



Town of Poughkeepsie

Planning Department

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D.3. HABITAT FOR HUMANITY SUBDIVISION-SUNSET AVE.

Amendment of 02/20/2025 conditions of Planning Board approval of a partial waiver of §177-8(B) to permit site clearing activity prior to Chair signature of a conditionally approved clustered subdivision of two vacant parcels into five new single-family parcels, a proposed Town road, connection to Town water and sewer services, stormwater facilities and other improvements. Sunset Avenue and Sunset Avenue-rear; Zoned R-20 (Residence Single Family 20,000 SF); 4.54 +/- acres and 0.15 +/- acre; Grid # 6162-05-085925 & -092918; SEQRA Negative Declaration for an Unlisted Action adopted 10/17/2024; *Habitat for Humanity of Dutchess County, Applicant and Owner.*

On 2/20/2025, the Planning Board granted a conditional final subdivision approval for the clustered housing project. Subdivision regulations prohibit site clearing and ground disturbance before final plans are signed. A stormwater pollution prevention plan (SWPPP) is also required for signed plans and NYS DEC permit coverage. The Planning Board approved a partial waiver in order to permit tree felling only with no ground disturbance, prior to signature of the final plans. Habitat then paused the project before undertaking any action on the site.

Habitat is now preparing revised plans, a SWPPP and legal instruments in accordance with 2025 conditions of subdivision approval. They may not all be sufficient for final plan signature before an April 1-October 15 seasonal restriction on tree removal to protect significant bat species takes effect for this project.

Habitat seeks to proceed with and complete tree removal by March 31, and then to undertake project construction later this year. Habitat has proposed a tree restoration security for Town Board approval, a standard precaution to guarantee that the site will be stabilized and revegetated in the event the project does not proceed as planned.

Staff recommend that the Planning Board consider adoption of an amended resolution to authorize tree felling activity on the site prior to a signed subdivision plan, as follows:

“I move that the Planning Board authorize a partial waiver of §210-151(H) to permit site clearing activity limited to tree felling only, prior to Chair signature of an approved Subdivision Plan and consistent with approved bat mitigation, expressly subject to the following:”

1. Tree felling activity may occur on or prior to March 31, 2026, and thereafter is prohibited from April 1 through October 14, unless performed in accordance with NYSDEC and USF&W guidance.
2. Prior to signature of the approved Site Plan by the Planning Board Chair, site clearing activity is restricted to tree felling only; such activity shall not include relocation or removal of trees or brush, the use of heavy equipment, or any ground disturbance.
3. If the owner/applicant obtains Town acceptance of the final SWPPP, and submits evidence of coverage under the NYSDEC SPDES General Permit for Construction Activity, then tree felling activity including relocation or removal of trees or brush, and/or the use of heavy equipment, and/or ground disturbance, may be permitted at the written discretion of the Town Engineer.

4. Such tree felling activity shall be restricted to the area of disturbance and other conditions shown upon Tree Felling Plan TFP, prepared by Day Stokosa Engineering P.C., dated 12/16/25, subject to subsequent revision and acceptance by the Town Engineering and Planning Departments. The Tree Felling Plan shall indicate a methodology for field marking the property lines of tree felling areas with adjoining residential properties, and the trees to be felled. No tree felling activity shall occur until after Town acceptance of the tree-felling plan.
5. Prior to the commencement of any tree felling activity, a site restoration agreement shall be executed subject to Town Board and legal approval, and a financial guarantee filed for such restoration in an amount to be approved by the Town Engineer and the Director of Municipal Development.

