk.

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**Get Outlook for iOS**

**From:** Judith Knauss <JKnauss@cityofpoughkeepsie.com>  
**Sent:** Wednesday, May 28, 2025 4:10:04 PM  
**To:** Frank Redl <frank@redlh.com>; assistant@z3consultants.com <assistant@z3consultants.com>  
**Cc:** Joseph O'Brien <jobrien@cityofpoughkeepsie.com>; Tyler Maegerle <tmaegerle@cityofpoughkeepsie.com>; Richard Distel <rdistel@cityofpoughkeepsie.com>; Eric Philipp <EPhilipp@cityofpoughkeepsie.com>; Rebecca A. Valk <RValk@cityofpoughkeepsie.com>; Lori Garcia <LGarcia@cityofpoughkeepsie.com>  
**Subject:** 22 Pershing Avenue

The Development Department is in receipt of a request for interpretation to the Zoning Board of Appeals relative to the use of the property at 22 Pershing Avenue as a motor vehicle sales facility. Please be advised that the materials submitted have been reviewed, and some issues have been noted to exist that we are providing you with the opportunity to address prior to circulation of the application to the Board, in order to avoid confusion and unnecessary delay. Essentially:

- The application itself indicates that the appeal is for approval for a change from one legal nonconforming use to another. However, the application appears to adopt the position that this is not a change from one nonconforming use to another,

- but the continuation of a previously approved use which, if legal, would have become legally nonconforming on 11/22/24; It appears that the application is actual for clarification of “The meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter and whether or not the appellant has complied therewith.” If this is the case, a revised application should be submitted, and include references to the sections being challenged. In order to assist in that effort, we offer the following information:
  - A Certificate of Occupancy was issued on March 17, 1999, for the use of the property as a Carpet Cleaning Facility;
  - No other Certificates of Occupancy for any other uses have subsequently been issued;
  - While the Planning Board did approve a site plan for the use of the property as a used car lot on September 12, 2013, but no building permit for the actual change of use was ever issued, and no Certificate of Occupancy authorizing the new use was ever issued. That
    - Section 19-6.1(3)(a), in effect at the time of approval, states that “The approval of a site plan by the Planning Board shall be valid for a period of one year from the date thereof for purposes of obtaining a zoning and building permit. Failure to obtain such a permit within the time period shall cause the approval to become null and void;”
    - Section 19-7.2, in effect at the time of approval, stated that “No building in any district shall be erected, reconstructed or restored or structurally altered or used, without a building permit;”
    - Section 19-7.3, in effect at the time of approval, stated that No existing building or land, whether vacant or occupied, shall be converted to a different land use without first securing a change of use permit;” and,
    - Section 19-7.4, in effect at the time of approval, stated that “The occupancy and use of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Zoning Administrator,” and “A certificate of occupancy is required for, and shall be deemed to authorize, both initial occupancy and the continued occupancy and use of the building or land to which it applies.”
    - There is also a record of other uses being operated from this location between 2013 and 2025, including a “hair store” and an auto body and auto repair facility. Such uses compromised the Planning Board approval, and any other subsequent approvals.

For your information, the section numbers cited above are from the 1979 Zoning Ordinance, which was in effect at the time of the site plan approval of the project until November 21, 2024. These regulations continue in the new Ordinance, adopted on November 22, 2024, with different section numbers, as follows:

- Section 19-6.1(3)(a) is now Section 19-8.1(3)(a)
- Section 19-7.2 is now Section 19-9.2
- Section 19-7.3 is now Section 19-9.3
- Section 19-7.4 is now Section 19-9.4

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

Very truly yours,  
 Judith Knauss  
 Deputy Zoning Administrator

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

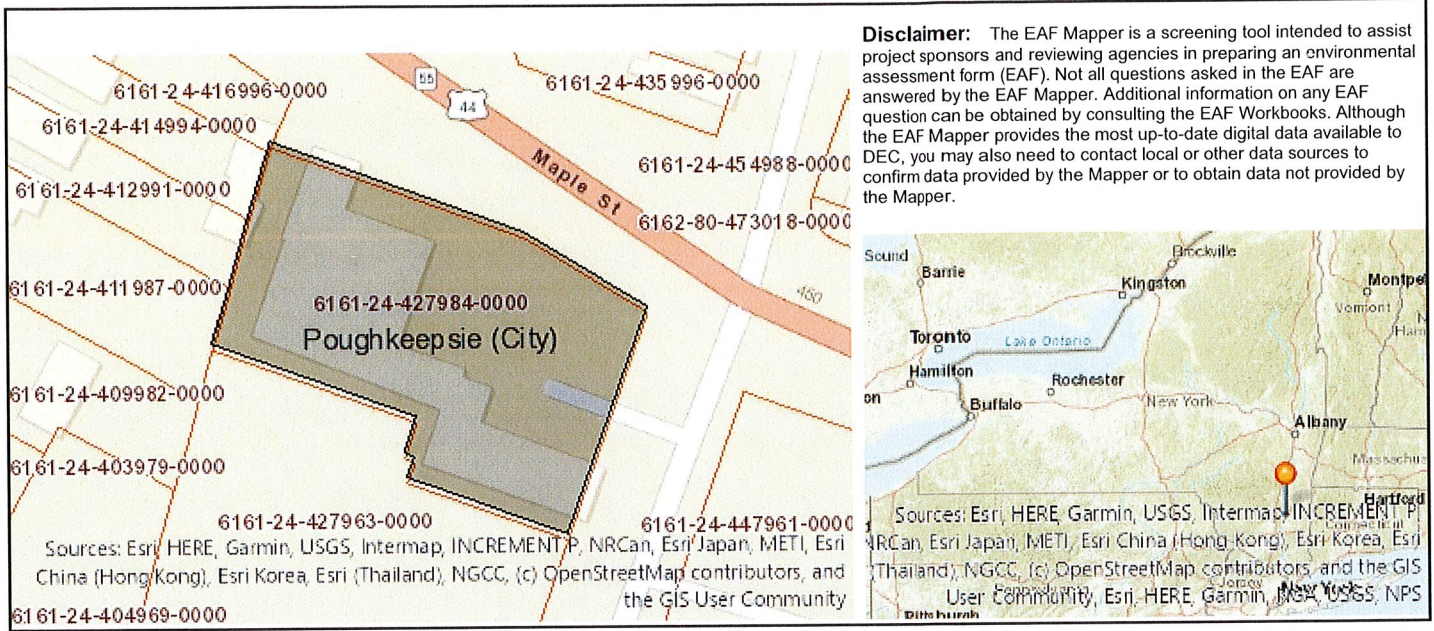
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Use Variance Application			
Project Location (describe, and attach a location map): 22 Pershing Avenue, City of POughkeepsie, County of Dutches and State of New York			
Brief Description of Proposed Action: Applicant seeks Use Variance to permit Site to be utilized for used car sales and related auto repairs.			
Name of Applicant or Sponsor: MVK Enterprises, Inc		Telephone: 845-242-2070 E-Mail: frank@redlh.com	
Address: 1158 Salt Point Turnpike			
City/PO: Pleasant Valley		State: New York	Zip Code: 12569
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 <input type="checkbox"/>
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 ZBA, Building Permits			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.48 acres b. Total acreage to be physically disturbed? _____ 0.00 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.48 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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 <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
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 <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	
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 <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	





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

CITY OF POUGHKEEPSIE  
ZONING BOARD OF APPEALS  
USE VARIANCE APPLICATION

**REVISED 09/25/2025<sup>1</sup>**

**NARRATIVE**  
in support of Use Variance

Owner: MVK Enterprises, Inc.  
Authorized Representative/Applicant:  
Frank Redl, Project Manager

---

<sup>1</sup> Revisions to prior Narrative in red.

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Exhibits:

- Exhibit A (Site Plan)
- Exhibit B (Aerial Photo)
- Exhibit C (2020 Violation Letter)
- Exhibit D (Application for CO 2020)
- Exhibit E (Broker letters)
- Exhibit F (Contractor letter re estimate to renovate)**

## **BACKGROUND**

Redl Real Estate, LLC purchased 22 Pershing Avenue (this "Site") on July 9, 2013. At the time, there was a CO for this Site for a Carpet Cleaning Facility. The Site was zoned C-3. Shortly thereafter, Redl Real Estate made an application to the City of Poughkeepsie Planning Board ("PB") for site plan approval and a special permit in order to conduct a used car lot, sales of used cars and signage. Such uses were permitted under the C-3 zoning regulations. On September 17, 2013, the PB granted site plan and special permit approvals for the change in use from a carpet cleaning facility to a used car lot. Final site plans were submitted, signed and are filed with the City. A building permit was issued for signage. A copy of the final site plan is annexed hereto as Exhibit "A". Attached hereto as Exhibit "B" is an aerial photo of the Site showing the use as car sales and photos of the site as it exists today.

Admittedly, the Redl Real Estate's tenant of the Site failed to follow through at the time to obtain the requisite Building Permit and CO to complete the authorization process which was a condition of final site plan approval. Nevertheless, since the 2013 approvals by the PB, the site has openly, notoriously and consistently been used as a used car lot until such time until MVK Enterprises, Inc. purchased the Site. From 2013 to 2024, the City Building Department made inspections of the Site and issued violations in 2020. A copy of such violation notice is annexed hereto as Exhibit "C". Such violations were remedied but it is interesting to note that the City Building Department never issued a Cease-and-Desist Order or any other notice to shut down the used car sales thereby permitting the Site to be used for car sales. Once the violations were remedied, an Application for a CO (Exhibit "D") was submitted to the City Building Department; however, for some unknown reason, a CO was not issued although duly applied for. Had the Building Department issued the CO, this application would not have been necessary.

In 2024, the City Charter was amended to change the zoning for the Site from C-3 to MU-5. This change in zoning prohibits the Site to be used as a used car sales and service lot. As a result, this application is necessary in order for the Owner to use the site as it has been so used from 2013.

MVK Enterprises, Inc. (MVK) purchased this Site on January 8, 2025. **The purchase date is a mere three (3) months from the enactment of the new zoning. At the time of entering into a contract for the purchase,** MVK knew that there were a few building violations but was not aware that the prior site plan may have been invalid **or that the zoning was about to be changed.** Prior to and at purchase, MVK **reasonably** relied upon the broker's representations that the site was still zoned Commercial.

## VARIANCE CRITERIA

In order to obtain a Use Variance, an applicant must show and demonstrate that the applicable zoning regulations and restrictions have caused unnecessary hardship.

City Charter Section 19-8.4(2)(c) provides that Use Variances are permitted where an application is made and approved by the ZBA provided that certain criteria are met to the satisfaction of the ZBA.

The criteria to be reviewed and considered by the ZBA are:

- 1. The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant.*
- 2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Please explain how the alleged hardship is unique to the property in question. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?*
- 3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.*
- 4. The alleged hardship has not been self-created. Explain fully how the hardship is not self-created.*

This criteria analysis requires the ZBA to balance the benefit to the Applicant in granting the variance against the potential detriment to the surrounding properties and to the public health, safety and general welfare.

The Court of Appeals has held that a zoning board of appeals performs a “quasi-judicial” function when it considers applications for variances, and, as such, should act according to its own precedent. Knight v. Amelkin, 68 NY2d 975 (1986). Thus, where a local zoning board is considering an application that is substantially similar to a prior application that had been previously determined, the zoning board is required to provide a rational explanation for reaching a different result.

## CRITERIA ANALYSIS

1. *The applicant cannot realize a reasonable return, for all uses permitted by Zoning, demonstrated by competent financial evidence. Financial evidence should not be construed to be personal to the applicant.*

MVK is in the business of used car sales and has numerous locations throughout the Hudson Valley. MVK purchased this Site for the sole purpose of being able to conduct used car sales and related auto repairs. The site is designed for used car sales and related repairs. It is ready to go as it stands now. Renovation of the building and site to one of the new permitted uses in the MU-5 zone would be cost prohibitive and run into the 6 digits.

Attached as Exhibit “E” are two letters from area brokers attesting that this Site is best utilized for used car sales and related repairs. **Also, as part of Exhibit “E” is a copy of the real estate listing for the site which pre-dates the actual change in zoning.**

**Annexed hereto as Exhibit “F” is a letter from MVK’s contractor attesting to the exorbitant costs to renovate the building and site to one of the new permitted uses in the MU-5 zone. The contractor letter clearly shows that a **reasonable return cannot** be made given the renovation costs.**

**Moreover, since the last ZBA meeting, MVK places a ‘For Sale’ sign on the property. Numerous inquiries have been made but only if the property could be used for automotive needs.**

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

The immediate area or neighborhood is commercial and residential. This Site is unique in that it has always been used for commercial purposes yet the change in zoning only permits uses that are inconsistent with the neighborhood. The granting of a Use Variance would not materially change the character of the neighborhood. For the site to be considered unique, it is required “that the hardship condition be not so generally applicable throughout the district as to require the conclusion that if all parcels similarly situated were granted variances the zoning of the district would be materially changed.” *Citizen’s United to Protect Our Neighborhood-Hillcrest v. Town of Ramapo*, 2023 N.Y. Slip Op. 31194 at Page 40. Thus, the Site in question is unique.

The existing building is approximately 8,000 SF and its configuration is not conducive to residential purposes, schools, public parking garage, pharmacy, medical outpatient offices, bar or cannabis dispensaries, restaurants, museums or radio/TV recording studios without great renovation, cost and expense.

The highest and best use of the site, as it now sits, is to continue used car sales and related auto repairs.

The requested variance is not substantial or unusual when considered in the context of the surrounding area and the prior uses of the Site.

*3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered.*

Immediately to the south of the Site, Mobile Life built a new facility to cater to its ambulance work. This parcel is now being used for auto repair. Across Pershing Avenue to the west is the Salvation Army building. Some of the surrounding area is residential; so, should the Use Variance be granted, the essential character of the neighborhood will be not

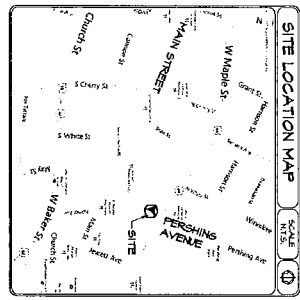
changed. Sabia Auto Exchange is around the corner from this parcel which performs auto repair and sales. The surrounding residential properties are in very poor condition. This site is much more aesthetic than those properties.

4. *The alleged hardship has not been self-created. Explain fully how the hardship is not self-created.*

MVK purchased this Site along with the prior 'baggage' of some building violations but was not aware that the continued and intended use of the site would prohibit car sales and related repairs. At no time did any of MVK's acts or omissions create the prior violations of the Site.

When MVK purchased the site, it reasonably relied upon the listing of the real estate broker which represented that the site was zoned Commercial permitting auto sales. At the time of listing this site with the broker and the signing of the contract, the zoning designation had not yet been changed. Therefore, the hardship was not self-created.

# **EXHIBIT A**



**LEGEND**

	PROPOSED PARKING
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE TO REMAIN
	EXISTING CATCH BASIN

CITY PLANNING BOARD  
FILE FOR APPROVAL  
PROPOSED WORK  
CONSTRUCTION AT THE PLANNING BOARD  
PARKING SPACES AT THE PLANNING BOARD  
DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
CONVENTIONAL

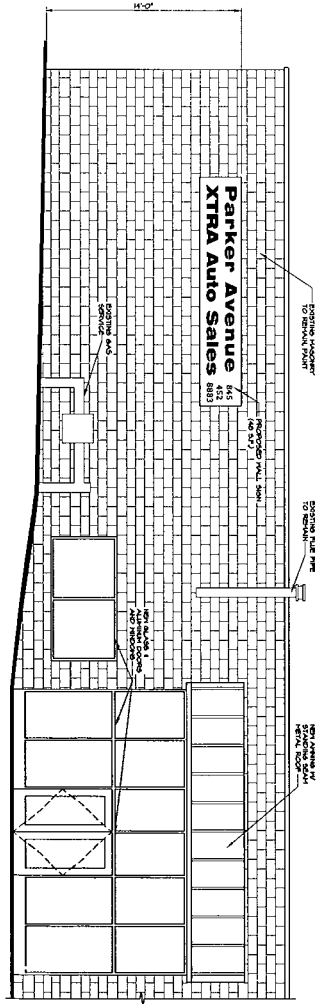
FILE CARD

HOLD OVER

BUILDING INSPECTION

CITY FINANCER

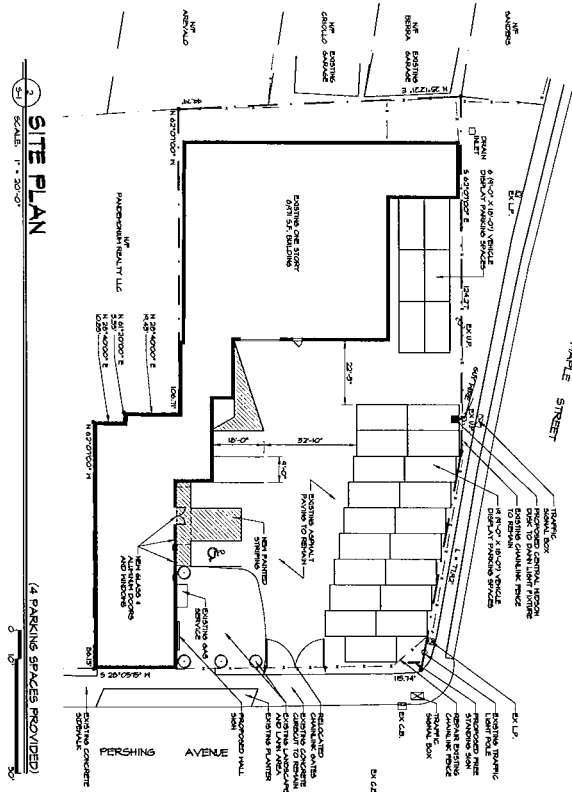
COMMISSIONER OF PUBLIC WORKS



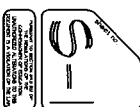
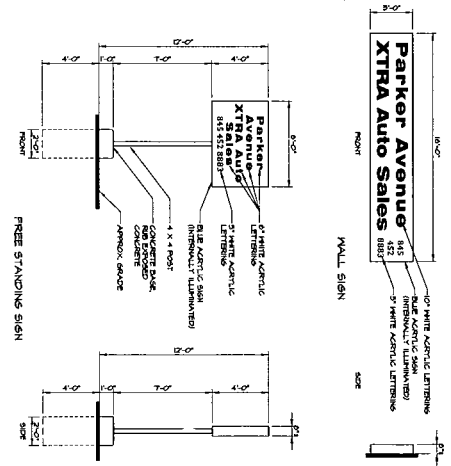
ALL EXISTING AIR VENTILATION UNITS SHALL BE  
REMOVED FOR CLIMATE CONTROL SYSTEMS  
INSTALLATION BY THE CONTRACTOR.

**ZONING CODE CHART**

TYPE	PERMITTED	PROVIDED
WALL	60" x 72" MAX	40" x 57"
FREE STANDING	24" x 72" MAX	24" x 57"



**PROPOSED SIGNS**



SITE PLAN, ELEVATION, DETAIL AND NOTES

**MAURI ARCHITECTS PC**  
305 HILL STREET Poughkeepsie NY 12601 845.452.0200 mauri-architects.com

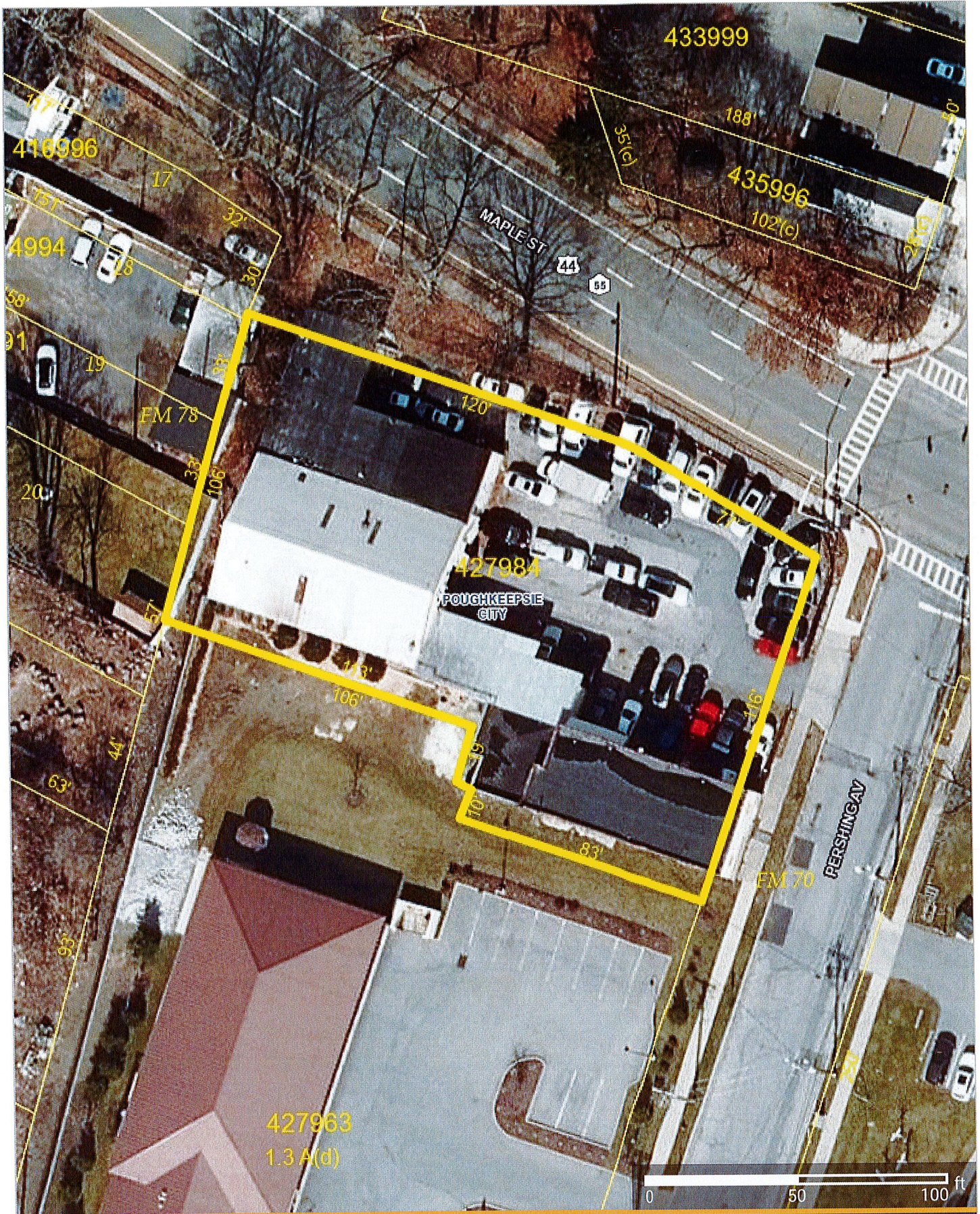
PROPOSED AUTO SALES AT:

**22 PERSHING AVENUE**  
POUGHKEEPSIE NEW YORK

revision	description
0 JUL 15	SIGN INFORMATION ADDED
0 JUL 15	FREE STANDING SIGN
1 AUG 15	OTHER REVISIONS
11 AUG 15	DOOR & WINDOW REVISIONS

DATE	0 JUL 15
SCALE	1/4" = 1'-0"
PROJECT NO.	13-114

# **EXHIBIT B**



ParcelAccess  
Dutchess County, NY

## 22 Pershing

Printed By:  
Frank Redl, Project  
Manager



1:500 Scale  
6/4/2025





# **EXHIBIT C**



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

## **NOTICE OF VIOLATION AND ORDER TO ABATE**

December 03, 2020

REDL REAL ESTATE LLC  
80 WASHINGTON STREET  
POUGHKEEPSIE, NY 12601

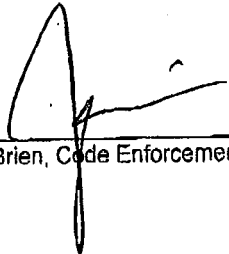
**RE: 22 Pershing Ave  
ID# 382120  
Grid ID# 6161-24-427984-0000  
Complaint Number: 2020-0665**

**PLEASE TAKE NOTICE** that the building located at 22 Pershing Ave in the City of Poughkeepsie, New York has been found to be in violation with Chapter 6 Building and Utility Code of the Code of Ordinances of the City of Poughkeepsie as indicated in the attached violation(s) report.

**YOU ARE HEREBY ORDERED TO ABATE** the violation(s) by 01/03/2021 and to schedule an inspection by contacting Joseph O'Brien, Code Enforcement Officer at 845-451-4273 on or before 01/03/2021.

**FURTHER, PLEASE BE ADVISED** that any person violating any of the provisions of this Building Code or of the Uniform Code adopted in Section 6-3 shall be liable to a penalty not exceeding One Thousand Dollars (\$1000) and, for a continuation of such violation, to an additional penalty not exceeding Ten Dollars (\$10) per day, as provided in Section 6-11 of the Code of Ordinances of the City of Poughkeepsie.

**YOU MAY REQUEST A REVIEW** of this determination or a variance to the requirements of the New York State Uniform Fire Prevention and Building Code by submitting a petition to the New York State Uniform Fire Prevention and Building Code Board of Review within thirty (30) days of the date of this Notice and Order. Forms for said petition and Information regarding filing shall be obtained from the New York Department of State, Division of Code Enforcement and Administration, Attn. Variance Unit, 99 Washington Ave, Suite 1160, Albany, NY 12231. You must file with the City of Poughkeepsie, a copy of the petition and proof of filing within the Department of State within thirty (30) days.

  
\_\_\_\_\_  
Joseph O'Brien, Code Enforcement Officer



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

## **VIOLATION(S) / SCHEDULE A**

Property Address: 22 Pershing Ave  
Complaint Number: 2020-0665

Issued To: REDL REAL ESTATE LLC

Count: 1

Violation Date: 12/03/20

Description: Buildings use has changed to car sales without a certificate of occupancy.

Area involved: Car sales

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

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

Comply by date: 01/03/21

Corrective Action: Apply for a Certificate of Occupancy for a change of use immediately and have Certificate of Occupancy issued for a change of use within 30 days.

---

Count: 2

Violation Date: 12/03/20

Description: Buildings use has changed to hair supply store without a certificate of occupancy.

Area involved: Hair store

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

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

Comply by date: 01/03/21

Corrective Action: Apply for a Certificate of Occupancy for a change of use immediately and have Certificate of Occupancy issued for a change of use within 30 days.

---

- 3

Tenant

Violation Date: 12/03/20

Description: Office created including walls, doors and electrical in portion of building being used as hair supply store without a building permit.

Area involved: Hair store

Violation Code:  
CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK\Chapter 6, BUILDING AND UTILITY CODES\ARTICLE I,  
BUILDING CODE\DIVISION 2 ADMINISTRATION OF THE UNIFORM CODE\Section 6-23 Scope of permit requirements\ (a) Permit required.

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

Comply by date: 01/03/21

Corrective Action: Obtain an issued building permit to legalize work completed without a building permit and have inspection to close out building permit within 30 days.

---

Count: 4

Tenant

Violation Date: 12/03/20

Description: Stairs installed on entrance to where hair supply store is located without a building permit.

Area involved: Hair store

Violation Code:  
CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK\Chapter 6, BUILDING AND UTILITY CODES\ARTICLE I,  
BUILDING CODE\DIVISION 2 ADMINISTRATION OF THE UNIFORM CODE\Section 6-23 Scope of permit requirements\ (a) Permit required.

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

Comply by date: 01/03/21

Corrective Action: Obtain an issued building permit to legalize work completed without a building permit and have inspection to close out building permit within 30 days.

---

Count: 5

Violation Date: 12/03/20

Description: Signs installed without a building permit.

Area involved: Signs

Violation Code:  
CHARTER AND CODES OF THE CITY OF POUGHKEEPSIE, NEW YORK\Chapter 6, BUILDING AND UTILITY CODES\ARTICLE I,  
BUILDING CODE\DIVISION 2 ADMINISTRATION OF THE UNIFORM CODE\Section 6-23 Scope of permit requirements\ (a) Permit required.

No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or

change in the nature of occupancy of any building or structure or cause the same to be done without first obtaining a separate permit from the Building Inspector for each such building or structure; except that no building permit shall be required for performance of ordinary repairs which are not structural in nature as determined by the Building Inspector.

Comply by date: 01/03/21

Corrective Action: Obtain an issued building permit to legalize work completed without a building permit and have inspection to close out building permit within 30 days.

---

Count: 6

Violation Date: 12/03/20

Description: Gutter damaged and missing downspout.

Area involved: Gutter and downspout

Violation Code:  
§6-3 of the Code of Ordinances of the City of Poughkeepsie\2020 Property Maintenance Code of New York State \CHAPTER 3 GENERAL REQUIREMENTS\SECTION 304 EXTERIOR STRUCTURE\304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Comply by date: 01/03/21

Corrective Action: Repair or replace gutter and downspout within 30 days.

---

Count: 7

Violation Date: 12/03/20

Description: Exterior wall has suffered water damage due to damaged gutter.

Area involved: Exterior wall

Violation Code:  
§6-3 of the Code of Ordinances of the City of Poughkeepsie\2020 Property Maintenance Code of New York State \CHAPTER 3 GENERAL REQUIREMENTS\SECTION 304 EXTERIOR STRUCTURE\304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Comply by date: 01/03/21

Corrective Action: Repair and repoint wall where needed within 30 days.

---

Count: 8

Violation Date: 12/03/20

Description: Fascia is rotted.

Area involved: Fascia

Violation Code:

§6-3 of the Code of Ordinances of the City of Poughkeepsie\2020 Property Maintenance Code of New York State \CHAPTER 3 GENERAL REQUIREMENTS\SECTION 304 EXTERIOR STRUCTURE\304.7 Roofs and drainage.

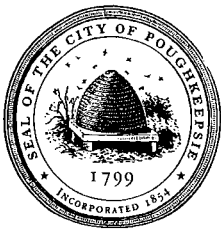
The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Comply by date: 01/03/21

Corrective Action: Repair rotted fascia within 30 days.

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# **EXHIBIT D**



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**BUILDING DEPARTMENT  
62 CIVIC CENTER PLAZA, 2<sup>ND</sup> FLOOR  
POUGHKEEPSIE, NY 12601**

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

**Residential - \$100.00**  
**Commercial/Multi-Family -\$250.00**

**AFFIDAVIT OF FINAL CONSTRUCTION**  
**APPLICATION FOR CERTIFICATE OF OCCUPANCY**

ID#:  
PERMIT#: 13-1008

State of New York  
ss:  
County of Dutchess

Otto Miranda, Construction Manager of HHR Construction Corp., being duly sworn, deposes and says: that he/she is the applicant, (or agent) of the applicant, named in the application for Building Permit dated 13-1008 relating to construction or other work to be performed on or in connection with the premises located at 22 Pershing Avenue, City of Poughkeepsie, NY.

Application is hereby made for the issuance of a Certificate of Occupancy for the building or structure on these premises.

Applicant states that he/she has examined the approved plans of the structure and that the structure has been erected in accordance with approved plans and that as erected complies with the law governing building construction.

Applicant states that he/she has examined the approved plans of the structure and that the structure has been erected in accordance with approved plans and that as erected complies with the law governing building construction except insofar as variations therefrom have been legally authorized.

Applicant states that he/she has filed with the Building Department a copy of a Certificate of approval from an electrical inspection agency and a copy of an As Built Site Survey, if site work was done.

Applicant further states that he/she was the (place an "x" in the appropriate space)  
[ ] Registered Architect, or [ ] Professional Engineer, or [xx] Superintendent of Construction who supervised said construction or other work and that by reason of his/her experience is qualified to supervise such work on the structure for which a Certificate of Occupancy is requested.

**When Ready - Mail [ ] Pick up [ xx] Phone #471-3388 x105**

\_\_\_\_\_  
Applicant or Agent  
Otto Miranda, Const. Mgr

Sworn to me before this \_\_\_\_\_ day of December, 2020

\_\_\_\_\_  
Notary Public

**EXHIBIT E**

**Request for Special Use Permit – 22 Pershing Avenue, Poughkeepsie, NY 12601**  
**Proposed Use: Automotive Shop**

To the City of Poughkeepsie Planning Board,

I respectfully submit this request on behalf of Charlie Kane for a special use permit for the property located at 22 Pershing Avenue, Poughkeepsie, NY 12601, to be used as an **automotive repair and service shop**. This proposal is supported by the following planning, financial, and community-based justifications:

---

### **1. Zoning Compatibility and Historical Use**

The surrounding area of Pershing Avenue is characterized by a mix of light industrial, service-oriented, and residential properties. An automotive shop fits well within this context and maintains continuity with historic and current uses in the neighborhood. Nearby businesses already include similar light-commercial and industrial operations, meaning the proposed use will not be out of character with the neighborhood fabric. In fact, a commercial use like this would act as a buffer between more intensive industrial zones and residential streets.

---

### **2. Economic Viability and Financial Best Use**

From a financial standpoint, converting the property into an automotive shop represents the **highest and best economic use** for several key reasons:

- **Demand and Market Need:** There is a consistent and growing demand for automotive repair services in Poughkeepsie and the greater Hudson Valley region. With more residents driving older vehicles due to rising auto prices, the need for reliable, locally based repair services continues to rise.
- **Low Vacancy, High Turnover in Other Sectors:** Retail, office, or food-based businesses often face high turnover and struggle with vacancy issues, particularly in secondary streets like Pershing Avenue. Automotive businesses, on the other hand, typically demonstrate long-term tenancy and economic resilience, providing a more stable and reliable revenue stream for both the property owner and the City's tax base.
- **Limited Inventory for Automotive Use:** There is a **shortage of appropriately zoned or permitted spaces** for automotive repair in the City of Poughkeepsie. Properties that can meet basic automotive requirements (garage access, parking, ventilation, and setbacks) are rare. Granting this permit would help alleviate that scarcity and promote job growth in a trade skill industry.
- **Low Overhead, High Output:** Automotive businesses require relatively low overhead investment in terms of interior build-out compared to restaurants or retail operations, making it more financially sustainable and quicker to open, which translates into faster job creation and economic return for the area.

### 3. Employment and Community Benefits

- The shop would provide **skilled trade jobs** and support workforce development, particularly for local residents seeking alternatives to retail or service-industry employment. These types of businesses also create opportunities for vocational partnerships with local high schools or trade programs.
  - The shop could employ 3–6 full-time workers initially, including technicians, customer service staff, and administrative personnel.
  - As a locally owned business, it would **reinvest in the community**, supporting other local businesses (e.g., parts suppliers, tool distributors, etc.).
- 

### 4. Traffic and Environmental Considerations

Automotive repair generates **less foot traffic and lower parking turnover** compared to high-volume uses like retail or restaurants, minimizing congestion and noise. The business would maintain compliance with environmental safety regulations, including proper fluid disposal and waste management. Noise and operational hours would be restricted and clearly regulated to align with neighborhood standards.

---

### 5. Enhancement, Not Deterioration, of Property Value

Far from depreciating nearby property values, a clean, well-operated automotive facility can **improve the visual and economic standing** of a block that may otherwise face underinvestment. Many neglected commercial properties are left unused due to lack of viable, permitted uses. The investment into infrastructure, signage, and beautification required to open a professional automotive shop would enhance the curb appeal and utility of the site.

---

### Conclusion

In summary, converting 22 Pershing Avenue into an automotive shop is not only consistent with the character of the neighborhood, but it is also the most economically sustainable and community-beneficial option available. It meets a demonstrated market demand, supports local job creation, encourages long-term tenancy, and enhances the local economy. We urge the Planning Board to consider these factors in approving the special use permit request.

Respectfully submitted,  
Hamar Clarke  
Clarke Realty & Associates

---



**REALTY CENTER Hudson Valley**

61 Woodland Ave, Poughkeepsie, NY 12603  
[realtycenter@optonline.net](mailto:realtycenter@optonline.net)

RealtyCenterOnline.com  
845-462-8990 – office phone  
10991222473 NYS ID

Re: 22 Pershing Ave, Poughkeepsie NY.

T To whom it may concern,

After conducting research given the current layout of the property located at 22 Pershing Ave, Poughkeepsie and its history of use in automotive repairs and sales of automotive cars, in my opinion the property is ideally suited to continue serving the automotive industry.

Its strategic location in Poughkeepsie adds to its appeal, ensuring high visibility and accessibility for potential customers. Additionally, the spacious showroom and multiple garage bays provide ample opportunities for expanding services, whether through adding vehicle detailing, offering specialized repairs, or increasing inventory for sales.

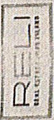
With thoughtful investment and management, this property has the potential to thrive as a cornerstone for automotive businesses in the area. It has been used for over ten years as a Car sales and repairs establishment.

The building would not be cost effective to convert into any other current use – Under current zoning.

Regards,

Ann Scarano  
Associate Broker  
Realty Centre Hudson Valley  
845-505-3850

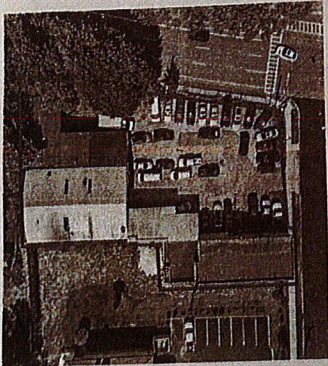
2/27/25, 8:31 AM



HOME BUY SELL ABOUT MARKET SNAPSHOT Register Sign In

22 Penning Ave, Poughkeepsie, NY 12601 — KEY#6327921 — Jorge Gonza...

NY - Poughkeepsie



**\$315,000** \$499,000 ▼ 36.9% Est. Price E

0.418 Acres Lot

22 Penning Ave Poughkeepsie, NY 12601

Est. payment: 1 \$1,412/mo

SOLD DATE: 01/08/25

What is Your Home Worth?

The median price for 12601 is

**\$328K**

Want to know what your home might be worth? Contact us for a FREE valuation!

Enter your street address

Request a FREE Analysis

**Jorge Gonzalez**

RELI

jorgegonzalez@reli.com

315.335.6341

Our team is ready to help you sell your home for the highest possible price ASAP

\$315,000

Commercial

Industrial

Sold

For Sale

KEY#6327921

01/08/25

No

onekey2

No

1940

Read More

New Message  
Is there anything we can do for you?

1/5

https://realistatekongisland.com/real-estate-listing/detail/117620714122\_Penning\_AVE-Poughkeepsie-NY

11/21/24, 11:34 AM

22 Pershing Avenue, Poughkeepsie, NY 12601

**BERKSHIRE  
HATHAWAY**  
HOME SERVICES

**HUDSON VALLEY  
PROPERTIES**

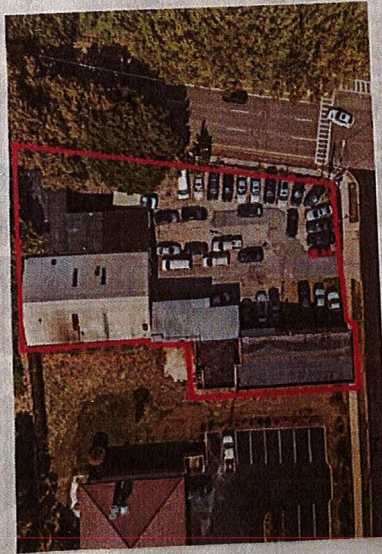


Can We Help You? If you have a question or would like to schedule an appointment, we would be more than happy to assist you. Please call us at our toll-free number (866) 905-8765.



**22 Pershing Avenue, Poughkeepsie, NY 12601**  
\$499,000

MLS# H6327921  
Status Active  
County Dutchess  
Sqft 0



**Description**

Redevelopment Opportunity! Whether you are looking for a large warehouse to store equipment and materials, or maybe you'd like to run a mechanic shop. This warehouse is just under 7,000 sqft. with C-9 zoning, so the possibilities are endless including a residential multi unit conversion. Bring your ideas!

**Listing Information**

Property Type : Commercial  
Status : Active  
MLS# : H6327921  
List Price Is \$499,000  
Beds : 0  
Baths : 0 (0 Full)  
Built In : 1940  
County : Dutchess  
MLSID# : H6327921  
Zip Code : 12601  
Type : Commercial  
Pets Allowed : 0  
Heating : Natural Gas, Forced Air  
Cooling : None  
Year Built : 1940

Photos

<https://www.bhhudsonvalley.com/property/print/H6327921/ok>

.0 AM

22 Pershing Avenue, Poughkeepsie, NY 12601, MLS# H6327921 - nyflbor

Broker

Realty.com

10311208632



0 Beds 0 Baths 6,905 Sq Ft

Redevelopment Opportunity! Whether you are looking for a large warehouse to store equipment and materials, or maybe you'd like to run a mechanic shop. This warehouse is just under 7,000 sqft. with C-3 zoning, so the possibilities are endless including a residential multi unit conversion. Bring your ideas!

Listing By: Hamar J. Clarke - Clarke Realty & Associates LLC 845-207-8078

NY / Poughkeepsie / 12601 / 22 Pershing Avenue

MLS# H6327921  
Date Listed 09/16/2024  
Bedrooms 0  
Bathrooms 0  
Lot Size 0.48 acres (20,909 sq. ft.)  
Property Type Industrial  
County Dutchess County  
Year Built 1940  
Water Public Water  
Square Feet 6,905 sq. ft.  
Price Per Sq. Ft \$72.27

Interior Features

Cooling None

10311208632 - nyflbor

**Agent Full 1 Page**

**22 Pershing Avenue, Poughkeepsie, New York 12601**

MLS#: HG327921

Status: Active

Price: \$499,000

DOM: 77

Prop Type: Commercial Sale

Sub Type: Industrial



City/Township: Poughkeepsie  
Post Off/Town: Poughkeepsie  
Yr Built: 1940  
Building Name:  
Waterfront: No  
County: Dutchess County  
Stories In Bldg: 0.48  
Acre(s):  
Lot Size SqFt:

**Public Remarks**

Redevelopment Opportunity! Whether you are looking for a large warehouse to store equipment and materials, or maybe you'd like to run a mechanic shop. This warehouse is just under 7,000 sqft. with C-3 zoning, so the possibilities are endless including a residential multi unit conversion. Bring your ideas!

**Improvement Remarks**

**Property/Tax/Legal**

Tax ID#: 131300-6161-24-427984-0000  
Taxes Annual: \$5,520.00  
Assessed Value: \$165,000  
Permitted Uses:  
Building Class:  
Max Cont Sqft:

Tax Year: 2024  
Tax Source:  
Investment Prop: Yes  
Zoning: C-3

**Agent/Broker Info**

List Office: Clarke Realty & Associates LLC (HAMARC)  
Office Phone: 845-207-8078  
List Agent: Hamat, J. Clarke (34578)   
Contact #: 845-418-6602  
LA Email: hamat@clarke Realty.com

**Showing**

Showing Contact Ph:

Showing Rqmts: Call Listing Office  
Showing Instructions: accompanied  
Directions: Arterial, left on Pershing Ave, #22 on the right

**Listing/Contract Info**

Seller to Consider Concession: No  
List Date: 09/16/2024  
On Hold: 09/15/2024  
Listing Agreement: Exclusive Right To Sell  
Agent Only Remarks: Call listing agent for showings. This parcel is C-3 Zoned. See documents for list of approved uses. Also there are interior violations that seller will not clear. Building will be delivered with clear title only

Concession Amount Considered:  
Owner Name: Dutchess Pershing Inc  
Expiration Date: 09/30/2025  
Orig List Price: \$699,000  
Negot Thru: Listing Agent  
Listing Terms:  
\$/Sqft:

The information has been provided by the Seller and has not been verified by the Broker. Information is deemed reliable but not guaranteed.  
© Copyright 2024 OneKey Multiple Listing Service, Inc. - Data believed accurate but not warranted.

2/27/25, 9:30 AM

22 Pershing Avenue, Poughkeepsie, NY 12601 - EXIT REALTY, LIBERTY | 831 445 4185

NY > Dutchess > Poughkeepsie > 12601 > 22 Pershing Avenue  
22 Pershing Avenue, Poughkeepsie, NY 12601

Share Listing

Listing Type  
Commercial/Industrial

Listing Status  
Off Market

### Home Details for 22 Pershing Avenue

Price	\$499,000	Type	Commercial Sale
Bedrooms	0	Bathrooms	0.0
Square feet	6905	Year built	1940
Lot size acres	0.48	County	Dutchess
Garage		Days on site	164
MLS Listing#	H6327921		

\$499,000

Commercial Sale  
0.0  
1940 2790 W.L.A.  
Dutchess  
164

Listing Courtesy: Clarke Realty & Associates LLC - 845-207-8078

### Property Description

Redevelopment Opportunity! Whether you are looking for a large warehouse to store equipment and materials, or maybe you'd like to run a mechanic shop. This warehouse is just under 7,000 sqft. with C-3 zoning, so the possibilities are endless including a residential multi unit conversion. Bring your ideas!

### Property Features

- Heating Information
  - ✓ Natural Gas
  - ✓ Forced Air
- Cooling Information
  - ✓ None

### Water Features

https://exactlyliberty.com/listing/myonekey/H6327921/22\_Pershing\_Avenue\_Poughkeepsie\_NY\_12601

### Request

First Name  
Last Name  
Email Address  
Email  
Options  
Tell me!

Id like to  
Poughkeepsie  
NY 12601

# **EXHIBIT F**

HH&M CONSTRUCTION LLC  
12 ROOSEVELT AVENUE  
POUGHKEEPSIE, NY 12601

Customer: Charlie Kane

Company Number: 8453034724

Job Location: 22 Pershing Avenue

September 18, 2025

To whom it may concern:

I have been asked to inspect the above premises in order to provide a more detailed estimate for the amount of work required to renovate the premises for the new permitted uses in the MU-5 zone within the City of Poughkeepsie and to revise estimated costs to renovate the premises and feasibility of such uses in this site. After a thorough inspection of the interior of the building, it was clear that my earlier estimates were much too low. The layout of the interior of the building makes it very difficult and expensive to renovate the building for the new permitted uses under the new zoning.

As background, the site has been utilized for used car sales and minor repairs for over 10 years. The site presently exists for such uses without any more renovation. Mr. Kane has informed me that he purchased this building for his personal business use of used car sales and minor auto repairs. He did not anticipate any further expensive renovation costs. His return on investment (ROI) is tied directly to his purchase price of the site. In order to change the use of the site from the previously approved use, considerable expense is required which renders his ROI difficult and unreasonable to achieve.

Attached are photos of portions of the interior of the premises. As you can see, the interior is predominately open space with high ceilings. The building is on slab. The electric, plumbing and HVAC systems are designed for single use of a low impact business. The concrete slab would have to be jackhammered in order to install new plumbing lines for bathroom sink and toilet use.

Under the new MU-5 Principle Use Table, residential units are permitted. In order to create apartments in the building, the electric and plumbing would have to be revised considerably as well as the HVAC system. After renovation of these systems, the apartments would have to be built out. I would estimate that the costs of converting this site to residential apartments would be a minimum of \$600,000.00.

Public or Quasi-public Uses are also permitted under the new code. Such uses are not appropriate to this site.

Institutional and Office Uses are also now permitted. Under the Code, the site could be used for a professional office, outpatient medical care, pharmacy or an institution of higher learning. Presently, creating the space for a pharmacy is not realistic since big box pharmacies are closing in the City such as Rite Aid that was at Main and Innis. Similarly, an institution of

higher learning is not realistic. Creating office space would need to undergo renovation to the electric, plumbing and HVAC systems before the offices could be built out. Again, the build-out would be considerable and would be a minimum of \$600,000.00.

Other commercial and retail uses are now allowed in the MU-5 zone which include art or craft studios, bars, brewery, cannabis dispensaries, conference center, convenient store, nightclub, day-care center, fast food restaurant, funeral parlor, hotel, mixed use, museum, personal service business, recreational facility, radio station, restaurant, smoke shop and theater. Many of these uses can be eliminated based upon the site layout. A fast-food restaurant is not feasible because the site does not provide an opportunity for a drive-through window. The site is too small for a hotel of any kind. Bars and nightclubs do not have enough parking under the Code. The layout of the building is not appropriate for a convenient store, theater or recreational facility. For any of these uses to occupy this building, the electric, plumbing, HVAC and other systems would have to be renovated and expanded and I estimate the costs of such renovations to be in excess of \$550,000.00.

Lastly, the only industrial use permitted would be for a print shop and the building is too large for such an operation.

I would be happy to discuss these costs should you desire.

Very truly yours,



Hector Arevalo

(No subject)

From frank redl <frankredl@icloud.com>

Date Mon 9/15/2025 8:41 AM

To Frank Redl <frank@redlh.com>









Sent from my iPhone

(No subject)

From frank redl <frankredl@icloud.com>

Date Mon 9/15/2025 8:42 AM

To Frank Redl <frank@redlh.com>











Sent from my iPhone



FULL INSURANCE  
HH&M CONSTRUCTION LLC  
12 ROOSEVELT AVENUE  
POUGHKEEPSIE NY 12601  
[Constructionllc21@outlook.com](mailto:Constructionllc21@outlook.com)

Customer;  
Charlie Kane

Company Number: 8453034724  
Owner company: Hector Arevalo

Adrees's job;  
22 Pershing Ave Poughkeepsie, 12601

#### DESCRIPTION WORK

Regarding 22 Pershing due Poughkeepsie N.Y.

I am Hector Arevalo from HH&M CONTRUCTION. I personally have inspected this building located at the above address, to find to convert this formally used car and automotive facility to accommodate all the permitted uses under the mu-5 zoning law would exceed \$300,000 and would not be cost effective for the current owner.

This is an old building with many garages and showrooms and feel its best use would be to leave the structure as is and continue to utilize it as it was for the past decade.

**mentioning that this was just an evaluation on behalf of our company for Mr. Charlie Kane**

# Dutchess County Department of Planning and Development

Fax Info Only	To	Date	#pgs
	Co./Dept.	From	
	Fax #	Phone #	

## 239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Poughkeepsie**

Referring Agency: **Zoning Board of Appeals**

Tax Parcel Number(s): **4279840000**

Project Name: **22 Pershing Avenue Automobile Sales Use Variance**

Applicant: **Frank Redl**

Address of Property: **92 Garden St, Poughkeepsie, NY 12601**

Please Fill in this section

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

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

### No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

### Actions Requiring 239 Review

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

### Parcels within 500 feet of:

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

Date Response Requested: **7/8/2025**

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: **6/24/2025**

Date Received: **6/24/2025**

Date Requested: **7/8/2025**

Date Required: **7/24/2025**

Date Transmitted: **7/14/2025**

Notes:

Major Project

Referral #: **ZR25-177**

Also mailed hard copy

Reviewer:





**DUTCHESS COUNTY GOVERNMENT**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**

July 14, 2025

To: Zoning Board of Appeals, City of Poughkeepsie  
Re: **ZR25-177, 22 Pershing Ave Auto Sales Use Variance**  
Lot: 427984

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

**ACTION**

The applicant is seeking a use variance to permit auto sales and service in a zone where that is not permitted. The property has been a used car dealership for over a decade and opened during a time when the use was legal, but a certificate of occupancy for the use was never acquired and cannot now be issued.

**COMMENTS**

This is an unfortunate situation in which the failure to obtain a required approval has led to an application for a use variance, which has a very high threshold for approval. While sympathetic to the history, we must evaluate this application solely on its ability to pass the tests for use variance approval. Quoting from the NYS Department of State Zoning Board of Appeals handbook, "The rules laid down in the statutes and in the applicable cases are requirements. They must be used by zoning boards of appeals in reviewing applications for use variances. Furthermore, the board must find that each of the elements of the test has been met by the applicant."<sup>1</sup>

The applicant states that the 4-part use variance test "requires the ZBA to balance the benefit to the Applicant in granting the variance against the potential detriment to the surrounding properties and to the public health, safety and general welfare" (narrative pg. 5). This is incorrect. The balancing principle applies to area variances, while for a use variance the applicant must unequivocally meet all four test criteria. Those criteria are:

1. Inability to otherwise realize a reasonable return
2. Uniqueness of the property
3. Adherence to neighborhood character
4. Self-creation of the hardship

For the first test, the applicant has not provided the full required financial analysis. Per state law and court precedent the applicant must prove, with competent financial evidence, that they cannot make a reasonable return on each and every use permitted under the zoning. In this case the justification simply states, without documentation, that renovation would be cost prohibitive, and provides similarly vague letters of support from real estate brokers. We find that this is not sufficient to justify the use variance.

For the second test, the applicant has not demonstrated that the site is unique. The argument in the provided narrative is difficult to follow, but centers on the existing use of the property and the nature of the existing building. Neither of those is unique to the neighborhood, a point the applicant makes clear through references to their perspective that the new zoning is unsuitable for the area. Many of the applicant's points in the narrative

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<sup>1</sup> <https://dos.ny.gov/system/files/documents/2024/09/zoning-board-of-appeals.pdf>, pg. 16

(ZR25-177, cont.)

are more akin to an argument for rezoning the neighborhood, and do not establish uniqueness for the purposes of a use variance.

For the third test, there is a case that the variance would not alter the neighborhood, particularly given that the use is existing. This is an unusual circumstance given that the zoning at question is new and has a goal of encouraging an evolution of the neighborhood away from highway commercial/light industrial uses.

For the fourth test, the applicant's failure to verify proper permitting before purchasing the property would appear to constitute self-creation of the hardship. It is the responsibility of the purchaser to ensure that the business they are acquiring is operating legally.

### **RECOMMENDATION**

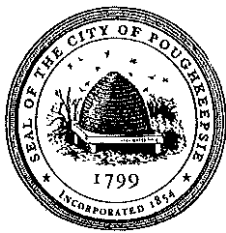
For the reasons stated above, we recommend the Board **deny** the requested use variance.

**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



Dylan Tuttle, Senior Planner



**THE CITY OF POUGHKEEPSIE  
NEW YORK  
ZONING BOARD OF APPEALS  
62 CIVIC CENTER PLAZA, 2ND FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4263 Fax: (845) 451-4006**

FEE: \$350
CODE: A2112
ID#: _____
IPS# _____

**AREA VARIANCE APPLICATION**

**PROPERTY ADDRESS:** 121 NORTH CLINTON ST

**ZONING DISTRICT:** RNC - RESIDENTIAL NEIGHBORHOOD C

**OWNER INFORMATION:**

Name: JULIO CRIOLLO  
 Address: 7 SARAH ST  
OSSINING, NY 10562  
 Phone: 1-914-643-9470  
 Email: SEE CONSULTANT INFO

**APPLICANT INFORMATION:**

Name: JULIO CRIOLLO  
 Address: SEE OWNER INFO ABOVE  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**CONSULTANT INFORMATION:**

Name: MAZZARELLI ARCHITECTURE + PLANNING, PC  
 Address: 44 NORTH CLOVER ST  
POUGHKEEPSIE, NY 12601  
 Phone: 845-485-0275  
 Email: MAZZARCH@MAZZARELLI.BIZ

**SUBJECT OF APPEAL**

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

Name and title of agent: JOSEPH O'BRIEN, DEPUTY ZONING ADMINISTRATOR

Date of decision/determination/violation: 31 JULY 25

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 121 NORTH CLINTON 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
19-2.3(2)	DRIVEWAY WIDTH	+/- 13' @ SIDEWALK, 9' DRIVEWAY
19-6.2(1)(c)	DRIVEWAY WIDTH	+/- 13' @ SIDEWALK, 9' DRIVEWAY
_____	_____	_____
_____	_____	_____
_____	_____	_____

**VARIANCE REQUEST JUSTIFICATION**

Pursuant to Section 19-9.10(11)(c) 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:** 121 NORTH CLINTON ST  
**AREA VARIANCE REQUESTS**

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):

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SIGNATURE AND VERIFICATION

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

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

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Print Name

MAZZARELLI ARCHITECTURE + PLANNING, PC  
44 NORTH CLOVER STREET  
POUGHKEEPSIE, NY 12601  
845 485 0275 V  
845 485 2601 F

CITY OF POUGHKEEPSIE  
62 Civic Center Plaza, 2<sup>nd</sup> Floor  
Poughkeepsie, NY 12601

JOB #2101  
18 August 2025

Re: 121 North Clinton Street  
Poughkeepsie, NY 12601

Dear Zoning Board Members:

This letter is in response to the denial letter dated 31 July 2025 prepared by Joesph O'Brien, Deputy Zoning Administrator. The Site Plan has been revised to correct variances associated with Items #1 and #3. The remaining variances Items #2 & #4 pertain to the driveway width, the Zoning Code requires a 15' wide driveway and we are proposing a 13' to 9' wide driveway.

The following are responses to the Area Variance Application.

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

Granting the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties, the proposed driveway width complies with standards from the previous code, that matches most residential driveways in the city. The wider 13' section is a function of connecting the existing curb cut to the proposed 9' driveway width. We are also aware the City Zoning Department is requesting a change to the zoning code similar to the previous requirements that, if passed will bring the driveway width into compliance.

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

The benefit sought can only be achieved by reducing the width of the residence by 6', which would significantly impact the apartment layouts.

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

The requested area variances are not substantial, the 9' driveway width is adequate for access to the rear yard and parking spaces.

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

The variances will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district because the adjacent properties have similar size driveway widths.

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

The need for the area variances is not the result of self-created difficulties, or unique to the property. We are expecting that the City Zoning Department's request for changing the driveway width requirements to be granted and that will make our driveway comply with same.

Please do not hesitate to contact me if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Steven Bernabé Jr." with a large, stylized flourish at the end.

Steven Bernabé Jr

# ZONING DATA CHART

PARCEL #6162-63-314295

ZONE	RNC	RESIDENTIAL NEIGHBORHOOD C	REQ'D/ALLOW	EXIST	PROPOSED

## LOT AREA AND COVERAGE

	MIN	4,000 SF	±1,600 SF	±1,600 SF
LOT AREA - 1 OR 2 UNITS				
LOT WIDTH	MIN	25 FT	40 FT	40 FT
LOT COVERAGE	MAX	70% <sup>1</sup>	0%	64%

1. INCLUDES ALL IMPERVIOUS SURFACE

## PARKING LOCATION AND ACCESS

	MIN	VARIES <sup>1</sup> 25 FT	N/A	102 FT 6 IN
PRIMARY STREET SETBACK				
SECONDARY STREET SETBACK	MIN	10 FT	N/A	N/A
SIDE YARD SETBACKS	MIN	0 FT <sup>2</sup>	N/A	5 FT & 0 FT
REAR YARD SETBACK	MIN	5 FT	N/A	37 FT 6 IN
DRIVEWAY WIDTH	MAX	15 FT	N/A	9 FT / 13 FT

1. THE PRIMARY STREET YARD SHALL BE 5 FEET GREATER THAN THE PRIMARY STRUCTURE SETBACK  
 2. FOR LOTS WITH A WIDTH LESS THAN 50 FT, SIDE YARD SETBACKS SHALL NOT BE REQUIRED

## PRIMARY STRUCTURE SETBACKS

	MIN	AVG OR 20 FT <sup>1</sup>	N/A	20 FT TO COVERED PORCH
PRIMARY STREET SETBACK				
SECONDARY STREET SETBACK	MIN	10 FT	N/A	N/A
SIDE YARD SETBACKS	MIN	5 FT	N/A	5 FT & 9 FT
REAR YARD SETBACK	MIN	15 FT	N/A	108 FT

1. WITHIN 2 FT OF THE AVG SETBACK OF THE 2 LOTS ON EACH SIDE OF THE SUBJECT LOT (4 LOTS TOTAL)

## ACCESSORY STRUCTURE SETBACKS

		NOT PERMITTED	N/A	102 FT 6 IN
PRIMARY STREET SETBACK				
SECONDARY STREET SETBACK				N/A
WITHIN SIDE / REAR YARD SETBACKS	MIN	5 FT	N/A	5 FT / 5 FT 6 IN

## HEIGHT

	MAX	2.5 STORIES OR 35 FT	N/A	2 STORIES / ±25 FT
PRIMARY BUILDING HEIGHT, STORIES / FEET				
ACCESSORY BUILDING / STRUCTURE HEIGHT	MAX	25 FT	N/A	14 FT

## ENTRANCE

		REQUIRED	N/A	YES
PRIMARY STREET FACING ENTRANCE				
PORCH OR PORTICO				YES
SIDEWALK FROM ENTRANCE TO PUBLIC SIDEWALK				YES

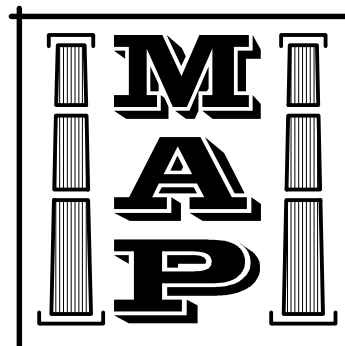
## DENSITY

	MAX	4	N/A	2
DWELLING UNITS PER LOT				

project no.	21-01
date	18 AUG 25
drawn by	SB

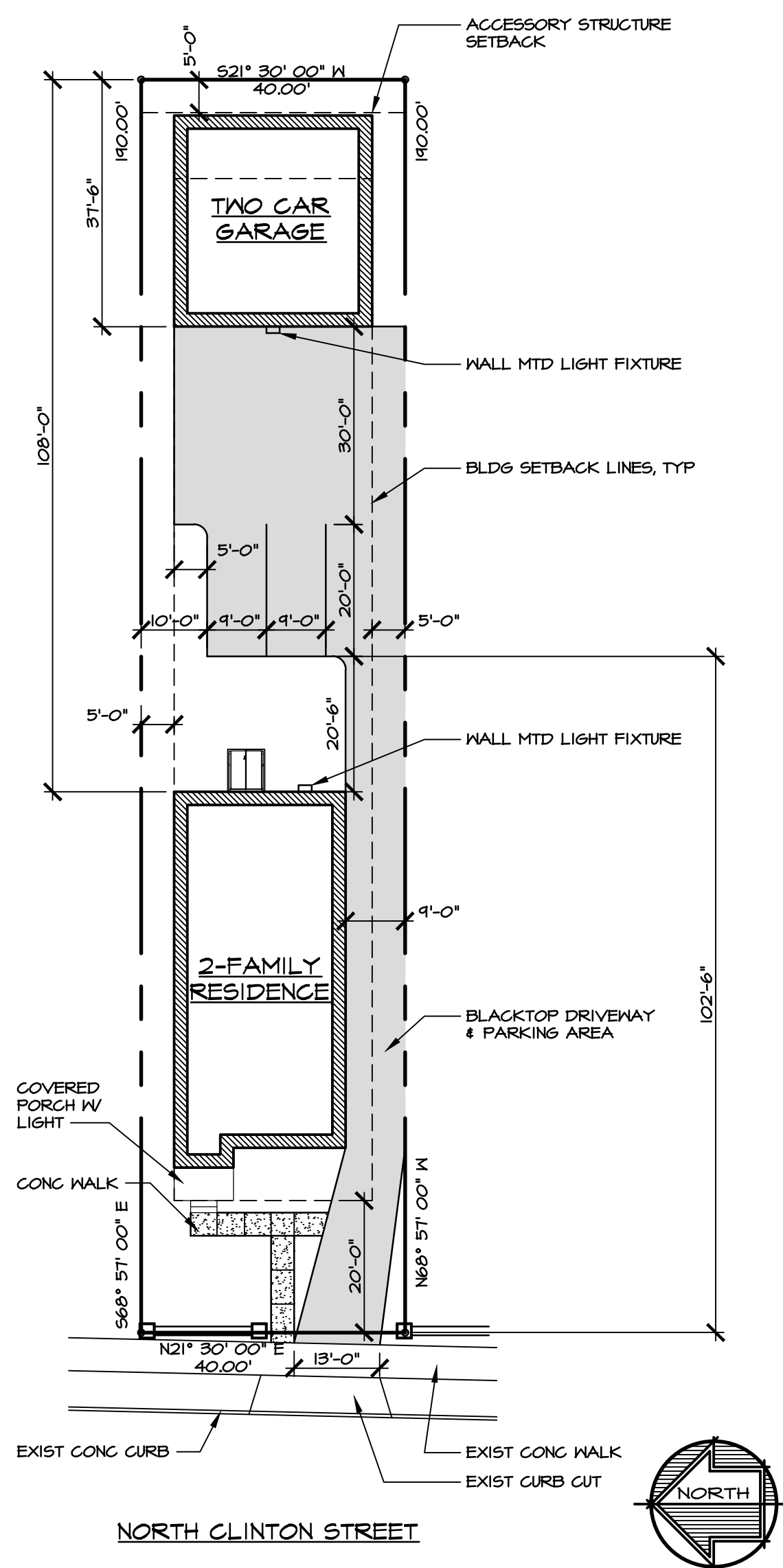
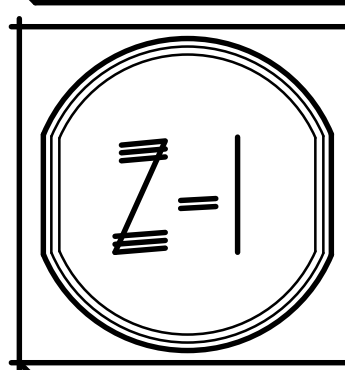
2-FAMILY RESIDENCE & GARAGE:  
**121 NORTH CLINTON STREET**  
 Poughkeepsie, NY

SITE PLAN AND ZONING DATA CHART  
**MAZZARELLI ARCHITECTURE + PLANNING, PC**  
 44 NORTH CLOVER STREET  
 Poughkeepsie, NY 12601  
 845.485.0275



PURSUANT TO SECTION 69.5 (B) OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION UNAUTHORIZED ALTERATIONS TO THIS DOCUMENT IS A VIOLATION OF THE LAW

DISTRIBUTION:  
ZONING BOARD



# SITE PLAN

SCALE: 1"=20'-0"

NOTE:  
 1. THE ABOVE SITE PLAN WAS GENERATED BASED UPON THE FOLLOWING:  
 A. SURVEY ENTITLED "SURVEY OF PROPERTY FOR CRIOLLO LOCATED IN THE CITY OF PoughKEEPSIE, DUTCHESS COUNTY, NEW YORK AS PREPARED BY WEEDEN SURVEYING, HOWARD W WEEDEN, PLS PC & DATED 11 OCT 2006  
 B. FIFI D MEASUREMENTS BY MAZZARELLI ARCHITECTURE + PLANNING PC.

project no.  
21-01

date  
18 AUG 25

drawn by  
SB



2-FAMILY RESIDENCE + GARAGE:  
**121 NORTH CLINTON STREET**  
POUGHKEEPSIE NEW YORK

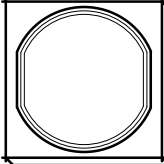
PHOTOS

**MAZZARELLI ARCHITECTURE + PLANNING, PC**  
44 NORTH CLOVER STREET  
POUGHKEEPSIE NY 12601  
945 485 0215



PURSUANT TO SECTION 645 (b) OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION UNAUTHORIZED ALTERATIONS TO THIS DOCUMENT TO A VIOLATION OF THE LAW

DISTRIBUTION:  
ZONING BOARD



© COPYRIGHT

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 2 FAMILY RESIDENCE & GARAGE: 121 NORTH CLINTON STREET, POUGHKEEPSIE, NY 12601			
Project Location (describe, and attach a location map): 121 NORTH CLINTON STREET, POUGHKEEPSIE, NY 12601, SEE MAP ON DRAWINGS			
Brief Description of Proposed Action: CONSTRUCT 2-FAMILY RESIDENCE & 2 CAR GARAGE			
Name of Applicant or Sponsor: MAZZARELLI ARCHITECTURE + PLANNING, PC		Telephone: 845-485-0275	
		E-Mail: MAZZARCH@MAZZARELLI.BIZ	
Address: 44 NORTH CLOVER ST			
City/PO: POUGHKEEPSIE		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: BUILDING DEPT			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/- .17 acres	
b. Total acreage to be physically disturbed?		+/- .14 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- .39 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



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

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri Thailand, NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



# BUILDING DEPARTMENT

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

Eric Philipp  
Building Inspector

July 31<sup>st</sup>, 2025

Julio Criollo

RE: North Clinton Street (314295)  
ID: 085050  
Application # BP-25-1348

To whom it may concern,

The Building Department has received your application # BP-25-1348 for the construction of a two-family dwelling located at North Clinton Street (314295) which is currently a vacant lot. Please be advised that the property at North Clinton Street (314295) is located in an area of the City zoned Residential Neighborhood C district (RNC).

Please note that Area Variance(s) will be required to be granted by the Zoning Board of Appeals for the proposed alterations which are as follows:

1. **Section 19-2.3(2)(d)** states that the parking location shall be 5' greater than the primary structure setback which for this district is 20'. **The proposed western parking location is entirely within the front yard with a 0' setback.**
2. **Section 19-2.3(2) Driveway width (max)** states that the maximum driveway width shall be 15'. **The proposed driveway ranges from 9' – 16'3" wide.**
3. **Section 19-6.2(1)(a)** states that all parking may be located adjacent to a building but not between the building and the front lot line. **The proposed western parking location is entirely within the front yard with a 0' setback.**
4. **Section 19-6.2(1)(c)** states that access shall consist of at least one fifteen-foot wide drive aisle for parking areas with fewer than 20 spaces. **The proposed driveway ranges from 9' – 16'3" wide.**

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

Page 1



**THE CITY OF POUGHKEEPSIE  
NEW YORK  
ZONING BOARD OF APPEALS  
62 CIVIC CENTER PLAZA, 2ND FLOOR  
POUGHKEEPSIE, NY 12601  
Phone: (845) 451-4263 Fax: (845) 451-4006**

FEE: \$350  
CODE: A2112

ID#: \_\_\_\_\_

IPS# \_\_\_\_\_

**AREA VARIANCE APPLICATION**

**PROPERTY ADDRESS:** 12 Duane St., Poughkeepsie, NY

**ZONING DISTRICT:** Residential Neighborhood C (RNC)

**OWNER INFORMATION:**

Name: Ruben Ronda

Address: 12 Duane St.

Poughkeepsie, NY 12601

Phone: 646-200-2898

Email: rubenronda24@icloud.com

**APPLICANT INFORMATION:**

Name: Jason Lichwick Architecture PLLC

Address: 387 Hooker Avenue, Suite 5

Poughkeepsie, NY 12603

Phone: 845-284-6344

Email: jason@jlarchitectureny.com

**CONSULTANT INFORMATION:**

Name: Jason Lichwick Architecture

Address: 387 Hooker Ave., Suite 5

Poughkeepsie, NY 12603

Phone: 845-284-6344

Email: jason@jlarchitectureny.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: September 2, 2025

***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**

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

9/16/25  
\_\_\_\_\_  
DATE

JASON LICHTWICK  
\_\_\_\_\_  
Print Name



September 4, 2025

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

Re: 12 Duane St. - Proposed Conversion of Existing Single-Family Dwelling to Two-Family Dwelling

Dear Mr. Parker,

The area variance request is for four parking spaces which are required by the zoning code for a two-family dwelling. The property at 12 Duane St. has zero parking as the house was built in 1870 before off-street was common. We are proposing to officially convert the house from a single-family dwelling to a two-family dwelling although it has functioned as a two-family dwelling prior to our client's purchase of the property. Please see our responses (**in bold**) to the Area Variance Justification Questions.

1. Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. If not, please explain why.  
**The granting of four parking spaces will not be a detriment to the area as the property is already being utilized as a two-family dwelling and therefore, the neighborhood should not experience any change in the parking demands.**
2. Can the benefit sought be achieved by some other method feasibly for the applicant to pursue, other than an area variance? Identify what alternative to the variance, if any have been explored (for example, alternative designs, purchasing contiguous properties, etc.). Why is the variance necessary? **The existing property was built in 1870 and has no accommodation for parking. As the building will remain unchanged, there is no way parking can be added to the lot. The variance is required because there are no alternatives to provide parking within the confines of the existing property and there are not contiguous lots available to purchase for this purpose.**
3. Is/are the requested area variance(s) substantial? Explain why they are not substantial.  
**The requested area variance is not substantial as it is created by pre-existing conditions.**
4. Will the variance(s) have an adverse effect on or impact on the physical or environmental conditions in the neighborhood or district? Why not? **The requested area variance is not substantial as it will not create additional hardship in the neighborhood. The house has been used (and marketed) as a two-family dwelling since prior to being purchased by Mr. Ronda in 2023. There is widely available on-street parking nearby on Talmadge St.**



5. Is the need for the area variance(s) the result of self-created difficulties on your part, or unique to the property. Explain. **The need for the variance is not self-created but is unique to the property as it was built in 1870 and did not provide off-street parking at the time.**

Thank you for your time and consideration in this matter.

Sincerely yours,

Jason Lichwick  
NYSRA Lic. No. 038612



# BUILDING DEPARTMENT

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

Eric Philipp  
Building Inspector

September 2<sup>nd</sup>, 2025

Jason Lichwick Architecture PLLC

Re: 12 Duane Street  
ID: 128160  
Zoning Review Request PD-2025-111

Dear Applicant,

The Development Department is in receipt of your zoning review request related to the property at 12 Duane Street and the proposed conversion of the existing single-family dwelling into a two-family dwelling.

This property is located within the Residential Neighborhood C district (RNC) which does permit two-family dwellings per code Section 19-5.5 of the Zoning Ordinance.

Based on the provided plot plan, some deficiencies have been identified which would require Area Variances from the Zoning Board of Appeals.

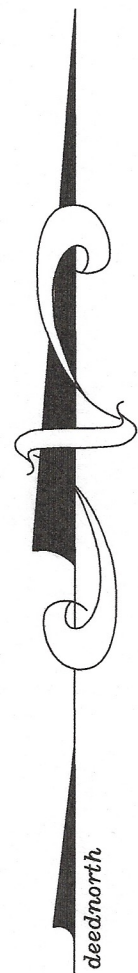
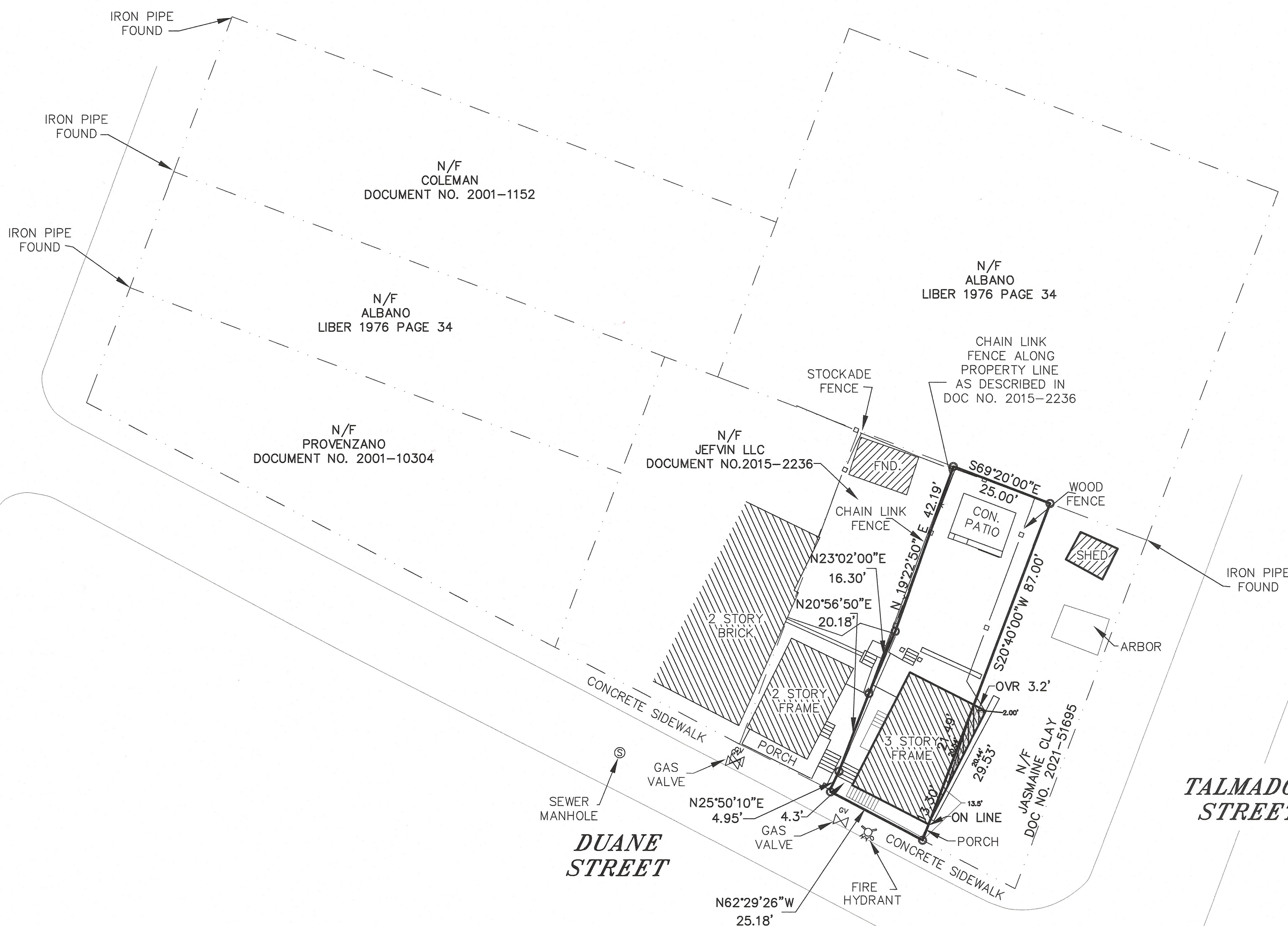
1. Section 19-6.2(11)(a) states that four parking spaces are required for the proposed use. **Zero parking spaces are proposed.**

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

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

*Joseph D. O'Brien*  
Deputy Zoning Administrator  
Office - 845-451-4273  
[jobrien@cityofpoughkeepsie.com](mailto:jobrien@cityofpoughkeepsie.com)

**DELAFIELD STREET**



CERTIFIED TO:  
 1. RUBEN RONDA  
 2.  
 3.  
 4.

NOTES:  
 1. BEING THE SAME PARCEL AS DESCRIBED IN THE LIBER DOCUMENT NUMBER 2021-53308 AND SUBJECT TO RESTRICTIONS AND CONDITIONS THEREIN.  
 2. TOGETHER WITH ANY RIGHT, TITLE OR INTEREST IN AND TO THE CENTER OF THE PUBLIC ROADS SHOWN HEREON.  
 3. BEING LOT NO. \_\_\_\_\_ AS SHOWN ON FILED MAP NO. \_\_\_\_\_  
 4. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.  
 5. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

6. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSONS FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
 7. THIS SURVEY IS SUBJECT TO ANY FINDINGS OF A TITLE SEARCH.  
 8. SUBSURFACE STRUCTURES AND UTILITIES WHICH WERE NOT VISIBLE AT THE TIME OF THE SURVEY HAVE NOT BEEN SHOWN.  
 9. ©ALL RIGHTS RESERVED. COPYING OR REPRODUCTION OF THIS PLAN OR ANY PORTION THEREOF PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER / SURVEYOR.

**MAP OF SURVEY  
 FOR  
 THE LANDS OF  
 RUBEN RONDA**  
 CITY OF Poughkeepsie DUTCHESS CO., N.Y.  
 SCALE: 1" = 20'  
 JULY 22, 2025

**ROBERT V. OSWALD**  
 LAND SURVEYING  
 175 WALSH ROAD PO BOX 1 LAGRANGEVILLE NEW YORK 12540  
 (845)-226-6436

FILE NO. 2025:176  
 REF. 2023:018

AREA= 0.05 ACRES +/-



# Short Environmental Assessment Form

## Part 1 - Project Information

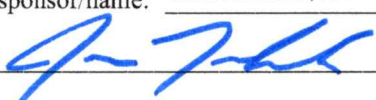
### Instructions for Completing

**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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Two-Family Conversion			
Project Location (describe, and attach a location map): 12 Duane Street			
Brief Description of Proposed Action: Convert existing single family structure into a two family.			
Name of Applicant or Sponsor: Jason Lichwick Architecture PLLC		Telephone: 845-284-6344	
		E-Mail: jason@JLArchitectureNY.com	
Address: 387 Hooker Avenue, Suite 5			
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 <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
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			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 0.05 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.05 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> 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
Shortnose Sturgeon, Atlanti...	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Jason Lichwick, RA</u> Date: <u>09/16/2025</u>		
Signature:  Title: <u>Architect</u>		



CASE #:

ACCH# 6062-59-771405

FEE: \$350.00  
CODE: A2112  
ID# ZBA3025-038

APPLICATION TO THE ZONING BOARD OF APPEALS  
CITY OF POUGHKEEPSIE, NEW YORK

REQUEST FOR INTERPRETATION  
(TYPE, OR PRINT IN DARK INK)



I. PROPERTY: 141 N Water Street, Poughkeepsie (Parcel: 6062-59-771405)

ZONING DISTRICT: W - Waterfront



II. PROPERTY OWNERSHIP

Name of Owner: 141 North Water Street LLC  
Address: 135 N Water Street Poughkeepsie, NY 12601

III. APPLICANT INFORMATION

Name of Applicant: Same as owner  
Address: \_\_\_\_\_

Phone#: c/o 845-874-7166

Email: c/o natalie@karcpc.com

(If the applicant is not the owner, proof that the owner consents to the application must be provided.)

IV. SUBJECT OF APPEAL

Pursuant to the provisions of Section 19-8.4 of the Zoning Ordinance, this application, relative to the above-referenced property, constitutes an appeal from the decision of the Zoning Administrator, or other City of Poughkeepsie Agent (Name and Title of agent: Judith Knauss , City of Poughkeepsie Deputy Zoning Administrator)

A copy of this decision, dated August 8, 2025, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for (check one):

- 1)  The meaning of a portion of the text of the Zoning Ordinance, or any condition or requirements specified or made under the provisions of said Ordinance, and whether or not the appellant has complied therewith; or,
- 2) \_\_\_\_\_ The exact location of a district boundary shown on the zoning map; or,
- 3) \_\_\_\_\_ Approval for a change from one legal nonconforming use to another nonconforming use.



# KARC

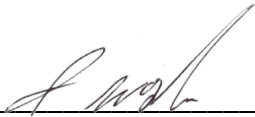
PLANNING CONSULTANTS, INC.

July 9, 2025

To whom it may concern:

Please accept this letter as written authorization that KARC Planning Consultants, Inc. is authorized to sign as Agent on behalf of 141 North Water Street, LLC, with respect to permits and applications before the City of Poughkeepsie.

Sincerely,



---

Jacob Wagschal  
141 North Water Street, LLC

## Jozlyn Young

---

**From:** Judith Knauss <JKnauss@cityofpoughkeepsie.com>  
**Sent:** Friday, August 8, 2025 8:59 AM  
**To:** Natalie Quinn; Jozlyn Young  
**Cc:** Rebecca A. Valk; Europa McGovern; Eric Philipp; Joseph O'Brien; Richard Distel; Tyler Maegerle; Lori Garcia  
**Subject:** 141 North Water Street

Dear Ms. Quinn:

The Development Department is in receipt of an application for site plan review relative to the proposed construction of a six-story building containing 56 dwelling units and both structured and surface accessory parking on three lots: 6062-59-771405 (141 North Water Street), 6062-59-783401 and 6062-59-780411. Additionally, the proposal calls for a subdivision/lot line adjustment involving an adjoining parcel under different ownership at 9 Dutchess Street (6062-59-777390).

First, please note that following consultation with the Corporation Counsel it has been determined that although a note on the Sheet LC-1 of the site plan set, entitled "Lot Line Alteration," indicates that Dutchess County does not consider the "lot line alteration" between 141 North Water Street and 9 Dutchess Avenue to be a subdivision, the City of Poughkeepsie does consider this a subdivision. Therefore, an application for subdivision will be required. Additionally:

- 1) There did not appear to be any indication of consent from the owner of 9 Dutchess Avenue to the subdivision/lot line adjustment;
- 2) There is an approved site plan and an active building permit for grading of the property at 9 Dutchess Avenue. Any alteration of the lot lines would require an amended or new site plan approval;
- 3) The approved grading plan for 9 Dutchess was classified as an unlisted subject to a coordinated review for the purposes of SEQRA. Therefore, any amendment of that site plan would require that SEQRA for the site be re-opened;
- 4) There is a pending site plan for development of the parcel which would be materially affected by any alteration of lot lines; and,
- 5) It also appears that the grading performed at 9 Dutchess Avenue may have encompassed grading of a portion of Grid #6062-59-771405 and #6062-59-783401.

Second, the proposal has been reviewed for compliance with the provisions of the Zoning Code. The use is permitted, subject to the issuance of a special permit by the Planning Board pursuant to the provisions of Section 19-5.5 "Principal Use Table". However, the following deficiencies were identified to exist in the submission:

1. Section 19-4.4(3)(e) allows for maximum lot coverage of 50% is permitted: 65.27% is proposed.
2. Section 19-4.4(3)(f)(ii) allows for a maximum height of 5 stories or 60:' the building has been determined to be 6 stories and 69'6" high;
3. Section 19-6.2(1)(d) provides that no entrance or exit to any off-street parking area with a capacity of more than 4 spaces shall exceed a grade excess of 10% at any point: the grade at the entrance to the property is 60.5 and entrance to the basement parking structure is 51.83 which equals 15.44%.
4. Section 19-6.5(5)(c) states that a fence within a front yard shall not exceed a height of 3' measured from sidewalk grade: a 4' fence is proposed within the northern portion of the front yard; and,
5. Section 19-6.8(1)(b) states that elevator penthouses shall be setback 1' from the edge of the roof for each additional foot in height greater than the permitted height: the elevator penthouse appears to be located on the edge of the roof while the proposed building exceeds the maximum height allowed.

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

- 1) Amend the plan to reflect compliance with the provisions of the Zoning Ordinance as outlined herein; or
- 2) Make application to the Zoning Board of Appeals, requesting that variances be granted.

Please be advised that for the purposes of SEQRA, the application has been classified as an Unlisted action subject to a coordinated review. Once the application for subdivision and the application to the Zoning Board of Appeals have been received, the matter will be referred to the Planning Board for declaration of lead agency and circulation to involved agencies.

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

Very truly yours,  
Judith Knauss  
Deputy Zoning Administrator

September 10, 2025

Scott Parker, Zoning Board of Appeals Chair  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

Lori Garcia, Board Administrative Assistant  
62 Civic Center Plaza  
Poughkeepsie, NY 12601

**Re: 141 N Water Street  
6062-59-771405  
City of Poughkeepsie  
Interpretation Request**

Dear Chair Parker and Ms. Garcia:

The applicant is seeking to construct a 56-unit multifamily development at 141 N Water Street (lot 771405). The property is approximately 1.028 acre and is located in the Waterfront (W) Zoning district.

In the Deputy Zoning Administrator's August 8, 2025 determination letter, Ms. Knauss determined the proposed building to be 6 stories and measured 69'6" in height, exceeding the maximum allowed under Section 19-4.4(3)(f)(ii), which permits building up to five stories or 60'.

Following that determination, the applicant met with Development Department to provided additional information regarding:

- Significant grade changes onsite,
- The loss of land and topography at 141 N Water Street due to excavation on an adjacent parcel, and
- Diagrams illustrating the resulting "average grade" and the proposed original building height of 63.32'.

Furthermore, the proposed construction type has since been modified, and the building height reduced to 59'-11 7/8", as shown on the attached elevations. This height is calculated from the average grade plan (55.18') to the top of the flat roof (115.17'), in accordance with the City Code definition of height:

*"Height... is determined by measuring the vertical distance between the average ground level around the perimeter of the building to the highest point of the roof for flat roofs."*

At a workshop discussion with City Staff on September 4, 2025, the Building Inspector confirmed that the proposed structure would be deemed five (5) stories under NYS Building Code. Both the Development Department and Building Department also agreed that the proposed height, in feet, complies with the Zoning Code maximum height of 60 feet. However, the classification of the building in terms of *stories*, and the intent of the City of Poughkeepsie Zoning Code definition of ‘story,’ requires interpretation by the Zoning Board of Appeals.

The building consists of five stories above a basement parking level. Under the NYS Building Code, this is classified as five stories based on the following definitions:

- *Story Above Grade Plane*: A story where the floor above is more than 6 feet above the grade plane, or more than 12 feet above finished ground at any point.
- *Grade Plane*: The **average of the finished ground levels** adjoining the building at exterior walls.
- *Basement*: A story that is not a story above the grade plane (see “story above grade plane” definition above).

The City of Poughkeepsie Zoning Code provides parallel definitions, but does not explicitly reference “average” grade:

- *Story*: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between any floor and the ceiling next above it. If the finished floor level directly above a basement is more than six feet above **grade**, such basement shall be considered a “story.”
- *Basement*: A story partly below curb level but having at least ½ of its height, measured from floor to ceiling above the **average finished grade** of the ground adjoining the building.

These definitions indicate that whether a basement counts as a “story” depends on its relation to the **average finished grade**, not an isolated ground point. In the present case, more than half of the basement is below grade, and the floor above it is not more than six feet above average grade. Accordingly,

- The basement does not constitute a story under NYS Building Code,
- The basement meets the definition of “basement” under both codes, and
- The building is properly classified as a five-story structure over a single basement level.

Based on these findings, we respectfully request that the Zoning Board of Appeals confirm that the intent of the City of Poughkeepsie zoning code definition for “story” was to reference **average** grade. The proposed building would then be classified as a five-story structure over a single-story basement and be compliant with the W District’s maximum height limitation of five stories and 60 feet.

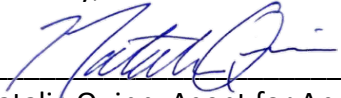
# KARC

PLANNING CONSULTANTS, INC.

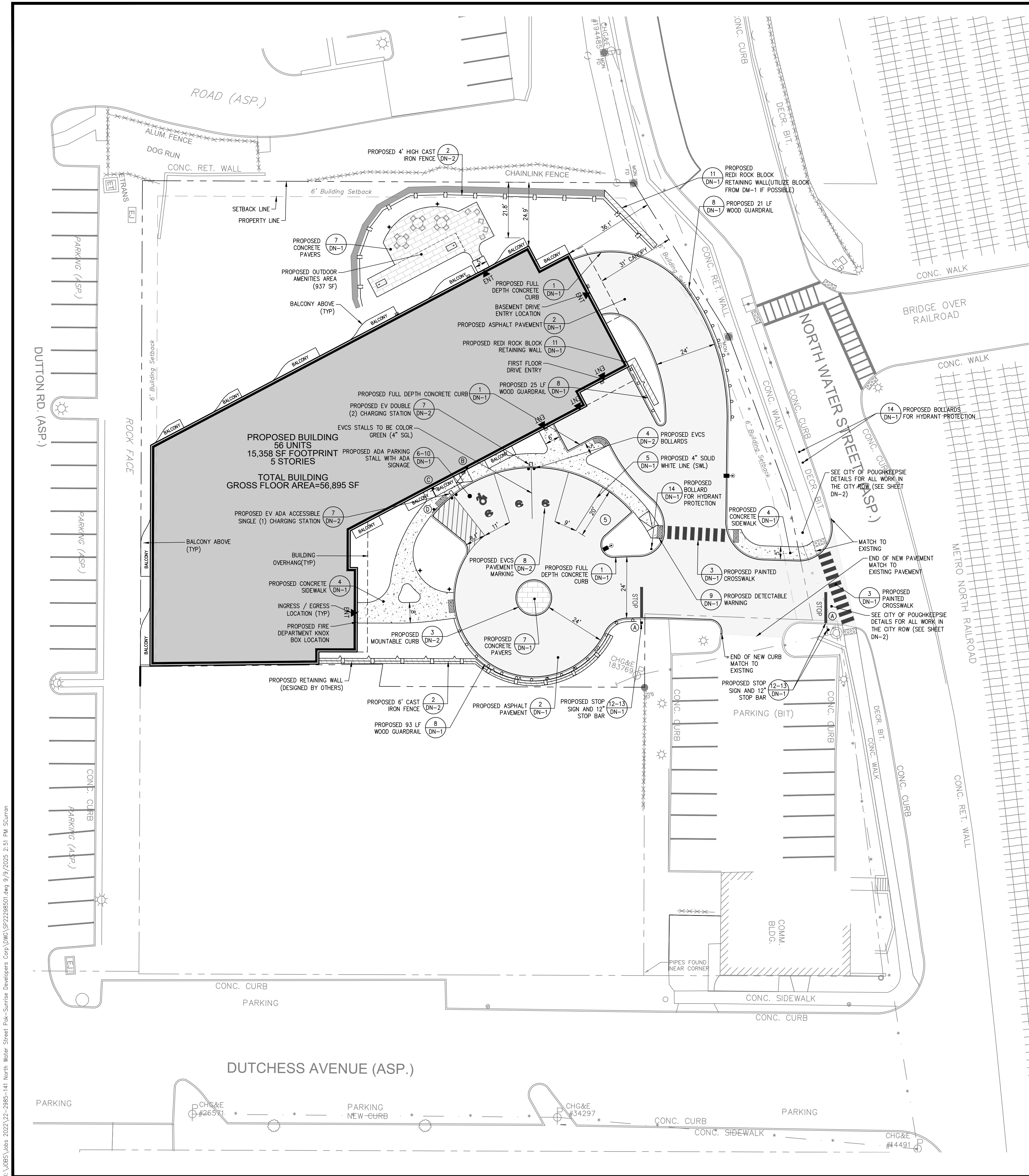
We kindly request to be placed on the next available Zoning Board of Appeals meeting to discuss this interpretation of Story. Please advise if you require anything further.

Thank you.

Sincerely,



Natalie Quinn, Agent for Applicant

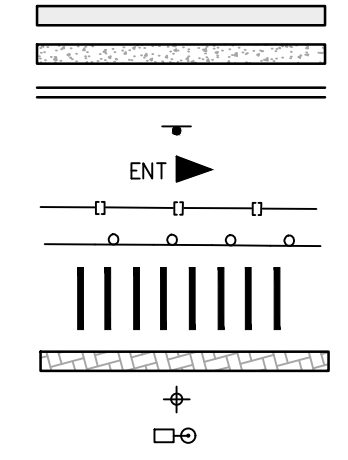


### ZONING SUMMARY TABLE

ZONING INFORMATION			
PARCEL SIZE	1.01 ACRES TOTAL		
TAX MAP IDENTIFICATION	6062-59-771405		
ZONING DISTRICT	W - WATERFRONT		
PROPOSED USE	RESIDENTIAL		
ITEM	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA (SF)	NONE	1.01 ACRES	1.01 ACRES
MINIMUM LOT WIDTH (FT)	NONE	169 FT	169 FT
MAXIMUM LOT COVERAGE	50%	3.45%	66.56% *
MINIMUM LOT FRONTAGE (FT)	50 FT	187.11 FT	187.11 FT
MINIMUM REQUIRED YARDS	IF PROVIDED, 6FT	N/A	36.1 FT (WEST) 24.9' (NORTH) 0' WEST / 0' SOUTH
MAXIMUM FAR	1.25	N/A	1.25
MAXIMUM HEIGHT	5 STORIES 60 FT	N/A	5 STORIES 59'-11"
MINIMUM PARKING	1.25 / UNIT 56 UNITS = 70 SPACES	NONE	BASEMENT=35 SPACES FIRST FLOOR=32 SPACES 72 TOTAL OUTSIDE=5 SPACES

\* DENOTES VARIANCE REQUIRED

#### LEGEND



### SIGN LEGEND

NO.	LEGEND	MUTCD DESIGNATION	DIMENSIONS	QTY.
A	STOP	R1-1	30" x 30"	2
B	RESERVED PARKING	R7-8	12" x 18"	1
C	NO PARKING ANYTIME	R7-1	12" x 18"	1
D	DISABLED PERSONS USE ONLY		12"x18"	1

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

#### EASEMENTS

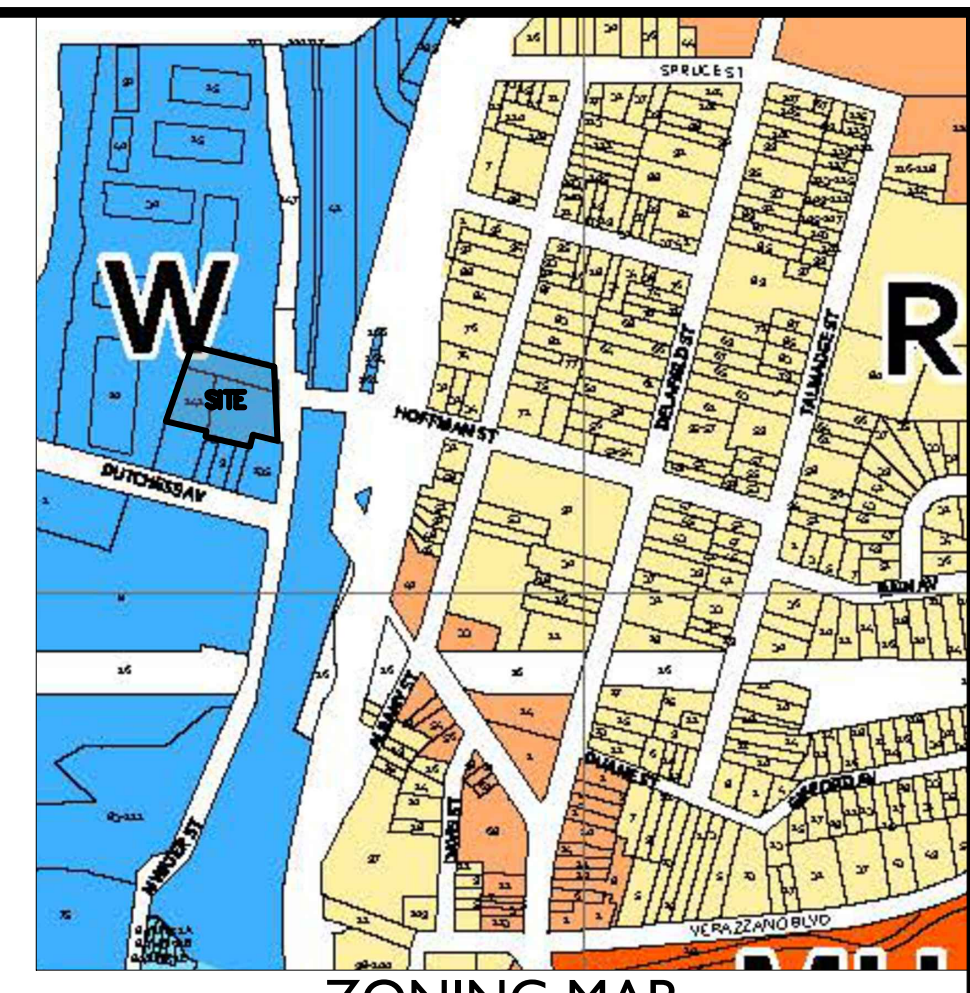
ACCESS EASEMENT, AREA=0.021± ACRES

#### NOTES:

- EXISTING EASEMENTS ASSOCIATED WITH THIS PROJECT ARE SHOWN ON APPLICABLE PLAN SHEETS AND ARE LISTED ABOVE. NO NEW EASEMENTS ARE PROPOSED.
- NO EXISTING WATERCOURSES, MARCHES, WOODED AREAS, ROCK OUTCROPS, TREES WITH A DIA OF 8" OR MORE ARE ASSOCIATED WITH THIS PROJECT.
- SITE IS NOT IN FEMA 100 YEAR FLOODPLAIN
- A FIRE DEPARTMENT KNOX BOX LOCATION IS PROVIDED AT THE SOUTHWEST ENTRY LOCATION.

#### SURVEY MAP REFERENCE

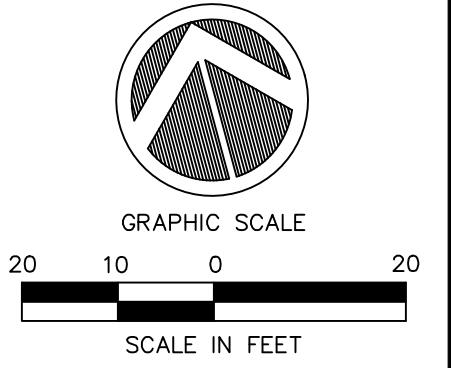
EXISTING CONDITIONS / TOPOGRAPHIC INFORMATION TAKEN FROM PLAN ENTITLED "141 NORTH WATER STREET, LLC" DATED MAY 27, 202 BY LARRY L. LYNN, L.S. PLS# 050531



ZONING MAP  
SCALE: 1"=100'

#### GENERAL NOTES

- ALL CONSTRUCTION SHALL COMPLY WITH CITY OF PoughKEEPSIE REQUIREMENTS AND SPECIFICATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS REQUIRED BY GOVERNMENT AGENCIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL POST ALL BONDS, PAY ALL FEES, PROVIDE PROOF OF INSURANCE AND PROVIDE TRAFFIC CONTROL NECESSARY FOR THIS WORK.
- REFER TO OTHER PLANS AND DETAIL SHEETS FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS IN THE FIELD AND CONTACT THE SITE ENGINEER IF THERE ARE ANY QUESTIONS OR CONFLICTS REGARDING THE CONSTRUCTION DOCUMENTS AND/OR FIELD CONDITIONS SO THAT APPROPRIATE REVISIONS CAN BE MADE PRIOR TO BIDDING. ANY CONFLICT BETWEEN DRAWINGS AND THE SPECIFICATIONS SHALL BE CONFIRMED WITH THE LOCAL CONSTRUCTION MANAGER PRIOR TO BIDDING.
- REFER TO THE DETAIL SHEETS FOR PAVEMENT, CURBING, AND SIDEWALK INFORMATION.
- ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED BY THE SITE ENGINEER, AND THE APPROPRIATE REGULATORY AGENCIES PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL RESTORE ANY OF THE FOLLOWING IF THEY ARE NOTED TO REMAIN: UTILITY STRUCTURE, PIPE, UTILITY, PAVEMENT, CURBS, SIDEWALKS, OR LANDSCAPED AREAS DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITION OR BETTER TO THE SATISFACTION OF THE CITY OF PoughKEEPSIE.
- TRAFFIC CONTROL MEASURES SHALL BE UTILIZED IN ACCORDANCE WITH CITY OF PoughKEEPSIE.
- PAVEMENT MARKINGS SHALL BE FAST DRYING TYPE IN ACCORDANCE WITH CITY OF PoughKEEPSIE SPECIFICATIONS.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL PRODUCTS, MATERIALS AND PLANT SPECIFICATIONS TO THE SITE ENGINEER AND OWNER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION OR DELIVERY TO THE SITE. ALLOW A MINIMUM OF 14 WORKING DAYS FOR REVIEW. APPROVED SHOP DRAWINGS WILL BE PROVIDED BY THE ENGINEER AND COPIED TO THE CITY OF PoughKEEPSIE.
- THE CONTRACTOR SHALL PROVIDE AND MAINTAIN TRAFFIC DEVICES FOR PROTECTION OF VEHICLES AND PEDESTRIANS CONSISTING OF DRUMS, BARRIERS, SIGNS, LIGHTS, FENCES AND UNIFORMED TRAFFIC MEN AS REQUIRED OR ORDERED BY THE ENGINEER OR REQUIRED BY THE LOCAL GOVERNING AUTHORITIES. CONTRACTOR SHALL MAINTAIN ALL TRAFFIC LANES AND PEDESTRIAN WALKWAYS AT ALL TIMES UNLESS WRITTEN APPROVAL FROM THE CITY AND GOVERNING AUTHORITIES IS GRANTED.
- THE PROJECT DRAWINGS ARE GENERALLY DIAGRAMMATIC IN INDICATING THE PRESENCE OF EXISTING UNDERGROUND UTILITIES. INFORMATION ON EXISTING UTILITIES HAS BEEN COMPILED FROM AVAILABLE INFORMATION INCLUDING UTILITY COMPANY AND MUNICIPAL RECORD MAPS AND FIELD SURVEY AND IS NOT GUARANTEED TO BE CORRECT OR COMPLETE. UTILITIES ARE SHOWN TO ALERT THE CONTRACTOR OF THEIR PRESENCE AND THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS AND ELEVATIONS OF ALL UTILITIES AND SERVICES. WHEN THE UTILITIES ARE TO BE LEFT IN PLACE, THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF SUPPORT AND PROTECTION DURING THE EXCAVATION AND BACKFILLING OPERATIONS.
- PRIOR TO DEMOLITION OR CONSTRUCTION THE CONTRACTOR SHALL CONTACT "CALL BEFORE YOU DIG" AT 1-800-962-7962 AT LEAST 72 HOURS BEFORE COMMENCEMENT OF WORK TO VERIFY ALL UTILITY LOCATIONS. CONTRACTOR SHALL NOT INTERRUPT EXISTING UTILITIES SERVING FACILITIES OCCUPIED AND USED BY THE OWNER OR OTHERS DURING OCCUPIED HOURS.
- IF ANY UNCHARTED OR INCORRECTLY CHARTED EXISTING PIPING OR OTHER UTILITY IS UNCOVERED DURING EXCAVATION, THE CONTRACTOR SHALL CONSULT THE SITE ENGINEER IMMEDIATELY FOR DIRECTIONS BEFORE PROCEEDING FURTHER WITH THE WORK.
- STORAGE OF FLAMMABLE AND HAZARDOUS MATERIALS SHALL BE IN COMPLIANCE WITH THE NYS FIRE AND BUILDING CODE.
- CONTRACTOR TO PROVIDE SITE ENGINEER WITH SUBMITTALS. ONCE APPROVED, COPIES WILL BE SUPPLIED TO CITY ENGINEER AND APPROPRIATE CITY DEPARTMENTS.
- NO HERBICIDES OR PESTICIDES WILL BE USED DURING THE OPERATION OF THE SITE.
- A SPRINKLER SYSTEM SHALL BE INSTALLED IN THE BUILDING IN ACCORDANCE WITH NFPA AND THE NYS FIRE CODE 2020.



1. 2025-09-09 SITE PLAN FOR ZBA SUBMISSION

**LRC GROUP**

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

160 West Street, Suite E  
Cromwell, CT 06416  
Tel: 860.635.2877

85 Civic Center Plaza, Suite 204  
Poughkeepsie, NY 12601  
Tel: 845.243.2880

1000 Wyckoff Avenue, 3rd Floor  
Mahwah, NJ 07430  
Tel: 908.603.5750

www.lrcconsult.com

LRC Engineering & Surveying, DPC  
LRC Engineering & Surveying, LLC  
LRC Environmental Services, Inc.

## SITE PLAN

### WATER STREET DEVELOPMENT

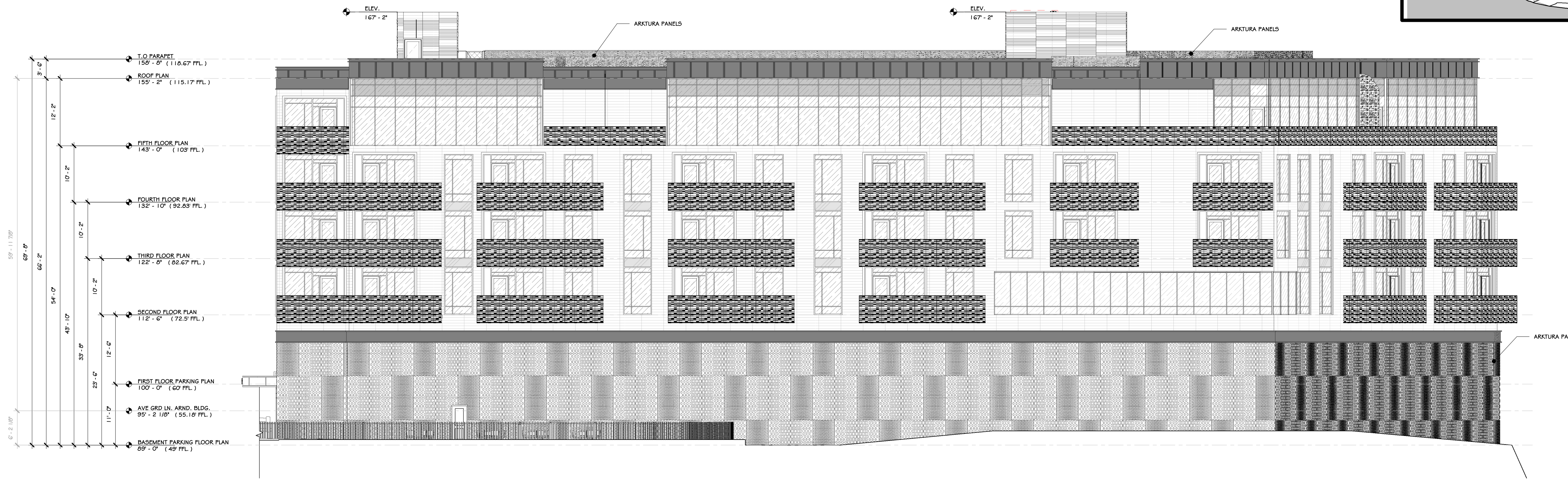
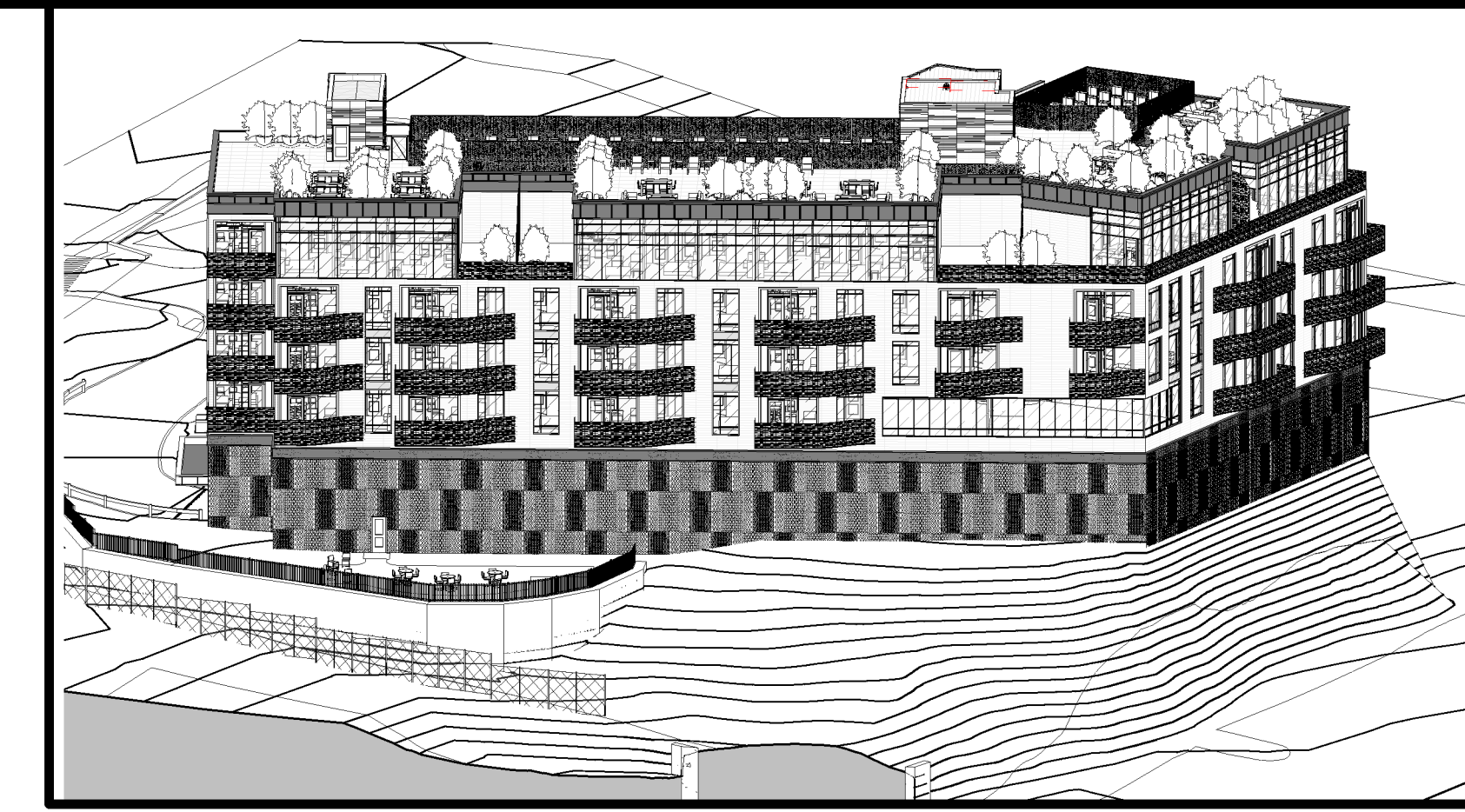
141 NORTH WATER STREET  
CITY OF PoughKEEPSIE, DUTCHESS COUNTY, NEW YORK

Design/Calcs	BLS	CAD File	SP22298501.dwg	Sheet No.
Drawn	SMC	Project No.	22-2985	<b>SP-1</b>
Checked	KFC	Date	2025-07-22	
Approved	LRC	Scale	1"=20'	

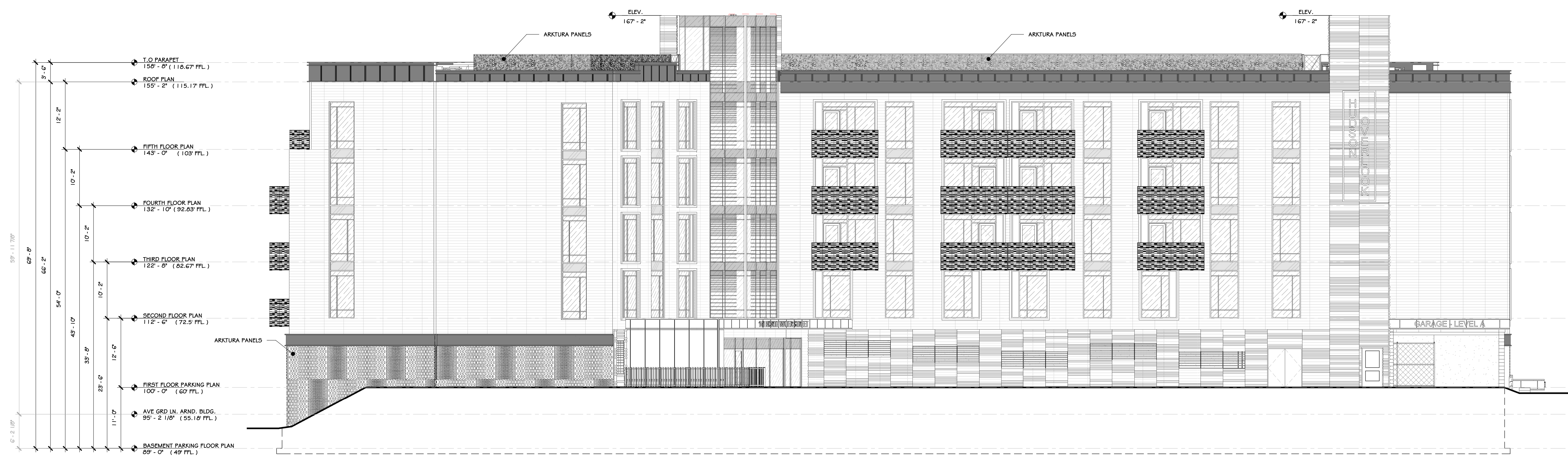
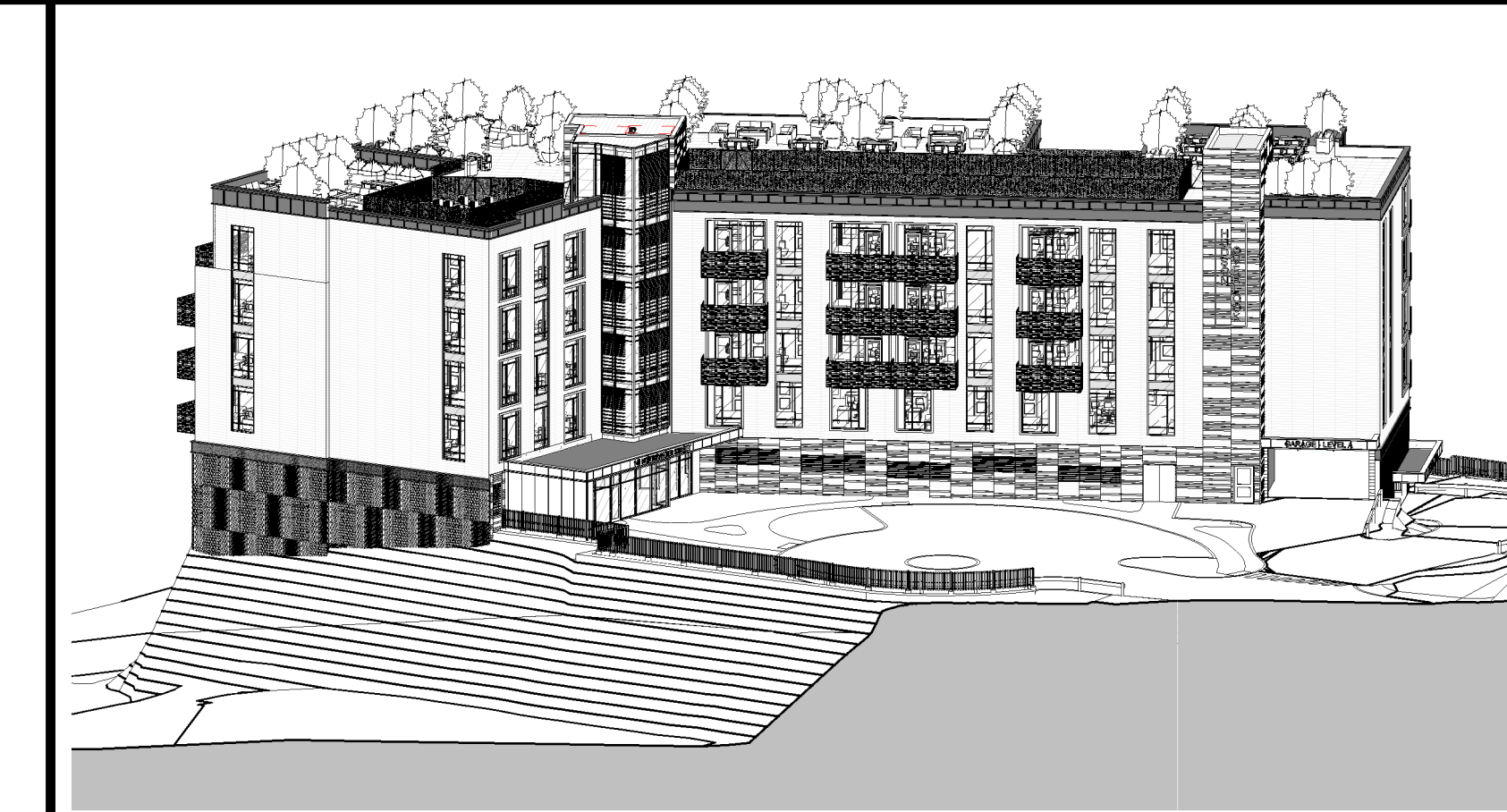


X:\JOBS\Subs 2025\22-2985-141 North Water Street Pkg-SurSite\_Developers Corp\DWG\SP22298501.dwg 9/9/2025 2:51 PM Scanned

CONSTRUCTION NOTES



1 NORTH ELEVATION  
3/32" = 1'-0"



2 SOUTH ELEVATION  
3/32" = 1'-0"

REVISIONS:

NUM.	DATE	DESCRIPTION

100% SCHEMATIC DESIGN

PROJECT

NORTH

KEY PLAN

WORK AREA

**ADG ARCHITECTS**

25 WALLKILL AVE • MONTGOMERY • NY 12549  
O. 845.294.2724 • P. 845.305.6442  
WWW.ADGARCHITECTS.COM  
CONTACT@ADGARCHITECTS.COM

ARCHITECTURE • PLANNING • INTERIORS

Project: 141 N WATER STREET DEVELOPMENT  
CITY OF Poughkeepsie, DUTCHESS COUNTY, N.Y.

Drawing: NORTH / SOUTH EXTERIOR ELEVATIONS

Project: 25106	Date: 09/02/25
Drawn: IDEA	Scale: AS NOTED
Drawing Number: <b>A-300-PB</b>	

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING LICENSED PROFESSIONAL SHALL APPLY TO THEIR OWN SEAL AND THE NOTATION ALTERED BY FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



# Exhibit B

Total Building					
Perimeter of Building (in feet)	Wall Length (in feet)	Average Elevation	% of Building Perimeter	Average Grade	
				<i>Wall Length / Building Perimeter</i>	<i>Avg. Elev. x % Bldg Perimeter</i>
1 Southeast Wall	610	127	60.00	21%	12.49
2 East Wall	610	55	60.00	9%	5.41
3 South Wall	610	88	58.98	14%	8.51
4 West Wall	610	94	51.00	15%	7.86
5 North Wall	610	180	51.06	30%	15.07
6 Northeast Wall	610	66	54.05	11%	5.85
Total for: Total Building		610		100%	<b>55.18</b>

1 Southeast Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet)	Average Elevation	% of wall length	Average Grade change	Notes
			<i>Dist. Between Pt 1 and Pt2</i>	<i>Avg. Elev. Between Pt 1 and Pt2</i>	<i>Wall Length / Total Length</i>	<i>Avg. Elev. x % Length of Wall</i>	
127	60	60	22	60	17%	10	
127	60	60	105	60	83%	50	
Total for: 1 Southeast Wall			127		100%	<b>60.00</b>	

2 East Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet)	Average Elevation	% of wall length	Average Grade change	Notes
			<i>Dist. Between Pt 1 and Pt2</i>	<i>Avg. Elev. Between Pt 1 and Pt2</i>	<i>Wall Length / Total Length</i>	<i>Avg. Elev. x % Length of Wall</i>	
55	60	60	48	60	87%	52	
55	60	60	7	60	13%	8	

Total for: 2 East Wall		55	100%	<b>60.00</b>
------------------------	--	----	------	--------------

3 South Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet) <i>Dist. Between Pt 1 and Pt2</i>	Average Elevation <i>Avg. Elev. Between Pt 1 and Pt2</i>	% of wall length <i>Wall Length / Total Length</i>	Average Grade change <i>Avg. Elev. x % Length of Wall</i>	Notes
88	60	60	7	60	8%	5	
88	60	60	15	60	17%	10	
88	60	60	46	60	52%	31	
88	60	51	20	55.5	23%	13	
Total for: 3 South Wall		88	100%	<b>59</b>			

4 West Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet) <i>Dist. Between Pt 1 and Pt2</i>	Average Elevation <i>Avg. Elev. Between Pt 1 and Pt2</i>	% of wall length <i>Wall Length / Total Length</i>	Average Grade change <i>Avg. Elev. x % Length of Wall</i>	Notes
94	51	51	94	51	100%	51	
Total for: 4 West Wall		94	100%	<b>51</b>			

5 North Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet) <i>Dist. Between Pt 1 and Pt2</i>	Average Elevation <i>Avg. Elev. Between Pt 1 and Pt2</i>	% of wall length <i>Wall Length / Total Length</i>	Average Grade change <i>Avg. Elev. x % Length of Wall</i>	Notes
180	51	52	5	51.5	3%	1.431	
180	52	52	93	52	52%	26.867	
180	52	49	40	50.5	22%	11.222	
180	49	49	29	49	16%	7.894	
180	49	52	13	50.5	7%	3.647	
Total for: 5 North Wall		180	100%	<b>51.06</b>			



6 Northeast Wall							
Wall Length (in feet)	Point 1	Point 2	Distance (in feet) <i>Dist. Between Pt 1 and Pt2</i>	Average Elevation <i>Avg. Elev. Between Pt 1 and Pt2</i>	% of wall length <i>Wall Length / Total Length</i>	Average Grade change <i>Avg. Elev. x % Length of Wall</i>	Notes
66	49	52	11	50.5	17%	8.417	
66	52	52	25	52	38%	19.697	
66	52	60	22	56	33%	18.667	
66	60	60	8	60	12%	7.273	
Total for: 6 Northeast Wall			66		100%	<b>54.05</b>	

