

Town of Poughkeepsie

Planning & Zoning

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885/790-4772 Fax

Town of Poughkeepsie Planning Board Application Instructions and Description of Procedures

1) Meetings:

- a) The Town of Poughkeepsie Planning Board meets in regular session on the third Thursday of each month starting at 6:30 PM.
- b) When required, the Planning Board meets in a workshop session on the first Thursday of each month starting at 5:00 PM. The workshop meeting is an open meeting. The public may attend but may not speak except by permission of the Planning Board.
- c) Special meetings may be called by the Planning Board Chair and shall be noticed pursuant to the Open Meetings Law.
- d) If the date of any meeting is cancelled due to inclement weather, lack of quorum, or other conflict, the meeting will be scheduled for another night and the new meeting day and time will be posted and made public pursuant to the Open Meetings Law.

2) Application Deadline:

- a) All submittals are due no later than **12:00 PM (noon)** twenty-four (24) days prior to the date of the regular Planning Board meeting. There shall be no exceptions.

3) Town Code:

- a) The Planning Department and the Planning Board are charged with administration of the following sections of the Town Code:
 - i) Subdivision Approval, Chapter 177.
 - ii) Site Plan/Special Permit Approval, Chapter 210.
 - iii) Architectural Approval, Chapter 210.
 - iv) Land Contour Permit Approval, Chapter 210.
 - v) Lot Line Revision Approval, Chapter 135.
 - vi) Aquatic Resources Permit Approval, Chapter 116.
 - vii) Floodplain Permit Approval, Chapter 113.
 - viii) Erosion and Sediment Control Permit Approval, Chapter 97.
- b) The Town Code is available for inspection at the Office of the Town Clerk and is available on-line at www.generalcode.com.

4) Application Submittals:

- a) All applications shall include the following:
 - i) **NOTE: Commencing with the December 28, 2009 deadline for the January 21, 2010 Planning Board meeting all applications and re-submissions shall include a digital copy of all applications, forms, documents, and maps. Electronic files may be submitted via email to planningdepartment@townofpoughkeepsie-ny.gov, on a CD or**

flash drive. The digital copy shall be in a pdf, jpg, tiff, or other suitable write-protected image format capable of being opened and viewed using any standard Windows based software.

- ii) Number of maps and plans:
 - (1) For Planning Board review of Subdivision and Site Plan applications:
 - (a) Original and fourteen (14) copies of the completed application forms, affidavits and Environmental Assessment Forms.
 - (b) Fourteen (14) full size and fourteen (14) reduced size (11" x 17") copies of the development plans prepared in accordance with the requirements of the Town Code. **All maps shall be folded. Maps that are not folded will not be accepted.**
 - (c) Five (5) full size and fourteen (14) reduced size (11" x 17") **folded** copies of building floor plans and elevations.
 - (d) Five (5) copies of any supplemental reports (i.e. traffic study, SWPPP, natural resource assessment, biological studies, wetland studies, engineering reports, etc.).
 - (2) For Administrative review of Site Plan applications:
 - (a) Original and one (1) copy of the completed application forms and affidavits.
 - (b) Six (6) full size **folded** copies of the development plans prepared in accordance with the requirements of the Town Code.
 - (3) For Pre-Application, Erosion and Sediment Control, Aquatic Resources Permit, Architectural, Land Contour, and Floodplain Development approvals applicant's are shall contact the Department of Planning to determine plan submission requirements and number of copies.
- iii) Survey information shall be recent or recently re-certified by a New York State Licensed Surveyor so as to accurately depict topographic and site conditions as of the date the application is submitted.
- iv) Environmental Assessment Form. Each application shall, at a minimum, be accompanied by a completed Short Form EAF. The Planning Department reserves the right to require the applicant to provide a Long Form EAF. All Type I Actions shall require a completed Long Form EAF. Forms are available online at <http://www.dec.ny.gov/permits/6191.html>.
- v) Agricultural date statement, if applicable.
- vi) Recent aerial photo at a scale of 1:200 or less with the development parcel delineated.

5) Application Procedures:

- a) Administrative Review and Approval.
 - i) Pursuant to Chapter 210-151(D) of the Town Code the following activities may be approved by the Department of Planning.
 - (1) *The activity involves the construction of not more than two-hundred (200) gross square feet of new construction for a use that is permitted in the district in which the property is located; and*
 - (2) *The existing use of the property is a conforming use; and*
 - (3) *The property is located in a business or a commercial district; and*
 - (4) *The lot and all existing and proposed structures comply with the minimum lot and bulk requirements for the district in which the lot is located, or area variances have been issued by the Zoning Board of Appeals; and*
 - (5) *The new construction is one of the following listed activities:*
 - (a) *Enclosure of equipment and storage buildings/shed.*

- (b) *Enclosure of access vestibules.*
 - (c) *Enclosure of fire access.*
 - (d) *Enclosure of loading docks.*
 - (e) *Enclosure of sidewalks.*
 - (f) *Enclosure of refuse containers.*
 - (g) *Installation of a freestanding or a wall mounted sign.*
- (6) *Changes in use not requiring additional construction or site modifications.*
- ii) The Department reserves the right to refer any application to the Planning Board for review and approval.
- b) Planning Board Review and Approval.
- i) All applications and submittals are formally received as of the date of the next regular meeting of the Planning Board.
 - ii) In order to be placed on a Planning Board agenda all application fees (Chapter 105) and review fees (Chapter 106) shall be paid at the time the application is submitted to the Planning Department.
 - iii) All maps must comply with the Town requirements for preliminary plats and site plans. In addition, all submissions must contain enough engineering data to enable a proper engineering and planning review in accordance with the Zoning Law. If maps either fail to comply with the code requirements or are insufficient to support a proper engineering and planning review, the result may be the removal of the application from the Planning Board agenda, or the denial of approval. The adequacy of all submissions will be determined by the Department of Planning.
 - iv) If a public hearing is required the hearing will be set only after the Board is satisfied that the applicant has addressed all comments and questions to the satisfaction of the Board.
 - v) Applicants are responsible to place the notice of the public hearing in the designated newspaper and to pay the cost of publication. Such publication must occur no less than ten (10) days prior to the date of the public hearing (not including the date of the public hearing), and to submit the Affidavit of Publication to the Department of Planning prior to the public hearing. The public hearing notice will be prepared by the Department and provided to the applicant. The Department shall mail notice of the public hearing to surrounding landowners.

6) Actions of the Planning Board:

- a) Prior to making a decision on the application, the Planning Board shall make a determination of significance under the State Environmental Quality Review Act. The Planning Board may open the public hearing prior to the determination of significance in order to obtain public comment on the issues of environmental concern. An application is not complete until a Negative Declaration has been issued or a DEIS has been received and declared complete.
- b) Decisions of approval or disapproval will be made no more than sixty two (62) days after the close of a public hearing on a complete application unless extended by agreement of the Planning Board and the applicant. The decision of the Planning Board will be filed with the Town Clerk within five (5) business days of the date of the decision.
- c) Disapproval of an application will require the submission of a new application and new fees if the applicant wishes to pursue further consideration of the plan.
- d) The approved plan shall be void if it is revised after Planning Board signature. No changes, erasures, modifications or revisions shall be made on any plan after the plat has been signed by the Chairman. If a recorded plat map contains any unauthorized changes, the plat shall be considered void, and the Planning Board shall take action to remove the plat from the county records.

7) Application Fees; Review Fees:

Pursuant to Chapter 105 of the Town Code an applicant shall pay a application fees at the time an application is submitted. Application fees are not refundable. At the time an application is submitted to the Planning Board application fees shall be paid with separate check made payable to the "Town of Poughkeepsie".

Pursuant to Chapter 106 of the Town Code an applicant is responsible to pay the cost of reviewing an application by Town Staff and for the cost of services of consulting attorneys, engineers, planners, architects, and other professionals retained to review an application. Unless waived or modified by the Director of Municipal Development, at the time an application is submitted the applicant shall deposit with the Town such sum as set forth in Chapter 106 to pay the cost of review of the application. The amount of the review fee may be adjusted up or down by the Director of Municipal Development based upon the type, size and complexity of the application. The applicant may be periodically advised as to the need to replenish the review fee fund, and the Planning Board may cease its review of an application pending such replenishment. Unexpended review fees are returnable upon completion of the Planning Board's review of the application and the receipt of final invoice(s) from any consulting professionals retained to review the application. At the time an application is submitted to the Planning Board review fees shall be paid with separate check made payable to the "Town of Poughkeepsie".

Applicants are advised to contact the Planning Board Clerk to determine the amount of the application fee and the amount of the initial deposit for the review fee that must submitted with the application.

8) Post Approval Recreation Fee; Open Space Fee; Drainage Fee:

The Recreation Fee, Open Space Fee, and Drainage Fee are due and payable prior to the Chairman signing the approved map. Approval of any application is expressly conditioned on the payment of all fees and the signature of the Chairman on the final plat or site plan shall be withheld pending payment of all fees.

9) Post-Approval Inspection Fee:

Pursuant to §106 of the Town of Poughkeepsie Code an applicant is responsible to pay a fee to cover the cost to the Town to conduct periodic inspections of a project during and after construction.

10) Post-Approval Certification:

All applicants are advised that prior to issuance of a Certificate of Occupancy for any project, and prior to acceptance of any improvements as public improvements by the Town, the applicant shall provide to the Town an as-built survey prepared by a New York State Licensed Professional Engineer or Land Surveyor depicting the extent and location of all improvements, along with a written certification prepared by a New York State Licensed Professional Engineer or Architect stating that all improvements were constructed and installed in accordance with the approved project plans and any field changes authorized by the Town. The form of the "as-built" survey and the language of the written certification are set forth in Part "O", "Acknowledgment of Required Certifications" of the Combined Application Form.