

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **July 10, 2024 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:

“An unhosted short-term rental at 42 Shamrock Circle as a principal commercial use shall be allowed only after the granting of a special use permit by the Town Board”

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed special use permit 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  
June 6, 2024

RESOLUTION 6:5 - # 15 of 2024

WHEREAS, pursuant to the Town of Poughkeepsie’s Zoning Code, Section 210-105.1(C), “An unhosted short-term rental as a principal commercial use shall be allowed only after the granting of a special use permit by the Town Board”; and

WHEREAS, the Zach Property Group (Dennis and Xenia Zach) has requested a special use permit (“SUP”) to establish an unhosted short-term rental at 42 Shamrock Circle; and

WHEREAS, the Zoning Administrator has confirmed that the applicant has submitted the required materials and has referred the SUP application to the Town Board; and

WHEREAS, before determining whether to grant an SUP, the Town Board must conduct the procedures and apply the criteria specified in Section 210-152.1;

NOW, THEREFORE, BE IT RESOLVED, that the application of the Zach Property Group for an unhosted short-term rental is a Type II action for purposes of SEQRA as it involves the reuse of an existing building; and

BE IT RESOLVED, that the Town Board hereby sets a public hearing on the proposed unhosted short-term rental for July 10, 2024, 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

BE IT RESOLVED, that the Town Clerk is authorized and directed to post notice of the hearing and ensure the hearing notice requirements in Section 210-151(D) are completed.

Dated: June 5<sup>th</sup> 2024

Moved: Barbara Laird

Seconded: Rebecca Edwards

Motion passes/ fails: Ayes 7 Nays 0

ES/mem  
t-5/29/2024  
m-6/5/2024

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Laird	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Burger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Cifone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilman Sharpe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT Supervisor Edwards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Town of Poughkeepsie

## Planning Department

1 Overocker Road  
Poughkeepsie, NY 12603

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

### Town of Poughkeepsie Planning Board Combined Application Form

REQUEST FOR: (Check all that apply)

Date of Application: 5-24-24

- Pre-Application Discussion
- Preliminary Subdivision Approval
- Site Plan Approval
- Land Contour Permit Approval
- Architectural Approval

- Lot Line Revision Approval
- Final Subdivision Approval
- Erosion & Sediment Control Approval
- Aquatic Resources Permit Approval
- Special Use Permit

Name of Project (if applicable): Short Term Rental

Tax Map Number of all parcels: 497790

Street Address of all parcels: 42 Shamrock Circle, Poughkeepsie 12603

Attach a copy of the current deed(s) and any easement(s) affecting the property.

Description of Proposed Activity: short term rental

Name of Applicant(s): Xenia & Dennis Zach

Address: 131 Cramer Road, Poughkeepsie 12603

Telephone: 914-656-2796 Email: dzach@hvc-rr.com

For Office Use:	
Fees Paid: _____	PB Meeting Date: _____
Escrow Paid: _____	Planning Board Appearance Fee Paid: _____

Name of Record Owner(s): same

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**A) For All Applications:**

1) Total acreage involved in application: .54

2) Total contiguous acreage controlled by applicant/owner<sup>1</sup>: —

3) Total number of existing structures: 1

4) Type of existing structures: single family residence

5) Total square footage of all new construction: —

6) Estimated value of new construction or addition: —

7) Type of construction or activity proposed: (Check all that apply)

New Construction: Residential  Commercial  Institutional

Expansion/Renovation: Residential  Commercial  Institutional

Home Occupation:  Change in use:  Other: STR

8) Zoning District(s): R20

9) Does applicant intend to request any information waivers?

No  Yes . If yes, please list all waivers (attach separate pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_

10) Are there agricultural and/or forestry exemptions affecting the property?

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

\_\_\_\_\_  
\_\_\_\_\_

1. Shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability companies, or other entities or partnerships in which the applicant has an interest.

11) Have any area or use variances affecting the property been granted?

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

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12) 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):

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13) 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):

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**Name and Address of Professional Engineer:** \_\_\_\_\_

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Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name and Address of Licensed Land Surveyor:** \_\_\_\_\_

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Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name and Address of Attorney:** \_\_\_\_\_

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Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Name and Address of Biology/Wetland Consultant:** \_\_\_\_\_

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Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**B) For Subdivision and Lot Line Change Applications Only:**

- 1) Total number of lots proposed: \_\_\_\_\_
- 2) What is the size of the smallest lot proposed? \_\_\_\_\_
- 3) What is the size of the largest lot proposed? \_\_\_\_\_
- 4) Number of private driveways proposed: \_\_\_\_\_
- 5) Number of common driveways proposed: \_\_\_\_\_
- 6) Maximum number of lots serviced by a common driveway: \_\_\_\_\_
- 7) Number of private roads proposed: \_\_\_\_\_
- 8) Number of lots serviced by a private road: \_\_\_\_\_
- 9) Preliminary Plat includes \_\_\_\_\_ acres and tentatively includes \_\_\_\_\_ future lots. The amount of area shown on this Preliminary Plat proposed to be dedicated for future public use, (exclusive of roads) is \_\_\_\_\_ (define measure: acres/square feet).
- 10) Does subdivider intend to submit a single subdivision plat for filing with County Clerk for all property in the Preliminary Plat? Yes \_\_\_\_\_ No \_\_\_\_\_. If no, state the number of sections to be filed \_\_\_\_\_.

**C) For Land Contour Permit; Erosion & Sediment Control; Aquatic Resources Applications:**

- 1) Does the plan involve removal or the addition of more than two (2) feet of soil anywhere on the property? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, provide details and a map showing the proposed grading.
- 2) How many cubic yards of material will be moved? \_\_\_\_\_
- 3) Describe how was the amount of material to be moved calculated? Attach additional sheets as necessary.  
\_\_\_\_\_  
\_\_\_\_\_
- 4) Will the activity involve the clearing, grading or disturbance to one acre or more of land? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, provide details and a map showing the proposed grading.
- 5) Describe how the amount of land to be cleared, graded or disturbed was determined? Attach additional sheets as necessary.  
\_\_\_\_\_  
\_\_\_\_\_

**D) For Aquatic Resource Permit Applications:**

- 1) The date the wetland delineation was performed is: \_\_\_\_\_

- 2) The delineation was performed by: \_\_\_\_\_
- 3) The site contains a federal jurisdictional wetland: Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, provide a copy of any applications and correspondence with the USACOE.
- 4) The site contains a state protected freshwater wetland: Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, provide a copy of any applications and correspondence with the NYSDEC.
- 5) The areal extent of proposed disturbance to the wetland is: \_\_\_\_\_
- 6) The areal extent of proposed disturbance to the wetland buffer area is: \_\_\_\_\_

**E) For Special Use Permit Applications (except accessory apartment):**

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

- 1) That there would not be any detrimental effect by the establishment of such use on other uses within the district.  
 \_\_\_\_\_  
 Our secondary home used for rental part time.  
 \_\_\_\_\_
- 2) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.  
 \_\_\_\_\_  
 No change in residential use, only part-time rental.  
 \_\_\_\_\_
- 3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.  
 \_\_\_\_\_  
 Yes, no change in residential use.  
 \_\_\_\_\_
- 4) That the use meets the prescribed requirements for the district in which located, including minimum yard requirements for the district in which located or as further specified in this section and including maximum height, required off-street parking, and sign regulations.  
 \_\_\_\_\_  
 No change in residential use, only part-time rental.  
 \_\_\_\_\_
- 5) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed the maximum established under Chapter 139 of the Town Code.  
 \_\_\_\_\_  
 Yes, no change in residential use.  
 \_\_\_\_\_
- 6) Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.

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- 7) Traffic access. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections and other places of public assembly; and shall meet other similar safety considerations.

No change in residential use, only part-time rental.

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- 8) Parking. Adequate off-street parking and loading spaces shall be provided in accordance with the off-street parking and loading requirements of this Chapter. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking report may be employed to demonstrate shared parking effects.

No change in residential use, only part-time rental.

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- 9) Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking, and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.

No change in residential use, only part-time rental.

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- 10) Landscaping and screening. All parking and service areas shall be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees twelve (12) inches or more in diameter at breast height (dbh) should be preserved to the maximum extent practical.

No change in residential use, only part-time rental.

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- 11) Character and appearance. The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood, and shall not adversely affect the general welfare of the inhabitants of the Town.

No change in residential use, only part-time rental.

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- 12) Historic and natural resources. The proposed use shall be designed and should be carried out in a manner that minimizes impacts to protect historic and natural environmental features on the site under review and in adjacent areas.

No change in residential use, only part-time rental.

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13) Sewage Treatment and Water Supply. The adequacy of available sewage disposal and water supply services supporting the proposed activity or use shall be sufficient to meet the needs of the proposed activity or use. This consideration should be given to both including, but not be limited to, the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and the adequacy of measures to protect surface and groundwater from pollution.

No change in residential use, only part-time rental.

14) Size and scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the size of the site in relation to the use, its site layout and its relation to existing and future access streets should be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.

No change in residential use, only part-time rental.

15) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

No change in residential use, only part-time rental.

**Parts Included With This Application:**

- 1. Part "A" – Owner Affidavit: \_\_\_\_\_
- 2. Part "B" – Applicant / Agent Affidavit: \_\_\_\_\_
- 3. Part "C" – Licensed Professional Affidavit: \_\_\_\_\_
- 4. Part "D" – Disclosure of Business Interest: \_\_\_\_\_
- 5. Part "E" – Agricultural Data Statement: \_\_\_\_\_
- 6. Part "F" – Site Plan Application Checklist: \_\_\_\_\_
- 7. Part "G" - Subdivision Pre-Application Submission Checklist: \_\_\_\_\_
- 8. Part "H" – Minor Subdivision Application Checklist: \_\_\_\_\_
- 9. Part "I" – Major Preliminary Subdivision Application Checklist: \_\_\_\_\_
- 10. Part "J" – Major Final Subdivision Application Checklist: \_\_\_\_\_
- 11. Part "K" - Land Contour Permit Application Checklist: \_\_\_\_\_

- 12. Part "L" - Aquatic Resource Protection Permit Application Checklist: \_\_\_\_\_
- 13. Part "M" - Erosion and Sediment Control Permit Checklist \_\_\_\_\_
- 14. Part "N" - Floodplain Development Permit Checklist \_\_\_\_\_
- 15. Part "O" - Acknowledgment of Required Certifications \_\_\_\_\_
- 16. Part "P" - Coastal Assessment Form \_\_\_\_\_

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: Xenia Zach  
Date: 5-24-24

State of New York

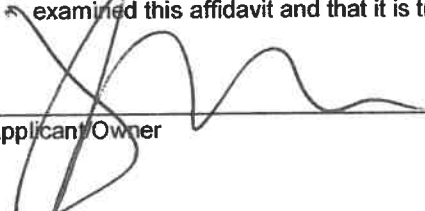
PART "A"  
OWNER AFFIDAVIT

State of Dutchess }  
County of Dutchess } ss:

\_\_\_\_\_ being duly sworn, deposes and says:

*Special use permit*

1. That I/we are the Owner(s) of the within property as described in the foregoing application for ~~Subdivision / Lot Line Change / Site Plan / Land Contour / Aquatic Resource~~ 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 Xenia Zach, 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 Planning Board approval that I/we expressly grant permission to the Planning Board 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 Planning Board 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.
5. 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 Planning Board, 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.
6. That I/we understand that the Town of Poughkeepsie Planning Board 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.

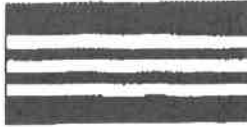
  
Applicant/Owner

\_\_\_\_\_  
Applicant/Owner

Sworn to before me this 29th day of May, 2024.

  
Notary Public

**LAURIE A. TORTARELLA**  
Notary Public, State of New York  
Reg. #01T05089083  
Qualified in Dutchess County  
Commission Expires December 8, 2025



**Dutchess County Clerk Recording Page**

Record & Return To:

Date Recorded: 6/16/2022  
Time Recorded: 2:57 PM

GELLEN LAW PLLC  
319 MILL ST  
POUGHKEEPSIE, NY 12601

Document #: 02 2022 2564

Received From: GELLEN LAW PLLC

Grantor: ZACH DENNIS  
Grantee: ZACH PROPERTY GROUP LLC

Recorded In: Deed  
Instrument Type:

Tax District: Town of Poughkeepsie

**Examined and Charged As Follows :**

Recording Charge: \$195.00  
Transfer Tax Amount: \$0.00  
Includes Mansion Tax: \$0.00  
Transfer Tax Number: 7859

Number of Pages: 3  
\*\*\* Do Not Detach This Page  
\*\*\* This Is Not A Bill

Red Hook Transfer Tax:

RP5217: Y  
TP-584: Y

County Clerk By: cni  
Receipt #: 19583  
Batch Record: 125

Bradford Kendall  
County Clerk



0220222564

T/BK 2P  
55-  
140  
95  
10  
205-

Bargain and Sale Deed  
with covenant against grantor's acts

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 2<sup>nd</sup> day of May, two thousand twenty two

**BETWEEN Dennis Zach**, with an address of 131 Cramer Road, Poughkeepsie, New York 12603

party of the first part, and

**Zach Property Group, LLC**, a New York limited liability company, having an address of 131 Cramer Road, Poughkeepsie, New York 12603

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs, successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Poughkeepsie, County of Dutchess, State of New York, known and designated as Lot No. 2 in Block C, on Map No. 2474, filed in the Dutchess County Clerk's Office on October 01, 1954, entitled "Ireland Estates, Section 1, Town of Poughkeepsie, Dutchess County, New York", reference to which map is hereby made for a more particular description.

Being and intended to the same premises conveyed to the party of the first part herein by deed dated March 7, 2022 made by Dennis Zach and Renee DeVincenzo as Co-Executors of the Last Will and Testament of Maria Zach and recorded on March 30, 2022 in Document No. 02-2022-1307.

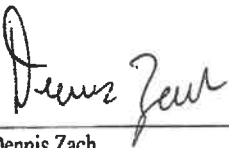
**TOGETHER** with the right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center line thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE TO HOLD** the premises herein granted unto the party of the second part, the heirs, successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

AND the party of the first part, in compliance with section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

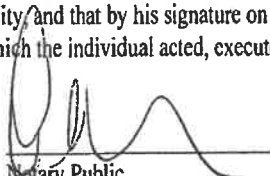
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
Dennis Zach

STATE OF NEW YORK )  
COUNTY OF DUTCHESS ) ss:

On May 2<sup>n</sup>, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Dennis Zach**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the persons upon behalf of which the individual acted, executed the instrument.

  
Notary Public

Record and Return to:

Andrea L. Gellen, Esq.  
Gellen Law PLLC  
319 Mill Street  
Poughkeepsie, NY 12601

Andrea L. Gellen  
Notary Public, State of New York  
Qualified in Dutchess County  
Reg. No. 02GE6298314  
Commission Expires March 10, 2026