

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Poughkeepsie does hereby set the 21<sup>st</sup> day of August, 2024 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard in regard to the following:

To Amend Town Code, Chapter 168A, "Short-Term Rentals", and Chapter 210, "Zoning," to change the regulation of short-term rentals by: (1) allowing the short-term rental of two-family dwellings and accessory apartments subject to certain conditions; and (2) clarifying that site plan approval is not required for special use permits issued for short-term rentals by the Town Board

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed local law 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  
July 18, 2024

**RESOLUTION 7:17 # 14 OF 2024**

WHEREAS, the Town Board finds that it is in the best interest of the Town of Poughkeepsie to amend the Town Code, Chapter 168A, "Short-Term Rentals," and Chapter 210, "Zoning," to change the regulation of short-term rentals by: (1) allowing the short-term rental of two-family dwellings and accessory apartments subject to certain conditions; and (2) clarifying that site plan approval is not required for special use permits issued for short-term rentals by the Town Board; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 21st day of August, 2024 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law to Amend Chapter 168A of the Code of the Town of Poughkeepsie Entitled 'Short-Term Rentals,' and to Amend Chapter 210 of the Code Entitled 'Zoning' Regarding Short-Term Rentals (the "Local Law") annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the verbatim reading of said proposed Local Law and does hereby direct the Town Clerk to spread the proposed Local Law across the record as if it had been read aloud; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of SEQRA, the Town Board determines that the adoption of the proposed Local Law is a Type I action (see, 6 NYCRR 617.4[b][2]), and determines that the Town Board is the only involved

agency, and therefore designates itself lead agency for the environmental review of the proposed Local Law; and

BE IT FURTHER RESOLVED, that the Town Board accepts the attached Full Environmental Assessment Form Part 1 to commence the SEQRA process; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post a Notice of Public Hearing in the Town’s official newspaper, the Poughkeepsie Journal, and on the bulletin board maintained by the Town Clerk in the Town Hall not less than ten (10) days prior to said public hearing; and

BE IT FURTHER RESOLVED, to refer a copy of this resolution, the annexed proposed Local Law, and the Notice of Public Hearing to the municipal clerk of each abutting municipality not less than ten (10) days prior to the public hearing and to refer a copy of this resolution, the annexed proposed local law, and the Notice of Public Hearing to the Dutchess County Department of Planning and Economic Development for advisory review in accordance with §239-m of the General Municipal Law, and to distribute a copy of this resolution, the annexed proposed local law and the Notice of Public Hearing to the Town of Poughkeepsie Planning Board for its review and recommendation pursuant to Town Code §210-154.

Dated: July 17<sup>th</sup> 2024  
Moved: Rebecca Edwards  
Seconded: Michael Cifone

Motion passes/ fails: Ayes 7 Nays 0

JEN/aap  
t-7/8/2024  
m-7/17/2024  
G:\mlegal\2024\July\July 17\STR SD amend Ch 168 and 210.docx

AYE NAY ABSTAIN

<u>PRESENT/ABSENT</u>	Councilman Reuter	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Councilwoman Laird	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Councilwoman Burger	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Councilman Cifone	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Councilman Sharpe	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<u>✓</u>	---	---
<u>PRESENT/ABSENT</u>	Supervisor Edwards	<u>✓</u>	---	---

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**TOWN OF POUGHKEEPSIE**

**LOCAL LAW NO. \_\_ (PROPOSED) OF THE YEAR 2024**

**A LOCAL LAW TO AMEND CHAPTER 168A OF THE CODE OF THE TOWN OF POUGHKEEPSIE ENTITLED "SHORT-TERM RENTALS," AND TO AMEND CHAPTER 210 OF THE CODE ENTITLED "ZONING" REGARDING SHORT-TERM RENTALS**

**BE IT ENACTED** by the Town Board of the Town of Poughkeepsie as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law amends The Town of Poughkeepsie Code to allow for the short-term rental of two-family dwellings and accessory apartments subject to certain conditions and approvals, and to clarify that site plan approval from the Planning Board is not required for special use permits issued for short-term rentals by the Town Board. The regulations are designed to protect the health, safety, and welfare of Town residents and to bring the Town's Zoning Law into conformance with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to Chapter 18 of the Town Code. The proposed regulations are consistent with the recommendations of the Town's 2021 *Comprehensive Plan*.

**SECTION 2. APPLICATION**

This local law shall apply within the Town of Poughkeepsie.

**SECTION 3. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such part or parts.

**SECTION 4. AMENDMENTS TO CHAPTER 168A OF THE TOWN CODE ENTITLED "SHORT-TERM RENTALS"**

***§ 4.1. Section 168A-2 of the Code is hereby amended by deleting the definition of "Short-Term Rental" in its entirety and replacing it with the following new definition of "Short-Term Rental."***

**SHORT-TERM RENTAL**

A single-family or two-family dwelling or portion thereof, or an accessory apartment, made

available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, inns, or boardinghouses as regulated by the Town of Poughkeepsie Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes. The following are types of short-term rentals:

1. Hosted short-term rental. A short-term rental where a primary resident is present in the dwelling overnight with their guest(s) or, in the case of an accessory apartment or a two-family dwelling, where a primary resident is present in the building overnight with their guest(s).
2. Unhosted short-term rental. A short-term rental where no primary resident is present in the dwelling or building overnight with their guest(s). There are two types of unhosted short-term rentals:
  - (1) Unhosted short-term rental, accessory residential use. An unhosted short-term rental in a primary residence.
  - (2) Unhosted short-term rental, principal commercial use. An unhosted short-term rental that is not in a primary residence.

***§ 4.2. Section 168A-7F(4) of the Code is hereby amended by deleting it in its entirety and replacing it with the following new §168A-7F(4).***

Bedrooms. A hosted short-term rental shall be permitted to rent a maximum of two bedrooms. No unhosted short-term rental shall offer for sleeping any space other than a bedroom. The foregoing notwithstanding, the use of any single-family or two-family dwelling or accessory apartment for a short-term rental, whether hosted or unhosted, shall not result in an increase in the total number of permitted bedrooms indicated in the inspection report pursuant to § 168A-5B herein.

## **SECTION 5. AMENDMENTS TO CHAPTER 210 OF THE TOWN CODE ENTITLED "ZONING"**

***§ 5.1. Section 210-105.1B of the Code is hereby amended by deleting the definition of "Short-Term Rental" in its entirety and replacing it with the following new definition of "Short-Term Rental."***

### **SHORT-TERM RENTAL**

A single-family or two-family dwelling or portion thereof, or an accessory apartment, made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, inns, or boardinghouses as regulated by the Town of Poughkeepsie Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes. The following are types of short-term rentals:

1. Hosted short-term rental. A short-term rental where a primary resident is present in the dwelling overnight with their guest(s) or, in the case of an accessory apartment or a two-family dwelling, where a primary resident is present in the building overnight with their guest(s).

2. Unhosted short-term rental. A short-term rental where no primary resident is present in the dwelling or building overnight with their guest(s). There are two types of unhosted short-term rentals:
  1. Unhosted short-term rental, accessory residential use. An unhosted short-term rental in a primary residence.
  2. Unhosted short-term rental, principal commercial use. An unhosted short-term rental that is not in a primary residence.

***§ 5.2. Section 210-105.1C of the Code is hereby amended by deleting it in its entirety and replacing it with the following new § 210-105.1C.***

Required approvals. 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. The special use permit shall be renewed annually. It shall be a privilege, not a right, and can be revoked for failing to comply with the provisions herein and in Chapter 168A of the Town Code. Site plan approval shall not be required for special use permits under this section unless the Town Board directs that, because of its complexity or other unusual circumstances, a particular application for an unhosted short-term rental as a principal commercial use must have site plan approval from the Planning Board.

***§ 5.3. Section 210-105.1E(1) of the Code is hereby amended by deleting it in its entirety and replacing it with the following new § 210-105.1E(1).***

Short-term rentals, as defined herein, shall be permitted in all zoning districts within the Town of Poughkeepsie.

***§ 5.4. Section 210-105.1E(3) of the Code is hereby amended by deleting it in its entirety and renumbering the remaining subsections sequentially.***

***§ 5.5. The existing § 210-105.1E(5) of the Code is hereby amended by deleting it in its entirety and replacing it with the following new subsection which shall appear as § 210-105.1E(4).***

No short-term rental shall be permitted in addition to an accessory apartment or a home occupation that requires a special use permit pursuant to § 210-74C(2) of this chapter.

## **SECTION 6. EFFECTIVE DATE**

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

# Chapter 168A

## Short-Term Rentals

[HISTORY: Adopted by the Town Board of the Town of Poughkeepsie 5-24-2023 by L.L. No. 4-2023. Amendments noted where applicable.]

### § 168A-1 Purpose.

The Town Board of the Town of Poughkeepsie has determined it is in the best interest of the Town and its residents to regulate short-term rentals. The Town Board recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the Town. However, to protect the health, safety and welfare of the Town and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days because such use has the potential to negatively impact residential neighborhoods by allowing what are effectively transient lodging uses in buildings and areas where commercial uses may not be permitted. In addition, the presence of short-term rentals also can lead to a reduction in the affordable housing supply by removing dwelling units from the market and driving up demand for the limited remaining housing supply. This can result in fewer available units and increased prices or rents for those units. The Town Board believes that the restrictions and requirements imposed herein further the Town's goals and objectives and promote the protection of the health, safety and welfare of the Town and its residents. This chapter describes procedures and requirements for obtaining a permit for a short-term rental and is intended to operate in conjunction with the regulations of the Town of Poughkeepsie Code Chapter 210 entitled "Zoning."

### § 168A-2 Definitions.

As used in this chapter, the following words shall have the meanings indicated:

#### OWNER

Any person, partnership, corporation, limited-liability company, trust, governmental entity or other legal entity having a fee interest in the real property to be used as a short-term rental.

#### PERSON

A natural person; a living human being.

#### PRIMARY RESIDENCE

The domicile and principal dwelling that a primary resident inhabits and resides in for the majority of a year.

#### PRIMARY RESIDENT

A person who has a fee ownership in, and inhabits and resides in, a primary residence; however, if title to the property is not held in the name of a person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a trust (corporation, limited-liability company, partnership, etc.), the person that inhabits the residence must be a majority owner of, or have a majority interest in, the entity. Such persons shall be deemed primary residents.

#### SHORT-TERM RENTAL

A single-family or two-family dwelling or portion thereof, or an accessory apartment, made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term

"short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, inns, or boardinghouses as regulated by the Town of Poughkeepsie Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes. The following are types of short-term rentals:

- A. Hosted short-term rental. A short-term rental where a primary resident is present in the dwelling or building overnight with their guest(s) or, in the case of an accessory apartment or a two-family dwelling, where a primary resident is present in the building overnight with their guest(s).
- B. Unhosted short-term rental. A short-term rental where no primary resident is present in the dwelling overnight with their guest(s). There are two types of unhosted short-term rentals:
  - (1) Unhosted short-term rental, accessory residential use. An unhosted short-term rental in a primary residence.
  - (2) Unhosted short-term rental, principal commercial use. An unhosted short-term rental that is not in a primary residence.

#### **§ 168A-3 Short-term rental permit.**

- A. Permit required. It shall be unlawful to use, establish, maintain, operate, rent or lease, or advertise for rent or lease, any property as a short-term rental within the Town of Poughkeepsie without first having obtained a short-term rental permit for such purpose in accordance with provisions of this chapter, and without having obtained any planning or zoning approvals required by Chapter 210, Zoning. Any required planning and zoning approvals must be obtained prior to the issuance of a short-term rental permit. The failure or refusal to obtain a short-term rental permit prior to the commencement of a short-term rental use shall be deemed a violation of this chapter.
- B. Zoning use authorized. Subject to the conditions set forth in this chapter, a property owner may obtain a short-term rental permit only where such use is permitted by Chapter 210 in the zoning district in which the property is located.
- C. Advertisement. If the rental is advertised, the short-term rental permit number must be included in the listing.
- D. Presumptive evidence. The existence of any of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
  - (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO or similar websites; or
  - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of fewer than 30 consecutive days.

#### **§ 168A-4 Term of permit.**

A short-term rental permit shall be issued annually and shall expire on the last day of December next succeeding the date of issuance, unless sooner terminated or revoked. A property owner may apply for renewal for the following calendar year up to 90 days' prior to the expiration of the permit, but no later than 30 days' prior to such expiration. Failure to timely apply for renewal will result in the application being treated as an application for a new permit.

#### **§ 168A-5 Application for permit.**

- A. Application. An application for a short-term rental permit shall be made to the Zoning Administrator on forms provided by the Town and signed by all owners of the property. The form and content of the permit application shall be as determined from time to time by the Town and shall request such

information and materials as the Town deems necessary. Such application shall contain, at a minimum, the information required by this chapter and the following:

- (1) The name, address, email address, and telephone number of the property owner, and of at least one primary resident, if applicable.
- (2) Property information, including:
  - (a) The property address and Tax Parcel ID number;
  - (b) The total number of bedrooms and bathrooms in the dwelling;
  - (c) For a hosted short-term rental, the number of bedrooms occupied by the residents of the dwelling;
  - (d) The total number of bedrooms proposed for short-term rental use;
  - (e) A sketch indicating the location of each bedroom in the dwelling to be rented, and two means of egress from each such bedroom; and
  - (f) The number of persons to be accommodated in each short-term rental bedroom.
- (3) For hosted short-term rentals and unhosted short-term rentals accessory to a residential use, certification that the property is a primary residence. Primary residency shall be verified by one of the following:
  - (a) Proof of receipt of New York State STAR credit or STAR property tax exemption for the short-term rental property; or
  - (b) A copy of a filed federal or state tax return showing the primary resident being domiciled at the property address; or
  - (c) Other evidence satisfactory to the Town that the property meets the primary residence criteria.
- (d) The Town shall have the final authority to determine whether a property is a primary residence.
- (4) Proof of insurance coverage for the short-term rental use.
- (5) A sketch map or photos of the site sufficient to show the location of the driveway, the number and location of existing on-site parking spaces, and, if hosted, the number of on-site parking spaces available for the short-term rental. It is not necessary for the sketch map to be prepared by a licensed professional surveyor or engineer.
- (6) A certification in a form acceptable to the Town Attorney signed and notarized by the property owner attesting to the fact that:
  - (a) For a hosted short-term rental, the property is a primary residence and the primary resident will reside in the dwelling during the rental;
  - (b) For an unhosted short-term rental accessory to residential use, the property is a primary residence; and
  - (c) For all short-term rentals:
    - [1] That the property is fit for human habitation and is safe;
    - [2] That the owner, and primary resident when applicable, will comply with all of the conditions and restrictions of the permit;

- [3] That no portion of the area to be used for the short-term rental will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the New York State Uniform Fire Prevention and Building Code; and
  - [4] That the property is in compliance with all of the provisions of this chapter, the applicable provisions of the Town Code, and the New York State Uniform Fire Prevention and Building Code.
  - (7) For any unhosted short-term rental, a designated local contact if the property owner is not staying within 20 air miles of the property at the time the property is rented. The local contact shall be a person 18 years of age or older and shall be able to respond to an emergency or complaint at the property in a timely manner, not to exceed one hour.
  - (8) A nonrefundable application fee, in accordance with the fee schedule established by the Town Board, payable upon application. In no instance shall the filing of an application or the payment of an application fee be construed as permission to operate a short-term rental, or to exonerate the property owner from responsibility for compliance with the building, housing, fire and maintenance requirements of any local, county, state or federal agency having jurisdiction.
  - (9) If a hosted short-term rental will serve food that is freshly prepared on site, a food service permit from the Dutchess County Department of Behavioral and Community Health may be required.
  - (10) Such other information and/or documentation deemed necessary by the Zoning Administrator.
- B. Inspection. In submitting the application for the issuance of a short-term rental permit or any renewal, the owner and primary resident consent to a fire and safety inspection of the property by the Town Building Inspector, or a NYS licensed engineer or architect, prior to the issuance of the initial permit and prior to the issuance of any permit renewal confirming that the property is in compliance with this chapter and all other applicable provisions of the Town Code and the New York State Uniform Fire Prevention and Building Code. The inspection will confirm that the short-term rental contains functioning smoke and carbon monoxide detectors in appropriate locations as required by the New York State Uniform Fire Prevention and Building Code, as well as a functioning fire extinguisher, and two safe means of ingress/egress for each rented bedroom. The inspection report shall indicate the number of bedrooms in the dwelling permitted by the certificate of occupancy and/or as permitted by the size of the sanitary sewage disposal system approved for the dwelling by the Dutchess County Department of Behavioral and Community Health. For an inspection by the Town Building Inspector, a nonrefundable inspection fee shall be payable upon application in accordance with the fee schedule established by the Town Board. If the Building Inspector or NYS licensed engineer or architect determines that the short-term rental space is not in compliance, any existing permit shall be revoked, and the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected, as confirmed by reinspection by a NYS licensed engineer or architect or by the Building Department, which shall be subject to an additional fee as set forth in the fee schedule.
- C. Permit fee. A nonrefundable permit fee shall be payable upon issuance of the permit in accordance with the fee schedule established by the Town Board.
- D. Duty to amend. If the information submitted as part of the permit application changes at any time after submittal, it is the responsibility of the owner to submit such changes to the Zoning Administrator, in writing, within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this chapter.

#### **§ 168A-6 Renewal of permit.**

A short-term rental permit may be renewed by application to the Zoning Administrator as in the case of an original permit application as outlined in § 168A-5 above. All applications for a renewal of a permit shall be filed within the time frame outlined in § 168A-4 above. A permit may only be renewed by the same owner

for the same property upon the payment of the requisite fees.

**§ 168A-7 Issuance of permit; conditions and restrictions.**

- A. Transferability. Only the owner of the property containing a proposed short-term rental may apply for and operate a short-term rental. Short-term rental permits are specific to the designated owner and property and cannot be transferred to other owners or properties. Any owner who purports to transfer a permit, or who uses a permit that has been transferred, shall be in violation of this chapter.
- B. Unhosted short-term rental as principal commercial use. The Town Board shall establish by resolution the number of permits that may be issued in any year for unhosted short-term rentals as a principal commercial use. The initial number of such permits shall be 30. The Town Board shall have the discretion to limit the number of permits that may be issued in any zoning district, or in any specific area of the Town, as they deem appropriate to protect the health, safety, and welfare of the residents of the Town and the public.
- C. Primary residence. With the exception of the foregoing Subsection B, it shall be unlawful for an owner to use, establish, maintain, operate, rent or lease any property as a short-term rental if the property is not a primary residence. The property used as a short-term rental shall be a primary residence at all times during the term of the permit.
- D. Violations. No short-term rental permit shall be issued to any owner or for any property with an outstanding notice of violation under the Town of Poughkeepsie Code, nor to any owner or property with a permit that was revoked and remains uncured, or that was revoked two or more times during the two-year period preceding the year applied for.
- E. Authority of Zoning Administrator. The Zoning Administrator may issue a permit upon such restrictions and conditions as he/she deems reasonable and necessary under the circumstances.
- F. Conditions and restrictions of permit. All permits issued pursuant to this chapter shall be subject to the following conditions and restrictions, whether or not they are itemized on the permit:
  - (1) Signage. There shall be no signage on the property advertising or identifying any portion of the property as a short-term rental.
  - (2) Residential appearance and character. All outward appearances of the property in which the short-term rental will be located must remain residential in character. A short-term rental shall be conducted in a manner which does not give the outward appearance of a business, does not have commercial-type outdoor lighting, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their residential premises, and does not alter the residential character of the property or the neighborhood.
  - (3) Parking. Off-street parking shall be located on the parcel on which the short-term rental is located, and shall be comply with § 210-92 of the Town Code to the satisfaction of the Zoning Administrator.
  - (4) Bedrooms. A hosted short-term rental shall be permitted to rent a maximum of two bedrooms. No unhosted ~~STR~~short-term rental shall offer for sleeping any space other than a bedroom. The foregoing notwithstanding, the use of any single-family or two-family dwelling or accessory apartment for a short-term rental, whether hosted or unhosted, shall not result in an increase in the total number of permitted bedrooms indicated in the inspection report pursuant to § 168A-5B herein.
  - (5) Number of guests. No more than two guests per bedroom may be accommodated on any occasion. Children under five years of age shall not count towards this maximum.
  - (6) Traffic. Traffic attributed to the short-term rental must not result in significant adverse impacts to

existing traffic patterns nor create a hazard to pedestrians in the neighborhood.

- (7) Code compliance. Compliance with the provisions of Chapter 139 (Noise), Chapter 159 (Property Maintenance), and Chapter 171 (Solid Waste) shall be required.
- (8) Solid waste. Facilities to handle solid waste, including recycling, shall be made available to short-term rental guests and shall be easily accessible, secure and screened from adjacent properties. Instructions shall comply with Subsection F(14) below.
- (9) Assembly. It shall be unlawful for a short-term rental property to be utilized for any type of assembly. As used in this chapter, "assembly" shall include, but not be limited to, a wedding; bachelor or bachelorette party; or any similar party, activity or gathering; or a luncheon, banquet, or meeting; or similar activities.
- (10) Meals. No restaurant may be operated, and no meals may be prepared or served to guests other than the rental occupants of the short-term rental. Meals served to permitted occupants of the short-term as in a typical bed-and-breakfast are permitted.
- (11) Nonhabitable structures. No owner shall offer or use any part of the property not approved for residential use as a short-term rental, including but not limited to a recreational or other vehicle parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent or treehouse.
- (12) Transient recreational use not part of short-term rental use. It shall be unlawful for a property owner to offer for use, rent or lease, or advertise for use, rent or lease, any portion of the residential property, such as pool or hot tub rentals, party or yard rentals, or sport court rentals, to any third party for transient recreational use separate from a permitted short-term rental use.
- (13) Postings. The property owner shall post a copy of the following in an open and conspicuous place in the rental unit, readily visible to all guests:
  - (a) Short-term rental permit number.
  - (b) For unhosted short-term rentals, name and contact information of the property owner and designated local contact, where required.
  - (c) A copy of Chapter 139 (Noise) of the Town Code.
  - (d) A safety/egress plan, which also shall be posted on the back of the door of each rented bedroom.
  - (e) A property map (either a survey of the property or a tax map printed from Dutchess County Parcel Access) depicting property boundaries, and a notice to guests not to trespass on neighbors' property.
  - (f) Information identifying the location of easily accessible solid waste and recycling facilities, days and times when garbage is picked up, and any recycling requirements (commingled, single stream, required receptacle, etc.).
- (14) Registry of guests. The owner of the short-term rental shall maintain a true and accurate registry of the short-term rental use, including the dates and total number of days rented, number of bedrooms rented, and number of short-term rental occupants. Such registry shall be retained for at least three years and shall be available for inspection by the Zoning Administrator upon request.
- (15) Hotel occupancy tax. The property owner shall be responsible for payment of the hotel occupancy tax to Dutchess County either directly or through Airbnb or other similar websites if applicable, and for collecting and remitting all applicable occupancy and sales taxes required by state and/or county law.

The Town may transmit permit and registration information to Dutchess County for enforcement purposes.

- (16) Compliance with applicable laws. The property owner shall comply with all applicable state, federal, and local laws.
- (17) Conditions and restrictions. It shall be unlawful for a property owner to violate, fail, neglect or refuse to fully comply with any condition, restriction or requirement of the short-term rental permit.
- G. Notification requirements. The Zoning Administrator shall provide a packet of information with each permit summarizing the restrictions, guidelines, and requirements applicable to the short-term rental use. The property owner shall provide a copy of the information packet to the occupant(s) of the short-term rental.

**§ 168A-8 Denial or revocation of application.**

- A. Basis for denial. Any application for a short-term rental permit, including the renewal of a permit, may be denied for the reasons set forth in § 168A-10.
- B. Basis for revocation. Any permit for a short-term rental may be revoked for the reasons set forth in § 168A-11.
- C. Form of denial or revocation. In the event an application is denied or revoked, notice of the denial or revocation shall be given, in writing, by first-class mail to the owner at the address shown on the application. If the notice is returned by the post office as undeliverable for any reason, as long as it was properly addressed and sufficient postage affixed, service of the notice shall be presumed valid. The failure of an owner to provide a current address to the Town shall not be a basis to claim service of the notice was not proper.
- D. Notice of denial or revocation; contents. The notice of denial or revocation shall set forth the grounds therefor and contain a statement that the owner may appeal such denial or revocation pursuant to § 168A-12 herein. The notice shall also contain a statement that the owner may submit written objections to the denial or revocation, and any other information deemed advisable or necessary.

**§ 168A-9 Reapplication for permit.**

Once an application has been denied, no reapplication for a permit or a renewal of the permit shall be accepted for filing until the owner has remedied the condition(s) that formed the basis for denial to the satisfaction of the Zoning Administrator.

**§ 168A-10 Basis for denial of permit.**

An application for the issuance of a short-term rental permit, or renewal thereof, may be denied under the following circumstances:

- A. Failure of the owner to file a full, true and complete application;
- B. Failure of the owner to meet any of the requirements for obtaining a short-term rental permit;
- C. Occupancy of the property or the short-term rental area(s) creates a hazard, public nuisance, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order or quality of life in the surrounding community as determined by the Zoning Administrator; or
- D. The property owner had a previous short-term rental permit revoked by the Town.

### **§ 168A-11 Revocation of permit.**

The grounds upon which a permit can be revoked shall include but shall not be limited to:

#### **A. Permanent revocation.**

- (1) The permit was issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted as part of the application, including but not limited to the schematic or certification;
- (2) The property owner ceases to be an owner or, in the case where the short-term rental permit requires a primary resident, the primary resident fails to continue to reside at the property;
- (3) The Town either has revoked, or is in the process of revoking, the certificate of occupancy or letter in lieu for the property;
- (4) The use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order or quality of life in the surrounding community, as determined by the Zoning Administrator;
- (5) The failure of the owner to comply with, or violation of, the conditions and restrictions of the permit; or
- (6) The failure of the owner to comply with, or violation of, any federal, state, or local law, regulation or rule.

#### **B. Temporary revocation.**

- (1) The receipt by the Town of three or more credible complaints about separate events, as determined by the Zoning Administrator, about the short-term rental use within a thirty-day period shall cause the permit to be revoked for a period of 30 days.
- (2) The receipt by the Town of four or more credible complaints about separate events, as determined by the Zoning Administrator, about the short-term rental use within a forty-five-day period shall cause the permit to be revoked for a period of time to be determined by the Zoning Administrator, such time to be determined based upon the type and nature of the complaint(s).

### **§ 168A-12 Appeals.**

- A. Upon the denial or revocation of a permit, the owner may, within 20 business days from the date of the written notice, file a request for a hearing before the Town Board. Such request shall be filed with the Town Clerk. The Town Clerk shall promptly forward a copy of the appeal to the Town Attorney and the Zoning Administrator for further processing. Notice of the date, place and time of the hearing shall be given, in writing, by mail to the owner at the address shown on the application. If the notice is returned by the post office as undeliverable for any reason, as long as it was properly addressed and sufficient postage was affixed, service of the notice shall be presumed valid. The hearing shall be scheduled no later than 30 days after the date on which the request was filed.
- B. In the event that demand for a hearing is not made within the prescribed time or in the event that the owner does not timely appear for the hearing, the Zoning Administrator's decision shall become final.
- C. The owner shall be given an opportunity to present evidence why such denial or revocation of the permit should be modified or withdrawn. The Zoning Administrator or his or her designated agent may also give testimony or submit evidence in support of the proposal to deny or revoke the permit. All hearings shall be recorded and may be adjourned by the Town Board upon good cause shown. Upon consideration of the evidence presented, the Town Board shall within 15 days of the close of the hearing

sustain, modify or reverse the decision of the Zoning Administrator, and the Town Board's decision shall be filed with the Town Clerk.

**§ 168A-13 Effect of revocation.**

- A. If a permit is revoked, the property owner shall not be eligible to reapply for a permit for a period of one year from the date of the revocation. Following the one-year period, no application for a new permit will be accepted for filing until the owner has remedied the conditions that formed the basis of the revocation to the satisfaction of the Zoning Administrator, if applicable. A prior revocation may be a factor in the determination as to whether a new permit will be issued. Once remedied, the owner will need to apply for a new permit.
- B. Notwithstanding the foregoing subsection and the provisions of § 168A-11B, if a primary resident moves to a new residence in the Town and the owner provides timely notice to the Town of the same, the failure to continue to occupy the original residence shall not subject the owner to the one-year waiting period.

**§ 168A-14 Violations; enforcement; penalties for offenses.**

- A. Violations of this chapter may be enforced by the Zoning Administrator, the Building Inspector, any law enforcement agency that has jurisdiction in the Town of Poughkeepsie, or their duly authorized representatives.
- B. The individuals identified in Subsection A are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in court, and are authorized to issue orders to remedy and notices of violation, to enforce the provisions of this chapter.
- C. Each occurrence or incident shall constitute a separate offense. If a violation continues for more than a twenty-four-hour period, each day shall constitute a separate offense.
- D. A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
  - (1) By a civil penalty:
    - (a) Not to exceed \$500 for a first offense;
    - (b) Not to exceed \$1,000 for a second offense; and
    - (c) Not to exceed \$1,500 for any subsequent offense; and/or
  - (2) By a fine:
    - (a) Not to exceed \$1,500 for a first offense;
    - (b) Not to exceed \$2,500 for a second offense; and
    - (c) Not to exceed \$3,500 for any subsequent offense; and/or
  - (3) By imprisonment for a term of not more than 15 days; and/or
  - (4) By any combination thereof.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

**§ 210-105.1 Short-term rentals.**

[Added 5-24-2023 by L.L. No. 4-2023]

- A. Purpose. The purpose of this section is to regulate short-term rentals within the Town of Poughkeepsie in a manner that protects the public health, safety, and welfare.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:

**OWNER, SHORT-TERM RENTAL**

Any person, partnership, corporation, limited-liability company, trust, governmental entity or other legal entity having a fee interest in the real property to be used as a short-term rental.

**PERSON**

A natural person; a living human being.

**PRIMARY RESIDENCE**

The domicile and principal dwelling that a primary resident inhabits and resides in for the majority of a year.

**PRIMARY RESIDENT**

A person who has a fee ownership in, and inhabits and resides in, a primary residence; however, if title to the property is not held in the name of a person, then the following shall apply: if the property is held in the name of a trust, the person that inhabits the residence must be a grantor or a beneficiary of the trust; if the property is held by an entity other than a trust (corporation, limited-liability company, partnership, etc.), the person that inhabits the residence must be a majority owner of, or have a majority interest in, the entity. Such persons shall be deemed primary residents.

**SHORT-TERM RENTAL**

A single-family or two-family dwelling or portion thereof, or an accessory apartment, made available for rent or lease, or otherwise assigned, for an occupancy of fewer than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast establishments, inns, or boardinghouses as regulated by the Town of Poughkeepsie Zoning Law, and does not include the use of any accessory structure(s) for dwelling purposes. The following are types of short-term rentals:

- (1) Hosted short-term rental. A short-term rental where a primary resident is present in the dwelling or building overnight with their guest(s) or, in the case of an accessory apartment or a two-family dwelling, where a primary resident is present in the building overnight with their guest(s).
- (2) Unhosted short-term rental. A short-term rental where no primary resident is present in the dwelling overnight with their guest(s). There are two types of unhosted short-term rentals:
  - (a) Unhosted short-term rental, accessory residential use. An unhosted short-term rental in a primary residence.
  - (b) Unhosted short-term rental, principal commercial use. An unhosted short-term rental that is not a primary residence.

**SHORT-TERM RENTAL OWNER**

See "owner, short-term rental."

- C. Required approvals. 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. The special use permit shall be renewed annually. It shall be a privilege, not a right, and can be revoked for failing to comply with the provisions herein and in Chapter 168A of the Town Code. Site plan approval shall not be required for special use permits under this section unless the Town Board directs that, because of its complexity or other unusual circumstances, a particular application for an unhosted short-term rental as a principal commercial use must have site plan approval from the Planning Board.
- D. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease, or advertise for rent or lease, any property as a short-term rental without first having obtained a short-term rental permit pursuant to Chapter 168A of the Town Code.
- E. Subject to the requirements set forth in this section and in Chapter 168A of the Town Code, short-term rentals shall be permitted as follows:
- (1) ~~Hosted and unhosted s~~Short-term rentals, as defined herein, shall be permitted ~~in any single family dwelling in~~ all zoning districts within the Town of Poughkeepsie. —
  - (2) A hosted short-term rental and an unhosted short-term rental accessory to a residential use shall be deemed to be an accessory use.
  - (3) ~~All short-term rentals shall only be permitted in a single family dwelling.~~
  - (4) A short-term rental shall only be permitted within a principal building, not an accessory building.
  - (5) ~~No~~A short-term rental shall ~~not be permitted in addition to on the same lot as an accessory dwelling unit~~apartment or a home occupation that requires a special use permit pursuant to § 210-74C(2) of this chapter.

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: A Local Law to amend Chapter 168.1 of the Town Code entitled "Short-Term Rentals", and Chapter 210 "Zoning" regarding same (STR's)		
Project Location (describe, and attach a general location map): Town of Poughkeepsie, New York		
Brief Description of Proposed Action (include purpose or need): This local law amends The Town of Poughkeepsie Code to allow for the short-term rental of two-family dwellings and accessory apartments subject to certain conditions and approvals, and to clarify that site plan approval from the Planning Board is not required for special use permits issued for short-term rentals by the Town Board.		
Name of Applicant/Sponsor: Town of Poughkeepsie Town Board	Telephone: (845) 485-3600	E-Mail: redwards@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: New York	Zip Code: 12603
Project Contact (if not same as sponsor; give name and title/role): Michael Welti, AICP - Director of Municipal Development - Town of Poughkeepsie	Telephone: (845) 485-3657	E-Mail: mwelti@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: NY	Zip Code: 12603
Property Owner (if not same as sponsor): N/A	Telephone: N/A	E-Mail: N/A
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Code Amendment	Proposed July 2024. Projected adoption in August or September 2024
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Zoning Text Amendment Recommendation	Projected recommendation by the Planning Board at August 2024 meeting
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Planning (DCP) - GML 239	Projected response from the County Planning Department in August 2024
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The Town of Poughkeepsie is a Hudson River Valley Greenway Compact Community and is within the Hudson River Valley National Heritage Area.	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The Town Board adopted the Natural Resource Inventory (NRI) and Open Space Plan on April 12, 2023.	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No

If Yes, what is the zoning classification(s) including any applicable overlay district?

The proposed zoning text amendment would apply to all zoning districts in the Town.

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? Zoning Text Amendment related to Short-Term Rentals

**C.4. Existing community services.**

a. In what school district is the project site located? Arlington CSD, Wappingers CSD, Spackenkill CSD, and Hyde Park CSD

b. What police or other public protection forces serve the project site?

Town of Poughkeepsie Police Department

c. Which fire protection and emergency medical services serve the project site?

Arlington Fire District, Fairview Fire District, and New Hamburg Fire District

d. What parks serve the project site?

Town and County Parks

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

• Total number of phases anticipated \_\_\_\_\_

• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No

If Yes, show numbers of units proposed.

One Family      Two Family      Three Family      Multiple Family (four or more)

Initial Phase \_\_\_\_\_  
At completion \_\_\_\_\_  
of all phases \_\_\_\_\_

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No

If Yes,

- i. Total number of structures \_\_\_\_\_
- ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length
- iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No

If Yes,

- i. Purpose of the impoundment: \_\_\_\_\_
- ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_
- iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_
- iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres
- v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  Yes  No

If Yes:

- i. What is the purpose of the excavation or dredging? \_\_\_\_\_
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
  - Volume (specify tons or cubic yards): \_\_\_\_\_
  - Over what duration of time? \_\_\_\_\_
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_
- iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
If yes, describe. \_\_\_\_\_
- v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres
- vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres
- vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet
- viii. Will the excavation require blasting?  Yes  No
- ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
  
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
  
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

- ii. Describe types of new point sources. \_\_\_\_\_

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties?  Yes  No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

- ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

- i. Estimate methane generation in tons/year (metric): \_\_\_\_\_
- ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

- i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_
- ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No

i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No

If Yes,

i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_

iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No

If Yes:

i. Has the facility been formally closed?  Yes  No

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
\_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No

Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_

Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_

Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No

If yes, provide DEC ID number(s): \_\_\_\_\_

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
N/A \_\_\_\_\_  
\_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
If Yes:  
i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
ii. Source(s) of description or evaluation: \_\_\_\_\_  
iii. Extent of community/habitat:  
• Currently: \_\_\_\_\_ acres  
• Following completion of project as proposed: \_\_\_\_\_ acres  
• Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No  
If Yes:  
i. Species and listing (endangered or threatened): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No  
If Yes:  
i. Species and listing: \_\_\_\_\_  
\_\_\_\_\_

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
\_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
i. If Yes: acreage(s) on project site? \_\_\_\_\_  
ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
If Yes:  
i. Nature of the natural landmark:  Biological Community  Geological Feature  
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
If Yes:  
i. CEA name: \_\_\_\_\_  
ii. Basis for designation: \_\_\_\_\_  
iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  Yes  No

If Yes:

i. Nature of historic/archaeological resource:  Archaeological Site  Historic Building or District

ii. Name: \_\_\_\_\_

iii. Brief description of attributes on which listing is based: \_\_\_\_\_

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f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  Yes  No

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g. Have additional archaeological or historic site(s) or resources been identified on the project site?  Yes  No

If Yes:

i. Describe possible resource(s): \_\_\_\_\_

ii. Basis for identification: \_\_\_\_\_

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h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?  Yes  No

If Yes:

i. Identify resource: \_\_\_\_\_

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): \_\_\_\_\_

iii. Distance between project and resource: \_\_\_\_\_ miles.

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i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?  Yes  No

If Yes:

i. Identify the name of the river and its designation: \_\_\_\_\_

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?  Yes  No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Poughkeepsie Date July 10, 2024

Signature Michael A. Welti, AICP Title Dir./Municipal Development - Town of Poughkeepsie

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