

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

Virtual Meeting

Meeting Link: <https://attendee.gotowebinar.com/register/6760963389451623947>

Tuesday, December 14, 2021

6:30 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of November 9th, 2021 meeting minutes

III. UPDATES AND ORGANIZATION

1. 100-106 ALBANY STREET: AREA VARIANCES

The above referenced application has been withdrawn upon written request by the applicant

2. Adoption of 2022 Meeting Dates

IV. PUBLIC HEARINGS & DELIBERATIONS

1. 556 MAIN STREET: AREA VARIANCES

Application for area variances relative to the proposed construction of a three-story mixed use building containing ground floor commercial, with nine dwelling units, one on the ground floor and four each on the second and third floors, on the vacant lot at 556-Main Street, requiring variances of Sections 19-3.22(4)(b), Section 19-3.22(4)(h) and 19-4.3(11) of the Zoning Ordinance relative to lot area, open space and off-street parking. Owner: 558 Main St LLC; Applicant: Stefan Bohdanowicz; Consultant: Liscum McCormack VanVoorhis (Kimberly Ryan); Zoned Neighborhood

2. 267 MILL STREET: AREA VARIANCES

Application for area variances relative to open space and signage for the building at 267 Mill Street, requiring a variance of Section 19-3.37(2) Table 3.37-2 of the Zoning Ordinance for open space, requiring 1633.5 square feet to allow 1608 square feet and a variance of variance of Section 19-4.9(9), which prohibits wall signs from extending beyond the bottom sill of a second story window to allow a sign that extends nearly entirely above such sill. Owner: Page Park Associates; Applicant/Consultant: Kelly Libolt; Grid #6162-69-073173; Zoning District: Poughkeepsie Innovation District – Creative Edge (PID-CE); File #2020-020

3. 134 SMITH STREET: USE VARIANCE

Application for use variance relative to the proposed use of the vacant storefront at 1334 Smith Street as a retail (liquor) store. Retail uses are not permitted in the R&D District. The previous use of the property for retail purposes was nonconforming and ceased in 2016. Pursuant to the provisions of Section 19-5.1(1)(d), it may not now be re-established without a variance of Section 19-3.31(2) of the Zoning Ordinance which governs permitted uses. The single story structure also contains a single family dwelling unit which has been continuously occupied. Owner: Ihsan Nesheiwat; Applicant: Gary Beck, Jr./Z3 Consultants, Inc.; Zoned Research & Development (R&D) District; Grid #6162-72-414248; File #2021-019



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 9, 2021**

Present

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

Excused

Staff

Natalie Quinn, Planning Director

The meeting was called to order at 6:34pm with the pledge of allegiance.

A motion made by Thomas Klug and seconded by Steven Reifler to approve the minutes of the October meeting carried unanimously.

100-106 ALBANY STREET: AREA VARIANCES

Application for area variances relative to the proposed construction of a six family dwelling on a vacant lot on Albany Street, requiring variances of Sections 19-3.15(4)(c), 19-3.15(4)(i) and 19-2.2 of the Zoning Ordinance, related to lot area and open space. Owner: Albany Street LLC; Applicant: Albany Street LLC; Consultant: Ernst Martin, Jr., PE, LS; Zoned Medium High Density Residence (R-4) District; Grid #6062-59-848458; File #2021-014

Appearing on behalf of the application was Ernst Martin, Engineer for the project, who provided:

- Historical background of the parcel
- The width of the parcels on the block range between 25 to 50 feet
- This parcel is 5 original parcels combined
- Proposed project is one building with 4 two-bedroom and 2 one-bedroom units
- Variance of 3100 square feet for required lot area is sought
- Storm water mitigation will be on site
- Analysis of 4 two-bedroom units was done for return on investment: was looking to have return be 10% or more

Nathan Shook asked about the character of the neighborhood and whether there were any multiple dwellings: There are one, two, three and four family dwellings in the area. This would be the only 6 family on the block



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Rob Page commented that the project doesn't fit the character of the neighborhood, as the majority of buildings are 1 and 2 family dwellings.

Scott Parker agreed with Rob Page. Would like to see architectural drawings to judge whether the building will fit the character of the neighborhood.

Rob Page was interested in hearing if overflow parking would be needed for visitors.

Jessica Vinall was interested in seeing architectural drawings.

John Gildard expressed interest in having the orientation of the building changes and reduction in the number of units.

The Public Hearing was opened on a motion by Steven Reifler, seconded by Rob Page. Speaking were:

- Patrick Ryan of 7 Whinfield Street, who expressed concern with the 23 foot side yard and the retaining wall.
- Matthew Relyea of 29 Whinfield Street, who expressed concerns with the parking.

On a motion by Thomas Klug, seconded by Robert Page, the Board adjourned the Public Hearing to December 14, 2021.

The Board expressed the feeling that the variances will likely be denied, but wanted to give the applicant the opportunity to revise the plan and address the concerns expressed.

556 MAIN STREET AREA VARIANCE

Application for area variances relative to the proposed construction of a three-story mixed use building containing ground floor commercial, with nine dwelling units, one on the ground floor and four each on the second and third floors, on the vacant lot at 556-Main Street, requiring variances of Sections 19-3.22(4)(b), Section 19-3.22(4)(h) and 19-4.3(11) of the Zoning Ordinance relative to lot area, open space and off-street parking. Owner: 558 Main St LLC; Applicant: Stefan Bohdanowicz; Consultant: Liscum McCormack VanVoorhis (Kimberly Ryan); Zoned Neighborhood Commercial (C-1) District; Grid #6161-24-392943; File #2021-018



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Appearing on behalf of the application was Kimberly Ryan, architect for the project. She provided an overview of the project/site:

- Lot is 40ftx110ft;
- Owner owns adjoining lot
- The building is set-back from the east building to allow light and air
- Total of nine units

Scott Parker asked what the retail component would be:

- 480 square feet
- Applicant thinks it could be a gallery
- Is ADA unit required? Architect indicated that it was required.

Nathan Shook asked if that had considered other unit counts, and requested financial information to justify the unit count.

Thomas Klug observed that the project will require variances no matter what: the question is how substantial do those variances need to be?

The public hearing was opened on a motion by Scott Parker, seconded by John Gildard. the Board opened the public hearing. Speaking was:

- Ariel Cordova. Mr. Cordova welcomes development, He felt the developer has a good record. He parking variance was his only issue, as there is a parking issue at the neighboring development. Kimberly Ryan stated that there was a parking issue because the Planning Board denied the fence.

On a motion by Thomas Klug, seconded by Rob Page, the Board voted to adjourn the public hearing to December 14, 2021.

John Gildard requested the following information:

- For how many developments by this owner were parking variances requested?
- What is the parking utilization at other developments?

On a motion by Robert Page, seconded by Steven Reifler, seconded by John Gildard, the ZBA voted unanimously to adjourn the meeting at 7:55pm.



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
MINUTES OF NOVEMBER 9, 2021**

**CITY OF POUGHKEEPSIE ZONING BOARD OF APPEALS
MEETING DATES 2022**

City Hall – Common Council Chambers* – 6:30 P.M.

*Meetings will be held remotely via videoconferencing until further notice. Each month, the meeting link and agenda will be posted on the city's website one week prior to the scheduled meeting date.

TUESDAY, JANUARY 11 (Submission Deadline December 22, 2021)

TUESDAY, FEBRUARY 8 (Submission Deadline January 18, 2022)

TUESDAY, MARCH 8 (Submission Deadline February 15, 2022)

TUESDAY, APRIL 12 (Submission Deadline March 22, 2022)

TUESDAY, MAY 10 (Submission Deadline April 19, 2022)

TUESDAY, JUNE 14 (Submission Deadline May 24, 2022)

TUESDAY, JULY 12 (Submission Deadline June 21, 2022)

TUESDAY, AUGUST 9 (Submission Deadline July 19, 2022)

TUESDAY, SEPTEMBER 13 (Submission Deadline August 23, 2022)

TUESDAY, OCTOBER 11 (Submission Deadline September 20, 2022)

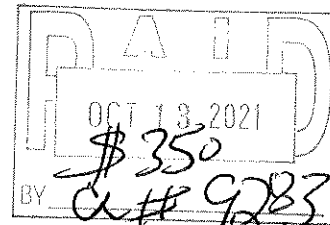
TUESDAY, NOVEMBER 8 (Submission Deadline October 18, 2022)

TUESDAY, DECEMBER 13 (Submission Deadline November 22, 2022)



Gary E. Beck, Jr.
Building Inspector

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



50# 299020

ZBA-2021-018

FEE: \$350.00
CODE: A2112
ACTIVITY #

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

REQUEST FOR AREA VARIANCE(S)

(TYPE, OR PRINT IN DARK INK)

I. OWNER INFORMATION

Name: 558 Main St LLC
Address: 560 Main Street
Poughkeepsie, NY 12601
Phone #: 646-752-1923

II. APPLICANT INFORMATION

Name: Stefan Bohdanowicz
Address: 560 Main Street
Poughkeepsie, NY 12601
Phone #: 646-752-1923

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

III. CONSULTANT INFORMATION

Name: Liscum McCormack VanVoorhis - Kimberly Ryan
Address: 181 Church Street
Poughkeepsie, NY 12601
Phone #: 834-452-2268

IV. PROPERTY INFORMATION

Property Address (subject of appeal): 556 Main Street
Tax Parcel #: 131300-6161-24-392943
Date property acquired: May 2019
Present use of property: Vacant
Zoning District: C-1
Dimensions: Lot Area 4500 (sq. ft.) Width +/- 40 ft
Depth 110 ft. Frontage on street 39.92 ft.
Is the property currently for sale or is the applicant preparing to sell? NO

V. REASON FOR APPEAL

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).

A copy of this decision, dated January 22, 2021, must be attached.

VI. REQUEST FOR AREA VARIANCE

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.

I/We, (insert name of applicant) Stefan Bohdanowicz,
hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance:

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.22(4)(b)	19,800 sf 2200 sf per efficiency and 1 BR	4356 sf Allow(4) efficiency and (5)1 BR
19-3-22(4)(h)	5 1br/ 4 efficiency = 2300 sf open	412 sf green space
19-4.3 (11)	13 + 2 = 15 spaces required	5 on site spaces plus street parking

VII. VARIANCE REQUEST EXPLANATION

Pursuant to Section 19-9.4 (2) (d) of the Zoning Ordinance, the Zoning Board of Appeals, in making its determination, shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider the applicant's responses to the following:

Note: It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied for each variance requested.

PLEASE ATTACH RESPONSES ON A SEPARATE SHEET.

- (i) 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.
- (ii) Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn't require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).
- (iii) Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.
- (iv) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.
- (v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

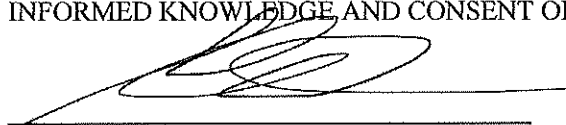
VIII. LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Eleven (11) copies.
3. Color photos of site conditions (8 copies)
4. Complete Short EAF (see explanation under Submission Requirements).
5. Other attachments deemed pertinent by the applicant (please list):
 - a) Purchase agreement
 - b) _____
 - c) _____
 - d) _____

IX. SIGNATURE AND VERIFICATION

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

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



 SIGNATURE OF APPLICANT

10-13-21 revised 10-29-21

 DATE



Principals:
Michael T.J. McCormack AIA
Raymond P. VanVoorhis AIA

November 19, 2021

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

HAND DELIVERED

**Re: 556 Main Street
Zoning Board of Appeals**

Dear Ms. Knauss

Enclosed please find the following documentation for the application of an Area Variance for 556 Main Street.

1. This updated cover letter with enhanced application responses
2. Nine (9) Copies of Site Plans SP-1 dated 11-19-21
3. Nine (9) Copies of Exterior Elevation A-1 dated 11-19-21
4. Nine (9) Copies of Schematic floor plans A-2 dated 11-19-21

Please advise if you require any further information.

Sincerely,

Kimberly R. Ryan, RA
Senior Associate

- (i) *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 current property is an unfenced vacant parcel which has been used by trespassing visitors for activities that are a detriment to the neighborhood. The addition of a multi-use structure in this location will provide another storefront opportunity along the sidewalk with housing similar to the adjacent and opposite side of the street properties.

- (ii) *Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn't require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).*

The size of the parcel is only 4500 sf in total. The typical uses of properties in the neighborhood are predominantly multifamily with commercial storefront. After evaluating the required area per bedroom and open area requirement, only an entirely commercial building or a single family home seem to meet the area requirements. The purchase of this lot from the city requires the construction of a multiuse building so commercial on the first floor with multifamily is in keeping with the purchase agreement and the neighborhood character. The zoning law requires 2200 sf for a studio and one bedroom, 2800 sf for a two bedroom, and 4000 sf for a three bedroom unit plus parking an open space. The lot is only 4500 sf so very little will accommodate the lot size. For example:

Two bedroom	2800 sf	(2) 1 bedroom @2200 sf ea	4400 sf
2 parking spaces plus drive access	1522 sf	(3) parking spaces plus access	1702 sf
Open space	<u>400 sf</u>	Open space	<u>600 sf</u>
Total required lot area	4722 sf	Total required lot area	6702 sf

The size of the lot and the zoning requirements plus the purchase agreement for a multi-use building, make development of the site prohibitive without Area Variances.

- (iii) *Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.*

- (a) The variance for the lot area required per unit is not substantial in that is in keeping with the existing neighborhood. If a single family home were constructed it would be very dissimilar to the adjacent and nearby properties.
- (b) The open space requirement is not substantial as we plan for roof top open space for use by the residents.
- (c) The parking in the city area is difficult to achieve for any use of the property considering the size of the lot. The design is limiting the size of the structure on grade and placing 5 parking spaces under a portion of the second floor to provide a portion of the required spaces. We have met the access aisle (15') and Handicap parking requirements. We have also provided the landscape buffers at the parking areas.

(iv) Will the variance(s) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.

We feel that the variances will benefit the physical and environmental conditions of the neighborhood because the current vacant parcel is attracting undesirable activities by trespassers. It is visually unappealing and is getting littered upon. The new building will add an opportunity for desirable housing and commercial activity which will deter these types of activities to continue to occur. It is very similar to the surrounding 3-4 story multifamily structures adjacent and across the street.

(v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

The property was purchased from the City of Poughkeepsie because it is adjacent to other parcels of the same ownership. The purchase agreement requires the owner to construct a multiuse building. This document was included with our initial application and was reviewed during the first ZBA meeting.

Additionally, provided is a financial analysis requested for the unit mix comparison for 6 units vs 9 units.

Cost Assumptions				Financing Assumptions		
Purchase Price		\$38,000		Downpayment		30%
Land Value (25%)		\$9,500		Finance Amt		\$1,538,950
Building Value (75%)		\$28,500		Downpayment Amt		\$461,685
Improvements		\$1,500,000		Interest Rate		4.0%
Closing Costs		\$950		Mortgage (Years)		30
Total Cost		\$1,538,950		Mortgage Payment		\$5,143
				Cash Outlay		\$461,685
				Year 1	Year 2	Year 3
Annual Revenue Increase		2%		0.0%	2.0%	2.0%
Annual Operating Expense Increase		2%		0.0%	2.0%	2.0%
			Monthly	Year 1	Year 2	Year 3
Revenues						
Rental Income			10,800	129,600	132,192	134,836
Vacancy/Loss Rate		5.0%		5.0%	0.0%	0.0%
Vacancy/Loss Value			(540)	(6,480)	0	0
Gross Income			10,260	123,120	132,192	134,836
Expenses						
Property Taxes	Annual	25,000		25,000	25,500	26,010
Insurance	Annual	10,000		10,000	10,200	10,404
Maintenance & Repairs	Annual	3,000		3,000	3,060	3,121
Utilities	Annual	1,500		1,500	1,530	1,561
Garbage	Annual	2,000		2,000	2,040	2,081
Administrative	Annual	500		500	510	520
Variable Cost PM	(% Income)	5%		6,156	6,610	6,742
Fixed Cost PM	Annual	0		0	0	0
Other 1	Annual	0		0	0	0
Other 2	Monthly	0		0	0	0
Total Expenses				48,156	49,450	50,439
Expenses as % of Gross Income				42.16%	37.4%	37.4%
Net Operating Income (NOI)				74,964	82,742	84,397
Cash Flow						
NOI (Cash Available)			6,247	74,964	82,742	84,397
Mortgage			5,143	61,716	61,716	61,716
Total Cash Flow			1,104	13,248	21,026	22,681
Cash ROI				2.87%	4.55%	4.91%
Equity Accrued				27,101	28,206	29,355
Total Return				40,349	49,232	52,036

Total ROI				8.74%	10.66%	11.27%
Cash Flow / Mortgage Ratio				121%	134%	137%
Total Equity Accrued				27,101	55,307	84,662
Loan Payoff Amount				\$1,511,849	\$1,483,643	\$1,454,288

	Revenue Assumptions						
	Monthly Rent	\$10,800		Based on 7 apts + commercial			
	Vacancy Rate	5%					
	CF & ROI (Outsourced PM)			CF & ROI (Doing My Own PM)			
	Annual Cash Flow	\$13,248		Annual Cash Flow	\$19,404		
	Cash ROI	2.87%		Cash ROI	4.20%		
	Total ROI	8.74%		Total ROI	10.07%		
Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
137,533	140,283	143,089	145,951	148,870	151,847	154,884	157,982
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0	0	0	0	0	0	0	0
137,533	140,283	143,089	145,951	148,870	151,847	154,884	157,982
26,530	27,061	27,602	28,154	28,717	29,291	29,877	30,475
10,612	10,824	11,041	11,262	11,487	11,717	11,951	12,190
3,184	3,247	3,312	3,378	3,446	3,515	3,585	3,657
1,592	1,624	1,656	1,689	1,723	1,757	1,793	1,828
2,122	2,165	2,208	2,252	2,297	2,343	2,390	2,438
531	541	552	563	574	586	598	609
6,877	7,014	7,154	7,298	7,443	7,592	7,744	7,899
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
51,447	52,476	53,526	54,596	55,688	56,802	57,938	59,097
37.4%	37.4%	37.4%	37.4%	37.4%	37.4%	37.4%	37.4%
86,085	87,807	89,563	91,354	93,181	95,045	96,946	98,885
86,085	87,807	89,563	91,354	93,181	95,045	96,946	98,885
61,716	61,716	61,716	61,716	61,716	61,716	61,716	61,716
24,369	26,091	27,847	29,638	31,465	33,329	35,230	37,168
5.28%	5.65%	6.03%	6.42%	6.82%	7.22%	7.63%	8.05%
30,551	31,795	33,091	34,439	35,842	37,302	38,822	40,404
54,920	57,886	60,938	64,077	67,307	70,631	74,052	77,572

11.90%	12.54%	13.20%	13.88%	14.58%	15.30%	16.04%	16.80%
139%	142%	145%	148%	151%	154%	157%	160%
115,213	147,008	180,099	214,538	250,380	287,682	326,504	366,908
\$1,423,737	\$1,391,942	\$1,358,851	\$1,324,412	\$1,288,570	\$1,251,268	\$1,212,446	\$1,172,042

17.59%	18.39%	19.23%	20.08%	20.97%	21.87%	22.81%	23.77%
163%	167%	170%	173%	177%	180%	184%	188%
408,958	452,721	498,267	545,669	595,001	646,344	699,779	755,390
\$1,129,992	\$1,086,229	\$1,040,683	\$993,281	\$943,949	\$892,606	\$839,171	\$783,560

24.77%	25.79%	26.84%	27.93%	29.05%	30.20%	31.39%	32.61%
191%	195%	199%	203%	207%	211%	216%	220%
813,267	873,503	936,192	1,001,435	1,069,337	1,140,005	1,213,552	1,290,095
\$725,683	\$665,447	\$602,758	\$537,515	\$469,613	\$398,945	\$325,398	\$248,855

33.88%	35.18%	36.52%
224%	229%	233%
1,369,757	1,452,665	1,538,950
\$169,193	\$86,285	\$0

Cost Assumptions				Financing Assumptions		
Purchase Price		\$38,000		Downpayment		30%
Land Value (25%)		\$9,500		Finance Amt		\$1,638,950
Building Value (75%)		\$28,500		Downpayment Amt		\$491,685
Improvements		\$1,600,000		Interest Rate		4.0%
Closing Costs		\$950		Mortgage (Years)		30
Total Cost		\$1,638,950		Mortgage Payment		\$5,477
				Cash Outlay		\$491,685
				Year 1	Year 2	Year 3
Annual Revenue Increase		2%		0.0%	2.0%	2.0%
Annual Operating Expense Increase		2%		0.0%	2.0%	2.0%
			Monthly	Year 1	Year 2	Year 3
Revenues						
Rental Income		13,500		162,000	165,240	168,545
Vacancy/Loss Rate		5.0%		5.0%	0.0%	0.0%
Vacancy/Loss Value		(675)		(8,100)	0	0
Gross Income		12,825		153,900	165,240	168,545
Expenses						
Property Taxes	Annual	25,000		25,000	25,500	26,010
Insurance	Annual	10,000		10,000	10,200	10,404
Maintenance & Repairs	Annual	3,000		3,000	3,060	3,121
Utilities	Annual	1,500		1,500	1,530	1,561
Garbage	Annual	2,000		2,000	2,040	2,081
Administrative	Annual	500		500	510	520
Variable Cost PM	(% Income)	5%		7,695	8,262	8,427
Fixed Cost PM	Annual	0		0	0	0
Other 1	Annual	0		0	0	0
Other 2	Monthly	0		0	0	0
Total Expenses				49,695	51,102	52,124
Expenses as % of Gross Income				35.68%	30.9%	30.9%
Net Operating Income (NOI)				104,205	114,138	116,421
Cash Flow						
NOI (Cash Available)		8,684		104,205	114,138	116,421
Mortgage		5,477		65,727	65,727	65,727
Total Cash Flow		3,207		38,478	48,411	50,694
Cash ROI				7.83%	9.85%	10.31%
Equity Accrued				28,863	30,038	31,262
Total Return				67,341	78,450	81,956

Total ROI				13.70%	15.96%	16.67%
Cash Flow / Mortgage Ratio				159%	174%	177%
Total Equity Accrued				28,863	58,901	90,163
Loan Payoff Amount				\$1,610,087	\$1,580,049	\$1,548,787

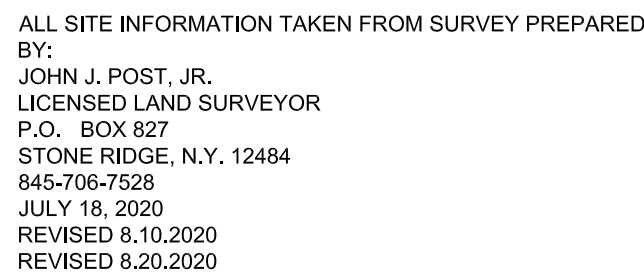
	Revenue Assumptions						
	Monthly Rent	\$13,500		Based on 9 apts + commercial			
	Vacancy Rate	5%					
	CF & ROI (Outsourced PM)			CF & ROI (Doing My Own PM)			
	Annual Cash Flow	\$38,478		Annual Cash Flow	\$46,173		
	Cash ROI	7.83%		Cash ROI	9.39%		
	Total ROI	13.70%		Total ROI	15.26%		
Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11
171,916	175,354	178,861	182,438	186,087	189,809	193,605	197,477
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
0	0	0	0	0	0	0	0
171,916	175,354	178,861	182,438	186,087	189,809	193,605	197,477
26,530	27,061	27,602	28,154	28,717	29,291	29,877	30,475
10,612	10,824	11,041	11,262	11,487	11,717	11,951	12,190
3,184	3,247	3,312	3,378	3,446	3,515	3,585	3,657
1,592	1,624	1,656	1,689	1,723	1,757	1,793	1,828
2,122	2,165	2,208	2,252	2,297	2,343	2,390	2,438
531	541	552	563	574	586	598	609
8,596	8,768	8,943	9,122	9,304	9,490	9,680	9,874
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0
53,167	54,230	55,314	56,421	57,549	58,700	59,874	61,072
30.9%	30.9%	30.9%	30.9%	30.9%	30.9%	30.9%	30.9%
118,749	121,124	123,547	126,018	128,538	131,109	133,731	136,405
118,749	121,124	123,547	126,018	128,538	131,109	133,731	136,405
65,727	65,727	65,727	65,727	65,727	65,727	65,727	65,727
53,023	55,398	57,820	60,291	62,811	65,382	68,004	70,679
10.78%	11.27%	11.76%	12.26%	12.77%	13.30%	13.83%	14.37%
32,536	33,861	35,241	36,677	38,171	39,726	41,345	43,029
85,558	89,259	93,061	96,968	100,982	105,108	109,349	113,708

17.40%	18.15%	18.93%	19.72%	20.54%	21.38%	22.24%	23.13%
181%	184%	188%	192%	196%	199%	203%	208%
122,699	156,560	191,802	228,478	266,649	306,376	347,720	390,749
\$1,516,251	\$1,482,390	\$1,447,148	\$1,410,472	\$1,372,301	\$1,332,574	\$1,291,230	\$1,248,201

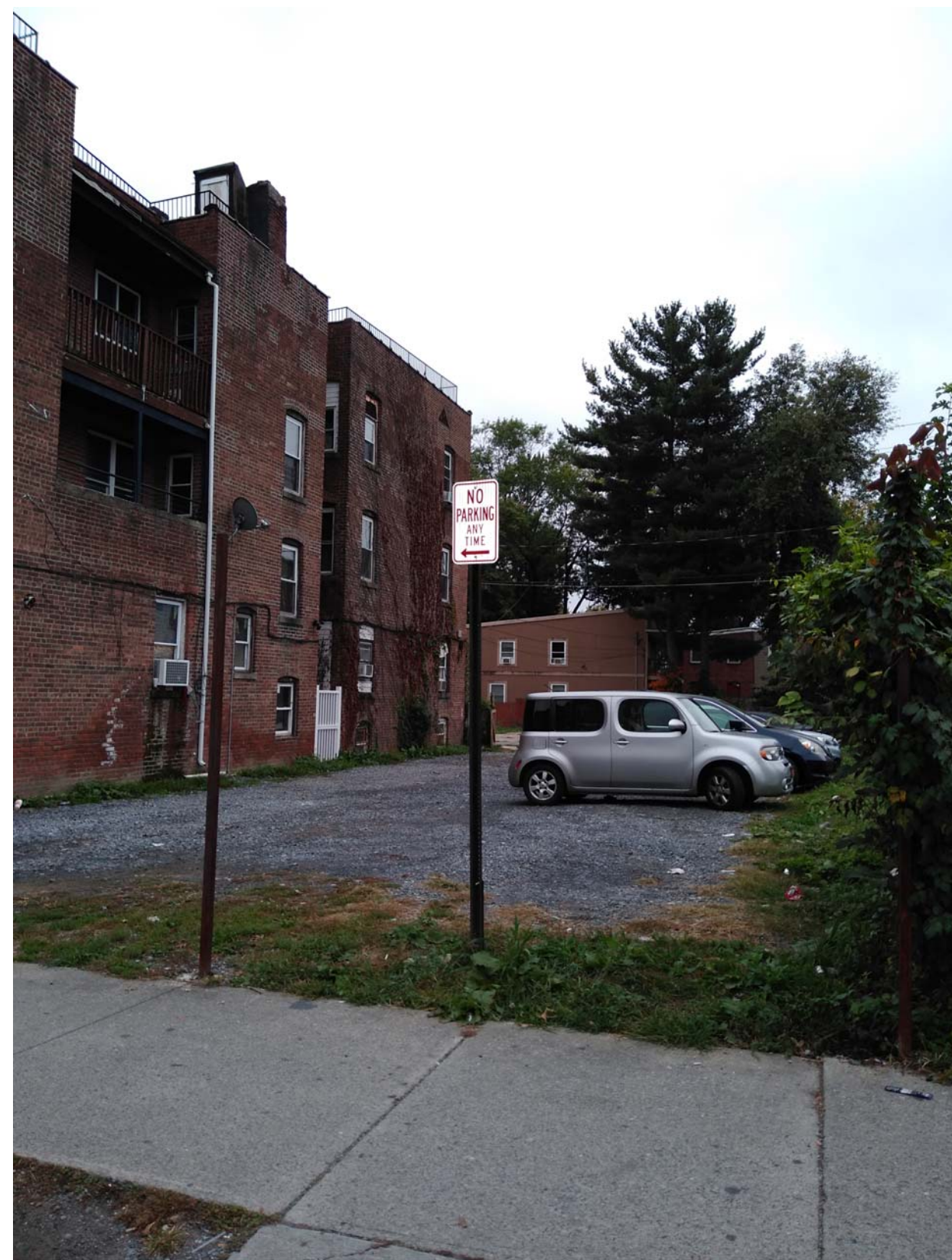
24.04%	24.97%	25.94%	26.93%	27.95%	29.00%	30.07%	31.18%
212%	216%	220%	225%	229%	234%	238%	243%
435,532	482,138	530,644	581,126	633,664	688,343	745,250	804,475
\$1,203,418	\$1,156,812	\$1,108,306	\$1,057,824	\$1,005,286	\$950,607	\$893,700	\$834,475

32.32%	33.50%	34.70%	35.95%	37.23%	38.54%	39.90%	41.30%
248%	253%	258%	263%	268%	274%	279%	285%
866,113	930,262	997,025	1,066,508	1,138,822	1,214,082	1,292,408	1,373,925
\$772,837	\$708,688	\$641,925	\$572,442	\$500,128	\$424,868	\$346,542	\$265,025

42.73%	44.21%	45.74%
291%	296%	302%
1,458,763	1,547,058	1,638,950
\$180,187	\$91,892	\$0



A-1	PROPOSED SITE PLAN
1:10	



	DRAWN BY KRR	PROJECT NUMBER 20046
	CHECKED BY RPKV	DATE 10-12-21
	DRAWING NUMBER SP-1	
FILE	P:\2000JOB # - JOB NAME	

A-12	PHOTO OF EXISTING SITE
NTS	

SP-1

Short Environmental Assessment Form

Part 1 - Project Information

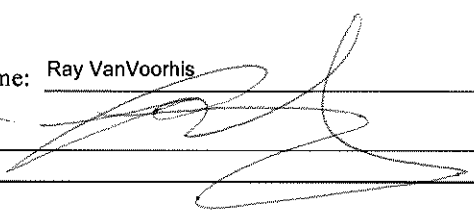
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: 556 Main St Multi Use Bldg		RECEIVED OCT 13 2021	
Project Location (describe, and attach a location map): 556 Main Street Poughkeepsie, NY			
Brief Description of Proposed Action: Construction of a three story multi use building on a vacant 4500 sf parcel containing commercial space storefront, one (1) bedroom ADA apartment, (4) efficiency apartment and (4) 1 BR apartments with rooftop terrace. Parking spaces are proposed with landscaped buffers.			
Name of Applicant or Sponsor: Liscum McCormack VanVoorhis		Telephone: 845-452-2268 E-Mail: kryan24@verizon.net	
Address: 181 Church Street			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Zoning, Planning and Building		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		.103 acres	
b. Total acreage to be physically disturbed?		.103 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.371 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Residential Urban ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
Small Parking lot flow will be to landscaped beds and street. Roof drains may require tie in to city storm water.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Ray VanVoorhis</u> Date: <u>10/13/21</u> Signature:  Title: <u>Architect</u>		

RESOLUTION
(R20-39)

INTRODUCED BY COUNCILMEMBER CHERRY

WHEREAS, the City of Poughkeepsie has previously taken title to a vacant lot known as 556 Main Street (Tax Map No: 6161-24-392943), in the City of Poughkeepsie by reason of a stipulated court settlement; and

WHEREAS, the above mentioned properties have been offered for sale by the City in accordance with the policy for the sale of City owned property; and

WHEREAS, an offer has been received from 558 Main Street, LLC to purchase these properties for the sum of \$38,000; and

WHEREAS, the Property Acquisition and Disposition Committee, having considered the mission of the Committee and the policies of the City, one of which is to increase homeownership, has recommended that the City of Poughkeepsie accept this offer; and

WHEREAS, the Common Council hereby finds that the offer from 558 Main Street, LLC is in the best interests of the City of Poughkeepsie; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby makes the following determinations: (a) that there is no existing municipal purpose or need for this property, and (b) that the sale price and conditions imposed herein represent fair and adequate consideration for the conveyance; and be it further

RESOLVED, that the offer from 556 Main Street, LLC, to purchase premises known as 556 Main Street (6161-24-392943), in the City of Poughkeepsie for the sum of \$38,000.00 is hereby approved subject to the hereinafter mentioned conditions and subject to such other and further conditions which the Corporation Counsel shall deem appropriate; and be it further

RESOLVED, that this sale is approved subject to the following conditions:

- A. That the Purchaser shall within thirty (30) days of the date of this resolution, take title to such property.**
- B. Purchaser shall obtain a building permit for the construction of a three story mixed-use building within six (6) months of the closing of title;**
- C. Purchaser shall obtain a valid Certificate of Occupancy for the property within one (1) year after the issuance of a building permit;**
- D. The transfer of title and Purchaser's use of the Property shall be subject to all state, federal and local regulations including the City of Poughkeepsie and New York State Building Codes and the City of Poughkeepsie Zoning**

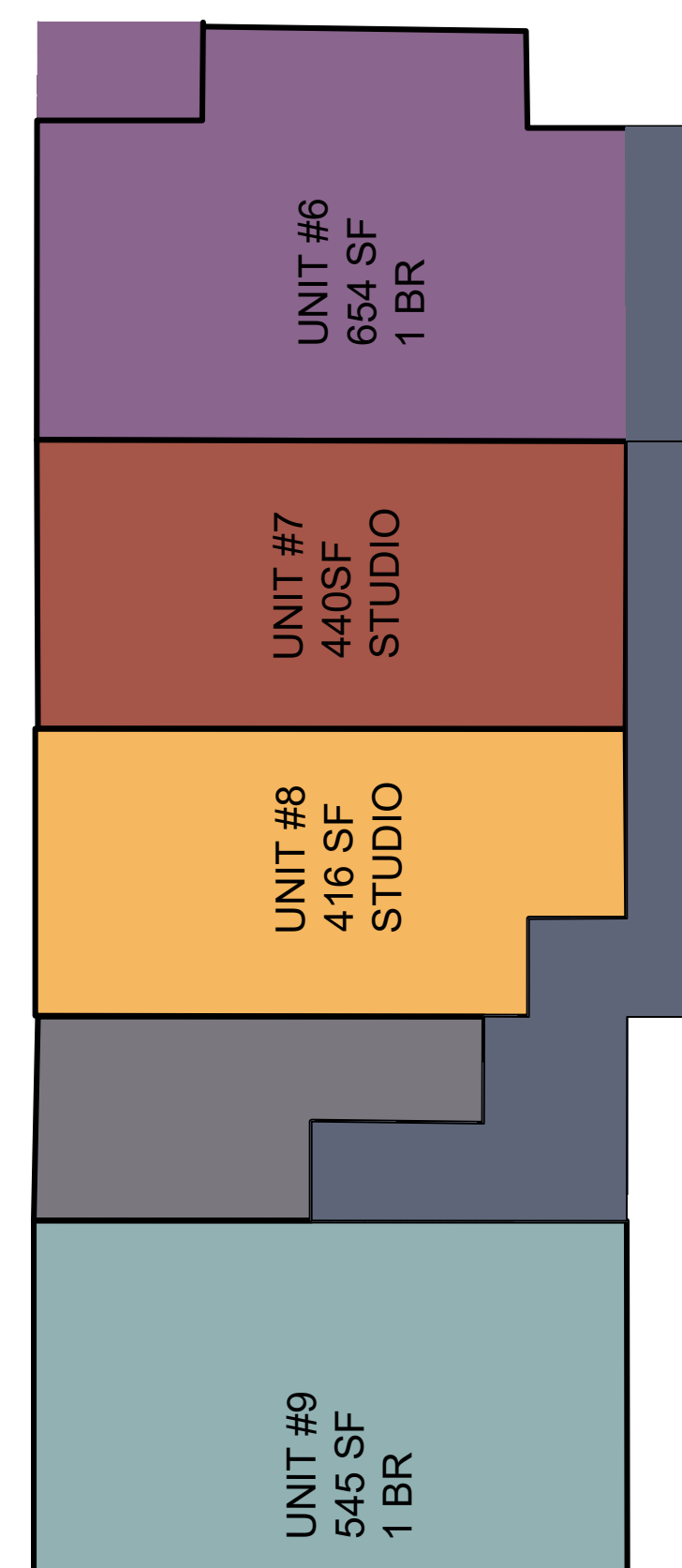
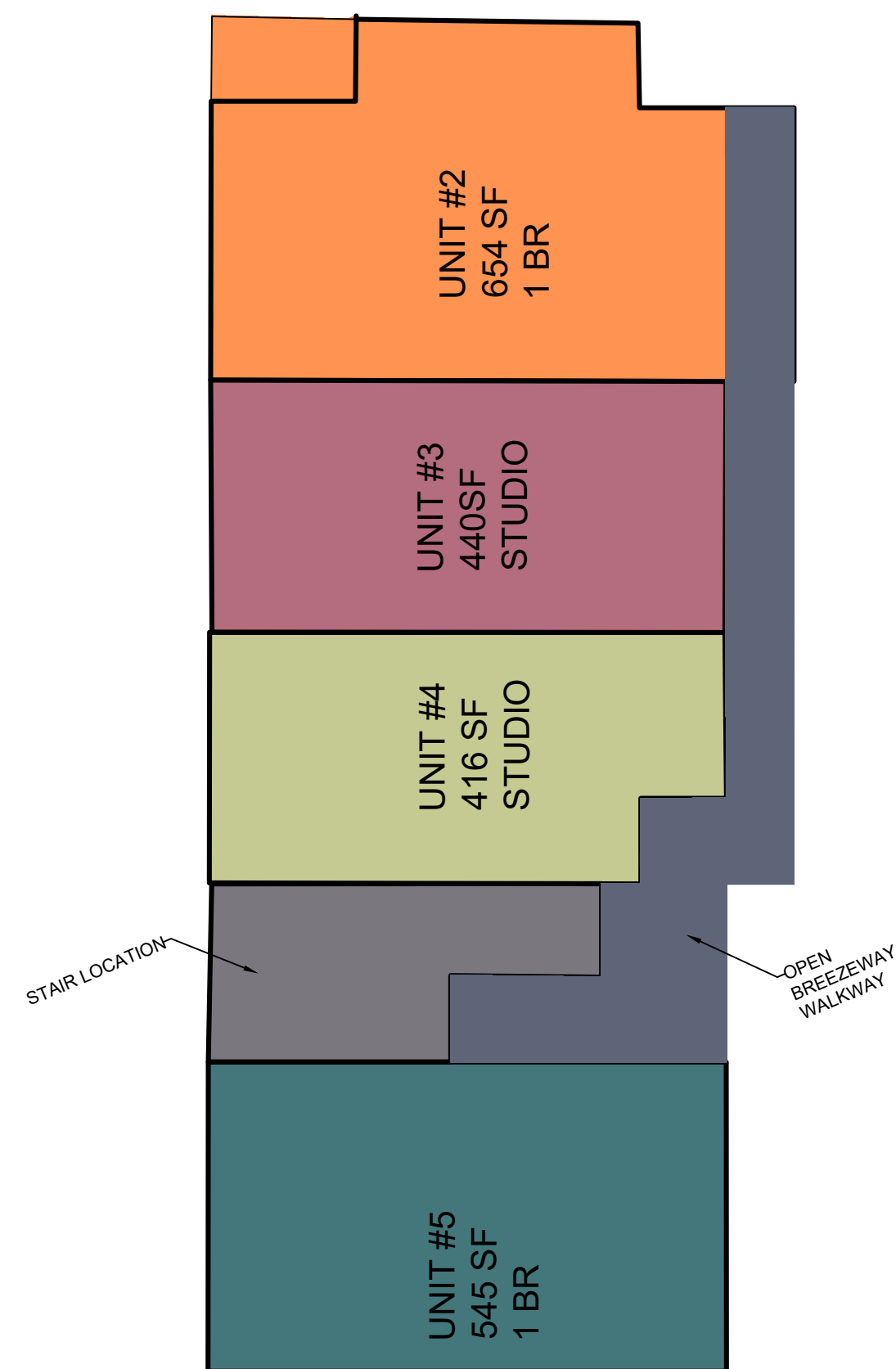
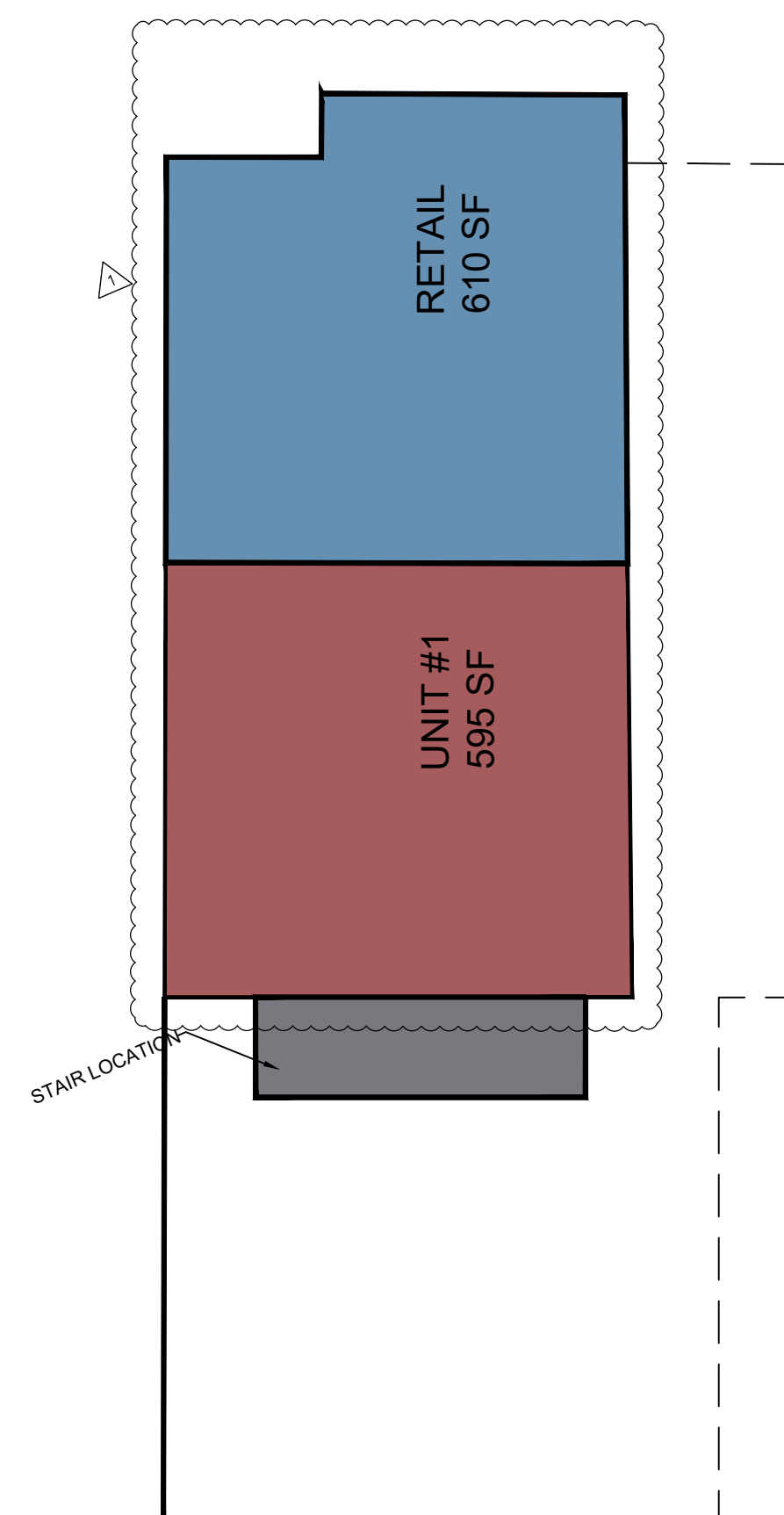
Ordinance and real property taxes coming due pursuant to law on and after the date of transfer of title;

- E. Purchaser's obligation to purchase such property shall be contingent upon Seller obtaining and insurable interest in the property pursuant to Article 15 of the Real Property Action and Proceedings Law or other applicable law;
- F. Purchaser agrees that he shall not use the agreed upon purchase price as a reason to grieve or otherwise contest the assessed value of the premises for purposes of real property taxation; and
- G. Prior to the closing of title, Purchaser shall apply for and obtain the approval from the Planning Board and/or the Zoning Board of Appeals of any site plan approval or zoning variances required by law; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into a contract of sale for the above mentioned transaction provided such contract contains the terms contained herein together with such other terms and conditions which the Mayor and the Corporation Counsel shall deem appropriate, and the Mayor, the City Administrator and the Corporation Counsel are hereby authorized and directed to do all things necessary to give effect to the terms of this resolution.

SECONDED BY COUNCILMEMBER BRANNEN

Submitted to Council: May 4, 2020 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 9 Nays 0 Abstain 0 Absent 0 Approved by Mayor on <u>5/5/20</u> Mayor's Signature <u>R. B. Nelson</u>	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>May 4, 2020</u> <u>Joanne H. Flynn</u> City Chamberlain
---	---



NOTES

3		
2		
1	REVISED FIRST FLOOR SF RATIO PER ZB	11-19-2
No.	REVISION/SUBMISSION	DATE



**Liscum
McCormack
VanVoorhis LLP**

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

**ARCHITECTURE
PLANNING INTERIORS**

PROJECT
NEW MULTI USE BUILDING
556 MAIN STREET
POUGHKEEPSIE, NY 12601

DRAWING

PROPOSED FLOOR PLANS

	DRAWN BY KRR	PROJECT NUMBER 20046
	CHECKED BY RPV	DATE 10-12-21
	DRAWING NUMBER	
FILE	P:2000 JOB # - JOB NAME	



NOTES

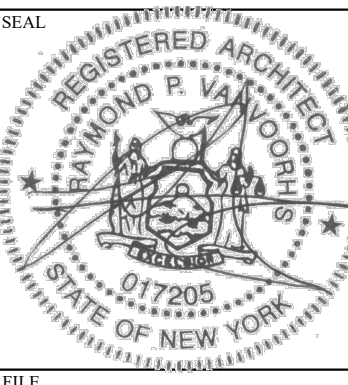
3		
2		
1	REVISED FIRST FLOOR SF RATIO PER ZB	11-19-21
No.	REVISION/SUBMISSION	DATE



PROJECT
NEW MULTI USE BUILDING
556 MAIN STREET
POUGHKEEPSIE, NY 12601

DRAWING

BUILDING ELEVATION STUDY



A-1



PLANNING CONSULTANTS, INC.

November 23, 2021

Ms. Judy Knauss
City of Poughkeepsie Zoning Administration
62 Civic Center Plaza
Poughkeepsie, NY 12601

Ms. Natalie Quinn
City of Poughkeepsie Planning Department
62 Civic Center Plaza
Poughkeepsie, NY 12601

**Re: 267 Mill Street
Area Variance Application/Open Space & Signage**

Dear Ms. Knauss & Ms. Quinn:

Enclosed please find the following:

1. One(1) Copy of Area Variance Application prepared November 23, 2021
2. Area Variance Addenda prepared November 23, 2021
3. Correspondence from the City of Poughkeepsie ZBA dated November 4, 2021
4. SEAF prepared October 4, 2021
5. Eleven(11) Copies of Amended Site Plan (SP1) prepared by the LRC Group dated November 8, 2021.
6. Eleven(11) Proposed Signage drawings 1.1 & 1.2 prepared by the GNS Group dated October 21, 2021
7. Fee for \$350.00

Please advise if you require anything further for your review.

Thank you.

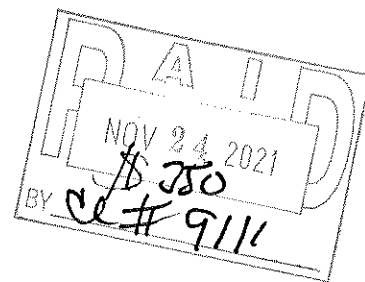
Sincerely,

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

Kelly Libolt



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



FEE: \$350.00
CODE: A2112
ACTIVITY #

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

REQUEST FOR AREA VARIANCE(S)

(TYPE, OR PRINT IN DARK INK)

I. OWNER INFORMATION

Name: Page Park Associates
Address: PO Box 792
Poughkeepsie, NY 12602
Phone #: 845-471-0191

II. APPLICANT INFORMATION

Name: Kelly Libolt, Page Park Associates
Address: _____

Phone #: _____

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

III. CONSULTANT INFORMATION

Name: _____
Address: _____

Phone #: _____

IV. PROPERTY INFORMATION

Property Address (subject of appeal): 267 Mill Street
Tax Parcel #: 6162-69-073173
Date property acquired: _____
Present use of property: Residential
Zoning District: CE - Creative Edge
Dimensions: Lot Area 10,890 (sq. ft.) Width _____ ft.
Depth _____ ft. Frontage on street _____ ft.
Is the property currently for sale or is the applicant preparing to sell? No

V. REASON FOR APPEAL

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).

A copy of this decision, dated _____, must be attached.

VI. REQUEST FOR AREA VARIANCE

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.

Page Park Associates

I/We, (insert name of applicant) _____,
hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance:

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
19-3.37-2 Note 2	15% of total lot area (1633.5)	Providing 1608(variance of 25.5sqft)
19-4.9(9)(i)2	Not to extend above bottom sill of	Extend above bottom sill of 2nd

VII. VARIANCE REQUEST EXPLANATION

Pursuant to Section 19-9.4 (2) (d) of the Zoning Ordinance, the Zoning Board of Appeals, in making its determination, shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider the applicant's responses to the following:

Note: It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied for each variance requested.

PLEASE ATTACH RESPONSES ON A SEPARATE SHEET.

- (i) 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.
- (ii) Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn't require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).
- (iii) Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.
- (iv) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.
- (v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

VIII. LIST OF REQUIRED ATTACHMENTS

- 1. Letter or communication which resulted in application to the ZBA.
- 2. Site or Plot Plan: Eleven (11) copies.
- 3. Color photos of site conditions (8 copies)
- 4. Complete Short EAF (see explanation under Submission Requirements).
- 5. Other attachments deemed pertinent by the applicant (please list):

- a) _____
- b) _____
- c) _____
- d) _____

IX. 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.

Kubon
SIGNATURE OF APPLICANT

November 23, 2021
DATE

267 Mill Street, Poughkeepsie

Area Variance Application

Variance Request Explanation

November 23, 2021

RE: Open Space:

According to Section 19-3.37-2, the project is required to provide 15% of total lot area (or 1,633.5 sq. ft.). As shown on the plan, the Applicant is providing 1,608 sq. ft. of open space. Therefore, this proposed plan would require an area variance of 25.5 sq. ft. of open space

(i) 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.

Response: The granting of the area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The project area is a long narrow parcel. The existing building is located near the road, similar to the other properties in the neighborhood. The predominant area where the neighborhood and nearby properties could see the impact of the addition of open space is within the front yard. As such, the Applicant has completely renovated the front yard with landscaping, river rock, new walking stones and updated plantings. Therefore, the greatest impact area has been improved. Further, the applicant is proposing to increase the landscaping and green space in the rear of the project. All existing landscaped areas in the rear of the property have been properly treated by the Applicant's landscaper, all plants now properly pruned. Further, the Applicant has also coordinated with the neighboring property and paid to have their landscaping and



park / play area for the children maintained.



(ii) Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn't require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).

Response: The alternative to add the additional 25.5 sq. ft. of open space could be achieved by the elimination of parking spaces with the addition of a parking island. It is not anticipated that the addition of a single parking island will significantly contribute the overall open space of the parcel.

(iii) Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.

Response: The requested variance is not substantial being 25.5 sq. ft. of open space and created in isolation within a parking space, would not contribute to the overall open space for the project.

(iv) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.

Response: The granting of the area variance will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district. First, the property has existed in its nearly current state for decades. As such, the project area is a long narrow parcel. The existing building is located near the road, similar to the other properties in the neighborhood. The predominant area where the neighborhood and nearby properties could see the impact of the addition of open space is within the front yard. The Applicant has completely renovated the front yard with landscaping, river rock, new walking stones and updated plantings. Therefore, the greatest impact area has been improved. Further, the applicant is proposing to increase the landscaping and green space in the rear of the project. All existing landscaped areas in the rear of the property have been properly treated by the Applicant's landscaper, all plants now properly pruned. Further, the Applicant has also coordinated with the neighboring property and paid to have their landscaping and park / play area for the children maintained.

(v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

Response: Although the need for the area variance is somewhat self-created, this parcel and building existed for decades in his current state. The Applicant has contributed significantly to the radical improvement of this property both aesthetically and purposeful. The project has created much needed residential housing within the City within the focus Improvement District. Further, the exterior of the structure has been completely renovated with colors and materials that are more in keeping with the historic character of this portion of the City.



267 Mill Street, Poughkeepsie

Area Variance Application

Variance Request Explanation

November 23, 2021

Signage:

The Applicant is proposing the installation of a wall sign above the bottom sill of the window on the second story of the building.

According to Section 19-4.9(i)(2) of the Zoning Code:

*“Maximum dimensions. Wall signs shall not exceed a height of three feet and shall not exceed an area in square feet equal to one times the length of the frontage, up to a maximum of 60 square feet. For one-story buildings, a wall sign shall not extend higher than the top of the cornice line. **For buildings of two stories or more, a wall sign shall not extend above the bottom sill of windows on the second story.**”*

(i) 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.

Response: The granting of the area variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed sign is benign and is solely intended to softly display the historic name of the building – “The Legion”. The colors for the sign are in keeping with the professionally selected colors of the building.

(ii) Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn’t require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).

Response: The alternative to change the sign to a marquee sign which would be permitted above the second floor window was not desirable as it produced an image that looked like a “bar” sign. Again the purpose of the wall signage was to softly place the original historic name of the structure on the building.

(iii) Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.

Response: The requested variance is not substantial given that an alternative type of sign, i.e. marquee sign which is larger and more prominent and would be more impactful to the neighborhood and resident who lives next to the sign, is permitted above the second floor window

(iv) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.

Response: The granting of the area variance will not have an adverse effect or impact to the physical or environmental conditions. The proposed sign is benign and is solely intended to softly display the historic name of the building – “The Legion”. The colors for the sign are in keeping with the professionally selected colors of the building. It is our opinion that an as of right marquee sign would be more impactful to the neighborhood and residents of the building.

(v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

Response: Although the need for the area variance is somewhat self-created, again, we feel an as of right marquee sign is not in keeping with the intent of the property and more closely replicated a “bar” sign. Further the as of right marquee sign would be more impactful to the neighborhood and residents.

From: [Knauss, Judith](#)
To: [Kelly](#); [Amy Argyrakis](#)
Subject: 267 Mill Street Open Space Requirement
Date: Thursday, November 4, 2021 11:50:07 AM
Attachments: [ZBA Area Variance application.pdf](#)

The Planning Department is in receipt of your application for amended site plan approval relative to the proposed conversion of a former office building to a multiple dwelling with a total of eight (8) dwelling units. The previous approval was for seven (7) units. The property is located in the Poughkeepsie Innovation District – Creative Edge (PID-CE).

Section 19-3.37(8), Table 3.37-2 of the Zoning Ordinance requires that 15% of lot area in the PID-CE be devoted to open space (calculated as a percentage of the total lot area). The lot at 267 Mill Street is approximately 10890 square feet, which would yield an open space requirement of 1633.5 square feet. 1294 square feet is provided, leaving a deficiency of approximately 339. Additionally, it is not clear how the 275 square feet that appears to be a courtyard of some type is to be accessed, so it is not clear that counts to the total.

You may, within sixty (60) days of the date of this letter, either:

- 1) Amend the application to reflect compliance; or,
- 2) Make application to the Zoning Board of Appeals to request a variance (form attached).

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

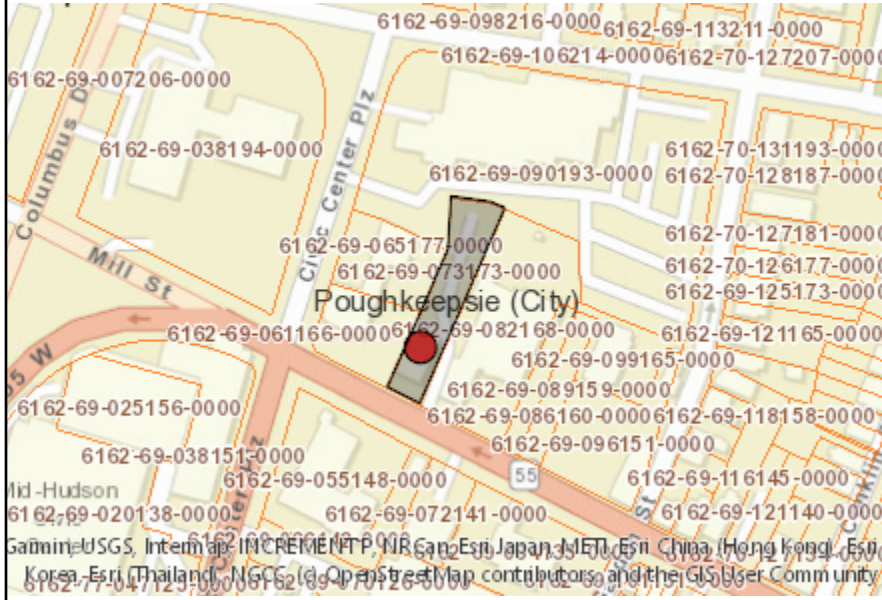
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

Part 1 – Project and Sponsor Information			
Name of Action or Project: 267 Mill Street			
Project Location (describe, and attach a location map): 267 Mill Street			
Brief Description of Proposed Action: Installation of Wall Sign			
Name of Applicant or Sponsor: Page Park Associates		Telephone: 845-471-0191	
		E-Mail: kelly@pageparkassociates.com	
Address: 85 Civic Center Plaza			
City/PO: Poughkeepsie		State: NY	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Site Plan Approval		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		_____ n/a acres	
b. Total acreage to be physically disturbed?		_____ n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ n/a acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

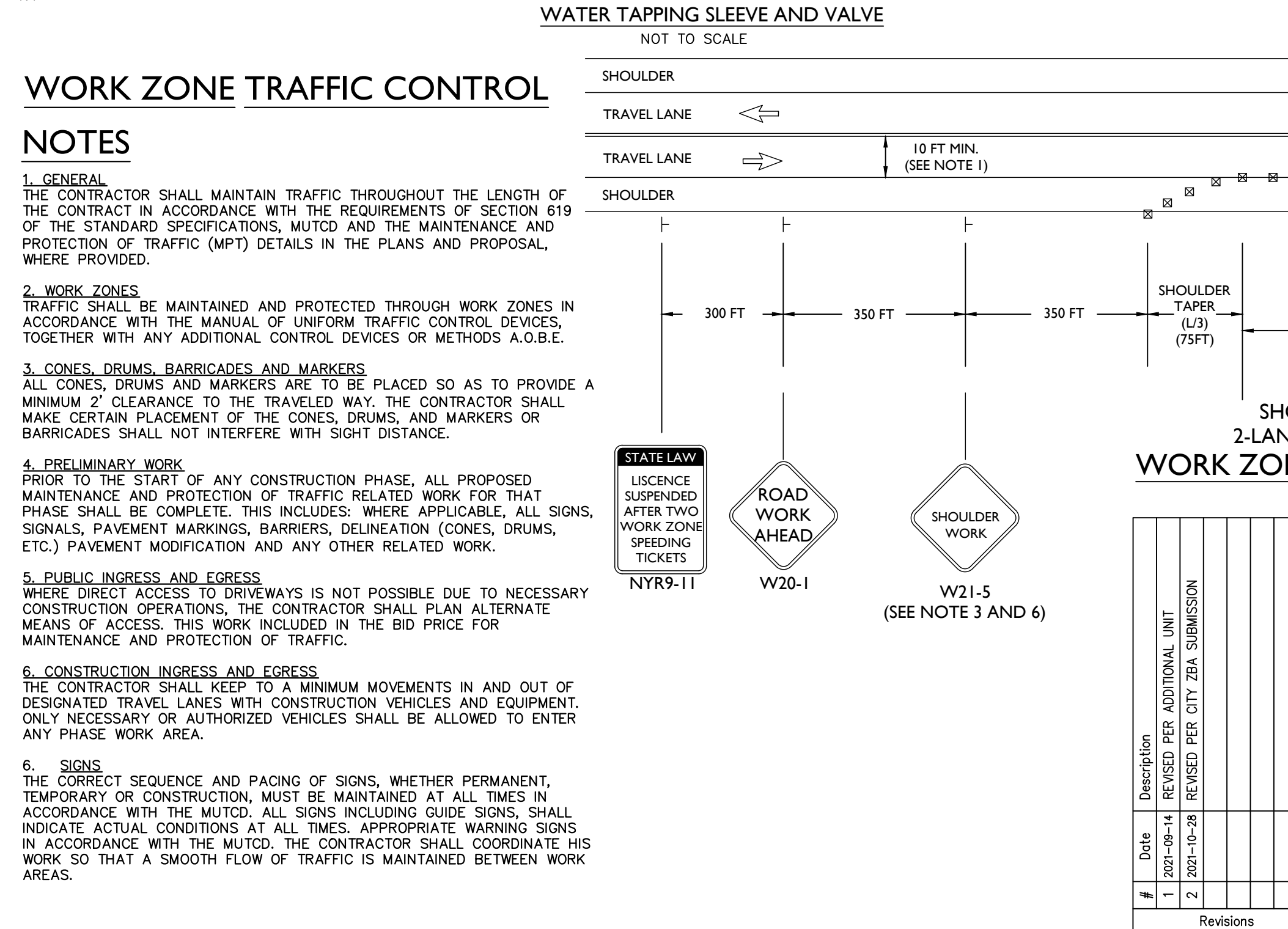
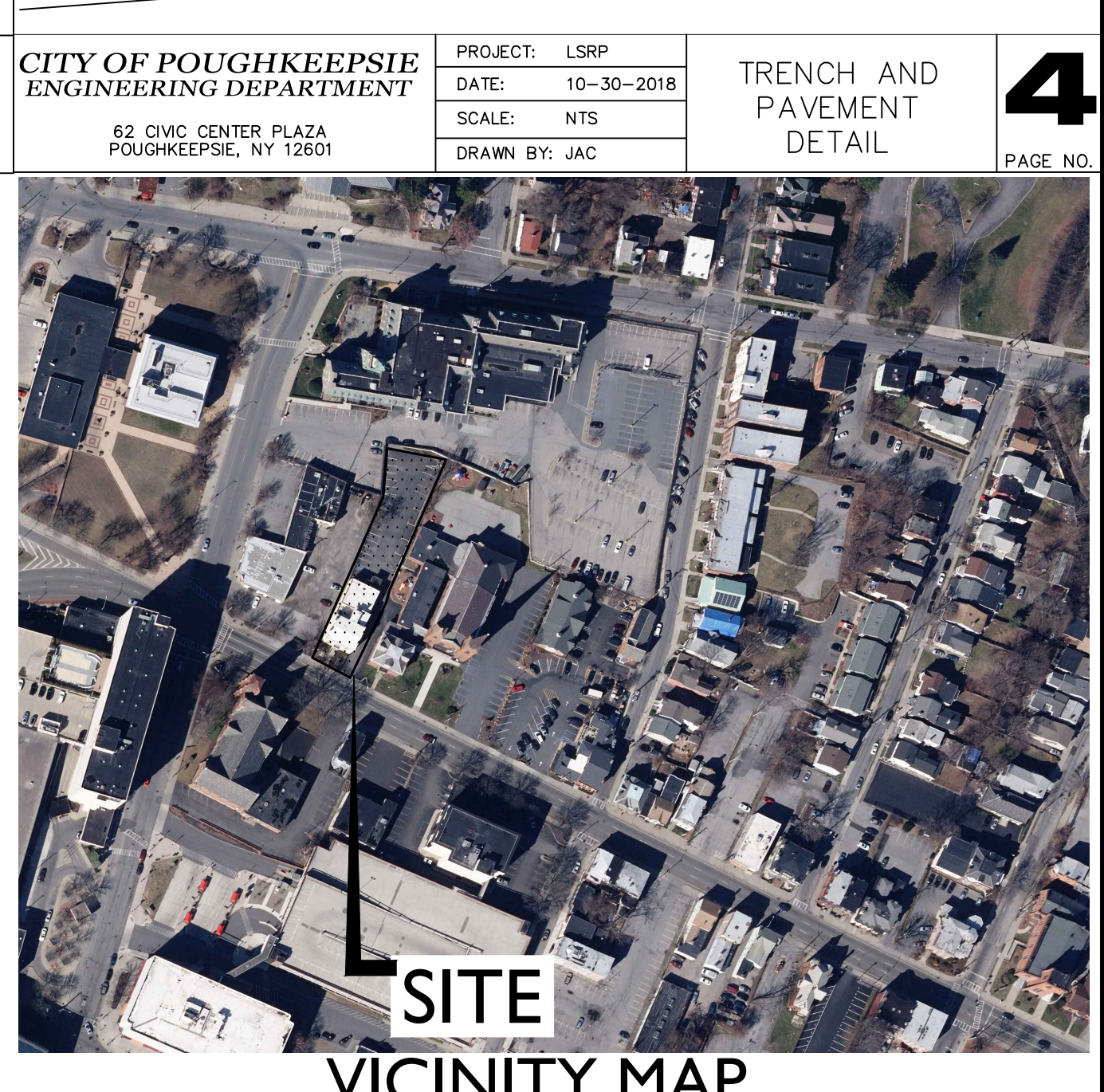
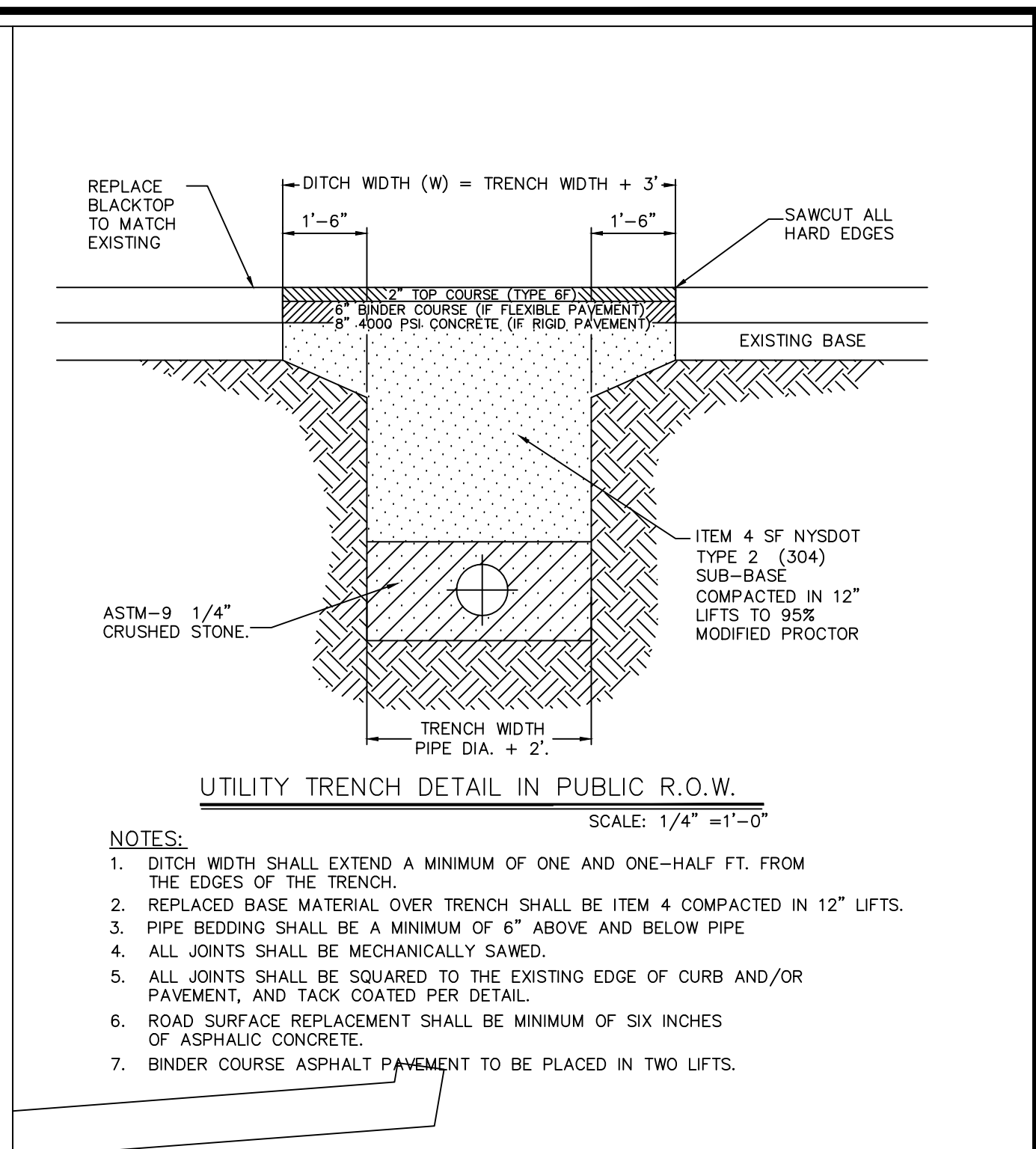
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☒
Five (5) locations within 1/4 mile of project site were the subject of remediation, all of which are considered CLOSED. 269 Mill - Fuel Oil, closed 2004; 304 Mill - Fuel Oil, closed 2006; 302 Mill - Fuel Oil, closed 2019; 297 Mill - Fuel Oil, closed 2020		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: <u>Kelly Libolt, Agent for Applicant</u> Title: <u>Project Manager</u>		



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



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

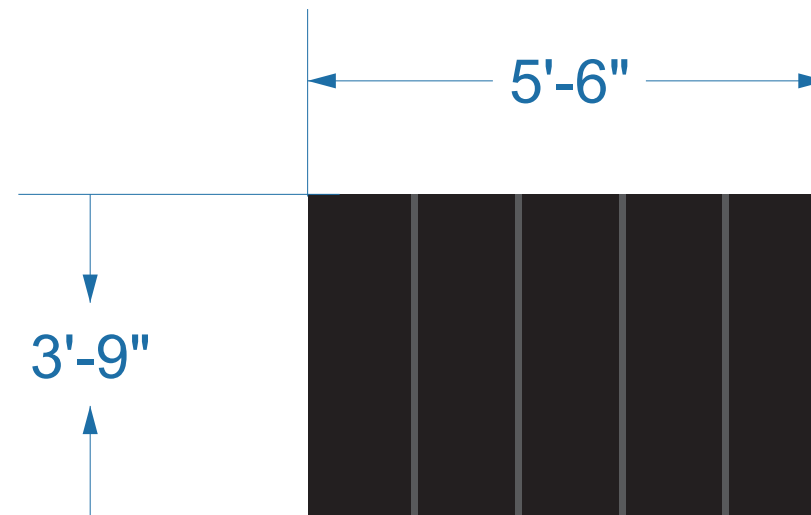




3/4" thick dimensional letters, finish painted brushed silver.
Illumination from above by gooseneck light fixture.



Three (3) NEW Metal, Standing Seam Awnings, finish painted black.
Frame to be from welded, 1" square, aluminum tube.



G R O U P

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

Client/Project location:
The Legion

File Name:

Date:
9/28/2021 rvsd 10/1/2021

Scale:
NTS

Client Approval:
Date:

This diagram is the property of
GNS Group Ltd., and may not be
reproduced without written consent
until such time an agreement has
been reached as to the terms and
conditions of the sale of this diagram.



Sheet:
1.1



G R O U P

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

Client/Project location:
The Legion

File Name:

Date:
9/28/2021 rvsd 10/1/2021

Scale:
1" = 7'

Client Approval:
Date:

This diagram is the property of
GNS Group Ltd., and may not be
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been reached as to the terms and
conditions of the sale of this diagram.



Sheet: 2.1





**THE CITY OF POUGHKEEPSIE
NEW YORK**

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

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

FEE: \$1000.00

CODE: A2112

ID# 421020

IPS# 2BA-2021-
019

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION

PROPERTY ADDRESS: 134 SMITH STREET, POUGHKEEPSIE, 12601

ZONING DISTRICT: RESEARCH AND DEVELOPMENT

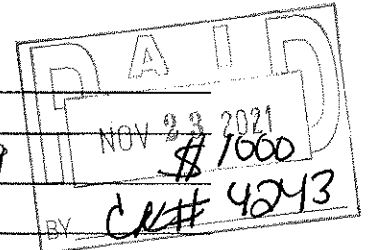
OWNER INFORMATION:

Name: IHSAN NESHEIWAT

Address: 27 RICHIES WAY
PLEASANT VALLEY, 12569

Phone: 845 242 6228

Email: _____



APPLICANT INFORMATION:

Name: GARY E BECK, JR, Z3 CONSULTANTS INC,

Address: PO BOX 363
LAGRANGEVILLE, NY, 12540

Phone: 845 471 9370

Email: assistant@z3consultants.com

CONSULTANT INFORMATION:

Name: _____

Address: _____

Phone: _____

Email: _____

SUBJECT OF APPEAL

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

Name and title of agent: JUDITH KNAUSS DEPUTY ZONING ADMIN

Date of decision/determination/violation: 9/30/21 email

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

RECEIVED

NOV 23 2021

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 134 SMITH ST

USE VARIANCE REQUESTS

SECTION	PROHIBITING	TO ALLOW
<u>19-3.31(2)</u>	<u>DETAIL USE -</u>	<u>LIQUOR STORE</u>
<u>19-5.1(1)(d)</u>	<u>REESTABLISH A</u> <u>NON CONFORMING USE</u>	<u>A NON CONFORMING USE</u>

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (c) 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 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:

- 1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence (The applicant must demonstrate, by competent financial evidence, that they cannot realize a reasonable financial return on their property for any of the currently permitted uses in the Zoning District. The financial statement should relate only to the subject property and not to the applicant's personal finances);
- 2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood (Please explain how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?);
- 3) The requested use variance, if granted, will not alter the essential character of the neighborhood. Explain fully how the character of the neighborhood will not be altered and the intent of the Zoning Ordinance will not be adversely affected.
- 4) The alleged hardship has not been self-created (An applicant cannot claim "unnecessary hardship" if that hardship was created by the applicant, or if the applicant acquired the property in a position to know the conditions for which the applicant is seeking relief). Explain fully how the hardship is not self-created.

Responses to the above questions shall be attached to and submitted with the application. **Use as many sheets as necessary.**

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 134 SMITH ST

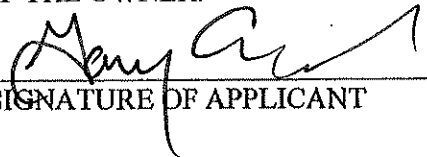
LIST OF REQUIRED ATTACHMENTS

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

SIGNATURE AND VERIFICATION

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

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



SIGNATURE OF APPLICANT

11/22/21
DATE

134 SMITH STREET

ZONING BOARD OF APPEALS USE VARIANCE

Introduction: We are seeking approval for the re-establishment use as a Liquor Store. It is the belief of the property owner, that the requested variance will not be detrimental to the health, safety and welfare of the neighborhood, nor to the City of Poughkeepsie. This property is currently unoccupied, however, it is the goal of the property owner to improve the aesthetics of the existing building.

Reason for appeal:-

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

It is financially impossible to rent or even occupy this section of the structure, as it is not large enough to set up in a manner in which someone could live (no kitchen, bedroom etc.). This space would be far too costly to convert from commercial to residential. The inside of the building is still set up as a liquor store, with shelving and counter space for customers to be checked out. The cost of converting the property/building to a structure that could house a permitted use would exceed any reasonable rate of return on the owner's investment.

One of the first "Uses permitted by right" in an R&D district is a business. The definition of the word "business" is "a person's regular occupation, profession, or trade" and "the practice of making one's living by engaging in commerce". A liquor store is a business.

A rough construction cost which is about \$150 per square feet, to convert the existing 1,520 square feet of commercial space to a residential apartment would be about \$228,000. The current tenant pays \$1,065 a month for their apartment. If you were to charge the new tenants in the new space the same amount as the current, in four years, you would only make back \$51,120.

A second scenario would be to convert the entire space which consists of 3,040 square feet to fully commercial. The rough estimated cost of this would be about \$456,000.

The commercial space would be hard to rent out as it is a small space for a Research and Development specific property. Parking is very limited as it is street parking only. If this property was conducive to an R&D district, one of the other businesses in the area would have purchased it to expand.

- B) **The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood (Please explain how the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of**

the district or neighborhood. For example, does the subject property have unique constraints or characteristics not found in other properties in the district or neighborhood?)

The building is a small commercial building that has operated for years as a liquor store. The building is uniquely situated for this specific use. Most of the surrounding buildings in this R&D District are large manufacturing buildings with large areas for parking. Because of its lack of parking in is unlikely to be able to be used for business or professional offices, medical laboratories, residential development or a municipal park. The liquor store is a retail business where patrons spend very little time in the location and allows for very limited parking. This building is unique to most of the other buildings in the district and can't be used for any of the permitted uses.

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

Under the applicable Zoning Regulations this parcel is deprived of all economic use and benefit since the district the building is in, is for high-performance industrial type uses. Having this building re-established as a liquor store will allow for proper maintenance of the grounds and the building. The building's historical use as a liquor store will not change the historic character of the neighborhood, but would contribute to it. Because of this, the area change will not produce an undesirable change in the character of the neighborhood nor be a detriment to nearby properties, and will not be another abandoned building in the City of Poughkeepsie. The neighborhood will not be impacted with any additional construction, as street parking is already accessible and will be utilized. If granted, there will be no traffic concerns as this is not a high density residential area. The essential character of the neighborhood will not be altered. This building has operated as a liquor store for over 25 years. This will bring money and business into the city as well as create jobs. The liquor license for the previous property owner, expired in 2019, and unfortunately due to the Coronavirus outbreak in the same year, many projects were put on hold and this license could not be extended. Because of the coronavirus outbreak, many people are still working from home and not returning back to the office, so another 1500 square feet of office space is not needed.

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

This hardship is not self-created, the property was purchased at auction on 09/23/2021, by new owner Ihsan Nesheiwat, with the intent to re-establish as Smith Street Liquor. The owner/operator of Smith Street Liquors passed away in 2016. She was predeceased by her

husband, so her family was responsible for selling the liquor store. The family took their time in finding just the right person to take over the liquor store, so they kept the liquor license up until they found the right person. Unfortunately, as the liquor license expired, there was the outbreak of the coronavirus, so it could not be reinstated. The intention is nothing more than to continue the historical use.

From: Knauss, Judith <JKnauss@cityofpoughkeepsie.com>
Sent: Thursday, September 30, 2021 9:13 AM
To: accounting@z3consultants.com
Subject: 134 Smith Street

The Planning Department is in receipt of your zoning review request relative to the possible re-establishment of the liquor store in the vacant storefront of the building at 134 Smith Street. The building also contains a single dwelling unit, which, upon information and belief, has been continuously occupied.

The property at 134 Smith Street is located in an area of the City zoned Research and Development (R&D) District. Pursuant to the provisions of Section 19-3.31(2) of the Zoning Ordinance, retail uses are not permitted in the R&D District; therefore, the liquor store was a non-conforming use.

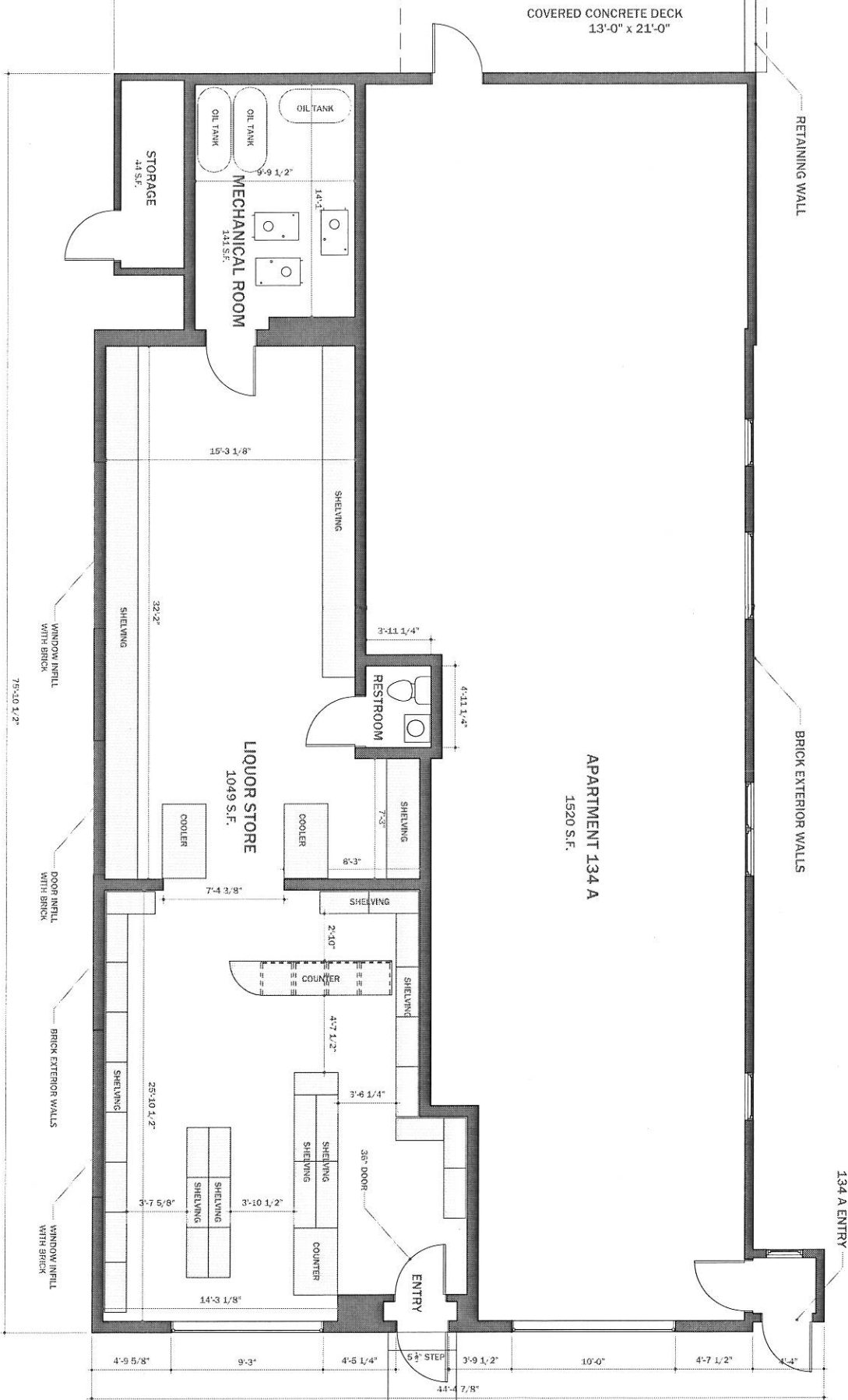
Section 19-5.1(1)(d) of the Zoning Ordinance states that a nonconforming use "Shall not be reestablished or changed to another nonconforming use if such use has been discounted for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so." As the liquor store ceased operations in 2016, well in excess of one year, it may not now be re-established unless a use variance is obtained from the Zoning Board of Appeals. The application form is attached.

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

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

NOTES

1. BUILDING IS A ONE-STORY STRUCTURE
2. BUILDING HAS CMU & BRICK EXTERIOR
3. PLANS REPRESENTS EXISTING CONDITIONS.



the **SMITH STREET
LIQUOR STORE**
134 SMITH ST
POUGHKEEPSIE, NY



Project No. 2021.07

Revisions

Notes

Project Name



Scale
1/4" = 1'-0"

Existing Floor Plan

A1.0

Sheet No. 5/2021

BOSTON STUDIOS
 415-235-2241

**SMITH STREET
LIQUOR STORE**
134 SMITH STREET
POUGHKEEPSIE, NY

Project No. 2021.07

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.



Site Plan

ω

© 2022

134 Smith Street, Poughkeepsie









134 Smith Street, Poughkeepsie

ZILLOW

2 bd2 ba3,040 sqft

134 Smith St, Poughkeepsie, NY 12601

Off market Zestimate®: **\$308,300** Rent Zestimate®: **\$2,799/mo**

Est. refi payment: \$1,668/mo [Refinance your loan](#)

Overview

Note: This property is not currently for sale or for rent on Zillow. The description and property data below may've been provided by a third party, the homeowner or public records.

Absolute Auction - No Minimum, No Reserve, Sells Regardless of Price! Mixed-Use Building Containing Two Spaces - Vacant Commercial Space and Residential Apartment - **Commercial Opportunity or Live and Work here!** Single story building has total footprint of approximately 3,040+/- square feet. Commercial space currently vacant, is approximately 1,520+/- square feet. Sale includes all contents of commercial space: shelving, counters, two functioning coolers, more. Two- bedroom apartment (approximately 1,520 square feet) is currently occupied by long term tenants, on month-to-month basis, who would like to stay if possible. Apartment rent of \$1,065 per month includes heat, hot water, water/sewer. City of Poughkeepsie School District. Municipal water and sewer. New Duro-last roof installed in March 2020 covers the large front portion of the building and has a 15-year transferable warranty.

134 Smith Street, Poughkeepsie



134 Smith Street, Poughkeepsie





134 Smith Street, Poughkeepsie



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Poughkeepsie, ZBA			
Name of Action or Project: Smith Street Liquors			
Project Location (describe, and attach a location map): 134 Smith Street, Poughkeepsie 12601			
Brief Description of Proposed Action: Re-establish the use of Smith Street Liquors, which has operated for over 25 years. The liquor license was not renewed due to Coronavirus.			
Name of Applicant or Sponsor: Gary E Beck Jr, Z3 Consultants		Telephone: 845-471-9370	
		E-Mail: assistant@Z3consultants.com	
Address: PO Box 363			
City/PO: LaGrangeville		State: New York	Zip Code: 12540
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐ ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval: City of Poughkeepsie Building Dept. & Zoning Board			☐ ☒
3. a. Total acreage of the site of the proposed action?		.13 acres	
b. Total acreage to be physically disturbed?		— acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.13 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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

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

PRINT FORM