



Town of Poughkeepsie

Planning & Zoning

1 Overocker Road
Poughkeepsie, NY 12603

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

Bernasconi builders@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): 17 Division Street

Name of Applicant(s): Paul Bernasconi

Address: 17 Division Street, New Hamburg, NY 12590

Telephone: 845-224-5214

Name and Address of Record Owner(s): _____

Name and Address of Attorney or professional representative: _____

Telephone: _____

Street Address of all parcels: _____

Tax Map Number of all parcels: 6057-07-518917

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;

No undesirable change will be made by the requested variance to move the home to 15 feet from the property line

- 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, we need the variance in order to keep the approved septic plans

- 3) Whether the requested area variance is substantial;

It is not a substantial area variance. It is only 5 feet and a variance was previously issued for this property in Sept. 2020


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

There will be no adverse effect or impact on the conditions in 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.

This variance was not self-created

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: **Paul Bernasconi** _____

Date: **10/27/22** _____

AFFIDAVIT TO BE COMPLETED BY OWNER

State of New York

ss:

County of Dutchess

PAUL BERNASCONI 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 Paul Bernasconi, 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 26th day of October, 2022.

[Signature]
Notary Public

RANDI B. FISCH
NOTARY PUBLIC, State of New York
No. 4895646
Qualified in Dutchess County
Commission Expires 5-26-22

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }
County of Dutchess } ss:

_____ being duly sworn, deposes and says:

1. That I/we are the Paul Bernasconi 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 17 Division Street in the County of Dutchess and the State of NY.
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.

Paul Bernasconi
Applicant/Agent

Applicant/Agent

Sworn to before me this 26th day of October, 2022

Randi B. Fisch
Notary Public

RANDI B. FISCH
NOTARY PUBLIC, State of New York
No. 4895646
Qualified in Dutchess County
Commission Expires 3/26/23

DISCLOSURE OF BUSINESS INTEREST

State of New York }
County of Dutchess } ss:

PAUL BERNASCONI 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.)

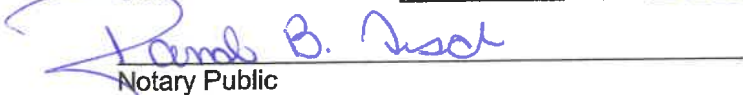
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

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 26th day of October, 2022.


Notary Public

RANDI B. FISCH
NOTARY PUBLIC, State of New York
No. 4895646
Qualified in Dutchess County
Commission Expires 02623

**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): Paul Bernasconi

Address: 17 Division Street, New Hamburg, NY 12590

Telephone: 845-224-5214

Description of the Project: Requesting a variance to build a single family house 15 feet from property line.

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation

Area Variance



Use Variance

Special Use Permit



Accessory Apartment

Project Address: 17 Division Street, New Hamburg, NY 12590

Tax Map Number of all parcels: 6057-07-518917

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: 10/27/22

The Board voted to adjourn the matter to the September 14, 2020 meeting.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6:0:0

3. **Public Hearing - Existing Shed- Jeanette Kihlmire, 14 Patricia Road, Zoned R-20, Grid # 6263-03-335187-0000.** The applicant is seeking a variance from §210-48 of the Town Code which permits an accessory structure to be located 10 feet from rear and side property lines, to legalize an existing shed that is located 2 feet from the rear property line and 5 feet from the side property line, requiring variances of 8 feet and 5 feet respectively. **Type II Action.**

The Board voted to grant the requested variances for an existing shed for reasons set forth during meeting.

Motion: Anthony D'Aquanni
Second: Arthur Grace
Vote: 6:0:0

4. **Public Hearing - Side/Rear Yard Variances - Residence - Owner: Patrice Knight, Representative: Arthur Glynn Hudson View Construction, Division Street, Zoned R-20, Grid # 6057-07-518917-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 20-foot side yard setback to permit the construction of a single-family house to be located 9.2 feet from the side lot line, requiring a variance of 10.8 feet. **Type II Action.**

The Board voted to grant a modified side yard variance of 8.3 feet.

Motion: Larry Slomin
Second: Christine Soricelli
Vote: 6:0:0

5. **Public Hearing - Carport - Craig Shannon, 47 Kingwood Drive, Zoned R-20, Grid # 6160-03-393226-0000.** The applicant is seeking a variance from §210-16(E) of the Town Code which requires a 20-foot side-yard setback to permit the construction of a carport to be located 11.7 feet from the side property line, requiring a variance of 8.3 feet.

At the request of the Applicant, the Board voted to adjourn the matter to the September 14, 2020 meeting.

Motion: Paul Lahey
Second: Arthur Grace
Vote: 6:0:0

New Business

6. **Public Hearing - Addition - Kristine L.D. Baker, 16 Saddle Rock Drive, Zoned R-20, Grid # 6160-04-623136-0000.** The applicant is seeking to construct a 20' by 20' addition for a bedroom and office to allow her to establish an accessory apartment in a one-family dwelling, that is to be located 14.7 feet from the side lot line where 20 feet is required pursuant to Town Code §210-16(E), requiring a variance of 5.3 feet **Type II Action.**

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 25 day of _____, in the year 2022

BETWEEN

PATRICE N. KNIGHT, with an address of 52 Lincoln Avenue, Beacon, New York 12508
party of the first part

PAUL BERNASCONI with an address of 26 Deer Run Crossing Drive, Fishkill, New York 12524
party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) and 00/100 - - - - - dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land situate, lying and being in the TOWN OF POUGHKEEPSIE, County of Dutchess and State of New York, being more particularly described in Schedule "A" attached hereto and made a part hereof.

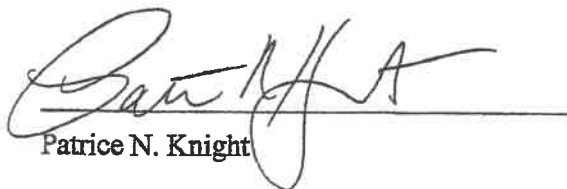
BEING the same premises conveyed to the Grantor herein by Deed dated December 31, 2019 and recorded in the Dutchess County Clerk's Office on January 22, 2020 as Document No. 02-2020-424.

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, the 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 encumbered in any way whatever, 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.

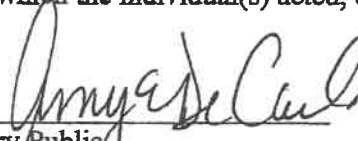
IN PRESENCE OF:


Patrice N. Knight

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Dutchess, ss:

On the 24 day of October in the year 2022 before me, the undersigned, personally appeared PATRICE N. KNIGHT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

R&R:

AMY E. DECARLO
Notary Public, State of New York
No. 01DE4903123
Qualified in Dutchess County
Commission Expires Aug. 31, 2025

Westcor Land Title Insurance Company

SCHEDULE A

(continued)

TITLE NO. RAD-23039WC

Description

ALL that certain plot, piece or parcel of land situate, lying and being in the TOWN OF POUGHKEEPSIE County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at a point on the northerly line of Division Street, said point being the intersection of the northerly line of Division Street with the westerly line of lands now or formerly Sokol (L. 1907 P. 14);

THENCE along the northerly line of Division Street, North 57-33-00 West 108.24 feet to a point;

THENCE along lands now or formerly Zeoli (L. 1561 P. 491), North 32-27-00 East 125.00 feet to a point;

THENCE along lands now or formerly Ludwig (L. 1210 P. 589) and along lands now or formerly Macho (Document No. 1999-10911), South 57-33-00 East 108.24 feet to a point;

THENCE along lands now or formerly Sokol (L. 1907 P. 14), South 32-27-00 West 125.00 feet to the point or place of BEGINNING.