



Town of Poughkeepsie Planning & Zoning

1 Overocker Road
Poughkeepsie, NY 12603

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

jdcarroll133@gmail.com

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):

DECK

Name of Applicant(s):

James D. Carroll

Address:

41 Point Street, Wappingers Falls, NY 12590

Telephone:

C: 845 475-4957 / W: 914 238-4686

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:

41 Point Street, Wappingers Falls, NY 12590

Tax Map Number of all parcels:

134689-6057-06-493908-0000

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)

N.A.

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. I am replacing an existing deck in disrepair with one with a similar footprint that is exactly the same distance to the adjacent property to my south and approximately 1.5 feet further from the adjacent property to my west. I am adding a much smaller deck above the replacement. This deck is similar to surrounding neighbors' decks and consistent with the characteristics of the neighborhood.

- 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 is not. The first-floor deck is a similar footprint to the deck it is replacing. The second-floor deck is off the primary bedroom which has the only egress from the second floor.

- 3) Whether the requested area variance is substantial;

It is not substantial and de minimis in size.

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

It will not. The first-floor deck is replacing an eyesore that was in disrepair. The second-floor deck is much smaller, similar to surrounding neighbors' decks, and consistent with the characteristics of the neighborhood.

- 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 existing first-floor deck required replacement due to being in disrepair. The second-floor deck is much smaller and located within the footprint of the first-floor deck.

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: J-D C Oll

Print Name: JAMES D. CARROLL

Date: 07/07/2022

AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York

County of Dutchess

ss:

James D. Carroll

being duly sworn, deposes and says:

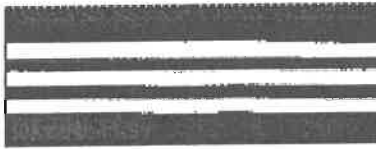
1. That I/we are the Owner(s) of the within property as described in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize **James D. Carroll**, to act as my/our representative 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.

JDC
Applicant/Owner

DEENA V. SHANLEY
Notary Public, State of New York
No. 01S16281454
Qualified in Dutchess County
Commission Expires 5/2025

Sworn to before me this 5 day of July, 2022.

Deena V. Shanley
Notary Public



Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 4/26/2022
Time Recorded: 11:45 AM

ROOSA & ROOSA
398 MAIN ST
PO BOX 468
BEACON, NY 12508

Document #: 02 2022 1691

Received From: ROOSA & ROOSA

Grantor: CARROLL JAMES D
Grantee: CARROLL JAMES D

Recorded In: Deed
Instrument Type:

Tax District: Town of Poughkeepsie

Examined and Charged As Follows :

Recording Charge: \$195.00
Transfer Tax Amount: \$0.00
Includes Mansion Tax: \$0.00
Transfer Tax Number: 6494

Number of Pages: 3

*** Do Not Detach This Page
*** This is Not A Bill

Red Hook Transfer Tax:

RP5217: Y
TP-584: Y

County Clerk By: cni
Receipt #: 13407
Batch Record: 84

Bradford Kendall
County Clerk



0220221691

711
38
140
795

THIS INDENTURE, made the 2/5~~5~~ day of April, Two Thousand and Twenty-Two

BETWEEN James D. Carroll, residing at 41 Point Street, New Hamburg, New York 12590, /
party of the first part, and

James D. Carroll and Darya Carroll, husband and wife, residing at 41 Point Street, New Hamburg, New York 12590, party of the second part, /

WITNESSETH, that the party of the first part, and in consideration of One Dollar (\$1.00) lawful money of the United States, actual consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, her heirs and assigns forever,

ALL that certain plot, piece, or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the Hamlet of New Hamburg, Town of Poughkeepsie, County of Dutchess, and State New York bounded and described as follows:

BEGINNING at a point on the westerly line of Point Street, said point being 40 feet southerly from the intersection of the southerly line of Division Street with the said westerly line of Point Street and running thence along said westerly line of Point Street, South 04° 47' 55" West 42.50 feet; thence along lands now or formerly Pucek North 84° 28' 20" West 90.00 feet; thence along lands now or formerly Donaldson the following: North 04° 47' 55" East 42.50 feet and South 84° 28' 20" East 90.00 feet to the point or place of BEGINNING.

BEING and intended to be the same premises described in a certain deed made by Margery M. Short to James D. Carroll dated January 17, 2020 and recorded January 27, 2020 in the Dutchess County Clerk's Office in Document # 02 2020 502 of Deeds.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, their heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatsoever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



JAMES D. CARROLL

STATE OF NEW YORK)
COUNTY OF DUTCHESS) ss.:

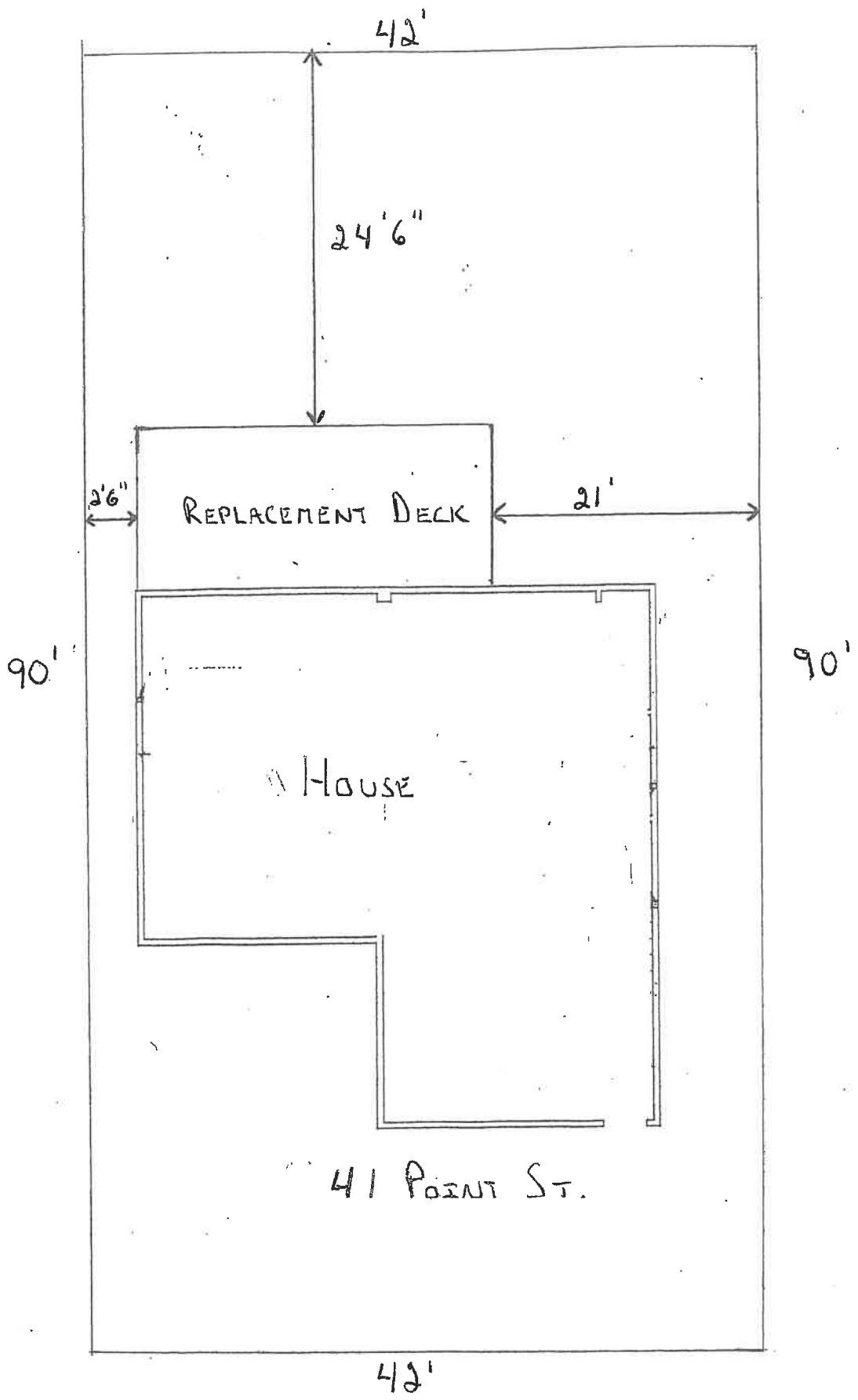
On the 21st day of April, 2022, before me, the undersigned, a Notary Public in and for said state, personally appeared James D. Carroll, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

R & R
Roosa & Roosa
398 Main Street
P.O. Box 468
Beacon, NY 12508

ELIZABETH ANNE ROOSA
Notary Public State of New York
Qualified in Dutchess County
Commission Expires November 30, 2025



JAMES CARROLL
41 POINT ST., WAPPINGER FALLS, NY, 12590
(845) 475-4957