



# 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): Second Driveway

Name of Applicant(s): Richard Cotter

Address: 46 Kelsey Road, Poughkeepsie NY 12601

Telephone: (845) 345 - 9525

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: 46 Kelsey Rd Poughkeepsie NY 12601

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

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):

[www.townofpoughkeepsie.com](http://www.townofpoughkeepsie.com)

*rjcotter 2 @ email.com*

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)

X

(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. Although gravel driveways are not the majority, there are others in the neighborhood.

In fact, the immediate neighbor's driveway beside the new one is also gravel.

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; see attachment 1.

3) Whether the requested area variance is substantial;

No, just one single-car space (see attachment 2).

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

No; see attachment 1.

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

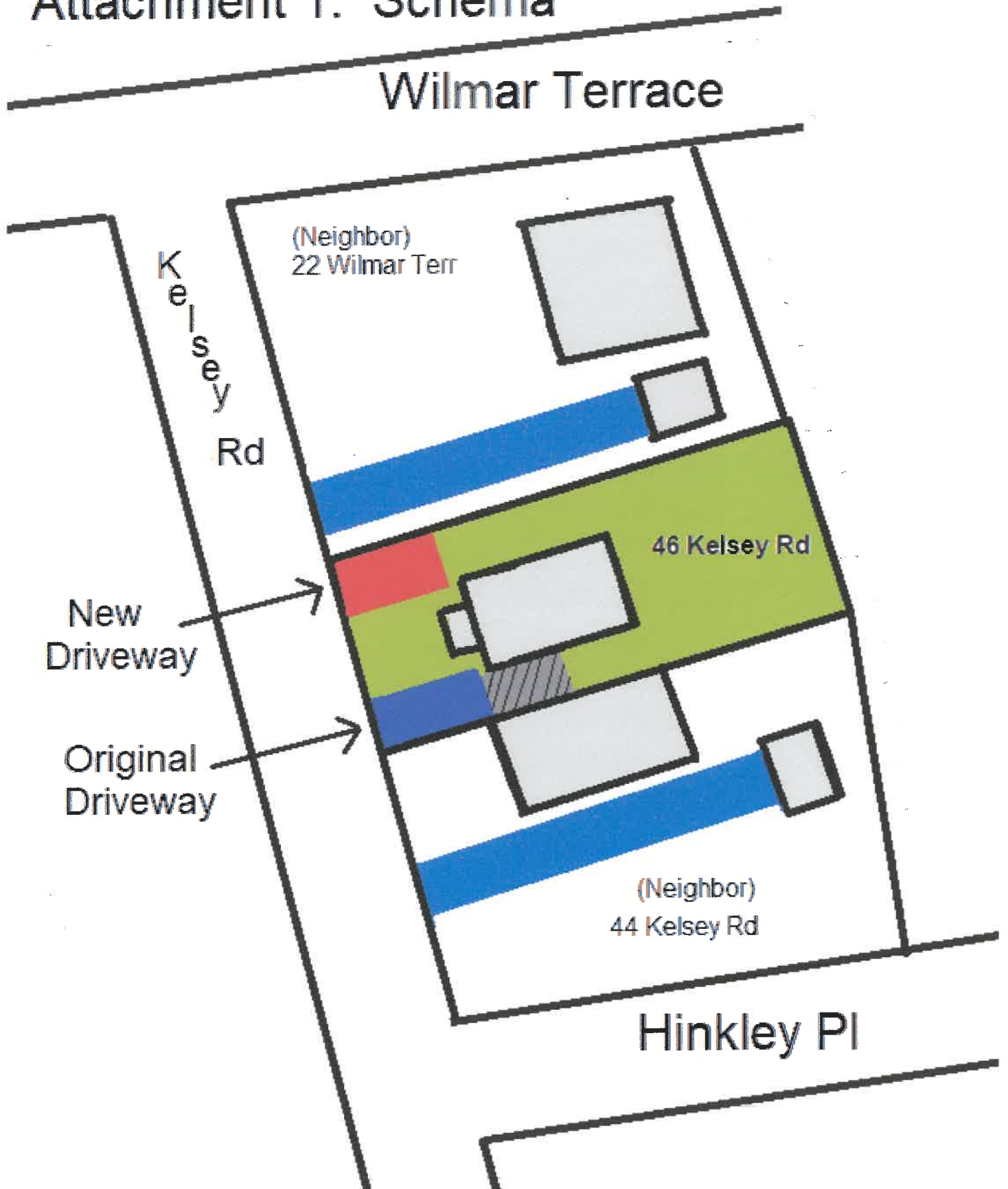
By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Poughkeepsie Code provision(s) affecting or regulating the project for which this application is 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: Richard Cotter

Print Name: Richard Cotter

Date: 8/22/2023

# Attachment 1: Schema



## Attachment 2

### Justification for second driveway

The existing driveway for the property only has (safe) space for one vehicle. Even ignoring apartment complexes and multi-family homes, this makes it one of the few properties in the area without off-street parking for at least two cars (and many can accommodate three).

There is actually paved area long enough to suggest that parking for two cars was intended, but the upper half of the driveway is sandwiched between my house and the southern neighbor (44 Kelsey) set very close to each other, such that even a small compact car cannot safely open its doors fully. In addition, the neighbor's Verizon junction box is set just inside that upper-half driveway area, increasing concerns about parking anything larger than a motorcycle immediately between the houses.



In contrast, the other side of the house has nothing immediately next to it except the other neighbor's driveway (22 Wilmar), and still has several feet of grassy space available between the additional driveway and the neighbor's driveway, making it very easy and safe to park a second car there.

Gravel was chosen for the additional driveway primarily to make it easier to undo at some point in the future, in case a potential new home buyer does not want the additional driveway. Being more ecologically friendly (and probably less expensive) was also considered an advantageous factor.

ST. 34129

# DEED

**THIS INDENTURE, made the 6th day of May, 2005 BETWEEN**

**RICARDO E. SKOVAN AND ELIZABETH SKOVAN, his wife, residing at 46 Kelsey Road, Poughkeepsie, New York 12601, as party of the first part, and**

**RICHARD COTTER, residing at 20A Flannery Avenue, Poughkeepsie, New York 12601, as party of the second part,**

**WITNESSETH, that the party of the first part, in consideration of TEN DOLLARS and other good and valuable consideration paid by the party of the second part, the receipt and adequacy of which is hereby acknowledged, 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, with the buildings and improvements thereon erected, situate, lying and being in the Town of POUGHKEEPSIE, County of DUTCHESS, and State of NEW YORK, more particularly bounded and described as is set forth on Schedule "A" annexed hereto.**

**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 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 reads "parties" whenever the sense of the 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 THE PRESENCE OF:



\_\_\_\_\_  
RICARDO E. SKOVAN



\_\_\_\_\_  
ELIZABETH SKOVAN

ACKNOWLEDGMENT

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

On this 6<sup>th</sup> day of May, 2005 before me personally came RICARDO E. SKOVAN to me known to me or proved 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 corporation or entity on behalf which the individual acted, executed the instrument.

WILLIAM F. BOGLE, JR.  
Notary Public, State of New York  
No. 02BO4809466  
Qualified in Dutchess County  
My Commission Expires May 31, 2006

  
\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT

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

On this 6<sup>th</sup> day of May, 2005, before me personally came ELIZABETH SKOVAN to me known to or proved on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or corporation or entity on behalf which the individual acted, executed the instrument.

WILLIAM F. BOGLE, JR.  
Notary Public, State of New York  
No. 02BO4809466  
Qualified in Dutchess County  
My Commission Expires May 31, 2006

  
\_\_\_\_\_  
Notary Public

**SCHEDULE A**

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:

ALL that tract or parcel of land situated in said Town of Poughkeepsie, and which on an amended map of Oak Park, Number 899, on file in the Office of the Clerk of Dutchess County, is known and designated as Lot No. 33, and is bounded and described as follows:

BEGINNING at a point in the east line of Kelsey Road, as laid down on said map, which point is 66 feet northerly from the intersection of the east line of Kelsey Road with the north line of Hinkley Place as laid down on said map; and running thence easterly along the north line of Lot No. 34, 108.39 feet to a point in the west line of Lot No. 32, as laid down on said map; thence northerly and in a straight line 34.25 feet to a point which is 112.37 feet easterly from the east line of Kelsey Road; thence westerly in a straight line and in range with the south line of Lots Nos. 24 and 25, 112.37 feet to a point in the east line of Kelsey Road, 34 feet northerly from the place of beginning; thence southerly along the east line of Kelsey Road 34 feet to the place of beginning.

**SUBJECT TO RESTRICTIONS OF RECORD.**

**SAID PREMISES DO NOT LIE WITHIN AN AGRICULTURAL DISTRICT.**

BEING same premises as conveyed to Ricardo E. Skovan and Elizabeth Skovan, his wife, by deed from Joan A. Goodwin dated August 27, 1979 and recorded on August 29, 1979 in Liber 1516 of Deeds at page 787 in the Dutchess County Clerk's Office.

Tax Identification number: 6162-10-294611  
Town of Poughkeepsie  
County of Dutchess  
State of New York

Record and Return to: ✓  
Jacqueline T. Martin, Esquire  
2 Cannon Street  
Poughkeepsie, New York 12601



**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York }  
County of Dutchess } ss:

Richard Catter 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.

Richard Catter  
Applicant/Owner

\_\_\_\_\_  
Applicant/Owner

Laurie A. Tortarella  
Notary Public

LAURIE A. TORTARELLA  
Notary Public, State of New York  
Reg. #01TO5089083  
Qualified in Dutchess County  
Commission Expires December 8, 2025

DISCLOSURE OF BUSINESS INTEREST

State of New York }  
County of Dutchess } ss:

Richard Catter 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.)

None

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.

Paul Catter  
Agent/Owner

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

Laurie A. Tortarella  
Notary Public

LAIURIE A. TORTARELLA  
Notary Public, State of New York  
Reg. #01T05039083  
Qualified in Dutchess County  
Commission Expires December 8, 2025

**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): Richard Cotter  
Address: 46 Kelsey Rd, Poughkeepsie NY 12601  
Telephone: (845) 345-9525  
Description of the Project: Second Driveway

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 checked="" type="checkbox"/>
Accessory Apartment	<input type="checkbox"/>		

Project Address: 46 Kelsey Rd, Poughkeepsie NY 12601

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 X

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: Richard Cotter      Date: 8/22/2023