



# 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): Proposed Addition for the Diaz Family

Name of Applicant(s): John Diaz

Address: 95 Spackenkill Road Poughkeepsie, NY 12603

Telephone: 917-731-2318

Name and Address of Record Owner(s): Same

Name and Address of Attorney or professional representative: Michael R Berta, AIA

Telephone: 845.489.1638 mike@bertaarchitects.com

Street Address of all parcels: 95 Spackenkill Road Poughkeepsie, NY 12603

Tax Map Number of all parcels: 134689-6160-03-443493-0000

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)

---

---

**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;

Addition is consistent with 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;

Based on the existing conditions this has been deemed to be the best location.

---

---

- 3) Whether the requested area variance is substantial;

The requested variance is not believed to be substantial

---

---

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

The proposed requested variance should not have any adverse effect on the community

---

---

- 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.

**The proposed variance was 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: \_\_\_\_\_

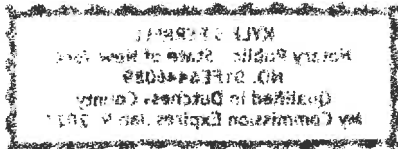
*John Diaz*

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

**Mr. John Diaz**

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

*2/18/2023*



**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York  
County of Dutchess

ss:

John DIAZ 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 Michael R. Berta, AIA, 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.

John Diaz  
Applicant/Owner

Sworn to before me this 18 day of February, 2023.

[Signature]  
Notary Public



AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York  
County of Dutchess

ss:

Michael R Berta

being duly sworn, deposes and says:

1. That I/we are the Architect 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 7 Robert Road Poughkeepsie, NY 12603 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.

[Signature]  
Applicant/Agent

[Signature]  
Applicant/Agent

Sworn to before me this 7th day of March, 2023.

[Signature]  
Notary Public

KATHY L GOLD  
Notary Public - State of New York  
NO. 01GO6137892  
Qualified in Ulster County  
My Commission Expires Dec 5, 2025

September 1, 2021

**DISCLOSURE OF BUSINESS INTEREST**

State of New York }  
County of Dutchess } ss:

John Diaz 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.

John Diaz  
Agent/Owner

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

Sworn to before me this 18 day of February, 2027.

[Signature]  
Notary Public



**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): Mr. John Diaz

Address: 95 Spackenkill Road Poughkeepsie, NY 12603

Telephone: 917-731-2318

Description of the Project: Proposed garage / Sun room addition

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation	<input type="checkbox"/>	Area Variance	<input checked="" type="checkbox"/>
Use Variance	<input type="checkbox"/>	Special Use Permit	<input type="checkbox"/>
Accessory Apartment	<input type="checkbox"/>		

Project Address: 95 Spackenkill Rd Poughkeepsie, NY 12603

Tax Map Number of all parcels: 134689-6160-03-443493-0000

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: John Diaz

Date: 2/18/2023

