

**EFG/SABER HERITAGE SC, LLC**  
*c/o Saber North POK, LLC, Development Manager*  
2453 Route 6, Brewster, NY 10509  
Tel: 914-250-0600 Fax: 914-273-2491

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May 16, 2023

*Eric@saberfund.com*

Town of Poughkeepsie  
Zoning Department  
1 Overocker Road  
Poughkeepsie, NY 12603  
Attn: Kristina Granieri

RE: Hudson Heritage – AT&T Signage - 35 Winslow Gate Road,  
Poughkeepsie

Dear Ms. Granieri:

Please find attached an application for AT&T signage variance. We respectfully request to be placed on the agenda for the June 12, 2023 meeting. I have included a copy of the presentation we intend to show at the meeting. Please let me know if you need anything additional at this time.

Thank you,



Susan Burke  
Executive Assistant, Saber North POK, LLC  
Development Manager of EFG/Saber Heritage SC, LLC



# Town of Poughkeepsie Planning & Zoning

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3657 Phone  
845-485-7885/790-4772 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): Hudson Heritage (Prime Comms Retail, LLC A & T)

Name of Applicant(s): EFG/Saber Heritage SC, LLC

Address: 2453 Route 6, Brewster, NY 10509

Telephone: 914-250-0600

Name and Address of Record Owner(s): EFG/Saber Heritage SC, LLC

Name and Address of Attorney or professional representative: Martin Berger

Telephone: 914-419-9130

Street Address of all parcels: 35 Winslow Gate Road, Poughkeepsie, NY

Tax Map Number of all parcels: 6063-04-946011

Zoning District: HRDD

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;

Proposed signage of 24 inches in height. Current code allows 18 inches, requiring a variance of 6 inches

There will be no change to the character of the neighborhood nor a detriment to nearby properties

- 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;

not possible

- 3) Whether the requested area variance is substantial;

The area variance requested is minimal and provides for signage that is more in proportion to the facade of the building than that of the permitted code.

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

No

- 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.

It as not self-created

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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: 

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Print Name: Martin G. Berger *Martin G. Berger*

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Date: 4/20/23

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**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York

County of Dutchess

ss:

EFG/Saber Heritage SC, LLC

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 Martin Berger, 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.

Applicant/Owner

Sworn to before me this 16 day of May, 2023.

Notary Public

Jeanette Trivigno  
JEANETTE TRIVIGNO  
Notary Public, State of New York  
No. 01TR6001701

Qualified in Dutchess County  
Commission Expires January 20, 2026

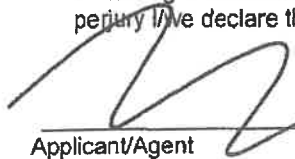
AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York  
County of Dutchess

}  
} ss:  
}

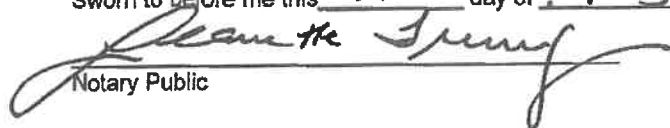
EFG/Saber Heritage SC, LLC being duly sworn, deposes and says:

1. That I/we are the Applicant 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 2453 Route 6, Brewster, NY 10509 in the County of Putnam 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.

  
Applicant/Agent

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

Sworn to before me this 16 day of May, 2023.

  
Notary Public

JEANETTE TRIVIGNO  
Notary Public, State of New York  
No. 01TR6001701  
Qualified in Dutchess County  
Commission Expires January 20, 2024

**DISCLOSURE OF BUSINESS INTEREST**

State of New York }  
County of Putnam } ss:

Martin Berger 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.)

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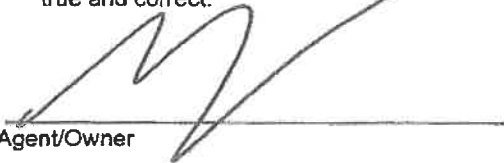
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

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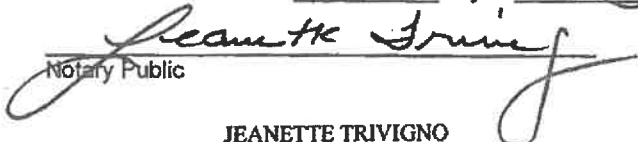
\_\_\_\_\_

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 16 day of May, 2023.

  
Notary Public

**JEANETTE TRIVIGNO**  
Notary Public, State of New York  
No. 01TR6001701  
Qualified in Dutchess County  
Commission Expires January 20, 2026

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): EFG/Saber Heritage SC, LLC

Address: 2453 Route 6, Brewster, NY 10509

Telephone: 914-250-0600

Description of the Project: Signage variance for AT&T

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation

Area Variance

Use Variance

Special Use Permit

Accessory Apartment

Project Address: 35 Winslow Gate Road, Poughkeepsie, NY

Tax Map Number of all parcels: 6063-04-946011

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? NA

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: 4/21/10