



# 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): The Gables - Phase IV - Lot 269 Variance

Name of Applicant(s): Herb Redl, LLC

Address: 80 Washington St., Poughkeepsie, NY

Telephone: 845-471-3388

Name and Address of Record Owner(s): Same as above.

Name and Address of Attorney or professional representative: N/A

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

Street Address of all parcels: 237 - 381 Salt Point Turnpike

Tax Map Number of all parcels: Section 6262, Block 01, Lot 054988

Zoning District: Residence, Mobile Home (R-MH)

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):

11/28/1994 Area Variance; 3/11/1996 Area Variance; 11/18/1999 - Final Site Plan Approval; 12/16/1999 Floodplain Development Permit; 5/21/2004 Site Plan Extension; 12/16/2004 Extension of Site Plan Approval; 3/2005 Sewer Tenancy Agreement; 5/8/2005 DCDOH Approval; 9/19/2013 Amended Site Plan Approval; 6/14/2014 Area Variance

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):

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**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)

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**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;

No, the encroachment into the setback by the structure is minimal (2.7 FT) and the structure meets required setbacks to adjoining structures within the development and is approximately 127 FT from the nearest residence off site (tax parcel 018883).

- 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, there are no alternatives. The area variance requested was discovered upon completion of an as-built survey and is the result of an oversight that occurred in 1998 and continued unnoticed until just recently. The structure has been built and is part of an overall development that has been in planning development stages since the late 1990s.

- 3) Whether the requested area variance is substantial;

No, the requested variance should not be considered substantial. The requested variance for the 2.7-foot encroachment into the required 30-foot setback is less than a 10% encroachment into the setback. Required setbacks to adjoining structures are provided and the nearest residence off site is approximately 127 feet away.

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

No, the proposed area variance will not result in an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The overall development received a Negative Declaration of significance under the State Environmental Quality Review undertaken upon its approval in 1998. As shown in the accompanying short environmental assessment form, the area variance will not result in a significant adverse impact.

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.


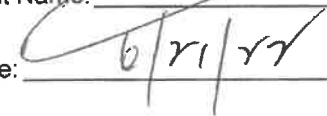
**Yes, the difficulty was self-created. The area variance requested was discovered upon completion of an as-built survey and is the result of an oversight that occurred in 1998 and continued unnoticed until just recently. The structure has been built and is part of an overall development that has been in planning development stages since the late 1990s.**

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: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

  
**Frank Redl**  


DISCLOSURE OF BUSINESS INTEREST

State of New York }  
County of Dutchess } ss:

Frank Redl being duly sworn, deposes and says:

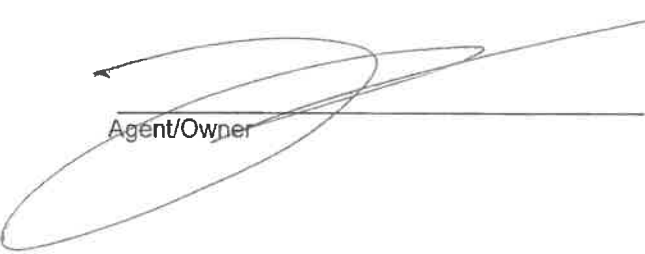
1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual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

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

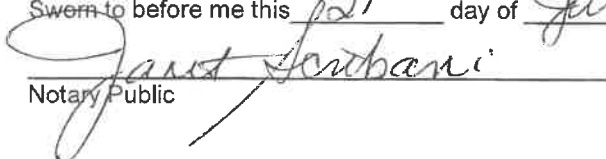
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

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

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.

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

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

Sworn to before me this 21<sup>st</sup> day of June, 2022  
  
\_\_\_\_\_  
Notary Public

JANET SCRIBANI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01SC4872214  
Qualified in Ulster County  
My Commission Expires: 10/16/22

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }  
County of Dutchess } ss:

Christopher Lapine, P.E., LaBella Ass. being duly sworn, deposes and says:

1. That I/we are the Engineering firm 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 Clinton Corners 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.

Christopher Lapine  
Applicant/Agent

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

Sworn to before me this 21 day of June, 2022.

Nicole M Bybel  
Notary Public

**NICOLE M BYBEL**  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01BY6423451  
Qualified in Dutchess County  
My Commission Expires 10-12-2025

AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York

County of Dutchess

ss:

Frank Redl

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 Christopher Lapine, P.E., LaBella Associates, 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.

[Signature]  
Applicant/Owner

Sworn to before me this 21<sup>st</sup> day of June, 2022.

[Signature]  
Notary Public

JANET SCRIBANI  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01SC4872214  
Qualified in Ulster County  
My Commission Expires: 10/16/22 September, 2021 2010