

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **December 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 220 Wilbur Blvd 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
November 7, 2024

RESOLUTION 11:6 - # 13 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, Our Hudson Valley Homes (property owner-Andrew & Marissa Michos) has requested a special use permit (“SUP”) to establish an unhosted short-term rental at 220 Wilbur Blvd; 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 Our Hudson Valley Homes (Andrew & Marissa Michos) 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 December 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: November 6th 2024

Moved: Bill Reuter

Seconded: Barbara Laird

Motion passes/ fails: Ayes 6 Nays 0

ES/aap
t-10/21/2024
m-11/6/2024

	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 type="checkbox"/>	<input checked="" 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

Zoning Department

1 Overocker Road
Poughkeepsie, NY 12603

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

Date: 10/09/2024

Applicant: Michos, Andrew

Owner: Michos, Andrew

Attorney or professional representative:

Grid: 6160-01-347653-0000

Physical Address: 220 Wilbur Blvd

This letter is to inform you that your application which you filed 10/02/2024 is hereby denied.

Please be advised that the property you are applying for is located in the R20 District. The reason(s) for this denial are listed below.

1) As per §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.
The applicant must receive such approval before a permit can be granted.

2) As per §168A(7)(F)(5) Number of guests. No more than two guests per bedroom may be accommodated on any occasion.

This is a legal 3 bedroom house, only 6 guests max may be advertised.

3) A fire inspection report is required before a permit can be issued.

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.

Kristina Granieri
Zoning Administrator



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: 10/11/24

- | | | | |
|----------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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): STR App 220 Wilbur Blvd

Tax Map Number of all parcels: 347653

Street Address of all parcels: 220 Wilbur Boulevard Poughkeepsie, NY 12603

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

Description of Proposed Activity: Short Term Rental (has been an operating STR for 5 years)

Name of Applicant(s): Andrew and Marissa Michos

Address: 3136 Bay Ave Ocean City, NJ 08226

Telephone: 845-264-4810 Email: ammichos@gmail.com

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

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: _____

Telephone: _____ Email: _____

Name and Address of Licensed Land Surveyor: _____

Telephone: _____ Email: _____

Name and Address of Attorney: _____

Telephone: _____ Email: _____

Name and Address of Biology/Wetland Consultant: _____

Telephone: _____ Email: _____

B) For Subdivision and Lot Line Change Applications Only:

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

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

- 1) Does the plan involve removal or the addition of more than two (2) feet of soil anywhere on the property? Yes _____ No _____. If yes, provide details and a map showing the proposed grading.
- 2) How many cubic yards of material will be moved? _____
- 3) Describe how was the amount of material to be moved calculated? Attach additional sheets as necessary.

- 4) Will the activity involve the clearing, grading or disturbance to one acre or more of land? Yes _____ No _____. If yes, provide details and a map showing the proposed grading.
- 5) Describe how the amount of land to be cleared, graded or disturbed was determined? Attach additional sheets as necessary.

D) For Aquatic Resource Permit Applications:

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

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

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

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

- 1) That there would not be any detrimental effect by the establishment of such use on other uses within the district.
No, as we are located on a busier road with McCann Casperkill Golf Course across the street from us, there has been no detrimental effect to our short term rental activity.
- 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.
Yes
- 3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.
Yes
- 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.
Yes
- 5) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed the maximum established under Chapter 139 of the Town Code.
Yes, after one incident with noise in the winter of 2019 at a short term rental, we've installed noise monitors to ensure that levels do not exceed appropriate levels and have never had an issue since.
- 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.



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.

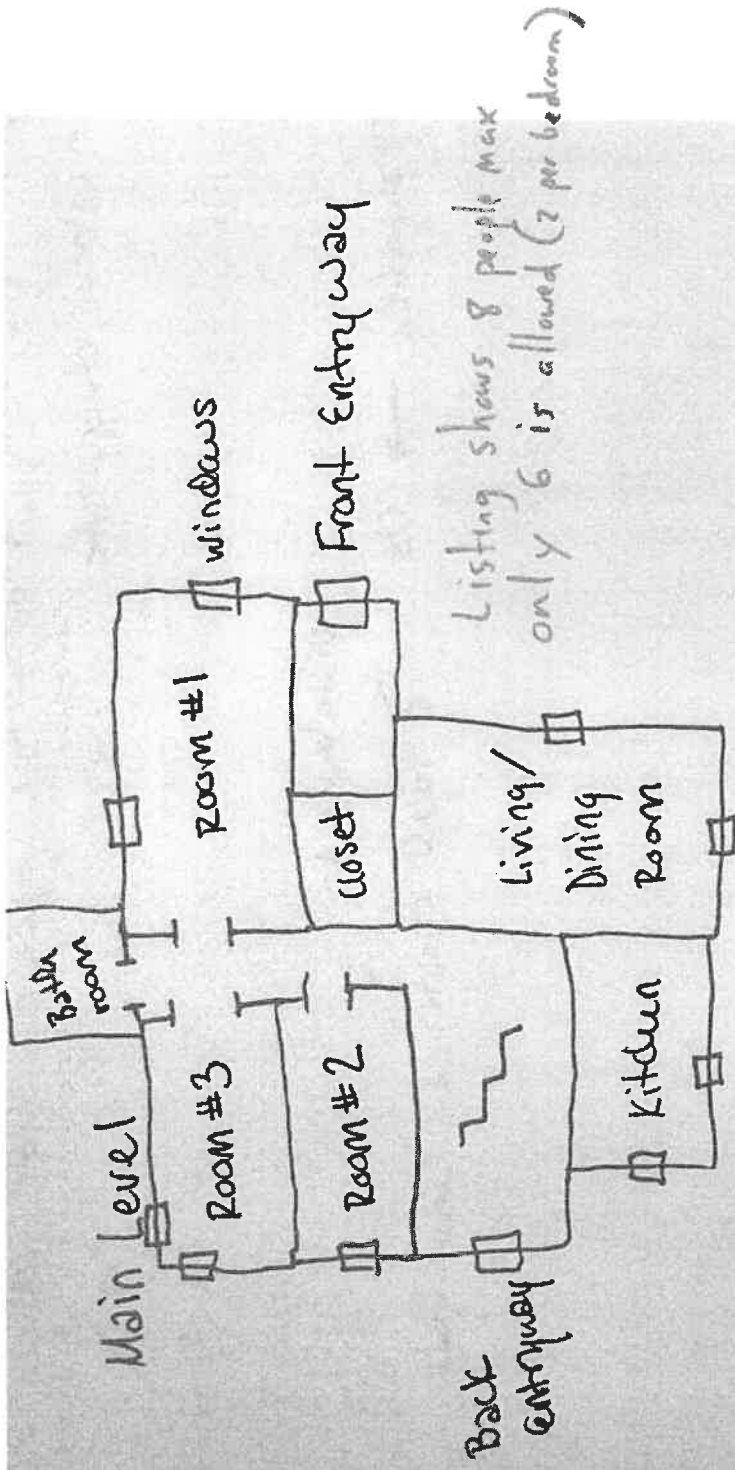
The Town shall have the final authority to determine whether a property is a primary residence.

4. Proof of insurance coverage for the short-term rental use.
5. Proof of fire safety inspection.

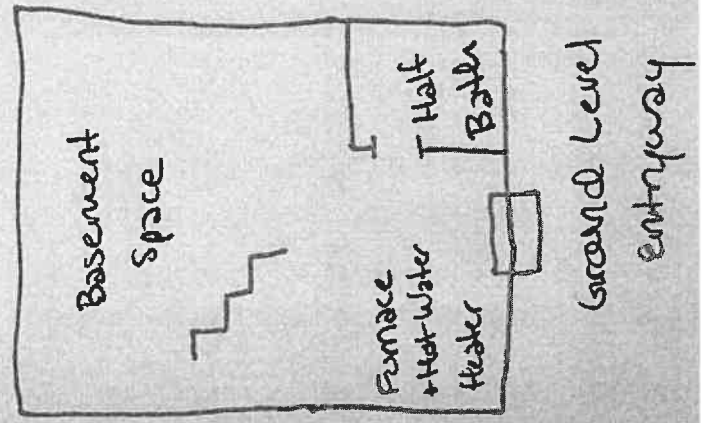
You can review the adopted Short Term Rental Law here:
<https://ecode360.com/42552534#42552534>

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



Listing shows 8 people max
only 6 is allowed (2 per bedroom)





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: Andrew Michos

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

Owner Type:

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

Parcel number: 134689-6160-01-347653-0000 Number of Bedrooms: 3 Zoning District: R20

Property Location: 220 Wilbur Boulevard Poughkeepsie, NY 12603

Owner Mailing Address: 3136 Bay Avenue
Ocean City, NJ 08226

Contact Phone Numbers: 973-796-4272

Email: ammichos@gmail.com

Property Manager: Our Hudson Valley Homes

Local Address: 42 Homer Place Poughkeepsie, NY 12603

Contact Phone Numbers: 845-264-4810

Email: ourhudsonvalleyhomes@gmail.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 Andrew Michos, 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: Andrew Michos Date: 10/2/24
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 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.