

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **September 6, 2023 at 7:00pm** as the time, date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

Zoning Text Amendments to the South Hills Center (SHC) District, related, in part, to the proposed re-use of the empty Burlington Coat Factory building at the Shoppes at South Hills as an Extra Space Self-Storage Facility, tax parcel number 6158-01-297959-0000, located at 1875-1895 South Road, in the Town of Poughkeepsie consisting of approximately 72.62 acres.

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed amendment is available in full with Exhibit to preview on our website @ <https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings> or in person @ the Town Clerk's Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
August 3, 2023

RESOLUTION 8:2 - # 6 OF 2023

WHEREAS, the Town Board has received an application from South Hills Owner LLC requesting certain zoning text amendments to the South Hills Center (SHC) District related, in part, to the proposed re-use of the empty Burlington Coat Factory building at the Shoppes at South Hills as an Extra Space Self-Storage Facility, tax parcel number 6158-01-297959-0000, located at 1875-1895 South Road, in the Town of Poughkeepsie consisting of approximately 72.62 acres; and

WHEREAS, the original proposed zoning text amendments (Exhibit B of the petition submitted with the application) are attached hereto and incorporated herein by reference; and

WHEREAS, subsequent to its initial submission, the applicant withdrew its request for amendments to Town Code §210-123(E), which would have facilitated future subdivision of parcels within the SHC District, such that the only remaining request for amendment is to Town Code §210-123(D), to permit self-storage as an adaptive reuse, subject to special use permit approval by the Planning Board, and the Town Board does hereby waive a verbatim reading of said amendment and does direct that said amendment be spread across the record as if it, in fact, had been read verbatim; and

WHEREAS, by Resolution 5:24 - #9 of 2023 the Town Board consented to the Planning Board serving as the Lead Agency to coordinate the environmental review of the proposed action pursuant to Article 8 of the Environmental Conservation Law, referred the matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m, and referred the matter to

the Town Planning Board for an advisory report pursuant to Town Code Section 210-154; and

WHEREAS, a written response, dated June 21, 2023, was received from the Dutchess County Department of Planning and Development, said response providing comments and recommending that the Board condition the adoption of the proposed subdivision provisions in §210-123(E) on the adoption of broader amendments to the SHC District regulations; and

WHEREAS, since the proposed amendments to §210-123(E) have been withdrawn by the applicant, a super-majority of the Board is not required to adopt the zoning change; and

WHEREAS, on July 20, 2023, the Town Planning Board, as Lead Agency, determined that the proposed project would not have a significant adverse impact on the environment, and that no environmental impact statement would be required for the reasons set forth in the SEQRA Negative Declaration for a Type I Action dated July 20, 2023; and

WHEREAS, on July 20, 2023 the Town Planning Board voted to convey a neutral recommendation to the Town Board regarding adoption of the proposed Zoning Text Amendment; and

WHEREAS, this the Zoning Text Amendment requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed zoning map amendment for September 6, 2023, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and
2. The Town Board directs the Town Clerk to provide for public notice of said hearing per Town Code §210-156.

Dated: August 2, 2023

Moved: William Carlos

Seconded: Jeffrey Renihan

Motion passes/ fails: Ayes 6 Nays 0

JEN/mem
t-7/26/2023
m-8/2/2023

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Renihan	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilman Carlos	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Burger	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilman Cifone	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilman Krakower	<u>absent</u>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Supervisor Baisley	<input checked="" type="checkbox"/>	___	___

TOWN BOARD OF THE TOWN OF POUGHKEEPSIE,
DUTCHESS COUNTY, NEW YORK

-----X
In the Application of

SOUTH HILLS OWNER LLC

For Amendments to the §210-23 of the Town
of Poughkeepsie's Zoning Code, pursuant to Article XIV
of the Town's Zoning Code.
-----X

PETITION
FOR ZONING TEXT
AMENDMENTS.

The undersigned South Hills Owner LLC ("Petitioner"), by its attorneys, Catania, Mahon & Rider, PLLC, 641 Broadway, Newburgh New York 12550, as per this Petition, request text amendments to the §210-23 [South Hills Center (SHC) District], respectfully alleges as follows:

INTRODUCTION

1. Petitioner is a Delaware limited liability company with a mailing address of 565 Taxter Road, Suite 400, Elmsford, NY 10523 and submits this Petition pursuant to Section 210, Article XIV of the Town of Poughkeepsie's Zoning Code.

2. The Petitioner is owner of real property (the "Property") comprised of approximately 72.69 acres, located on the west side of South Road (NYS Route 9), near its intersection with NYS Route 9D, with a tax map designation of SBL 134689-6158-01-297959. An aerial photograph of the area with the Property highlighted is annexed hereto as **Exhibit A**.

3. The Property is located within the Town's South Hills Center (SHC) Zoning District and is the only property located entirely within the SHC District. The Property is better known as the South Hills Center (also referred to as The Shoppes at South Hills or the South Hills Mall), which contains a mix of retail uses at the Property.

4. The Petitioner is seeking two zoning text amendments to the current SHC regulations in order to assist with the infill redevelopment of the South Hills Center.

5. The Petitioner seeks two minor modifications to the language for current SHC regulations (the "Amendments"):

- (a) amend §210-23.D to add subsection - **"*Self Storage as an adoptive re-use*" as an additional permitted use in the South Hills Center (SHC) District, subject to special**

use permit approval by the Planning Board wherein in the term "Self storage" shall mean, "An enclosed structure used exclusively for the temporary indoor storage of personal materials and goods. The structure(s) shall contain multiple individual mini-warehouse units that are rented or leased to the general public. Self-storage does not include contractor's storage or warehouse. Also referred to as self-service storage, private rental storage, or mini-storage"; and

- (b) amend §210-23.E to add the following subsections with the following language to facilitate the potential subdivision of parcels within the South Hills Center itself:
- a. The lot existing at the time of the adoption of this amendment shall be denominated the parent parcel. The area and bulk requirements of the District shall continue to apply to the parent parcel. At the sole discretion of the Planning Board, the Planning Board may modify the area and bulk requirements of the District, with the exception of maximum building height, for individual subordinate parcels.
 - b. The execution and recording of reciprocal easements and agreements shall be required by the Planning Board as a condition of any subdivision or site plan approval to ensure that such subdivided parcels, for so long as the shopping center use exists, function as one integrated parcel for ingress and egress, parking, internal circulation, water service, drainage, sanitary sewage disposal, and stormwater practices.
 - c. If an open development area in accordance with the Town Law § 280-a(4) has been or is approved by the Town Board for all or any portion of the parent parcel, then individual lots within such open development area shall not be required to have frontage on a public street, provided that reciprocal easements and agreements, satisfactory to the Planning Board, are executed and recorded, to ensure access between such lots and public streets over common internal roadways and driveways, existing or to be constructed in accordance with an approved site plan.
 - d. Signs. For the SHC District, the sign provisions found in §210-122 and §210-127 are hereby modified as follows:
 1. The provisions of §210-122(A)(7) shall not apply to any approved multi-tenant signs located on the parent parcel.
 2. Section 210-127(C) is modified to read as follows:

"Signs attached to buildings. A business is permitted one wall sign equal to an area of 25% of the face of the building, up to a maximum of 100 square feet, located on a wall that contains a public entrance to the business. Additional wall signs shall be permitted, provided that such signs do not exceed 50 square feet and are placed on a wall of the building containing a public entrance. Only one sign per wall is permitted."

3. Section 210-127(D) shall not apply in this District.

6. The first of the proposed Amendments would permit a self-storage facility as an adaptive re-use via special use permit within the SHC Zoning District. The second would eliminate the area, dimensional and bulk requirements associated with any proposed new parcels, and address signage, within the South Hills Center. A copy of the proposed local law reflecting the proposed Amendments is attached as **Exhibit B**.

7. The zoning text amendments provide more flexibility and options for the Petitioner, in its efforts to revitalize and redevelop the South Hills Center.

**THE PROPOSED ZONING TEXT AMENDMENTS AND CONSISTENCY
WITH THE COMPREHENSIVE PLAN & ITS FURTHERANCE OF THE PURPOSES SET
FORTH IN ARTICLE I OF THE ZONING CHAPTER**

8. The Town's Comprehensive Plan was recently updated in 2021, with the Town Board's adoption of the "Town of Poughkeepsie 2030 Comprehensive Plan Update" on October 6, 2021 (the "Comp Plan"). The Comp Plan recognizes the national trend in the decreasing amount of "brick and mortar" retail stores, and correspondingly the Comp Plan focuses on the revitalization and redevelopment of these already developed commercial areas that may be currently underutilized. This not only preserves open space, but also takes advantage of the existing infrastructure (roads, sewer, water, etc.). See Page 2 of the Town's Comp Plan.

9. Indeed, the Comp Plan identifies the South Hills Center as a specific "Opportunity Area" for an infill development that focuses on a potentially underutilized site. See Page 30 and 55 of the Comp Plan. Along those lines, the Comp Plan specifically recommends to expand the number of allowable nonresidential uses within the SHC Zoning District to include more experiential uses, such as service commercial uses. See Recommendation 2.2.5 at Page 62 of the Town's Comp Plan.

10. The zoning Amendments to add "self-storage as an adaptive reuse" use within

the SHC Zoning District, and to provide Petitioner flexibility with any future subdivision of the Property, also promotes the purposes set forth in Article I of the Town's Zoning Chapter.

11. The current SHC Zoning District's character is commercial retail; thus adding a commercial service use like a self-storage facility is consistent with the existing commercial uses within the district. The proposed zoning text Amendments also reflect the recent trends in economic activity as consumers gravitate away from the traditional "brick and mortar" retail stores. Thus, a proposed self-storage facility would be the best use of the existing site and the most appropriate use of underutilized land.

12. The zoning text Amendments would also promote infill development of an existing shopping mall that is already developed, as opposed to allowing for the development on vacant, undeveloped, land; thus, preserving open space and minimizing impacts to the Town's water resources.

13. The zoning Amendments will also help protect the character and the social economic stability of the Town by assisting in the redevelopment of an underutilized mall. The Planning Board's site plan review process will ensure the re-development is orderly, properly designed and appropriate given the existing setting.

14. Allowing self-storage as an adaptive re-use at the South Hills Center along Route 9 will protect existing residential areas since there are no nearby residential uses due the existing vegetative buffer.

15. The proposed zoning Amendment will also encourage development where the infrastructure already exist. The existing roads, sewer and water systems can accommodate any development resulting from the Amendments.

16. Finally, the proposed Amendments, and the associated infill redevelopment, of the South Hills Center, will foster the re-use of existing asphalt areas, the preservation of open space and result in less greenhouse gas emissions than a traditional development on vacant land.

17. In short, the proposed zoning text Amendments will be consistent with the Town's Comp Plan and the purposes behind the Town's Zoning Chapter.

CONCLUSION

18. The proposed zoning text Amendments should constitute is a Type I Action, under the

State Environmental Quality Review Act ("SEQRA") for which the Town Board may want the Planning Board be the Lead Agency.

19. A Long Environmental Assessment Form has been submitted herewith.

20. The Petitioner respectfully requests that the Town Board, pursuant to Article XIV of the Zoning Code:

- (a) Accept this Petition and immediately refer this matter to the Town's Planning Board for a report and recommendation;
- (b) Refer the Petition and associated materials to the Dutchess County Department of Planning;
- (c) Schedule, notice and conduct a public hearing on the Petition at the earliest date; and
- (d) Adopt the minor zoning text Amendments annexed hereto as Exhibit B.

WHEREFORE, it is respectfully requested the instant matter be placed on the earliest possible agenda of the Town Board to begin the process and that the relief sought herein be eventually granted.

Dated: April 11, 2023

Newburgh, New York

Respectfully Submitted,

CATANIA, MAHON & RIDER, PLLC

By: 

John W. Furst

Attorneys for the Petitioner

South Hills Owner, LLC

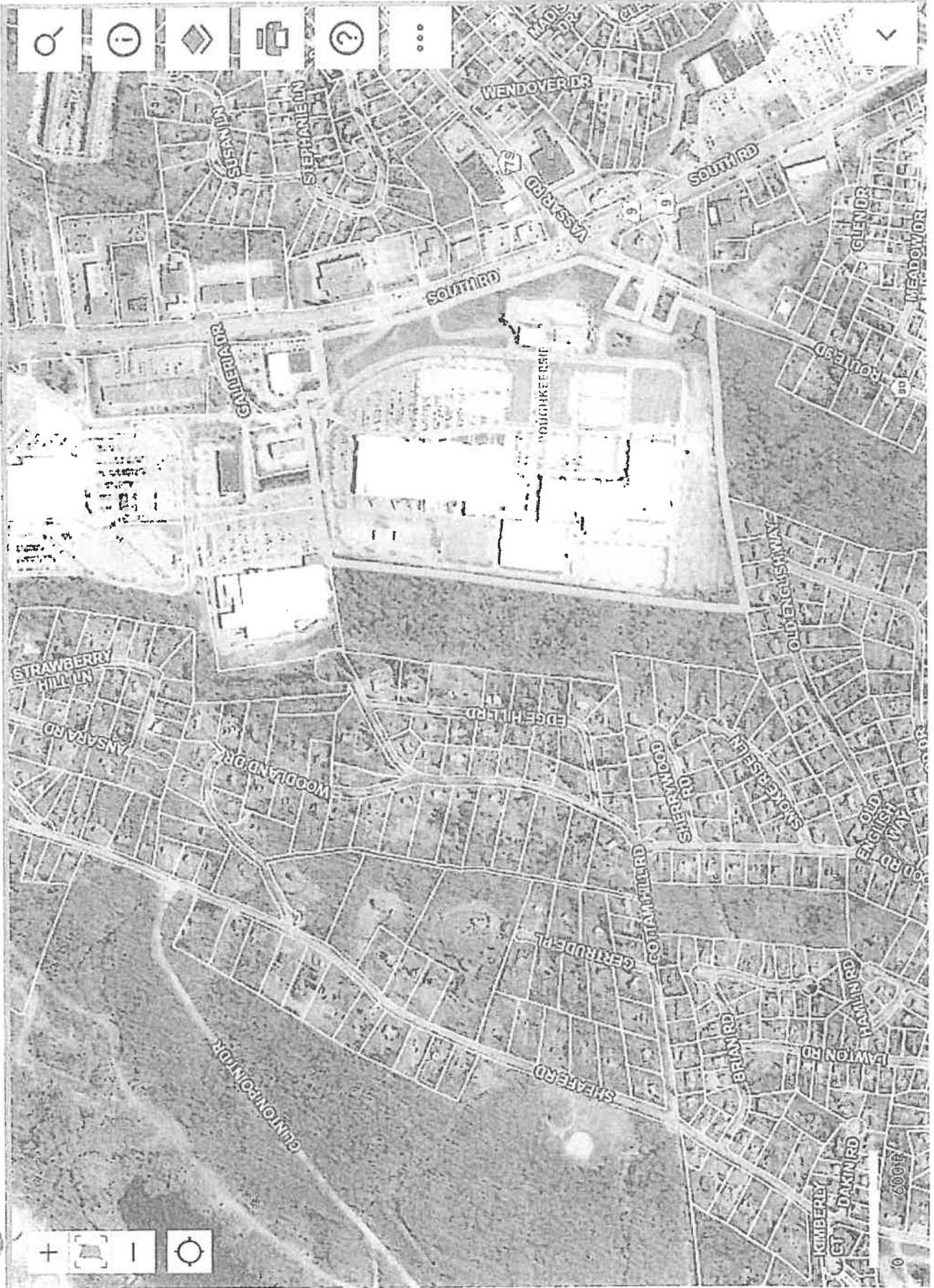
By: 

Name: Adam T. Fshin

Title: Authorized Signatory

Aerial Photograph
EXHIBIT A

FINAL ROLL



ParcelAccess



Proposed Local Law
EXHIBIT B

LOCAL LAW NO. ___ OF 2023

**A LOCAL LAW AMENDING § 210-23 [SOUTH HILLS CENTER (SHC) DISTRICT]
OF THE TOWN OF POUGHKEEPSIE ZONING CODE**

A LOCAL LAW amending the text of § 210-23 of the Zoning Code of the Town of Poughkeepsie as set forth herein, to add self storage as a permitted adaptive reuse, and to provide for the subdivision of the parent parcel.

BE IT ENACTED:

Section 1. Title.

This local law shall be known as “Amendments to § 210-23 [South Hills Center (SHC) District].”

Section 2. Authority.

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law § 10, New York State Town Law, and in accordance with Chapter 210, Article XIV, entitled “Amendments,” of the Zoning Code of the Town of Poughkeepsie.

Section 3. Purpose and Findings.

The Town Board of the Town of Poughkeepsie has received a petition from South Hills Owner LLC for two (2) zoning text amendments to § 210-23 of the Town Code, seeking to have the Town Board amend the Zoning Code for this Zoning District to allow for self-storage facilities as an adaptive reuse, and to allow for the subdivision of parcels within the District.

This Zoning District basically consists of only one use: the South Hills Center (a/k/a The Shoppes at South Hills or the South Hills Mall). The petitioner asserts, and the Town Board agrees, that the proposed zoning text amendments will allow greater flexibility for the reuse of existing, currently vacant buildings within the shopping center. The Comprehensive Plan, adopted by the Town Board on October 6, 2021, identifies the location of The Shoppes at South Hills as an “opportunity area.” The Town Board is mindful that interim changes to the zoning provisions of this District should not impair the opportunities presented by this site, including its potential use for a mix of residential uses and supporting commercial uses. Accordingly, the proposed text amendment is limited to the adaptive reuse of existing structures and would not permit the construction of new warehousing or self-storage facilities on the site.

Allowing the subdivision of the parcel into smaller lots is likely to facilitate the development of the site, as it allows for smaller businesses to own, rather than lease, their prospective sites, and allows for alternate financing. The Town Board finds that this amendment also would foster development of this site consistent with the objectives of the Comprehensive Plan and in furtherance of the purposes set forth in Article I of the Town’s Zoning Code because it promotes infill redevelopment of an existing “opportunity area.”

Section 4. Amendments.

1. Section 210-23(C) of the Town of Poughkeepsie Zoning Code is hereby amended by adding a new subsection (10), and renumbering the current subsection (10) as (11), as follows:

(10) *Self storage, as an adaptive reuse.¹

(11) *Service businesses, with drive-in or drive-through.

2. Section 210-23(E) of the Town of Poughkeepsie Zoning Code is hereby amended by adding the following:

E. The area and bulk regulations of the SHC District shall be as follows:

- (6) Notwithstanding the above, the South Hills Center itself may be subdivided into two or more parcels, subject to the following:

- a. The lot existing at the time of the adoption of this amendment shall be denominated the parent parcel. The area and bulk requirements of the District shall continue to apply to the parent parcel. At the sole discretion of the Planning Board, the Planning Board may modify the area and bulk requirements of the District, with the exception of maximum building height, for individual subordinate parcels.
- b. The execution and recording of reciprocal easements and agreements shall be required by the Planning Board as a condition of any subdivision or site plan approval to ensure that such subdivided parcels, for so long as the shopping center use exists, function as one integrated parcel for ingress and egress, parking, internal circulation, water service, drainage, sanitary sewage disposal, and stormwater practices.
- c. If an open development area in accordance with the Town Law § 280-a(4) has been or is approved by the Town Board for all or any portion of the parent parcel, then individual lots within such open development area shall not be required to have frontage on a public street, provided that reciprocal easements and agreements, satisfactory to the Planning Board, are executed and recorded, to ensure access between such lots and public streets over common internal roadways and driveways, existing or to be constructed in accordance with an approved site plan.
- d. Signs. For the SHC District, the sign provisions found in §210-122 and §210-127 are hereby modified as follows:

¹ In this District, "self storage" shall mean "An enclosed structure used exclusively for the temporary indoor storage of personal materials and goods. The structure(s) shall contain multiple individual mini-warehouse units that are rented or leased to the general public. Self storage does not include contractor's storage or warehousing. Also referred to as self-service storage, private rental storage, or mini-storage."

1. The provisions of §210-122(A)(7) shall not apply to any approved multi-tenant signs located on the parent parcel.

2. Section 210-127(C) is modified to read as follows:

"Signs attached to buildings. A business is permitted one wall sign equal to an area of 25% of the face of the building, up to a maximum of 100 square feet, located on a wall that contains a public entrance to the business. Additional wall signs shall be permitted, provided that such signs do not exceed 50 square feet and are placed on a wall of the building containing a public entrance. Only one sign per wall is permitted."

3. Section 210-127(D) shall not apply in this District.

Section 5. Repeal, Amendment, and Supersession of Other Laws.

All other Resolutions, Ordinances or Local Laws of the Town of Poughkeepsie which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law force and effect.

Section 6. Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 7. Effective Date.

This Law shall become effective upon filing with the New York State Secretary of State:



Town of Poughkeepsie

Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
July 20, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF POUGHKEEPSIE PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and therefore a Draft Environmental Impact Statement will not be prepared.

Name of Action: Extra Space Self Storage – South Hills Center

SEQR Status: Type 1
Unlisted

Coordinated SEQRA Review: Yes
 No

Conditioned Negative Declaration: Yes
 No

Location

South Hills Center (SHC) Zoning District
SHC Zoning District Text Amendments are proposed with this action
±72.62 acres
Grid #: 6158-01-297959

Description of Action

The action includes repurposing a building, turning the existing structure into a self-storage facility. Proposed site improvements are limited to accessible parking and building access, a crosswalk, and signage. The action also includes a zoning text amendment for the South Hills Center (SHC) zoning district to permit a self-storage use as an adaptive reuse. The zoning text amendment is subject to Town Board review and adoption.

The applicant appeared before the Town Board on May 24, 2023 to present their application. The Town Board referred the application to the Planning Board per Town Code §210-154 for an advisory report regarding the zoning text amendment change, consenting to the Planning Board being Lead Agency. Additionally, the application is subject to special use permit review, site plan review, and architectural review.

The applicant appeared before the Planning Board on June 15, 2023 and July 20, 2023.
The public hearing was opened at the July 20, 2023 Planning Board meeting.

Required Permits and Approvals

- Town Board: zoning district text amendment for the South Hills Center (SHC) Zoning District
- Town Planning Board: SEQRA review as Lead Agency, special use permit review, site plan review, and architectural review

Documents, Studies, Materials and Comments Reviewed and Considered by the Lead Agency

A Site Plan application was submitted to the Town Planning Department for review, along with Part I of a Full Environmental Assessment Form for SEQR review. A complete list of materials reviewed may be found at the end of this document.

Reasons Supporting This Determination:

1. Land

The total acreage involved in the proposed action is ±72.62 acres (due to the proposed text amendment) with ±0.01 acres being physically disturbed. Due to the fact that the proposed action will physically disturb less than one (1) acre of land, it is not subject to receipt of a State Pollutant Discharge Elimination System (SPDES) General Permit and therefore requiring no preparation of a project specific Stormwater Pollution Prevent Plan (SWPPP). The proposed action is subject to the applicable erosion and sediment controls and measures. These required controls and measures are anticipated to mitigate the limited proposed land disturbance. Prior to the commencement of any site work, the applicant's contractor and consulting engineer are required to meet with the Town's Planning Department, the Town's Building Department, and the Town Engineer. Upon meeting, erosion control measures will be discussed. There are no moderate to large-scale stormwater impacts anticipated as a result of this proposed action. No significant adverse environmental impacts are anticipated.

2. Geologic Features

There are no unique or unusual land forms within the project site (e.g., cliffs, dunes, minerals, fossils, caves). Therefore, no significant adverse environmental impacts are anticipated.

3. Surface Water

The proposed action is not anticipated to affect one or more wetlands or other surface water bodies (streams, rivers, ponds, lakes) and therefore, no adverse environmental impacts are anticipated.

4. Groundwater

The proposed action is not anticipated to result in new or additional use of groundwater, or have the potential to introduce contaminants to ground water or an aquifer. Therefore, no significant adverse environmental impacts are anticipated.

5. Flooding

The proposed action site is not located within the 100-year or 500-year floodplain. Therefore, no significant adverse environmental impacts are anticipated.

6. Air

The proposed action will not require a state regulated air emission source. Therefore, no significant adverse environmental impacts associated to air are anticipated.

7. Plants and Animals

According to the United States Fish and Wildlife Services (USFWS) IPaC system, accessed on July 7, 2023, there are two (2) species listed as endangered in this region of New York State and they are the Indiana Bat (endangered) and the Northern Long-eared bat (endangered). Per USFWS, there are no critical habitats found on the proposed action site. The IPaC mapper also identified 11 migratory Birds of Conservation Concern (BCC). The 11 bird species are the Belted Kingfisher, Black-billed Cuckoo, Blue-winged Warbler, Canada Warbler, Cerulean Warbler, Chimney Swift, Evening Grosbeak, Prairie Warbler,

Red-headed Woodpecker, and Wood Thrush. In addition, the Bald Eagle is listed, but is not a BCC in this area. There is no tree clearing proposed as a result of this proposed action, and therefore, no significant adverse environmental impacts are anticipated.

8. Agricultural Resources

The proposed action is not located in or adjacent to an Agricultural District. Therefore, no adverse environmental impacts are anticipated.

9. Aesthetic Resources

The proposed land use is not obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. Therefore, no significant adverse environmental impacts are anticipated.

10. Historic and Agricultural Resources

The proposed action is not anticipated to occur in or adjacent to a historic or archeological resource. No adverse environmental impacts are anticipated.

11. Open Space and Recreation

There is no anticipated loss of recreational opportunities or a reduction of an open space resource as designated in any Town-adopted open space plan. No adverse environmental impacts are anticipated.

12. Critical Environmental Areas

The proposed action is not located in or adjacent to a Critical Environmental Area (CEA). Therefore, no significant adverse environmental impacts are anticipated.

13. Transportation

There are no anticipated moderate- to large-scale impacts as a result of the proposed action. Therefore, no significant adverse environmental impacts are anticipated.

14. Energy

The proposed action will utilize the local energy grid, electric and gas. The energy demand will increase locally for commercial uses only. Therefore, no significant adverse environmental impacts are anticipated.

15. Noise, Odor, and Light

The proposed action will not result in a permanent increase in noise. Construction related noise must adhere to Town Code requirements. The proposed action will not result in outdoor odors. Any lighting proposed as a result of the proposed action will be subject to the Town Code lighting regulations. Therefore, no significant adverse environmental impacts are anticipated.

16. Human Health

The proposed action will not result in the potential for exposure to contamination. Therefore, no significant adverse environmental impacts are anticipated.

17. Consistency with Community Plans

The following language has been found to be consistent with the Town’s adopted land use plan. Final proposed language is subject to final review by the Town Board.

1. Amend §210-23(C) to add **Self-storage as an adaptive re-use*, subject to special use permit approval by the Planning Board
 - a. Wherein in the term *self-storage* shall mean, “An enclosed structure used exclusively for the temporary indoor storage of personal materials and goods. The structure(s) shall contain multiple individual mini-warehouse units that are rented or leased to the

general public. Self-storage does not include contractor’s storage or warehouse. Also referred to as self-service storage, private rental storage, or mini-storage.”

The Town’s adopted land use plan, the *2030 Comprehensive Plan Update*, identifies this district as an “Opportunity Area,” “focusing [infill] development where abandoned and underutilized sites exist.” (Plan, p. 30.) The Plan notes that the “shifting economy means that there is less demand for large commercial buildings and a greater likelihood that existing commercial buildings will be underutilized or sit vacant. These infill areas are referred to as opportunity areas in the Plan Update.” (*Id.*) Because the proposed text amendment is limited in scope to the adaptive reuse of existing buildings, and because the particular building has been vacant for a number of years, the Board finds that the proposal will not impede the future development of the site and is consistent with the Plan.

Therefore, no significant adverse environmental impacts are anticipated.

18. Consistency with Community Character

The proposed action does not alter, and therefore is not inconsistent with, the existing community character. No significant adverse environmental impacts are anticipated.

Other Potential Impacts

In addition to the discussion of impacts in the sections above, the Lead Agency has also considered, and hereby issues a determination, concerning the following:

1. The proposed action would not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for flooding, or leaching problems.
2. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area.
3. The proposed action would not create a material conflict with the community’s current plans or goals as officially approved or adopted.
4. The proposed activity would not impair the character or quality of important aesthetic resources.
5. The proposed action would not result in a major change in the use of either the quantity or type of energy.
6. The proposed action would not create a hazard to human health.
7. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
8. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
9. The proposed action would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
10. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

For Further Information:

Michael A. Welti, AICP, Director of Municipal Development
Town of Poughkeepsie
One Overocker Road
Poughkeepsie, New York 12603
Tele: 845-485-3657

This negative declaration was authorized at a meeting by the Planning Board held on July 20, 2023.

MATERIALS REVIEWED

- Project Cover Letter, as prepared by LRC Group
- Application to the Town Board for a Zoning Text Amendment Change, as prepared by LRC Group and Catania, Mahon, and Rider, PLLC
- Combined Application for Site Plan, Special Use, and Architectural Review, as prepared by LRC Group and Catania, Mahon, and Rider, PLLC
- Full Environmental Assessment Form Part 1, as prepared by LRC Group and Catania, Mahon, and Rider, PLLC
- Site Plan Set, as prepared by LRC Group and Design Haus Architecture
- Response to comments, as prepared by as prepared by LRC Group and Catania, Mahon, and Rider, PLLC
- Public comment
- Town Consultant and staff reviews



Town of Poughkeepsie

Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

July 25, 2023

Sent via email to: jwigser@dlcmgmt.com

South Hills Owner, LLC
DLC Management Corp.
565 Taxter Drive, 4th Floor
Elmsford, NY 10523

RE: EXTRA SPACE SELF-STORAGE – 1875-1895 SOUTH ROAD
Grid # 6158-01-297959

Dear South Hills Owner, LLC:

This letter is to inform you of the action taken by the Town of Poughkeepsie Planning Board at the meeting held on July 20, 2023 at which time you requested an SEQRA Review, Advisory Report to the Town Board for a Zoning District Text Amendment, Special Use Permit Review, Site Plan Review, and Architectural Review to repurpose a building, turning the existing structure into a self-storage facility. Proposed site improvements are limited to accessible parking and building access, a crosswalk, and signage. The proposed zoning text amendment is subject to Town Board review and adoption. South Hills Center (SHC) Zoning District; ±72.62 acres; Unlisted Action; *South Hills Owner LLC c/o DLC Management (Applicant and Owner)*.

A motion was made to open the public hearing.

Moved: Carl Whitehead
Seconded: Nicole Gemmati
Carried: 4-0

A motion was made to adjourn the public hearing to September 21, 2023.

Moved: Carl Whitehead
Seconded: Nicole Gemmati
Carried: 4-0

A motion was made that the Planning Board determine that the proposed application for Extra Space Self Storage at 1875-1895 South Road would not have a significant adverse impact on the environment for the reasons set forth in the SEQRA Negative Declaration for a Type I Action dated July 20, 2023.

Moved: Nicole Gemmati
Seconded: Ben Paganelli
Carried: 4-0

A motion was made that the Planning Board convey a neutral recommendation to the Town Board regarding the provisions of the proposed local law that would add *self-storage as an adaptive re-use* as a special permit use to the South Hills Center (SHC) Zoning District.

Moved: Nicole Gemmati
Seconded: Ben Paganelli
Carried: 4-0

A motion was made that the Planning Board defer further action on this application, and direct the applicant to respond to comments, in writing, of the Planning Board and those received from Town departments and agencies including, but not limited to, the following:

1. Town Planning Department comments dated July 20, 2023.
2. DC Planning and Development Department comments dated July 6, 2023.
3. Town Water Department comments dated July 3, 2023.
4. Town Building Department comments dated June 28, 2023.
5. Town Engineering Department comments dated June 27, 2023.
6. Fairview Fire District comments dated June 26, 2023.
7. Planning Board comments.

Moved: Nicole Gemmati
Seconded: Ben Paganelli
Carried: 4-0

NOTE TO THE APPLICANT: In responding to the comments of the Planning Board, Planning Department Staff, any of the various Town Departments and Agencies, and any of the Town’s consultants, it is the responsibility of the applicant to prepare appropriate and complete responses to each and every comment contained in the comment letter(s) and memoranda listed above. Failure to submit appropriate and complete responses to each and every comment as noted may result in the removal of the application from the Planning Board agenda, or may delay plan signatures pending a revised response.

Very truly yours,

Carl Whitehead

Carl Whitehead
Planning Board Chairman

PRESENT	ABSENT
Chairman Whitehead	
Member Fanelli	
Member Gemmati	
	Member Katnani, Alt.
	Member Levasseur
Member Paganelli	
	Member Quinn
	Member Romeo

CW:rlp
cc: Lisa Cobb, Esq., Wallace & Wallace, LLP, Planning Board Attorney, via email
Ken Casamento, The LRC Group, via email

Dutchess County Department of Planning and Development

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **Town of Poughkeepsie**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s): **2979590000, 2907850000**

Project Name: **South Hills Zoning Text Amendments**

Applicant: **South Hills Owner LLC c/o DLC Management Corp.**

Address of Property: **1875-1895 South Rd, Poughkeepsie, NY 12601**

Please Fill in this section

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested:

Entered By: **Salvatore, Felicia**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn
- Incomplete - municipality must resubmit to County
- Exempt from 239 Review
- None

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete with Comments- municipality must resubmit to County
- Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: **5/26/2023**

Notes: **Electronic submission**

Major Project

Date Received: **5/26/2023**

Date Requested:

Referral #: **ZR23-168**

Date Required: **6/24/2023**

Also mailed hard copy

Reviewer:



Date Transmitted: **6/21/2023**

WILLIAM F.X. O'NEIL
COUNTY EXECUTIVE



EWIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING & DEVELOPMENT

June 21, 2023

To: Town Board, Town of Poughkeepsie
Re: **ZR23-168, South Hills Center Zoning Amendments**
Lots: 297959, 290785

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

ACTION

The Board is considering two text amendments to the South Hills Center (SHC) zoning district, to allow self-storage as an adaptive reuse and to make it easier to subdivide large parcels by exempting the "child" parcels from certain bulk requirements.

COMMENTS

Both of the proposed provisions carry the potential to influence the direction of future development on this site - the self-storage proposal through the introduction of a new use that is not in keeping with the vision for the district laid out in the Comprehensive Plan, and the subdivision proposal through the potential for subdivision activity to occur before the rest of the zoning has been updated to align with the Plan. These concerns are described in more detail below.

1. The proposed changes to the subdivision regulations will ease redevelopment of the site. That is a good thing if that redevelopment aligns with the Comprehensive Plan, but easing those regulations before the rest of the zoning language has been updated could have the opposite effect, since any development undertaken under the existing zoning will influence what can happen on the site once the code is updated to align with the Plan. For this reason, we recommend that the updates to subdivision regulations only happen in concert with a broader rewriting of the SHC zoning.
2. We respectfully question the applicant's assertion that allowing self-storage furthers the goals of the Comprehensive Plan. The Plan describes a future South Hills Center that is active, dynamic, and walkable, all goals that are not furthered by this very low-activity use. More specifically, the Plan recommends that *"Nonresidential uses allowed in the district should be reviewed and supplemented to include more experiential uses such as arcades, indoor activity parks or sports complexes, outdoor public gathering spaces as well as restaurants, retail, office and service commercial uses"* (p. 62). In the proposal, the applicant implies that self-storage should be considered a service commercial use (see petition point 9), but the assumption that this use would fall under that category does not align with existing Town policy – recent self-storage projects have been treated as warehouse/storage rather than service (for example, the nearby Diamond Point project or the Love Road project). In our view that is the more appropriate general category.

The applicant and the potential tenant clearly believe that self-storage will be successful here. If it is, it will be there for many years, impacting the potential for the site to transition to the active, vibrant center described in the Plan.

(ZR23-168 cont.)

RECOMMENDATION

For the reasons cited above, the Department recommends that the Board **condition** the adoption of the proposed changes to §210-23(E) of the code (concerning subdivisions) on its inclusion in a broader update to the South Hills Center (SHC) zoning that aligns it with the vision laid out in the Town’s Comprehensive Plan.

Voting and reporting requirements: If the Board acts contrary to our recommendation, the law requires that it do so by a majority plus one of the full membership of the Board and that it notify us of the reasons for its decision.

Should the Board decide to overrule our recommendation, we offer the following specific suggestions on the text of the proposed law:

1. At 210-23(E)(6) (exempting subdivided parcels from certain bulk regulations), limiting this provision only to the “South Hills Center itself” may constitute spot zoning. We suggest that it be applied to the district as a whole.
2. We suggest that the footnoted definition for “Self-Storage” be moved to the Definitions section of the code. A change in the way self-storage is defined in the code should apply to all districts where the use is allowed.
3. The proposed amendment on wall signs adds the option of additional 50 square foot signs for secondary entrances. We suggest it be amended to limit multi-entrance businesses to 100 square feet of signage overall, so that an applicant could have, for example, one 100 square foot sign or two 50 square foot signs.

Eoin Wrafter, AICP

Commissioner

By



Dylan Tuttle

Senior Planner