



# Town of Poughkeepsie Planning & Zoning

1 Overocker Road  
Poughkeepsie, NY 12603

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

## Town of Poughkeepsie Zoning Board of Appeals

### Application for Area Variance / Interpretation

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation

Area Variance

Name of Project (if applicable): IBM WATER METER MODIFICATION

Name of Applicant(s): IBM CORPORATION

Address: 2455 SOUTH ROAD, POUGHKEEPSIE, NY 12601

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

Name and Address of Record Owner(s): IBM CORPORATION

2455 SOUTH ROAD, POUGHKEEPSIE, NY 12601

Name and Address of Attorney or professional representative: BERGER ENGINEERING & SURVEYING PLLC

100 FULTON AVENUE, POUGHKEEPSIE, NY 12603

Telephone: 845-471-7383

Street Address of all parcels: 2455 SOUTH ROAD

Tax Map Number of all parcels: 134689-6060-04-840280

Zoning District: I-H HEAVY INDUSTRIAL

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):

NYSDEC - SPDES AND OTHER INDUSTRIAL PERMITS

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):

---

**Attach a copy of the current deed and any easements affecting the property.**

**A) For Interpretation Applications:**

Description of Reason for the Requested Interpretation: (Attach additional pages as necessary)

NOT APPLICABLE

---

**B) For Area Variance Applications:**

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

- 1) Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

The proposed activity will not produce an undesirable change in the character of the neighborhood nor a detriment

The proposed building is small and separated from residential uses.

- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

The benefit sought cannot be achieved by other methods. The proposed location is set by the location of the existing utility building and water meter. The Town of Poughkeepsie Water Department has asked for the existing water meter to be moved from the existing underground vault up into an above ground building.

- 3) Whether the requested area variance is substantial;

The area variance is not substantial. The variance of 32 ft is more than 50% of the code value. (50 ft code setback, 18 ft proposed setback from property line) However, the proposed location is over 60 ft from the edge of the road.

- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions. The proposed structure is very small and will be immediately adjacent to an existing structure.

---

- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The alleged difficulty is not self-created. The new structure is required by the Town of Poughkeepsie water department to relocate the existing water valve from an underground meter pit into an above ground structure. The proposed location is set by the location of the water main and an existing structure.

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: John V Palmer

Print Name: JOHN V. PALMER

Date: 8-25-21

**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York }  
County of Dutchess } ss:

JOHN V. PALMER 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 Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief. **Berger Engineering & Surveying PLLC**
2. That I/we hereby authorize \_\_\_\_\_, 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 Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals, 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 Zoning Board of Appeals 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.

John V. Palmer  
Applicant/Owner

\_\_\_\_\_  
Applicant/Owner

Emalie S Lasko  
Notary Public



AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }  
County of Dutchess } ss:

JOHN V. PALMER being duly sworn, deposes and says:

1. That I/we are the owner/applicant named in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That he/she resides at 2455 South Road, Poughkeepsie in the County of Dutchess and the State of New York.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals 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 Zoning Board of Appeals action. 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.
4. 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 Zoning Board of Appeals, 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.
5. That I/we understand that the Zoning Board of Appeals 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 has examined this affidavit and that it is true and correct.

John V. Palmer  
Applicant/Agent

\_\_\_\_\_  
Applicant/Agent

Emalie S Lasko  
Notary Public



**DISCLOSURE OF BUSINESS INTEREST**

State of New York }  
County of Dutchess } ss:

JOHN V. PALMER being duly sworn, deposes and says:

1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual interest in the proposed project: (Insert name, home address and municipal position held. Attach additional pages as necessary.)

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

2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

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

3. That he/she understands that the Town of Poughkeepsie Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.

John V. Palmer  
Agent/Owner

\_\_\_\_\_  
Agent/Owner

Emalie S. Lasko  
Notary Public

