



Town of Poughkeepsie Planning & Zoning

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885/790-4772 Fax

Town of Poughkeepsie Zoning Board of Appeals

Application for Area Variance / Interpretation

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation Area Variance

Name of Project (if applicable): 824-826 Main Street

Name of Applicant(s): 824-826 Main Street, LLC Attn: Dan Petrizzo

Address: P.O. Box 4278, Middletown, NY 10941

Telephone: _____ email: dannypetrizzo@gmail.com

Name and Address of Record Owner(s): 824-826 Main Street, LLC Attn: Dan Petrizzo

P.O. Box 4278, Middletown, NY 10941

Name and Address of Attorney or professional representative: John V. Andrews, Jr., P.E.

Rohde, Soyka & Andrews, 40 Garden Street, Poughkeepsie, NY 12601

Telephone: 845-452-7515 email: jandrews@rsaengrs.com

Street Address of all parcels: 824-826 Main Street

Tax Map Number of all parcels: 6161.08.876800

Zoning District: Arlington Town Center (ATC)

Have any permits affecting the property been issued by any other governmental agency?

No Yes If yes, please list in detail (attach separate pages if necessary):

Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency? No Yes . If yes, please list in detail (attach separate pages if necessary):

Town of Poughkeepsie Planning Board - Site Plan, Special Use Permit & Lot Line Revision (all pending)

Attach a copy of the current deed and any easements affecting the property.

A) For Interpretation Applications:

Description of Reason for the Requested Interpretation: (Attach additional pages as necessary)

Not Applicable

B) For Area Variance Applications:

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary)

- 1) Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

Please refer to Attachment A

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

Please refer to Attachment A

- 3) Whether the requested area variance is substantial;

Please refer to Attachment A

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

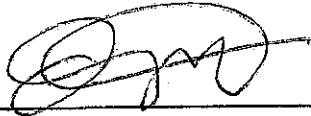
Please refer to Attachment A

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Please refer to Attachment A

By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Poughkeepsie Code provision(s) affecting or regulating the project for which this application is made; and 3) He/She agrees to comply with the requirements of the Town Poughkeepsie Code provision(s) affecting or regulating the project for which this application is made including any general or special conditions of any permits or approvals granted by any board, agency, or department of the Town of Poughkeepsie; and 4) He/She has read this statement and understands its meaning and its terms.

Applicant Signature: _____



Print Name: Dan Petrizzo

Date: _____

10/27/22

ATTACHMENT A

Town of Poughkeepsie Zoning Board of Appeals
Application for Area Variance / Interpretation
824-826 Main Street
October 24, 2022

The project involves the redevelopment and renovation of an existing vacant building to accommodate two (2) store front commercial/retail occupancies, two (2) two-bedroom apartments and one (1) one bedroom apartment. The building and façade will be reconstructed. An on-site parking area will be developed on the interior portion of the lot. There is also an existing fully developed structure on the same lot with a ground floor retail establishment with two (2) apartments on the second floor and one apartment on the third floor(attic) which will remain.

The Parcel is located at 824-826 Main Street, Tax Parcel No. 6161-08-876800 consisting of 0.27 Acres. The parcel is in the Arlington Town Center (ATC) Zoning District. The parcel is connected to Town water and sewer.

There is an application pending before the Town of Poughkeepsie Planning Board for a Lot Line Revision, Site plan and Special Permit Approval. The lot line revision involves the parcel immediately adjoining to the south and involves the transfer of a narrow sliver of property (250 SF) from the adjoining parcel to the subject parcel to satisfy egress provisions for the proposed apartments.

Two variances are being sought:

- 1) The 6 apartments on the parcel require a variance from §210-(E)(2), for exceeding residential density. The requirement for 6 units is one acre(43560 sf). With the proposed lot line revision, the parcel is 12011 square feet, requiring a variance of 31549 square feet.
- 2) The parking requirement for the mixed use requires 15 parking spaces as per §210-92, requiring a variance of 6 parking spaces.

We offer the following comments concerning the proposed action relative to the standards set forth in the variance application:

- 1) Granting the area variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The structure to be developed is existing. The building was previously occupied by a commercial storefront and a printing facility. The structure is a single story, long structure, extending virtually the entire lot depth from Main Street to the rear lot line. The surrounding neighborhood is already a mixed-use development, bounded by Main Street and Haight Avenue (East Bound Arterial). The manner in which the lot is configured places the parking to the rear between the two existing structures and behind one. The parking area is limited but is screened. The proposed development will restore a vacant unused structure to full occupancy with an improved façade.

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October 24, 2022

- 2) The purpose of the action is to redevelop and restore a currently vacant building to full occupancy. The building is long and narrow. The width is ideal for two(2) commercial /retail storefront occupancies. Given the building length, the total square footage exceeds that which could reasonably be devoted to typical storefront occupancies. The narrow access way limits potential uses for the rear portion of the building. Residential use presents the best re-use option. The three apartments offer the best return on investment for the rear space. Reducing the number of units, decrease the financial. It is not feasible to reduce the commercial and/or the residential unit count and maintain a viable project.
- 3) Both the variances being sought, the variances can be considered substantial. The variance for the residential density is approximately 72% and the parking reduction represents a 40 % reduction. The existing building footprint is being used as is. No expansion of the existing footprint will occur. The project involves interior and facade renovation only. The lot size has been increased a slight amount without compromising the parcel from which the additional land is being obtained. The area available for parking between the two structures has been maximized to the extent practicable given the constraints imposed by the lot size, the building configuration and reasonable access provisions. The proposal represents a reasonable, viable option for the redevelopment and restoration of full occupancy of the property, utilizing the existing building and site with no expansion.
- 4) The proposed variance will not have an adverse impact on the physical or environmental conditions of the neighborhood and the District. This is a redevelopment project, utilizing an existing structure and site, improved but otherwise substantially as it exists today. The proposed mixture of uses is a permitted use within the zoning designations for the property. The proposal otherwise fully complies with the District Bulk Regulations including all other setbacks, lot, and impervious coverage, and building height. The facility is currently and will continue to be connected to municipal water and sewer. The proposal includes an upgraded water service No anticipated major disturbances except for the new water service are anticipated. It is expected that with the restoration of full occupancy and the renovation of the structure, there will be a likely positive effect on the neighborhood.
- 5) The Applicant acquired the property in its existing condition fully aware of its limitations. It is a project of his choice. Proper development of the parcel, redevelopment, and restoration of full occupancy of the existing structure and site

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is the goal. It can be taken that the alleged difficulties are therefore self-created. The proposal represents a reasonable viable option to achieve that goal working with the existing site and structure.

DISCLOSURE OF BUSINESS INTEREST

State of New York }
County of Dutchess } ss:

824-826 Main Street LLC- Dan Petrizzo being duly sworn, deposes and says:

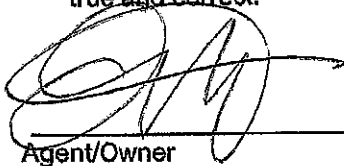
1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual interest in the proposed project: (Insert name, home address and municipal position held. Attach additional pages as necessary.)

NONE

2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)


Not applicable

3. That he/she understands that the Town of Poughkeepsie Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.


Agent/Owner

Agent/Owner

Sworn to before me this 27th day of OCTOBER, 2022


Notary Public

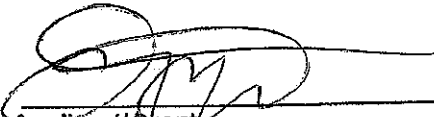
KATHLEEN DELANO
Notary Public, State of New York
Reg. No. 01066054162
Qualified in Dutchess County
My Commission Expires January 29, 2023

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }
County of Dutchess } ss:

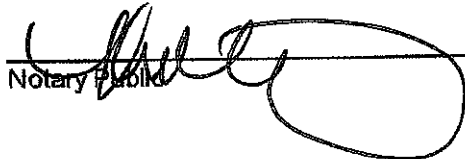
824-826 Main Street LLC - Dan Petrizzo being duly sworn, deposes and says:

1. That I/we are the owner/applicant named in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That he/she resides at 48 King George Rd., Poughkeepsie, NY in the County of Dutchess and the State of New York.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Zoning Board of Appeals action. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
4. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Town Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Zoning Board of Appeals, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Town of Poughkeepsie, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Town Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.
5. That I/we understand that the Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we has examined this affidavit and that it is true and correct.


Applicant/Agent

Applicant/Agent

Sworn to before me this 27th day of October, 2022


Notary Public

KATHLEEN DELANO
Notary Public, State of New York
Reg. No. 01de6054162
Qualified in Dutchess County
My Commission Expires January 29, 2023

AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York

County of Dutchess

ss:

824-826 Main Street LLC - Dan Petrizzo being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize John V. Andrews, Jr, P.E., to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Zoning Board of Appeals action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
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6. That I/we understand that the Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.


Applicant/Owner

Sworn to before me this

27th

day of

OCTOBER

, 20 22.


Notary Public

KATHLEEN DELANO
Notary Public, State of New York
Reg. No. 01de8054162
Qualified in Dutchess County
My Commission Expires January 29, 2023

**Town of Poughkeepsie Zoning Board of Appeals
Agricultural Data Statement**

In accordance with §283-a of the New York State Town Law and §305-a of the Agriculture and Markets Law, this Data Statement will be used to evaluate the potential impacts of a proposed development on farm operations in agricultural districts.

Name of Applicant(s): Not Applicable

Address: _____

Telephone: _____

Description of the Project: _____

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation	<input type="checkbox"/>	Area Variance	<input type="checkbox"/>
Use Variance	<input type="checkbox"/>	Special Use Permit	<input type="checkbox"/>
Accessory Apartment	<input type="checkbox"/>		

Project Address: _____

Tax Map Number of all parcels: _____

Is any portion of the project site currently being farmed? _____

Is the project site located in an Agricultural District? Yes No

Who is farming the site? _____

Does the person farming the site: Rent Own the land?

Attach a list of the names and addresses of the owners of land within an agricultural district containing a farm operation located within 500 feet of the boundary of the project property, and the tax parcel number of the farm parcels. Attach a copy of the tax map and indicate with an "X" the farm parcels within 500 feet of the project property.

I hereby confirm that the information provided herein is true and accurate.

Signature of Applicant: _____ Date: _____