



Town of Poughkeepsie Planning & Zoning

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): 13 Vandewater Avenue

Name of Applicant(s): Brian Burke

Address: 43 Shamrock Circle, Poughkeepsie, NY 12603

Telephone: 845-702-6480

Name and Address of Record Owner(s): Brian Burke

43 Shamrock Circle, Poughkeepsie, NY 12603

Name and Address of Attorney or professional representative: Paul Tirums, P.E.

16 Friendship Lane, Poughkeepsie, NY 12601

Telephone: 914-490-3269

Street Address of all parcels: 13 Vandewater Avenue, Poughkeepsie, 12603

Tax Map Number of all parcels: 700902

Zoning District: R-20

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):

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)

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;

This area variance will allow for the construction of a single family residential home on a currently

vacant lot. The lot previously had a single family home that had burned down in a fire.

- 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;

No, a reasonable house can not be built with out a variance. Previous home appeared to have

side yard setbacks of less than 5 feet.

- 3) Whether the requested area variance is substantial;

Yes, this is a substantial variance in terms of comparison to zoning standards but this lot was

previously developed and the previous structure did not comply with current lot size and setback standards.

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

No, this lot had a previous single family home built adjacent to the northern property line.

This variance will allow for development of a currently vacant parcel.

- 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.

No, the lot had a previous home with sub-standard setbacks and overall lot size.

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: *Bruce Burke*

Print Name: Bruce Burke

Date: 08/25/20

AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York

County of Dutchess

ss:

Brian Burke

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.
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.

Brian Burke

Applicant/Owner

Sworn to before me this 28th day of March, 2022.

Julie B. Tuttle

Notary Public

JULIE B. TUTTLE
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Reg. No. 4961386
Commission Expires Feb. 5, 2026

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }
County of Dutchess } ss:

Brian Burke being duly sworn, deposes and says:

1. That I/we are the Brian Burke 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 43 Shawrock Circle P.O.K., N.Y. 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.

Brian Burke
Applicant/Agent

Applicant/Agent

Sworn to before me this 28th day of March, 2022.

Julie B. Tuttle
Notary Public

JULIE B. TUTTLE
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Reg. No. 4961386
Commission Expires Feb. 5, 2024

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Burke Residential Single Family House			
Project Location (describe, and attach a location map): 13 Vandewater Avenue, Poughkeepsie			
Brief Description of Proposed Action: Currently 13 vandewater Ave. is a vacant lot. The lot was previously occupied by a single family house. Mr. Burke is proposing to build a new house on this pre-existing /non-conforming lot. A zoning variance is necessary for side lot setback on this narrow (40' wide) lot.			
Name of Applicant or Sponsor: Paul Tirums, P.E.		Telephone: (914) 490-3269	
		E-Mail: ptirums@yahoo.com	
Address: 16 Friendship Lane			
City/PO: Poughkeepsie		State: N.Y.	Zip Code: 12601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Building Permit from Town of Poughkeepsie			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>0.14</u> acres	
b. Total acreage to be physically disturbed?		<u>0.04</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.14</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,		NO	YES	N/A
a.	A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b.	Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES	
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

- Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Will storm water discharges flow to adjacent properties?

<input type="checkbox"/>	<input type="checkbox"/>
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b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

<input type="checkbox"/>	<input type="checkbox"/>
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If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, explain the purpose and size of the impoundment:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, describe:

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If Yes, describe:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: PAUL TIRUMS, P.E.

Date: 8/24/20

Signature: Paul Tirums

Title: Consultant Engineer

13 Vandewater Avenue
Area Variance Architectural Views
September 2020

Alteration of this drawing, except by a Licensed Professional Engineer or Architect is illegal. Any alterations by a Professional Engineer or Architect must be indicated and bear his/her seal, signature and date of alteration. The user of this drawing shall verify all dimensions and scale of this drawing. All written dimensions shall have precedence over scaled dimensions.

	<p>TITLE PAGE</p>	<p>Mr. Brian Burke 43 Shamrock Circle Poughkeepsie, NY 12603 Dutchess County</p>	<p><u>DRAWINGS BY:</u> PAUL TIRUMS, P.E. 16 FRIENDSHIP LANE POUGHKEEPSIE, N.Y. 12601 (914) 490-3269</p>	<table border="1"><tr><td data-bbox="267 1837 332 1942"><p>DATE: 8/28/2020</p></td><td data-bbox="267 1942 332 2026"><p>SCALE:</p></td></tr><tr><td data-bbox="178 1942 267 2026"><p>SHEET: A-1</p></td><td></td></tr></table>	<p>DATE: 8/28/2020</p>	<p>SCALE:</p>	<p>SHEET: A-1</p>	
<p>DATE: 8/28/2020</p>	<p>SCALE:</p>							
<p>SHEET: A-1</p>								

Parcel Number: 134689-6161-07-700902-0000



This picture is a product of the Dutchess County, NY *ParcelAccess* application. The intent of the photo is primarily for property identification and for general comparisons. Only one photo is used per parcel and, therefore, there may be other structures on the property that are not seen.

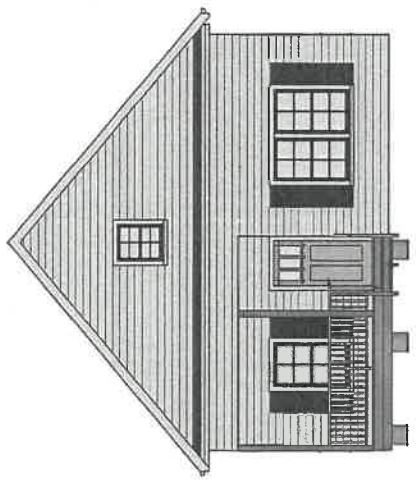
Architectural
Views

Mr. Brian Burke
43 Shamrock Circle
Poughkeepsie, NY 12603
Dutchess County

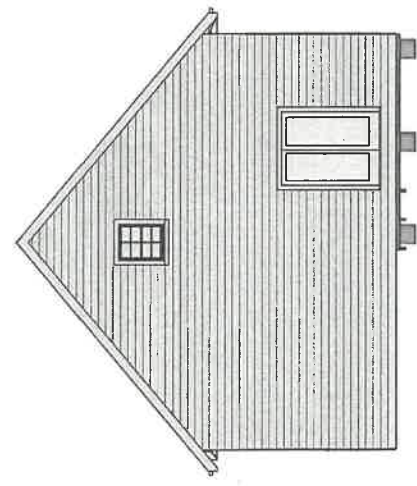
PAUL TIRUMS, P.E.
16 FRIENDSHIP LANE
POUGHKEEPSIE, N.Y. 12601
(914) 490-3264

DATE: 8/26/2020
SCALE: 1/8" = 1'-0"

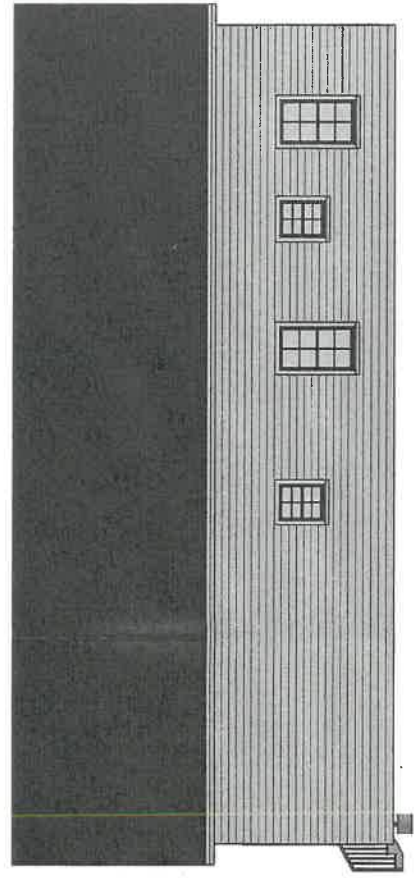
SHEET: A-2



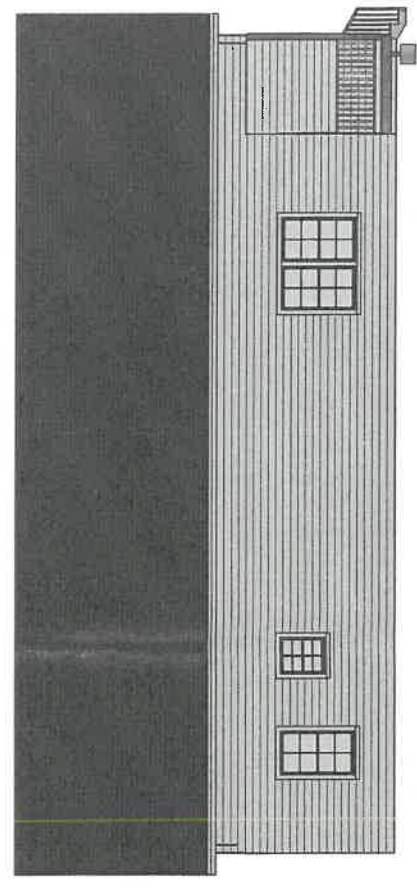
Exterior Elevation Front



Exterior Elevation Back



Exterior Elevation Right



Exterior Elevation Left

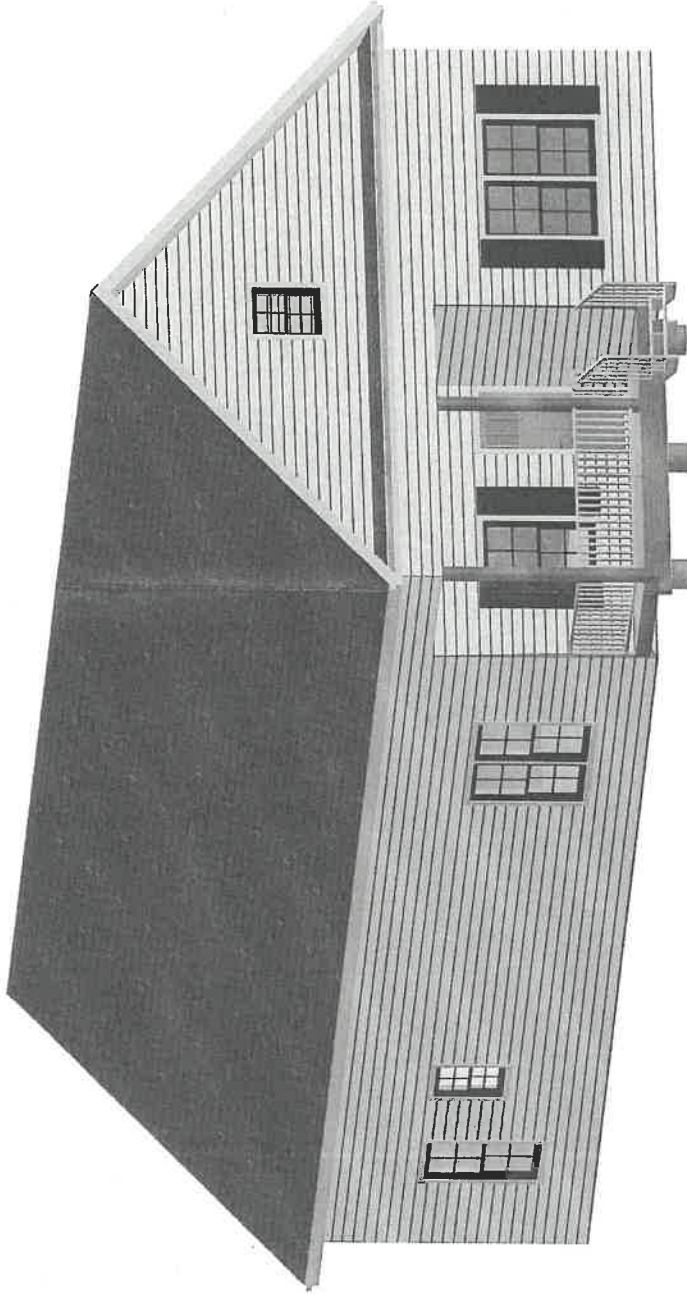
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DRAWINGS BY:

SCALE:	N.T.S.
DATE:	8/26/2020
SHEET:	A-3



Isometric View