

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **September 18, 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 5 Martis Way 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  
August 8, 2024

RESOLUTION 8:7 - # 6 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 Royal Strawberry Hill Farm, LLC (Elizabeth and Dennis Kucinich) has requested a special use permit (“SUP”) to establish an unhosted short-term rental at 5 Martis Way; 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 Royal Strawberry Hill Farm, LLC 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 September 18, 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: August 7, 2024

Moved: Ann Shershin

Seconded: Michael Cifone

Motion passes/ fails: Ayes 7 Nays 0

ES/mem  
t-7/31/2024  
m-8/7/2024

	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 SUP - Town Board

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: 7/11/24

- |                                  |                          |                                     |                                     |
|----------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Pre-Application Discussion       | <input type="checkbox"/> | Lot Line Revision Approval          | <input type="checkbox"/>            |
| Preliminary Subdivision Approval | <input type="checkbox"/> | Final Subdivision Approval          | <input type="checkbox"/>            |
| Site Plan Approval               | <input type="checkbox"/> | Erosion & Sediment Control Approval | <input type="checkbox"/>            |
| Land Contour Permit Approval     | <input type="checkbox"/> | Aquatic Resources Permit Approval   | <input type="checkbox"/>            |
| Architectural Approval           | <input type="checkbox"/> | Special Use Permit                  | <input checked="" type="checkbox"/> |

Name of Project (if applicable): \_\_\_\_\_

Tax Map Number of all parcels: PARCEL ID 134689 - 6262-01-075860-0000

Street Address of all parcels: 5 MARTIS WAY, POUGHKEEPSIE, NY

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

Description of Proposed Activity: REQUESTING A SPECIAL PERMIT TO OPERATE  
A SHORT TERM RENTAL, UNDER THE STRINGENT REQUIREMENTS  
OF AIRBNB, INC. THIS SITE CURRENTLY HAS THE HIGHEST  
AIRBNB RATING DUE TO CARE OF THE PROPERTY

Name of Applicant(s): ELIZABETH AND DENNIS KUCINICH

Address: 12217 MILAN AVE, CLEVELAND, OHIO, 44111

Telephone: 202-321-6635      CONTACT KUCINICH@GMAIL.COM  
email: 202-6643406

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

Name of Record Owner(s): ROYAL STRAWBERRY HILL FARM, LLC

Address: PO BOX 110145 CLEVELAND, OHIO 44111

Telephone: 202-664-3406 Email: CONTACTKUCUNICK@gmail.com

**A) For All Applications:**

1) Total acreage involved in application: 5.3

2) Total contiguous acreage controlled by applicant/owner<sup>1</sup>: 141

3) Total number of existing structures: 1

4) Type of existing structures: SINGLE FAMILY

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: \_\_\_\_\_

8) Zoning District(s): SPC

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):

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):

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):

Name and Address of Professional Engineer: N/A

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

Name and Address of Licensed Land Surveyor: N/A

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

Name and Address of Attorney: N/A

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

Name and Address of Biology/Wetland Consultant: N/A

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

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

- 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: N/A**

- 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: N/A**

- 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.

THIS IS A REQUEST FOR A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL, UNDER THE AUSPICE OF AIR B N B. SUCH A PERMIT AND USE WOULD NOT BE DETRIMENTAL.

- 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.

THE USE WILL BE IN HARMONY AND THE SPECIAL USE PERMIT IS REQUESTED TO FACILITATE THE USE OF THE EXISTING

- 3) ~~That all structures, equipment and materials shall be reasonably accessible for fire and police protection.~~

ALL STRUCTURES ARE CURRENTLY ACCESSIBLE AND WILL REMAIN SO.

- 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.

THERE IS <sup>AND HAS BEEN</sup> NO CHANGE IN THE PROPERTY AND THIS REQUEST CONTEMPLATES NO CHANGE IN YARD REQUIREMENTS, HEIGHT, OFF STREET PARKING OR SIGN REGULATIONS.

- 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.

THE HOUSE IS SET BACK, SURROUNDED BY WOODS, AND A DISTANCE FROM OTHER PROPERTIES. MAXIMUM NOISE LEVEL, UNDER CHAPTER 139, WILL BE OBSERVED.

- 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.

THERE ARE NO DISCHARGES OR OBJECTIONABLE WASTE ON THE PROPERTY. OR FROM THE PROPERTY.

- 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.

THE PROPERTY HAS A LONG, SINGLE DRIVEWAY, OFF SALT PT., WHICH MEETS ALL REQUIREMENTS FOR TRAFFIC ACCESS AND SAFETY.

- 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.

THERE IS SUBSTANTIAL OFF-STREET PARKING AVAILABLE, MORE THAN ENOUGH TO SATISFY THIS REQUIREMENT

- 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.

THE INTERIOR CIRCULATION IS MORE THAN ADEQUATE.

- 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.

THE SURROUNDING TREES AND THE TOPOGRAPHY OF THE LAND IS SUCH THAT REASONABLE SCREENING OCCURS DURING ALL SEASONS.

- 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.

THIS REQUEST FOR A SPECIAL USE PERMIT WILL NOT CHANGE THE CHARACTER OR APPEARANCE OF THE STRUCTURE.

- 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.

THERE WILL BE NO IMPACT TO HISTORIC AND NATURAL RESOURCES IF THE SPECIAL USE PERMIT IS GRANTED.

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.

THE SEWAGE TREATMENT AND WATER SUPPLY ARE ADEQUATE AND SUPPORT THE PROPOSED ACTIVITY.

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.

GIVEN THE LENGTHY SETBACK, THERE ARE NO HAZARDS, INCONVENIENCES, OR INCONGRUITIES, OR CONFLICTS, WITH NEIGHBORHOOD TRAFFIC.

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.

THERE IS NO CHANGE IN THE LOCATION, NATURE, AND HEIGHT OF WALLS AND FENCES AND NO LANDSCAPING HINDERS OR IMPAIRS THE APPROPRIATE DEVELOPMENT OF ADJACENT LAND OR ITS VALUE.

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: Dennis J. Kuciniak

Print Name: DENNIS J. KUCINIAC

Date: 7/11/2024



# Town of Poughkeepsie

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3600 Phone  
845-485-8583 Fax

## APPLICATION FOR SHORT TERM RENTAL PERMIT

Property Owner: ROYAL STRAWBERRY FARM, LLC

If Owner is other than a natural person, a responsible individual: ELIZABETH KUCINICH

Owner Type:

Hosted (Primary Residence Board Approval)  Unhosted (Primary Residence)  Unhosted Commercial (requires Town Board Approval)

Parcel number: 134689-6262-01-075210-0000 Number of Bedrooms: 3 Zoning District: \_\_\_\_\_

Property Location: 5 MARI'S WAY

Owner Mailing Address: PO BOX 110145, CLEVELAND, OHIO 44111

Contact Phone Numbers: (202) 321-6635

Email: ROYALSTRAWBERRYHILLFARMS@GMAIL.COM

Property Manager: ELIZABETH KUCINICH

Local Address: 5 MARI'S WAY, POUGHKEEPSIE, NY

Contact Phone Numbers: 202-321-6635 or 202-664-3406

Email: ELIZABETH@ELIZABETHKUCINICH.COM

### Office Use Only

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ Application Fee Received: [ ] yes [ ] no

Application Complete: [ ] yes [ ] no Documentation Needed: \_\_\_\_\_

Date Received: \_\_\_\_\_

Owner Type: [ ] Hosted [ ] Unhosted [ ] Unhosted Commercial Use & Received TB approval?

Annual Permit Fee: \_\_\_\_\_ Annual Permit Fee Received: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Issued Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_



# Town of Poughkeepsie

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3600 Phone  
845-485-8583 Fax

## Short Term Rental Affidavit

A Short Term Rental Permit will be issued upon receipt of complete application, application fee and Annual License fee. A fully approved License will be issued following review by the Zoning Enforcement Officer, and inspection of the licensed property by the Code Enforcement Officer or a Code Certified professional retained by the applicant.

Upon receipt of a Short Term Rental License, the license number must be made a part of the heading on each platform (Airbnb, Vrbo etc.)

Any change in the name of person(s) holding interest in STR or their contact information shall be provided to the Town within ten (10) days of such change. All persons holding an ownership interest in an entity shall be responsible to comply with the provisions of this local law and the Good Neighbor Flyer and each shall be liable for any violation thereof.

I/we DENNIS J. KUCINICH, the above-named applicant(s), hereby attest I/we have read the Town of Poughkeepsie STR Law and that the information provided on this application is true to the best of my/our knowledge and belief and that the STR is safe and habitable and, to my/our knowledge, complies with the State Building Code, Fire Prevention Code and Uniform Code.

Signature: Dennis J. Kucinich Date: 7/11/24

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This statement does not supersede the Code Enforcement Officer's authority to inspect STR's and enforce applicable laws, rules and regulations. False statements made on this application are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

## Acknowledgment of Individual

State of ~~New York~~ OHIO County of ~~Dutchess~~ Cayuga  
On the 11<sup>th</sup> day of July in the year 2024 before me, the undersigned, personally appeared Dennis Kucinich, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

PART "A"  
OWNER AFFIDAVIT

State of OHIO }  
County of Cuyahoga } ss:

DENNIS J. KUCINICH being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for 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 (SELF) DENNIS J. KUCINICH 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.

Dennis J. Kucinich  
Applicant/Owner

Applicant/Owner

Sworn to before me this 11<sup>th</sup> day of July, 2024.



**MATTHEW LONG**  
Notary Public, State of Ohio  
My Commission Expires  
January 2, 2028

Matthew Long  
Notary Public



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3650 Phone  
845-790-4772 Fax

Date: 07/09/2024

Applicant: Royal Strawberry Hill Farm LLC

Owner: Royal Strawberry Hill Farm LLC

Attorney or professional representative:

Grid: 6262-01-075860-0000

Physical Address: 5 Martis Way

Dennis Kucinich  
202-664-3406  
Contact kucinich@  
gmail.com

This letter is to inform you that your application which you filed 07/09/2024 is hereby denied.

Please be advised that the property you are applying for is located in the SPC District. The reason(s) for this denial are listed below.

As per §210-105.1(C), An unhosted short term rental as a principal commercial use, requires a Special Use Permit from the Town Board.

Continued use of this property for an unhosted short term rental as a principal commercial use will result in penalties as per §210-145(A) A violation of this chapter or regulation is hereby declared to be an offense punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$1,500 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$1,500 nor more than \$5,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or regulations shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

You have the right to appeal this decision to the Zoning Board of Appeals, within 60 days from the date of this notice. Forms and instructions for filing an appeal are available in the Zoning Department.



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Poughkeepsie, NY 12603

845-485-3600 Phone  
845-485-8583 Fax

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Property Owner: ROYAL STRAWBERRY FARM, LLC

If Owner is other than a natural person, a responsible individual: ELIZABETH KUCINICH

Owner Type:

Hosted (Primary Residence  Board Approval)     Unhosted (Primary Residence )     Unhosted Commercial (requires Town Board Approval)

Parcel number: 075860    Number of Bedrooms: 3    Zoning District: \_\_\_\_\_

Property Location: 5 MARTIN'S WAY, POUGHKEEPSIE, NY 12603

Owner Mailing Address: PO BOX 110145, CLEVELAND, OHIO 44111

Contact Phone Numbers: (202) 321-6635

Email: ROYALSTRAWBERRYHILLFARMS@GMAIL.COM

Property Manager: ELIZABETH KUCINICH

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

Contact Phone Numbers: 202 321 6635

Email: ROYALSTRAWBERRYHILLFARMS@GMAIL.COM

### Office Use Only

Date Received: 7-9-24    Received By: ST    Application Fee Received:  yes [ ] no \$ 50.00

Application Complete: [ ] yes  no    Documentation Needed: Notarized Page

Date Received: \_\_\_\_\_

Owner Type: [ ] Hosted    [ ] Unhosted    [ ] Unhosted Commercial Use & Received TB approval?

Annual Permit Fee: \_\_\_\_\_    Annual Permit Fee Received: \_\_\_\_\_

Permit Number: \_\_\_\_\_    Issued Date: \_\_\_\_\_    Expiration Date: \_\_\_\_\_



# Town of Poughkeepsie

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3600 Phone  
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A Short Term Rental Permit will be issued upon receipt of complete application, application fee and Annual License fee. A fully approved License will be issued following review by the Zoning Enforcement Officer, and inspection of the licensed property by the Code Enforcement Officer or a Code Certified professional retained by the applicant.

Upon receipt of a Short Term Rental License, the license number must be made a part of the heading on each platform (Airbnb, Vrbo etc.)

Any change in the name of person(s) holding interest in STR or their contact information shall be provided to the Town within ten (10) days of such change. All persons holding an ownership interest in an entity shall be responsible to comply with the provisions of this local law and the Good Neighbor Flyer and each shall be liable for any violation thereof.

I/we ELIZABETH KUCINSKI, the above-named applicant(s), hereby attest I/we have read the Town of Poughkeepsie STR Law and that the information provided on this application is true to the best of my/our knowledge and belief and that the STR is safe and habitable and, to my/our knowledge, complies with the State Building Code, Fire Prevention Code and Uniform Code.

Signature: [Signature] Date: 5-28-2024

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This statement does not supersede the Code Enforcement Officer's authority to inspect STR's and enforce applicable laws, rules and regulations. False statements made on this application are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

## Acknowledgment of Individual

State of \_\_\_\_\_ New York County of \_\_\_\_\_ Dutchess  
On the \_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned,  
personally appeared \_\_\_\_\_, personally known to me or proved to  
me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person  
upon behalf of which the individual(s) acted, executed the instrument.



# Town of Poughkeepsie

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3600 Phone  
845-485-8583 Fax

## Short Term Rental Application Instructions

**Fee \$ 50.00**

1. Applications must be fully complete in accordance with §210-105.1 and §168A of the Town Code, including all requested documents, and returned on the original forms provided. Applications will not be considered complete unless the Application Fee of \$50 is included. If the application is found to be incomplete, it will be returned to the applicant, and not considered until a completed application is submitted. Applications will be reviewed on a first-come, first-served basis.
2. A sketch map showing the location of bedrooms and bathrooms to be occupied, including two means of egress from each such bedroom, and the location of on-site parking spaces to be used.
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.

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. Proof of fire safety inspection.

You can review the adopted Short Term Rental Law here:  
<https://ecode360.com/42552534#42552534>

### **Annual License Fee Due upon approval**

<u>Unhosted short-term rental, accessory residential use.</u> An unhosted short-term rental in a primary residence.	1 Bedroom each additional bedroom	\$400 \$200
<u>Unhosted short-term rental, principal commercial use.</u> An unhosted short-term rental that is not a primary residence.	1 Bedroom each additional bedroom	\$2000 (Requires Town Board Approval) \$500
<u>Hosted short-term rental.</u> A short-term rental where a primary resident is present in the dwelling overnight with their guest(s).	1 Bedroom each additional bedroom	\$300 \$50



**Named Insured and Address**

ROYAL STRAWBERRY FARMS LLC  
PO BOX 110145  
CLEAVELAND OH 44111

**Agency Address**

MISCEDRA & ASSOCIATES INC  
2668 SOUTH RD STE 202  
POUGHKEEPSIE NY 12601

**Insurance Provided By New York Central Mutual Fire Insurance Company**

**Policy Information**

Policy Number	<b>6169213</b>	Transaction	RENEWAL
Type	DWELLING FIRE	Transaction Effective	03/01/2024 12:01 AM EST
Inception Date	03/01/2021 12:01 AM EST	Transaction Expiration	03/01/2025 12:01 AM EST
Protected Since Date	03/01/2021 12:01 AM EST		
Effective Date	03/01/2024 12:01 AM EST		
Expiration Date	03/01/2025 12:01 AM EST		
Term Length	12 MONTHS		

**Agency Information**

Name	MISCEDRA & ASSOCIATES INC	Office	845-214-0977
Code	05501	Fax	845-214-0978
Territory	3X	Email	office@miscedra.com
Paper Off	YES	Website	www.miscedra.com
Direct Mail	YES		

**Insured Summary**

NAME	TYPE	MARITAL STATUS	GENDER
ROYAL STRAWBERRY FARMS LLC	PRIMARY INSURED		

**Location Summary**

NUMBER	DESCRIPTION	ADDRESS	PREMIUM
1	PRIMARY BUILDING	5 MARTIS WAY POUGHKEEPSIE, NY 12603-7302	\$1,817.00

**TOTAL PREMIUM \$1,817.00**

**BILL WILL FOLLOW**

**Coverage Information for Location 1 of 1**

**Location Address Information**

Description	PRIMARY BUILDING	County Code	027
Street	5 MARTIS WAY	County Name	DUTCHESS
City	POUGHKEEPSIE		
State	NY		
Zip	12603-7302		

**Location Details**

Year Built	2006	# of Units	1
Construction Type	FRAME	# Units between Fire Walls	
Occupied	OWNER	Protection Class	PROTECTED
Lead Abatement		Fire District	ARLINTON
Seasonal	YES	Feet to Hydrant	
County Code	027	Miles to Fire Department	
County Name	DUTCHESS	Special Rating	
Territory	A		

**Coverage Information**

Basic Form	FL-3 - SPECIAL FORM
Deductible	\$2,500

**Coverage Details**

DESCRIPTION	LIMIT AMOUNT	PREMIUM
Coverage A RESIDENCE FIRE	490,000	\$1,088.00
Coverage A RESIDENCE SPECIAL		\$613.00
Coverage B RELATED PRIVATE STRUCTURES FIRE INCL	49,000	INCL.
Coverage B RELATED PRIVATE STRUCTURES SPECIAL INCL		INCL.
Coverage D ADDL LIVING EXP AND LOSS OF RENT FIRE INCL	49,000	INCL.
Coverage D ADDL LIVING EXP AND LOSS OF RENT SPECIAL INCL		INCL.

**Modifications and Credits Information**

\*\*\* NO MODIFICATIONS EXIST FOR THIS LOCATION \*\*\*

**Surcharge Information**

\*\*\* NO SURCHARGES EXIST FOR THIS LOCATION \*\*\*

**TOTAL LOCATION PREMIUM \$1,817.00**

**POLICY NUMBER:**

**FLOOD/MUDSLIDE EXCLUSION  
ADVISORY NOTICE TO POLICYHOLDERS – NEW YORK**

No coverage is provided by this notice nor can it be construed to replace any provision of your policy. You should read your policy and review your Declarations Page for complete information on the coverages you are provided. If there is any conflict between the policy and this Advisory Notice to Policyholders, **THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

Your policy does not insure for loss caused directly or indirectly by:

- Flood: or
- Mudslide;

Caused by or resulting from human or animal forces or any act of nature.

Such loss is excluded:

- Regardless of any other cause or event contributing concurrently or in any sequence to the loss; and
- Whether or not the loss event results in widespread damage or affects a substantial area.

However, the exclusion of flood does not apply to direct loss by fire or explosion resulting from flood, and the exclusion of mudslide does not apply to direct loss by fire or explosion that ensues but we will pay only for the ensuing loss.

Insurance for flood damage and damage caused by mudslide may be available through a separate flood insurance policy issued in accordance with the National Flood Insurance Program (NFIP). Flood insurance under the NFIP can provide both structure and contents coverage. Your insurance agent or company representative will be able to provide you with information regarding the availability of such flood insurance.

The NFIP may be contacted by phone at 1-888-379-9531, or visit the website below for more information:

<http://www.fema.gov/business/nfip/>

**POLICYHOLDER INFORMATION NOTICE**  
**INFLATION GUARD**  
**ADVISORY NOTICE TO POLICYHOLDERS**

**THIS NOTICE DOES NOT PROVIDE COVERAGE NOR DOES THIS NOTICE REPLACE ANY PROVISION OF YOUR POLICY. YOU SHOULD READ YOUR POLICY AND REVIEW YOUR DECLARATIONS PAGE FOR COMPLETE INFORMATION ON THE COVERAGES YOU ARE PROVIDED. IF THERE IS ANY CONFLICT BETWEEN THE POLICY AND THIS NOTICE, THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

Your policy includes an Inflation Guard endorsement, which reflects an automatic annual increase, based on factors provided by Xactware Replacement Cost Index.

The limit of liability for Coverage A will be increased annually by the percentage amount that is reflected by the Inflation Guard endorsement and will apply pro rata during the policy period. There is no premium charge for this endorsement.

If you wish to review the Coverage A Dwelling amount and how it is affected by the Inflation Guard endorsement, you may contact your independent agent at the phone number listed on your declarations page or our customer service unit at 800-234-6926.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
05/15/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Miscedra & Associates Inc. 2668 South Rd Suite 202 Poughkeepsie NY 12601	<b>CONTACT NAME:</b> James Miscedra <b>PHONE (A/C No. Ext):</b> (845) 214-0977 <b>E-MAIL ADDRESS:</b> jim@miscedra.com	<b>FAX (A/C No.):</b> (845) 214-0978
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Royal Strawberry Farms LLC PO Box 110145 Cleveland OH 44111	<b>INSURER A:</b> NYCM	<b>NAIC #</b> 14834
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** CL2451501534      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Special GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6169213	03/01/2024	03/01/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						EACH OCCURRENCE \$ AGGREGATE \$ \$ PER STATUTE    OTH-ER
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
Short Term Rental for Property Located @: 5 Martis Way, Poughkeepsie, NY 12603-7302

<b>CERTIFICATE HOLDER</b> Town of Poughkeepsie Zoning Department One Overocker Road Poughkeepsie NY 12603	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b> 

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Dear Friends,

Please find attached our licence application for S. Matins Way, Poughkeepsie.

While this property is registered as an LLC in ownership, the house is our home and we love it dearly. You will see from the reviews that I nurture my guests and their comments say what a home this is. We Airbnb the property when we are not there so that we can afford the property taxes on this parcel and the adjacent land that we have saved for wildlife.

Elizabeth Lucinich  
+1 202 321 6635.

Royal Strawberry Hill Farms  
e@gmail.com

APPLICATION FOR SHORT TERM RENTAL PERMIT

Property Owner: ROYAL STRAWBERRY HILL FARM LLC

If Owner is other than a natural person, a responsible individual: ELIZABETH KUCIENICZ

Owner Type: PERSONAL VACATION HOME (UNSURE HOW TO QUALIFY TYPE)

Hosted(Primary Residence)  Unhosted (Primary Residence)  Unhosted Commercial(requires Town Board Approval)

Parcel number: 075860 Number of Bedrooms: 3 Zoning District: \_\_\_\_\_

Property Location: S MARTIS WAY, POUGHBURGERSIE, NY 12603

Owner Mailing Address: P.O Box 110145, CLEVELAND, OH 44111

Contact Phone Numbers: 202 321 6635

Email: ROYALSTRAWBERRYHILLFARMSE.GMAIL.COM

Property Manager: ELIZABETH KUCIENICZ

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

Contact Phone Numbers: As Above -

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

*Incomplete application  
No one's answering phone*

Office

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ Application Fee Received: [ ] yes [ ] no

Application Complete: [ ] yes [ ] no Documentation Needed: \_\_\_\_\_

Date Received: \_\_\_\_\_

Owner Type: [ ] Hosted [ ] Unhosted [ ] Unhosted Commercial Use & Received TB approval?

Annual Permit Fee: \_\_\_\_\_ Annual Permit Fee Received: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Issued Date: \_\_\_\_\_ Expiration Date \_\_\_\_\_



Elizabeth Kucinich  
PO Box 110145  
Cleveland, OH 44111

Krissy Granieri  
Zoning Administrator  
Town of Poughkeepsie  
1 Overocker Road  
Poughkeepsie, NY 12603

April 29, 2024

**Re: 5 Martis Way, Poughkeepsie – Short Term Rental Application**

Dear Krissy,

Thank you for your letter. Please find our completed short term rental application.

I dearly love our home in Poughkeepsie, and the adjacent parcels of rewilded land which we steward, full of wildlife and plants. I split my time between Ohio and NY and rent the property in Poughkeepsie when it's available to help to offset the mortgage and taxes.

I was unsure which box to check on the form so am explaining here. The house and land are owned by Royal Strawberry Hill Farm LLC, a partnership company equally split between my husband and me. It is my dream one day to transition to the house full time. I adore Poughkeepsie, am committed to the social, economic and ecological wellbeing of the town and visit monthly – or as frequently as possible!

Thank you again for reaching out.

Sincerely,



Elizabeth Kucinich  
1 (202) 321-6635  
royalstrawberryhillfarms@gmail.com