



City of Poughkeepsie Zoning Board of Appeals Meeting Agenda

Common Council Chambers
Tuesday, October 11, 2022
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of September 13, 2022 Draft Meeting Minutes

III. PUBLIC HEARINGS & DELIBERATIONS

1. **135 MAIN STREET: AREA VARIANCES:** Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19-4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76- 911183; Zone: Urban Density (R-6) District; File #2021-023

DISCUSSION ADJOURNED TO NOVEMBER 8, 2022 MEETING

2. **579 MAIN STREET: USE VARIANCE**
Application for a use variance to establish three (3) residential units and one (1) commercial space in an existing building. The use variance requested is in regards to Section 19-3.23.1(2), which does not permit residential uses in the Main Street Commercial District (C-2A). Owner: Johanny Properties, LLC, Applicant: Kenneth Pagan; Consultant: One Stop Property Service, LLC; Grid #6161-24-423946; Zoning District: Main Street Commercial District; File #2022-020

3. **67 WORRALL AVENUE: USE VARIANCE**

Application for a use variance relative to the proposed mixed use of an existing building as a coffee shop and two (2) one-bedroom dwelling units. The use variance requested is in regards to Section 19-3.14(2), which does not permit restaurants in the Medium-Density Residence District (R-3) to allow a coffee shop. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2022-025

4. **67 WORRALL AVENUE: AREA VARIANCES** Application for area variances relative to the proposed mixed use of an existing building as a coffee shop and two (2) one-bedroom dwelling units. The area variances requested are in regards to Section 19-3.14(4)(a) requiring a minimum lot area of 16,000 square feet to allow lot area of 7,057 square feet, Section 19-3.14(4)(d)2, requiring a minimum side yard of 10 feet to allow southern side yard to be 8.6 feet and northern side yard to be 6.1 feet, Section 19-3.14(4)(d) requiring a 20 foot front yard to be 14.75 feet, Section 19-4.3(11) requiring 9 parking spaces where only 6 parking spaces are proposed. Owner: Damian Mercado, Applicant: Jose Santos; Consultant: John Sullivan; Grid #6061-41-563723; Zoning District: Medium-Density Residence District; File #2022-024



**City of Poughkeepsie
Zoning Board of Appeals
Draft Meeting Minutes**

Common Council Chambers
Tuesday, September 13, 2022 6:00 PM

Present

Scott Parker, Chairman
Jessica Vinall, Vice Chair
Rob Page
Thomas Klug
Steven Reifler
John Gildard

Staff

Natalie Quinn, Director of Development
Rebecca Valk, Corporation Counsel
Lori Garcia, Board Administrative Assistant

I. CALL TO ORDER WITH THE PLEDGE OF ALLEGIANCE AT 6:00pm

II. APPROVAL OF MEETING MINUTES

Rebecca Valk reviewed the obligations of the board regarding the production of meeting minutes in that minutes must contain a record of actions taken at the board meeting and the vote there on. Because of technical difficulties at the August 9, 2022 meeting, written comments received from the public will be attached to the meeting minutes as addendum, but it is worth noting that the board is not obligated to do so for all meetings.

Motion to approve August 9, 2022 Minutes with attached written comments

Motion: Thomas Klug

Second: Steve Reifler

Carried: 6:0:0

III. PUBLIC HEARINGS & DELIBERATIONS

- 1. 135 MAIN STREET: AREA VARIANCES:** Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19-4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76- 911183; Zone: Urban Density (R-6) District; File #2021-023 **ADJOURNED TO OCTOBER 11, 2022 MEETING**

Motion to open the public hearing

Motion: Jessica Vinall

Second: Rob Page

Carried: 6:0:0

No speakers

Motion to adjourn the public hearing to October 11, 2022

Motion: Tom Klug

Second: Rob Page

Carried: 6:0:0

- 2. 45 READE PLACE: AREA VARIANCE** Application for area variances relative to the proposed placement of two wall signs, one on the north-east and one on the south-west of the hospital building at 45 Reade Place. Variances are requested of Sections 19-4.9(9)(i)(1) and 19-4.9(9)(i)(2) of the Zoning Ordinance relative to the height, size and placement of wall signs. Owner: Vassar Brothers Hospital; Applicant: Nuvance Health Vassar Brothers Hospital; Consultant: Tracey Diehl; Grid #6061-43-843721; Zoning District: Hospital Medical (H-M) District; File #2022-007B

Presenting on behalf of Nuvance Heath Vassar Brothers Hospital:

Jennifer VanTuyl, Cuddy + Feder LLP

Allison Fausner, Cuddy + Feder LLP

Peter Hatcher, Stratus

The applicant team provided an overview of the application, variances requested, and presented photographs of the site and proposed signs from various angles, as requested by the Board at the last meeting. The board and applicant had thorough discussion on the need and justification for each sign and the possible impacts of these signs.

Motion to open the public hearing

Motion: Tom Klug

Second: Steve Reifler

Carried: 6:0:0

No speakers

Motion to close the public hearing

Motion: John Gildard

Second: Steve Reifler

Carried: 6:0:0

There was a motion to receive in print and approve the posted resolution for a Negative Declaration with regards to environmental impacts considered under SEQR in relation to NuVance Health Vassar Brothers Hospital, file 2022-007B, regarding the property at 45 Reade Place:

Motion: Steve Reifler

Second: Tom Klug

Role Call: **Aye**

Scott Parker

Steve Reifler

Rob Page

Tom Klug

John Gildard

Abstain

Jessica Vinall

Carried: 5:0:1

Furthermore, there was a motion to receive in print and approve the posted resolution granting the requested area variances for file number 2022-007b.

Motion: Tom Klug

Second: Steve Reifler

Role Call: **Aye**
 Scott Parker
 Steve Reifler
 Rob Page
 Tom Klug
 John Gildard

Abstain

Jessica Vinall

Carried: 5:0:1

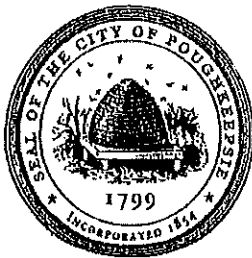
Motion to adjourn the meeting at 7:03pm

Motion: Scott Parker

Second: John Gildard

Carried: 6:0:0

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



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

FEE: \$1000.0
CODE: A211
ID# 289120
IPS# ZBA-
2022-020

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION

PROPERTY ADDRESS: 579 Main St

ZONING DISTRICT: C2A

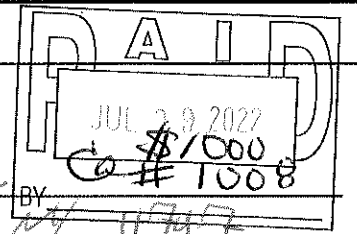
OWNER INFORMATION:

Name: Johnny Properties LLC

Address: 9 Legends Circle Melville, NY 11747

Phone: 646-552-3256

Email:



APPLICANT INFORMATION:

Name: Kenneth Pagan

Address: 23 Yates Ave Poughkeepsie, NY

Phone: 646-552-3256

Email:

CONSULTANT INFORMATION:

Name: One Stop Property Service LLC

Address: 30 Eastern Pkwy
Poughkeepsie NY 12603

Phone: 914-291-4526

Email:

SUBJECT OF APPEAL

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

Name and title of agent: _____

Date of decision/determination/violation: _____

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 599 Main St Bushnell

USE VARIANCE REQUESTS

SECTION	PROHIBITING	TO ALLOW
<u>19-3-23.1</u>	<u>Residential Use</u>	<u>Residential Use</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

VARIANCE REQUEST JUSTIFICATION

Pursuant to Section 19-8.4 (2) (c) of the Zoning Ordinance, **no use variance shall be granted by 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 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 currently permitted uses in the Zoning District. The financial statement should relate only to the 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 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 where 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: _____

LIST OF REQUIRED ATTACHMENTS

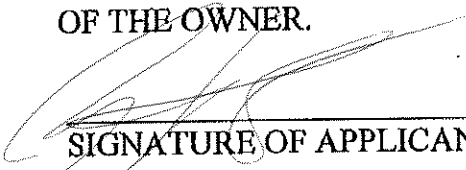
1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short Environmental Assessment Form. Please note that in some instances it is determined that a Full EAF is required.
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant (please list):

City has All Plans.
Thank You.

SIGNATURE AND VERIFICATION

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

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



SIGNATURE OF APPLICANT

8-29-22
DATE

RE: Use Variance - 379 Main Street - Poughkeepsie, New York

- 1) The applicant cannot realize a reasonable return. The real estate market is constantly changing and developers understand there is a certain risk in these types of projects. In order to be financially effective, these projects have to be purchased, renovated, sold and or occupied very quickly. Delays caused a waste of money and expenditure of additional monies and carrying costs see the attached appendix B. Other supporting financial evidence is fourth coming.**
- 2) The hardship is unique. Yes and no. The hardship is unique because the building is unique as is every other building in the neighborhood. There are several unoccupied and older buildings throughout the city which are not currently being used. These buildings are an opportunity for developers to invest in the City of Poughkeepsie. In that regard the hardship is not unique to this building and would apply to other buildings like this one in the City of Poughkeepsie. Like other developers, the applicant is seeking to revitalize an unoccupied building. Also, for reference, a similar developer recently received approval to revitalize a building diagonally across the street from this building to be used for residential and commercial purposes with some 40+/- apartments in the building.**
- 3) The granted variance will not alter the character of the neighborhood. There will be no significant change to the exterior look of the building. The neighborhood contains many different styles, types and sizes of buildings. The neighborhood also contains many different uses including auto repair shops, auto sales, tire sales, Salvation Army, pizza and the previously mentioned project diagonally across the street.**
- 4) The hardship was not self-created. The hardship exists based on current zoning. The city is in fact considering changing the zoning in this district which will allow this property to be developed as it is currently proposed. The applicant made attempts and due diligence to correspondence and communicate with the zoning department and was not told that what was being proposed for this development would not be an allowed use and would require a use variance.**



579 Main St poughkeepsie, 12601

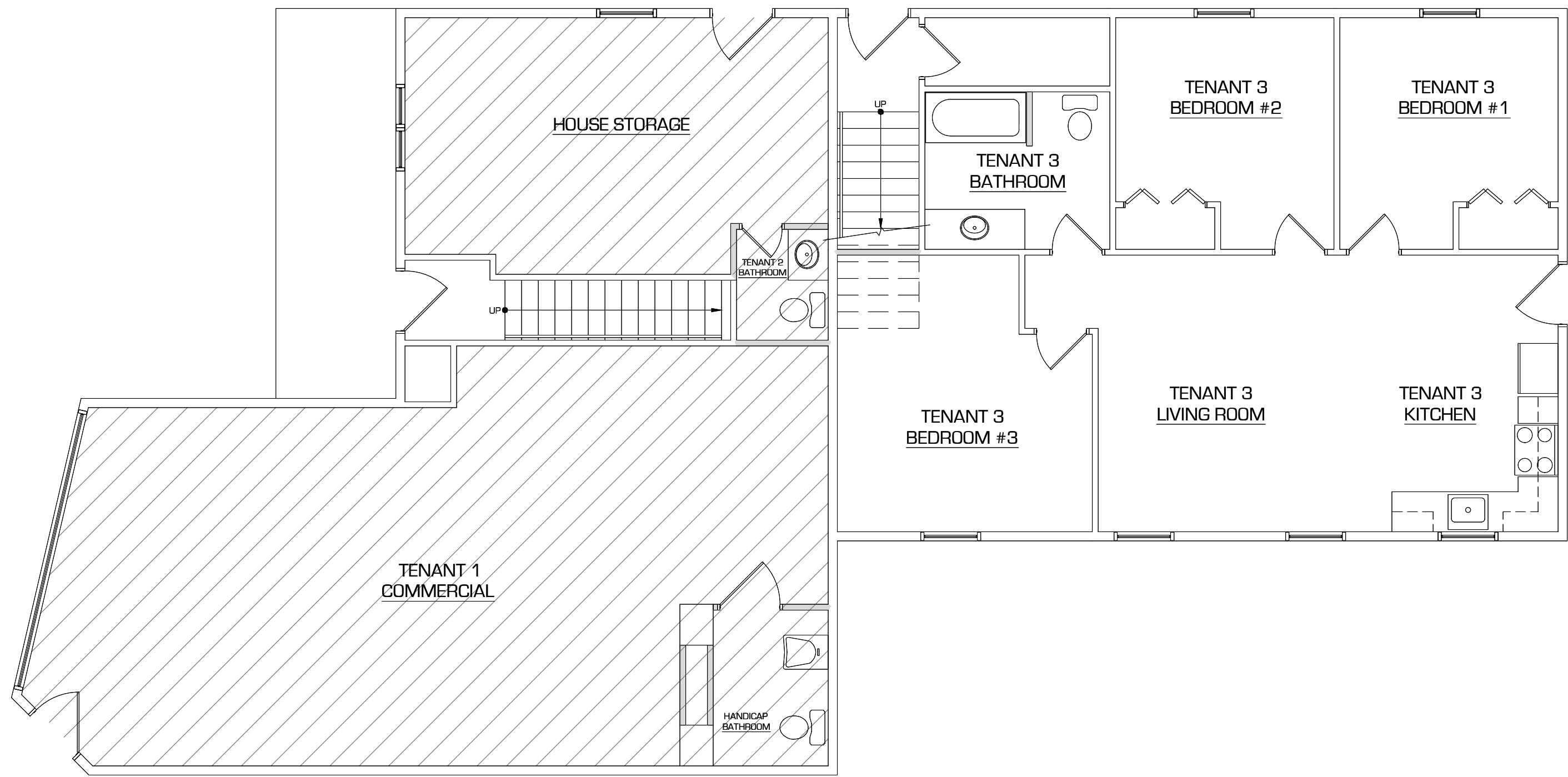
We're experiencing multiple variables of hardship. Below i will list a few

- Taking very long to work with the building department in order to complete construction.
- The time it is taking to complete this project is taking away from other projects we could be working on, which as a result is increasing our opportunity cost.
-
- 65% of the building is incomplete due to no permit which is taking away from rental income & also decreases the value drastically for resale.
- We have hired a financial analyst, and the data says we wont have a financial return for 15 years at full occupancy. Including all the apartments.
27 years if only considering commercial space.
- Property cost \$350,000
- Construction cost- \$300,000
- ARV-\$650,000
- Zoning application - \$1,000
- Permit application- \$3,000
- Consultant fee- \$3,000
- Lawyer fee- \$3,000
- Engineer - \$4,000

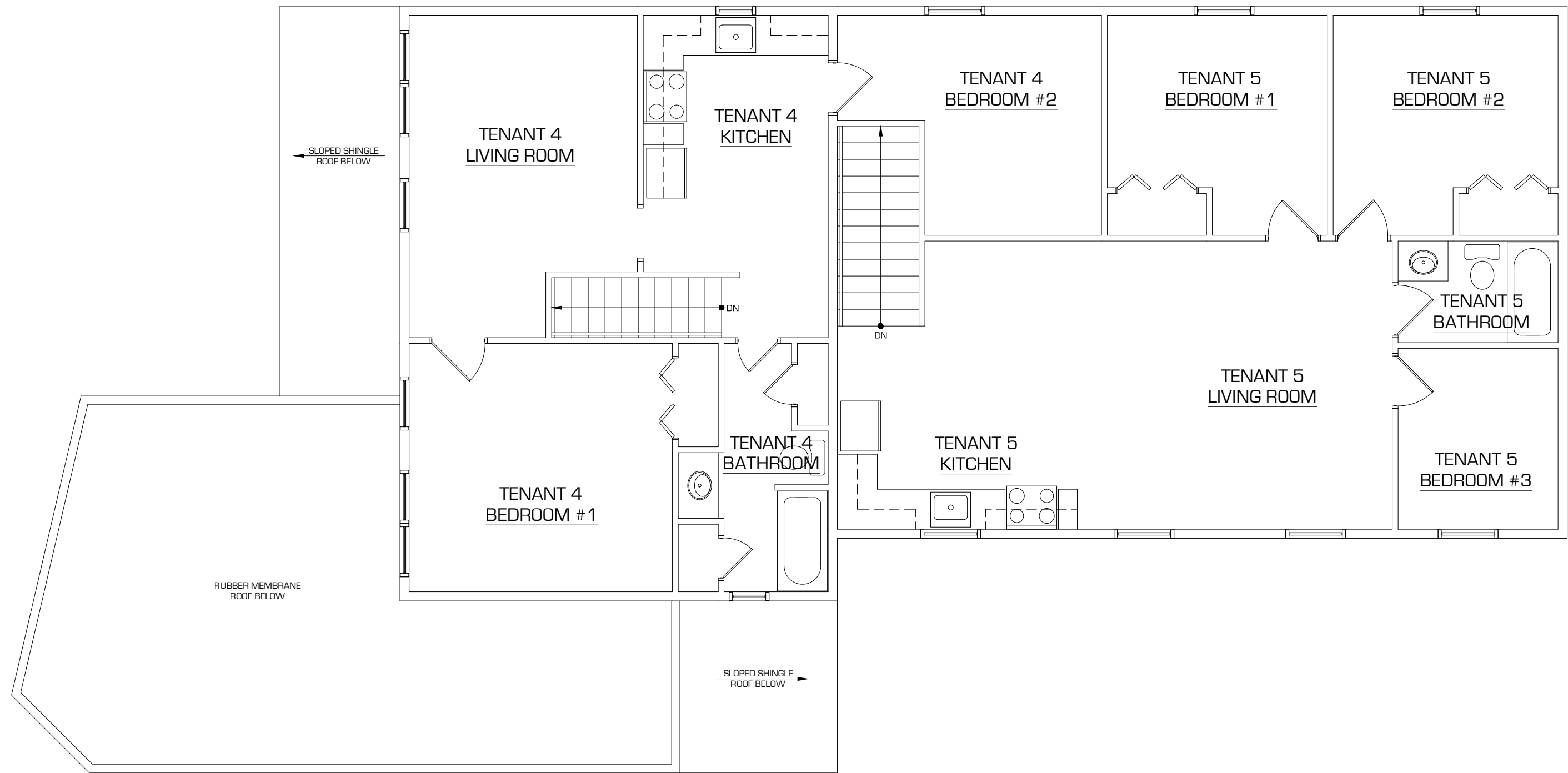
1/2



- Carrying cost for 1 year \$12,000
- Broker fee of 6% for sale of property
- I am worried about the safety of my building considering there have been many drug users found inside vandalizing the property as a result of not having a permit to receive a Certificate Of Occupancy.
- I have put a construction fence to stop the vandalism. (all the windows of the lower floor have been broken)
- The consistent littering of beer bottles, soda cans, heroin needles, kennedy's fried chicken as well as feces has scared away any potential buyers i have brought to the property on days of showing.



1 FIRST FLOOR PLAN
PB1.0 SCALE: 1/4" = 1'-0"



2 SECOND FLOOR PLAN
PB1.0 SCALE: 1/4" = 1'-0"



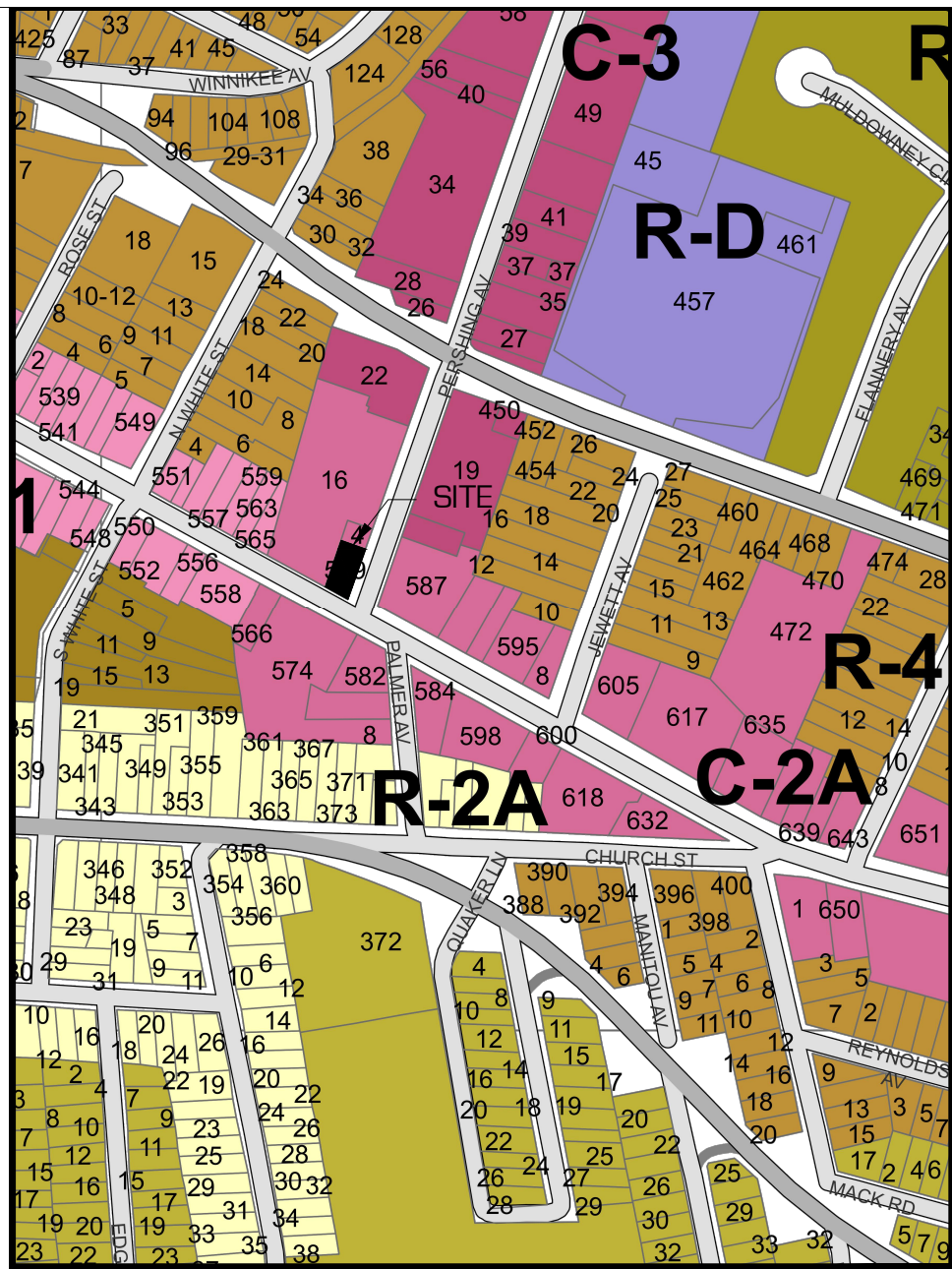
3 MAIN STREET ELEVATION
PB1.0



4 PERSHING AVE ELEVATION
PB1.0



5 SITE PLAN
PB1.0 SCALE: 1/4" = 1'-0"



SITE LOCATION/ZONING MAP

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

A. HENNESSY ARCHITECTS, P.C.

- ARCHITECTURE •LAND PLANNING
- ENGINEERING •DEVELOPMENT

1200 STONY BROOK COURT - SUITE 3
NEWBURGH, NEW YORK 12550
PHONE: 845-561-7500 FAX: 845-561-7534
WWW.HENNESSYARCHITECTS.COM

CLIENT:

JOHANNY
PROPERTY'S LLC

2600 SOUTH ROAD
POUGHKEEPSIE, NY

PROJECT:

MULTI-USE
ALTERATIONS

579 MAIN STREET
POUGHKEEPSIE, NY

ARCHITECT'S SEAL:

UNAUTHORIZED ADDITION OR
ALTERATION OF THIS PLAN
IS A VIOLATION OF SECTION
7209 (2) OF THE NEW YORK
STATE EDUCATION LAW.

BUILDING PICTURES
FLOOR PLANS
SITE PLAN

REVISIONS:

PROJECT NO.: 22006

SCALE: AS NOTED

DATE: 6.16.22

DESIGNER: MH

CHECKED: AJH

DRAWN BY: MH

SHEET NO.

PB1.0

RECEIVED

Short Environmental Assessment Form

RECEIVED

AUG 9 2022

Part 1 - Project Information

AUG 29 2022

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: Main street			
Project Location (describe, and attach a location map): 579 Main street, Poughkeepsie NY, 1260			
Brief Description of Proposed Action: USE EXISTING structure and layout			
Name of Applicant or Sponsor: Jonathan Pagan		Telephone: 914-291-4526 E-Mail: OneStop GIC 845@gmail.com JA essentials 845@gmail.com	
Address: 30 eastern parkway,			
City/PO: Poughkeepsie		State: New York	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? 7,405 SF _____ 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? 7,405 SF _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jonathan Pagan</u> Date: <u>8/29/22</u> Signature: <u>[Signature]</u> Title: <u>CEO</u>		

Johanny Inc

September 26, 2022

Kenneth Pagan
9 Legion Circle
Melville New York 11747

To Whom it may Concern,

I am the CEO of Johanny Inc. properties we are , filing for a use variance. For 579 Main Street Poughkeepsie NY. 12601

Sincerely yours,

Kenneth Pagan



Garcia, Lori

From: Griffin, Nancy
Sent: Wednesday, September 21, 2022 3:21 PM
To: Schukal, Kristen
Cc: Garcia, Lori; Hom, Susan; Valk, Rebecca A.
Subject: RE: 579 Main Street

According to Edmunds and ParcelAccess, 579 Main Street is owned by Ariel Cordova. However, according to DCCO, he sold it to Johanny Properties LLC on 5/23/22, recorded 6/7/22.

From: Schukal, Kristen <KSchukal@cityofpoughkeepsie.com>
Sent: Wednesday, September 21, 2022 3:06 PM
To: Griffin, Nancy <NGriffin@cityofpoughkeepsie.com>
Cc: Garcia, Lori <LGarcia@cityofpoughkeepsie.com>; Hom, Susan <SHom@cityofpoughkeepsie.com>; Valk, Rebecca A. <RValk@cityofpoughkeepsie.com>
Subject: FW: 579 Main Street

Nancy,

Lori forwarded this. I am not aware of this property? Was it a city owned property that was sold to the applicant?

Kristen

From: Garcia, Lori <LGarcia@cityofpoughkeepsie.com>
Sent: Wednesday, September 21, 2022 2:40 PM
To: Schukal, Kristen <KSchukal@cityofpoughkeepsie.com>; Hom, Susan <SHom@cityofpoughkeepsie.com>
Subject: 579 Main Street

Hi,

I think you two are my contacts to find out if there are any financial obligations to the city for the attached applicant/parcel. Let me know if I am wrong. OR let me know as soon as you can if there are any or if they are clear.

Thank you!

Lori Garcia

Board Administrative Assistant
Development Department
City of Poughkeepsie
62 Civic Center Plaza, 2nd Floor
Poughkeepsie, NY 12601
Phone: (845) 451-4263 Fax: (845) 451-4006

ZONING REVIEW RECORD

LOCATION: 579 Main St APPLICATION DATE: 9/21/22
PROPOSAL: Mixed Use - Commercial with 3 Residential Units
REVIEWER: Joe O'Brien REVIEW DATE: 9/22/22
ZONING DISTRICT: C-2A

THE USE IS:

(a) Permitted by Right	☒	Section 19- <u>3.23.1(2)(a) Retail</u>
(b) Permitted after Site Plan Review	☐	Section 19- _____
(c) Permitted by Special Permit	☐	Section 19- _____
(d) Not Permitted in this District	☒	Section 19- <u>3.23.1(2)(a) Office</u>
(e) Change in Legal Nonconforming Use	☐	Section 19- <u>Residential</u>

LOT AND BULK REQUIREMENTS

ITEM	REQUIRED	SECTION	PROVIDED
Minimum Lot Area	_____	19-3. _____	_____
Minimum Lot Width	_____	19-3. _____	_____
Minimum Frontage	<u>40'</u>	19-3. <u>23.1(4)(b)</u>	<u>50'</u>
Minimum Yards	_____	19-3. _____	_____
Front	<u>10'</u>	19-3. <u>23.1(4)(c) 1.</u>	<u>0'/10'</u>
Side	<u>10'</u>	19-3. <u>23.1(4)(c) 2.</u>	<u>0'/40'</u>
Rear	<u>20'</u>	19-3. <u>23.1(4)(c) 3.</u>	<u>20'</u>
Maximum FAR	<u>2.0</u>	19-3. <u>23.1(4)(d)</u>	<u>0.5</u>
Maximum Height	_____	19-3. _____	_____
Maximum Lot Coverage	<u>60%</u>	19-3. <u>23.1(4)(e)</u>	<u>28.9%</u>
Open Space	_____	19-3. _____	_____

PARKING AND LOADING REQUIREMENTS

ITEM	REQUIRED	SECTION	PROVIDED
Parking Spaces	<u>10</u>	19-4.3(11)	<u>2</u>
Parking Space Size	<u>9' x 20'</u>	19-4.3(5)(b)	<u>NOT PROVIDED</u>
Access to Parking	_____	_____	_____
a) 4 or fewer spaces	<u>8' - 15'</u>	19-4.13(2)	<u>NOT PROVIDED</u>
b) More than 4	<u>One 15' Lane</u>	19-4.3(5)(a)	_____
c) More than 20	<u>Two 10' Lanes</u>	19-4.3(5)(a)	_____
Aisle Width	<u>16'-22'</u>	19-4.3(5)(b)	<u>NOT PROVIDED</u>
Plantings	<u>YES</u>	19-4.3(1)	<u>NOT PROVIDED</u>
Screening	<u>YES</u>	19-4.3(2)	<u>NOT PROVIDED</u>

Is a public or private facility available within 600'?

☐ YES

☐ No

ZONING REVIEW RECORD**PROPERTY:** _____

Page 2

PARKING AND LOADING REQUIREMENTS (continued)

ITEM	REQUIRED	SECTION	PROVIDED
Loading Berths	_____	19-4.3(12)(a)	_____
Loading Berth Size	15' x 45' x 14'	19-4.3(12)(b)	_____
Access to Berth	_____	_____	_____
a) To berth alone	10'	19-4.13(2)(c)	_____
b) Combined access	25'	19-4.13(2)(c)	_____
c)	_____	19-4.3(5)(a)	_____
Location of Exits and Entrances	_____	19-4.3(5)(b)	_____
a) Parking lots with more than 4 spaces	Prohibited within 50' of any street intersection	19-4.3(5)(a)	_____
Loading areas	_____	19-4.3(12)(c)	_____

LANDSCAPING REQUIREMENTS

ITEM	REQUIRED	SECTION	PROVIDED
General Landscaping	yes	19.4.11(1)(a)	NOT PROVIDED
Landscape Strips	yes	19.4.11(1)(b)	NOT PROVIDED

ACCESSORY USES

ITEM	REQUIRED	SECTION	PROVIDED
Swimming Pools	_____	19-4.7	_____
Tennis Courts (etc.)	_____	19-4.8	_____
Other: _____	_____	19-4.13	_____

SIGN REQUIREMENTSTYPE OF SIGN: NOT PROVIDEDADDITIONAL REQUIREMENTS

SECTION	COMMENT
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ZONING REVIEW RECORD**PROPERTY:** _____

Page 3

ADDITIONAL REQUIREMENTS (cont'd)

SECTION

COMMENT

IS THE PROPERTY IN THE CITY'S HISTORIC DISTRICT?

☐ YES

See 19-4.5

☒ No

IS THE PROPERTY LISTED ON THE NATIONAL REGISTER?

☐ YES

See 19-4.5

☒ No

IS THE ACTION PROPOSED A TYPE ONE ACTION?

☐ YES

IS THE PROPERTY LOCATED IN A FLOOD PLAIN?

☐ YES

See 19-4.6

☒ No☒ No

COMMENTS: _____

ADDITIONAL REVIEWS REQUIRED

YES

NO

FORWARDED

DATE

PLANNING BOARD (Site Plan)

☐☐

PLANNING BOARD (Special Permit)

☐☐

HISTORIC DISTRICT COMMISSION

☐☒

OTHER: _____

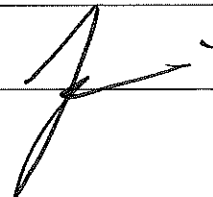
☐☐

DISPOSITION _____

DATE: _____

9/22/22

SIGNATURE: _____



From: Knauss, Judith
Sent: Tuesday, July 5, 2022 3:46 PM
To: 'JA Essentials' <jaessentials845@gmail.com>
Cc: Philipp, Eric <EPhilipp@cityofpoughkeepsie.com>; O'Shea, Robert <ROShea@CityOfPoughkeepsie.com>
Subject: 579 Main Street

Dear Jonathan:

Following our meeting on June 30, 2022, I reviewed the files of the Building Department and consulted with the Building Inspector relative to your plans for the property at 579 Main Street. The building was previously a mixed use building containing a retail store on the first floor and a residential component. The building has been vacant for some number of years. You are proposing a commercial component and four (4) dwelling units.

Please be advised that, as we discussed, the property is located in an area of the City zoned Main Street Commercial (C-2A) District. The use of the property in C-2A Districts for residential purposes is not permitted, pursuant to the provisions of Section 19-3.23.1(2) of Zoning Ordinance. The previous residential component was nonconforming. As the building has been vacant for a period in excess of one year, any right to re-establish this use has expired, pursuant to the provisions of Section 19-5.1(1)(d), which states that a nonconforming use “shall not be reestablished or changed to another nonconforming use if such use has been discontinued for any reason for a period of one year. Intent to resume a nonconforming use shall not confer the right to do so.”

Therefore, any application to establish or re-establish a residential use would require a use variance from the Zoning Board of Appeals. Here is a link to that application on the City’s website: <https://cityofpoughkeepsie.com/DocumentCenter/View/1350/ZBA-Use-Variance-Application-Form>. Please note that there are no guarantees that the Zoning Board of Appeals will act favorably on such an application. However, I believe it is important to remember that, as discussed during our meeting, the City has undertaken a major revision to our Zoning Ordinance, which we hope may be adopted as early as October of this year. Such a revision will likely address the issue of the residential use as outlined herein.

Please note that there is nothing in this determination that would preclude you from moving forward with plans to renovate the commercial component of the building. Retail stores and service businesses are permitted, and would require only a building permit to establish. Other commercial uses are permitted, but might require additional approvals, such as area variances and site plan or special permit approval from the Planning Board. The work involved could take place while waiting for the results of the rezoning.

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

Very truly yours,
Judith Knauss
Deputy Zoning Administrator

CITY OF POUGHKEEPSIE, NY
BUILDING, PLANNING & ENGINEERING DEPARTMENTS

SITE PLAN CHECK SHEET

ADDRESS: 579 Main St.

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

I) APPLICATION REQUIREMENTS AND GENERAL SITE PLAN INFORMATION

<u>Compliance Certified</u>	<u>Item Description</u>
☒ YES ☐ NO	Properly completed application form, including accurate contact information and applicant signature.
☒ YES ☐ NO <i>Area variance \$1K 7/29</i>	Required fees submitted: ☐ Site Plan: \$500, plus \$150 for 1000 square feet of floor area; ☐ Special Permit: \$250 ☐ Full EAF: \$500; ☐ \$35 x _____ (# of Required Parking Spaces) = _____ TOTAL: _____
☒ YES ☐ NO	Short Environmental Assessment Form submitted.
☐ YES ☐ NO <i>NA</i>	Full Environmental Assessment Form submitted.
☐ YES ☒ NO	Name and address of owner of record appears on plan.
☒ YES ☐ NO	Name and address of person, firm or organization preparing the plan.
☐ YES ☒ NO	Date (including any revision dates), north arrow, written and <u>graphic scale</u> <i>The scale is incorrect</i>
☒ YES ☐ NO	Vicinity map (i.e., Sanborn, tax map).
☒ YES ☐ NO	Existing zoning (lot and bulk tables are not required, but if provided must be accurate).
☒ YES ☐ NO	Professional signature and seal on plan, as required by law.
☐ YES ☒ NO	Names of owners of adjoining properties, as shown on the latest tax records.
☐ YES ☒ NO	A statement indicating the financial capability of the applicant to complete the proposed development.
☐ YES ☐ NO	Are any <u>waivers</u> requested? If so, list here (and provide a written request for waiver, outlining the item to be waived and the rationale for waiver: _____ _____ _____

SITE PLAN CHECK SHEET PAGE 2

ADDRESS: _____

II) EXISTING SITE CONDITIONS

Compliance Certified

☒ YES ☐ NO

Item Description

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

☐ YES ☒ NO

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

☐ YES ☒ NO

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

☐ YES ☒ NO

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

☐ YES ☒ NO

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

☒ YES ☐ NO

Outlines and descriptions of all structures;

☐ YES ☒ NO

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

☐ YES ☒ NO

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

☐ YES ☒ NO

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

ADDRESS: 579 Main

III) PROPOSED SITE IMPROVEMENTS

Compliance CertifiedItem Description☐ YES☐ NO

NA

The location of all proposed buildings or structural improvements.

☐ YES☐ NO

NA

Detailed elevations of all proposed principal and accessory structures.

☐ YES☐ NO

NA

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

☐ YES☒ NO

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

☐ YES☒ NO

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

☐ YES☒ NO

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

☐ YES☐ NO

NA

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

☐ YES☐ NO

NA

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

☐ YES☒ NO

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

☐ YES☒ NO

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

SITE PLAN CHECK SHEET PAGE 4

ADDRESS: _____

IV) OTHER REQUIRED PLAN NOTES

Compliance Certified

Item Description

☐ YES ☒ NO **NA**

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

☐ YES ☒ NO **NA**

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

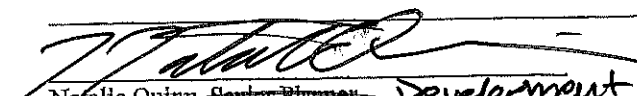
In addition to the note on the plan, the location of the protective fencing must be shown on the site plan or landscape plan. Where a trees close proximity to a proposed building, driveway, parking area, or construction vehicle access way prevents the installation of fencing at the drip line, the modification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

V) REQUIRED REFERRALS TO OTHER AGENCIES OR BOARDS

☐ YES	☒ NO	Dutchess County Planning Department
☒ YES	☐ NO	Zoning Board of Appeals
☐ YES	☒ NO	Historic District and Landmark Preservation Commission
☐ YES	☒ NO	Waterfront Advisory Committee
☐ YES	☒ NO	Shade Tree Commission

ADDITIONAL COMMENTS

USE SE Parcel Access to assist with outlines


Natalie Quinn, Senior Planner - Development
Judith Knauss, Deputy Zoning Administrator **Director**

9/22/2022
Date

USE Variance

ZBA \$1,000 ✓ 8/28
Area Variance \$350 ✓ 8/27



**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# 20A 2022
IPS# 504090

025

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION

RECEIVED

PROPERTY ADDRESS: 67 Worrall Avenue SEP 20 2022
ZONING DISTRICT: R-3

OWNER INFORMATION:

Name: Damian Mercado
Address: 1491 Bryant Avenue - Bronx, NY 10460
Phone: _____
Email: _____

PAID

SEP 20 2022

\$1,000
✓ 8/28

APPLICANT INFORMATION:

Name: Jose Santos
Address: 717 Broadway - Newburgh, NY 12550
Phone: 845.522.0057
Email: _____

CONSULTANT INFORMATION:

Name: John Sullivan
Address: 16 Barclay Street
Poughkeepsie, NY 12601
Phone: 914.456.1299
Email: jsullivan2@hvc.rr.com

SUBJECT OF APPEAL

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

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

Date of decision/determination/violation: August 23, 2022

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

ZONING BOARD OF APPEALS USE VARIANCE APPLICATION
PROPERTY ADDRESS: 67 Worrall Avenue

LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short 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):

SURVEY FROM JOHN DEKOR L.S.
CONSENT LETTER OWNER → APPLICANT

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

September 20, 2022
DATE

67 Worrall Avenue – USE VARIANCE JUSTIFICATION RESPONSE

(i) The granting of this will not produce an undesirable change in the character of the neighborhood. The proposal is consistent with adjacent and neighboring properties; careful design has been created which will take into consideration all the architectural features of the adjoining and neighboring buildings. The proposal is not detrimental to nearby properties.

(ii) This proposal cannot be solved by some other method due to the location of the parcel as well as the dimensions of the subject parcel. There are no other solutions possible including the purchase of adjacent land.

(iii) There are four area variances required for this proposal. The property is a corner lot and is deemed to have two front yards. The rear yard in a ATC zone is a 20'-0" setback, this proposal requires a 14'-0" variance which is substantial however it should be considered that the west side of the property could be deemed a side yard in which case 0'-0" would be required. The refuse enclosure variance request is substantial; but the location proposed is best solution for this proposal due to the size of the lots and the constraints. The lot coverage variance requested is not substantial with a 10% request over what is required. With no open space proposed for the residential component of this proposal is a substantial request but it should be indicated that nearby parks and Vassar college offer plenty of open space within a short distance.

(iv) The requested variances will not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district. No trees are required to be removed with this proposal and with the removal of a dilapidated structure is a significant improvement to the surrounding area.

(v) The need for the four requested variances are the result of self-created difficulties on the applicants part; however, it should be considered by the zoning board of the appeals that this proposal is consistent with the adjacent parcels and an allowed use in the ATC zone. With the constraints of the parcel and location should be considered relevant in the decision to grant these variances.



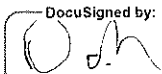
K Fortuna Lighthouse Realty, Inc.
717 Broadway
Newburgh, NY 12550

To whom it may concern, I Damian Mercado authorize Jose santos with Aim High Property LLC to apply for a mixed-use permit for 67 worrall Ave Poughkeepsie NY 12601.

Respectfully Submitted,

Damian Mercado 06/19/2022

Damian Mercado

DocuSigned by:

05D021ED3C1C487...
Mobile: 845-522-0057

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed mixed-use rehabilitation to an existing building consisting of a coffee shop and two (1) bedroom dwelling units.			
Project Location (describe, and attach a location map): 67 Worrall Avenue - City of Poughkeepsie, NY			
Brief Description of Proposed Action: Proposal for a rehabilitation to existing two-story wood frame building that previously existed as a mixed-use. Non-conforming mixed use was lost approximately 2012. New proposal consists of a small coffee shop on the ground floor, and two (1) bedroom dwellings to existing building. Application is to the city of Poughkeepsie zoning board of appeals for a use variance relative to the mixed use as well as an application the ZBA for area variances as follows: Lot area, front, side yard setbacks and a deficiency in (3) parking.			
Name of Applicant or Sponsor: Jose Santos		Telephone: 845.522.0057 E-Mail: jpsantos515@gmail.com	
Address: 717 Broadway			
City/PO: Newburgh		State: New York	Zip Code: 12550
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Poughkeepsie zoning board of appeals, planning board and building department.			YES ☒
3. a. Total acreage of the site of the proposed action? _____ 0.162 acres b. Total acreage to be physically disturbed? _____ 0.026 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.162 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): Municipal education ☐ 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: Project will exceed state energy code requirements with the use of high efficiency heating / cooling equipment and LED lighting.	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Existing water connection in place.	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Existing sanitary sewer connection in place.	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jose Santos</u> Date: <u>September 20, 2022</u> Signature: _____ Title: <u>Property 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]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



1 67 WORRAL AVE VIEW



2 67 WORRALL AVE (looking north)



3 67 WORRALL AVE (looking east)



4 67 WORRALL AVE (rear yard / looking west)



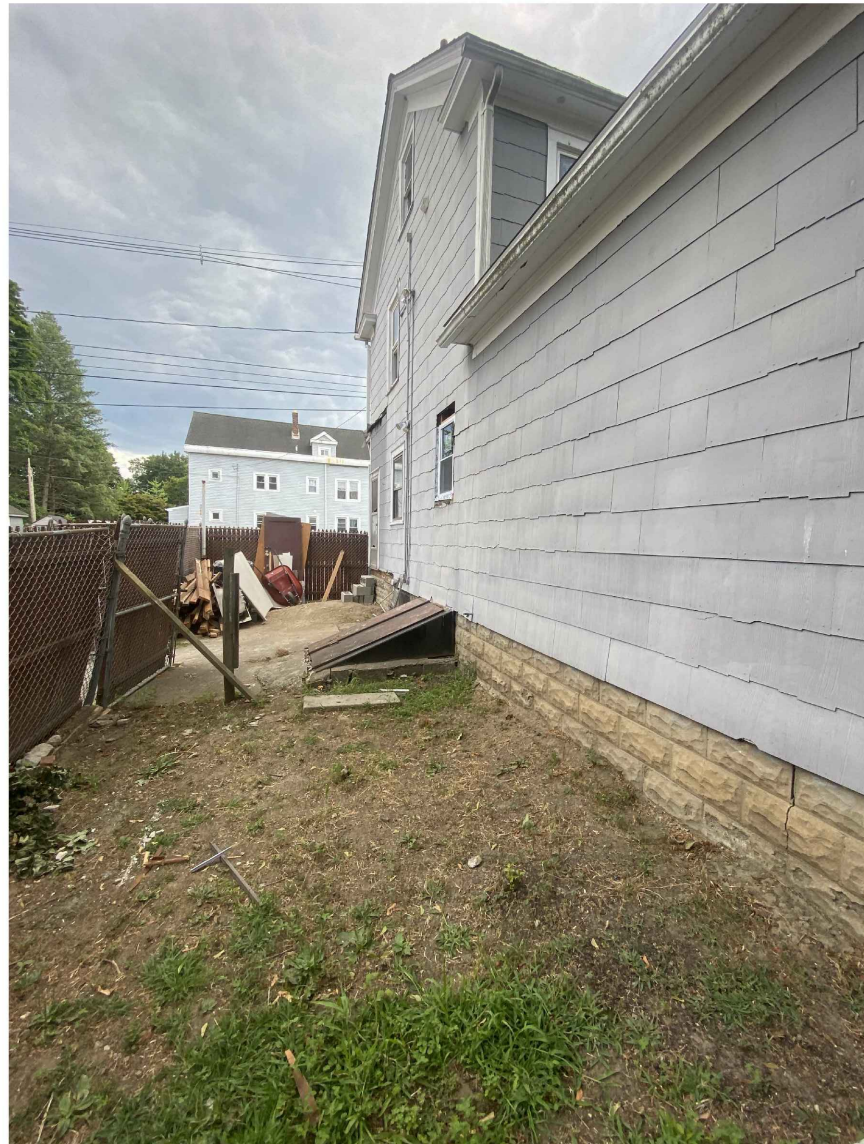
5 67 WORRAL AVE VIEW (rear of building looking south)



6 67 WORRALL AVE (rear yard/parking area –looking east)



7 67 WORRALL AVE (rear yard/ parking lot – looking north)



8 67 WORRALL AVE (rear yard)

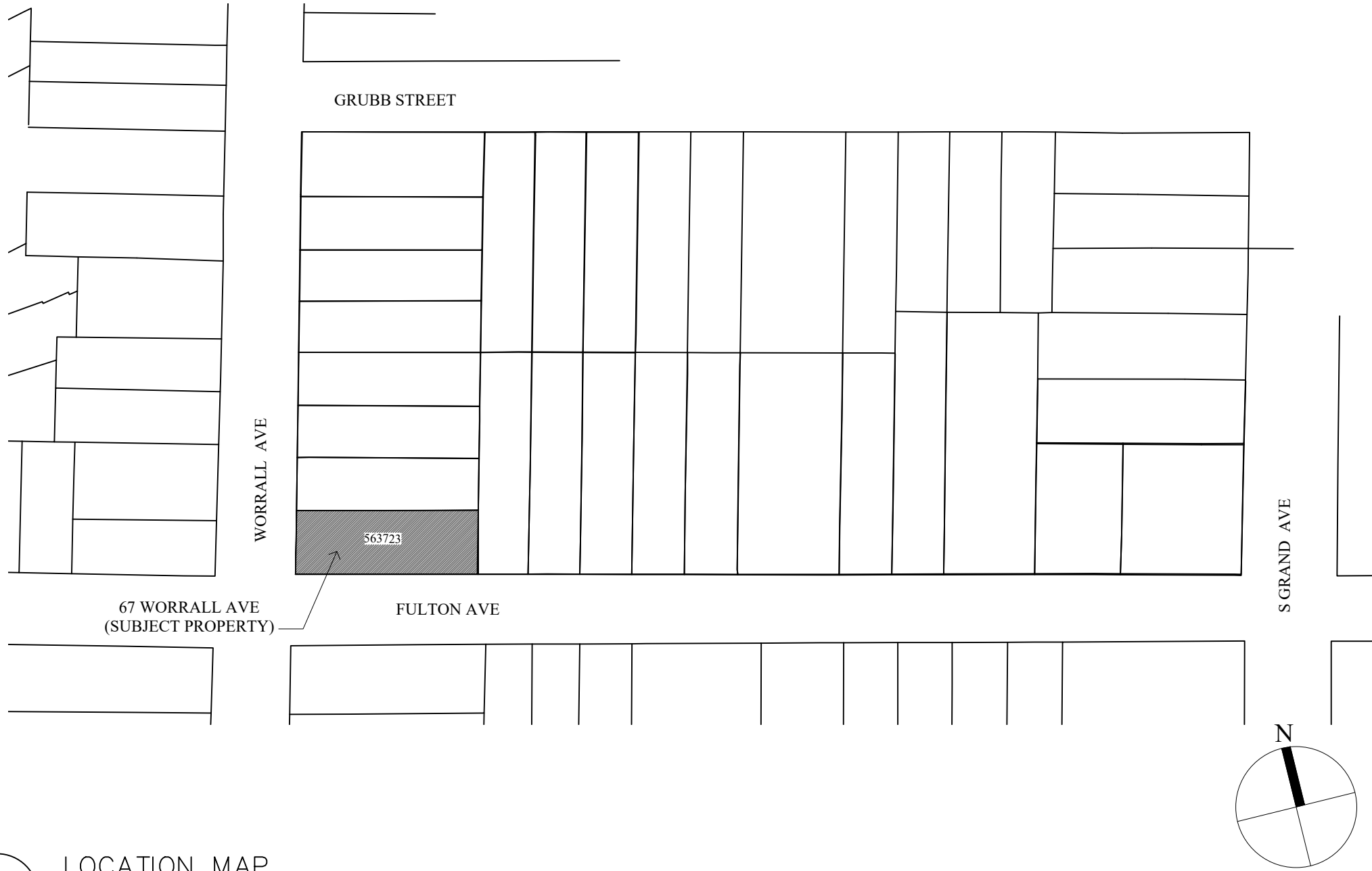


9 67 WORRALL AVE (side –north yard)

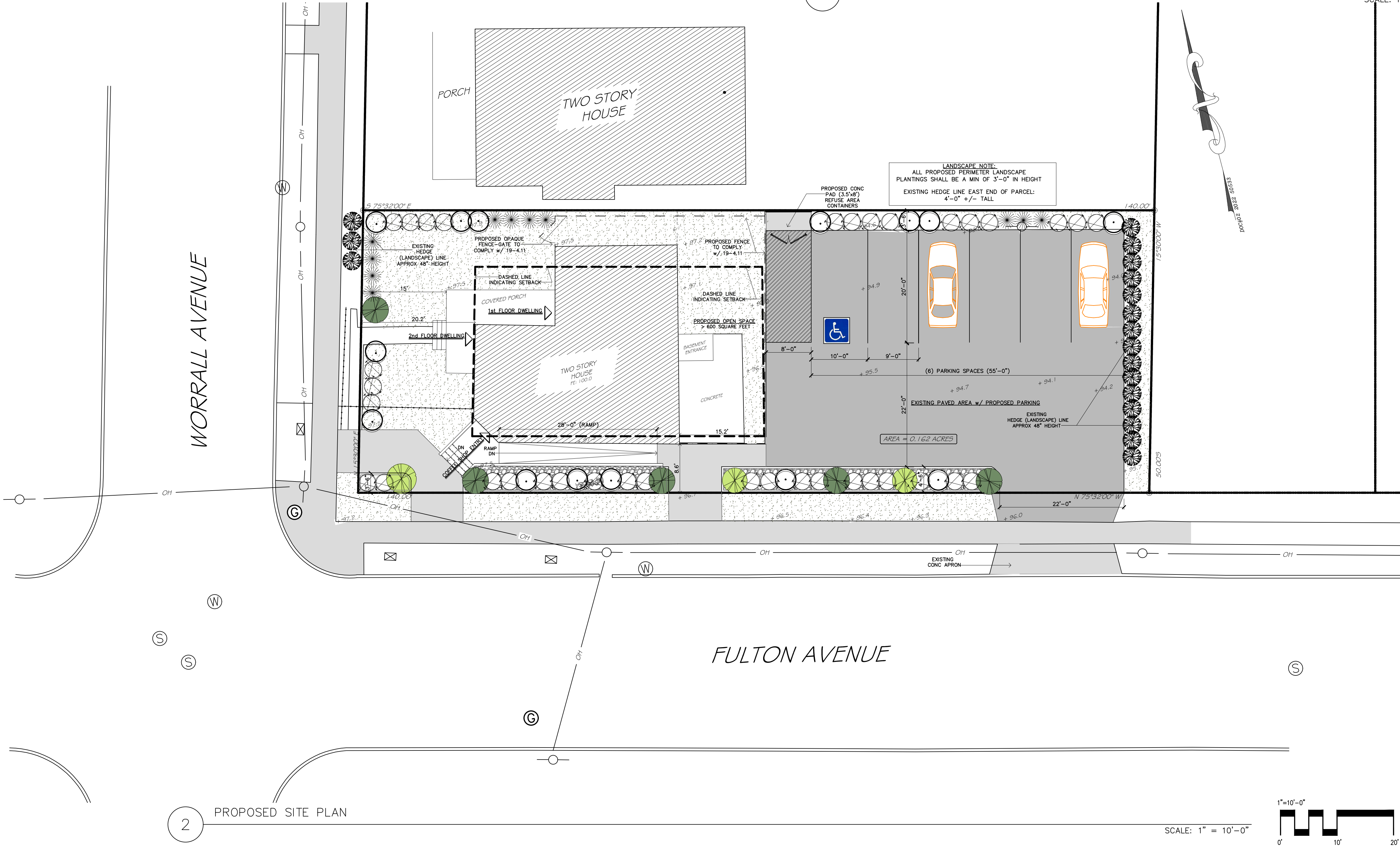
DESIGN AND DRAWINGS PREPARED BY: JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER: DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER: JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Photos	
Project No.	2227
Date	9.20.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	Drawing No.
	S-1.1

ZONING REQUIREMENTS				
ZONING DISTRICT:	R-3 (MEDIUM-DENSITY RESIDENCE DISTRICT)			
TAX MAP No's.	6161-41-563723			
LOT AREA :	(67 WORRALL AVENUE) 7,057 SQ. FT. (0.162 ACRES)			
BULK REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	
		MIXED-USE (BUSINESS - RESIDENTIAL)	MIXED-USE (COFFEE SHOP - RESIDENTIAL) ★★	
MIN. LOT AREA	10,000 SQ. FT. (TWO-FAMILY) 6,000 SQ. FT. (COMMERICAL)	7,057 SQ. FT.	7,057 SQ. FT.	★
MAX. LOT COVERAGE	35%	18%	20%	
MIN. LOT WIDTH	50'	50'	50'	
MIN. LOT FRONTAGE	30'	50'	50'	
MIN. FRONT YARD	20'	14.75'	14.75'	★
MIN. SIDE YARD	10'	6.1'	6.1'	★
MIN. REAR YARD	15'	12.4'	15.2'	
MAX. HEIGHT	2 1/2 STORIES 35'	2 1/2 STORY <35'	2 1/2 STORY <35'	
MIN OPEN SPACE (2) 1-BEDROOM DWELLINGS	600 SQUARE FEET	-	655 SQUARE FEET	
MIN PARKING SPACES	3 (DWELLING UNITS) 5 (COFFEE SHOP) 8 (TOTAL)		6	★
SOURCE: CITY OF POUGHKEEPSIE ZONING ORDINANCE R-3 REGULATIONS (2-FAMILY & OTHER USES- REGS LISTED ABOVE)				
★ AREA VARIANCE REQUIRED				
★★ USE VARIANCE REQUIRED				

PROPOSED MIXED USE
COFFEE / CAFE SHOP - TWO-FAMILY DWELLING:
67 WORRALL AVENUE
CITY OF POUGHKEEPSIE, NY



1 LOCATION MAP



2 PROPOSED SITE PLAN

DESIGN AND DRAWINGS PREPARED BY: JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER: DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER: JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
8.18.2022 ISSUED TO OWNER FOR REVIEW	
8.22.2022 ISSUED TO CITY OF POUGH. (ZRR) FOR REVIEW	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
9.30.2022 REVISIONS TO LANDSCAPE, DRIVE AISLES & PARKING	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Plan	
Project No.	2227
Date	8.6.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	
Drawing No.	S-1.0



LEGEND	
---	PROPERTY BOUNDS
OH	OVERHEAD WIRES
W	WATER VALVE
+	POST & WIRE FENCE
+	STOCKADE FENCE
+	UTILITY POLE
+	CATCH BASIN
G	GAS UTILITY

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

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

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

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

SURVEYED AS PER MAPS AND DEEDS OF RECORD AND AS IN INDICATED POSSESSION ON OR BEFORE DECEMBER 9, 2010.

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

JOHN H. DECKER LS #050572

BOUNDARY SURVEY

67 WORRALL AVENUE

CITY OF POUGHKEEPSIE
SEPTEMBER 12, 2022

DUTCHESS COUNTY, NEW YORK

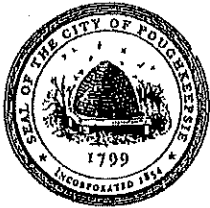
1" = 10'

DECKER
SURVEYING

JOHN H. DECKER LS
292 FRALEIGH LANE
RED HOOK NY 12571
Phone No. (845) 756-4442
deckersurveying@frontiernet.net

© Copyright 2005

67 worrall avenue



BUILDING DEPARTMENT

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

RECEIVED

SEP 20 2022

Eric Philipp
Building Inspector

August 23, 2022

Jose Santos/John Sullivan

Re: 67 Worrall Avenue
Zoning Review Request

Dear Mr. Santos & Mr. Sullivan

The Development Department is in receipt of your zoning review request relative to the property at 67 Worrall Ave and the proposed use of two one bedroom apartments and a coffee shop. This property is located in a Medium-Density Residence District(R-3) which does not permit Mixed Use buildings per Section 19-3.14(2). Therefore, any request to establish such a use would be denied. You would have the right to appeal the terms of such denial to the Zoning Board of Appeals, requesting that a Use Variance be granted. During the review of plans provided there were also multiple deficiencies discovered that would require Area Variances to be granted by the Zoning Board of Appeals on top of the required Use Variance, they are as follows:

1. Section 19-3.14(4)(a) requires a minimum lot area of 16,000 square feet; plans provided show the lot area is 6,969 square feet.
2. Section 19-3.14(4)(d)2, requires a minimum side yards of 10 feet; plans provided show southern side yard is 9 feet and northern side yard is 6 feet.
3. Section 19-3.14(4)(d)3. Requires a minimum rear yard of 15 feet; plans provided show rear yard is only 13 feet but is stated to be 87.5 feet. The yard requirement does not include paved surfaces which might be the confusion.
4. Section 19-4.3(11) requires 9 parking spaces(2 spaces per 1 bedroom unit & 1 space per 50 square feet of gross floor area for commercial space); plans provided show 6 parking spaces.
5. Section 19-4.3(1) requires landscaping a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; provided plans do not include an elevation to confirm height of landscaping.
6. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses; plans provided only show partial coverage.

If the Use Variance and all Area Variances are granted by the Zoning Board of Appeals you would then need to obtain Site Plan approval from the Planning Board. After that you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department. There are also requirements for signs per Section 19-4.9 including a permit.

Please note that the City is currently in the process of revising its Master Plan and, in conjunction with that process, is also seeking to update its Zoning Ordinance. That update is

Page 1



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

likely to contain substantive changes that may affect the area in which your property is located. The time line for adoption of an updated ordinance is not guaranteed, but we are hoping to have it in place by the end of this calendar year. There is an open house relative to the ordinance on Wednesday, August 24th, from 5 to 7 at the plaza in front of City Hall (or lobby if weather doesn't cooperate) to review and comment on the proposed changes:

- Website and Eventbrite: We have the promotional banner all set at <http://www.pk4keeps.org/>, which links to an Eventbrite page for registration.

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
62 Civic Center Plaza
Poughkeepsie, NY 12601

Office - 845-451-4273
Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com

Area Variance



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

FEE: \$350.00
CODE: A2112
ID# ZBA2022-024
IPS# 504090

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

PROPERTY ADDRESS: 67 Worrall Avenue
ZONING DISTRICT: R-3

OWNER INFORMATION:
Name: Damian Mercado
Address: 1491 Bryant Avenue - Bronx, NY 10460
Phone: _____
Email: _____

APPLICANT INFORMATION:
Name: Jose Santos, Fortuan Realty, Inc
Address: 717 Broadway - Newburgh, NY 12550
Phone: 845.522.0057
Email: jpsantos515@gmail.com

CONSULTANT INFORMATION:
Name: John Sullivan
Address: 16 Barclay Street - Poughkeepsie, NY 12601
Phone: 914.456.1299
Email: jsullivan2@hvc.rr.com

SUBJECT OF APPEAL

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

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

Date of decision/determination/violation: August 23, 2022

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

RECEIVED

SEP 20 2022

PAID

SEP 20 2022

✓ 8/27
\$350

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 67 Worrall Avenue

AREA VARIANCE REQUESTS

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

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
<u>19-3.14(4)(a)</u>	<u>Min. 16,000 lot area/ 7,057 sq.ft.</u>	<u>8,943 sq ft variance</u>
<u>19-3.14(4)(d)1</u>	<u>20 feet front yard/ 15 feet</u>	<u>5 foot variance</u>
<u>19-3.14(4)(d)2</u>	<u>10 feet side yard / 6.1 & 8.6 feet</u>	<u>3.9 & 1.4 foot variance</u>
<u>19-4.3(11)</u>	<u>9 parking spaces / 6 parking spaces</u>	<u>3 parking spaces</u>
<u> </u>	<u> </u>	<u> </u>

VARIANCE REQUEST JUSTIFICATION

See attached

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

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

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

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

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION
PROPERTY ADDRESS: 67 Worrall Avenue

LIST OF REQUIRED ATTACHMENTS

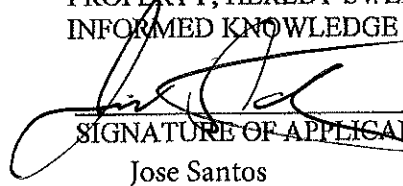
1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Nine (9) copies.
3. Color photos of site conditions: Nine (9) copies
4. Complete Short EAF
5. Electronic file submission of the plot plan and color photos
6. Other attachments deemed pertinent by the applicant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

SURVEY FROM JOHN DECKER, L.S.
CONSENT LETTER FROM OWNER -> APPLICANT

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
Jose Santos

September 20, 2022

DATE

Print Name

67 Worrall Avenue – VARIANCE REQUEST JUSTIFICATION

The following responses are related to the Lot area appeal **Section 19-3.14(4)(a)** where minimum of **16,000 square feet** of lot area is required existing lot area is 7,057 square feet.

- 1) The granting of this will not produce an undesirable change in the character of the neighborhood. The proposal is consistent with adjacent and neighboring properties. The proposal is not detrimental to nearby properties. Several adjacent properties are non-conforming in terms of lot area in respect to different uses; that being, two family residences, multi-family dwellings and commercial / business uses.
- 2) The area variance cannot be achieved by some other method feasible to pursue, simply due to the how the adjacent properties are situated with there current use, locations of surrounding residences or commercial use properties and availability.
- 3) The area variance requested is substantial; however, as mentioned in response one, most of if not all adjacent properties are deficient in their lot area relative to the use of each; this proposal is consistent with the surrounding area.
- 4) The requested variances will not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district. No trees are required to be removed, in fact the proposed site plan is an improvement as it would reduce a substantial amount of impervious surface with added landscaping and perimeter grass and plantings.
- 5) The need for the area variances should not be considered 'self-created' as this property once operated as a mixed-use with a large asphalt paved parking area. The proposal is in fact an improvement to how it exists currently as mentioned in response four related to the reduction in impervious and landscape buffers.

The following responses are related to the front and side yard setback requirements appeal of **Section 19-3.14(4)(d)1 and 2**, where minimum **20 feet** front yard is required and **15 feet exists**, where **10 feet** side yard is required, **6.1 feet and 8.6 feet exists**.

- 1) This proposal cannot be solved by some other method due to the existing location of the building and where it is situated on the site. There are no other solutions possible including the purchase of adjacent land.
 - 2) The area variance cannot be achieved by some other method feasible to pursue as the area variance requested is related to how the existing building is located on the site.
 - 3) The area variances requested for relief from the front yard and south side are not substantial. The north side yard variance could be considered substantial but as mentioned in comment two this is an existing condition relative to the how the building is situated on the site and it should be noted that other adjacent properties including directly to the north are less conforming to the side yard.
 - 4) The requested variances will not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district. No trees are required to be removed, in fact the proposed site plan is an improvement as it would reduce a substantial amount of impervious surface with added landscaping and perimeter grass and plantings.
 - 5) The need for the area variances should not be considered 'self-created' as the requested area variances for the front and side yard dimensions are an existing condition.
-

The following responses are related to the required parking count **Section 19-4.3(11)**, where (9) parking spaces are required and (6) parking spaces are proposed. The proposed two (1) bedroom dwellings required (4) parking spaces and the 400 square foot coffee shop requires (5) parking spaces.

1) The granting of this will not produce an undesirable change in the character of the neighborhood. This site is unique in terms of how it is situated being a corner lot as well as the existing paved area in the rear of the property that is accessed from Fulton Avenue. The proposed site plan improves the aesthetics of the site with proposed landscape buffer surrounding the site and parking lot. It should also be noted that with this proposal and how the use of coffee shop encourages the neighborhood to walk or use of a bicycle, therefore not causing a detriment. The proposed parking spaces satisfy the requirement for the residential component.

2) The area variance cannot be achieved by some other method feasible to pursue, simply due to the how the adjacent properties are situated with their current use, locations of surrounding residences or commercial use properties and availability.

3) No the requested variance relative to the parking is not substantial. Parking is possible on the street and with the proposed coffee shop could be considered a relatively quick stop and go and as mentioned in comment one walking and bicycle use seems appropriate.

4) The requested variances will not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district. No trees are required to be removed, in fact the proposed site plan is an improvement as it would reduce a substantial amount of impervious surface with added landscaping and perimeter grass and plantings.

5) The need for the area variances should not be considered 'self-created' as this property once operated as a mixed-use with a large asphalt paved parking area. The proposal is in fact an improvement to how it exists currently as mentioned in response four related to the reduction in impervious and landscape buffers.



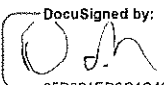
K Fortuna Lighthouse Realty, Inc.
717 Broadway
Newburgh, NY 12550

To whom it may concern, I Damian Mercado authorize Jose santos with Aim High Property LLC to apply for a mixed-use permit for 67 Worrall Ave Poughkeepsie NY 12601.

Respectfully Submitted,

Damian Mercado 6/19/2022

Damian Mercado

DocuSigned by:

05D021ED3C1C487...
Mobile: 845-522-0057

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project: Proposed mixed-use rehabilitation to an existing building consisting of a coffee shop and two (1) bedroom dwelling units.				
Project Location (describe, and attach a location map): 67 Worrall Avenue - City of Poughkeepsie, NY				
Brief Description of Proposed Action: Proposal for a rehabilitation to existing two-story wood frame building that previously existed as a mixed-use. Non-conforming mixed use was lost approximately 2012. New proposal consists of a small coffee shop on the ground floor, and two (1) bedroom dwellings to existing building. Application is to the city of Poughkeepsie zoning board of appeals for a use variance relative to the mixed use as well as an application the ZBA for area variances as follows: Lot area, front, side yard setbacks and a deficiency in (3) parking.				
Name of Applicant or Sponsor: Jose Santos		Telephone: 845.522.0057 E-Mail: jpsantos515@gmail.com		
Address: 717 Broadway				
City/PO: Newburgh		State: New York	Zip Code: 12550	
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 board of appeals, planning board and building department.			NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? _____ 0.162 acres b. Total acreage to be physically disturbed? _____ 0.026 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.162 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): Municipal education ☐ 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: Project will exceed state energy code requirements with the use of high efficiency heating / cooling equipment and LED lighting.	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Existing water connection in place.	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Existing sanitary sewer connection in place.	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	☐	☒
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☒	☐
	☒	☐
	☒	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Jose Santos</u> Date: <u>September 20, 2022</u> Signature: _____ Title: <u>Property 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]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



1 67 WORRAL AVE VIEW



2 67 WORRALL AVE (looking north)



3 67 WORRALL AVE (looking east)



4 67 WORRALL AVE (rear yard / looking west)



5 67 WORRALL AVE VIEW (rear of building looking south)



6 67 WORRALL AVE (rear yard/parking area —looking east)



7 67 WORRALL AVE (rear yard/ parking lot — looking north)



8 67 WORRALL AVE (rear yard)

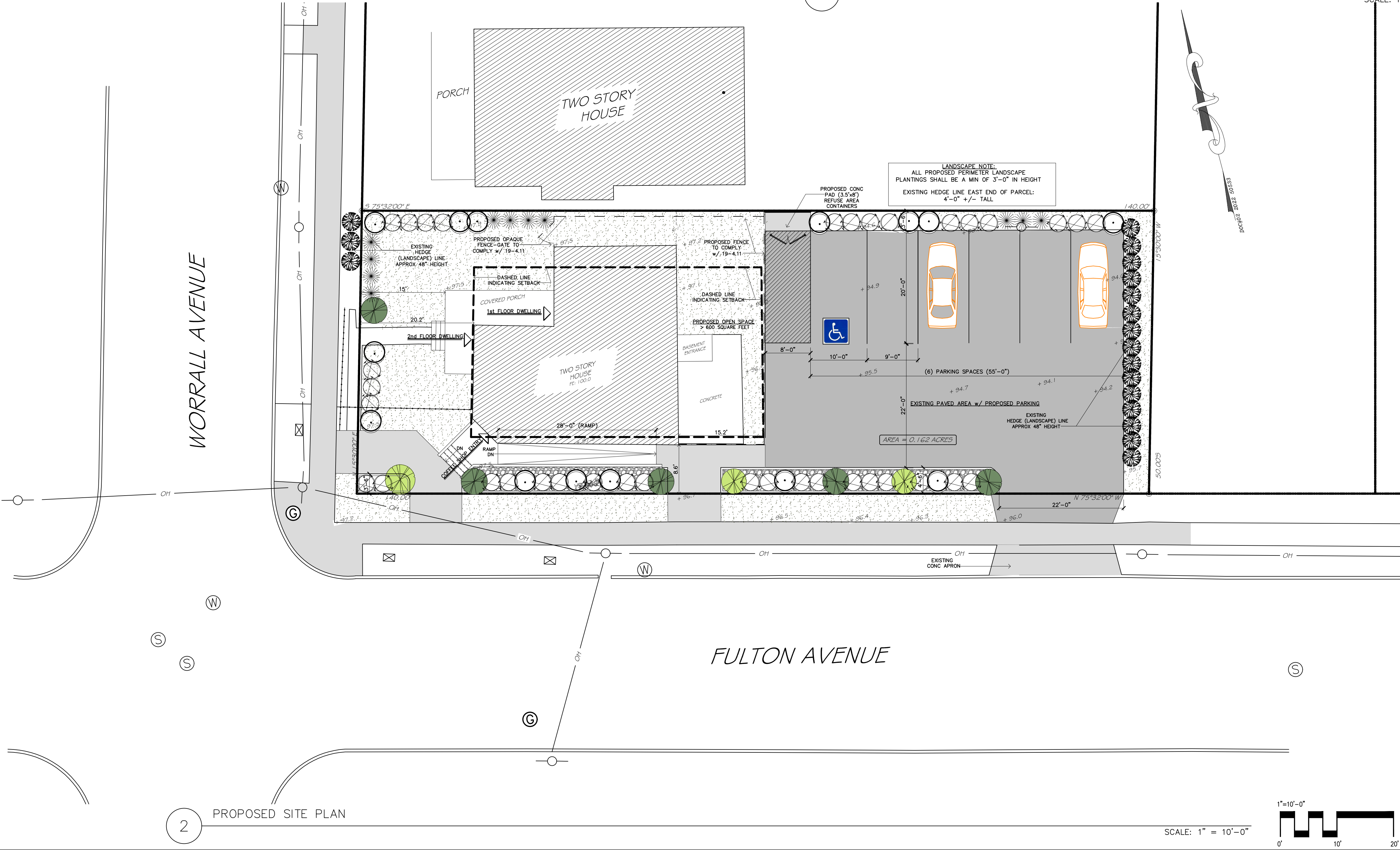
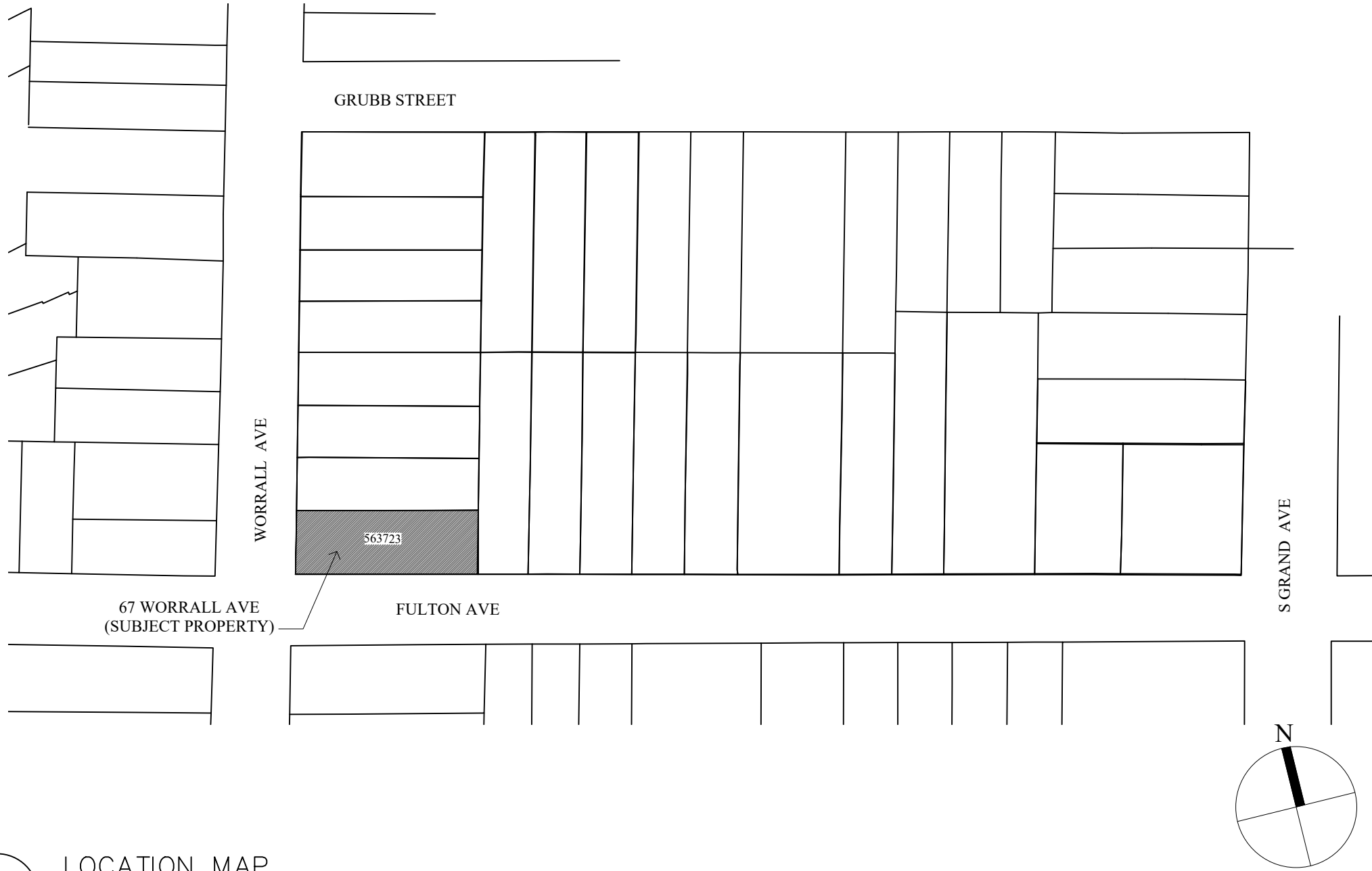


9 67 WORRALL AVE (side —north yard)

DESIGN AND DRAWINGS PREPARED BY: JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER: DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER: JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Photos	
Project No.	2227
Date	9.20.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	Drawing No.
	S-1.1

ZONING REQUIREMENTS				
ZONING DISTRICT:	R-3 (MEDIUM-DENSITY RESIDENCE DISTRICT)			
TAX MAP No's.	6161-41-563723			
LOT AREA :	(67 WORRALL AVENUE) 7,057 SQ. FT. (0.162 ACRES)			
BULK REQUIREMENTS	REQUIRED	EXISTING	PROPOSED	
		MIXED-USE (BUSINESS - RESIDENTIAL)	MIXED-USE (COFFEE SHOP - RESIDENTIAL) ★★	
MIN. LOT AREA	10,000 SQ. FT. (TWO-FAMILY) 6,000 SQ. FT. (COMMERICAL)	7,057 SQ. FT.	7,057 SQ. FT.	★
MAX. LOT COVERAGE	35%	18%	20%	
MIN. LOT WIDTH	50'	50'	50'	
MIN. LOT FRONTAGE	30'	50'	50'	
MIN. FRONT YARD	20'	14.75'	14.75'	★
MIN. SIDE YARD	10'	6.1'	6.1'	★
MIN. REAR YARD	15'	12.4'	15.2'	
MAX. HEIGHT	2 1/2 STORIES 35'	2 1/2 STORY <35'	2 1/2 STORY <35'	
MIN OPEN SPACE (2) 1-BEDROOM DWELLINGS	600 SQUARE FEET	-	655 SQUARE FEET	
MIN PARKING SPACES	3 (DWELLING UNITS) 5 (COFFEE SHOP) 8 (TOTAL)		6	★
SOURCE: CITY OF POUGHKEEPSIE ZONING ORDINANCE R-3 REGULATIONS (2-FAMILY & OTHER USES- REGS LISTED ABOVE)				
★ AREA VARIANCE REQUIRED				
★★ USE VARIANCE REQUIRED				

PROPOSED MIXED USE
COFFEE / CAFE SHOP - TWO-FAMILY DWELLING:
67 WORRALL AVENUE
CITY OF POUGHKEEPSIE, NY



DESIGN AND DRAWINGS PREPARED BY: JOHN V. SULLIVAN - associate a.i.a. 16 BARCLAY STREET POUGHKEEPSIE, NY	
PROPERTY OWNER: DAMIAN MERCADO 1491 BRYANT AVENUE BRONX, NY 10460	
PROPERTY MANAGER: JOSE SANTOS FORTUNA REALTY, INC 787 BROADWAY NEWBURGH, NY 12550	
Date Issue	
8.18.2022 ISSUED TO OWNER FOR REVIEW	
8.22.2022 ISSUED TO CITY OF POUGH. (ZRR) FOR REVIEW	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (USE VARIANCE)	
9.20.2022 ISSUED TO CITY OF POUGH. ZBA (AREA VARIANCES)	
9.30.2022 REVISIONS TO LANDSCAPE, DRIVE AISLES & PARKING	
Project Title	
Proposed Site Plan 67 Worrall Ave City of Poughkeepsie, NY	
Drawing Title	
Site Plan	
Project No.	2227
Date	8.6.2022
Scale	AS NOTED
Drawing by	JVS
Checked by	
Drawing No.	
S-1.0	



LEGEND	
---	PROPERTY BOUNDS
OH	OVERHEAD WIRES
W	WATER VALVE
+	POST & WIRE FENCE
+	STOCKADE FENCE
+	UTILITY POLE
+	CATCH BASIN
G	GAS UTILITY

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

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

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

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

SURVEYED AS PER MAPS AND DEEDS OF RECORD AND AS IN INDICATED POSSESSION ON OR BEFORE DECEMBER 9, 2010.

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

JOHN H. DECKER LS #050572

BOUNDARY SURVEY

67 WORRALL AVENUE

CITY OF Poughkeepsie
SEPTEMBER 12, 2022

DUTCHESS COUNTY, NEW YORK

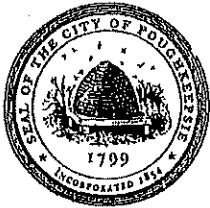
1" = 10'

DECKER
SURVEYING

JOHN H. DECKER LS
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RED HOOK NY 12571
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deckersurveying@frontiernet.net

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67 worrall avenue



BUILDING DEPARTMENT

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

RECEIVED

SEP 20 2022

Eric Philipp
Building Inspector

August 23, 2022

Jose Santos/John Sullivan

Re: 67 Worrall Avenue
Zoning Review Request

Dear Mr. Santos & Mr. Sullivan

The Development Department is in receipt of your zoning review request relative to the property at 67 Worrall Ave and the proposed use of two one bedroom apartments and a coffee shop. This property is located in a Medium-Density Residence District(R-3) which does not permit Mixed Use buildings per Section 19-3.14(2). Therefore, any request to establish such a use would be denied. You would have the right to appeal the terms of such denial to the Zoning Board of Appeals, requesting that a Use Variance be granted. During the review of plans provided there were also multiple deficiencies discovered that would require Area Variances to be granted by the Zoning Board of Appeals on top of the required Use Variance, they are as follows:

1. Section 19-3.14(4)(a) requires a minimum lot area of 16,000 square feet; plans provided show the lot area is 6,969 square feet.
2. Section 19-3.14(4)(d)2, requires a minimum side yards of 10 feet; plans provided show southern side yard is 9 feet and northern side yard is 6 feet.
3. Section 19-3.14(4)(d)3. Requires a minimum rear yard of 15 feet; plans provided show rear yard is only 13 feet but is stated to be 87.5 feet. The yard requirement does not include paved surfaces which might be the confusion.
4. Section 19-4.3(11) requires 9 parking spaces(2 spaces per 1 bedroom unit & 1 space per 50 square feet of gross floor area for commercial space); plans provided show 6 parking spaces.
5. Section 19-4.3(1) requires landscaping a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line; provided plans do not include an elevation to confirm height of landscaping.
6. Section 19-4.11(1)(b) requires landscape strips shall be provided along all property lines of multifamily and nonresidential uses; plans provided only show partial coverage.

If the Use Variance and all Area Variances are granted by the Zoning Board of Appeals you would then need to obtain Site Plan approval from the Planning Board. After that you would need to file all required Building permits and obtain an issued Certificate of Occupancy from the Building Department. There are also requirements for signs per Section 19-4.9 including a permit.

Please note that the City is currently in the process of revising its Master Plan and, in conjunction with that process, is also seeking to update its Zoning Ordinance. That update is

Page 1



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

likely to contain substantive changes that may affect the area in which your property is located. The time line for adoption of an updated ordinance is not guaranteed, but we are hoping to have it in place by the end of this calendar year. There is an open house relative to the ordinance on Wednesday, August 24th, from 5 to 7 at the plaza in front of City Hall (or lobby if weather doesn't cooperate) to review and comment on the proposed changes:

- Website and Eventbrite: We have the promotional banner all set at <http://www.pk4keeps.org/>, which links to an Eventbrite page for registration.

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
62 Civic Center Plaza
Poughkeepsie, NY 12601

Office - 845-451-4273
Fax - 845-451-4006

jobrien@cityofpoughkeepsie.com