



# Town of Poughkeepsie Planning & Zoning

1 Overocker Road  
Poughkeepsie, NY 12603

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

jcart\_31@hotmail.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):

JEFFREY & KELLY CARTER

Address:

19 TOOMEY DRIVE, POUGHKEEPSIE, NY 12603

Telephone:

845-546-6646

Name and Address of Record Owner(s):

JEFFREY & KELLY CARTER

19 TOOMEY DRIVE, POUGHKEEPSIE, NY 12603

Name and Address of Attorney or professional representative:

N/A

Telephone:

Street Address of all parcels:

19 TOOMEY DRIVE, POUGHKEEPSIE, NY 12603

Tax Map Number of all parcels:

Zoning District:

R20

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):

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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)

N/A

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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;

PLEASE SEE INCLUDED EXPLANATION

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- 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;

SAME AS #1

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- 3) Whether the requested area variance is substantial;

SAME AS #1

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

SAME AS #1

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- 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.

SAME AS #1

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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: Jeffrey Carter Kelly Carter  
Print Name: JEFFREY CARTER KELLY CARTER  
Date: AUGUST 17, 2022

Variance Application: Jeffrey Carter, 19 Toomey Drive, Poughkeepsie, NY 12603

B1. I don't believe any undesirable change will be produced. The requested deck is in an enclosed backyard (6-foot fencing – vinyl and wood) that cannot be seen from the street. The deck will be 6" higher than existing deck to allow for smooth access to the new pool, which will not create an increase in visibility from the street or the adjacent neighbors. Also, at only 177 ft<sup>2</sup> the surface area of the deck is minimal to the overall square footage of the backyard but enough to create a safe and comfortable access to the pool and existing deck.

B2. The requested deck cannot be shifted further to the center of the property to allow for a similar surface area due to the location of the septic system (tank and drainage lines – see diagram). The elimination of 5 feet of width of the deck (requested 16' down to 11') would decrease the square footage approximately 33-40% (~ 59ft<sup>2</sup>-70ft<sup>2</sup>). This decrease would also reduce the space allowed for pool access and a ladder to exit the pool onto the deck.

B3. At a total of ~177ft<sup>2</sup> the requested deck surface area is minimal and the request to allow the deck to be 15 feet from property line, compared to 20 feet, is only an addition of ~59-70ft<sup>2</sup>. Also, the current deck is already 17 feet from the property line and the additional 2 feet requested is to create an equal shaped deck compared to the pool.

B4. The requested variance is for a residential deck which will not have any adverse effect or impact on the physical or environmental conditions. The deck will be made out of approved materials and within building code regulations. It will not disrupt wildlife or other natural conditions (water flow, etc.).

B5. The placement of the pool at 15 feet from the property line was done according to the explained code and to keep the pool away from the existing septic system. It was also done to allow to maximize the remaining yard area for normal family living (games, athletic activities, etc.). The home owner assumed the 15-foot code would also involve the distance the new connecting deck would have to be from the property line as well, not the 20-foot code when deck becomes attached to the pre-existing structures.

**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York

County of Dutchess

ss:

Jeffrey Carter + Kelly Carter 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 N/A, 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

Kelly Carter  
Applicant/Owner

Sworn to before me this 21<sup>st</sup> day of August, 2021.

Rebecca A Valk  
Notary Public

REBECCA A. VALK  
Notary Public, State of New York  
Registration No. 02VA6106160  
Qualified in Dutchess County  
Commission Expires: April 7, 2024



**DISCLOSURE OF BUSINESS INTEREST**

State of New York }  
County of Dutchess } ss:

Jeffrey Carter + Kelly Carter 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.)

N/A

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.)

N/A

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.

[Signature]  
Agent/Owner

Kelly Carter  
Agent/Owner

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

Rebecca A Valk  
Notary Public

REBECCA A. VALK  
Notary Public, State of New York  
Registration No. 02VA6106160  
Qualified in Dutchess County  
Commission Expires: April 7, 2024

**Town of Poughkeepsie Zoning Board of Appeals  
Agricultural Data Statement**

In accordance with §283-a of the New York State Town Law and §305-a of the Agriculture and Markets Law, this Data Statement will be used to evaluate the potential impacts of a proposed development on farm operations in agricultural districts.

Name of Applicant(s): JEFFREY & KELLY CARTER

Address: 19 TOOMEY DRIVE, Poughkeepsie, NY 12603

Telephone: 845-546-6646

Description of the Project: CREATION of NEW DECK (1177ft<sup>2</sup>) TO ATTACH PRE-EXISTING DECK TO NEW POOL (SEE DRAWINGS)

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation

Area Variance

Use Variance

Special Use Permit

Accessory Apartment

Project Address: 19 TOOMEY DRIVE, Poughkeepsie, NY 12603

Tax Map Number of all parcels: \_\_\_\_\_

Is any portion of the project site currently being farmed? NO

Is the project site located in an Agricultural District? Yes  No

Who is farming the site? N/A

Does the person farming the site: Rent  Own  the land?

Attach a list of the names and addresses of the owners of land within an agricultural district containing a farm operation located within 500 feet of the boundary of the project property, and the tax parcel number of the farm parcels. Attach a copy of the tax map and indicate with an "X" the farm parcels within 500 feet of the project property.

I hereby confirm that the information provided herein is true and accurate.

Signature of Applicant: 

Date: AUGUST 17, 2022



80'

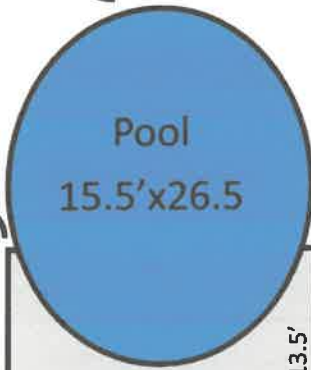
66'

15'

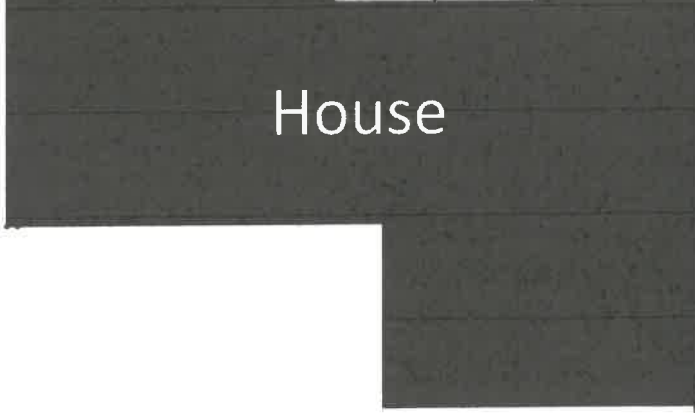
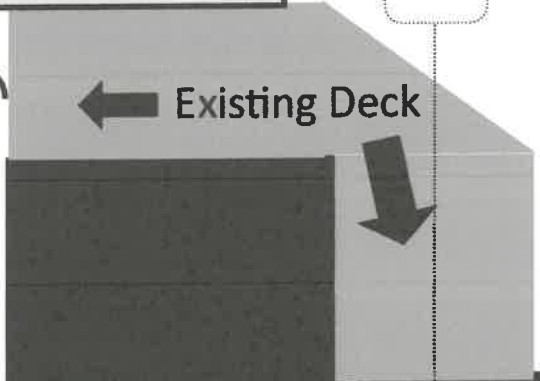
50'

Fence Line: Wood 6'x8'

225'



Septic System  
Approx.



Fence Line: Wood 6'x8'

Fence:  
Vinyl 6'x8'

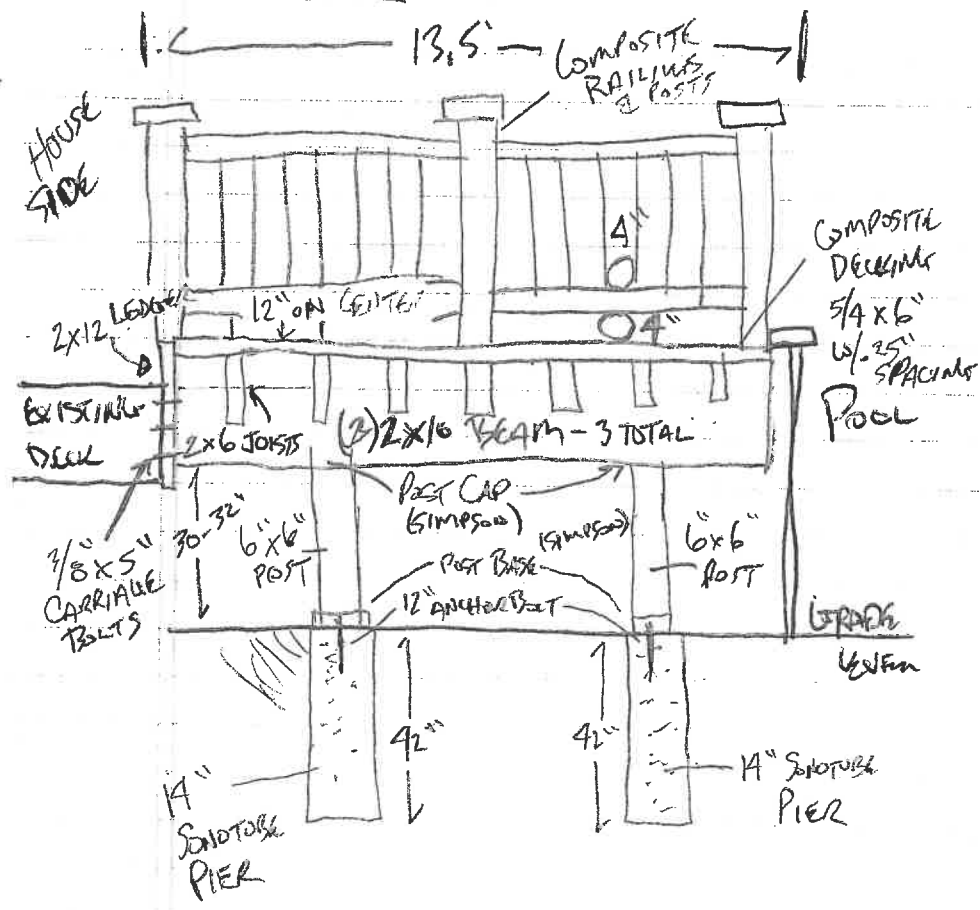
Fence  
Vinyl 6'x8'

Site plan  
 Name: Jeffrey Carter  
 Address: 19 Toomey Drive, Poughkeepsie, NY  
 Phone: 845-546-6646

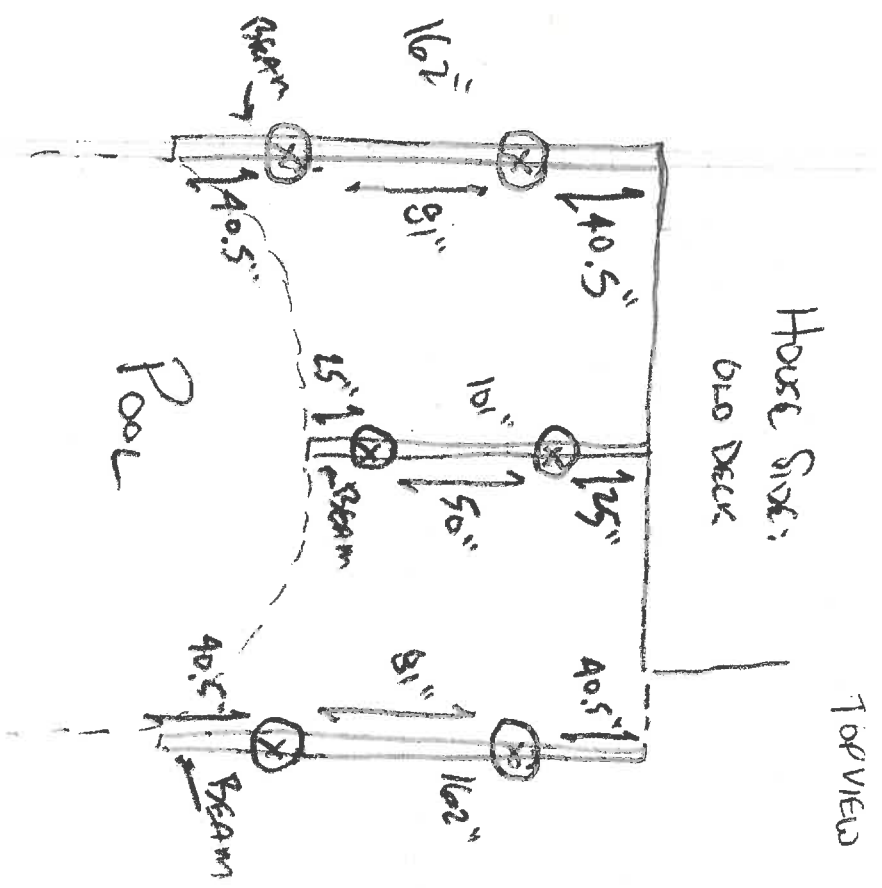
19 Toomey Drive

219'

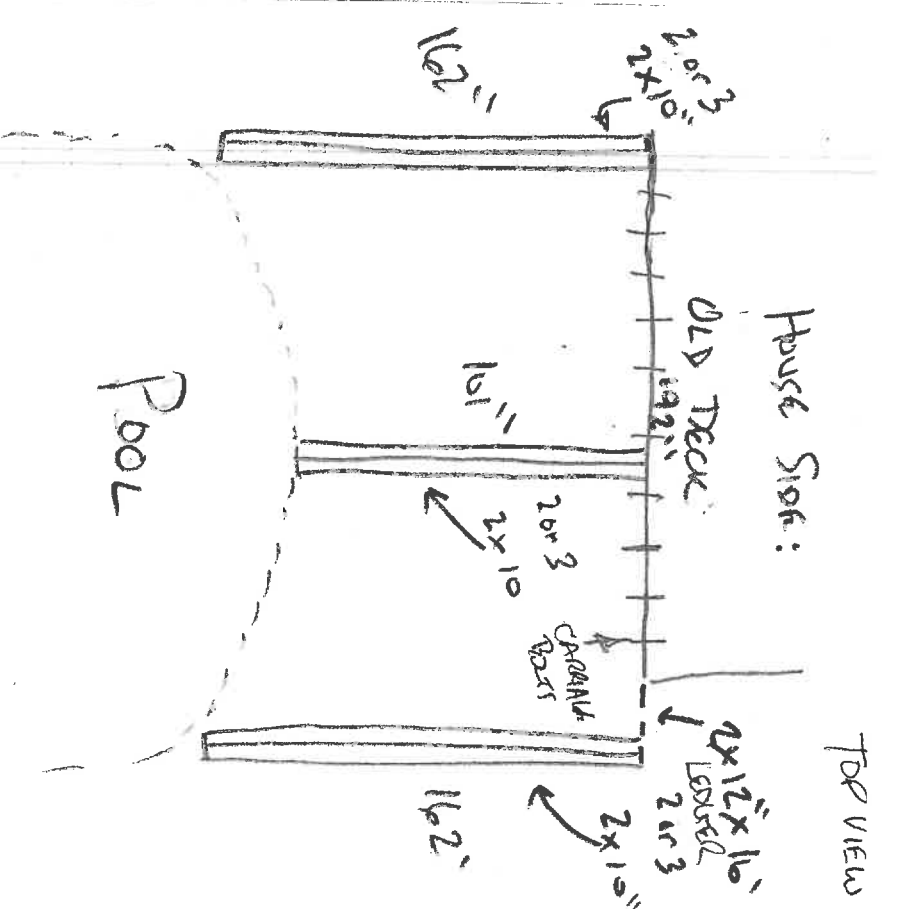
# SIDE VIEW



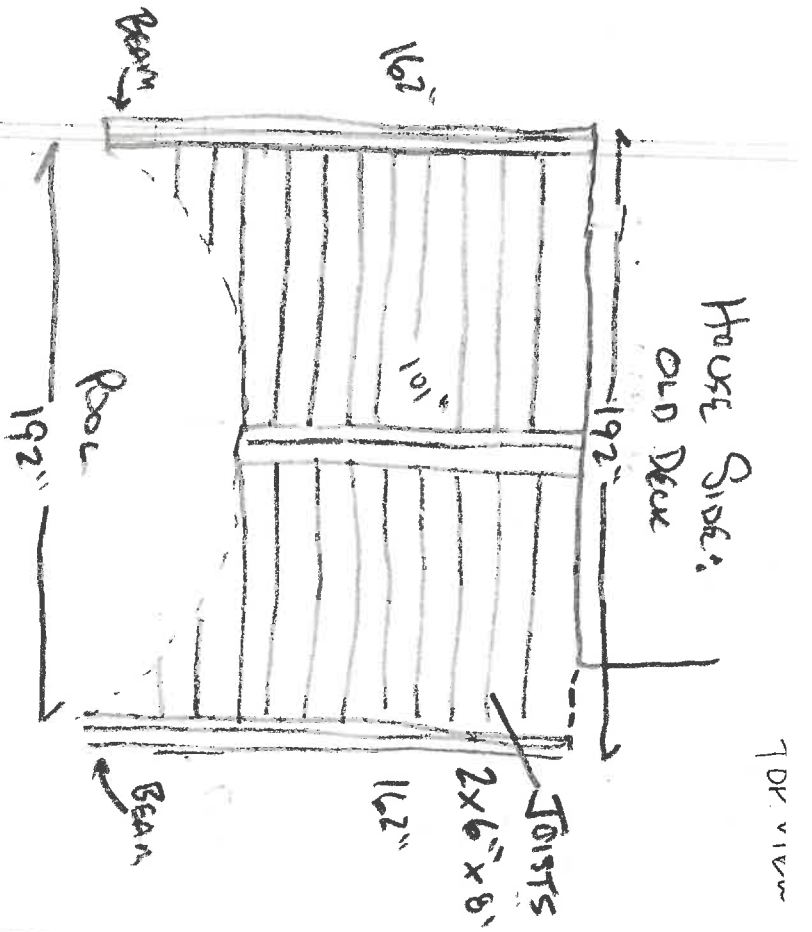
- 16' x 13.5' DECK w/ POOL CUT OUT
- TOTAL SQ/FT = 2177' #2
- ALL LUMBER .40 TREATED SYP #2 OR BETTER



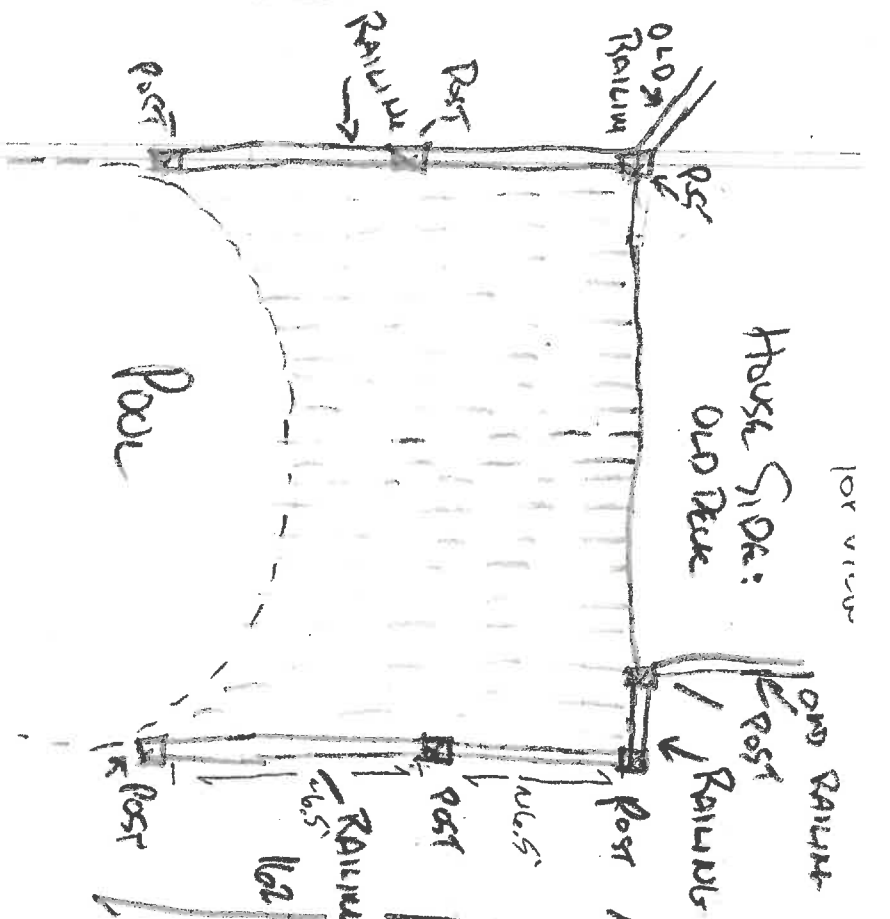
- POSTS:
- PRESSURE TREATED 6x6
  - 1" SANDFILL @ 42" DEPTH
  - CONCRETE FILL
  - GENUANIZED POST PILES (SIMPSON)
  - HEIGHT VAR. BETWEEN 30" & 34"



- BEAMS:
- PRESSURE TREATED
  - ATTACHED TO POSTS WITH POST CAPS (SIMPSON STRAND-TITE)
  - 2x12x16 LAPPED ATTACHED TO EXISTING DECK WITH 3/8x5" CHARLIE POST IN STRIPPERED FUD ROWS



- JOISTS → Flush w/ Beam
- Pressure Treated 2x6x8'
  - 12" ON CENTER w/ Joist Hangers



- DECKING:
- Composite 5.5" w/ .25" BETWEEN
- RAILINGS:
- Composite Posts, RAILING & SPINDLES
  - WILL FOLLOW CODE
  - 4" SPACING B/T SPINDLES & POSTS
  - RAIL & DECKING

Photos of proposed deck layout (rope indicates 15 feet from property line and flush with current deck):

