

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, an Order to Remedy, a copy of which are either attached to said property, or mailed certified mail to said property, have been issued to property located at 31 Musselman Drive, Town of Poughkeepsie, State of New York, pursuant to Chapter 192-3 and 159A-4 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Order to Remedy has not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 8th day of October, 2025 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider a recommendation from the Zoning Administrator or Deputy Zoning Administrator that the Town or its contractor remove all garden waste, debris, fallen tree limbs, and cut grass to a height not to exceed 12 inches and have vehicle removed so it will not become unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

AND PLEASE ALSO TAKE FURTHER NOTICE that said recommendation 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
September 4, 2025

RESOLUTION 9:3 - # 12 OF 2025

WHEREAS, an Order to Remedy, a copy of which is attached hereto, has been issued for property located at 31 Musselman Drive, Town of Poughkeepsie, State of New York, pursuant to Chapters 192-3 and 159A-4 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Order to Remedy has not been complied with, now therefore

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Dated: September 3, 2025

Moved: Ryan Sharpe

Seconded: Rebecca Edwards

Motion passes/ fails: Ayes 7 Nays 0

ES/mem

t-8/28/2025

m-9/3/2025

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Laird	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Burger	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Councilman Cifone	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Councilman Sharpe	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<u>✓</u>	___	___
<u>PRESENT</u> /ABSENT Supervisor Edwards	<u>✓</u>	___	___

TOWN OF POUGHKEEPSIE

Office of Zoning Administration

1 Overocker Rd.
Poughkeepsie, New York 12603

Phone: 845-485-3650
Fax: 845-790-7772



Order to Remedy Violation

Compliant Number: 0257
Location: 31 Musselman Dr
Zone: R20

Date: 07/16/2025
Grid No. 6162-19-679017-0000

TO: Shirley Austin Irrevocable Trust
25 Hidden Acres Rd, Stormville, NY 12582

PLEASE TAKE NOTICE there exists a violation of:

*Zoning Law _____
Other Applicable Laws X

at premises hereinafter described in that This office has noticed that your grass exceeds 12 inches. Per Town code §159A-4 The owner, or occupant, or tenant, or operator, or person in control as the case may be, of any occupied building or premises within the Town of Poughkeepsie shall comply with the following: Lawns shall be kept trimmed to a height of no greater than 12 inches.

in violation of § 159A-4 - Mowing, of the Code of the Town of Poughkeepsie

YOU ARE THEREFORE DIRECTED AND ORDERED to

Mow lawn (front & rear) and continue to maintain throughout the growing season. § 159A-6 Penalties for offenses. In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this chapter, establishing penalties, and setting forth additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000 per day for each day of the violation. If said civil fine is imposed, then the alleged violator may appeal to the Town Board. § 159A-7 Removal by Town; charges. A. Upon the failure of an owner, tenant or occupant or person in control with notice to correct a condition complained of, the Town Board shall hold a public hearing. The public hearing shall be held upon notice published in the official paper, posted conspicuously on the affected property and, if obtainable, forwarded to the last known address of the property owner, as it appears on the current assessment records of the Town, by certified mail, return receipt requested. Posting, forwarding and publication shall be made not less than 10 days prior to the date of the public hearing. (1) At the close of the public hearing provided by Subsection A, the Town Board shall consider whether the failure of the owner, tenant or occupant to comply with this chapter of the Town Code results in a threat to the public health, safety or welfare; and (2) If the Town Board finds that there is a threat to the public health, safety or welfare, the Town Board shall determine the area of the lawn necessary which must be mowed in order to abate the threat to the public health, safety or welfare (hereinafter referred to as "the necessary area"). B. If the Town Board, after a public hearing as provided by Subsection A, finds that there is

TOWN OF POUGHKEEPSIE

Office of Zoning Administration

1 Overocker Rd.
Poughkeepsie, New York 12603



Phone: 845-485-3650
Fax: 845-790-7772

a threat to the public health, safety or welfare, it may cause and continue to cause the mowing of the necessary area, upon the failure, or the continued failure, of such owner, tenant or occupant to comply with any requirements and/or conditions of the Town Board. Said mowing may be performed by the Town of Poughkeepsie or by its designee, or agent, including a private contractor. The Town Board shall ascertain the cost of the proceeding and the costs of mowing and assess such expense against the record owner of the property. The expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges. C. Mowing by the Town of Poughkeepsie or its agents shall not operate to excuse such owner, tenant or occupant from mowing the premises as required by this chapter, and such owner, tenant or occupant shall, notwithstanding such action by the Town, be subject to any other penalties as provided for herein.

On or before 07/28/2025

PLEASE TAKE NOTICE there exists a violation of:

*Zoning Law _____
Other Applicable Laws X

at premises hereinafter described in that This office has noticed a junk car (black Chevrolet Silverado) being stored on the property. Per Town code §192-2 as junk car is any motor vehicle in such condition or state of repair which renders the vehicle incapable of being driven or operated upon the public highway in its condition immediately without extensive repairs; any motor vehicle which has been abandoned or junked. §192-3 It shall be unlawful for any person, as owner, occupant, lessee, agent or in any capacity, to store, deposit, place, maintain or cause or permit to be stored, deposited, placed or maintained in outdoor storage any abandoned motor vehicle, junk car, machinery, whether working or nonworking, or appliance, as defined herein, upon any public or private property within the Town.

in violation of § 192-3 - Placement in outdoor storage prohibited, of the Code of the Town of Poughkeepsie

YOU ARE THEREFORE DIRECTED AND ORDERED to

Remove the junk car by said date or you are subject to the following, 192-18 "Any person who shall violate this chapter or any of the provisions hereof or who shall fail or refuse to comply with the provisions of any written notice herein provided for or who shall refuse to remove any abandoned motor vehicle, junk car, machinery, whether working or nonworking, or appliance as directed by this chapter or who shall resist or obstruct the duly authorized officer, agent or employees of the Town in the removal or disposition thereof shall, upon conviction, be subject to a fine not to exceed \$1,000 or a jail sentence of not more than 15 days, or both, for each violation, and each 24 hours during which said violation shall continue shall constitute a separate and distinct violation within the meaning of this chapter. B. In addition to any other remedies set forth herein authorizing the Town to enforce the provisions of this chapter, establishing penalties, and setting forth additional remedies, the person charged with the responsibility to enforce the provisions of this chapter may impose a civil fine or agree to a civil fine not to exceed \$1,000 per day for each day of the violation. If said civil fine is imposed, then the alleged violator may appeal to the Town Board within 30 days of the

TOWN OF POUGHKEEPSIE

Office of Zoning Administration

1 Overocker Rd.
Poughkeepsie, New York 12603



Phone: 845-485-3650

Fax: 845-790-7772

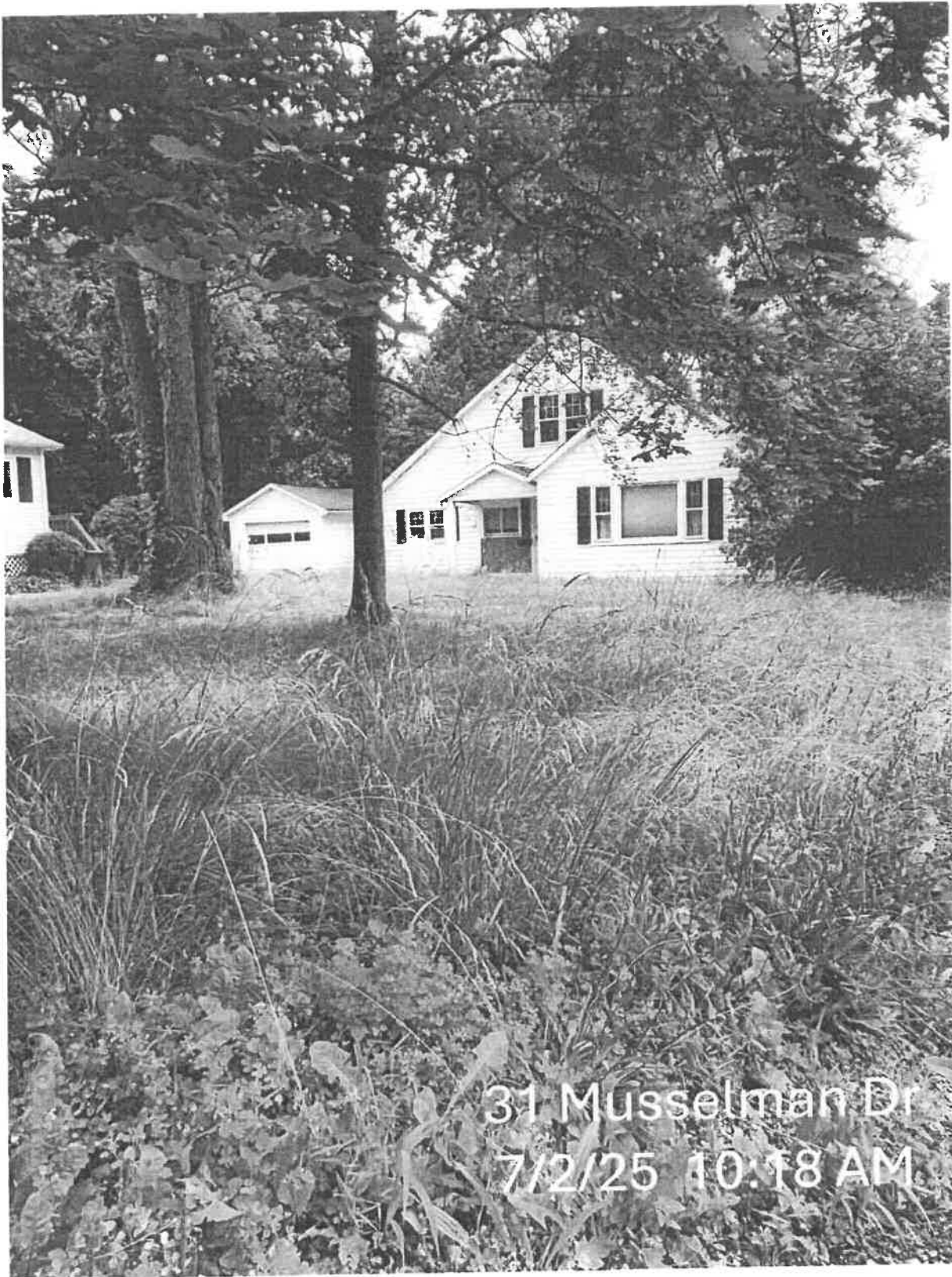
imposition of the civil fine. C. Appearance tickets. (1) The Enforcement Officer, provided that he or she is an employee of the Town of Poughkeepsie, is authorized to issue appearance tickets, as defined in § 150.10 of the Criminal Procedure Law of the State of New York, for violations of this chapter. Such appearance tickets shall be returnable within 30 days in the Town Justice Court for any violation of any provision of the Code of the Town of Poughkeepsie under their respective jurisdictions. (2) The form of the appearance ticket issued by the Enforcement Officer of the Town of Poughkeepsie pursuant to this § 192-18C shall be governed by the Criminal Procedure Law and the Uniform Justice Court Act of the State of New York. The content of such appearance ticket and the method of prosecution thereunder shall at all times be subject to the Criminal Procedure Law and the Uniform Justice Court Act of the State of New York."

On or before 07/28/2025

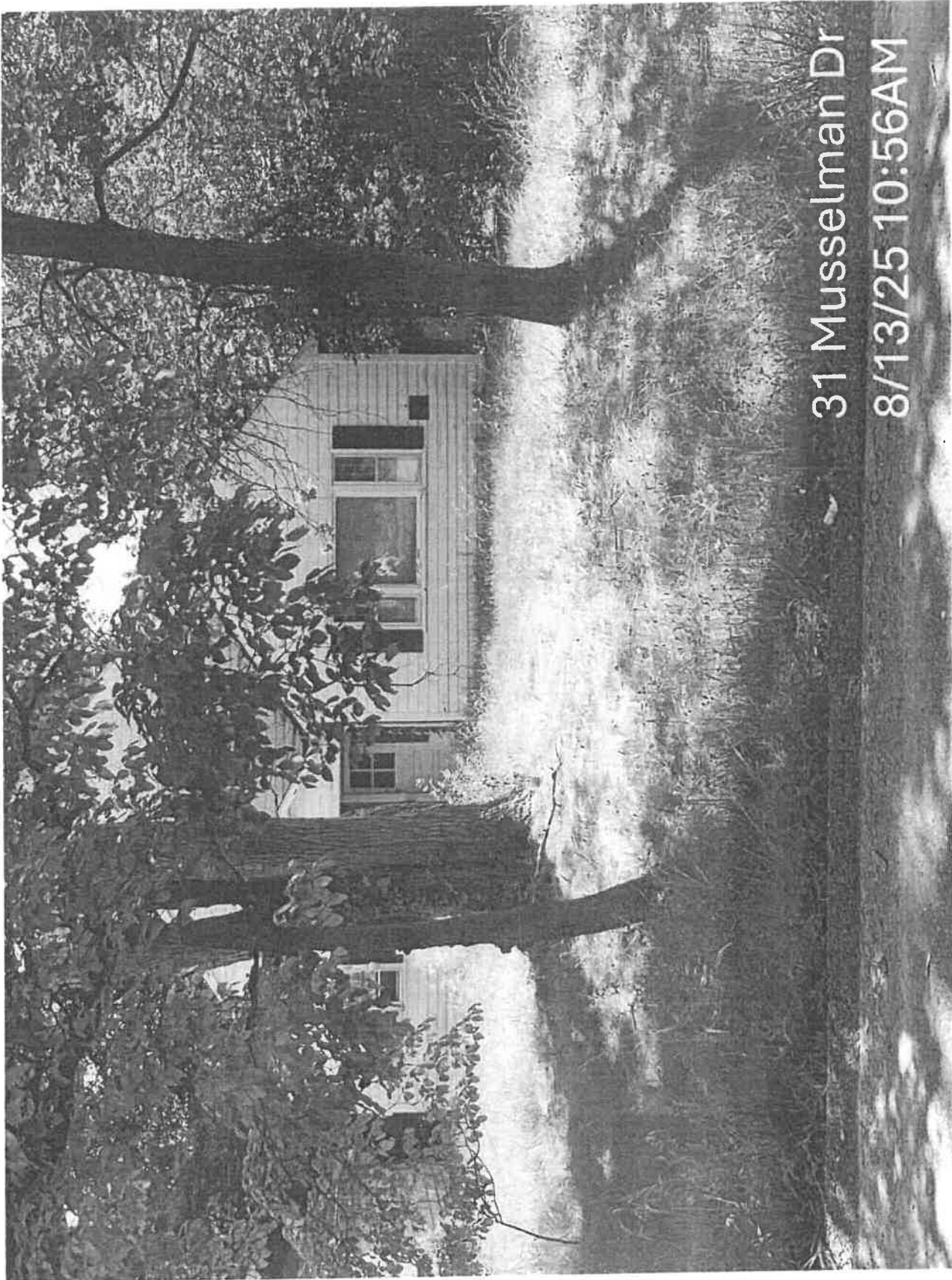
Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Kristen Mastromarino
Deputy Zoning Administrator

*This order may be appealed. Such appeal must be filed within 60 days of the date of this Order, pursuant to Section 210-147 of the Town Code.



31 Musselman Dr
7/2/25 10:18 AM



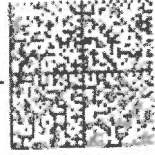
31 Musselman Dr
8/13/25 10:56AM

phkeepsie
tment
Road
e, NY 12603

CERTIFIED MAIL



NEW YORK NY 120
17 JUL 2025 AM 1
FIRST CLASS



US POSTAGE PITNEY BOWES
ZIP 12603 \$ 010.44⁰
02 7M
0008036609 JUL 16 2025

9589 0710 5270 3181 7528 02

Shirley Austin Irrevocable Trust
25 Hidden Acres Rd
Starmville, NY 12582

NY 12603 JUL 16 2025

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

1331020634326813

12603 12603 2505
UTF

BC: 12603250599 *1137-07533-17-18

