



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3650 Phone  
845-790-4772 Fax

**AGENDA**  
**TOWN OF POUGHKEEPSIE ZONING BOARD OF APPEALS**  
**REGULAR MEETING**  
**May 9, 2016**  
**6:00 PM**

### Old Business

1. **Public Hearing – Mike Nesheiwat, 111 Spackenkill Road, Zone R-20, Grid #6160-02-524527.**  
The request for Special Use Permit approval is made pursuant to Article VIII, Section 210-47 of the Town Code to allow the establishment of an accessory apartment within an existing single family dwelling. Unlisted action. Uncoordinated review.
2. **Public Hearing –Michael De Cordova, 2406 New Hackensack Road, Zone R-20, Grid #6261-03-252125.** The requested Area Variance involves relief from Article VIII, Section 210-67.1(E)(1(a) of the Town Code to allow roof mounted solar electric panels to be installed less than three feet from the edge of the roof. Type II Action.
3. **Public Hearing –Robert Ciraulo, 15 Pine Tree Drive, Zone R-20, Grid #6260-03-405308.**  
The requested Area Variance involves relief from Article VIII, Section 210-67.1(E)(1(a) of the Town Code to allow roof mounted solar electric panels to be installed less than three feet from the edge of the roof. Type II Action.
4. **Public Hearing – H & R Block, 2566 South Road, Zone B-SC, Grid #6160-01-027668.** The request for Area Variance approval is made pursuant to Article IX, §210-128(C)(3)(a) of the Town Code to permit a second and third wall sign of 50.9 square feet each where only one wall sign is allowed. Unlisted action. Uncoordinated review.
5. **Public Hearing –William & Tennille Morrissey, 12 Ireland Drive, Zone R-20, Grid #6261-01-48785.** The requested Area Variance involves relief from Article VIII, Section 210-69 of the Town Code to allow a fence of up to 6 feet in height to be located within a front yard where the maximum height of a fence shall not exceed 3.5 feet. Type II Action.

### New Business

6. **Public Hearing – Cole Bender, 49 Honey Lane, Zone R-20, Grid #6057-07-711926.** The requested Area Variance involves relief from Article VIII, Section 210-16E to allow a home addition to be located 10 feet from the side lot line where 20 feet is required. Type II Action.
7. **Public Hearing – Dutchess Facilities Management, 1165 Dutchess Turnpike, 1 & 3 Easy Street, Zone B-H, Grid #6362-01-164715; 157718; 186712; 178705; 193719.** The requested Area Variances involve relief from §210-89(A) of the Town Code to allow the storage of

vehicles within a required front yard setback where the storage of vehicles is otherwise prohibited; and from §210-69 to allow a fence of up to six foot four inches in height to be located in a front yard setback where a fence of no more than 3.5 feet in height is permitted. Unlisted Action. Coordinated Review. Planning Board as the designated Lead Agency issued a Negative Declaration October 15, 2015.

8. **Public Hearing – Dutchess Facilities Management, 1165 Dutchess Turnpike, 1 & 3 Easy Street**, Zone B-H, Grid #6362-01-164715; 157718; 186712; 178705; 193719. The Special Use Permit approval is required for establishment of a Motor Vehicle Sales and Service facility pursuant to Article VIII, Section 210-89 of the Town Code. Unlisted Action. Coordinated Review. Planning Board as the designated Lead Agency issued a Negative Declaration October 15, 2015.
9. **Public Hearing –Richard Gunn, 6 Bruce Drive**, Zone R-20, Grid #6362-01-207657. The requested Area Variance involves relief from Article VIII, Section 210-16(E) to allow a front porch addition to be located 11 feet from the front lot line where 30 feet is required for both. Type II Action.
10. **Public Hearing – Joan & William Quinn, 16 Broadview Road**, Zone R-20, Grid #6159-04-789088. The requested Area Variance involves relief from Article IV, Section 210-16(E) to allow a deck addition and pool to be located 15 feet from the side lot line where 20 feet is required. Type II Action.
11. **Public Hearing – Simon Michail, 3 Hankin Loop**, Zone R-20, Grid #6060-04-870053. The requested Area Variance involves relief from Article VIII, Section 210-16(E) to allow an enclosed porch & deck addition to be located 11.2 feet from the front lot line where 30 feet is required for both. Type II Action.
12. **Public Hearing – Camilo Antonini, 19 N. Jackson Drive**, Zone R-20, Grid #6159-04-950379. The requested Area Variance involves relief from Article IV, Section 210-16(E) to allow 1) a deck addition and pool to be located 15 feet from the side lot line where 20 feet is required and; 2) Article VIII, Section 210-69 of the Town Code to allow a fence of up to 6 feet in height to be located within a front yard where the maximum height of a fence shall not exceed 3.5 feet. Type II Action.
13. **Public Hearing – Care Mount Medical, 2507 South Road**, Designated Business Park, Grid #6060-04-976470. The requested Area Variance involves relief from Article VIII, §210-60(B)(4)(b) to permit wall signage to be mounted above the first floor of a building where wall signs shall be mounted below the second floor of any multistory building. Unlisted Action. Uncoordinated Review.
14. **Public Hearing – SBRJ-2 (Kumar), 22 DeLaval Place**, Zone Neighborhood Business (B-N), Grid #6162-19-744096. The requested Area Variance involves relief from: 1) §210-33(E) to allow the construction of a second floor roof located less than one (1) foot from a rear property line where 35 feet is required and; 2) §210-123(C) to allow a freestanding sign to be located on a property line where a setback of 10 feet is required. Type II Action.
15. **Public Hearing – SBRJ-2 (Kumar), 22 DeLaval Place**, Zone Neighborhood Business (B-N), Grid #6162-19-744096. Special Use Permit pursuant to §210-33(C)(1) to allow the use of a second story space for two residential apartments. Unlisted Action. Uncoordinated review.

**Correspondence**

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Shady Brook Trailer Park, 67 Manchester Road.*

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Children's Home Addition, 36 Children's Way.*

**SEQR Lead Agency** – Town of Poughkeepsie Planning Board is requesting Lead Agency on *Dutchess Golf & Country Club Amended Site Plan, 2628 South Road.*



# 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): n/a

Name of Applicant(s): Cole Bender

Address: 49 Honey Lane, Wappingers Falls, NY 12599

Telephone: 845-214-8111

Name and Address of Record Owner(s): Same

Name and Address of Attorney or professional representative: n/a

Telephone: \_\_\_\_\_

Street Address of all parcels: 49 Honey Lane, WAPPINGERS FALLS NY. 12590

Tax Map Number of all parcels: 6057-7-711926

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;

The addition will not adversely affect the neighborhood. There are similar additions in 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;

Any addition within this neighborhood would require a variance due to the lot size.

- 3) Whether the requested area variance is substantial;

No the requested variance is for only ten feet on the side yard.

- 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 affects of the addition because visibility is limited from the adjoining streets.

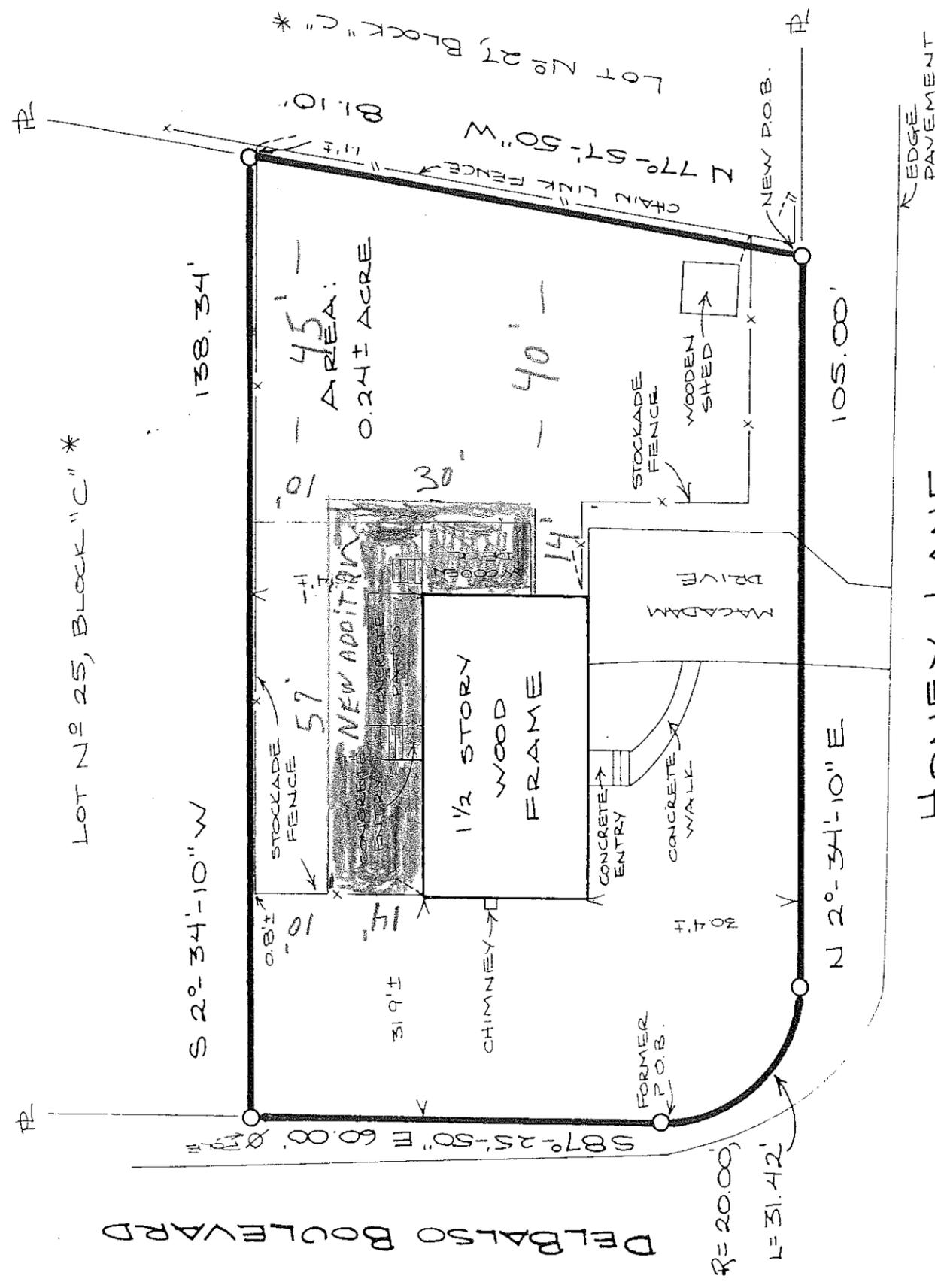
5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The difficulty 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: Col Bender  
Print Name: Col Bender  
Date: 3-29-16

N.



MAP OF SURVEY  
 LOT NO 26, BLOCK "C"  
**SECTION 3, RIVERVIEW VILLAGE \***

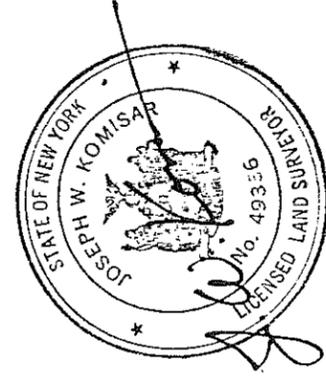
TOWN OF ROUGHKEEPSIE DUTCHESS CO., N.Y.  
 SCALE: 1" = 20'  
 OCTOBER 4, 1990

6057-7-711926 R-10

IT IS HEREBY CERTIFIED THAT THIS SURVEY HAS BEEN PREPARED FOLLOWING ACCEPTED PROFESSIONAL STANDARDS FOR TITLE SURVEYS.

(CERTIFIED TO:

- FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK (TITLE NO. LT - 2872)
- MANUFACTURERS TRADERS TRUST COMPANY, ITS SUCCESSORS & OR ASSIGNS
- COLE & CHRISTINE BENDER



PREPARED BY:  
**J. WILLIAM KOMISAR, C.L.S.**  
 2 1/2 SO. CANTON STREET  
 ROUGHKEEPSIE, N.Y. 12601  
 (914) 485-2626

\* MAP FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON 11/25/92 AS MAP NO. 2470.

91890

**Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence**

*\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\**

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- I am performing all the work for which the building permit was issued.
- I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ♦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ♦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

Col Bender

(Signature of Homeowner)

COL BENDER

(Homeowner's Name Printed)

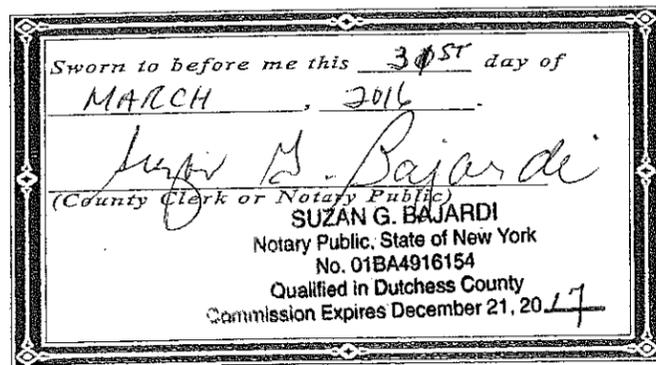
3-31-16

(Date Signed)

Home Telephone Number 845-298-1748

Property Address that requires the building permit:

49 Honey Lane  
WAPPINGERS FALLS N.Y.  
12590



Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map): 49 Honey lane, Wappingers Falls, NY 12590			
Brief Description of Proposed Action: Build 1200 sq. foot one story addition which will include eat-in kitchen/family RM, and dining room.			
Name of Applicant or Sponsor: Cole Bender		Telephone: 845-214-8111	
		E-Mail: Cole.Bender@dcbooces.org	
Address: 49 Honey lane			
City/PO: Wappingers Falls	State: NY	Zip Code: 12590	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1/4 acres	
b. Total acreage to be physically disturbed?		1200 sq. ft. acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1/4 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Cole Bender</u> Date: <u>3-29-16</u> Signature: <u>Cole Bender</u>		



SITE PLAN APPROVAL DRAWINGS

FRIENDLY HONDA INVENTORY PARKING LOT

1155 DUTCHESS TURNPIKE (U.S. ROUTE 44)

TOWN OF POUGHKEEPSIE, NY

- PARCEL # 134689-6362-01-178705-0000
PARCEL # 134689-6362-01-186712-0000
PARCEL # 134689-6362-01-193719-0000
PARCEL # 134689-6362-01-164715-0000
PARCEL # 134689-6362-01-157718-0000

Applicant/Owner: FRIENDLY HONDA
1155 DUTCHESS TURNPIKE
POUGHKEEPSIE, NY
(845) 454-2400

Attorney: CUDDY & FEDER, LLP
WESTAGE BUSINESS CENTER
300 SOUTH LAKE DRIVE
FISHKILL, NY 12524
(845) 872-1941

JMC Site Planner, Civil & Traffic Engineer, Surveyor and Landscape Architect:
120 BEDFORD ROAD
ARMONK, NY 10504
(914) 273-5225

JMC Drawing List:

- SP-1 COVER SHEET
SP-1A AERIAL PLAN
SP-2 EXISTING CONDITIONS & DEMOLITION PLAN
SP-3 LAYOUT PLAN
SP-4 GRADING PLAN
SP-5 UTILITIES PLAN
SP-6 EROSION & SEDIMENT CONTROL PLAN
SP-7 LANDSCAPE PLAN
SP-8 LIGHTING PLAN
SP-9 TRUCK AND FIRE APPARATUS ACCESS PLAN
SP-10 CONSTRUCTION DETAILS
SP-11 CONSTRUCTION DETAILS
SP-12 CONSTRUCTION DETAILS
SP-13 CONSTRUCTION DETAILS

Table with 5 columns: Description, Required / Permitted, Existing, Proposed Phase I, Proposed Phase II. Rows include Minimum Lot Size/Depth, Minimum Lot Frontage, Minimum Lot Width, etc.

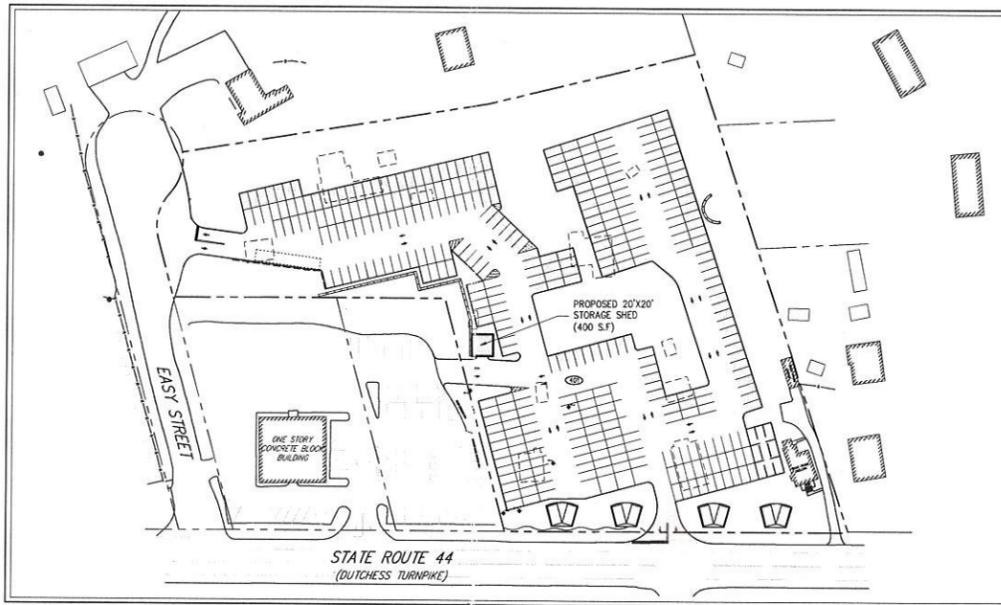
FOOTNOTES:

- (1) FRONTAGE ALONG ROUTE 44.
(2) VARIANCE REQUIRED.
(3) WITH RELATION TO EAST STREET.
(4) PER ZONING ADMINISTRATOR DETERMINATION DATED AUGUST 10, 2015, A VARIANCE IS NOT REQUIRED AS THE ACCESSORY STRUCTURE WILL BECOME A LEGALLY NONCONFORMING STRUCTURE.
(5) FIVE EXISTING LOTS SHALL BE CONSOLIDATED TO ONE LOT AS DEPICTED.
(6) EXISTING NON-CONFORMING.
(7) PER ZONING ADMINISTRATOR DETERMINATION DATED AUGUST 10, 2015, A VARIANCE IS REQUIRED FROM SECTION 210-B8A FOR THE STORAGE OF VEHICLES IN A REQUIRED YARD.

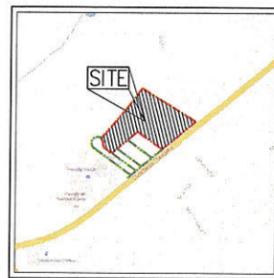
HOURS OF CONSTRUCTION SHALL BE LIMITED TO 7:30AM TO 5:00 PM MONDAY THROUGH FRIDAY

TOWN OF POUGHKEEPSIE PLANNING BOARD PLANNING DEPARTMENT NOTES

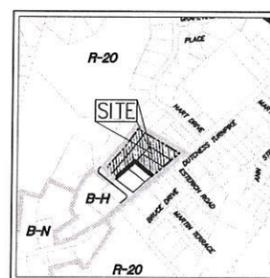
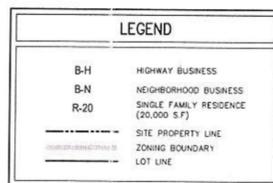
- 1. IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT TO SUBMIT TO THE PLANNING BOARD PROOF THAT THE CONDITIONS OF APPROVAL HAVE BEEN COMPLETED, AND THE SIGNATURE OF THE PLANNING BOARD CHAIRMAN SHALL BE WITHHELD PENDING RECEIPT OF A WRITTEN MEMORANDUM FROM THE PLANNING DEPARTMENT VERIFYING THAT THE CONDITIONS OF APPROVAL HAVE BEEN COMPLETED.
2. PRIOR TO COMMENCEMENT OF ANY SITE WORK THE APPLICANT'S CONTRACTOR AND CONSULTING ENGINEER SHALL MEET WITH THE BUILDING DEPARTMENT, THE TOWN ENGINEER, AND THE PLANNING DEPARTMENT TO DISCUSS THE PHASING OF THE SITE WORK AND THE CONSTRUCTION WORK, THE PLACEMENT OF EROSION CONTROL MEASURES, REQUIREMENTS FOR CERTIFICATION FROM THE APPLICANT'S PROFESSIONALS, IMPLEMENTATION OF REQUIRED MITIGATION, APPROVAL OF FIELD CHANGES, AND PERIODIC FIELD INSPECTIONS BY THE BUILDING DEPARTMENT, THE TOWN ENGINEER, AND THE PLANNING DEPARTMENT.
3. AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO ISSUANCE OF A TEMPORARY OR A PERMANENT CERTIFICATE OF OCCUPANCY FOR ANY STRUCTURE, THE APPLICANT SHALL PROVIDE TO THE PLANNING DEPARTMENT, THE TOWN ENGINEER, AND THE BUILDING INSPECTOR A CERTIFICATION IN THE FORM REQUIRED BY THE TOWN, PREPARED BY A NEW YORK STATE LICENSED PROFESSIONAL ENGINEER, A NY LICENSED LAND SURVEYOR AND OTHER NEW YORK STATE LICENSED PROFESSIONALS AS THE CASE MAY BE, THAT ALL SITE WORK HAS BEEN CARRIED OUT AND COMPLETED IN COMPLIANCE WITH THE APPROVED PLANS FOR THE PROJECT. ADDITIONALLY, THE APPLICANT SHALL PROVIDE TO THE PLANNING DEPARTMENT, THE TOWN ENGINEER, AND THE BUILDING INSPECTOR AN "AS BUILT" SURVEY OF THE COMPLETED SITE WORK INCLUDING ASSOCIATED STORM WATER MANAGEMENT FACILITIES AND ANY EASEMENTS.
4. IN THE EVENT THE APPLICANT SEEKS A TEMPORARY OR FINAL CERTIFICATE OF OCCUPANCY FOR ANY BUILDING OR USE PRIOR TO THE COMPLETION OF CONSTRUCTION OF ALL ELEMENTS SHOWN ON THE APPROVED PROJECT, THE APPLICANT SHALL PROVIDE AND OBTAIN DEPARTMENT OF PLANNING AND ENGINEERING DEPARTMENT APPROVAL OF A PHASED IMPLEMENTATION PLAN. THE PHASED IMPLEMENTATION PLAN SHALL ADDRESS BUILDINGS, ACCESS, UTILITIES, PARKING, LANDSCAPING, LIGHTING, PEDESTRIAN AMENITIES, PUBLIC SAFETY AND SEPARATION FROM CONTINUING CONSTRUCTION ACTIVITIES AND ANY OTHER ELEMENTS OR ISSUES AS DEEMED APPROPRIATE BY THE TOWN. THE APPLICANT SHALL PROVIDE THE PREVIOUSLY REFERENCED ENGINEER'S CERTIFICATION AND "AS BUILT" SURVEY UPON COMPLETION OF ALL CONSTRUCTION.



DEVELOPMENT AREA MAP SCALE: 1"=50'



VICINITY MAP SCALE: N.T.S. SOURCE: GOOGLE MAPS / 2015



ZONING MAP SCALE: N.T.S. SOURCE: TOWN OF POUGHKEEPSIE / 2015

TOWN OF POUGHKEEPSIE PLANNING BOARD PLAN APPROVAL. THE UNDERSIGNED APPLICANT(S) FOR THE PROPERTY AND THE UNDERSIGNED OWNER(S) OF THE PROPERTY SHOWN HEREIN CERTIFY THAT THEY ARE FAMILIAR WITH THIS MAP AND ITS NOTES AND ITS CONTENTS AS STATED HEREIN INCLUDING ALL CONDITIONS OF APPROVAL...

Signature lines for Owner and Applicant.

TOWN OF POUGHKEEPSIE PLANNING BOARD PLAN APPROVAL. THE PLAN OF DEVELOPMENT FOR THE PROPERTY AS DEPICTED HEREIN WAS APPROVED BY A MAJORITY OF THE MEMBERS OF THE TOWN OF POUGHKEEPSIE PLANNING BOARD AT A MEETING HELD ON...

Signature line for Chairman.

Table for departmental signatures: Planning, Building, Fire, Water, Sewer, Zoning, Engineering.

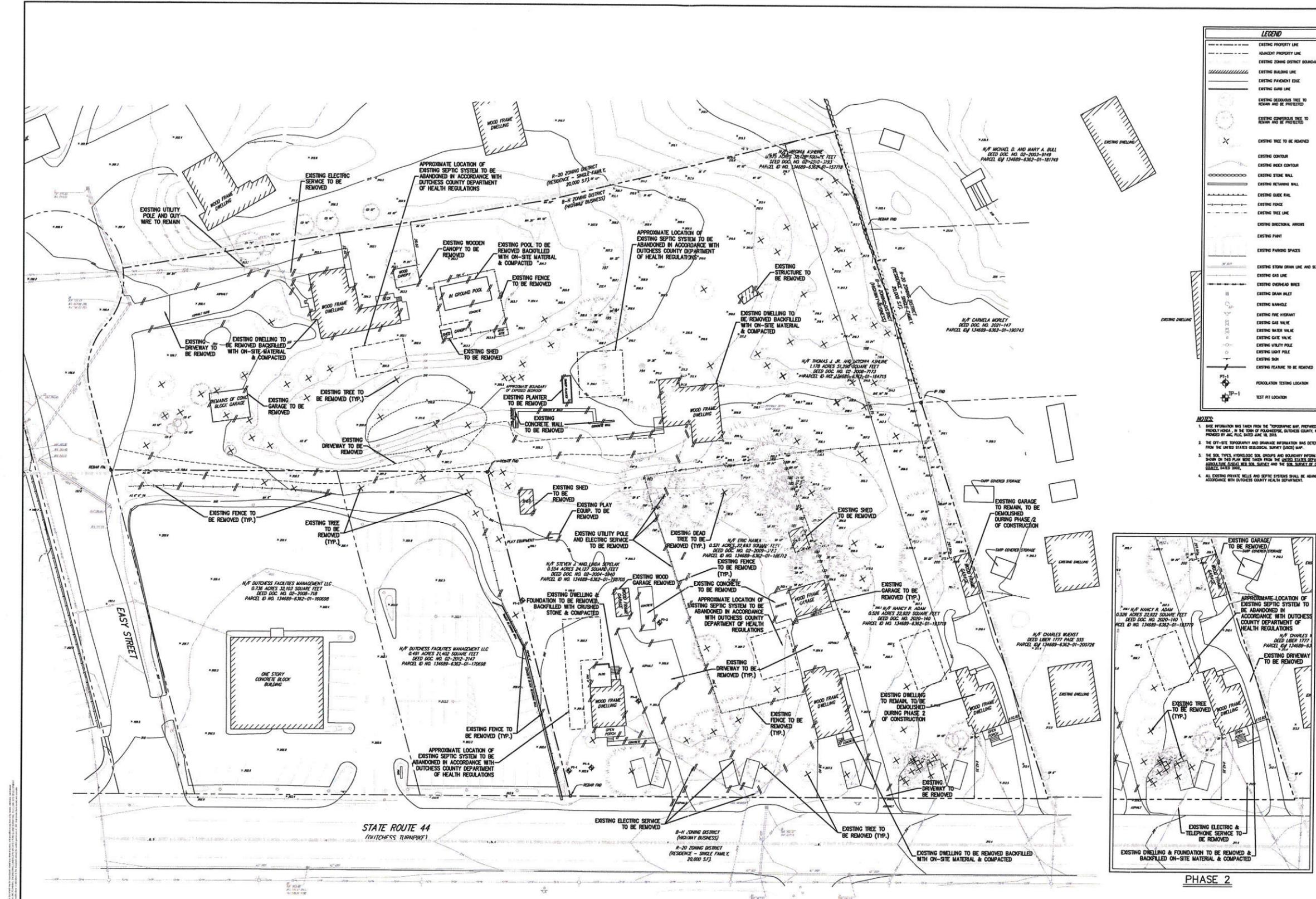
THESE SITE PLANS ARE SUBJECT TO BOTH DUTCHESS COUNTY DEPARTMENT OF HEALTH AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION APPROVAL.



Revision table with columns: No., Revision, Date, By. Includes entries for 'REVISED PER TOWN COMMENTS'.

JMC logo and contact information: JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC. 120 Bedford Road, Armonk, NY 10501.

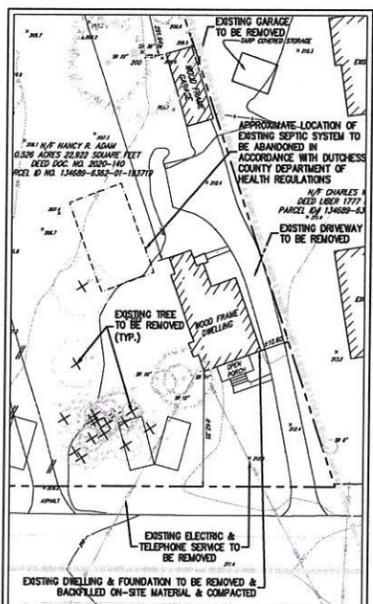
Drawn, Date, Scale, Title, Project, Date, and other project details. Title: SP-1.



**LEGEND**

[Symbol]	EXISTING PROPERTY LINE
[Symbol]	ADJACENT PROPERTY LINE
[Symbol]	EXISTING ZONING DISTRICT BOUNDARY LINE
[Symbol]	EXISTING BUILDING LINE
[Symbol]	EXISTING PAVEMENT EDGE
[Symbol]	EXISTING CURB LINE
[Symbol]	EXISTING DECIDUOUS TREE TO REMAIN AND BE PROTECTED
[Symbol]	EXISTING CONIFEROUS TREE TO REMAIN AND BE PROTECTED
[Symbol]	EXISTING TREE TO BE REMOVED
[Symbol]	EXISTING CONTOUR
[Symbol]	EXISTING MOCK CONTOUR
[Symbol]	EXISTING STONE WALL
[Symbol]	EXISTING RETAINING WALL
[Symbol]	EXISTING DRAIN RAIL
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING TREE LINE
[Symbol]	EXISTING MECHANICAL APPLIANCE
[Symbol]	EXISTING PAINT
[Symbol]	EXISTING PARKING SPACES
[Symbol]	EXISTING STORM DRAIN LINE AND SIZE
[Symbol]	EXISTING GAS LINE
[Symbol]	EXISTING OVERHEAD WIRES
[Symbol]	EXISTING DRAIN MALET
[Symbol]	EXISTING MANHOLE
[Symbol]	EXISTING FIRE HYDRANT
[Symbol]	EXISTING GAS VALVE
[Symbol]	EXISTING WATER VALVE
[Symbol]	EXISTING GATE VALVE
[Symbol]	EXISTING UTILITY POLE
[Symbol]	EXISTING LIGHT POLE
[Symbol]	EXISTING SIGN
[Symbol]	EXISTING FEATURE TO BE REMOVED
[Symbol]	PERCOLATION TESTING LOCATION
[Symbol]	TEST PIT LOCATION

- NOTES**
1. BASE INFORMATION WAS TAKEN FROM THE "TOPOGRAPHIC MAP PREPARED FOR THE TOWN OF POUGHKEEPSIE, IN THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NY" PROVIDED BY A.C. PYLE, DATED JUNE 16, 1915.
  2. THE OFF-SITE TOPOGRAPHY AND DRAINAGE INFORMATION HAS DETERMINED FROM THE UNITED STATES GEOLOGICAL SURVEY (USGS) DATA.
  3. THE SOIL TYPES, HYDROLOGIC SOIL GROUPS AND BOUNDARY INFORMATION SHOWN ON THIS PLAN WERE TAKEN FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATIONAL SOIL SURVEY AND THE SOIL SURVEY OF ROCKLAND COUNTY, NEW YORK.
  4. ALL EXISTING PRIVATE WELLS AND SEPTIC SYSTEMS SHALL BE ABANDONED IN ACCORDANCE WITH DUTCHESS COUNTY HEALTH DEPARTMENT.



- DEMOLITION NOTES:**
1. BASE INFORMATION WAS TAKEN FROM THE "TOPOGRAPHIC MAP PREPARED FOR THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NY" PROVIDED BY A.C. PYLE, DATED JUNE 16, 1915.
  2. THE CONTRACTOR SHALL NOTIFY THE LOCATION OF EXISTING UTILITIES TO BE DEMOLISHED AND PROVIDE TO THE TOWN OF POUGHKEEPSIE AND THE TOWN ENGINEER. THE CONTRACTOR SHALL NOTIFY THE GENERAL CONTRACTOR AND THE TOWN ENGINEER OF ANY UTILITIES TO BE DEMOLISHED.
  3. PRIOR TO THE START OF ANY DEMOLITION THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND/OR APPROVALS FROM THE TOWN OF POUGHKEEPSIE AND ALL OTHER APPLICABLE JURISDICTIONS. THE CONTRACTOR SHALL PAY ALL OUTSTANDING FEES, CHARGES, AND COSTS TO ACQUIRE SAID PERMITS. NO DEMOLITION SHALL COMMENCE UNTIL A POINT HAS BEEN OBTAINED FROM THE TOWN BUILDING DEPARTMENT.
  4. THE CONTRACTOR SHALL COORDINATE THE DISPOSITION OF ALL UTILITIES WITH THE TOWN ENGINEER AND THE TOWN OF POUGHKEEPSIE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSITION OF ALL UTILITIES TO BE DEMOLISHED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSITION OF ALL UTILITIES TO BE DEMOLISHED.
  5. ANY UNREMOVABLE MATERIAL FOUND ON-SITE DURING DEMOLITION CONSTRUCTION SHALL BE DISPOSED OF OFF-SITE IN A MANNER APPROVED BY ALL APPLICABLE JURISDICTIONS AND REGULATED WITH SUFFICIENT MATERIAL AS REQUIRED. ALL REMOVAL AND REPLACEMENT OF UNREMOVABLE MATERIAL SHALL BE COMPLETED UNDER THE DIRECT SUPERVISION OF A REGISTERED ENGINEER.
  6. ALL DEMOLITION AND/OR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, INCLUDING DRIVEWAYS AND SIDEWALKS, SHALL BE PERFORMED IN ACCORDANCE WITH TOWN OF POUGHKEEPSIE AND NYS DOT.
  7. ALL CONSTRUCTION/DEMOLITION DEBRIS NOT PROPOSED TO BE RECYCLED SHALL BE REMOVED AND LEGALLY DISPOSED OF OFF-SITE IN ACCORDANCE WITH THE REGULATIONS OF ALL LOCAL, STATE AND FEDERAL AGENCIES HAVING JURISDICTION.
  8. EXISTING OWNER MAY BE STORED ON SITE, AND RECYCLED FOR USE AS COMPACTED FILL. ALL MATERIAL TO BE USED AS FILL SHALL BE APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.
  9. PRIOR TO THE START OF SITE DEMOLITION, EXISTING AND EXISTING CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH NEW YORK STANDARDS AND SPECIFICATIONS FOR BRIDGE AND ROADSIDE CONTROL. AS REQUIRED AND/OR DIRECTED BY THE TOWN OF POUGHKEEPSIE OR JAC.
  10. EXISTING DRAINAGE PATTERNS ON SITE SHALL BE MAINTAINED TO THE MAXIMUM EXTENT PRACTICABLE.
  11. ALL EXISTING UTILITY CATCHBASINS WHICH ARE TO REMAIN SHALL BE REPAIRED AND REEST TO THE NEW PROPOSED GRADES IN ACCORDANCE WITH THE DISCRETION OF THE OWNER'S FIELD REPRESENTATIVE. EXISTING CATCHBASINS WHICH ARE TO BE REMOVED SHALL BE DEMOLISHED AND THE EXISTING CATCHBASIN SHALL BE REPLACED WITH MATERIALS CONSISTENT WITH EXISTING CONDITIONS.
  12. THESE PLANS ARE TO BE PROVIDED TO EACH DEMOLITION CONTRACTOR AND THE TOWN OF POUGHKEEPSIE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSITION OF ALL UTILITIES TO BE DEMOLISHED.
  13. THE OTHER SHALL RETAIN A LICENSED AND QUALIFIED PROFESSIONAL ENGINEER TO INSPECT FOR THE PRESENCE OF ASBESTOS AND/OR OTHER HAZARDOUS MATERIALS FROM DEMOLITION AREAS PRIOR TO THE COMMENCEMENT OF DEMOLITION. IF PRESENCE IS DETECTED, THE OWNER SHALL NOTIFY THE TOWN OF POUGHKEEPSIE AND THE TOWN ENGINEER. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY ACCESS, INCLUDING THE TOWN ENGINEER'S ACCESS TO THE TOWN ENGINEER'S OFFICE.
  14. THE CONTRACTOR SHALL ESTABLISH ACCESS AS REQUIRED BY THE DUTCHESS COUNTY DEPARTMENT OF HEALTH AND MENTAL HYGIENE. A LETTER FROM THE HEALTH DEPARTMENT CERTIFYING THAT A LICENSED EXTERMINATOR HAS INSPECTED THE EXISTING BUILDING SHALL BE PROVIDED TO THE TOWN OF POUGHKEEPSIE AND THE TOWN ENGINEER.
  15. PRIOR TO COMMENCEMENT OF DEMOLITION, THE CONTRACTOR MUST PROVIDE A MINIMUM OF 24-HOUR NOTIFICATION TO THE TOWN BUILDING AND PLANNING DEPARTMENT.
  16. THE CONTRACTOR SHALL PROVIDE NOTIFICATION TO THE TOWN BUILDING DEPARTMENT AND THE TOWN ENGINEER OF ANY CHANGES TO ALL ADJOINING OWNERS PRIOR TO THE COMMENCEMENT OF DEMOLITION.
  17. EXISTING WATER SERVICES SHALL BE DISCONNECTED IN ACCORDANCE WITH THE TOWN BUILDING DEPARTMENT REGULATIONS, INCLUDING INSPECTION OF THE DISCONNECTIONS.
  18. ANY EXISTING TREE EQUAL TO 4" AND GREATER THAT IS NOT SPECIFICALLY SHOWN TO BE REMOVED SHALL BE PROTECTED.

**FRIENDLY HONDA**  
1150 STATE ROUTE 44  
POUGHKEEPSIE, NY

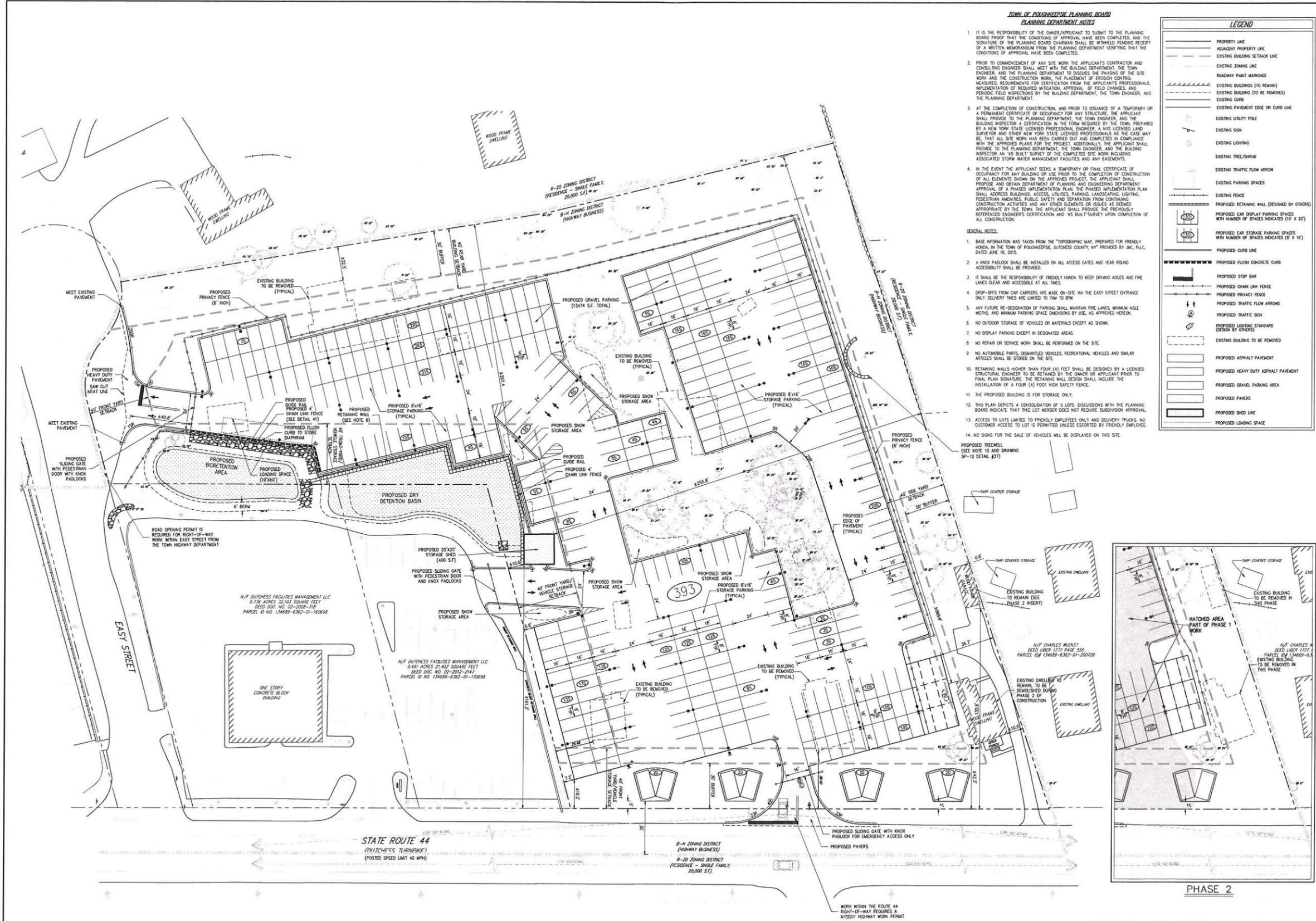
**JMC**  
John R. M. Construction, Inc.  
122 BROADWAY 3RD FLOOR  
POUGHKEEPSIE, NY 12560  
PHONE: 845.255.2252 - FAX: 845.255.2252  
WWW.JMCCONSTRUCTION.COM

**EXISTING CONDITIONS & DEMOLITION PLAN**  
FRIENDLY HONDA INVENTORY PARKING LOT  
1150 STATE ROUTE 44  
TOWN OF POUGHKEEPSIE, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 1709 OF THE NEW YORK STATE EDUCATION LAW EXCEPT AS PROVIDED FOR IN SECTION 1709, SUBSECTION 2.

DATE: 07/16/2015  
SCALE: 1" = 20'  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

**SP-2**



**TOWN OF POUGHKEEPS PLANNING BOARD  
PLANNING DEPARTMENT NOTES**

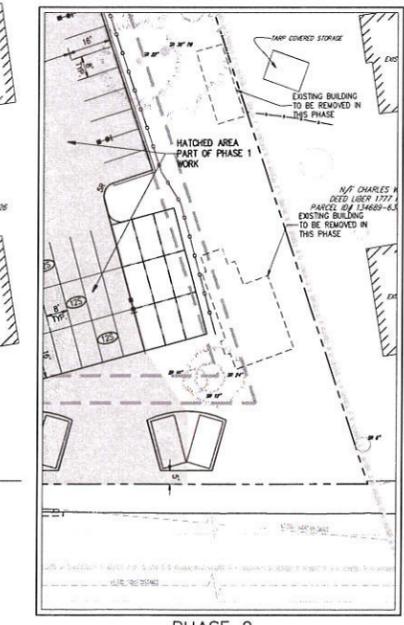
- IT IS THE RESPONSIBILITY OF THE OWNER/APPLICANT TO SUBMIT TO THE PLANNING BOARD PROOF THAT THE CONDITIONS OF APPROVAL HAVE BEEN COMPLETED, AND THE SIGNATURE OF THE PLANNING BOARD CHAIRMAN SHALL BE WITHHELD PENDING RECEIPT OF A WRITTEN MEMORANDUM FROM THE PLANNING DEPARTMENT VERIFYING THAT THE CONDITIONS OF APPROVAL HAVE BEEN COMPLETED.
- PRIOR TO COMMENCEMENT OF ANY SITE WORK THE APPLICANT'S CONTRACTOR AND CONSULTING ENGINEER SHALL MEET WITH THE BUILDING DEPARTMENT, THE TOWN ENGINEER, AND THE PLANNING DEPARTMENT TO DISCUSS THE PHASING OF THE SITE WORK AND THE CONSTRUCTION WORK, THE PLACEMENT OF EROSION CONTROL MEASURES, REQUIREMENTS FOR CERTIFICATION FROM THE APPLICANT'S PROFESSIONALS, IMPLEMENTATION OF REQUIRED MITIGATION, APPROVAL OF FIELD CHANGES, AND PERIODIC FIELD INSPECTIONS BY THE BUILDING DEPARTMENT, THE TOWN ENGINEER, AND THE PLANNING DEPARTMENT.
- AT THE COMPLETION OF CONSTRUCTION, AND PRIOR TO ISSUANCE OF A TEMPORARY OR A PERMANENT CERTIFICATE OF OCCUPANCY FOR ANY STRUCTURE, THE APPLICANT SHALL PROVIDE TO THE PLANNING DEPARTMENT, THE TOWN ENGINEER, AND THE BUILDING INSPECTOR A CERTIFICATION IN THE FORM REQUIRED BY THE TOWN, PREPARED BY A NEW YORK STATE LICENSED PROFESSIONAL ENGINEER, A NYS LICENSED LAND SURVEYOR AND OTHER NEW YORK STATE LICENSED PROFESSIONALS AS THE CASE MAY BE, THAT ALL SITE WORK HAS BEEN CARRIED OUT AND COMPLETED IN COMPLIANCE WITH THE APPROVED PLANS FOR THE PROJECT. ADDITIONALLY, THE APPLICANT SHALL PROVIDE TO THE PLANNING DEPARTMENT, THE TOWN ENGINEER, AND THE BUILDING INSPECTOR AN "AS BUILT" SURVEY OF THE COMPLETED SITE WORK INCLUDING ASSOCIATED STORM WATER MANAGEMENT FACILITIES AND ANY EASEMENTS.
- IN THE EVENT THE APPLICANT SEEKS A TEMPORARY OR FINAL CERTIFICATE OF OCCUPANCY FOR ANY BUILDING OF USE PRIOR TO THE COMPLETION OF CONSTRUCTION OF ALL ELEMENTS SHOWN ON THE APPROVED PROJECT, THE APPLICANT SHALL PROPOSE AND OBTAIN DEPARTMENT OF PLANNING AND ENGINEERING DEPARTMENT APPROVAL OF A PHASED IMPLEMENTATION PLAN. THE PHASED IMPLEMENTATION PLAN SHALL ADDRESS BUILDINGS, ACCESS, UTILITIES, PARKING, LANDSCAPING, LIGHTING, PEDESTRIAN ADVENTURES, PUBLIC SAFETY AND SEPARATION FROM CONTINUING CONSTRUCTION ACTIVITIES AND ANY OTHER ELEMENTS OR ISSUES AS DEEMED APPROPRIATE BY THE TOWN. THE APPLICANT SHALL PROVIDE THE PREVIOUS REFERENCED ENGINEER'S CERTIFICATION AND "AS BUILT" SURVEY UPON COMPLETION OF ALL CONSTRUCTION.

**GENERAL NOTES**

- BASE INFORMATION WAS TAKEN FROM THE "TOPOGRAPHIC MAP, PREPARED FOR FRENCHLY HONDA IN THE TOWN OF POUGHKEEPS, DUTCHESS COUNTY, NY" PROVIDED BY J.M.C. PLLC, DATED JUNE 18, 2015.
- A KNOX PADLOCK SHALL BE INSTALLED ON ALL ACCESS GATES AND YEAR ROUND ACCESSIBILITY SHALL BE PROVIDED.
- IT SHALL BE THE RESPONSIBILITY OF FRENCHLY HONDA TO KEEP DRIVING AISLES AND FIRE LANES CLEAR AND ACCESSIBLE AT ALL TIMES.
- DROP-OFFS FROM CAR CARRIERS ARE MADE ON-SITE VIA THE EAST STREET ENTRANCE ONLY. DELIVERY TIMES ARE LIMITED TO 7AM TO 5PM.
- ANY FUTURE RE-DESIGNATION OF PARKING SHALL MAINTAIN FIRE LANES, MINIMUM AISLE WIDTHS, AND MINIMUM PARKING SPACE DIMENSIONS BY USE AS APPROVED HEREON.
- NO OUTDOOR STORAGE OF VEHICLES OR MATERIALS EXCEPT AS SHOWN.
- NO DISPLAY PARKING EXCEPT IN DESIGNATED AREAS.
- NO REPAIR OR SERVICE WORK SHALL BE PERFORMED ON THE SITE.
- NO AUTOMOBILE PARTS, DISMANTLED VEHICLES, RECREATIONAL VEHICLES AND SIMILAR ARTICLES SHALL BE STORED ON THE SITE.
- RETAINING WALLS HIGHER THAN FOUR (4) FEET SHALL BE DESIGNED BY A LICENSED STRUCTURAL ENGINEER TO BE RETAINED BY THE OWNER OR APPLICANT PRIOR TO FINAL PLAN SIGNATURE. THE RETAINING WALL DESIGN SHALL INCLUDE THE INSTALLATION OF A FOUR (4) FOOT HIGH SAFETY FENCE.
- THE PROPOSED BUILDING IS FOR STORAGE ONLY.
- THIS PLAN DEPICTS A CONSOLIDATION OF 3 LOTS. DISCUSSIONS WITH THE PLANNING BOARD INDICATE THAT THIS LOT NUMBER DOES NOT REQUIRE APPROVAL.
- ACCESS TO LOTS LIMITED TO FRENCHLY EMPLOYEES ONLY AND DELIVERY TRUCKS. NO CUSTOMER ACCESS TO LOT IS PERMITTED UNLESS ESCORTED BY FRENCHLY EMPLOYEE.
- NO SIGNS FOR THE SALE OF VEHICLES WILL BE DISPLAYED ON THIS SITE.
- PROPOSED TREEWELL (SEE NOTE 10 AND DRAWING SP-12 DETAIL #37)

**LEGEND**

[Symbol]	PROPERTY LINE
[Symbol]	ADJACENT PROPERTY LINE
[Symbol]	EXISTING BUILDING SETBACK LINE
[Symbol]	EXISTING ZONING LINE
[Symbol]	ROADWAY PAINT MARKINGS
[Symbol]	EXISTING BUILDINGS (TO REMAIN)
[Symbol]	EXISTING BUILDING (TO BE REMOVED)
[Symbol]	EXISTING CURB
[Symbol]	EXISTING PAVEMENT EDGE OR CURB LINE
[Symbol]	EXISTING UTILITY POLE
[Symbol]	EXISTING SIGN
[Symbol]	EXISTING LIGHTING
[Symbol]	EXISTING TREE/SHRUB
[Symbol]	EXISTING TRAFFIC FLOW ARROW
[Symbol]	EXISTING PARKING SPACES
[Symbol]	EXISTING FENCE
[Symbol]	PROPOSED RETAINING WALL (DESIGNED BY OTHERS)
[Symbol]	PROPOSED CAR DISPLAY PARKING SPACES WITH NUMBER OF SPACES INDICATED (10' X 20')
[Symbol]	PROPOSED CAR STORAGE PARKING SPACES WITH NUMBER OF SPACES INDICATED (8' X 15')
[Symbol]	PROPOSED CURB LINE
[Symbol]	PROPOSED FLUSH CONCRETE CURB
[Symbol]	PROPOSED STOP BAR
[Symbol]	PROPOSED CHAIN LINK FENCE
[Symbol]	PROPOSED PRIVACY FENCE
[Symbol]	PROPOSED TRAFFIC FLOW ARROWS
[Symbol]	PROPOSED TRAFFIC SIGN
[Symbol]	PROPOSED LIGHTING STANDARD (DESIGN BY OTHERS)
[Symbol]	EXISTING BUILDING TO BE REMOVED
[Symbol]	PROPOSED ASPHALT PAVEMENT
[Symbol]	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
[Symbol]	PROPOSED GRAVEL PARKING AREA
[Symbol]	PROPOSED PAVERS
[Symbol]	PROPOSED SHED LINE
[Symbol]	PROPOSED LOADING SPACE



**PHASE 2**

**SIGN TABLE**

REGULATORY	RECOMMENDED	MONITORING	WARNING	TYPE	DESCRIPTION	SIZE	SPACING
X	X	X	X	X	STOP	30"x30"	WHITE ON RED
X	X	X	X	X	ONE WAY	24"x18"	RED & BLUE ON WHITE
X	X	X	X	X	EMERGENCY VEHICLE STOP	24"x36"	BLACK ON WHITE

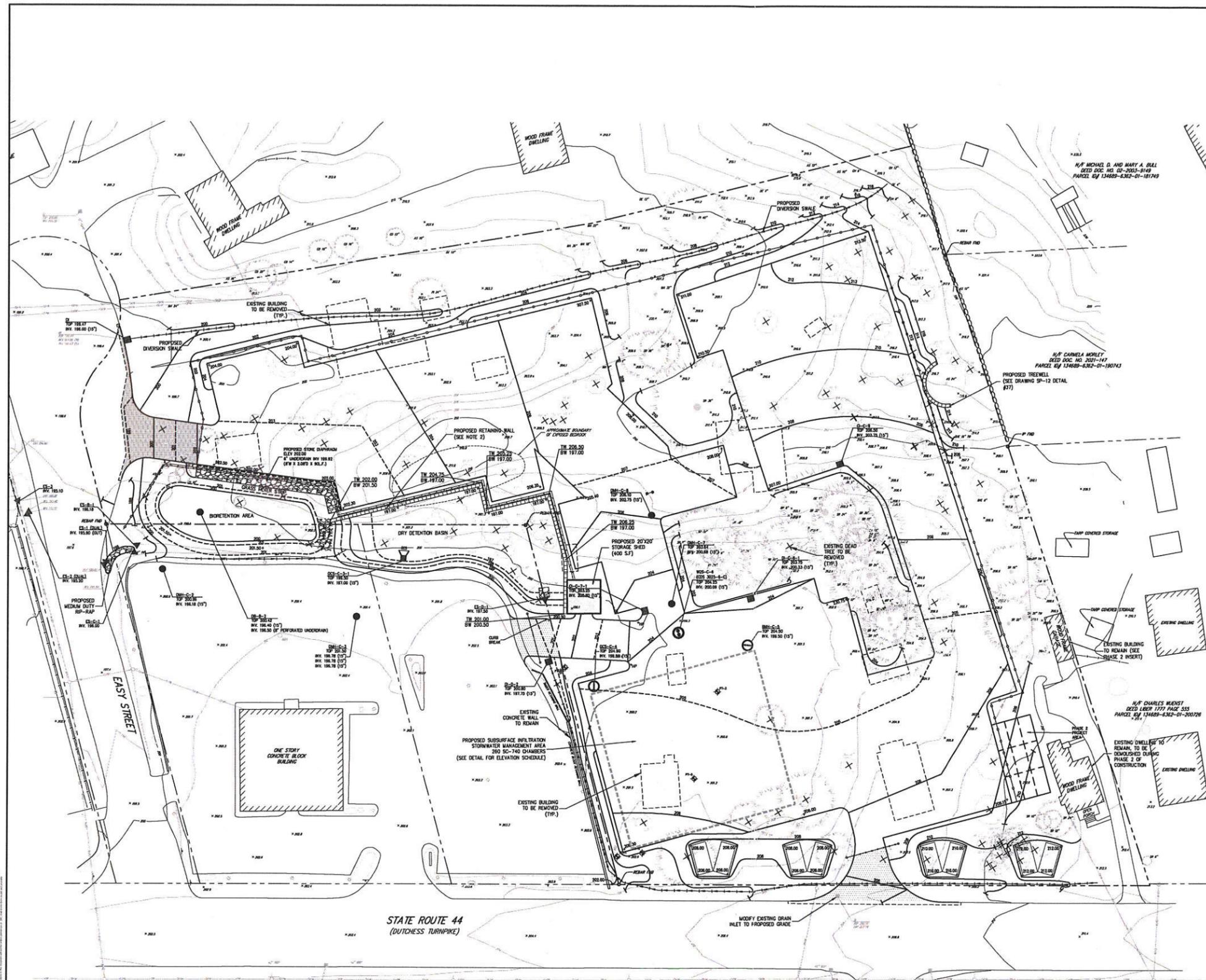
**FRENCHLY HONDA**  
1155 DUTCHESS TURNPIKE  
TOWN OF POUGHKEEPS, NY

**JMC**

**SITE LAYOUT PLAN**  
FRENCHLY HONDA INVENTORY PARKING LOT  
1155 DUTCHESS TURNPIKE (U.S. ROUTE 44)  
TOWN OF POUGHKEEPS, NY

ANY ALTERATION OF PLANS, PROVISIONS, PLANS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.

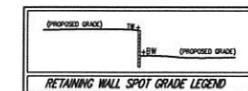
DATE: 07/16/2015  
SCALE: 1" = 20'  
PROJECT: SP-3



**LEGEND**

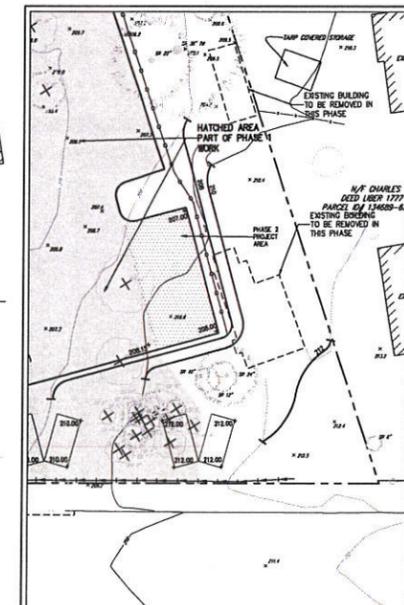
- EXISTING PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING BUILDING LINE
- EXISTING PARKING EDGE
- EXISTING CURB LINE
- EXISTING CONTOUR
- EXISTING INDEX CONTOUR
- EXISTING DECIDUOUS TREE TO REMAIN AND BE PROTECTED
- EXISTING CONIFEROUS TREE TO REMAIN AND BE PROTECTED
- EXISTING TREE TO BE REMOVED
- EXISTING STONE WALL
- EXISTING RETAINING WALL
- EXISTING GAZE BO
- EXISTING FENCE
- EXISTING DEAN RAILE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING GAS VALVE
- EXISTING WATER VALVE
- EXISTING UTILITY POLE
- EXISTING SIGN
- PROPOSED BUILDING LINE
- PROPOSED CONCRETE CURB
- PROPOSED FLUSH CONCRETE CURB
- PROPOSED FINISHED (BACK) GRADE
- PROPOSED FINISHED GRADE
- PROPOSED SPOT GRADE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED TYPE D DRAIN INLET
- PROPOSED RETAINING WALL (SEE NOTE 2)
- PROPOSED ASPHALT PAVEMENT
- PROPOSED GRAVEL PARKING AREA

- NOTES**
1. BASE INFORMATION WAS TAKEN FROM THE "TOPOGRAPHIC MAP PREPARED FOR FRIENDLY HONDA, IN THE TOWN OF FLORENCE, SULLY COUNTY, NY" PROVIDED BY JMC, PLLC, DATED JAN 16, 2014, DRAWING NUMBER.
  2. RETAINING WALLS HIGHER THAN FOUR (4) FEET SHALL BE ACCOMPANIED BY CALCULATIONS. THE CALCULATIONS/DETAILS WILL BE PROVIDED PRIOR TO SEALING FINAL PLAN SIGNATURE.
  3. CONTRACTOR SHALL CALL 811 (800SAFETYNEWYORK.COM), AT LEAST TWO (2) FULL WORKING DAYS PRIOR TO EXCAVATION FOR ANY PROPOSED WORK. NOTIFY AND COORDINATE WITH THE UTILITY SERVICES/AUTHORITIES HAVING JURISDICTION.
  4. NO BLASTING WILL BE CONDUCTED ON-SITE.
  5. APPROXIMATELY 3,700 CY OF EXCESS MATERIAL WILL BE EXPORTED FROM THE SITE. TO REMOVE THIS MATERIAL FROM THE SITE APPROXIMATELY 190 TRUCK TRIPS WILL BE REQUIRED. (20 CYC YARDS PER TRUCK)



**CUT AND FILL ANALYSIS**

TOTAL CUT	7,500
CUT TO FILL	3,800
CUT TO EXCESS	3,700





**FRIENDLY HONDA**  
1155 DUTCHESS TURNPIKE  
FLORENCE, NY

---



**JMC**

---

**GRADING PLAN**

FRIENDLY HONDA INVENTORY PARKING LOT  
1155 DUTCHESS TURNPIKE  
TOWN OF FLORENCE, NY

---

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7208 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR IN SECTION 7208 SUBSECTION 2.

---

DATE: 07/16/2015  
 TIME: 14:00  
 SHEET: 14 OF 14  
 PROJECT: SP-4

**GENERAL NOTES:**

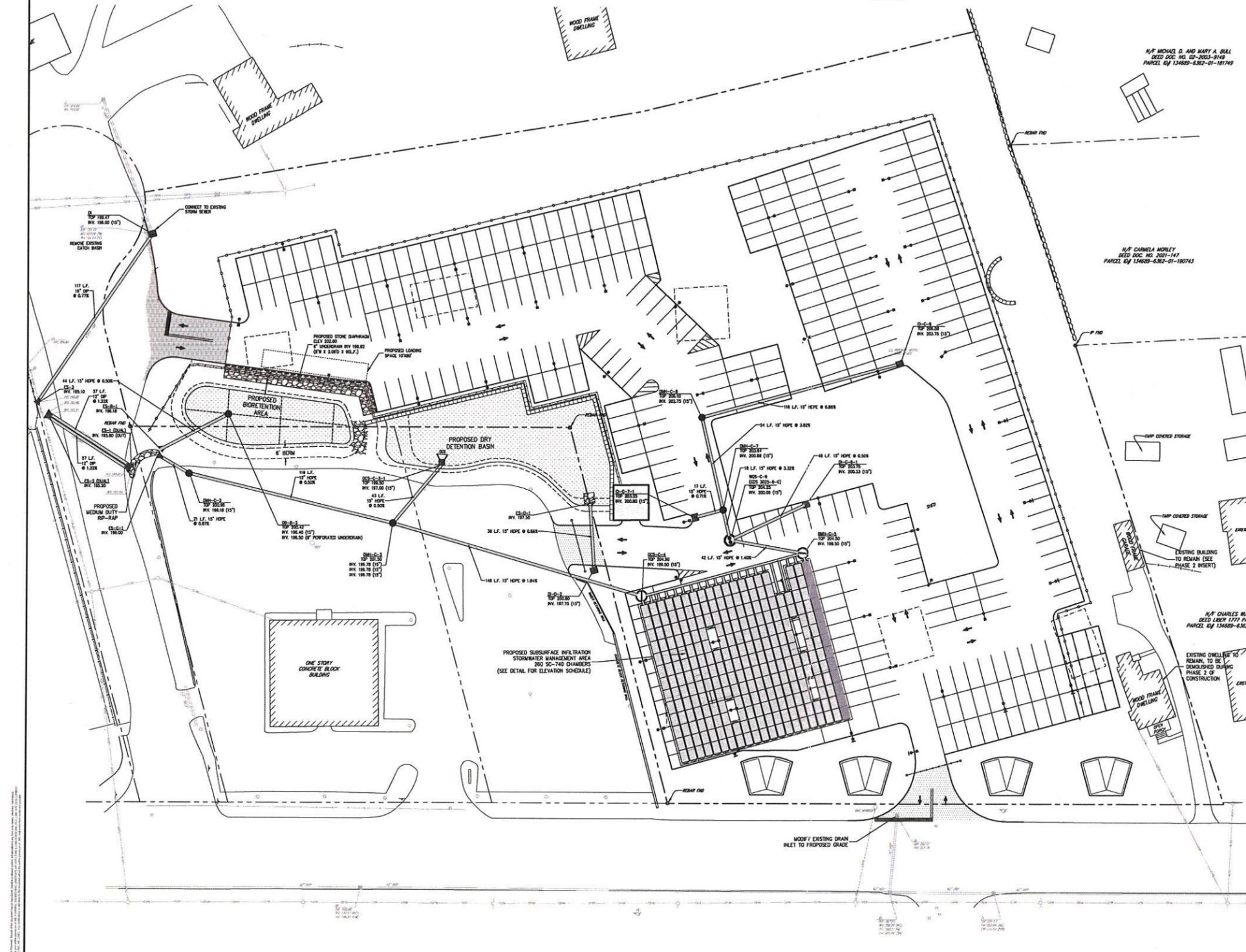
1. BASE INFORMATION WAS TAKEN FROM THE "TOPOGRAPHIC MAP, PREPARED FOR FRIENDLY HONDA, IN THE TOWN OF POUGHKEEPSIE, OUTCATCH COUNTY, NY" PROVIDED BY AEC, PLLC, DATED JUNE 18, 2013.
2. UNLESS OTHERWISE SPECIFIED, PIPE FOR STORM DRAINS SHALL BE SMOOTH WALL HIGH DENSITY POLYETHYLENE PIPE (HDPE) WITH CORRUGATED POLYETHYLENE COUPLING BANDS IN ACCORDANCE WITH ASTM M-284.
3. ALL UTILITIES SUCH AS SITE LIGHTING, ELECTRICAL, COMMUNICATION AND OR CITY SHALL BE INSTALLED BELOW GRADE.
4. NO WATER OR SEWER IS PROPOSED FOR THE STORAGE BUILDING.

**INTEGRAL SYSTEMS:**

1. SOIL TESTING SHALL BE PERFORMED PRIOR TO THE CONSTRUCTION OF THE SUBSURFACE INFILTRATION STORMWATER MANAGEMENT AREA TO VERIFY VERTICAL SEPARATION BETWEEN THE BOTTOM OF THE SYSTEM AND GROUNDWATER. IF THE TOTAL PRECIPITATION FOR THE 60 DAY PERIOD IMMEDIATELY PRECEDING THE TESTING IS 80% OR GREATER OF THE HISTORICAL AVERAGE FOR THAT TIME PERIOD, THE LEVEL OF GROUNDWATER MUST NOT BE GREATER THAN 198.50 FEET IN ELEVATION. IF THE TOTAL PRECIPITATION OF THE 60 DAY PERIOD IS LESS THAN 80% OF THE HISTORICAL AVERAGE FOR THAT TIME PERIOD, THE MEASURED LEVEL OF GROUNDWATER MUST NOT BE GREATER THAN 195.50 FEET IN ELEVATION.

**LEGEND**

---	EXISTING PROPERTY LINE
---	ADJACENT PROPERTY LINE
---	EXISTING EASEMENT LINE
---	EXISTING BOUNDARY LINE
---	EXISTING CURB LINE
---	EXISTING FENCE
---	EXISTING HOOD CONTOUR
---	EXISTING MOOD CONTOUR
---	EXISTING STONE WALL
---	EXISTING RETAINING WALL
---	EXISTING GRADE BAIL
---	EXISTING FENCE
---	EXISTING STORM DRAIN LINE AND SIZE
---	EXISTING SANITARY LINE AND SIZE
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING OVERHEAD WIRE
---	EXISTING DRAIN INLET
---	EXISTING MANHOLE
---	EXISTING FIRE HYDRANT
---	EXISTING WATER VALVE
---	EXISTING UTILITY POLE
---	EXISTING LIGHT POLE
---	EXISTING SIGN
---	PROPOSED BOUNDARY LINE
---	PROPOSED CONCRETE CURB
---	PROPOSED SANITARY SEWER MANHOLE
---	PROPOSED DRY SECTION
---	PROPOSED TYPE D DRAIN INLET
---	PROPOSED TYPE D DRAIN INLET
---	PROPOSED STORM DRAIN LINE & SIZE
---	PROPOSED FIRE LANDING & ESCAPE
---	PROPOSED RETAINING WALL
---	PROPOSED COB UNIT
---	PROPOSED COB UNIT
---	PROPOSED ASPHALT PAVEMENT
---	PROPOSED GRAVEL PARKING AREA



- TOWN OF POUGHKEEPSIE PLANNING BOARD WATER SUPPLY NOTES:**
1. ALL WATER MAINS SHALL BE COBENT LINED DUCTILE IRON PIPE, CLASS 52 PUSH-ON JOINT, UNLESS OTHERWISE SPECIFIED OR APPROVED BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT. JOINTS SHALL EMPLOY "MEGALOC" CONNECTIONS, FIELD LOCK GASKET, OR AS ALTERNATIVELY SPECIFIED BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT. THE TAP OF PUBLIC WATER SYSTEM SHALL BE APPROVED AND SUPERVISED BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT. TAPPING SLEEVES SHALL BE STAINLESS STEEL OR APPROVED EQUAL. ALL MANHOLE VALVES SHALL BE RESILIENT WEDGE OR APPROVED EQUAL.
  2. THE WATER LINE MAY BE FLEXED WITHIN PIPE SPECIFICATIONS OR LAID DEEPER IN AREAS WHERE A CROSSING WITH A SANITARY LINE OCCURS TO ACHIEVE THE REQUIRED 12" VERTICAL SEPARATION DISTANCE. IF THIS DISTANCE CANNOT BE REASONABLY ACHIEVED, THE CONTRACTOR SHALL USE PRESSURE RATED SANITARY PIPE OF EQUAL OR GREATER RATING THAT THE PRESSURE CLASS FOR THE WATER LINE.
  3. MINIMUM VERTICAL SEPARATION BETWEEN WATER MAINS AND SEWER PIPE SHALL BE 18 INCHES MEASURED FROM THE OUTSIDE OF THE PIPES AT THE POINT OF CROSSING. ONE FULL STANDARD LAYING LENGTH OF WATER MAIN SHALL BE CENTERED UNDER OR OVER THE SEWER SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER LINE AS POSSIBLE. IN ADDITION, WHEN THE WATER MAIN PASSES UNDER A SEWER, ADEQUATE STRUCTURAL SUPPORT (COMPACTED SELECT FILL) SHALL BE PROVIDED FOR THE SEWER TO PREVENT EXCESSIVE DEFLECTION OF JOINTS AND SETTLING OF THE SEWER PIPE ON THE WATER MAIN. MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER MAINS AND SEWER PIPES (INCLUDING MANHOLES AND VALVES) SHALL BE 10 FEET MEASURED FROM THE OUTSIDE OF THE PIPES, MANHOLES OR VALVES.
  4. ALL WATER MAINS SHALL HAVE A MINIMUM OF (5) FIVE FEET OF COVER FROM THE TOP OF THE MAIN TO FINISHED GRADE. THE CONTRACTOR SHALL CHECK ALL FINISHED GRADE STAGES BEFORE TRENCHING TO ENSURE THAT ALL INSTALLED WATER MAINS WILL HAVE THE REQUIRED COVER.
  5. THE SUPPLIER OF WATER MUST RECEIVE AT LEAST 48-HOUR ADVANCE NOTICE REQUESTING SAMPLING SERVICES. SAMPLING WILL NOT BE PERFORMED PRIOR TO RECEIPT FROM A NEW YORK STATE LICENSED OR REGISTERED DESIGN PROFESSIONAL, ENGINEER, ARCHITECT, OR LAND SURVEYOR WITH A SPECIAL EXEMPTION UNDER SECTION 7209(2) OF THE EDUCATION LAW CERTIFYING THAT THE WATER SUPPLY IMPROVEMENTS, TESTING AND DISINFECTION PROCEDURES WERE COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS, REPORTS, SPECIFICATIONS AND ANY APPROVED AMENDMENTS. A NYSDOT CERTIFIED LABORATORY WILL COLLECT SAMPLES FOR FREE CHLORINE RESIDUAL, TOTAL AND FORMAL CHLORINE AND 24-HOUR BACTERIAL PLATE COUNT. THE CERTIFICATE OF COMPLIANCE SHALL BE PROVIDED TO THE WATER MAINTENANCE SUPERVISOR AS A CONDITION OF APPROVAL FOR OPERATION.
  6. THE CONTRACTOR SHALL COORDINATE THE TESTING WITH THE WATER DEPARTMENT SO AS TO MAINTAIN THE MINIMUM STANDARD OF SERVICE INTERRUPTION TO EXISTING CUSTOMERS TO THE LEAST EXTENT PRACTICABLE. WATER MAIN INSTALLATION AND TESTING SHALL BE PERFORMED UNDER THE SUPERVISION OF THE PROJECT ENGINEER OR HIS DESIGNEE AS NECESSARY TO MEET CONDITIONS IN NOTE 5 ABOVE.
  7. THE WATER MAIN SHALL BE PRESSURE LEAKAGE TESTED IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE ANNA STANDARD CODE (LATEST REVISION) IN ACCORDANCE WITH MORE STRINGENT REQUIREMENTS IMPOSED BY THE SUPPLIER OF WATER. TEST TO FIRST VALVE WITHIN BUILDING. PAGE 2 DECEMBER 28, 2009.
  8. THE WATER MAIN SHALL BE DISINFECTED EQUAL TO ANNA STANDARD FOR DISINFECTING WATER MAINS DECONTAMINATION CUSH (LATEST REVISION). FOLLOWING DISINFECTION, THE WATER MAIN SHALL BE FLUSHED UNTIL THE CHLORINE CONCENTRATION IN THE WATER LEAVING THE MAIN IS NO LOWER THAN THAT GENERALLY PREVAILING IN THE SYSTEM. THE PROJECT ENGINEER OR HIS DESIGNEE SHALL ALSO WITNESS DISINFECTION AND FLUSHING.
  9. ALL WATER MAIN FITTINGS NOT RECEIVING 24-HOUR CHLORINE DISINFECTION CONTACT THE MUST BE SWAB DISINFECTED 30 MINUTES PRIOR TO INSTALLATION.
  10. THE SAMPLING POINT(S) MUST BE DECONTAMINATED BY FLUSHING.
  11. FIRE HYDRANTS ARE NOT ACCEPTABLE SAMPLING POINTS.
  12. FIRE HYDRANT TIEP HOLES (DRAINS) SHALL BE PLUGGED WHEN GROUNDWATER IS ENCOUNTERED WITHIN SEVEN FEET OF THE FINISHED GRADE. WHEN DRAINS ARE PLUGGED, THE BARRIERS MUST BE PUMPED DRY AFTER USE. DURING FREEZING WEATHER, SUCH HYDRANTS SHALL BE IDENTIFIED BY MARKINGS AS APPROVED BY THE TOWN OF POUGHKEEPSIE.
  13. PROPOSED WATER METERS LOCATED WITHIN THE METER PIT OR BUILDING SHALL BE A COMPATIBLE REMOTE STYLE TYPE (CONDUIT OR APPROVED EQUAL), AND SHALL BE APPROVED BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT PRIOR TO INSTALLATION. WATER METER SHALL BE EQUIPPED WITH (RADIO TYPE) TRANSDUCER AS APPROVED BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT.
  14. THE WATER LINE SHALL BE INSTALLED AT A CONTINUOUS GRADE WITH NO ABRUPT HIGH POINTS OR LOW POINTS.
  15. FINAL WATER DISTRIBUTION SYSTEM IS SUBJECT TO REVIEW, REVISION AND APPROVAL BY THE TOWN OF POUGHKEEPSIE WATER DEPARTMENT.
  16. ALL WATER MAINS AND RELATED APPURTENANCES SHALL BE CONSTRUCTED TO THE LATEST STANDARDS AND SPECIFICATIONS OF THE TOWN OF POUGHKEEPSIE.
  17. THE WATER MAIN SHALL NOT BE PLACED INTO SERVICE UNTIL SO AUTHORIZED BY THE TOWN OF POUGHKEEPSIE.
  18. ALL WATER SERVICE CONSTRUCTION SHALL BE SUBJECT TO INSPECTION BY THE TOWN WATER DEPARTMENT PRIOR TO BACKFILLING, BEDDING AND PIPE ZONE MATERIAL SHALL BE COMPOSED OF EITHER WASHED STONE, GRADED STONE, LIGHT GRAVEL, OR CONCRETE SAND HAVING A GRADATION LIMIT OF 1" MAXIMUM AN ACCEPTABLE MATERIAL SHALL MEET THE FOLLOWING REQUIREMENT:
- | SEWE DESIGNATION | % PASSING |
|------------------|-----------|
| 3/4"             | 100       |
| NO. 40           | 0-70      |
| NO. 200          | 0-10      |
- TRENCH BACKFILL SHALL BE WELL-GRADED SOIL AND GRAVEL MATERIAL. ALL PARTICLES SHALL HAVE A GRADATION OF 2" OR LESS AN ACCEPTABLE MATERIAL SHALL MEET THE FOLLOWING REQUIREMENT:
- | SEWE DESIGNATION | % PASSING |
|------------------|-----------|
| 1 1/4" INCH      | 100       |
| NO. 40           | 30-65     |
| NO. 200          | 5-40      |
| NO. 200          | 0 - 15    |
- BEDDING AND BACKFILL MATERIAL SHALL BE STOCKPILED IN AMOUNTS NECESSARY FOR REASONABLE BACKFILLING REQUIREMENTS. A SEWE ANALYSIS OF BEDDING OR BACKFILL MAY BE REQUIRED AT THE REQUEST OF THE TOWN OF POUGHKEEPSIE.
19. THE SITE UTILITY CONTRACTOR SHALL BE RESPONSIBLE FOR ALL BURIED PIPING TO THE LOCATION OF THE PROPOSED BUILDING CONNECTION POINT (I.E. INSIDE THE BUILDING). THIS INCLUDES THE TESTING AND CERTIFICATION OF ALL WATER SERVICE WORK FROM THE TOWN WATER CONNECTION POINT TO THE PROPOSED BUILDING INTERIOR CONNECTION POINT.
  20. INDICATOR TAPE SHALL BE PLACED 12" BELOW FINISHED GRADE DIRECTLY ABOVE ALL WATERLINES.
  21. ALL COPPER WATER SERVICE PIPING INSTALLATION, BACKFILL AND TESTING SHALL BE REVIEWED AND APPROVED BY THE TOWN OF POUGHKEEPSIE WATER MAINTENANCE SUPERVISOR OR HIS DESIGNEE. BEDDING, PIPE ZONE, AND BACKFILL MATERIAL MUST BE SAND ONLY.
  22. THE PIPE SUPPORTS FOR THE METER PIT SHALL BE MADE OF GALVANIZED STEEL AND SHALL BE ADJUSTABLE. THE SUPPORTS ARE TO BE PLACED ONLY BENEATH SPOOL PIECES AND NOT UNDER CRITICAL EQUIPMENT, METERS, ETC.
  23. THREE AS-BUILT DRAWINGS WHICH INCLUDE VERIFICATION OF THE SEWER INFRASTRUCTURE INCLUDING RIMS AND INVERTS WILL BE PROVIDED TO THE PLANNING DEPARTMENT FOR DISSEMINATION TO THE ENGINEERING AND SEWER DEPARTMENTS PRIOR TO ANY EASEMENT REDUCTION TO THE TOWN.

APPLICANT: FRIENDLY HONDA  
1155 DUTCHESS TURNPIKE  
POUGHKEEPSIE, NY

DATE: 07/27/2015  
BY: [Signature]

REVISIONS:

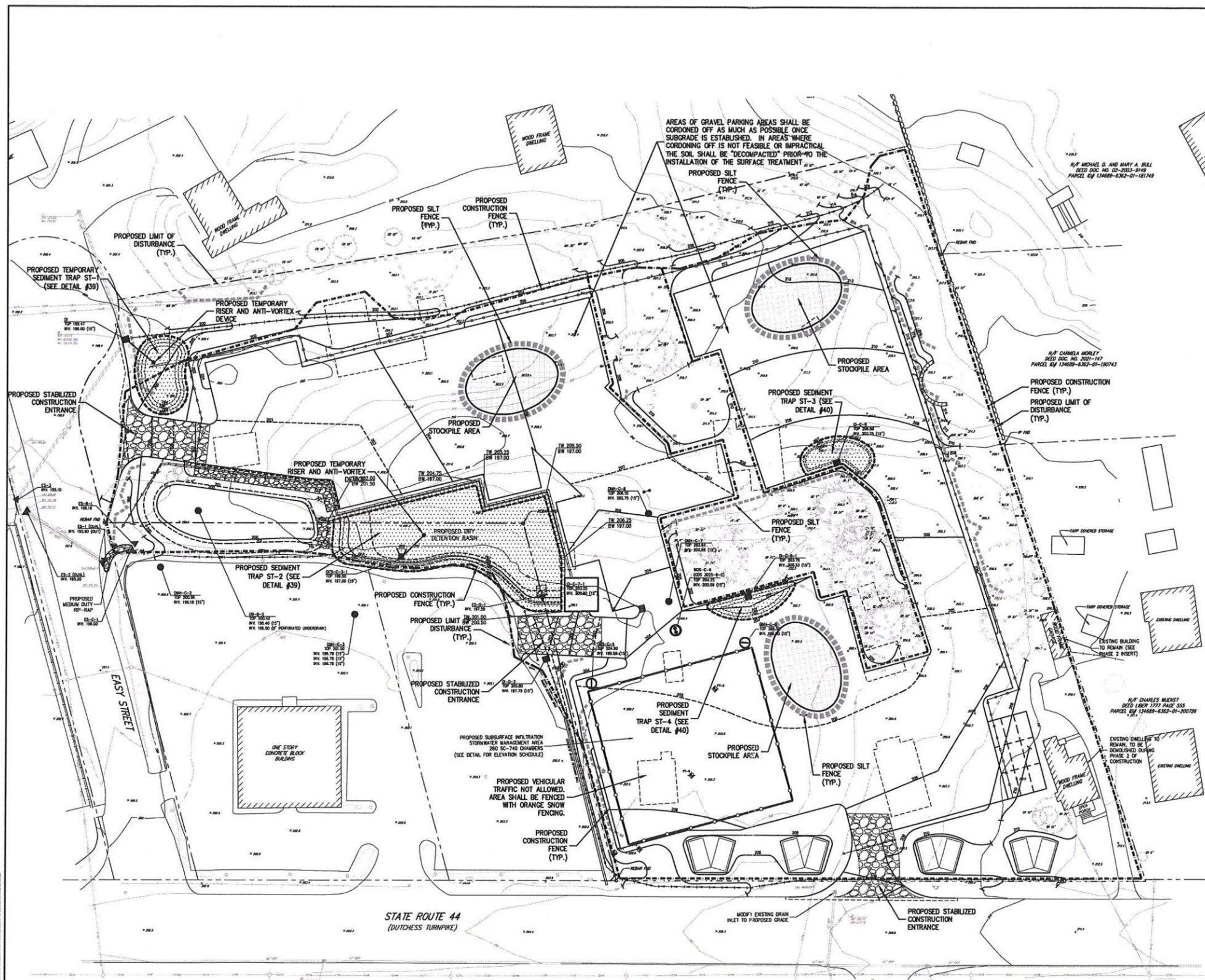
No.	Date	Description
1	07/27/2015	ISSUED FOR TOWN COMMENTS
2	08/24/2015	REVISED FOR TOWN COMMENTS
3	09/24/2015	REVISED FOR TOWN COMMENTS

DESIGNER: JMC  
JMC ENGINEERING, INC.  
1155 DUTCHESS TURNPIKE, SUITE 400  
POUGHKEEPSIE, NY 12551-3215  
TEL: 845.338.1000 FAX: 845.338.1001  
WWW.JMCENG.COM

UTILITIES PLAN  
FRIENDLY HONDA INVENTORY PARKING LOT  
1155 DUTCHESS TURNPIKE (U.S. ROUTE 44)  
TOWN OF POUGHKEEPSIE, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 7209. SUBSECTION 2.

DATE: 07/26/2015  
SCALE: 1" = 20'  
PROJECT: 1481  
SHEET: SP-5



**LEGEND**

	PROPOSED INLET PROTECTION
	PROPOSED CONSTRUCTION FENCE
	PROPOSED SILT FENCE
	PROPOSED ORANGE SNOW FENCING
	PROPOSED LIMIT OF DISTURBANCE
	PROPOSED STABILIZED CONSTRUCTION ENTRANCE
	PROPOSED STOCKPILE AREA
	TEMPORARY SEDIMENT BASIN
	TEMPORARY RISER & ANTI-VORTEX DEVICE
	PROPOSED TEMPORARY GRADING

- NOTES:**
- BASE INFORMATION HAS BEEN FROM THE "TOPOGRAPHIC MAP, PREPARED FOR FRIENDLY HONDA, IN THE TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NY" PREPARED BY M.C. FULL, DATED JUNE 18, 2015.
  - ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH ALL THE PLANS, PRIOR TO BEGINNING ANY CLEARING, GRADING OR EXCAVATION.
  - EXPOSED SOILS AND ALL GRADED AREAS SHALL BE SEEDS WITH THE FOLLOWING SEEDS IMMEDIATELY UPON COMPLETION OF ITS CONSTRUCTION AT A RATE OF 2 POUNDS PER 1000 SF, IN THE FOLLOWING PROPORTIONS: CRIMSON FESCUE 70% PERENNIAL RYE GRASS 30%.
  - GRASS SEED MAY FOR EROSION AND SEDIMENT CONTROL, MAY BE APPLIED BY EITHER BROADCASTING OR HYDRATION METHOD. HYDRATION SHALL BE PERFORMED IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF HIGHWAY AND STREETS ENGINEERS FOR ROADWAY STABILIZATION, LATEST EDITION.
  - SEEDS AREAS SHALL BE WALDED WITH STRAW AT A RATE OF 3 TONS PER ACRE (50 LBS PER 1000 SF) SUCH THAT THE WALD FORMS A CONTINUOUS BLANKET.
  - EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MONITORED AND MAINTAINED ON A DAILY BASIS BY THE CONTRACTOR. ALL COLLECTED SEDIMENT WITHIN SEDIMENT BARRIERS SHALL BE REMOVED PROXIMALLY TO MAINTAIN THE FUNCTION OF THE SEDIMENT BARRIERS. ALL SEDIMENT COLLECTED SHALL BE RECYCLED ON-SITE WITHIN STABILIZED AREAS AS DIRECTED BY THE ENGINEER REPRESENTATIVE.
  - DUST SHALL BE CONTROLLED BY SPRINKLING OR OTHER APPROVED METHODS AS NECESSARY, OR AS DIRECTED BY THE TOWN ENGINEER.
  - CUT AND FILL SHALL NOT EXCEEDER ALLOWABLE PROPERTIES, NOR EXCEED WATER ONTO THE PROPERTY OF OTHERS.
  - ALL FILL SHALL BE COMPACTED TO PROVIDE STABILITY OF MATERIAL, AND TO PREVENT SETTLEMENT.
  - THE CONTRACTOR SHALL RESPECT EXISTING CONDITIONS FOR EVIDENCE OF SEPARATION OF A RECORD BASIS AND WITHIN NEIGHBORHOOD.
  - AS WARRANTED BY FIELD CONDITIONS, SPECIAL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED BY THE CONTRACTOR AS REQUIRED.
  - STOCKPILING OF CONSTRUCTION MATERIAL SHALL BE PLACED ON-SITE IN THE AREA DESIGNATED STOCKPILING EXCAVATED MATERIAL SHALL HAVE SILT FENCE AND WIND BARRIERS. ALL STOCKPILED MATERIAL SHALL BE MAINTAINED IN A CLEAN MANNER SO AS NOT TO IMPAIR OR EXCEEDER TRAFFIC POLLUTION LEVELS.

- SEQUENCE OF CONSTRUCTION**
- CONSTRUCTION SHALL BE SEQUENCED IN SUCH A MANNER THAT ANY AREA WHICH IS DISTURBED SHALL FIRST BE PROTECTED WITH EROSION AND SEDIMENT CONTROL AS SHOWN ON THIS PLAN. PARTICULAR REQUIREMENTS ARE SHOWN AS FOLLOWS:
- INSTALL INLET PROTECTION, SILT FENCE AND STABILIZED CONSTRUCTION ENTRANCES.
  - DEMOLITION OF EXISTING BUILDINGS AS REQUIRED.
  - GRADE GRADING AND SLOPE STABILIZATION OF THE PROPERTY WHICH IS TO BE WORKED.
  - INSTALL STORM DRAIN SYSTEM COMPLETE IMMEDIATELY INSTALL INLET PROTECTION ON ALL ALLEYS.
  - CONSTRUCT TEMPORARY SEDIMENT TRAPS.
  - INSTALL CONCRETE AND ASPHALT CONCRETE PAVED DRIVEWAYS.
  - FINISH GRADING, RECONSTRUCTION, TOPSOIL, AND STABILIZE VEGETATION AND/OR LANDSCAPING.
  - CLEAN PAVEDWAYS AND STORM DRAIN SYSTEMS OF ALL ACCUMULATED SEDIMENT IN CONJUNCTION WITH THE REMOVAL OF ALL TEMPORARY SEDIMENT AND EROSION CONTROL DEVICES.
  - COMPLETE SITE AND BUILDING CONSTRUCTION IN ACCORDANCE WITH STANDARDS.

**EROSION AND SEDIMENT CONTROL PLAN**

FRIENDLY HONDA INVENTORY PARKING LOT  
1155 DUTCHESS TURNPIKE (U.S. ROUTE 44)  
TOWN OF POUGHKEEPSIE, NY

DATE: 07/16/2015  
SCALE: 1" = 20'

PROJECT: 14181  
SHEET: 2 OF 2

SP-6

**EXHIBIT 1**

**CURRENT OWNERS IN CONTRACT TO SELL TO DUTCHESS FACILITIES MANAGEMENT LLC  
DEED SCHEDULE**

Tax Parcel/Address	Owner	Deed Reference/Document Number	Acres
134689-6362-01-164715-0000 1 Easy Street	*Thomas J. Ashline, Jr. Virginia Ashline	02-2008-7173	1.15
134689-6362-01-157718-0000 3 Easy Street	*Viginia Ashline, Trustee	02-2010-3193	.83
134689-6362-01-186712-0000 1167 Dutchess Turnpike	*Eric Hawlk	02-2009-3183	.52
134689-6362-01-178705-0000 1165 Dutchess Turnpike	*Steven J. Sepelak Linda Sepelak	02-2004-5940	.55
134689-6362-01-193719-0000 1171 Dutchess Turnpike	*Nancy Adam	Liber 2020 Page 0140	.54

**\*DUTCHESS FACILITIES MANAGEMENT LLC is Contract Vendee of all parcels and has rights under those contracts to submit all land use applications herein.**



Dutchess County Clerk Recording Page

Record & Return To

MR & MRS ASHLINE  
81 GRIST MILL LN  
Pleasant Valley, NY 12589

Date Recorded 11/19/2006  
Time Recorded 4:35:00

Document # 02 2008 7173

Received From RIVER CITY ABSTRACT

Grantor SAFRAN ANNA M  
Grantee ASHLINE THOMAS J JR

Recorded In Deed  
Instrument Type

Tax District Town of  
Poughkeepsie

Examined and Charged As Follows

Recording Charge \$119.00  
Transfer Tax Amount \$720.00  
Transfer Tax Number #1918  
Red Hook Transfer Tax  
E & A Form Y  
TP-584 Y

Number of Pages 4

\*\*\* Do Not Detach This Page  
\*\*\* This Is Not A Bill

County Clerk By ksw /  
Receipt # R56639  
Batch Record D74



0220087173

Bradford Kendall  
County Clerk



RCA LT: 42024  
4p.  
39  
80  
720  
839

THIS INDENTURE, made the 4th day of November, 2008,

BETWEEN Anna M. Safran, 1 Easy Street, Poughkeepsie, NY 12603, party of the first part, and Thomas J. Ashline, Jr. and Virginia Ashline, husband and wife, 81 Grist Mill Lane, Pleasant Valley, NY 12569, party of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE HUNDRED (\$100.00) DOLLARS, lawful money of the United States, and other good and valuable consideration, 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, with the buildings and improvements thereon erected, situate, lying and being in the Town of Poughkeepsie, County of Dutchess, and State of New York, commonly known as 1 Easy Street, and more particularly bounded and described in annexed Schedule A

BEING the same premises as conveyed by Maaikje De Groot, by deed dated December 17, 1945 and recorded in the Dutchess County Clerk's Office on January 5, 1946, in Liber 634 at page 294. The said Charles E. Safran died a resident of Dutchess County, NY on October 15, 1998.

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 incumbered 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

2008 Nov 04 10:00 AM

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written

In Presence Of

*Anna M. Safran, by attorney-in-fact*  
Her attorney-in-fact

Anna M Safran by Frank M Mora,  
her attorney-in-fact

STATE OF NEW YORK )  
COUNTY OF DUTCHESS: ) ss

On the 4th day of November, 2008, before me, the undersigned, a notary public in and for said state, personally appeared Frank M Mora, personally known to me or proved to me 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 the person upon behalf of which the individual acted, executed the instrument

*Amy S. Durkin*  
AMY'S DURKIN  
Notary Public, State of New York  
Reg No 4818223  
Qualified in Dutchess County  
Commission Expires January 31, 2011

Record and Return To ✓  
Mr. + Mrs. Ashline  
81 Grist Mill Lane  
Pleasant Valley NY 12569

TITLE NO. RCA-LT-42024

SCHEDULE 'A'

ALL that piece or parcel of land being situate to the rear of certain lands shown on a map of lands of Harriet M. Fay, which said lots are on the Northerly side of the Pleasant Valley-Poughkeepsie State Highway in the Town of Poughkeepsie, Dutchess County, State of New York, more particularly described as follows:

BEGINNING at the rear of Lot No. 2 on said map of lands of Harriet M. Fay, said point being the southwesterly corner of said Lot No. 2 and following the course of the Southerly line of Lot No. 2 and extending the same in a Westerly direction 108 feet, more or less to a stake, thence Northerly 200 feet, more or less to a stake in a stonewall. Said stonewall being the dividing line between the premises of the party of the first part and the premises of one Mary A. Smith, thence Easterly along said stonewall about 140 feet, to the Northwesterly corner of Lot No. 1 on said aforementioned map, thence Southerly 200 feet, along the rear of Lots Nos. 1 and 2 on said map to the point or place of beginning. The above described parcel of land being immediately to the rear of and adjoining lots Nos. 1 and 2.

ALSO ALL that piece or parcel of land situate in the Town of Poughkeepsie, Dutchess County, State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point which is the Northeast corner of Lot No. 3 on a Map of Property belonging to Harriet M. Fay, Pleasant Valley Road, which Map is filed in the Dutchess County Clerk's Office, under File No. 1422, and thence in a general Westerly direction along the rear of Lots No. 3, 4 and 5, on said Map No. 1422, a distance of three hundred feet to a point, which point is the Northeast corner of Lot No. 6 on said map and the Northwest corner of Lot No. 5 on said Map, and which point is also the rear point of the division line between Lots No. 5 and 6 on said Map, thence in a general Northwesterly direction in a line extended from the division line between Lots Nos. 5 and 6 on said Map No. 1422 to a point, which point is 65 feet North of the Northeast corner of a Lot No. 6 and the Northwest corner of Lot No. 5 on said Map, thence in a general Easterly direction three hundred feet, more or less (300) to a point, which point is 108 feet North of the Northeast corner of Lot No. 1 and the Northwest corner of Lot No. 2 on Map No. 1422, thence in a general Southerly direction 108 feet to the point or place of beginning, which is the Northwest corner of Lot No. 3 and the Northeast corner of Lot No. 3 on said Map No. 1422.

Said party of the first part hereby grants to the parties of the second part, their heirs and assigns a right of way over the premises of the party of the first part as follows:

A right of way running from the Westerly line of the property of herein above described, over and across other lands of the party of the first part and in a Southerly direction over and across Lot No. 6 on Map No. 1422 to the Northerly side of the Poughkeepsie-to-Pleasant Valley State Road.

For conveyancing only,  
to be conveyed.

Together with all right, title if intended and interest of, in and to any streets and road abutting the above described premises, to the center line thereof.

Certificate and Report of Title - New York  
FORM 2215-5



Dutchess County Clerk Recording Page

Record & Return To:

MCCABE & MACK  
H L MANGOLO ESQ  
83 WASHINGTON ST  
POUGHKEEPSIE, NY 12602-

Date Recorded : 06/30/2010  
Time Recorded : 2:51:00

Document # : 02 2010 3193

Received From : MCCABE & MACK

Grantor : BOMBA WILLIAM CHARLES JR  
Grantee : BOMBA TRUST

Recorded In : Deed  
Instrument Type :

Tax District : Town of  
Poughkeepsie

Examined and Charged As Follows :

Recording Charge : \$190.00  
Transfer Tax Amount : \$0.00  
Transfer Tax Number : #5418  
Red Hook Transfer Tax :  
E & A Form: Y  
TP-584 : Y

Number of Pages : 4

\*\*\* Do Not Detach This Page  
\*\*\* This Is Not A Bill

County Clerk By : msp / \_\_\_\_\_  
Receipt # : R34458  
Batch Record : C359



0220103193

Bradford Kendall  
County Clerk



(141) 60-130-141

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

THIS INDENTURE, made the 16<sup>th</sup> day of June, 2010

BETWEEN WILLIAM CHARLES BOMBA, JR. and ELIZABETH F. BOMBA, residing at 3 Easy Street, Poughkeepsie, NY 12603,

party of the first part,

and VIRGINIA ASHLINE AS TRUSTEE OF THE BOMBA IRREVOCABLE TRUST U/A Dated the 16<sup>th</sup> day of June, 2010, having an address at 81 Gristmill Lane, Pleasant Valley, NY 12569

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and NO/100 -----  
-----(\$10.00)----- Dollars,

lawful money of the United States, and other good and valuable consideration 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, with the buildings and improvements thereon erected, situate, lying and being in the TOWN OF Poughkeepsie, County of Dutchess and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point in the east side of a 50 foot private road at the northwest corner of the second parcel described in deed from DeGroot to Safran, recorded in the Dutchess County Clerk's Office on January 5, 1946 in Liber 634 of Deeds at Page 294, said point of beginning being 65 feet northwesterly from the northeast corner of lot number 6 and the northwesterly corner of lot number 5, on Map #1422, measured on a line which is an extension of the division line between lots number 5 and number 6 on said map; and running thence in a north-easterly direction along the north boundary of said second parcel described in said Liber 634 of Deeds at Page 294, 300 feet to a point, which is 108 feet distant from the northeast corner of lot number 3 and the northwest corner of lot number 2 on said Map #1422, measured on a line which is an extension of the division line between lots number 2 and number 3 on said Map #1422, said point also being the northwest corner of the first parcel described in said Liber 634 of Deeds at Page 294; thence in a northeasterly direction along the north line of said first parcel described in Liber 634 of Deeds at Page 294, 200 feet to a stake in a stone wall at the northeast corner of said first parcel described in said Liber 634 of Deeds at Page 294, said wall being the west boundary of lands of Mary A. Smith at a point 140 feet northwesterly from the northeast corner of lot number 1 on said Map #1422, measured along a line which is an extension of the east line of said lot number 1 on said Map #1422; thence running in a northwesterly direction along said stone wall division line 75 feet more or less to a point which is 215 feet northwesterly from the northeast corner of lot number 1 on said Map #1422, measured on a line which is an extension of the easterly side of said lot number 1; thence running southwest 200 feet along a line which is parallel to and 75 feet distant from the north line of the first parcel described in Liber 634 of Deeds at Page 294 to a point which is 183 feet northwest of the northeast corner of lot number 3 and the northwest corner of lot number 2 on said Map #1422, measured on a line which is an extension of the division line between said lots number 2 and number 3 on said map; thence running in a southwesterly direction along a line which is parallel to and 75 feet distant from the north line of the second parcel described in Liber 634 of Deeds at Page 294, 250 feet more or less to a point in the east line of the said private road; thence running in a general southerly direction along the east side of said private road to the point or place of beginning.

TOGETHER with any land lying between the above described parcel and the east side of said private road.

TOGETHER with a right to use forever the said 50 foot private road on lands of the party of the first part, said road running adjacent to and west of the above described premises and west of premises now or formerly owned by Safran and running across the westerly half of lot number 6 on Map #1422 to the north side of the Poughkeepsie-Pleasant Valley State Road.

BEING the same premises described in deed from Robert F. Jordan and Ursula R. Jordan to William Charles Bomba, Jr., and Elizabeth F. Bomba by deed dated November 3, 1969 and recorded in the Dutchess County Clerk's Office in Liber 1276 of Deeds at Page 522.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting and 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 incumbered in any way whatever, except as aforesaid.

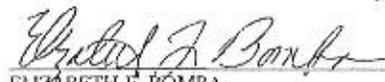
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first to the purpose of paying the cost of 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 party has duly executed this deed the day and year first above written.

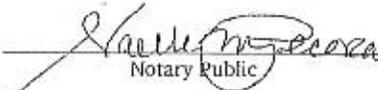
IN PRESENCE OF:

  
WILLIAM CHARLES BOMBA, JR.

  
ELIZABETH F. BOMBA

STATE OF NEW YORK, COUNTY OF  
DUTCHESS ss:

On the 16<sup>th</sup> day of June, 2010, before me,  
the undersigned, personally appeared  
WILLIAM CHARLES BOMBA, JR. (and)  
ELIZABETH F. BOMBA, 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

NOELLE MARIE PECORA  
Notary Public, State of New York  
Qualified in Albany Co. No. C2PEE146257  
Commission Expires May 15, 2014

STATE OF NEW YORK, COUNTY OF  
ss:

On the \_\_\_\_ day of \_\_\_\_\_, 2010  
, before me, the undersigned, personally  
appeared \_\_\_\_\_, 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

**Bargain and Sale Deed**

With Covenant Against Grantor's Acts

File No. 11849-1

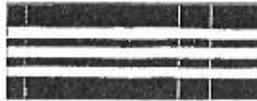
WILLIAM CHARLES BOMBA, JR., and  
ELIZABETH F. BOMBA

TO

VIRGINIA ASHLINE AS TRUSTEE OF THE  
BOMBA IRREVOCABLE TRUST U/A  
Dated the 16<sup>th</sup> day of June, 2010

**RETURN BY MAIL TO:**

HAROLD L. MANGOLD, ESQ.  
63 WASHINGTON STREET  
POUGHKEEPSIE, NY 12601



Dutchess County Clerk Recording Page

Record & Return To:

EDWARD L FREER ESQ  
90 MARKET ST STE 2  
Poughkeepsie, NY 12601

Date Recorded : 07/08/2009  
Time Recorded : 9:38:00

Document #: 02 2009 3183

Received From : REGENCY ABSTRACT

Grantor : GLORIOSO JAMES A JR

Grantee : HAWLK ERIC

Recorded In : Deed  
Instrument Type :

Tax District : Town of  
Poughkeepsie

Examined and Charged As Follows :

Recording Charge : \$190.00

Transfer Tax Amount : \$840.00

Transfer Tax Number : #5184

Red Hook Transfer Tax :

E & A Form: Y

TP-584: Y

Number of Pages : 4

\*\*\* Do Not Detach This Page  
\*\*\* This Is Not A Bill

County Clerk By : msp / \_\_\_\_\_  
Receipt #: R35297  
Batch Record : A112



Bradford Kendall  
County Clerk



0220093183



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

60-  
130-  
640-  
880-

THIS INDENTURE, made the 24th day of June, two thousand and nine

BETWEEN

JAMES A. GLORIOSO, JR. and ANN GLORIOSO  
residing at 1167 DUTCHESS TURNPIKE, POUGHKEEPSIE, NY 12603 ✓

party of the first part, and

ERIC HAWLK,  
residing at 654 SALT POINT TURNPIKE, POUGHKEEPSIE, NY 12603 ✓

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of 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, with the buildings and improvements thereon erected, situate, lying and being in the

SEE ATTACHED LEGAL DESCRIPTION

BEING THE SAME PREMISES conveyed to James A. Glorioso, Jr. and Ann Glorioso by deed dated November 29, 2005 and recorded in the Dutchess County Clerk's Office on December 8, 2005 in Document No. 02-2005-11066.

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.

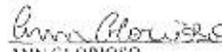
And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement for using any part of the total of the same for any 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:

\_\_\_\_\_

  
JAMES A. GLORIOSO, JR.  
  
ANN GLORIOSO

09RL-8656

SCHEDULE "A"

Title #: 09RI-8656

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, known and designated as Lot #2 on a certain map entitled, "Lands of Harriet M. Fay," which map was filed in the Dutchess County Clerk's Office on April 12, 1924 as Filed Map #1112, more particularly bounded and described as follows:

**BEGINNING** at a stake set in the fence line, the northerly boundary of the Poughkeepsie-Pleasant Valley State Highway, said stake being distant 108.00 feet westerly from an iron pin set in the northeasterly corner of the lands of Harriet M. Fay; thence South  $61^{\circ} 00' 00''$  West along the fence the northerly boundary of said State Highway 100.00 feet to a stake set; thence northerly 234.00 feet to a stake set in the fence line, said stake being distant 200.00 feet westerly as measured along said fence line from the center of the stonewall at the easterly line of premises of the said Harriet M. Fay, thence easterly along said fence 100.00 feet to a stake; thence southerly 241.30 feet to the place of **BEGINNING**.

STATE OF NEW YORK, COUNTY OF DUTCHESS

ss:

On the 24th day of June the year of 2009, before me, the undersigned, a Notary Public in and for the State, personally appeared James A. Glorioso, Jr. and Ann Glorioso, personally known 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.

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_ ss:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year of 200, before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_

personally known 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.



MICHAEL P. FARLEY  
Notary Public, State of New York  
No. 4993582  
Qualified in Dutchess County  
Commission Expires 3/30/2010

**Bargain and Sale Deed**

With Covenant Against Grantor's Acts

Title No. \_\_\_\_\_

**JAMES A. GLORIOSO, JR. and ANN  
GLORIOSO  
TO  
ERIC HAWLK**

Grn # 134689-6362-01-186712-0000

City or Town: Poughkeepsie  
County: Dutchess

Received and Return to:

EDWARD L. FREER, ESQUIRE  
90 MARKET STREET, SUITE 2  
POUGHKEEPSIE, NY 12601

RESERVE THIS SPACE FOR RECORDING OFFICE



DUTCHESS COUNTY CLERK RECORDING PAGE

RECORD & RETURN TO:

EQUITY SETTLEMENT  
444 ROUTE 111  
SMITHTOWN NY 11787

RECORDED: 06/07/2004  
AT: 11:51:51  
DOCUMENT #: 02 2004 5940

RECEIVED FROM: EQUITY SETTLEMENT

GRANTOR: SEPELAK STEVEN J  
GRANTEE: SEPELAK STEVEN J

RECORDED IN: DEED  
INSTRUMENT TYPE:

TAX  
DISTRICT: T/POUGHKEEPSIE

EXAMINED AND CHARGED AS FOLLOWS:

RECORDING CHARGE: 91.00 NUMBER OF PAGES: 3

TRANSFER TAX AMOUNT:

TRANSFER TAX NUMBER: #008468

E & A FORM: Y

TP-584: Y

\*\*\* DO NOT DETACH THIS  
\*\*\* PAGE  
\*\*\* THIS IS NOT A BILL

COUNTY CLERK BY: AXK / \_\_\_\_\_  
RECEIPT NO: R51247  
BATCH RECORD: C00241

*Colette M. Lafuente*

COLETTE M. LAFUENTE  
County Clerk



Prepared By:  
Equity Settlement Services, Inc.  
444 Route 111  
Smithtown, NY 11787  
Incidental to the issuance of a title insurance policy.  
File Number: 116610  
Parcel ID Number:  
Grantee(s) SS Number:

116610

14

3/36  
55  
01-

**QUIT CLAIM DEED  
(INDIVIDUAL)**

This QUIT CLAIM DEED, dated 3/17/04 by:  
**STEVEN J. SEPELAK**  
whose post office address is:  
**1165 DUTCHESS TURNPIKE, POUGHKEEPSIE, NY 12603**  
hereinafter called the GRANTOR, to:  
**STEVEN J. SEPELAK and LINDA SEPELAK**  
whose post office address is:  
**1165 DUTCHESS TURNPIKE POUGHKEEPSIE NY 12603**

hereinafter called the GRANTEE:  
(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations.)

WITNESSETH: That GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in **DUTCHESS County, ~~State~~, viz: NEW YORK** 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, State of New York, known and designated as Lot No. 3 and a triangular piece of Lot No. 4 as shown on map a entitled, "Map of lands of Harriet M. Fay" dated April 9, 1942 made by O.A. D'Lubosch, L.S. filed in the Dutchess County Clerk's Office as filed Map No. 1312, said parcel is more particularly described as follows;

**BEGINNING** at an iron pipe found set on the northerly line of Dutchess Turnpike-Route 44, said pipe marking the southeasterly corner of the herein described parcel and the southwesterly corner of the lands of Mary Stinich as described in Liber 1609 at Page 821, (Lot No. 2) said point of beginning being distant 200.00 feet westerly from the I.P. set in the northeasterly corner of the premises formerly of Harriet M. Fay as set forth in a deed recorded in the Dutchess County Clerk's Office on December 1, 1924 in Liber 449 at Page 031;

**THENCE** southwestery along the northerly line of Dutchess Turnpike Route 44 South 61 degrees 00 minutes 00 seconds west 120.00 feet to a steel pin found set marking the southwestery corner of the herein described parcel and the southeasterly corner of the lands of Harvey Russell & Sons, Inc. as described in Liber 1209 at Page 282;

**THENCE** northeasterly along the division line between the lands of Harvey Russell & Sons, Inc. and the herein described parcel and through old Lot No. 4, north 43 degrees 50 minutes 00 seconds west 221.40 feet to an iron pipe found set marking the northwesterly corner of the herein described parcel and the northeasterly corner of the lands of Russell & Sons, Inc.;

**THENCE** northeasterly along the division line between the lands of Charles F. Safran as described in Liber 634 at Page 294, and the herein described parcel north 57 degrees 01 minutes 40 seconds east 100.00 feet to an iron pipe found set marking the northeasterly corner of the herein described parcel and the northwesterly corner of the lands of M. Stinich (Lot No. 2);

**THENCE** southeasterly along the division line between the lands of Stinich and the herein described parcel south 48 degrees 11 minutes 41 seconds east 233.96 feet to the point or place of **BEGINNING**.

**TO HAVE AND TO HOLD**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the said GRANTEE forever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

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

*Steven J. Sepelak*  
\_\_\_\_\_  
STEVEN J. SEPELAK

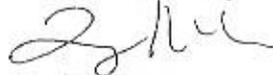
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF NEW YORK)

COUNTY OF Dutchess;

On the 17<sup>th</sup> day of March in the year 2004 before me, a Notary Public in and for said State, personally appeared Seven J. Sepelak 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.

(Signature and office of individual taking acknowledgement by notary.)



TAMMY MAROTTA  
Notary Public, State of New York  
No. 011646055017  
Qualified in Suffolk County  
Commission Expires February 28, 20 07



DUTCHESS COUNTY CLERK RECORDING PAGE

RECORD & RETURN TO:

WENDY BUSH LYONS ESQ  
VASTI & SEARS  
ROUTE 44 MAIN STREET P.O. BOX 656  
PLEASANT VALLEY NY 12569

RECORDED: 12/02/98  
AT: 13:56:12  
COUNTY CLERK: #9878

RECEIVED FROM: NONAHAN TITLE

GRANTOR: BRIGGS ELEANOR O  
GRANTEE: ADAM NANCY R

RECORDED IN: DEED TAX  
INSTRUMENT TYPE: DISTRICT: T/POUGHKEEPSIE

EXAMINED AND CHARGED AS FOLLOWS:

RECORDING CHARGE: 54.00 NUMBER OF PAGES: 4  
TRANSFER TAX AMOUNT: 100.00  
TRANSFER TAX NUMBER: #003045  
E & A FORM: Y  
TP-584: Y

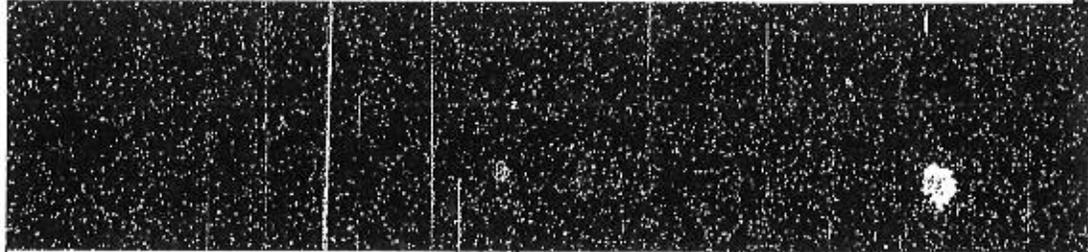
COUNTY CLERK BY: JJP /  
RECEIPT NO: R64362  
BATCH RECORD: B00229

WILLIAM L. PAROLI, JR.  
County Clerk



O. O. SH. CINON DATED

kgent Doc #: 0219989878 Printed Page 1 of 4



THIS INSTRUMENT made this 10th day of October.

THIS INDENTURE, made this 30th day of October, Nineteen Hundred and Ninety-Eight

BETWEEN

DAVID G. FERENZ, residing at 11 River Road, Hyde Park, New York 12538 and MICHAEL A. VAN WAGENEN, residing at 596 North Quaker Lane, Hyde Park, New York 12538, as Executors under the Last Will and Testament of ELEANOR O. BRIGGS, Deceased,

parties of the first part,

NANCY R. ADAM, residing at P.O. Box 1285, Pleasant Valley, New York 12569,

party of the second part,

WITNESSETH, that the parties of the first part, by virtue of the power and authority to them given in and by the said Last Will and Testament, and in consideration of Seventy Five Thousand Dollars (\$75,000.00) lawful money of the United States, actual consideration paid by the party of the second part, do hereby grant and release unto the party of the second part, her heirs and assigns forever,

ALL the right, interest and title in all that lot of land in the Town of Poughkeepsie, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at an iron pipe set in the northerly line of the Pleasant Valley-Poughkeepsie State Highway, said pipe being the southeasterly corner of premises now or formerly of H.M. Fay; thence south 61 degrees 0' west along the fence line of the northerly side of said highway 100 feet to a point; thence northerly 241.3 feet to a point in the fence line, said point being 100 feet westerly measured along said fence line from a stone wall; thence easterly along said fence 100 feet to a point in said stone wall; thence south 47 degrees 13' east along said stone wall 249.1 feet to an iron pipe at the place of beginning.

THE ABOVE described parcel being shown as Lot No. 1 on a map of "Lands of H.M. Fay, Pleasant Valley Road, Town of Poughkeepsie, N.Y."

The premises described herein are also described by virtue of a recent survey as set forth on Schedule "A," annexed hereto.

SUBJECT to existing easements, covenants and restrictions and rights-of-way of record, if any, and notes on the filed map.

BEING the same premises conveyed by Eleanor O. Briggs, individually and as Executrix under the Last Will and Testament of Carl G. Briggs, deceased, to Eleanor O. Briggs by Deed dated May 9, 1995, and recorded in the Dutchess County Clerk's Office on May 11, 1995 in Liber 1961 of Deeds at Page 355.

The said Eleanor O. Briggs died testate a resident of Dutchess County, New York on February 6, 1998 and her Last Will and Testament was thereafter admitted to probate by order of the Dutchess County Surrogate, on March 9, 1998.

TOGETHER with the appurtenances and also all the estate which the Decedent had at the time of death, in said premises, and also the estate therein, which the parties of the first part have or had power to convey or dispose of, whether individually, or by virtue of said Estate or statute or otherwise.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, her heirs and assigns forever.

RUSSELL & PRINZ - ATTORNEYS AT LAW - 2 CANTON STREET, Poughkeepsie, N.Y. 12601

H. CARL BRIGGS

kgent Doc #: 0219988878 Printed Page 2 of 4

AND the parties of the first part covenant that the parties of the first part have not done or suffered anything whereby the said premises have been incumbered in any way whatever.

AND that, in Compliance with Sec. 13 of the Lien Law, the grantors 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.

IN WITNESS WHEREOF, the parties of the first part have duly executed this deed the day and year first above written.

IN THE PRESENCE OF

ESTATE OF ELEANOR O. BRIGGS

*David G. Ferenz*  
By: David G. Ferenz, Executor L.S.

*Michael A. Van Wagenen*  
By: Michael A. Van Wagenen, Executor L.S.

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

On this 30th day of October, 1998, before me, the subscriber, personally appeared DAVID G. FERENZ, Executor of the Last Will and Testament of ELEANOR O. BRIGGS, to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same as such Executor as aforesaid, for the purposes therein mentioned.

*Cheryl L. Silverman*  
Notary Public

CHERYL L. SILVERMAN  
Notary Public, State of NY  
Qualified in Ulster County  
Reg. No. 01S18006482  
Commission Expires: 4/13/2000

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

On this 30th day of October, 1998, before me, the subscriber, personally appeared MICHAEL A. VAN WAGENEN, Executor of the Last Will and Testament of ELEANOR O. BRIGGS, to me personally known and known to me to be the same person described in and who executed the within Instrument, and he acknowledged to me that he executed the same as such Executor as aforesaid, for the purposes therein mentioned.

*Cheryl L. Silverman*  
Notary Public

CHERYL L. SILVERMAN  
Notary Public, State of NY  
Qualified in Ulster County  
Reg. No. 01S18006482  
Commission Expires: 4/13/2000

RECORD AND RETURN:  
Wendy Bush-Lyons, Esq.  
Vasti & Sears, P.C.  
Route 44, Main Street, P.O. Box 656  
Pleasant Valley, New York 12569

2 - GLEN - CHANCE - 21111111

SCHEDULE A  
DESCRIPTION

Recorded by  
MONAHAN ABSTRACT & TITLE SERVICES, INC.  
800 724-7856 Title No.

Title No. 98T2817

ALL that tract or parcel of land situate in the Town of Poughkeepsie, County of Dutchess, and the State of New York, known and designated as Lot No. 1, as shown on a map entitled "Lands of Harriett M. Fay," filed in the Dutchess County Clerk's Office on April 12, 1924 as Map No. 1312, bounded and described as follows:

W. DEB. ONON  
CINIFIC

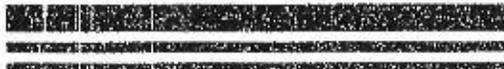
BEGINNING at a point in the northerly line of U.S. Route 44 (a/k/a Pleasant Valley- Poughkeepsie State Highway) (a/k/a Dutchess Turnpike), said point being the southwesterly corner of lands now or formerly Wuenst (Liber 1777, cp 555); thence along the said northerly line of U.S. Route 44 (a/k/a Pleasant Valley- Poughkeepsie State Highway) (a/k/a Dutchess Turnpike) South 61-00-00 West 100.00 feet to an iron pipe found; thence along the northeasterly line of Lot No. 2, as shown on the said map, North 47-44-40 West 241.00 feet to a point; thence along the southerly line of lands now or formerly Safran (Liber 634, cp 294), generally along the remains of a fence, North 56-20-50 East 100.00 feet to a point; thence along the southwesterly line of the said lands now or formerly Wuenst (Liber 1777, cp 555) South 47-13-00 East 249.19 feet to the point or place of beginning.

FOR CLOSING INSTRUMENTS ONLY - NOT FOR POLICY: (Containing 0.54 of an acre of land, more or less.)

Revised November 6, 1998

DESCRIPTION

Schedule "A"



**EXHIBIT 2**

## PROJECT BACKGROUND AND NARRATIVE

This narrative is hereby incorporated into Friendly Honda's applications for a Special Use Permit and Area Variances:

### Background:

The Zoning Board of Appeals ("ZBA") is fully familiar with the Friendly Honda facility, since the ZBA conducted a comprehensive review of the existing site in 2012-2013, and granted a Special Use Permit to operate the site as a Motor Vehicle Sales and Service operation in 2012. As the ZBA and Planning Board noted at that time, Friendly's redevelopment of its existing site ("Main Site"), which has operated as an automobile dealership since the 1960's, improved the site by limiting the number of curb cuts on Route 44, increasing landscaping, and improving vehicular circulation throughout the site. Buildings on the property were also upgraded.

Friendly Honda now has an opportunity to bring its inventory storage, which is presently located more than a mile from the Main Site to a location immediately east of its existing operation. The proposed inventory site abuts the Main Site on its west, north and east sides and is proposed to be combined into a single lot to accommodate 401 inventory vehicle spaces ("Inventory Site").

The Town's review of the Inventory Site proposal has been underway since 2015. The ZBA consented in 2015 that the Planning Board serve as the SEQRA Lead Agency for the coordinated review of the proposed creation of the inventory storage as part of Friendly's use.

### SEQRA Determination:

The Planning Board served as lead agency and conducted a coordinated review of the overall Project, including the Rezoning, Special Use Permit and Site Plan applications. The Planning Board adopted a SEQRA determination of non-significance ("Negative Declaration") on October 15, 2015, determining that the proposed action would not have a significant adverse impact on the environment. The Planning Board conducted a full analysis of the consistency of the Project with the Town's Comprehensive Plan, with the purposes of the respective districts, with other planning documents such as the Greenway guides, the unique physical and other characteristics of the location of the action in relation to surrounding areas, and the aspects of the proposal as set forth in the proposed Plans. See Exhibit 3, Negative Declaration, p. 11. Significant efforts were made by the Planning Board and Friendly Honda to avoid any adverse impacts on nearby residential properties through the use of extensive landscaping, buffer areas, fencing, tree preservation and site layout strategies. These efforts and specific details are thoroughly explained in the Planning Board's Negative Declaration. A copy of the Negative Declaration is attached to this narrative as Exhibit 3. Additional project details are discussed in the Project Description section below, including additional buffering and screening measures which were proposed by Friendly Honda after the adoption of the Negative Declaration and the rezoning decision by the Town Board.

### Town Board Rezoning:

After completing its SEQR review, the Planning Board recommended to the Town Board that the Inventory Site be changed to the B-H zoning classification. The Town Board, upon receiving favorable recommendations from the Planning Board, rezoned the five parcels making up the new Inventory Site from R-20 to B-H in January 2016.

### Planning Board Site Plan review:

The Planning Board has subsequently held and closed a Site Plan public hearing in March 2016.

### Summary of ZBA Application Requests:

The enclosed ZBA Applications present the following three requests for approval:

1. Special Use Permit pursuant to Section 210-89 for "Motor Vehicle Sales and Service" including vehicle display and storage on the Inventory Site.
2. Area Variance from Section 210-89A for vehicle display and storage within the 40 foot front yard setback of the Inventory Site; and
3. An Area Variance from Section 210-69 for 6 foot tall and 4 foot tall fencing within limited portions of areas deemed "front yards" of the Inventory Site where a 3 ½ foot tall fence is permitted.

### Project Description:

The purpose of the Project is to incorporate Friendly Honda's offsite vehicle inventory into the Main Site and eliminate the need to locate and transport vehicles approximately 1.5 miles west of the Main Site on Route 44. As noted by the Lead Agency, "[r]elocating the inventory area would eliminate the need for movement of vehicles over the Route 44 corridor, and eliminate the need to rely on a remote storage site which only provides a month-to-month lease." Negative Declaration, p. 2. The Project will further integrate Friendly Honda's functions into its Main Site and reduce sprawl and separation that results in unnecessary car trips along Route 44.

Friendly Honda's proposed use of the Inventory Site is passive and quiet. The primary use of the Inventory Site is for storage of vehicle inventory and for limited vehicle display along Route 44. The public will not have direct access to the Inventory Site as all gates will remain closed and vehicles on the Inventory Site will not be used for consumer test drives. Vehicles will be delivered to the Inventory Site approximately 5 times per week, generally during day time hours. The Project does not include any new buildings, except for a small, unmanned storage shed (approximately 400 square feet in size).

The Inventory Site contains substantial and strategically designed landscaping and screening. The Project preserves large trees within the center of the Inventory Site. It retains and supplements existing vegetation around the property lines and proposes 6 foot tall privacy

fencing along its borders for purposes of screening inventory vehicles from neighboring residential properties. Route 44 frontage and the proposed display area will also be significantly landscaped and improved in a manner consistent with the Main Site and existing neighborhood.

Vehicle storage and display along Route 44 has been thoroughly considered by Friendly Honda and the Lead Agency throughout the review process. Friendly Honda has made significant efforts to ensure that the proposed display and inventory areas are sufficiently screened and compatible with the community. Indeed, the Negative Declaration, which evaluated the Project with 11 display spaces (opposed to the current proposal of 8 spaces) reiterates that:

The applicant has developed a comprehensive landscape design for the display along its frontage during the comprehensive site upgrade in 2012-2013. The proposed display landscaping and display plan for the inventory parking area has been designed to continue the comprehensive landscape design plan already developed for the site. Notably, the landscape plan for the new site provides a transition from the main site to the residential property to the east by gradually reducing the number of cars, and increasing the amount of landscaping, as the site transitions to residential. Additionally, the display parking proposed has been separated by landscaped areas to reduce the visual impact and increase the landscape value.

*See Negative Declaration, p. 15 (Emphasis added.)* The Negative Declaration further finds:

The present proposal offers the opportunity to incorporate the inventory storage function within the Friendly Honda main site, rather than being located a mile away at a different site. The proposal will eliminate unnecessary trips and centralize the function, thus fulfilling the B-H zoning district purpose to “provide for the coordinated and concentrated development of highway-oriented commercial uses at appropriate location along major roadways.” [Town Code 210-35 (A) (5)] The proposed use of the frontage of the new site for automobile display with landscaping is compatible with the existing neighborhood; does not produce any noise; and is congruent with the upgraded treatment of the existing site accomplished in 2012 and 2013. The proposed design, which will be enforced by notes on the plans and conditions of approval, appears sufficient to assure that no adverse impacts are created.

*See Negative Declaration, p. 13-14 (Emphasis added.)*

Nonetheless, Friendly Honda further revised its plan after receiving the Negative Declaration and the Town Board’s decision to rezone the Inventory Site to B-H. The proposed display area along Route 44, which was originally presented and evaluated under SEQOR with 11 spaces, is now proposed with 8 spaces. The proposal also includes additional plantings to the rear of the display

spaces fronting along Route 44 to further screen the vehicle storage area behind the display area and views of the facility from nearby residential properties located on the southerly side of Route 44. This is in addition to the “extensive new landscaping provided along the property boundaries, and the supplementary fencing, and the proposed dark-sky compliant lighting” noted by the Planning Board. See Exhibit 1, Negative Declaration, p. 18.

In order to further improve the display area, Friendly Honda is proposing to cluster the 8 display spaces on pads with two vehicles each (rather than three), and separate the clusters by additional landscaping in order to maintain greater density of screening along the frontage. The display spaces are proposed to be raised slightly on the clustered pads. The display details are shown on the Visual Renderings attached as Exhibit 4 and the Site Plan Set attached as Exhibit 6.

Based on consideration of all relevant factors, including the project setting and the tasteful design of the limited display and integral landscaping, we believe that the Zoning Board of Appeals, upon completing its review of the Project, should grant the requested Special Use Permit and Area Variance applications, as they each satisfy the applicable requirements for such approvals. The applicable standards are discussed in the following sections.

**EXHIBIT 3**



existing Poughkeepsie Business Park (900 Dutchess Turnpike) approximately 1.5 miles west of the sales facility. Relocating the inventory area would eliminate the need for movement of vehicles over the Route 44 corridor, and eliminate the need to rely on a remote storage site which only provides a month-to-month lease. To integrate these operations, a 3.6 acre area immediately adjacent to the site would be incorporated into the existing Friendly Honda facility. This area, which now consists of five separate residential lots, would be combined into a single lot and redeveloped for parking to accommodate approximately 401 parking spaces for inventory. The lot will incorporate pervious pavement in parking spaces, will preserve significant large trees within the center of the site, and will retain and supplement existing vegetation around the perimeter. The frontage on Route 44 would also be landscaped and improved in a manner consistent with the overall Friendly Honda facility. The landscape plan proposes a consistency of design across the entire Friendly Honda frontage on Route 44. Renderings showing the proposed appearance of the Route 44 frontage along the inventory storage area are part of the 9/21/15 submittal. No additional signage is proposed.

This proposal would further enhance the integration of the Friendly Honda functions into its existing and designated center, avoiding sprawl and separation generating unnecessary car trips. Two of the three existing curb cuts on Route 44 would be eliminated. Only a single curb cut on Route 44 would remain, and this entrance is proposed to be gated and limited to emergency access. One of the two existing curb cuts on Easy Street will also be eliminated, leaving one access point, which will also be gated. The regular access to the parking area would be via the gated Easy Street entrance, which would be located exactly opposite an existing entrance to the existing Friendly Honda site, thus enhancing the integration of the inventory parking area into the main site and minimizing the distance between the inventory function and the main site.

The primary use of the site is for the storage of inventory; and a limited display area. There will be no direct public access to the parking area, which is to be used as inventory storage. These cars are not used for test drives, as test drive vehicles are stored on the main site. Cars delivered to the storage lot will remain there until they are sold. Gates to the storage area will remain closed. Access is provided solely to sales staff. Any visits by customers into this area would have to be escorted by sales staff. Overall, the proposed use of the site is a very low-key, passive and quiet land use. Other than a small storage shed of 400 square feet, there are no proposed buildings. Only the 11 spaces along the site's Route 44 frontage will be for display.

Automobiles will be delivered to the inventory storage area approximately 5 times per week. The majority of these deliveries take place during day time hours. The applicant is willing to incorporate a conditions that deliveries not take place outside the hours of 7 am to 9 pm. (see further discussion below)

The proposed action requires a number of approvals, including a Planning Board advisory recommendation on and then Town Board approval of rezoning of the subject properties from the R-20 District to the B-H District; special permit for motor vehicle sales and service use and several area variances from the Zoning Board of Appeals; and Planning Board site plan approval. Also required are New York State and Town of Poughkeepsie Highway Department permits for curb cut modifications and work in the respective rights of way.

**Location of Action:**

Town/Municipality: Town of Poughkeepsie County: Dutchess

Street Address: 1165-1171 Dutchess Turnpike and 1-3 Easy Street

**Tax Map Parcels:** 134689-6362-01-164715;  
134689-6362-01-157718;  
134689-6362-01-186712;  
134689-6362-01-178705; and  
134689-6362-01-193719

The following documentation was analyzed in making this negative declaration:

Full EAF, Parts 1, 2, and 3

Supplemental Part 3 Information

Other (Describe):

- Application materials, including detailed site plans, aerial maps, visual representations of views from neighboring properties (Refer to materials listed at the end of this Declaration)
- Town consultant memoranda and comments of record as received, including but not limited to those from Town departments, and State, County and local agencies.

### **Reasons Supporting This Determination:**

#### **1. Impact on Land (Part 2, Question 1)**

The proposed action may involve construction on or physical alteration of, the land surface or the proposed site.

- a. The proposed action may involve construction on land where depth to water table is less than 3 feet.
- b. The proposed action may involve construction on slopes of 15% or greater.
- c. The proposed action may involve construction of land where bedrock is exposed, or generally within 5 feet of existing ground surface.
- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material, (to be determined).

- e. The proposed action has two phases.

Phasing:

The parking improvements will be completed in two phases.

The first phase will include the construction of 390 storage parking spaces and related land redevelopment and improvements. The second phase will include the construction of 11 additional parking spaces and related improvements. The total storage parking count upon the completion of the Phase 2 parking is 401 parking spaces. The Phase 2 work is located in the area of 1171 Dutchess Turnpike (Route 44), lot owned by Ms. Nancy Adams. This second phase of work will include the demolition of the existing house, garage and driveway and the construction of 11 storage parking spaces, privacy fence and landscaping. The Phase 2 area of pavement has been taken into consideration in the design of the stormwater management system.

The duration of the construction impacts, including the grading work (as discussed below) is temporary. Impacts in any particular area will be short-term, for brief periods that are expected to be less than 6 months for Phase 1 and 2 months for Phase 2.

The magnitude and importance of this impact is small, and it is not significant in context of the overall action which is to modify an existing car sales facility to accommodate its inventory, transferring this function from a remote location, approximately 1.5 miles away, eliminating two of the three existing curb cuts on Route 44 and avoiding sprawl and separation that generate unnecessary car trips in the long term. The proposed action effectively reduces the scale and size of the Friendly Honda facility as it relates to the Route 44 corridor and residential properties along Route 44 given it eliminates these trips.

Grading and landscaping:

Existing grades including steep slopes will be reduced and made more uniform, except for limited use of retaining walls. Standard construction practices and site design will assure that slopes and walls are stable, and there is no erosion during construction. Refer to Grading Plan, Sheet SP-4 and Erosion and Sedimentation Control Plan, Sheet SP-6, and related Details. The periods of construction are expected to be approximately 6 months for Phase 1 and 2 months for Phase 2.

Please see following section for discussion of use of gravel areas.

Refer to drawing SP-7 for the proposed Landscape Plan. All existing vegetated areas and steep topography that separate the Friendly site from its residential neighbors will be preserved along the perimeter of the development area. A 40 foot wide landscape buffer will be maintained along the portion of the property boarding the neighboring residential properties. Selective pruning of existing vegetation will occur in some areas of the buffer to allow for the installation of new evergreen and deciduous tree and shrub plantings. The new buffer plantings are designed with the intent to increase the screening capabilities of the 40 foot wide buffer to the proposed development.

To further assist in the screening of the project to the neighboring properties a 6 foot high privacy fence is proposed, which will be placed adjacent to the proposed perimeter curb. By proposing the fence adjacent to the proposed curb, the adjacent residential property's natural vegetative edge will be extended into the project property (40 feet), defining the project development area; and further reducing visibility from neighboring properties. In portions of the buffer a double row of evergreen plantings are proposed with evergreen trees being planted at a height of 12' to 14' and 10' to 12' at time of planting.

In addition to the perimeter buffer, it was deemed important when consulting with the adjacent neighbors to maintain the existing large spruce trees which are located in the center of the development area. Accordingly, the proposed development plan was designed in a fashion to be able to retain the aforementioned trees. By maintaining the stand of evergreen trees, a substantial buffer is retained for the homes located on Hart Drive to views of the existing Friendly Honda site, which are visible because of existing elevation differences. The trees proposed to be retained in the center of the site will also soften the view of the development from adjacent residences on the south side of route 44.

It should be noted that the portion of the parking lot bordering the retained trees has been setback from the trees drip-line, which is a standard practice when preserving trees adjacent to an impervious surface. To further support the health of the trees to be saved, we are proposing pervious pavement for the parking areas adjacent to the trees along the perimeter and center areas of the site. The pervious pavement will have two benefits to tree health. The first is stormwater runoff, since rain will be able to infiltrate into the soil providing an additional water source to the trees along the perimeter of the drip line. The second is oxygen around the drip line of the trees will be increased due to the pervious pavement. Refer to Transportation section, below, for discussion of pervious pavement as relates to vehicular circulation areas.

The site has areas where rock is close to surface. A note has been placed on the plans that there will be no blasting. The proposed grading on the site will be handled in a sensitive manner in order to save existing large trees (e.g. tree wells), and maximize screening for the benefit of residential neighbors.

The impacts relating to land will be permanent. However, the impacts are very small in magnitude, both in affecting only a small area, and in limiting impacts by inclusion of pervious pavement and preservation of large areas of vegetation within the site, including large trees. The importance of the impact is also small, in that the area affected is small, and will be screened by large amounts of vegetation and fencing. In all, there will not be a significant adverse affect on land.

## **2. Impact on Surface Water (Part 2, Question 3)**

The EAF Part 1 indicates an unnamed drainage channel occurring on the site. No regulated wetlands were identified from available mapping. Planning Board wetland consultant Aspen Environmental inspected the site and participated in a field meeting with applicant and Town representatives. Aspen Environmental's august 19, 2015 correspondence states: "*The proposed*

*improvements will not require any permits related to wetlands as only a small portion of the site's drainage ditch has any of the requisite wetland characteristics and the impact to this area falls well short of any regulatory threshold."*

Potential impacts related to the referenced drainage channel are addressed in Section 3 below. The proposed plans will utilize and enhance its drainage functions as part of the planned drainage and stormwater treatment plans for the site, and will control and prevent sedimentation and erosion impacts (Refer to plan sheets SP-4 and SP-6 regarding proposed grading, drainage and erosion/sedimentation control measures).

The magnitude and importance of this impact is therefore small, and is neither adverse nor significant. Accordingly, there will be no significant adverse impacts to wetlands or surface waters, and no mitigation is required.

### **3. Impact on Flooding (Part 2, Question 5)**

The following analysis sets forth the reasoning upon which the Planning Board has concluded that the proposed action will not have an adverse impact on flooding, including particular attention of the nature and magnitude of impacts on the following issues:

- a. The proposed action may result in, or require, modification of existing drainage patterns.
- b. Other impacts: Potential impacts due to stormwater impacts on existing ditch

The amount of proposed land disturbance requires that the applicant prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). Stormwater management and erosion controls will be in conformance with requirements of the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the NYSDEC Stormwater Management Design Manual, and the NYS Standards and Specifications for Erosion and Sediment Control.

The implementation of the SWPPP as part of the construction and post-construction plan design in conformance with statutory requirements will provide the required protections required for downstream land owners and surface waters without the need for specific mitigation as a condition of approval. Refer to plan sheets SP-4 and SP-6 regarding proposed grading, drainage and erosion/sedimentation control measures. Extensive sediment and erosion control measures will be implemented, in accordance with the Stormwater Pollution Prevention Plan (SWPPP), to protect against the discharge of erosion materials from the site. The SWPPP outlines temporary and permanent construction measures to insure that no impact to downstream properties.

The magnitude of stormwater impacts is low. The proposed stormwater management system will insure that the peak rates of flow from pre development levels to post development will be reduced after development. This will include the implementation of stormwater quality and quantity control. The stormwater mitigation measures which will be implemented include stormwater detention (above and below grade), water quality via forbay in the detention basin

and a Continuous Deflective System (CDS) unit (removes sediment, pollutants and oil). Pervious pavement (described above) will also be part of the stormwater system to further reduce stormwater runoff by infiltrating stormwater runoff into the ground. Based on all of these factors, the overall importance of the impact is small, the benefits provided by the project are important to the site and Route 44. Overall, the proposed action will not result in any significant adverse impacts on flooding.

#### **4. Impact on Plants and Animals (Part 2, Question 7)**

The New York State Department of Environmental Conservation (NYS DEC) online Mapper indicated no significant species or habitats in the vicinity. The initial application was circulated to the NYS DEC with the Planning Board's declaration of lead agency intent; no correspondence from the NYS DEC was received. The EAF Part 1 indicated that the predominant wildlife species occupying the site are "typical suburban wildlife."

The Planning Board's consultant, Aspen Environmental, reviewed the application, made site observations, and concluded within correspondence dated August 19, 2015: *"With regard to species and habitat, the site does not fall within any NYSDEC identified zone of rare plants, rare animals or significant natural communities. Furthermore, no such species or communities were observed on the site by Aspen during any field inspections."*

The proposal includes removal of existing trees and vegetation within the proposed areas of disturbance, retention of large areas of trees and vegetation both in perimeter buffers and a central forested area. A "Tree Assessment" dated September 21, 2015, prepared by Almstead Tree & Shrub Care Co. for Friendly Honda, provided detailed evaluation and guidelines for the management and protection of the central forested area. An extensive landscaping plan will provide additional tree and shrub plantings in perimeter areas.

The magnitude and importance of this impact is therefore small, and is neither adverse nor significant. Accordingly, there will be no significant adverse impacts to significant species or habitat, and no mitigation is required.

#### **5. Impact on Historic and Archeological Resources (Part 2, Question 10)**

The EAF indicated that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) responded by correspondence dated September 16, 2015 to an applicant request regarding the project. NYS OPRHP indicated it reviewed the project and stated, *"It is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places."*

The magnitude and importance of this impact is therefore small, and is neither adverse nor significant. Accordingly, the Planning Board finds that there will be no significant adverse impacts on historic and archaeological resources.

#### **6. Impact on Transportation (Part 2, Question 13)**

The following issues have been considered and support the Planning Board's finding that the proposed action will not have a significant adverse impact on transportation.

##### Impact of integrating automobile storage within the Friendly Honda existing designated center:

Page 35 of the Town of Poughkeepsie Town Plan notes that: "The Primary regional roadway that passes through the Town is US Route 9, which runs north/south and carries nearly 50,000 vehicles per day. The primary east/west routes are US Routes 44 and 55, which also carry a significant volume of traffic."

The project proposes to consolidate access points to Route 44 and Easy Street, both of which have beneficial impacts in relation to the adjacent parcels, the neighborhood and the community as a whole. The development plan proposes to establish a lot for vehicle storage/inventory. There are currently three curb cuts located along Dutchess Turnpike/Route 44 and two curb cuts on Easy Street. Two of the existing curb cuts along Route 44 are proposed to be consolidated to one proposed curb cut, which is narrowed to a width of 16', to be used for emergency purposes. The existing curb cuts along Easy Street are proposed to be consolidated to one proposed curb cut as well. All the site accesses are proposed to be gated.

The proposed consolidation of the storage function within the Friendly Honda existing center will also have beneficial impacts on traffic. Currently, the majority of the dealership's inventory is stored on a remote property south of the existing dealership. Vehicles travel along Route 44 between the dealership and the remote storage lot frequently for customers to test drive vehicles and to prepare vehicles prior to being sold. There are approximately 410 existing total trips monthly between the two locations. With the proposed redevelopment, these vehicular trips to and from the remote storage facility will be removed from traveling Route 44, since the inventory will be stored within walking distance to the existing dealership. After delivery to the storage lot, the car will remain there until sold. At the time of delivery to the customer, the car will be brought to the main site. The relocation of the automobile storage will eliminate the need for approximately 410 vehicular monthly trips along Route 44 between the existing dealership and the remote storage lot. Overall, the proposed action will provide long-term benefits to the community by improving the site's transportation related functions and the overall Route 44 corridor.

##### Gravel to be used in parking spaces, and not drive aisles:

Gravel is not recommended for drive aisles, but is appropriate for parking spaces. The proposed pervious pavement areas shown on the site plans, which are likely to be gravel, have been placed

in parking spaces, but not in the drive aisles, in accordance with these recommendations.

Truck turning analysis:

Vehicle deliveries are expected to remain at 5 per week. The truck carriers already travel on Route 44, even in using the existing storage site, so the proposed action will not materially change existing conditions. The car carriers will enter and exit the storage area via Easy Street. The turning maneuvers for the delivery trucks are depicted on Drawing SP-8 "Truck Turning Analysis Plan". As depicted on the Plan, the delivery truck can be accommodated entering and exiting the site.

The site Driveway on Route 44 will be gated and will only be used in emergency situations, should one arise.

Based on all of the foregoing analysis, the Board finds that any impact on local traffic in the area surrounding the site, although permanent in duration, is small in magnitude, and is also small in importance, as the context of the proposed action is a site located directly on a heavily traveled State Highway. Overall, the proposed project will not have a significant adverse effect on Transportation.

**7. Impact on Noise, Odor and Light (Part 2, Question 15)**

The Planning Board finds, based on the record before it, including the completed Part 3, and the following analysis, that the proposed action will not have an adverse impact on noise, odor or light. The Board's analysis paid particular attention to:

- a. Other impacts: Evaluate construction noise. Evaluate potential issues of noise from car carrier deliveries. Evaluate potential issues of site lighting.

Construction noise:

There will only be a temporary increase in noise levels due to construction activities proposed by the project. Since no substantial building is being constructed, the construction period is relatively short and is not expected to exceed 6 months for Phase 1 and 2 months for Phase 2.

In view of existing separation of nearest neighbors from the project site by distance, screening vegetation, and/or topographic elevation, the impacts are not expected to be significant. The project must comply with Town of Poughkeepsie regulations regarding noise from construction activities that prohibit unreasonable noise beyond the property line and restrict hours of construction activity. This impact is short in duration, very small in magnitude, and small in importance because of the limited area of impact.

Potential noise from operations, including car delivery:

Under proposed site conditions, noise will be generated by an occasional start of individual cars. Once a car is started it will be driven out of the lot at a low rate of speed, which will result in a

minimal noise level. Considering the existing ambient levels of noise on Route 44 (discussed below), this noise will likely be imperceptible.

The existing level of deliveries is approximately 5 car carriers per week, and this level is expected to continue. The majority of the deliveries are during daytime hours. Friendly Honda is willing to limit the hours of deliveries to between 7 am to 9 pm.

Based on noise testing as documented in the EAF, it is concluded that the sound levels which will be generated by the project are consistent with sound levels found at Route 44 in the vicinity of the site at the various times of the day. The magnitude of noise impacts is low, as is the importance of the impact, especially considering the context of the area, the Applicant's proposal to maintain a 40 foot buffer along the portion of the property boarding the neighboring residential properties and consistency of this action with the Town's land use plans. The duration of any noises is also very short term, and infrequent in duration. The Applicant has also placed notes on the plans that car deliveries will only be permitted between 7 am and 9 pm to protect against any long-term potential impacts. Accordingly, it is not anticipated that the project will have a significant impact to the surrounding properties by increasing noise levels beyond the existing ambient levels of Route 44.

#### Site Lighting:

The proposed lighting plan specifies a total light fixture height of 14 feet (12' pole on a 2' foot concrete base). A "dark sky" compliant LED light fixture is proposed, which means the light projected from the light fixture will be directed downward toward the ground with minimal glare reflection from the light fixture. The proposed fixtures are full cutoff. This type of light fixture helps to limit light encroaching from areas that are proposed to be lit. House side shields will be provided. There are no lights on the building. Drawing SP-8 "Lighting Plan" has been provided, which illustrates the proposed light levels. The isolux patterns indicate the level of light in foot candles and confirms there will be no light encroachment offsite.

The proposed 6 foot high solid privacy fence and 40 foot wide landscaped buffer along the residential perimeters of the project will provide an additional measure of light screening to offsite locations.

The magnitude of light impacts is very small. The proposed action maintains lighting of an appropriate size and scale as it relates to the surrounding land uses, including the residential properties located long and near the rear of the site. The Applicant has also minimized the extent to which lighting can cause an impact by maintaining vegetation where possible, preserving significant buffer areas and proposing new landscaping. These aspects also reduce the importance of the impact to a very small level. Further, the proposal is appropriately located and aligned along Route 44, in a context which limits the importance of the impact.

Based upon all the foregoing factors, the Planning Board concludes that the proposed action will not have a significant adverse impact on noise or lighting.

**Consistency with Community Plans (Part 2, Question 17)**

The proposed action involves a change of zoning from R-20 to B-H. The Planning Board has conducted a full analysis of the consistency of this action with the Town's Comprehensive Plan, with the purposes of the respective districts, with other planning documents such as the Greenway guides, the unique physical and other characteristics of the location of the action in relation to surrounding areas, and the aspects of the proposal as set forth in the proposed plans.

The Planning Board concludes that the proposed action is consistent with the Town's community plans for the reasons discussed below.

Comparison of regulations in the R-20 and B-H Districts:

The proposed action involves a rezoning of the site from the R-20 District to the B-H District. It is therefore appropriate to compare the existing R-20 District regulations with those of the B-H District.

The existing R-20 District zoning regulations (Town Code section 210-16) allow single family uses, and also allow a number of uses that could involve substantial size parking lots, including Libraries, Museums, Parks, places of religious worship, playgrounds, and schools. These uses are subject to site plan approval. It is noted that the proposed use will be a parking lot that will not involve large amounts of vehicular travel in and out, in the manner of a conventional parking lot. The fundamental purpose of the parking area is for storage of inventory from an existing sales facility to eliminate the Applicant's current need to transfer its vehicles to the site from a remote location on Route 44, approximately 1.5 miles away.

The B-H District allows a wide range of commercial uses, which are listed in section 210-35. Some of these are the same uses allowed in R-20 District, e.g. Museums, places of religious worship. Many of the other uses also involve parking lots, but of a sort associated with retail sales and frequent in-and-out trips, as well as office buildings. Some of the permitted uses would not actually be viable on the subject site because of its limited size. This site is useful to the Friendly Honda site which is already located on adjoining property. Notably, the use sought by the applicant, Motor Vehicle Sales and Service, requires a special permit, and is subject to both the general special permit requirements and the specific supplemental use regulations set from the section 210-89. The special permit process is designed to assure the compatibility of the proposed use with the surrounding neighborhood. In this case, the surrounding neighborhood consists of both commercial and residential properties, and is centered on the busily traveled Route 44/Dutchess Turnpike corridor.

The Districts also have different area and bulk requirements.

The existing R-20 District provides:

Minimum lot area:	20,000 SF
Minimum lot width:	100 feet
Minimum front yard:	30 feet
Minimum side yard:	20 feet
Minimum rear yard:	30 feet

Minimum lot coverage:	25%
Maximum impervious:	35%
Maximum height:	35 feet or 2 ½ stories

The proposed B-H District provides:

Minimum lot area:	2 Acres
Minimum frontage:	200 feet
Minimum lot width:	200 feet
Minimum lot depth:	400 feet
Minimum front yard:	40 feet <sup>1</sup>
Minimum side yard:	40 feet
Minimum rear yard:	40 feet
Minimum lot coverage:	25%
Maximum impervious:	75%
Maximum height:	45 feet or 3 stories

As to design standards, both districts encourage appropriate landscaping. In the R-20 District, on street parking is discouraged for the non-residential permitted uses, meaning that parking lots would be encouraged. The proposed parking lot will not look materially different than a parking lot for a permitted museum or library, and will have less day-to-day traffic. In the B-H District, the landscape design standards are much more detailed and comprehensive, addressing many more specific areas of design, and particular attention is paid to proper landscape buffering toward any abutting residential use. Additionally, the special permit review required for the car sales (storage lot) use offers an opportunity for further detailing of the design standards to assure that they meet the particular standards of the specific site. Among the other benefits of the proposed development is a reduction in curb cuts, continuing an improvement commenced in the comprehensive site redesign by Friendly Honda in 2013, and integrating the landscaping along the new Route 44 frontage with the overall existing Friendly Honda facility landscape and display theme.

While the applicant has no intention of developing the property for any scenario except inventory storage, a 3.6 acre site could be used for a B-H District permitted use such as a restaurant or some type of retail use, including possible incorporation into the existing automobile sales and service business. It might also be used for some type of warehousing or storage business, if the standards of 210-115 could be met, though the site is somewhat small for that. It is unlikely that the site could be used for office or funeral home, because it is doubtful that the site could accommodate the required amount of parking. The site, considering its shape as well, is not suitable to larger retail uses, such as supermarket, nor would it be large enough for a business park, nursery, or a hotel or Inn, or Indoor recreation.

Restaurant use would have much higher traffic volumes than the proposed use, and would likely seek to keep two curb cuts on Route 44. Restaurant use would have much higher water/sewer use, as compared to none for proposed use. Restaurant use would involve much more daily in-

---

<sup>1</sup> Section 210-89 forbids storage of vehicles or equipment within a required yard, landscaped or buffer area, or within 20 feet of a residence boundary line.

and-out traffic, and possible need for fire or emergency services. Other possible small retail uses for the site would have less impact on water/sewer than restaurant, but more than proposed use, and would have more daily in-and-out traffic. Use as storage site would have lower impacts on traffic, but would likely have more visual impacts, since these structures are now being built to multi-story heights. It is not certain if such a building would have to be sprinklered. Lastly, incorporation of this site into the Friendly Honda auto sales and service facility would have a somewhat higher level of daily traffic circulation and in and out trips, although this is not a certainty and would depend on site plan layout. There is no intention to use this facility for anything other than parking of stored inventory and limited display for sales, as all other functions are properly housed on other locations of the existing site.

The specific relationship between the B-H District and the R-20 District in this particular area of the Town:

The Board has also evaluated the setting and context of the proposed change of zoning.

This proposed change does not implement a wholly new zoning category in the area, but rather enlarges the existing B-H zoning district by incorporating adjacent lands (refer to list of parcels herein). The B-H zoning district has existed in this area for a long time. The proposed action's land use components are not different or in sharp contrast to surrounding land use patterns. Even though the zoning designation will change, the actual use of the land will be very low-scale (i.e. only the height of a car) and not create visual intrusion of large commercial development. Additionally the use of this area primarily for parking inventory cars is a very low-key and passive land use.

The proposed extension of the B-H District is not a significant expansion, particularly considering the quiet nature of the proposed actual use. The B-H District, as extended, would still meet the purpose of the B-H District to "provide for the coordinated and concentrated development of highway oriented commercial uses at appropriate location along major roadways." [210-35 (A) (5)] It is also noted that Route 44 has an extensive right-of-way in this area. Much of the frontage of the residentially zoned properties on the south side of Route 44 are actually the back yards of the homes in those areas, which face away from the road. Additionally, these areas are steep and heavily wooded. This context, including the proposed dark-sky-compliant lighting, and attractive landscaping and display along the frontage, coupled with closing off access to Route 44 except for gated emergency access, assures that the proposed zoning amendment and implementation of the land use would not constitute "sprawl," or violate the comprehensive plan provisions or the purpose of the zoning district.

Another consideration regarding the setting of a proposed zoning is what type of uses surround the site. There are both B-H uses and residential uses surrounding the site. The main Friendly site has existed since the 1960's and has been an integral part of this neighborhood for many decades. There are also topographical factors that segregate the residential uses behind the existing and proposed Friendly site. Additionally, the Applicant is proposing, as an integral aspect of its proposal, to screen, fence, and landscape the site from the residential properties to the rear and to the east, and also to maintain the large trees in the center of the site which provide screening to the neighbors of views of the existing Friendly Honda sales facilities. There are residential uses on the south side of Route 44. The heavily travelled highway occupies a

significant width of land between the proposed area of rezoning and development and the residential properties on the other side of the highway. Moreover, many of these parcels are steep and heavily wooded along Route 44, with houses that are significantly set back from the highway and oriented away from the site towards their minor road access frontages. Considering these factors, the proposed use is not incongruent or incompatible with the surrounding land uses.

In the context of the existing Friendly main-site use and the surrounding highway and residential uses, the proposed inventory parking use is expected to create a reasonable transition from existing commercial zoning to residential.

The Board has considered whether the rezoning could lead to "strip commercial" zoning:

Both the Town Comprehensive Plan and the Greenway guides discourage "strip commercial development." The Comprehensive Plan and Town Code Chapter 210 (Zoning) also both support comprehensive developments of uses in single locations and centers, rather than spreading out in isolated fashion over long distances. The present proposal offers the opportunity to incorporate the inventory storage function within the Friendly Honda main site, rather than being located a mile away at a different site. The proposal will eliminate unnecessary trips and centralize the function, thus fulfilling the B-H zoning district purpose to "provide for the coordinated and concentrated development of highway-oriented commercial uses at appropriate location along major roadways." [Town Code 210-35 (A)(5)] The proposed use of the frontage of the new site (*see* renderings accompanying the Applicant's 9/21/15 submission) for automobile display with landscaping: is compatible with the existing neighborhood; does not produce any noise; and is congruent with the upgraded treatment of the existing site accomplished in 2012 through 2013. The proposed design, which will be enforced by notes on the plans and conditions of approval, appears sufficient to assure that no adverse impacts are created.

The proposed action will not cause any population growth; and will not require any new infrastructure. The proposed action will not induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)

Consistency with planning documents:

The first document to be considered is the Town of Poughkeepsie Comprehensive Plan. This plan encourages commercial growth, and encourages commercial growth to take place in existing developed centers, rather than new Greenfield sites. Friendly Honda's main site has been an integral part of the Rochdale neighborhood since the 1960's. The integration of all aspects of its operation is consistent with the Town Plan. Below are specific sections from that Plan, and a discussion of the application of these policies to the proposed action as follows:

Town of Poughkeepsie Town Plan Policy Recommendations:

**2.1 This policy supports centers and greenspace planning.**

Analysis: This policy is consistent with the purpose of the B-H District to "provide for the coordinated and concentrated development" of commercial uses

at appropriate locations along major roadways. [Town Code 210-35 (A)(5)] The applicant has developed a comprehensive landscape design for the display along its frontage during the comprehensive site upgrade in 2012-2013. The proposed display landscaping and display plan for the inventory parking area has been designed to continue the comprehensive landscape design plan already developed for the site. Notably, the landscape plan for the new site provides a transition from the main site to the residential property to the east by gradually reducing the number of cars, and increasing the amount of landscaping, as the site transitions to residential. Additionally, the display parking proposed has been separated by landscaped areas to reduce the visual impact and increase the landscape value. Visuals showing landscape design of display area are part of the plans on file with the Board.

***4.1 The Town should diversify its economic base by promoting a wide range of business and employment opportunities, rather than relying on any single sector of the economy.***

Analysis: Friendly Honda is a long-standing, major stable business that contributes to the Town's tax base and overall economy. It employs 115 people. The Town's Comprehensive Plan supports the maintenance of this important contributing business.

***4.2 Business attraction programs should focus on high quality job creation and the redevelopment of existing buildings, rather than providing zoning for additional retail outlets, which in many cases displace business from existing nearby establishments. The 1990 Town Master Plan and the result of a Marist opinion poll indicate that residents believe that the Town already provides ample retail shopping opportunities and that job creation should focus on increasing non-retail employment opportunities.***

Analysis: This section emphasizes the smart-growth goal of working with existing sites in the Town, rather than developing new Greenfield sites. As noted, the existing Friendly Honda facility has been an automobile dealership in the Town for over 50 years.

***4.3 Commercial and residential growth should be focused in designated mixed-use centers in order to define and strengthen community identity, mutually reinforce adjacent businesses, provide efficient shared services and infrastructure, minimize traffic impacts, and halt strip commercial development.***

Analysis: It is noted that the proposed action will eliminate existing traffic between Friendly's main dealership site and its existing rented storage site.

***6.10 The Town should prevent the further commercialization of Routes 44 and 55, Salt Point Turnpike, Van Wagner Road, Vassar Road, Spackenkill Road and other primarily residential roadways outside the designated centers to***

**maintain efficient traffic flow.”**

Analysis: All of the above Policies emphasize encouraging growth in existing centers. Policy 6.10 acknowledges that there are already centers on Route 44 and other roads. The area where Friendly Honda is located is a long-existing center. The Friendly Honda site has been a contributing element of the Rochdale neighborhood center for some 50 years. It is also located within the Rochdale Center as identified on the County Centers and Greenspaces Plan which is incorporated in the Town’s Comprehensive Plan.

Centers and Greenspaces Plan Recommendations:

***III. This policy supports limiting length of commercial districts and consolidating entrances, and unifying streetscapes with high-quality landscaping***

Analysis: The revised drawings show how the proposed landscaping along the display areas along the frontage unifies the streetscape, in which the frontage of the newly developed area is consistent with the existing frontage. The Applicant’s amended plans also show how the proposed development further consolidates entrances, continuing the improvements already made by Friendly’s comprehensive redesign in 2012-13. In all, the filed documents show compliance with this policy.

Consistency with purposes of Zoning Districts:

Another important factor in analyzing the appropriateness of the zoning change is the consistency of the proposed action with the purpose of the proposed zoning district, i.e. whether the proposed B-H zoning and resulting development (proposed vehicle inventory storage) correspond to the purposes of the B-H District. As noted in the introductory provisions of the Town Code section 210-35, the B-H District is designed to provide areas for commercial establishment that typically require direct auto access to and visibility from a major arterial highway. The proposed expansion of the existing B-H District in this area appears to correspond with the specific purposes of the B-H District as follows:

- (i) The expansion of the B-H District will “provide appropriate location...for commercial uses...which require large amounts of land area for storage, parking, and other site requirements.” The purpose of the requested expansion of the B-H District is to provide space at the existing headquarters for the storage and parking of inventory cars.
- (ii) The expansion of the B-H District will “accommodate those commercial uses which do not characteristically function well as part of regional or community shopping centers.” Market experience shows that automobile dealerships are not appropriate uses in a shopping center. Since the existing dealership is in its present location, it is reasonable to unify functions in that location.

- (iii) The proposed expansion of the B-H District will “provide for those unique commercial uses which must have highway locations for economic survival.” This purpose applies primarily to the existing sales and service facility, but the inventory storage is an integral part of that use.
- (iv) The proposed expansion of the B-H District will comply with the “regulations” of the B-H District which “ensure the visual and functional compatibility of highway business uses with surrounding land uses.” The surrounding land uses here are the existing dealership, the highway (Route 44/Dutchess Turnpike) on which it fronts, and residential properties to the northeast and across the highway. The proposed site design includes measures above and beyond those customarily required in the B-H District to address the particular situation of the subject site.
- (v) The proposed expansion of the B-H District will “provide for the coordinated and concentrated development of highway-oriented commercial uses at appropriate location along major roadways.” The reason that the applicant has requested to locate the automobile inventory storage in this location is that it would place the storage at the same site as the sales facility. This is fulfilling the specific purpose of the B-H District in addition to being an efficient method of addressing land use.
- (vi) The final purpose of the B-H District, i.e. “provide for the coordinated development of highway business uses with other major regional and community commercial uses within the town,” is not particularly relevant to the instant proposal. The requested expansion has a limited scope, seeking to unify the Friendly Honda operations at the existing site.

The Board has also considered the Applicant’s statements that the request for rezoning is reasonable because the specific area of the proposed change of zoning is no longer fully consistent with the purposes of the R-20 District set forth in Town Code section 210-16 A, which are as follows (emphasis supplied):

Purpose: This district recognizes and is intended to preserve the principally single-family residential development pattern within the Town’s established neighborhoods by promoting continuing opportunity for single-family residential and smaller-scale community facility uses within these neighborhoods, consistent with their established character.

The several lots which are included in the request for rezoning are immediately adjacent to the long-existing B-H District uses and highway frontage along Route 44, and the residents of these properties are interested in disposing of their properties and moving elsewhere. This is a different situation than that of Hart Drive, which is clearly an “established neighborhood” which has an “established character,” as does the residential neighborhood on the south side of Route 44. See also discussion below under “Consistency with Community Character.”

Based on the above analysis, and the full record before the Planning Board, the Board finds that the Town’s Comprehensive Plans and related land use documents, including the existing Town

Code Chapter 210 (Zoning) and the intent of the B-H District collectively support the requested rezoning of this relatively small area of R-20 District land (in relation to the Route 44 corridor and neighboring commercial area) to the B-H District. As such, the proposed action will not have a significant adverse impact on the Town's community plans, but rather, it will promote these plans as a whole.

#### **8. Consistency with Community Character (Part 2, Question 18)**

This question was answered "yes" in the EAF Part 2 because the Planning Board sought to assure that a full analysis was completed of the existing neighborhood character and the manner in which the proposed action is or is not consistent with such character. Based upon the Board's analysis of the proposed plans, as reflected in the site visit, the review comments, and the Applicant's detailed responses, and the specific aspects of the site plan development, including retention of large trees, provision of fencing and significant landscaped buffers, and the inherently quiet nature of the proposed operations on the site, the Planning Board finds that the proposed action is in fact consistent with existing community character in the area, and that the change in zoning and the resulting development will not have a significant adverse effect on community character.

Reference is made to the analysis set forth in the preceding section ("Consistency with Community Plans"), which is highly relevant to the analysis of neighborhood character.

The proposed development plan constitutes a reasonable transition from the existing Friendly Honda site toward residential areas for several reasons. There is no major building proposed, keeping the viewshed open. Secondly, the plan also retains existing large trees in the central portions of the site, and includes pervious pavement in parking spaces, and other measures, discussed above, to provide maximum long term protection of the trees. Third, notes on the plan will require replacement of any trees that die. Fourth, the land use proposed is a very low-key, passive land use that is compatible with the existing residential neighborhoods adjoining the site. Because of all of these design elements, the subject site will continue to operate as a buffer between the Friendly Honda main site operations and the R-20 District residential properties to the east. Similarly, the landscaping and tastefully designed display areas along the Route 44 frontage will continue to provide an attractive transition to the residential areas on the south side of Route 44.

Consistency with Community character is also provided by virtue of extensive new landscaping provided along the property boundaries, and the supplementary fencing, and the proposed dark-sky compliant lighting, as described in the submitted plans.

The duration of these impacts is permanent. However, the impact is very small in magnitude, and only minor impacts on land surface. The action is important for the Applicant and the property owners selling their parcels to the Applicant – but the magnitude of the impact on community character is small, and the importance of the impact is small as the site changes will be visible from only a small number of properties, and views will be limited, given the topography that separates the Friendly site from its residential neighbors, the retention of large trees in the center of the site, the 40 foot wide landscape buffer that will be maintained along the portion of the

property bordering the neighboring residential properties, and the installation of new privacy fencing 6 feet high as well as new evergreen and deciduous tree and shrub plantings. The portions of the site facing Route 44 will remain consistent with the commercial nature of the Route 44 corridor and the B-H District, while the features discussed above will avoid adverse impacts to neighboring residences. The proposal will not impact any historic or designed public resources or create an increased need for community services. Overall the project will not result in a significant adverse impact on community character.

### **9. Other Potential Impacts**

In addition to the discussion of impacts in the sections above the Lead Agency has also considered, and hereby issues a determination, concerning the following:

- a. The proposed action would not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise levels; a substantial increase in solid waste production; a substantial increase in potential for flooding, or leaching problems.
- b. The proposed action would not result in the impairment or the environmental characteristics of a Critical Environmental Area.
- c. The proposed action would not create a material conflict with the community's current plans or goals as officially approved or adopted.
- d. The proposed activity would not impair the character or quality of important aesthetic resources.
- e. The proposed action would not result in a major change in the use of either the quantity or type of energy.
- f. The proposed action would not create a hazard to human health.
- g. The proposed activity would not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
- h. The proposed action would not result in the creation of material demand for other actions that would result in one of the above consequences.
- i. The proposed action would not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
- j. When analyzed with two or more related actions, the proposed action would not have a significant impact on the environment and when considered cumulatively, would not meet one or more of the criteria under 6 NYCRR 617.7.

+++++

### **Materials Reviewed**

- Application for Change of Zone to B-H, prepared by Eric Kahn, Owner/ President of Dutchess Facilities Management, LLC, dated May 26, 2015 with attached list of site parcels; and copies of deeds;
- Application for Site Plan, prepared by Eric Kahn, Owner/ President of Dutchess Facilities Management, LLC, dated May 26, 2015;
- Application for Special Use Permit, prepared by Eric Kahn, Owner/ President of Dutchess Facilities Management, LLC, dated May 26, 2015;
- Cover letters (2) to Planning Department prepared by Jennifer L. Van Tuyl, Cuddy & Feder, LLP, dated May 4, 2015; and July 17, 2015;
- Cover letter to Planning Board prepared by Richard Cordone, Senior Designer, John Meyer Consulting (JMC), dated September 21, 2015;
- Response letter to Planning Department prepared by Jennifer L. Van Tuyl, Cuddy & Feder, LLP, dated September 21, 2015;
- Letter from NYS OPRHP dated September 16, 2015;
- Preliminary Storm Water Pollution Prevention Plan (SWPPP), prepared by John Meyer Consulting, Site Development Consultants dated 07/16/15, revised September 21, 2015;
- Part 1 Full Environmental Assessment Form (Full EAF), prepared Eric Kahn, Owner/ President of Dutchess Facilities Management, LLC, dated September 21, 2015 with attached EAF Part 2;
- Attachment to Full EAF, entitled Part 3, prepared by Cuddy & Feder, LLP, undated;
- Tree Assessment prepared by Almstead Tree and Shrub Care Co., dated September 21, 2015; and
- Plans entitled Friendly Honda Inventory Parking Lot, prepared by John Meyer Consulting (JMC) dated 07/16/15 with most sheets revised September 21, 2015, except as noted below, that consist of the following sheets:
  - Cover sheet, Sheet SP-1;
  - Site Aerial Plan, Sheet SP-1A, NOT RESUBMITTED;
  - Existing Conditions & Demolition Plan, Sheet SP-2;
  - Site Layout Plan, Sheet SP-3;
  - Grading Plan, Sheet SP-4;
  - Utilities Plan, Sheet SP-5;
  - Erosion and Sediment Control Plan, Sheet SP-6;
  - Landscape Plan, Sheet SP-7;
  - Lighting Plan, Sheet SP-8;
  - Truck Turning Analysis Plan, Sheet SP-9; and
  - Construction Details, Sheets SP-10, SP-11 and SP-12, NO REVISION DATES; and
- Illustrations of Proposed Inventory Lot, prepared by JMC, dated September 21, 2015, including Aerial View; Birdseye View; and Elevation Views (2).

**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON OCTOBER 15, 2015.**

**For Further Information:**

Contact Person: Eric Hollman, Town Planner

Address: Town of Poughkeepsie  
1 Overocker Road  
Poughkeepsie, NY 12601

Telephone Number: (845) 485-3657

**EXHIBIT 4**









**EXHIBIT 5**



## *Arlington Fire District*

*Fire Prevention Bureau*

11 Burnett Boulevard  
Poughkeepsie, NY 12603  
www.afd.org

Business: (845) 486-6309

Fax: (845) 486-6326

pgalletta@afd.org

**For Emergencies**

315.911

---

March 3, 2016

Department of Planning  
Town of Poughkeepsie  
1 Overocker Road  
Poughkeepsie, NY 12603

Re: Friendly Honda Inventory Parking Lot

Based upon a review of materials submitted to the Arlington Fire District, I would like to offer the following comments at this time.

In reference to Comment No. 2c on page 4 of the Cuddy & Feder *Response to Town and Consultants Comments* dated February 22, 2016, regarding the Standard Set of Fire Notes;

Although the Fire District would prefer that the Standard Set of Fire Notes be included on all plans, in this case most of those notes do not apply. The applicant has addressed the notes that do apply and all of the Fire District's comments and questions.

Thank you for the opportunity to comment on this project. Please feel free to contact me as necessary.

Sincerely,

Paul Galletta  
Captain  
AFD, Fire Prevention Bureau

**EXHIBIT 6**



300 Westage Business Center, Suite 380  
Fishkill, New York 12524  
T 845 895 2229  
F 845 895 3672  
cuddyfeder.com

April 7, 2016

VIA HAND DELIVERY

Sarah J. Davis, Zoning Administrator  
Town of Poughkeepsie  
One Overocker Road  
Poughkeepsie, NY 12603

Re: Friendly Honda: Application for a Special Use Permit and Area Variances

Dear Sarah:

Enclosed please find the following materials relating to the Friendly Honda Easy Street project:

1. One original and thirteen copies of complete application forms and affidavits for:
  - A Special Use Permit pursuant to Section 210-89 for "Motor Vehicle Sales and Service" including vehicle display and storage on the Inventory Site;
  - An Area Variance from Section 210-89A for vehicle display and storage within the 40 foot front yard setback of the Inventory Site; and
  - An Area Variance from Section 210-69 for 6 foot tall and 4 foot tall fencing within limited portions of areas deemed "front yards" of the Inventory Site where a 3 ½ foot tall fence is permitted.

Together with the following Exhibits:

- Exhibit 1: Schedule of Owners and Deeds;
- Exhibit 2: Project Background and Narrative;
- Exhibit 3: Lead Agency Negative Declaration (Determination of Non-Significance), adopted October 15, 2015;
- Exhibit 4: Four (4) Visual Renderings, prepared by JMC Site Development Consultants, providing representative illustrations of the proposal;
- Exhibit 5: Arlington Fire Department Letter, dated March 3, 2016; and



April 7, 2016

Page -2-

Exhibit 6: Site Plan Set, prepared by JMC Site Development Consultants.<sup>1</sup>

2. Fees: Two checks are enclosed, payable to the Town of Poughkeepsie: (1) a check for \$300.00 for the Area Variance application fee and (2) a check for \$800 for escrow/review fees. Please note that Friendly Honda submitted two checks for \$500 and \$800 in May 2015 for payment of the Special Use Permit application fee and review fee, respectively.
3. SEQRA: A copy of the Negative Declaration adopted by the Lead Agency (Planning Board) on October 15, 2015 is attached as Exhibit 3 of the enclosed application submission. No further separate EAF is required for this matter. Please note that the Notice of Hearing for the Special Use Permit and Area Variances must mention that the Negative Declaration was adopted by the Lead Agency on October 15, 2015.

We respectfully request that this matter be placed on the ZBA agenda for a public hearing at the May 9, 2016 meeting. We also request that Town Staff circulate a full statement of the enclosed Application materials to the Dutchess County Planning Department as soon as possible.

Should you require anything further, please do not hesitate to call me at (914) 872-1941.

Thank you for your continued courtesy and cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer L. Van Tuyl". The signature is fluid and cursive, with a large initial "J" and "V".

Jennifer L. Van Tuyl

cc: Neil Wilson, Esq., Director of Municipal Development  
Eric Hollman, Town Planner  
Anthony F. Morando, Esq.

<sup>1</sup> We are attaching Site Plans in a reduced size (11x17) as Exhibit 6 for the Board's ease of review. Should the Board or Town Staff desire full sized Site Plans, please let us know and we will provide the appropriate number of Sets.



# 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 Special Use Permit

#### APPROVAL REQUESTED FOR: (Check all that apply)

Use Variance

Special Use Permit

Name of Project (if Applicable): Friendly Honda East Street Expansion

Name of Applicant(s): Friendly Honda

Address: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Telephone: 845-454-2400

Name and Address of Record Owner(s): See Schedule of Owners and Deeds attached as Exhibit 1.

Name and Address of Attorney or professional representative: Jennifer L. Van Tuyl, Cuddy & Feder, LLP,  
300 Westage Business Center, Fishkill, NY 12524; Joe Sarchino, John Meyer Consulting, 120 Bedford  
Road, Armonk, NY 10804

Telephone: Jennifer Van Tuyl: 914-872-1941; Joe Sarchino: 914-273-5225

Street Address of all parcels: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Tax Map Number of all parcels: 134689-6362-01-164715; 157718; 186712; 178705; 193719

Zoning District: Highway Business (B-H)

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):

- Change of zoning designation adopted by the Town Board on 1/6/2016
- SEQRA Negative Declaration adopted by the Planning Board on 10/15/15
- Note the Friendly Honda main site and associated lots received a comprehensive Special Permit approval for Motor Vehicle Sales and Service from the ZBA on 7/9/2012 and a comprehensive Site Plan Approval for Motor Vehicle Sales and Service from the Planning Board on 7/19/2012.

Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency? No \_\_\_\_\_ Yes  X . If yes, please list in detail (attach separate pages if necessary):

- Site Plan and lot consolidation application to the Planning Board on 5/4/15
- Special Use Permit application for Motor Vehicle Sales and Service to the ZBA on 5/4/15

**Attach a copy of the current deed and any easements affecting the property.**

See attached Schedule of Owners and Deeds as Exhibit 1.

**Narrative Description of Proposal:**

Friendly Honda is seeking a Special Use Permit for Motor Vehicle Sales and Service, a permitted Special Permit Use in the B-H Zoning District. See attached Project Background and Narrative as Exhibit 2.

**For Special Use Permit Applications (except accessory apartment):**

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary):

The Project complies with the Zoning Law's general Special Use Permit standards (Section 210-149) as well as the Supplemental Standards for Motor Vehicle Sales and Service facilities (Section 210-89).

**1) That there would not be any detrimental effect by the establishment of such use on other uses within the district.**

The Project is a permitted Special Permit use in the B-H District and thus is permitted on the Inventory Site. Approving the Project will not result in any detrimental effect on other uses in the B-H District, or other nearby Districts. Indeed, the Town Board expressly granted the request to rezone this Inventory Site from R-20 to B-H to specifically allow the development of the Project in accordance with the plans evaluated in the Negative Declaration. The Negative Declaration expressly found the Project to be consistent with the "Town's Comprehensive Plan, with the purposes of the respective districts, with other planning documents such as the Greenway guides, the unique physical and other characteristics of the location of the action in relation to surrounding areas, and the aspects of the proposal..." See Exhibit 3, Negative Declaration, p. 11.

The proposed use is a passive, quiet use and is less intrusive than other commercial uses permitted in the B-H District (e.g., restaurant, retail, etc). The surrounding neighborhood contains commercial and residential uses and is centered on the busy Route 44 transportation corridor. The Project's proposed use will consist of a low-impact parking lot producing minimal amounts of vehicular traffic. The Inventory Site will only be used for storage of inventory from Friendly Honda's Main Site sales facility, with limited and heavily landscaped display along the Route 44 frontage. The Project will benefit other uses in the District and neighborhood by eliminating the need to transfer vehicles to the Main Site from a remote inventory lot approximately 1.5 miles west on Route 44. The Inventory Site Project also reduces curb cuts, with access provided via Easy Street rather than Route 44. The gated access on route 44 is solely for emergency access and will be controlled by a 6 foot security gate.

The Project contains dark-sky-compliant lighting, significant tree preservation within the center of the Inventory Site and substantial landscaping and buffering along the Inventory Site's boundaries. This includes a 40 foot wide landscape buffer along its borders with residential properties and new privacy fencing 6 feet high with new evergreen and deciduous tree and shrub plantings. The neighborhood will also benefit from the topographical factors that segregate residential properties from the existing and proposed Friendly Honda facilities. The Project's screening and landscape buffers are depicted on Visual Renderings attached as [Exhibit 4](#).

- 2) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.**

The Project will be in harmony with the B-H District and will not discourage the appropriate development of the surrounding area. similar reasons as stated in the response above to standard (1).

As discussed at length in the Negative Declaration, the proposed vehicle inventory storage is consistent with the purposes of the B-H District, which is intended to provide areas for commercial establishment that typically require direct auto access to and visibility from a major arterial highway. See [Exhibit 3](#), Negative Declaration, p. 16-18. No buildings will be built except a small, unmanned storage shed (approximately 400 square feet in size) near the internal boundary of the Main Site and proposed Inventory Site. The proposed fencing is designed to be 6 feet in height along the Site's perimeter and generally setback approximately 40 feet from the Site's property lines. The unique circumstances relating to the request for the height of the fencing in limited sections of the portions of the Inventory Site deemed "front yards" are discussed in the Variance application form.

The fencing, together with topographic screening, the landscaped buffer area and internal tree preservation results in limited visibility of the vehicle inventory from neighboring properties. Furthermore, the proposed display area along Route 44 will remain consistent with the commercial nature of the Route 44 corridor and the B-H District, such as the existing, approved row of display vehicles along the Main Site's frontage. See the Visual Renderings attached as [Exhibit 4](#). To accommodate any concerns about the landscaped display, Friendly Honda has reduced the number of spaces from 11 (as originally proposed and evaluated under SEQR) to 8 and by locating vehicles on clustered pads, separated by strategic landscaping. The proposed display layout maintains greater density of screening along the Route 44 frontage and provides additional landscaping along the frontage. See [Exhibit 4](#).

- 3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.**

The Project ensures that the Inventory Site is reasonably accessible for fire and police protection. Indeed, the Arlington Fire District has confirmed in a letter that the Project as proposed addresses all of the Fire District's comments and questions. See Copy of Arlington Fire District Letter, dated March 3, 2016 attached as [Exhibit 5](#). The Project includes a 6 foot gated emergency access along the frontage of Route 44 and Easy Street. See also [Exhibit 6](#), Site Layout Plan (SP-3).

- 4) That the use meets the prescribed requirements for the district in which located, including minimum yard requirements for the district in which located or as further specified in this section and including maximum height, required off-street parking and sign regulations.**

The Project meets all of the B-H Zoning District requirements, including the applicable yard, height, off-street parking and sign regulations, with the exception of needing Area Variances from Sections 210-89A (prohibiting vehicles in any required yard) and 210-69 (limiting the height of fencing to 3 ½ feet in a front yard). The details of the Variances are discussed in the attached Area Variance Application form.

- 5) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed the maximum established under Chapter 139 of the Town Code.**

The storage of vehicles is a quiet use. The Project will comply with Town of Poughkeepsie regulations regarding noise. No significant noise will be produced from the proposed use on the Inventory Site. There will only be a temporary increase in noise levels due to construction activities (for 6 to 8 months for both Phases of the Project). Noise testing as documented in the record as part of the SEQ process confirmed that sound levels from the Project are consistent with sound levels found at Route 44 in the vicinity of the Site at the various times of the day. See Exhibit 3, Negative Declaration, p. 9-10.

- 6) Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.**

The Project's stormwater management and erosion controls will be in conformance with requirements of the current NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the NYSDEC Stormwater Management Design Manual, and the NYS Standards and Specifications for Erosion and Sediment Control. See Exhibit 3, Negative Declaration, p. 6.

- 7) Traffic access. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections and other places of public assembly; and shall meet other similar safety considerations.**

Traffic and access for the Project meet the standard design requirements of the Town and the NYS Department of Transportation. The Project also offers important traffic benefits in relation to the adjacent parcels, the neighborhood and the community as a whole. See Exhibit 3, Negative Declaration, p. 8. The Project proposes to eliminate 410 monthly vehicle trips on Route 44 as a result of incorporating Friendly Honda's existing inventory into the Main Site. Moreover, two of the existing curb cuts on Route 44 will be consolidated to one which will be used for emergency purposes only. Three existing curb cuts on Easy Street will also be consolidated to one curb cut.

- 8) Parking. Adequate off-street parking and loading spaces shall be provided in accordance with the off-street parking and loading requirements of this Chapter. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking report may be employed to demonstrate shared parking effects.**

Parking standards do not apply to the Project given the proposed vehicle inventory and limited display solely along the Route 44 frontage. Friendly Honda has no intention to use the Inventory Site for anything other than these uses.

- 9) Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking, and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.**

Interior circulation is not at issue with this Project. The public will not be driving vehicles in the Inventory Site. The Inventory Site will be gated and used for storage of vehicle inventory and limited display, with access limited to designated Friendly Honda employees. The interior circulation for vehicles will be accommodated by a properly sized, 24 foot, drive aisle.

- 10) Landscaping and screening. All parking and service areas shall be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees twelve (12) inches or more in diameter at breast height (dbh) should be preserved to the maximum extent practical.**

The Project's proposed landscaping and screening are of significant importance. As discussed above in the Project Description, Friendly Honda in consultation with the Lead Agency has made significant efforts to present substantial screening measures and preserve vegetation. These efforts are summarized in the Negative Declaration on pages 4-5 (Exhibit 3). Friendly Honda, however, modified its plan to provide additional landscaping after the SEQR process concluded.

Large evergreen trees presently exist within the interior of the lands of the Inventory Site. The parking areas have been designed to retain a majority of these trees as suggested during Friendly Honda's consultation with adjacent neighbors. Retaining these trees preserves a substantial buffer for the homes located on Hart Drive to views of the existing Main Site, which are visible because of existing elevation differences. These trees further soften views of the Inventory site from adjacent residences on the south side of Route 44. See Visual Renderings in Exhibit 4.

The Project also provides a substantial buffer along the perimeter of the property. See Exhibit 4. All existing trees, including trees 12 inches in diameter within this buffer area, will be preserved to the maximum extent practical. The buffer area will be supplemented with new evergreen and deciduous plantings (which may require some selective pruning or removal of existing vegetation to allow space for the new evergreen plantings). Portions of the buffer will contain a double row of evergreen plantings at a planted height of 12 feet to 14 feet and 10 feet to 12 feet.

In addition to retaining vegetation and proposing new vegetation, Friendly Honda is proposing a 6 foot high solid privacy fence near the Inventory Site's 40 foot setback line along its borders with residential properties to screen the inventory parking areas. A 6 foot high privacy fence and gate is also proposed along the Easy Street frontage to screen the parking areas. See Exhibit 6. The fencing will be adjacent to the proposed curb so the adjacent residential property's natural vegetative edge will be extended into the Inventory Site (i.e., by 40 feet) and will further reduce the Project's development area and potential visibility from neighboring properties..

- 11) Character and appearance. The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood, and shall not adversely affect the general welfare of the inhabitants of the Town.**

The Project's character and appearance are consistent with and in general harmony with the surrounding neighborhood. The proposed use is passive and will not disturb existing residential neighborhoods adjoining the Site. The Project plan constitutes a reasonable transition from the Main Site toward these residential areas. See Exhibit 3, Negative Declaration, p. 18. The only building proposed on the Inventory Site is a small, unmanned storage shed, located internally within the developed area proximate to the existing Main Site. This results in keeping the viewshed open. Retaining the large trees in the center of the Site and imposing tree protection measures to ensure the large trees remain (such as pervious pavement in parking spaces) preserves the existing buffer between the Main Site operations and the R-20 District residential properties to the east.

The Inventory Site's frontage on Route 44 will remain consistent with the commercial nature of the Route 44 corridor and the B-H District. The proposed display area presents a reasonable vehicle layout with only 8 spaces that will be significantly landscaped. See Visual Renderings attached as Exhibit 4. The display area has been designed to establish a proper transition from the Main Site, with approved rows of vehicles along Route 44 to residential areas to the east.

The Inventory Site lighting is also designed to be compatible with the neighborhood. See [Exhibit 3](#), Negative Declaration, p. 10. All lighting fixtures are LED "Dark Skies" compliant, and all fixtures are "full cut off" (limiting light encroaching from areas proposed to be lit). House side shields are also proposed, with no lights proposed on the building. Light projected from fixtures will be directed downward toward the ground with minimal glare reflection. The proposed fixtures are lower than the other lighting on the Main Site, and will be 14 feet to 16 feet tall. The Lighting Plan in [Exhibit 6](#) (Sheet SP-8) confirms there will be no light encroachment offsite, particularly given the solid privacy fence and expansive landscaped buffer along the residential perimeters.

**12) Historic and natural resources. The proposed use shall be designed and should be carried out in a manner that minimizes impacts to protect historic and natural environmental features on the site under review and in adjacent areas.**

The Project will not impact any historic, natural or designed public resources. See [Exhibit 3](#), Negative Declaration, p. 7-8, 19.

**13) Sewage Treatment and Water Supply. The adequacy of available sewage disposal and water supply services supporting the proposed activity or use shall be sufficient to meet the needs of the proposed activity or use. This consideration should be given to both including, but not be limited to, the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and the adequacy of measures to protect surface and groundwater from pollution.**

The Project will not create an increased need for community services. See [Exhibit 3](#), Negative Declaration, p. 7-8, 19. The proposed use requires no domestic water or sanitary sewer services.

**14) Size and scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the size of the site in relation to the use, its site layout and its relation to existing and future access streets should be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.**

This is supported by all of the reasons discussed above and documented in the Negative Declaration. The Project's proposed inventory area will not be a sales site with substantial activity. It will be a quiet site, with no buildings except for a small storage shed internally located, far from residential boundaries.

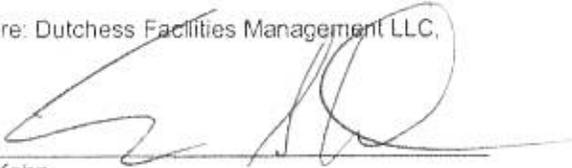
**15) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.**

The proposed development plan meets this requirement, as set forth in detail in the previous responses, and shown on the Site Plan set attached in [Exhibit 6](#).

Due to all of the factors set forth above, in the attached Exhibits and in the Negative Declaration it is evident that the Project will not adversely affect the general welfare of the community. We respectfully request that the ZBA grant the requested Special Use Permit for the Project.

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: Dutchess Facilities Management LLC,

Signature by:   
Print Name: Eric Kahn

Date: April 6, 2016



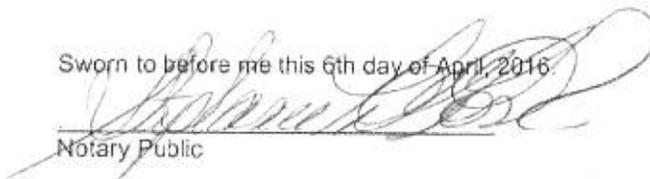
work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.

6. That Dutchess Facilities Management LLC 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 Dutchess Facilities Management LLC declare that it has examined this affidavit and that it is true and correct.

Dutchess Facilities Management LLC (Contract Vendee)

By:   
Eric Kahn

Sworn to before me this 6th day of April, 2016.

  
Notary Public

STEPHANIE T. DEGOSKI  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01DE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017

DISCLOSURE OF BUSINESS INTEREST

State of New York }  
County of Dutchess } ss:  
}

Eric Kahn being duly sworn, deposes and says:

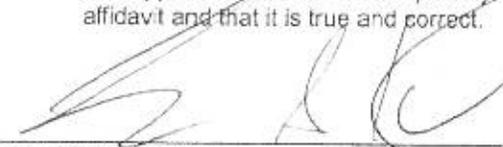
1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual interest in the proposed project: (Insert name, home address and municipal position held. Attach additional pages as necessary.)

NONE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

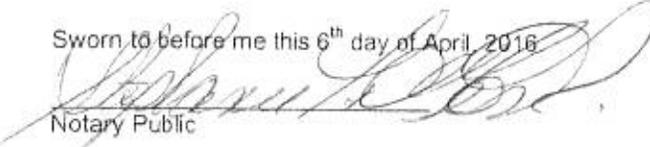
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

NONE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Eric Kahn

Sworn to before me this 6<sup>th</sup> day of April, 2016

  
Notary Public

STEPHANIE T. DEGOSKI  
NOTARY PUBLIC, STATE OF NEW YORK  
NO 01CE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017



# Town of Poughkeepsie

## Planning & Zoning

1 Orancker Road  
Poughkeepsie, NY 12603

845-455-3657 Phone  
845-486-7383/790-4772 Fax

### Town of Poughkeepsie Zoning Board of Appeals

#### Application for Area Variance

#### APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation \_\_\_\_\_ Area Variance

Name of Project (if Applicable): Friendly Honda East Street Expansion

Name of Applicant(s): Friendly Honda

Address: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Telephone: 845-454-2400

Name and Address of Record Owner(s): See Schedule of Owners and Deeds attached as Exhibit 1.

Name and Address of Attorney or professional representative: Jennifer L. Van Tuyl, Cuddy & Feder, LLP,  
300 Westage Business Center, Fishkill, NY 12524; Joe Sarchino, John Meyer Consulting, 120 Bedford  
Road, Armonk, NY 10804

Telephone: Jennifer Van Tuyl: 914-872-1941; Joe Sarchino: 914-273-5225

Street Address of all parcels: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Tax Map Number of all parcels: 134689-6362-01-164715; 157718; 186712; 178705; 193719

Zoning District: Highway Business (B-H)

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):

- Change of zoning designation adopted by the Town Board on 1/6/2016
- SEQRA Negative Declaration adopted by the Planning Board on 10/15/15
- Note the Friendly Honda main site and associated lots received a comprehensive Special Permit approval for Motor Vehicle Sales and Service from the ZBA on 7/9/2012 and a comprehensive Site Plan Approval for Motor Vehicle Sales and Service from the Planning Board on 7/19/2012.

Has any application(s) for any other permit(s) for any activity affecting the property been submitted to any other governmental agency? No \_\_\_\_\_ Yes  X . If yes, please list in detail (attach separate pages if necessary):

- Site Plan and lot consolidation application to the Planning Board on 5/4/15
- Special Use Permit application for Motor Vehicle Sales and Service to the ZBA on 5/4/15

**Attach a copy of the current deed and any easements affecting the property.**

See attached Schedule of Owners and Deeds as Exhibit 1.

**Narrative Description of Proposal:**

Friendly Honda is seeking an Area Variance from Section 210-89A for vehicle display and storage within the 40 foot front yard setback of the Inventory Site. See attached Project Background and Narrative as Exhibit 2.

**For Area Variance Applications:**

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary):

Friendly Honda respectfully submits that the record shows that the requested Area Variance from Section 210-89A should be granted, under the balancing/five factor test set forth in Town law 267-b(3).

Section 210-89A regulates the location of vehicle inventory and display on the Inventory Site by imposing two standards. Specifically, Section 210-89A states that "[t]he storage of vehicles or equipment shall not be permitted within 20 feet of a residential district boundary or in any required yard, landscaped or buffer area." (Emphasis added.)

The Project does not require a Variance for storing vehicles within 20 feet of a residential district boundary. Sheet SP-3 shows that all display spaces on Route 44 are setback 35 feet from the nearest residential district boundary (to the south), which is in the center of Route 44.

The Project requires a variance for display spaces within the front yard. The B-H District requires a front yard of 40 feet. The Inventory Site abuts the Main Site on the Inventory Site's western and southwestern boundaries, effectively bending around the northern portion of the Main Site. See Exhibit 6, SP-3. Due to these unique circumstances the western and southwestern internal boundaries of the Site are also front lot lines, in addition to the lot line along Route 44.

The Project proposes vehicle display and storage 5 feet from the Inventory Site's front lot line along Route 44 and approximately 6 ½ feet from the Site's western and southwestern internal lot lines (at its closest location). Friendly Honda submits that the Project is entitled to a Variance for display spaces within the 40 foot setback based on a balancing of the following factors and a conclusion that the variance would not have a detrimental effect on the character or physical and environmental conditions of the neighborhood. In particular, the display is consistent with the prevailing neighborhood condition, and provides an appropriate transition to the residentially zoned properties to the east. See Visual Renderings attached as Exhibit 4.

The applicable area variance test requires the ZBA to balance the benefit to the applicant against the detriment, if any, to the health, safety and welfare of the community. See also Zoning Law Section 210-148D for area variance standards. In applying the balancing test, five factors are considered. Nonetheless, the final decision on a variance is based on the overall balancing test. No one of the five enumerated area variance factors is controlling, nor is it necessary that the applicant "meet" all of the five factors. The outcome of any application depends on the overall balancing test as applied to the facts.

We submit that Friendly Honda's applications satisfy each of the five-part considerations and meet the balancing test, warranting the issuance of the requested Area Variance.

**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.**

The requested variance will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties.

Friendly Honda's proposed display and storage spaces along Route 44 and the internal (western and southwestern) lot lines of the Inventory Site are consistent with the existing neighborhood, the Town's land use plans and the historic use of this area of the Town.

The Main Site has been an automobile dealer since the 1960's. Friendly Honda underwent a reconfiguration and comprehensive Site Plan update with the Town in 2012 and 2013 that improved the Site in conformance with the goals of the Town Comprehensive Plan. The Main Site, which abuts the Inventory Site on its western edge, was approved in 2012 to provide several vehicle spaces in the front yard, similarly setback 5 feet from the Main Site front lot line along Route 44. Vehicle spaces within front yards along Route 44 is the predominant condition of the commercial portion of this area of the Route 44 corridor. See Visual Renderings attached as [Exhibit 4](#).

The Town Board rezoned the Inventory Site from R-20 to B-H in 2016 in January 2016 to accommodate the Project per the plans evaluated in the Negative Declaration. The Negative Declaration concluded that "[t]he proposed use of the frontage of the new site for automobile display with landscaping is compatible with the existing neighborhood; does not produce any noise; and is congruent with the upgraded treatment of the existing site accomplished in 2012 and 2013." See [Exhibit 3](#), Negative Declaration, p. 13-14. The vehicle spaces proposed within the designated front yard along the Inventory Site's western and southwestern lot lines are completely internal to the Project and only require a Variance given the unique circumstances of the Friendly Honda facility that require these internal setbacks to be deemed "front yards." The proposed display on Route 44 is designed to present a reasonable transition from the Main Site to residential areas to the east by gradually reducing the spaces, increasing landscaping, and separating display spaces with vegetation. See Negative Declaration, p. 15. This transition is bolstered by increasing the depth of vegetation from the front lot line along Route 44 of the Inventory Site as you move east toward residential properties. The Visual Renderings in [Exhibit 4](#) depict this important transition and illustrate the extensive, proposed landscaping on the Inventory Site.

The Planning Board further re-evaluated the landscaping and the display area after the rezoning. Friendly Honda's current plan only proposes 8 display spaces on the Inventory Site along Route 44 (a 27% reduction from the plan initially proposed and evaluated under SEQR). Display spaces will be clustered on pads with 2 vehicles each, separated by additional landscaping to maintain greater density of screening along Route 44 and soften views of the area.

Exhibit 6, Sheet SP-7 and Exhibit 4 collectively illustrate Friendly Honda's proposed plantings behind and around the display spaces to screen the vehicle inventory and views of the facility from nearby residential properties on the southerly side of Route 44. This landscape screening is in addition to the "extensive new landscaping provided along the property boundaries, and the supplementary fencing, and the proposed dark-sky compliant lighting." See Exhibit 3, Negative Declaration, p. 18.

Furthermore, we submit that the overall design of the Project supports a finding that the requested Area Variance from Section 210-89A will not cause an undesirable change in the neighborhood. Significant tree preservation and landscaping is proposed on the Inventory Site to substantially screen the Project from neighboring properties. The Project provides dark-sky-compliant lighting, a reduction in curb cuts and vehicle trips on Route 44, as well as 6 foot privacy fencing on the Site to minimize any potential harm or 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.**

The benefit sought by obtaining the requested variance from Section 210-89A cannot be achieved by some other feasible method.

Friendly Honda is seeking a Variance for the specific purpose of locating open display spaces on the Inventory Site along its frontage on Route 44 (and to allow vehicle storage within the completely internal western and southwestern front yards). As noted above, the proposed layout of the Inventory Site is consistent with existing lots along Route 44. Obtaining the requested variance is the only feasible way for Friendly Honda to achieve this specific benefit.

The ZBA may consider whether this benefit can be achieved by some feasible method for Friendly Honda to pursue. The range of appropriate alternatives is limited by two standards: First, the alternative must still provide the benefit sought by the applicant and, second, it must be feasible for the applicant to pursue. It is important to recognize that while a structure may physically be able to be located elsewhere, it may not achieve an applicant's legitimate goals. Friendly Honda is under contract to purchase the 5 five parcels that make up the Inventory Site. Purchasing additional land is not feasible, nor would it result in eliminating the need for the requested Variance to locate display spaces along Route 44 (or to locate spaces within the internal front yards). Friendly Honda worked diligently and cooperatively with the Town agencies to produce the current plan. Alternative plans, such as the original plan evaluated under SEQR proposed 11 display spaces and subsequently 10 spaces, as well as modified display area layouts. Non-clustered spaces were considered as well as non-elevated display pads. The result of this ongoing review and the applicant's detailed evaluation of alternatives is the Project now proposes just 8 display spaces, clustered together and separated by substantial landscaping. See Visual Renderings in Exhibit 4.

Friendly Honda is proposing a greatly lessened plan for the limited display of vehicles in the inventory lot than for the adjoining parcels of the active dealership. The Project utilizes a strategic design, separating spaces with landscaping and screening, to present a reasonable transition from commercial areas to residential properties to the east. We submit that Friendly Honda cannot locate the proposed spaces elsewhere and obtain the benefit sought by this application.

**3) Whether the requested area variance is substantial.**

It is clear that the requested variance from Section 210-89A is not substantial, particularly when considering the existing conditions of the neighborhood, the unique circumstances of the Friendly Honda facility and the long existence of an auto dealership on the Main Site.

The Board must consider the surrounding neighborhood and nearby lots when determining whether the application is substantial. The Project is proposed immediately adjacent to the Friendly Honda Main Site, which contains vehicle spaces within the front yard, setback approximately 5 feet from the lot line along Route 44. The properties to the west of the Main Site also contain vehicle spaces within the front yards along Route 44. See Exhibit 4. The primary difference between the Project and these existing conditions is that Friendly Honda is currently proposing substantial landscaping and creative design features, such as clustering and reducing spaces, to create a soft transition to residential properties to the east. Moreover, a Variance is only required for vehicle spaces along the internal western and southwestern lot lines because of the unique layout of the internal property lines of the overall Friendly Honda facility, which require treating an internal setback as a front yard. Thus in this context the requested deviation from the 40 foot front yard setback requirement is minor as it will not relate or cause an adverse effect in the neighborhood.

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

This is supported by all of the reasons discussed above, documented in the Negative Declaration and analyzed in Friendly Honda's EAF and application materials. The Planning Board, serving as Lead Agency for the coordinated review of this Project and all associated applications, concluded that the overall action will not result in any significant environmental impacts. See Lead Agency determinations in the Negative Declaration attached as Exhibit 3.

**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 difficulty is not self-created, but in any event, the self-created nature of a difficulty is not preclusive of the ability to obtain the Area Variance as it is just one factor in the balancing test. The difficulties here arise primarily out of external factors, such as the development of the Friendly Honda Main Site on adjacent property historically used for an auto dealership over a long period of years, and the enactment of subsequent upgraded zoning requirements.

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: Eric Kahn

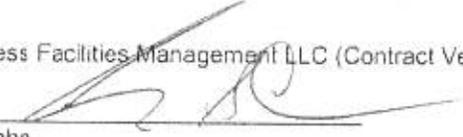
Date: April 6, 2016



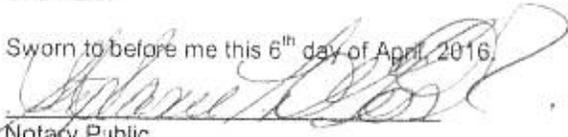
work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.

6. That Dutchess Facilities Management LLC 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 Dutchess Facilities Management LLC declare that it has examined this affidavit and that it is true and correct.

Dutchess Facilities Management LLC (Contract Vendee)

By:   
Eric Kahn

Sworn to before me this 6<sup>th</sup> day of April, 2016.

  
Notary Public

**STEPHANIE T. DEGOSKI**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01DE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017

DISCLOSURE OF BUSINESS INTEREST

State of New York }  
County of Dutchess } ss:  
}

Eric Kahn 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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

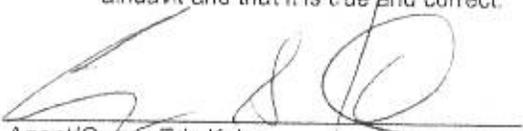
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

NONE \_\_\_\_\_

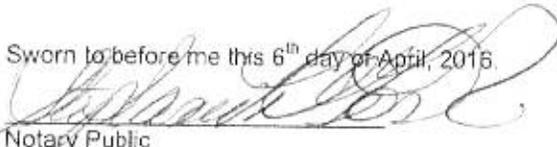
\_\_\_\_\_

\_\_\_\_\_

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 Eric Kahn

Sworn to before me this 6<sup>th</sup> day of April, 2016.

  
Notary Public

STEPHANIE T. DEGOSKI  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31DE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017



# Town of Poughkeepsie

## Planning & Zoning

1 Orancker Road  
Poughkeepsie, NY 12603

845-455-3677 Phone  
845-486-7885/790-4772 Fax

### Town of Poughkeepsie Zoning Board of Appeals

#### Application for Area Variances

#### APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation \_\_\_\_\_ Area Variance

Name of Project (if Applicable): Friendly Honda East Street Expansion

Name of Applicant(s): Friendly Honda

Address: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Telephone: 845-454-2400

Name and Address of Record Owner(s): See Schedule of Owners and Deeds attached as Exhibit 1.

Name and Address of Attorney or professional representative: Jennifer L. Van Tuyl, Cuddy & Feder, LLP,  
300 Westage Business Center, Fishkill, NY 12524; Joe Sarchino, John Meyer Consulting, 120 Bedford  
Road, Armonk, NY 10804

Telephone: Jennifer Van Tuyl: 914-872-1941; Joe Sarchino: 914-273-5225

Street Address of all parcels: 1165, 1167 & 1171 Dutchess Turnpike, and 1 & 3 Easy Street

Tax Map Number of all parcels: 134689-6362-01-164715; 157718; 186712; 178705; 193719

Zoning District: Highway Business (B-H)

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):

- Change of zoning designation adopted by the Town Board on 1/6/2016
- SEQRA Negative Declaration adopted by the Planning Board on 10/15/15
- Note the Friendly Honda main site and associated lots received a comprehensive Special Permit approval for Motor Vehicle Sales and Service from the ZBA on 7/9/2012 and a comprehensive Site Plan Approval for Motor Vehicle Sales and Service from the Planning Board on 7/19/2012.

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):

- Site Plan and lot consolidation application to the Planning Board on 5/4/15
- Special Use Permit application for Motor Vehicle Sales and Service to the ZBA on 5/4/15

**Attach a copy of the current deed and any easements affecting the property.**

See attached Schedule of Owners and Deeds as Exhibit 1.

**Narrative Description of Proposal:**

Friendly Honda is seeking an Area Variance from Section 210-69 for a 6 foot tall and 4 foot tall fencing within the front yard of the Inventory Site where a 3 ½ foot tall fence is permitted.

**For Area Variance Applications:**

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary):

Friendly Honda respectfully submits that the record shows that the requested Area Variance from Section 210-69 should be granted, under the balancing/five factor test set forth in Town law 267-b(3).

Section 210-69 regulates fencing in all zoning districts. Section 210-69 states that "[w]ithin required front yards, no hedge, fence or wall shall exceed 3 ½ feet." (Emphasis added.) The Inventory Site abuts the Main Site on the Inventory Site's western and southwestern boundaries, effectively bending around the northern portion of the Main Site. See Exhibit 6, SP-3. Due to these unique property lines and circumstances the western and southwestern boundaries of the Inventory Site are deemed front lot lines, although they are internal lot lines occurring behind other parcels which are part of the overall site, in addition to the lot line on Route 44. Friendly Honda is seeking a Variance for a very small portion of 6 foot tall fencing and for 4 foot tall fencing that runs within the front yard of these internal lot lines, and for a 6 foot tall security gate at the emergency access off of Route 44.

The applicable area variance test requires the ZBA to balance the benefit to the applicant against the detriment, if any, to the health, safety and welfare of the community. See also Zoning Law Section 210-148D for area variance standards. In applying the balancing test, five factors are considered. Nonetheless, the final decision on a variance is based on the overall balancing test. No one of the five enumerated area variance factors is controlling, nor is it necessary that the applicant "meet" all of the five factors. The outcome of any application depends on the overall balancing test as applied to the facts.

Friendly Honda submits that the Project warrants a Variance to install the proposed fencing based on a balancing of the following factors, particularly given the fencing's overall public benefits.

- 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.**

The requested variance from Section 210-69 will not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties. Only a very small portion of the 6 foot privacy fencing actually extends within a front yard, just south of the proposed sliding gate along Easy Street, and requires a Variance. See Exhibit 6, Sheet SP-3. This very small amount of 6 foot fencing that requires a variance is simply a continuation of the fencing that runs along the east and northeastern sides of the site. The fence is solid and proposed as a natural clay color. The 4 foot fencing runs east from the Easy Street gate in a designated front yard solely along the Site's internal lot lines. This fencing is completely internal to the Site. The 6 foot gate at the Route 44 emergency access is setback several feet from the road and intended for security purposes. This gate is transparent in nature. See Exhibit 4. None of the fencing requiring a Variance will have an adverse impact on the neighborhood.

Moreover, the overall fencing plan for the Inventory Site is part of the Project's screening, buffering and security measures. Fencing will be placed adjacent to the internal curb to allow adjacent residential property's natural vegetative edge to extend into the Site, defining the development area, and further reducing visibility. Indeed, the Lead Agency concluded in the Negative Declaration that the provision of fencing will assist in the visual screening of the Project to the neighboring properties. Furthermore, the fencing contributes to the Project's consistency with the character of the area. See Exhibit 3, Negative Declaration, p. 5, 18.

**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.**

The benefit sought by obtaining the requested variance from Section 210-69 cannot be achieved by some other feasible method. The location of the proposed fencing is shown on Sheet SP-3 attached as Exhibit 6. Eliminating the fencing from the Project would actually eliminate a public benefit. Friendly Honda is proposing this taller fencing as an integral part of the Project, in conjunction with strategic tree preservation, vegetative buffering and landscape screening strategies. The security gate proposed at the Route 44 emergency has been designed to appear transparent in nature. This gate is for security purposes. The purposes of the fencing cannot be achieved at the permitted fence height.

**3) Whether the requested area variance is substantial.**

The effect of requested fence height Variance is not substantial for the reasons identified above and in the attached Exhibits.

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

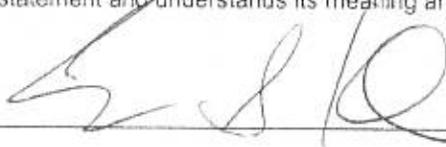
The requested fence height variance will not have adverse physical or environmental effects. See Lead Agency's determinations in the Negative Declaration attached as Exhibit 3.

**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 fencing requiring an Area Variance is proposed as part of screening and security measures endorsed by the Town. The difficulty is not self-created, but in any event, the self-created nature of a difficulty is not preclusive of the ability to obtain the Variance as it is just one factor in the balancing test. Considering the minor nature of the variance, and the fact that they will have no adverse impacts on the neighborhood or character of the community, it is submitted that this should not preclude the granting of the requested relief.

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: Eric Kahn

Date: April 6, 2016



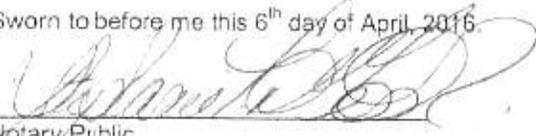
work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.

6. That Dutchess Facilities Management LLC 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 Dutchess Facilities Management LLC declare that it has examined this affidavit and that it is true and correct.

Dutchess Facilities Management LLC (Contract Vendee)

By:   
Eric Kahn

Sworn to before me this 6<sup>th</sup> day of April, 2016.

  
Notary Public

**STEPHANIE T. DEGOSKI**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01DE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017

DISCLOSURE OF BUSINESS INTEREST

State of New York )  
 ) ss:  
County of Dutchess )

Eric Kahn being duly sworn, deposes and says:

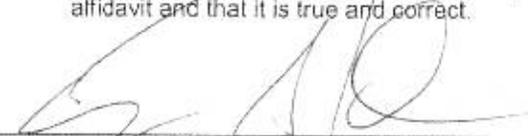
1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual interest in the proposed project: (Insert name, home address and municipal position held. Attach additional pages as necessary.)

NONE \_\_\_\_\_

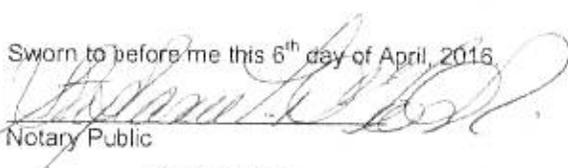
2. That the interest of said municipal officer(s) or employee(s) is: (Detail the nature and extent of the interest. Attach additional pages as necessary.)

NONE \_\_\_\_\_

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.

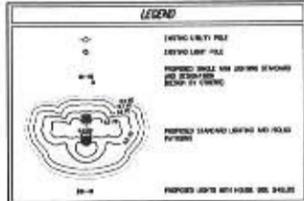
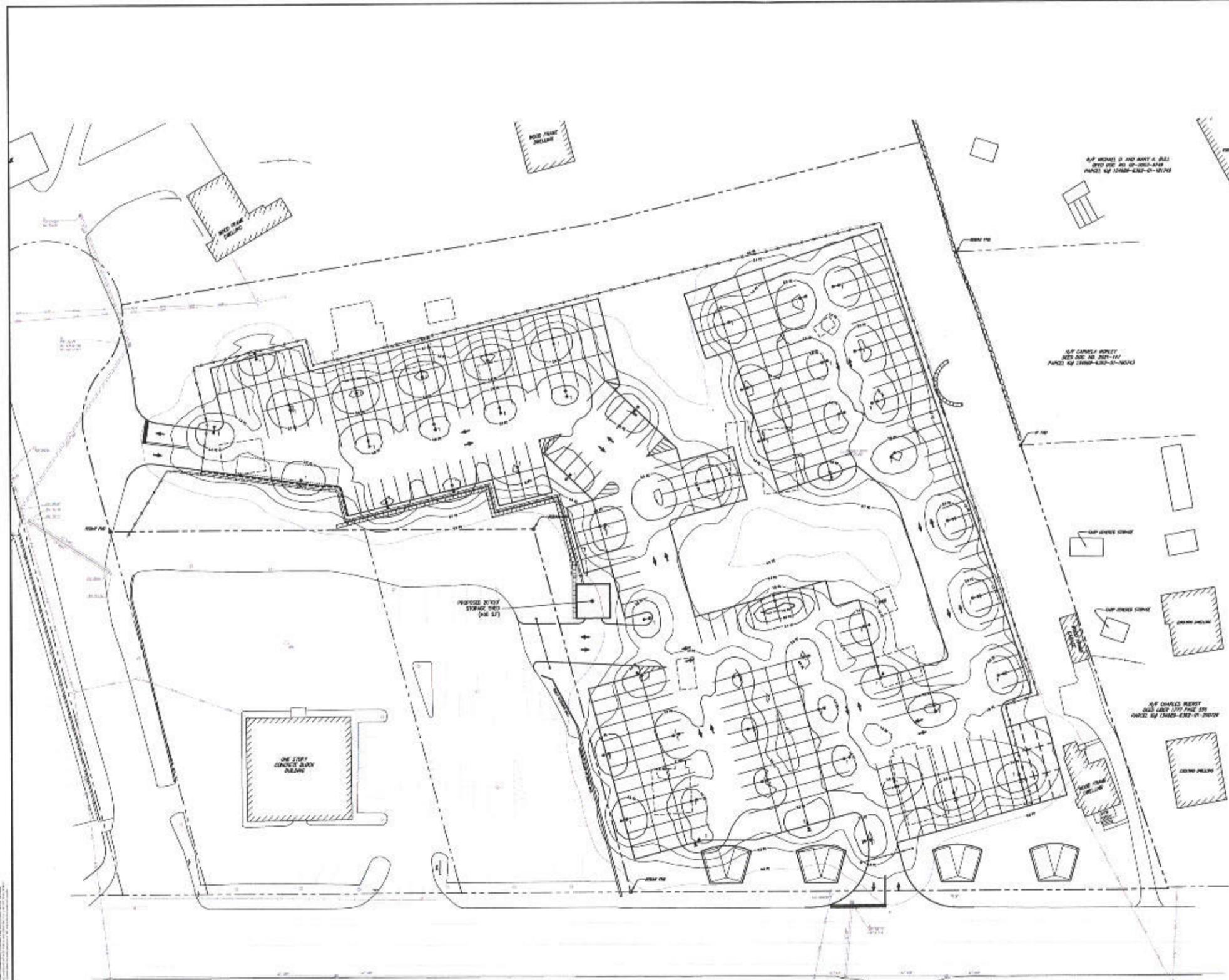
  
\_\_\_\_\_  
Agent/Owner Eric Kahn

Sworn to before me this 6<sup>th</sup> day of April, 2016.

  
Notary Public

**STEPHANIE T. DEGOSKI**  
NOTARY PUBLIC, STATE OF NEW YORK  
NO 01DE6122838  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES FEBRUARY 22, 2017





- NOTES:**
1. THIS INFORMATION WAS TAKEN FROM THE TOPOGRAPHIC MAP, PREPARED FOR FRIENDLY HONDA - IN THE TOWN OF PARADISE, SHERBURNE COUNTY, BY 'PROPOSED' JMC, INC. DATED JAN. 10, 2003.
  2. LIGHTING IS BASED ON CURRENT LAYOUTS OF 'IN' SERIES LIGHTING AND ACCESSORY FIXTURES.
  3. LIGHTING SHALL BE SIZED OR ADJUSTED AS NECESSARY TO PREVENT EXCESSIVE GLARE OR OPTIC ILLUMINATION LEVELS EXCEEDING THE MAXIMUM PERMITTED BY 900-9.1 (2.2 PORTLAND).
  4. LIGHTING FIXTURES AS SHOWN HEREON AS DEMONSTRATED BY THESE ELEGES FOR LIGHTING COMPANY.
  5. EXISTING SIDE WALKER SHALL BE PROTECTED ON LIGHT FIXTURES AS SHOWN ON THE LIGHTING PLAN LAYOUT AND PLAN.

NO.	DATE	DESCRIPTION
1	10/10/03	ISSUED FOR PERMIT
2	10/10/03	ISSUED FOR PERMIT
3	10/10/03	ISSUED FOR PERMIT
4	10/10/03	ISSUED FOR PERMIT
5	10/10/03	ISSUED FOR PERMIT
6	10/10/03	ISSUED FOR PERMIT
7	10/10/03	ISSUED FOR PERMIT
8	10/10/03	ISSUED FOR PERMIT
9	10/10/03	ISSUED FOR PERMIT
10	10/10/03	ISSUED FOR PERMIT



JMC  
 JMC CONSULTING & DESIGN, LLC  
 1133 S. OUTCHES TURNPIKE, SUITE 100  
 POLIO-RIEUSE, NY 14558  
 TEL: 518-223-1221 FAX: 518-223-1222  
 WWW.JMCCONSULTING.COM

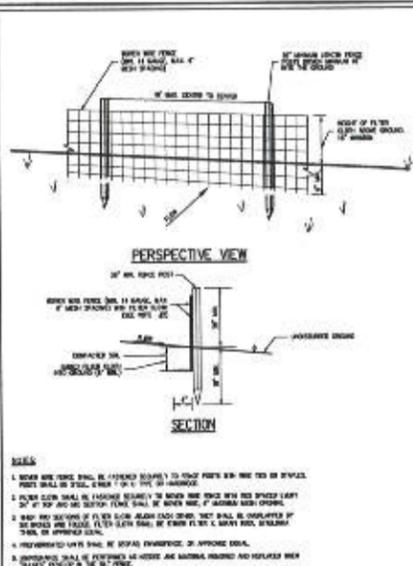


**LIGHTING PLAN**  
 FRIENDLY HONDA INVENTORY PARKING LOT  
 1133 S. OUTCHES TURNPIKE, U.S. ROUTE 40  
 TOWN OF POLIO-RIEUSE, NY

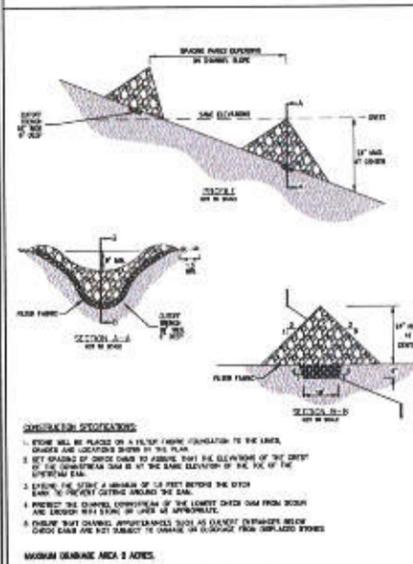
DATE: 10/10/03  
 DRAWN BY: JMC  
 CHECKED BY: JMC  
 SCALE: AS SHOWN  
 SHEET NO.: SP-8

SP-8

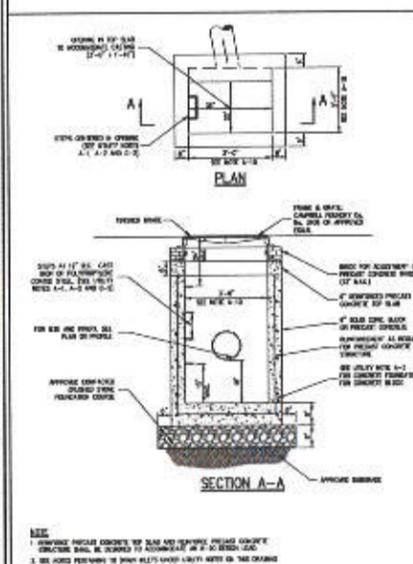




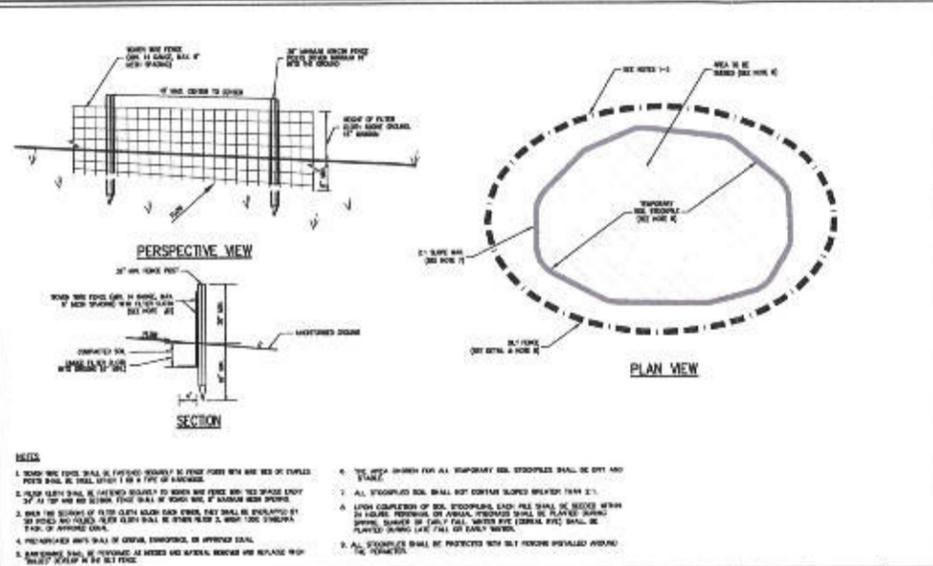
**SILT FENCE**



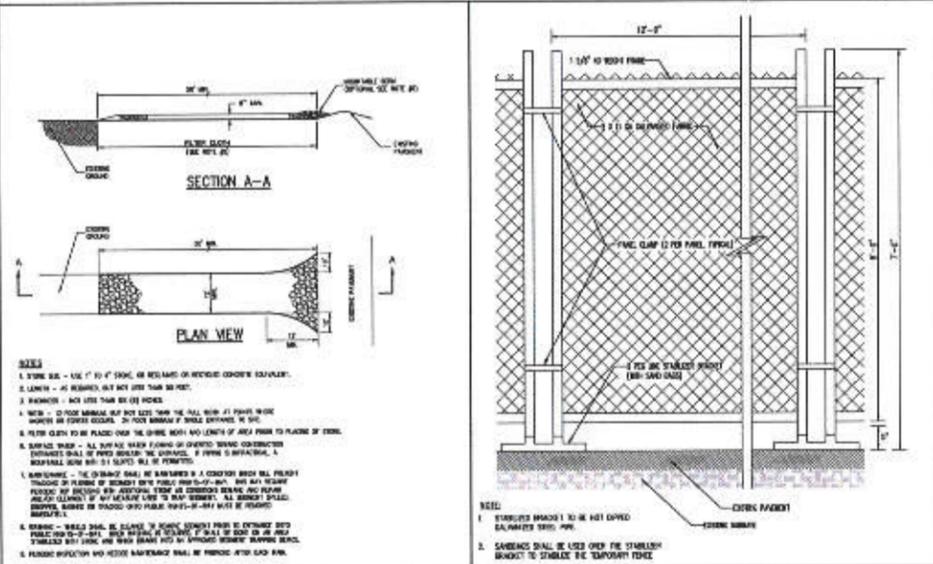
**STONE CHECK DAM**



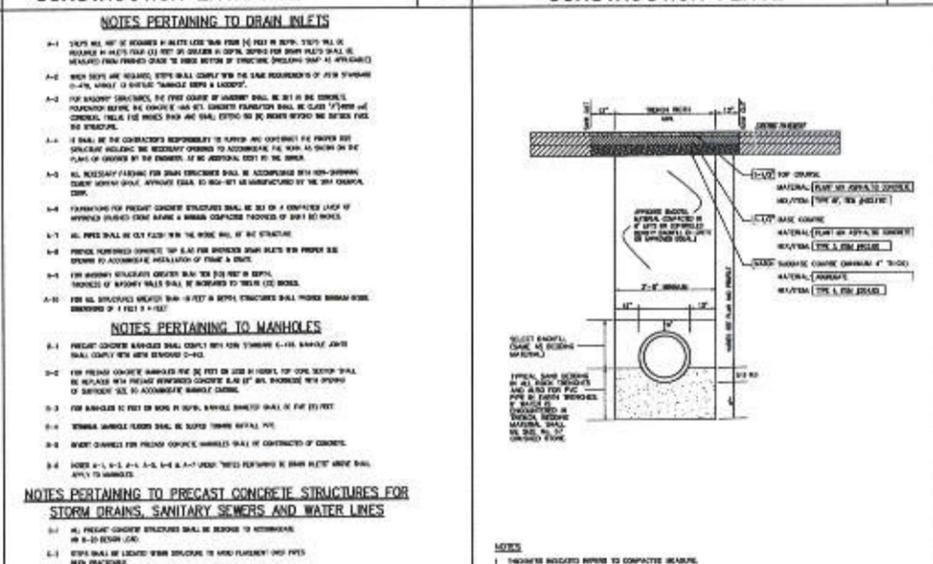
**DRAIN INLET (TYPE DI)**



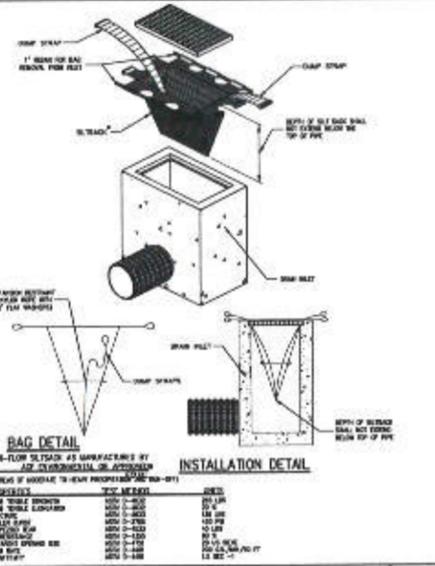
**TEMPORARY SOIL STOCKPILE WITH SILT FENCE**



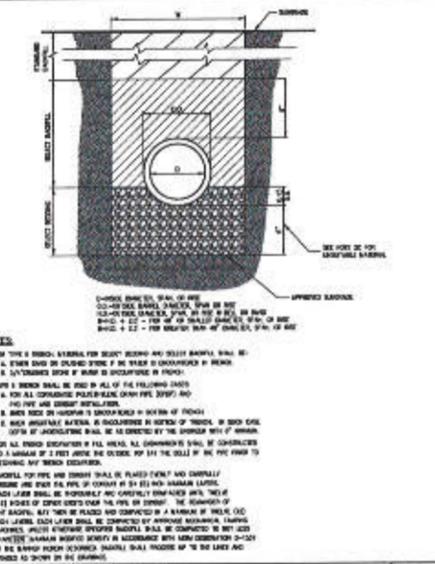
**STABILIZED CONSTRUCTION ENTRANCE**



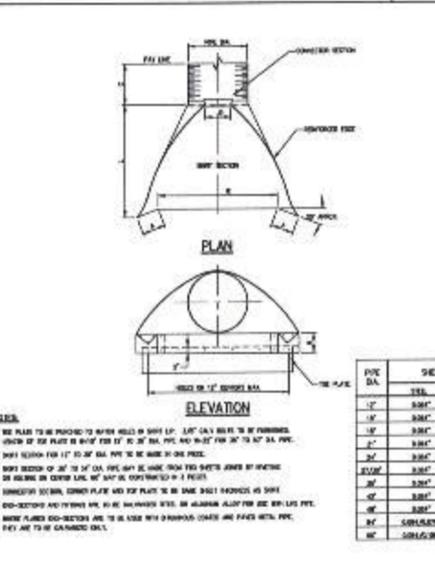
**UTILITY NOTES**



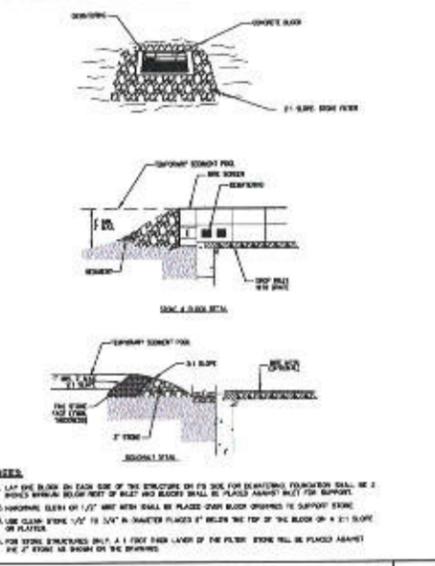
**SILTSACK**



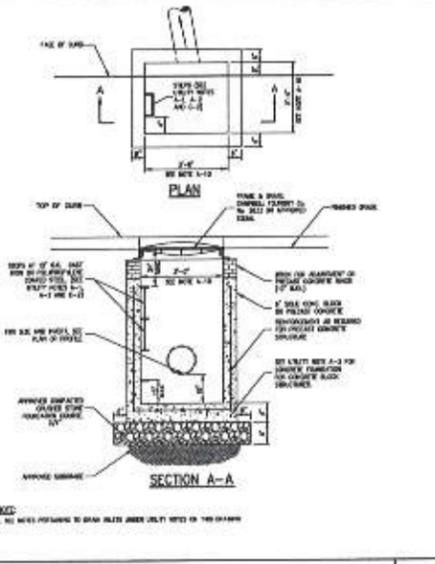
**TYPE II TRENCH**



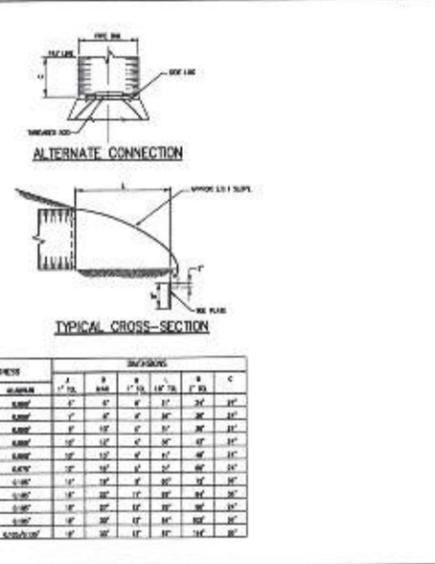
**TRENCH PAVEMENT REPLACEMENT**



**STONE & BLOCK DROP INLET PROTECTION**



**DRAIN INLET (TYPE CI)**



**ALTERNATE CONNECTION**

**CONSTRUCTION DETAILS**

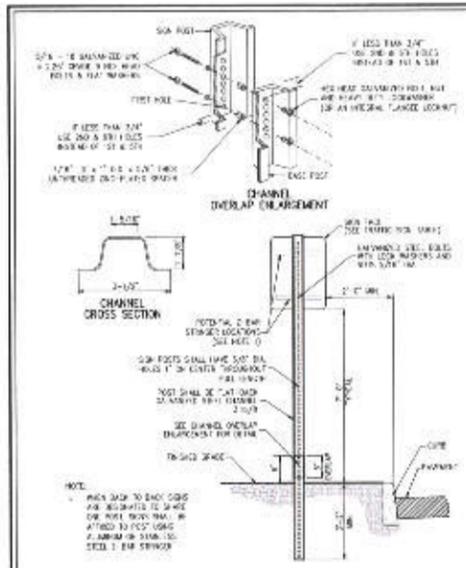
FRIENDLY HONDA  
1155 OUTDOORS TURNPIKE (A.S. ROUTE 44)  
TOWN OF POLIOCHRESSETT, NY

JMC

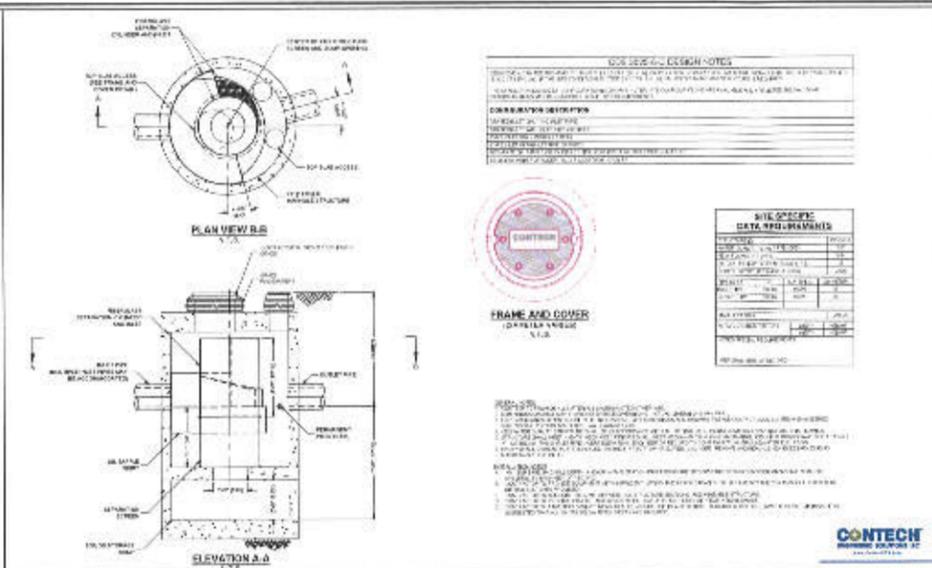
DATE: 07/14/2023  
PROJECT: FRIENDLY HONDA INVENTORY PARKING LOT  
SHEET: SP-10

**END SECTION**  
(NOT A PLATE SHEET)

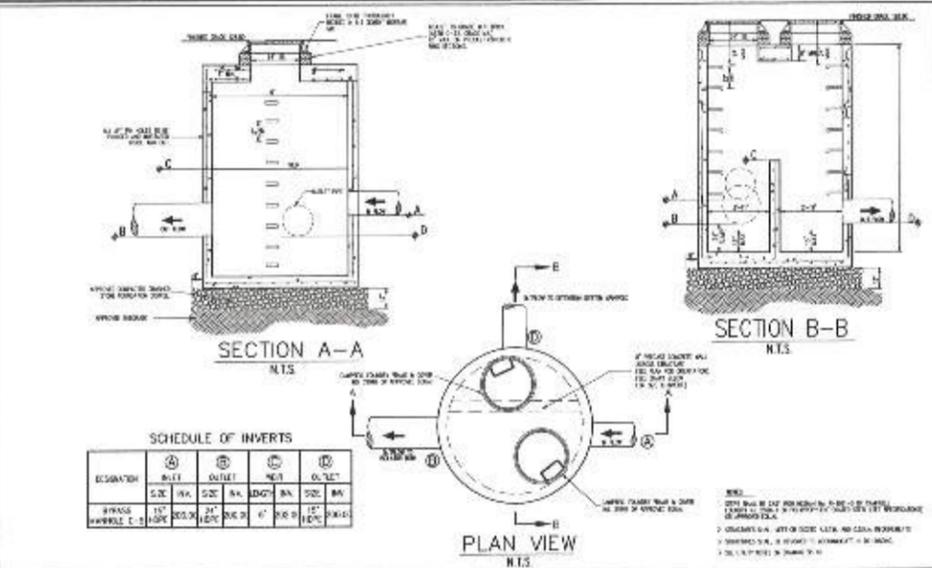
PIPE DIA.	SHEET THICKNESS	INCHES				
		A	B	C	D	E
12"	0.063"	17"	17"	17"	17"	17"
18"	0.063"	17"	17"	17"	17"	17"
24"	0.063"	17"	17"	17"	17"	17"
30"	0.063"	17"	17"	17"	17"	17"
36"	0.063"	17"	17"	17"	17"	17"
42"	0.063"	17"	17"	17"	17"	17"
48"	0.063"	17"	17"	17"	17"	17"
54"	0.063"	17"	17"	17"	17"	17"
60"	0.063"	17"	17"	17"	17"	17"



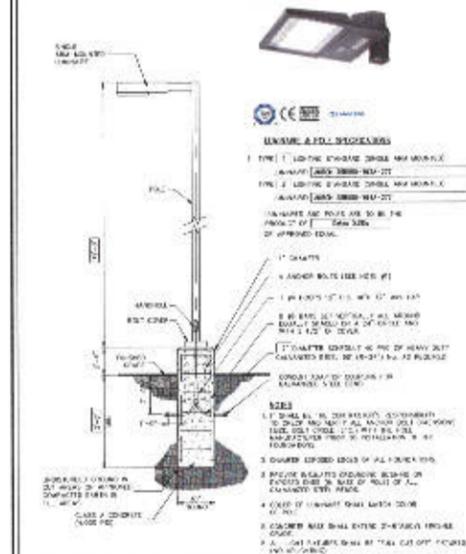
**TRAFFIC SIGN POST**  
(STANDARD STEEL CHANNEL)



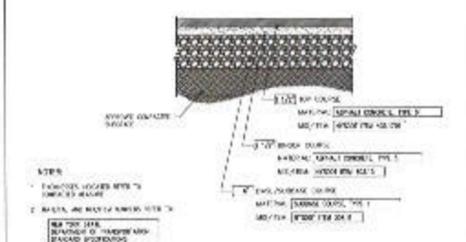
**WATER QUALITY STRUCTURE CDS3025-6-C**



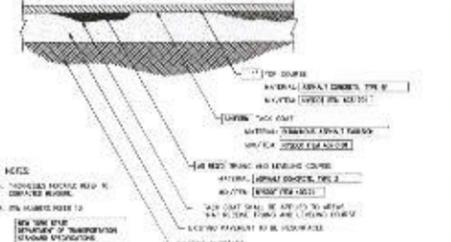
**BYPASS MANHOLE**



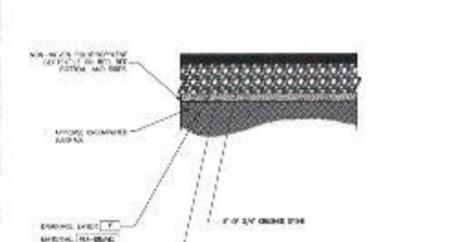
**LIGHTING POLE & FIXTURE**



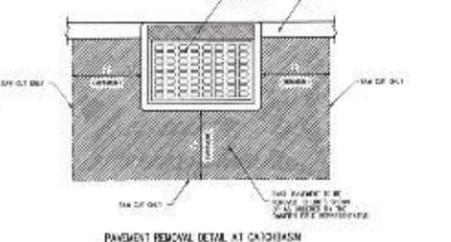
**SITE PAVEMENT**  
(High Fall)



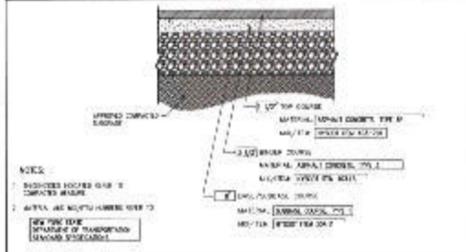
**PAVEMENT RESURFACING**



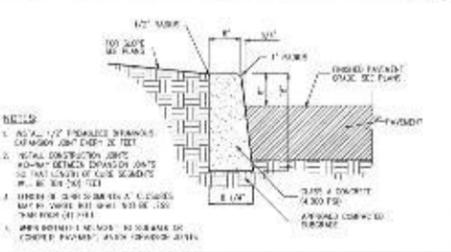
**PAVEMENT REMOVAL DETAIL AT CATCHBASIN**



**PAVEMENT KEYING**



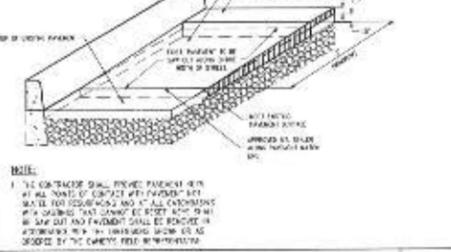
**SITE PAVEMENT**  
(New Fall)



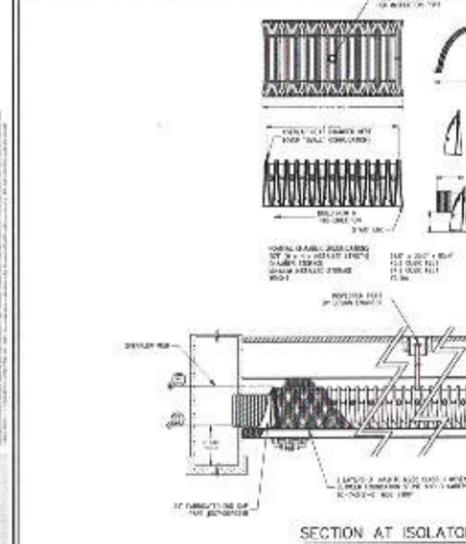
**CAST-IN-PLACE CONCRETE CURB**



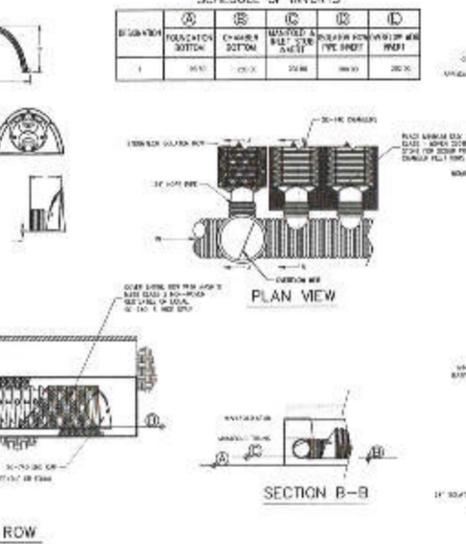
**GRAVEL PAVEMENT**



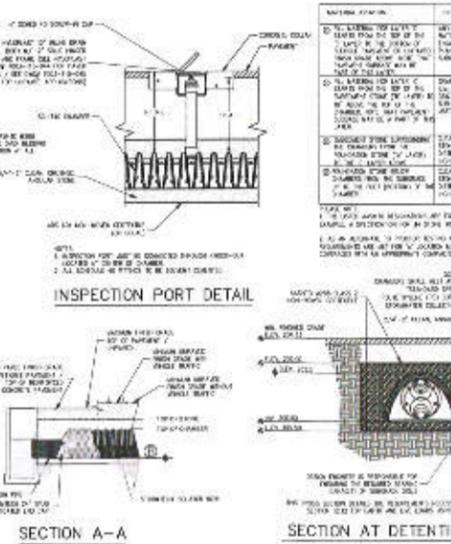
**PAVEMENT KEYING**



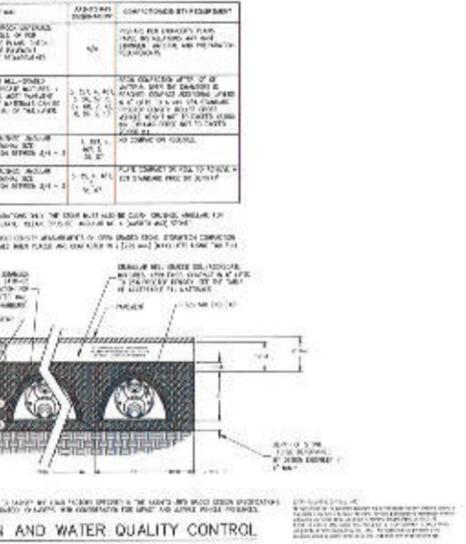
**SECTION AT ISOLATOR ROW**



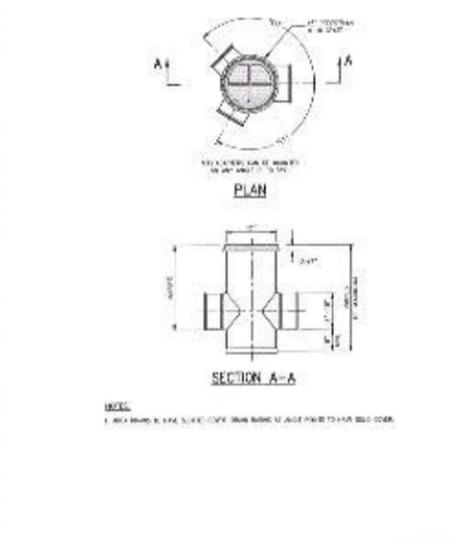
**SECTION B-B**



**INSPECTION PORT DETAIL**



**SECTION AT DETENTION AND WATER QUALITY CONTROL**



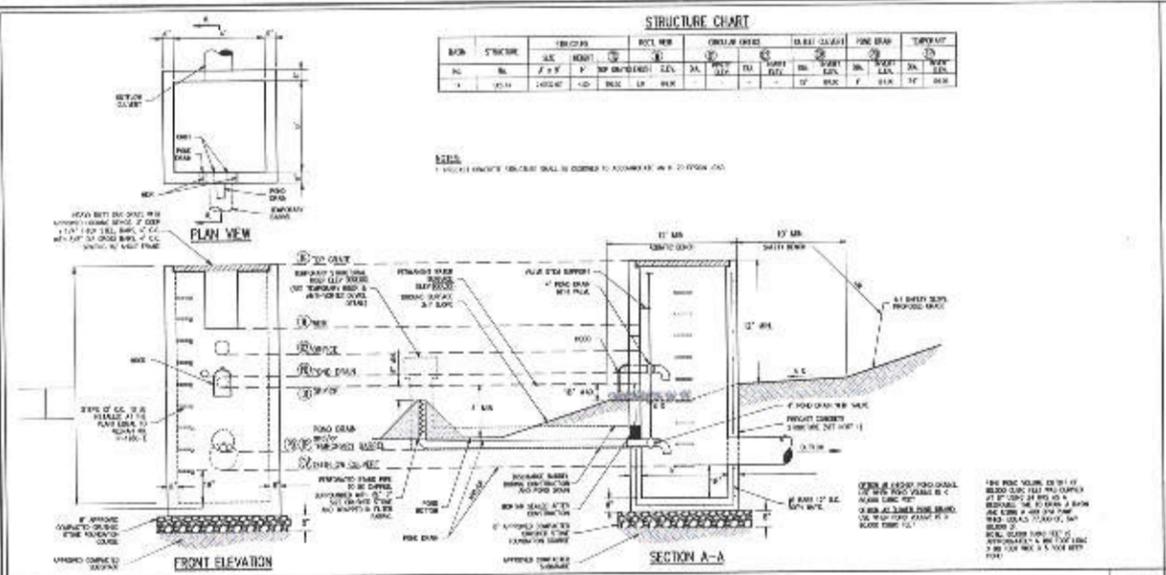
**15\"/>**

**FRIENDLY HONDA**  
105 SOUTH CROSS BUNKERS BLVD  
TOWN OF POLK/OSBE, IA

**JMC**

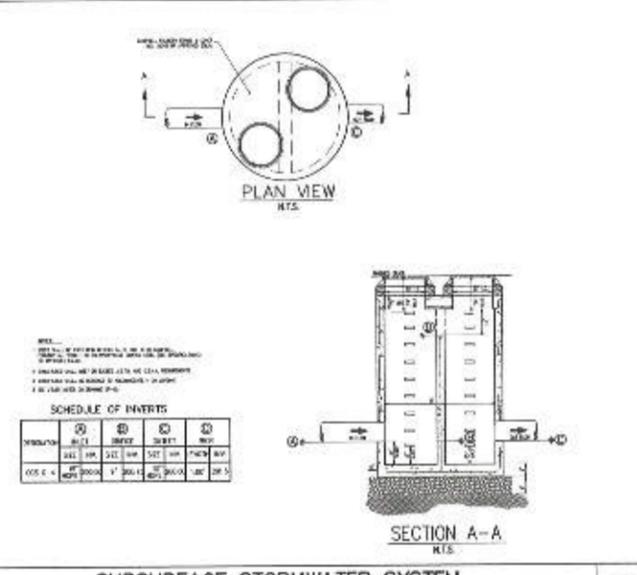
**CONSTRUCTION DETAILS**  
FRIENDLY HONDA INVENTORY PARKING LOT  
105 SOUTH CROSS BUNKERS BLVD, ROUTE 40  
TOWN OF POLK/OSBE, IA

DATE: 05/13/2015  
BY: JMC  
SCALE: AS SHOWN



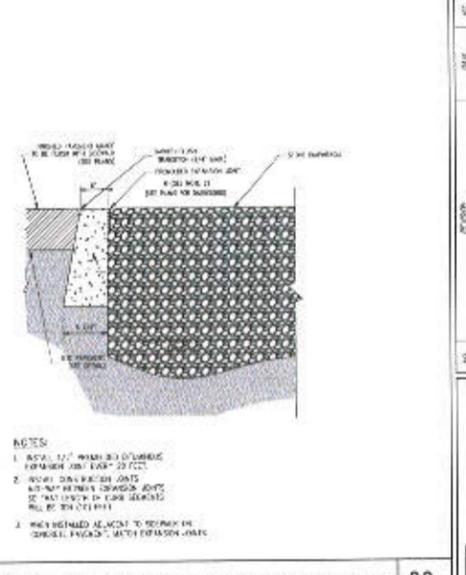
DETENTION POND OUTLET CONTROL STRUCTURE

26



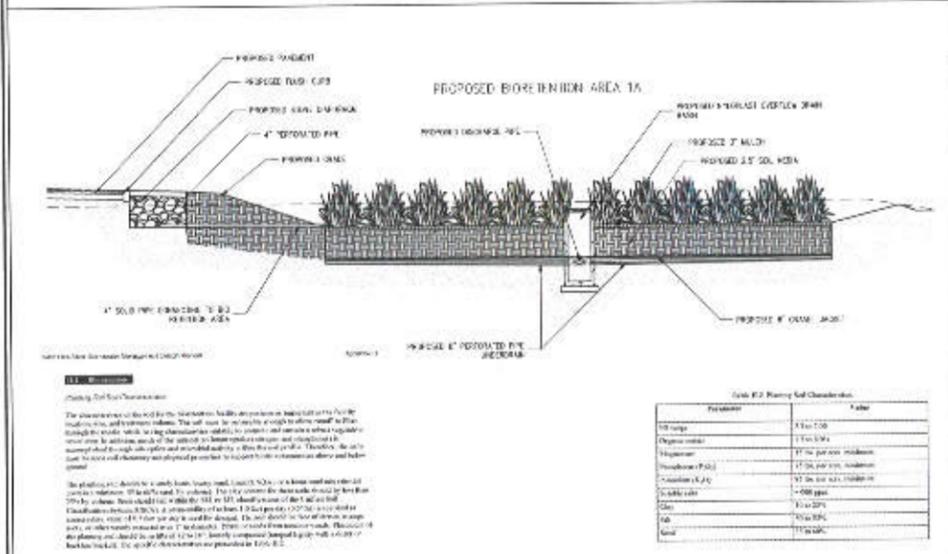
SUBSURFACE STORMWATER SYSTEM OUTLET CONTROL STRUCTURE

27



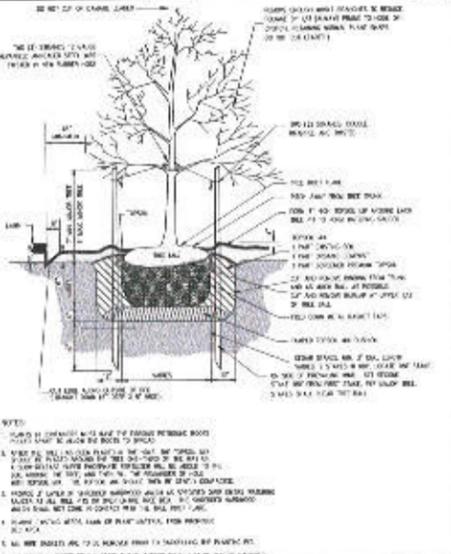
CONCRETE FLUSH CURB AND STONE DIAPHRAGM

28



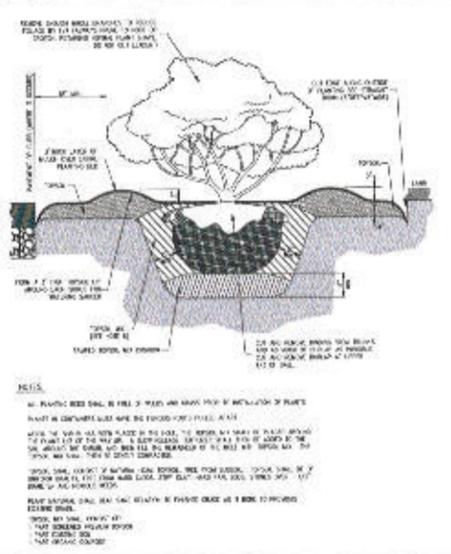
BIORETENTION AREA

29



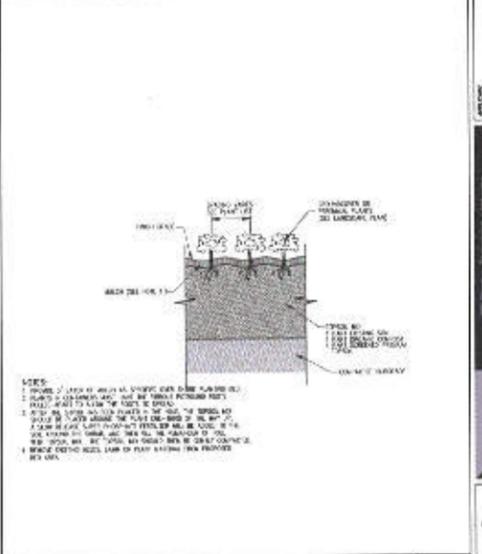
DECIDUOUS TREE PLANTING

30



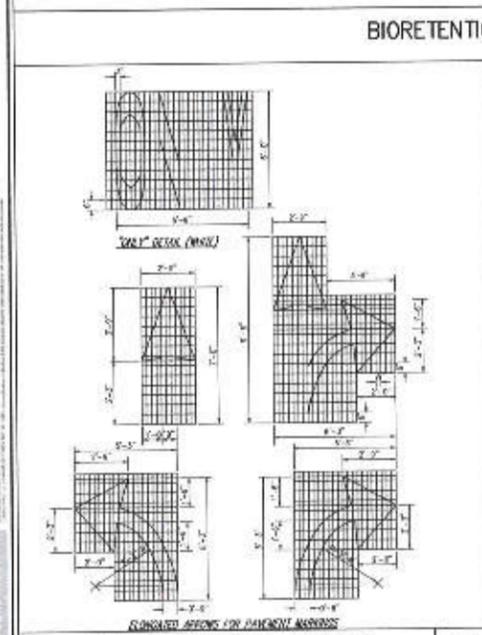
SHRUB PLANTING

31



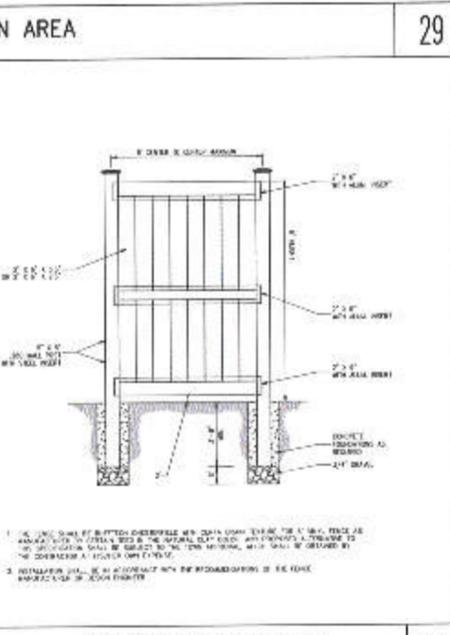
GROUNDCOVER PLANTING

32



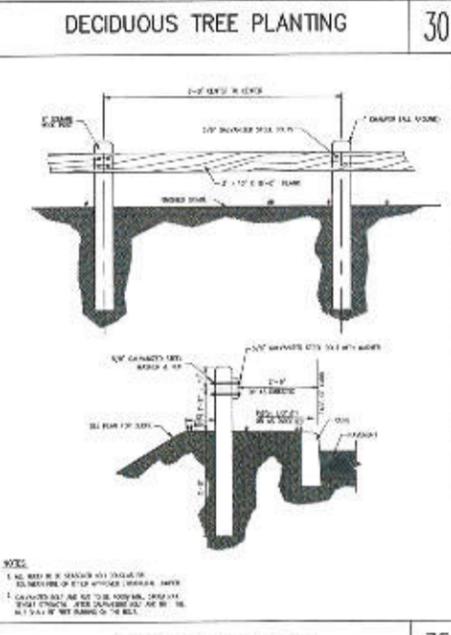
PAVEMENT TEXT & ARROWS

33



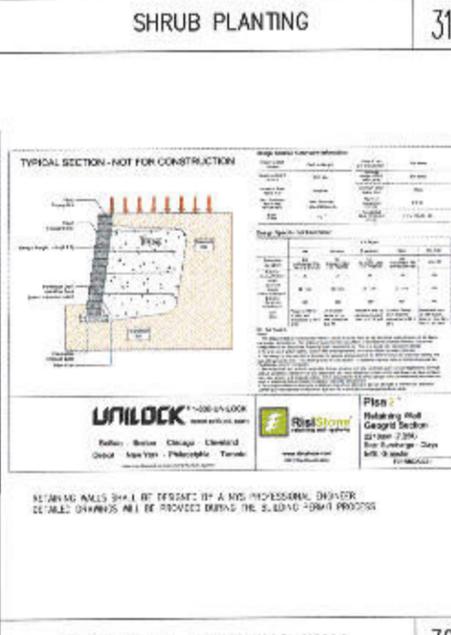
6' PVC PRIVACY FENCE

34



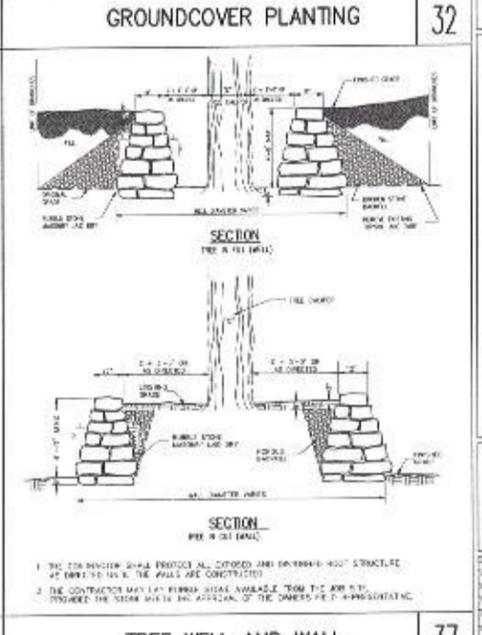
WOODEN GUIDE RAIL

35



SEGMENTAL RETAINING WALL

36



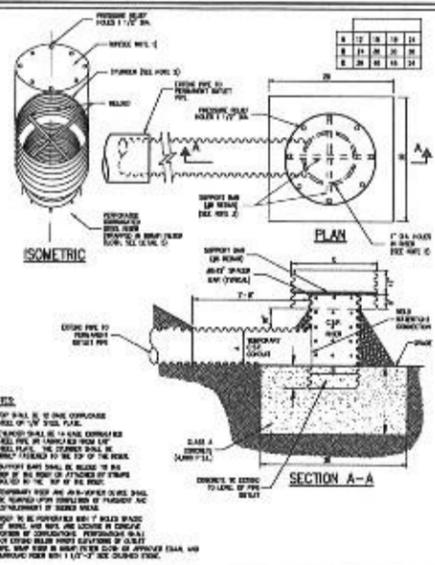
TREE WELL AND WALL

37



CONSTRUCTION DETAILS  
FRIENDLY HONDA INVENTORY PARKING LOT  
1150 BUCKINGHAM LANE, SUITE 100, POLYMERVILLE, NY 11771

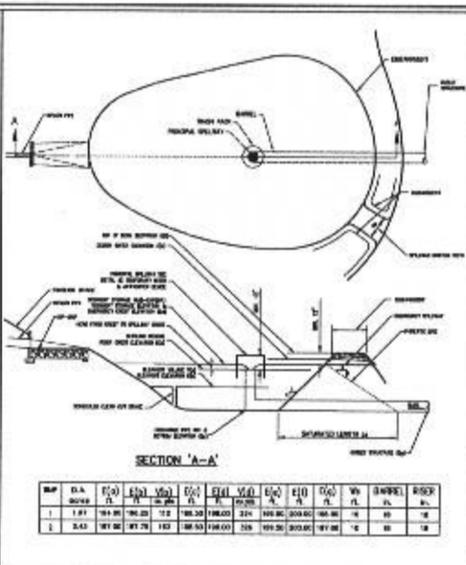
SP-12



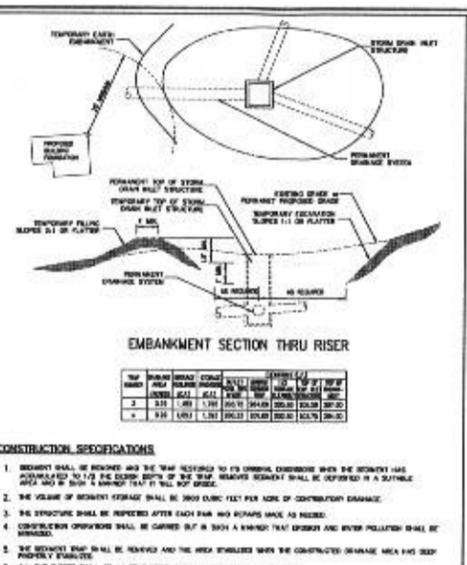
**NOTES:**

- TOP RISE IS TO BE CONCRETE RING OF 12" THICK.
- CONCRETE SHALL BE 4" MIN. COMPRESSIVE STRENGTH. ALL REINFORCING SHALL BE PLACED IN THE CONCRETE. THE CONCRETE SHALL BE FINISHED TO THE TOP OF THE RISE.
- RAISED RISE SHALL BE BUILT TO BE 10" IN EXCESS OF FINISH OF FLOOR TO BE PROTECTED BY THE RISE.
- CONCRETE SHALL BE 4" MIN. COMPRESSIVE STRENGTH. ALL REINFORCING SHALL BE PLACED IN THE CONCRETE. THE CONCRETE SHALL BE FINISHED TO THE TOP OF THE RISE.
- SOIL TO BE REMOVED TO 1' BELOW GRADE OF RISE AND SOIL TO BE LOOSELY COMPACTED TO 95% RELATIVE DENSITY. PERFORATED SOIL FILTER SHALL BE INSTALLED TO COLLECT AND REMOVE WATER FROM SATURATED SOIL. THE SOIL FILTER SHALL BE 1/2" TO 3/4" IN SIZE AND SHALL BE 1' TO 2' IN THICKNESS.

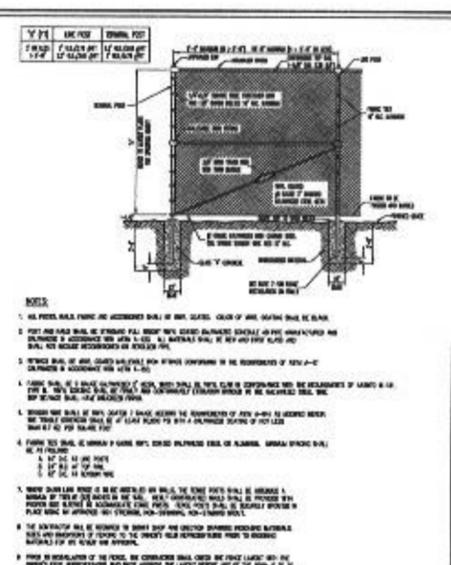
TEMPORARY RISER & ANTI-VORTEX DEVICE 38



TEMPORARY SEDIMENT TRAP (ST-1 & ST-2) 39



TEMPORARY SEDIMENT TRAP (ST-3 & ST-4) 40



CHAIN LINK FENCE (WITH GATE) 41

NOT FOR CONSTRUCTION

X

X

X

X

X

X

X

X

X

X

**JMC**

FRIENDLY HONDA  
1100 SOUTH MAIN STREET  
PO BOX 100  
FRIENDLY, NY 13752

CONSTRUCTION DETAILS  
FRIENDLY HONDA INVENTORY PARKING LOT  
LOT # 41  
TOWN OF FRIENDBURG, NY

SP-13



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3650 Phone  
845-790-4772 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): Front Porch & Side Deck

Name of Applicant(s): Richard Gunn

Address: 6 Bruce Dr, Poughkeepsie NY 12603

Telephone: 845 235 6224

Name and Address of Record Owner(s): Richard Gunn

6 Bruce Dr, Poughkeepsie NY 12603

Name and Address of Attorney or professional representative: \_\_\_\_\_

Telephone: \_\_\_\_\_

Street Address of all parcels: 6 Bruce Dr, Poughkeepsie NY 12603

Tax Map Number of all parcels: 6362-01-207657-00

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)

I would like to add a porch to the front of my house  
and I would like to connect it to the back deck via the side of my house.

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;

I do not believe an undesirable change or a detriment  
would occur by adding the porch.

- 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;

This is the only method available to join the front porch  
and the back deck

- 3) Whether the requested area variance is substantial;

I do not believe this is a substantial change because  
the side portion of my house already has a deck half its length.

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

I do not believe there will be any adverse effect  
resulting from adding the porch to my house.

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.

I would like to add the porch in order to improve the aesthetics of my property and neighborhood.

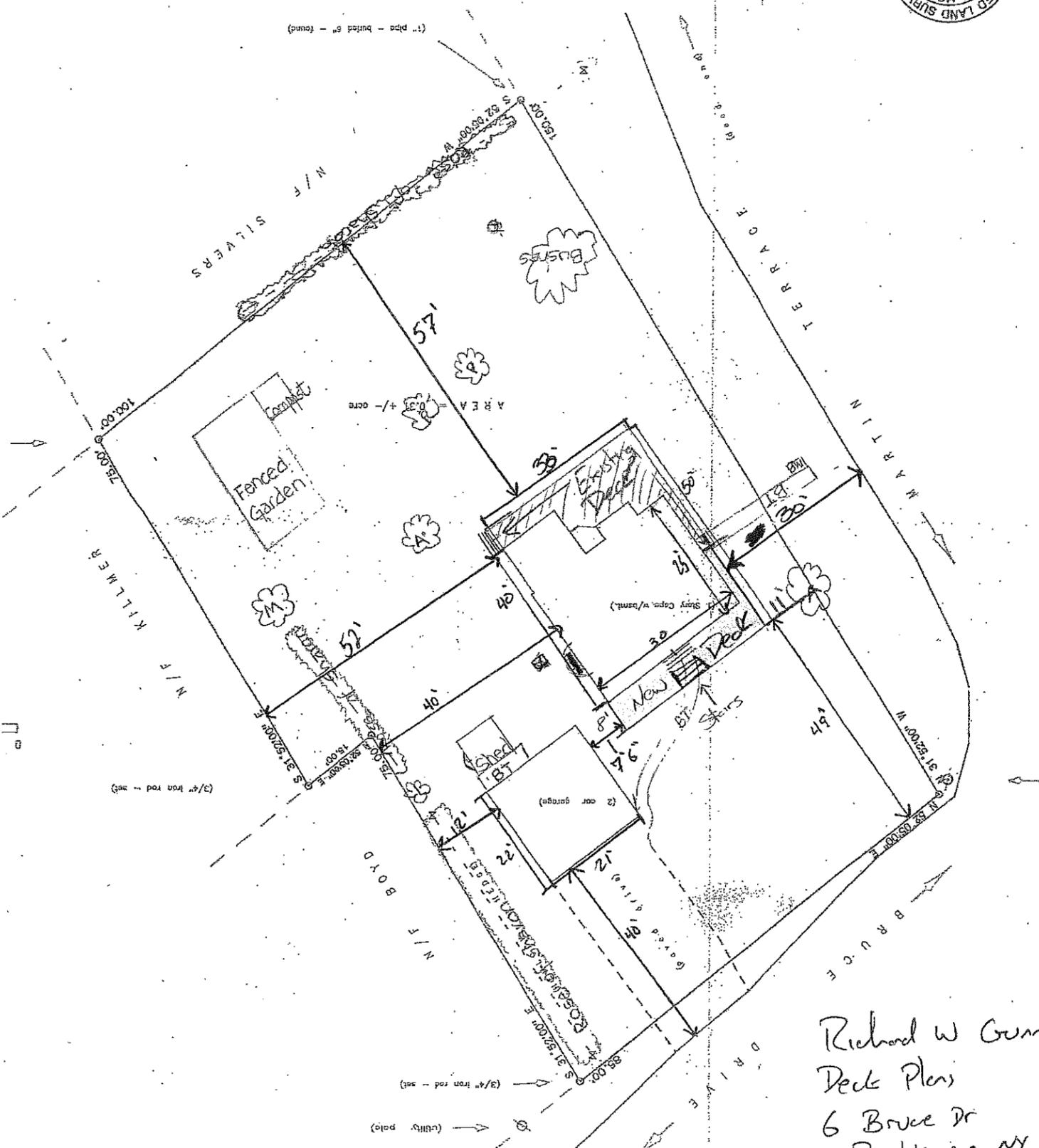
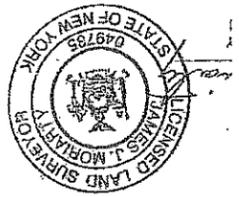
By His/Her signature the Applicant avows that: 1) He/She has read this application and is familiar with its content; and 2) He/She has read, is familiar with, and understands the requirements of the Town Poughkeepsie Code provision(s) affecting or regulating the project for which this application is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

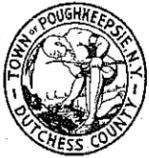
Print Name: Richard Gunn

Date: 4/15/16

"Copies from this original of this survey map not marked with an original of the land surveyor's lathed seal or his embossed seal shall not be considered to be a valid true copy."



Richard W Gunn  
Deck Plans  
6 Bruce Dr  
Poughkeepsie NY  
12603



# 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): \_\_\_\_\_

Name of Applicant(s): Joan and William Quinn

Address: 16 Broadview Road, Poughkeepsie, NY 12603

Telephone: 845-235-2956

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: 16 Broadview Road, Poughkeepsie, NY 12603

Tax Map Number of all parcels: 134689-1059-04-789088-0000

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):

Building Permit # 20151622 to construct above ground pool.

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):

Please see attached

**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)

Please see attached

**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 attached

- 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;

please see attached

- 3) Whether the requested area variance is substantial;

please see attached

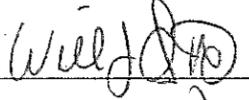
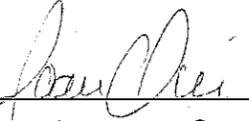
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

please see attached

- 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.

please see attached

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: William Quinn Joan Quinn

Date: 4/18/16

**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York }  
County of Dutchess } ss:

Joan Quinn and William Quinn 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.

Joan Quinn  
Applicant/Owner

William Quinn  
Applicant/Owner

Carol A. Verdis  
Notary Public

**Carol A. Verdis**  
NOTARY PUBLIC, State of New York  
No. 01VE5037251  
Qualified in Dutchess County  
Commission Expires May 6, 2019

**DISCLOSURE OF BUSINESS INTEREST**

State of New York }  
County of Dutchess } ss:

Jonu Quinn and William Quinn 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.

[Signature]  
Agent/Owner

[Signature]  
Agent/Owner

Carol A. Verdis  
Notary Public

Carol A. Verdis  
NOTARY PUBLIC, State of New York  
No. 01VE5037251  
Qualified in Dutchess County  
Commission Expires May 6, 2019

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): Joan and William Quinn

Address: 16 Broadview Road

Telephone: (845) 235-2956

Description of the Project: Deck

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation  Area Variance   
Use Variance  Special Use Permit   
Accessory Apartment

Project Address: 16 Broadview Road, Poughkeepsie NY 12603

Tax Map Number of all parcels: 134689-6159-04-789088-0000

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

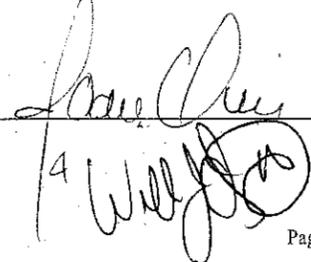
Is the project site located in an Agricultural District? Yes  No

Who is farming the site? \_\_\_\_\_

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: 4/18/16

16 Broadview Road, Poughkeepsie, NY 12603

The applicant submitted a building permit application for a backyard deck to be attached to the residence and to be attached to an existing above ground pool. The permit was denied because there is not enough side yard setback. The building permit was denied by letter dated April 7, 2016.

General Description of proposed activity:

The applicant seeks an area variance concerning a deck and an above ground pool. Applicant seeks to construct a deck to be attached to the applicant's home and to be attached to an above ground pool. Specifically, the applicant seeks a variance from the setback requirement for the deck and pool. We are advised by our contractor that the setback requirement for the deck (if it is to be attached to the home) is twenty (20) feet. The proposed setback for the deck is 18 feet. We are also advised by our contractor that if the deck is connected with the above ground pool, then the set back requirement for the pool will also be twenty (20) feet. The pool is 15 feet from the property line. We are further advised by our contractor that our home is non-conforming in that it is less than twenty (20) feet from the property line of our neighbor located at 14 Broadview Road (Chris and Dana Zivica). The home is 18 feet from the property line.

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

There will be no undesirable change in the character of the neighborhood, nor will a detriment be created to nearby properties. The applicant's house and the neighboring house at 14 Broadview are already closely situated next to one another. The proposed activity is consistent with the character of what presently exists between the two structures and the neighborhood overall.

The house of the neighbor located at 18 Broadview Road (Tom and Sally Llanes) is located a significant distance from the property line of 16 Broadview Road and will not be impacted by the proposed activity.

The house located behind 16 Broadview is also a significant distance away and will not be impacted by the proposed activity.

The proposed variance will not adversely affect the physical or environment conditions in the neighborhood. The deck will not be visible from the street. It will be aligned with the house.

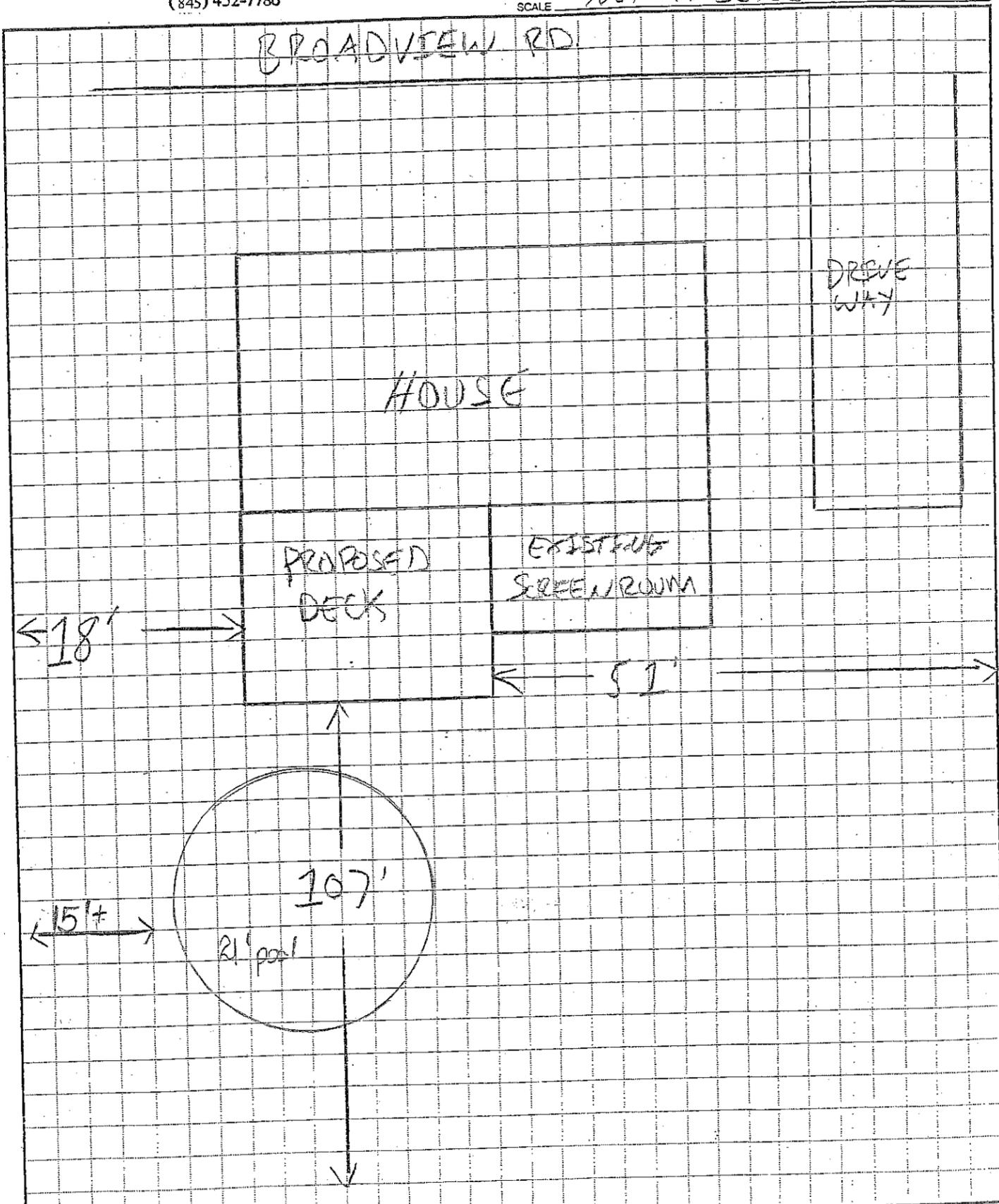
Moreover, the pool and proposed deck location are lower than the front yard adding to the lack of visibility from the street.

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;
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 location for the deck is the only available location because the septic leach field is located in the middle of the yard behind the house and next to the pool. The leach field was in its present location when we purchased the home in 2006.

3. Whether requested area variance is substantial:

No, minimal in nature. 18' from 20' for deck, 15 from 20.



**Short Environmental Assessment Form**  
**Part 1 - Project Information**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Area Variance - Joan and William Quinn			
Name of Action or Project: Area Variance			
Project Location (describe, and attach a location map): 16 Broadview Road, Poughkeepsie, New York 12603			
Brief Description of Proposed Action: Construction of deck attached to residence and attached to existing above ground pool.			
Name of Applicant or Sponsor: Joan and William Quinn		Telephone: 845/235-2956	
		E-Mail: jecapone@aol.com	
Address: 16 Broadview Road			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		.38 acres	
b. Total acreage to be physically disturbed?		10ft x 10 ft acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.38 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>John + William Quinn</u>		Date: <u>4/20/16</u>
Signature: <u>[Handwritten Signature]</u>		



Schedule A Description

Number 06-NRA-DU-32568

Page 1

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, State of New York, being a portion of Lot No. 10, Block D, a portion of Lot No. 11, Block D, and a portion of lands formerly Patrick as shown on a filed map entitled "Property of Charles and William Patrick, Section C", said filed map being filed in the Dutchess County Clerk's Office on December 28, 1956, as map no. 2735, bounded and described as follows:

BEGINNING at a point on the westerly line of Broadview Road, said point being the intersection of the westerly line of Broadview Road, with the southerly line of lands now or formerly Behnke (Liber 1025 cp 436); said point also being South 37° 50' East 10.00 feet from the intersection of the westerly line of Broadview Road, with the southerly line of Lot No. 9, Block D, as shown on said filed map no. 2735; thence along the westerly line of Broadview Road, South 37° 50' 00" East 28.00 feet on a curve to the right having a radius of 50.00 feet for a distance of 36.14 feet, and on a curve to the left having a radius of 50.00 feet for a distance of 32.11 feet to a point; thence over and through Lot No. 11 Block D, as shown on said filed map no. 2735, and along lands now or formerly Lambert (Liber 1379 cp 569), South 52° 10' 00" West 175.29 feet to a point; thence along lands now or formerly Flynn (Liber 1692 cp 314) North 38° 10' 00" West 90.12 feet to a point; thence over and through lands formerly Patrick and through Lot No. 10, Block D, as shown on said filed map no. 2735, and along lands now or formerly Behnke (Liber 1025 cp 436), North 52° 10' 00" East 200.65 feet to the point or place of BEGINNING.

*Justice*

*oz*



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3650 Phone  
845-790-4772 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): Deck & Fenced Pool Demo.

Name of Applicant(s): Simon Michail

Address: 3 Hankin Loop, Poughkeepsie NY 12601

Telephone: 845-505-4590

Name and Address of Record Owner(s): Simon Michail

3 Hankin Loop, Poughkeepsie NY 12601

Name and Address of Attorney or professional representative: \_\_\_\_\_

Telephone: \_\_\_\_\_

Street Address of all parcels: 3 Hankin Loop Poughkeepsie NY 12601

Tax Map Number of all parcels: Map No. 4260 6060-04-870053

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)

X 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;

Demo Existing porch & Build a 14'x30 Deck. I need permission

to Build the Deck giving the fact that I have less than 20' set back from the right side of the house.

- 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, because of patio door location.

- 3) Whether the requested area variance is substantial;

No, I only need nine feet

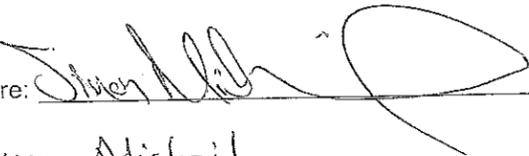
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

No. Staying inline with the house.

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. the house was build & was conforming to the  
zoning.

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: Simon Michael

Date: 4/20/2010

NOW OR FORMERLY  
 KARDAS  
 LIBERS 1953, CP063

S 61°-29'-20" E 82.00'

AREA:  
 0.31 ACRE

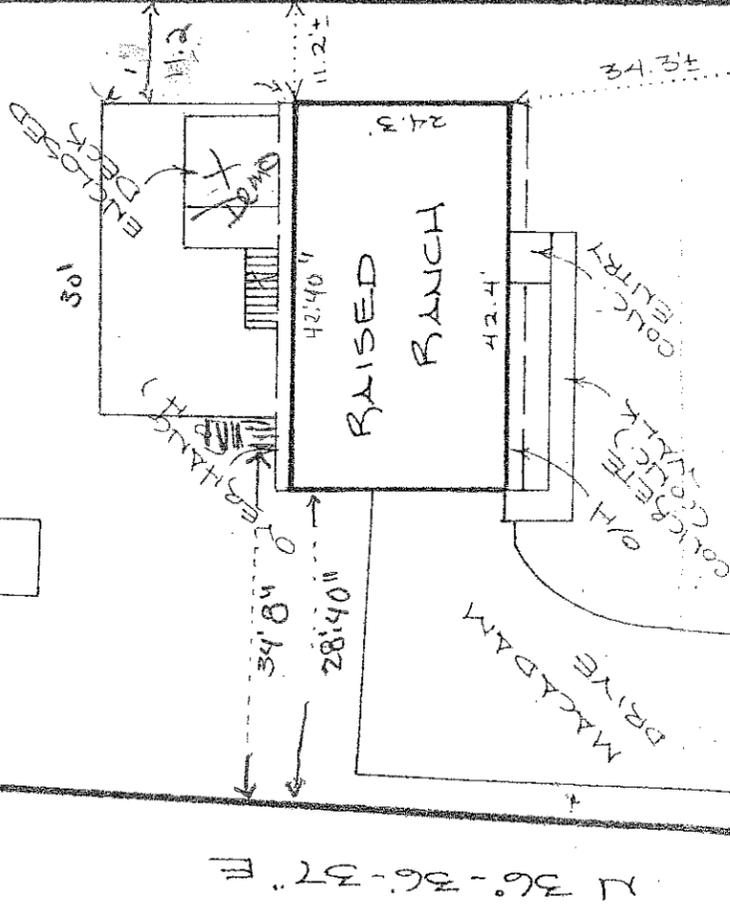
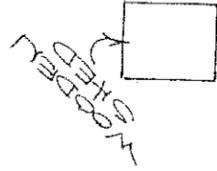
152.76'

Lot No 1\*

Lot No 2\*

STOCKADE FENCE

S 33°-02'-13" W 159.14'



MAGYDAM DRIVE

RAISED RANCH

CONCRETE COULTRY  
 CONCRETE ENTRY

N 36°-36'-37" E

N 52°-56'-00" W 41.57'

R = 200.00'  
 L = 50.00'

EDGEMONT PAYMENT

# HANKIN LOOP

MAP OF SURVEY  
 Lot No 2

## BARNEGAT ESTATES\*

TOWN OF ROUGHKEEPSIE DUTCHESS COUNTY, NEW YORK  
 SCALE: 1" = 20'

MAY 5, 2009

IT IS HEREBY CERTIFIED THAT THIS SURVEY HAS BEEN PREPARED FOLLOWING ACCEPTED PROFESSIONAL STANDARDS FOR TITLE SURVEYS.

CERTIFIED TO:

- LAWYERS TITLE INSURANCE CORPORATION (TITLE NO: QC1648)
- SYRACUSE SECURITIES INC. 1010 JAMES STREET, SYRACUSE NY 13203; ITS SUCCESSORS & ASSIGNS
- SIMON MICHAEL

PREPARED BY:

J. WILLIAM KOMISAR, L.L.S.  
 504 HAIGHT AVENUE  
 ROUGHKEEPSIE, NEW YORK 12603  
 (845) 485-2626

*J.W. Komisar*

40709

\* MAP FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON 11/05/1973 AS MAP NO 4266.



# Town of Poughkeepsie

## Zoning Department

1 Overocker Road  
Poughkeepsie, NY 12603

845-485-3650 Phone  
845-790-4772 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): 10' WOOD FENCE AROUND PERIMETER OF HOUSE

Name of Applicant(s): CAMILO ANTONINI

Address: 19 N. JACKSON DR. POUGHKEEPSIE NY 12603

Telephone: 646-523-1358 845-849-3594

Name and Address of Record Owner(s): CAMILO ANTONINI AND VIETTE RAMIREZ-ANTONINI  
19 NORTH JACKSON DR., POUGHKEEPSIE NY 12603

Name and Address of Attorney or professional representative: \_\_\_\_\_

Telephone: \_\_\_\_\_

Street Address of all parcels: \_\_\_\_\_

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):

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 PRODUCED TO THE NEIGHBORHOOD  
BY GRANTING THE VARIANCE

- 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 OTHER METHOD WOULD BE FEASIBLE.

- 3) Whether the requested area variance is 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 VARIANCE WILL NOT HAVE AN ADVERSE EFFECT ON THE PHYSICAL  
ENVIRONMENT CONDITIONS IN THE NEIGHBORHOOD OR THE DISTRICT.

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 DIFFICULTY 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: \_\_\_\_\_



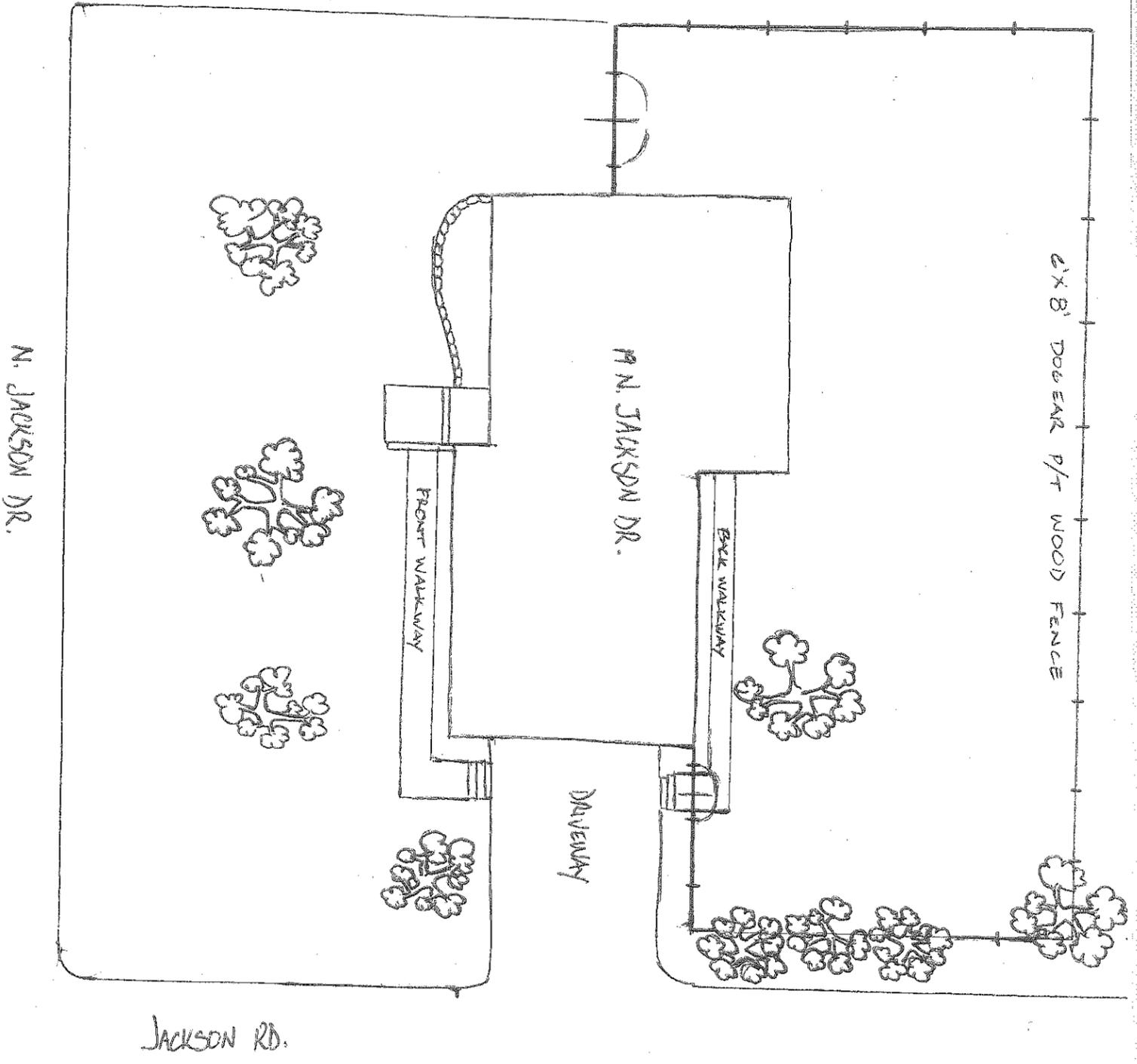
Print Name: \_\_\_\_\_

Camilo Antonini

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

4/20/2010

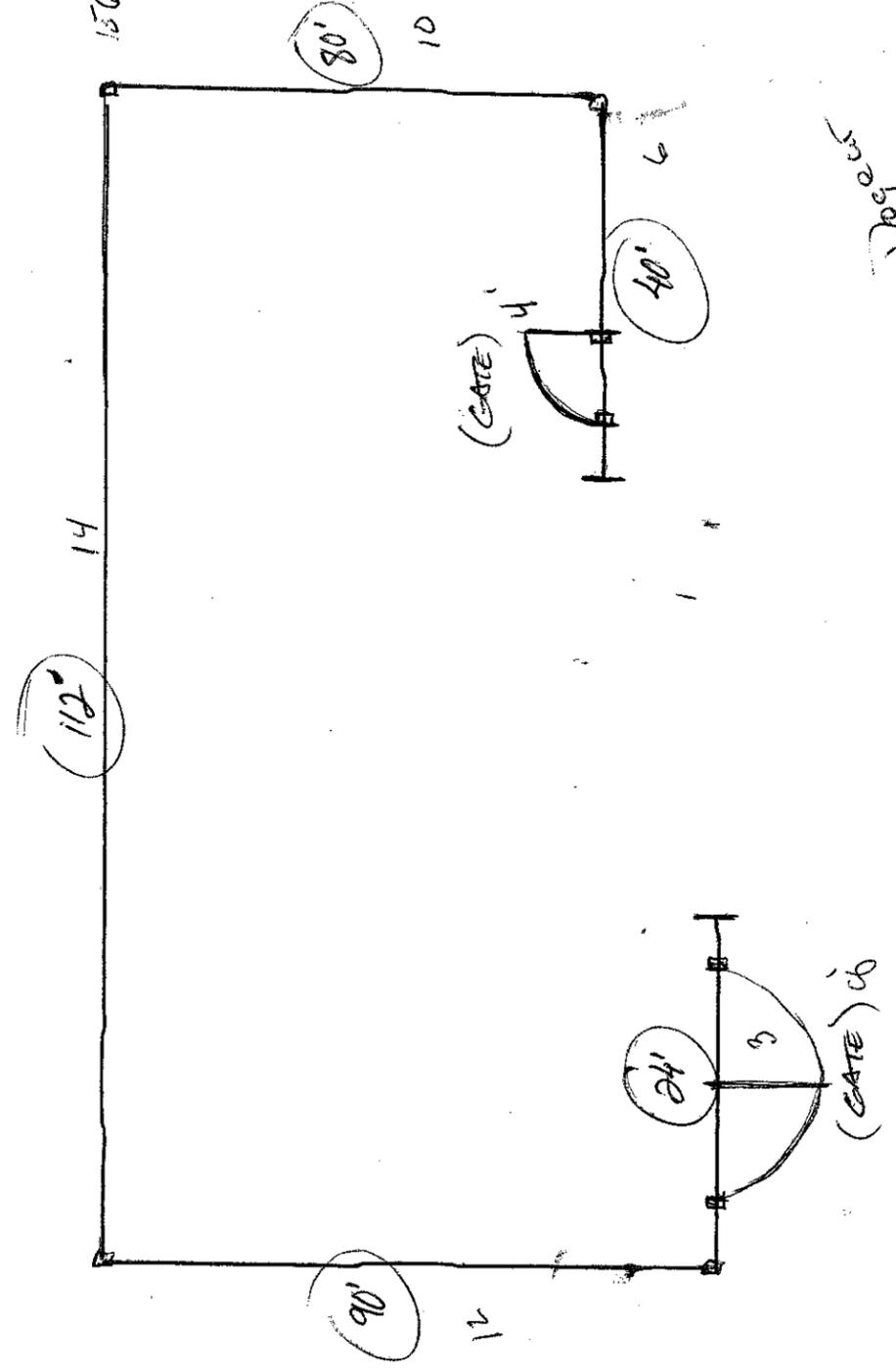




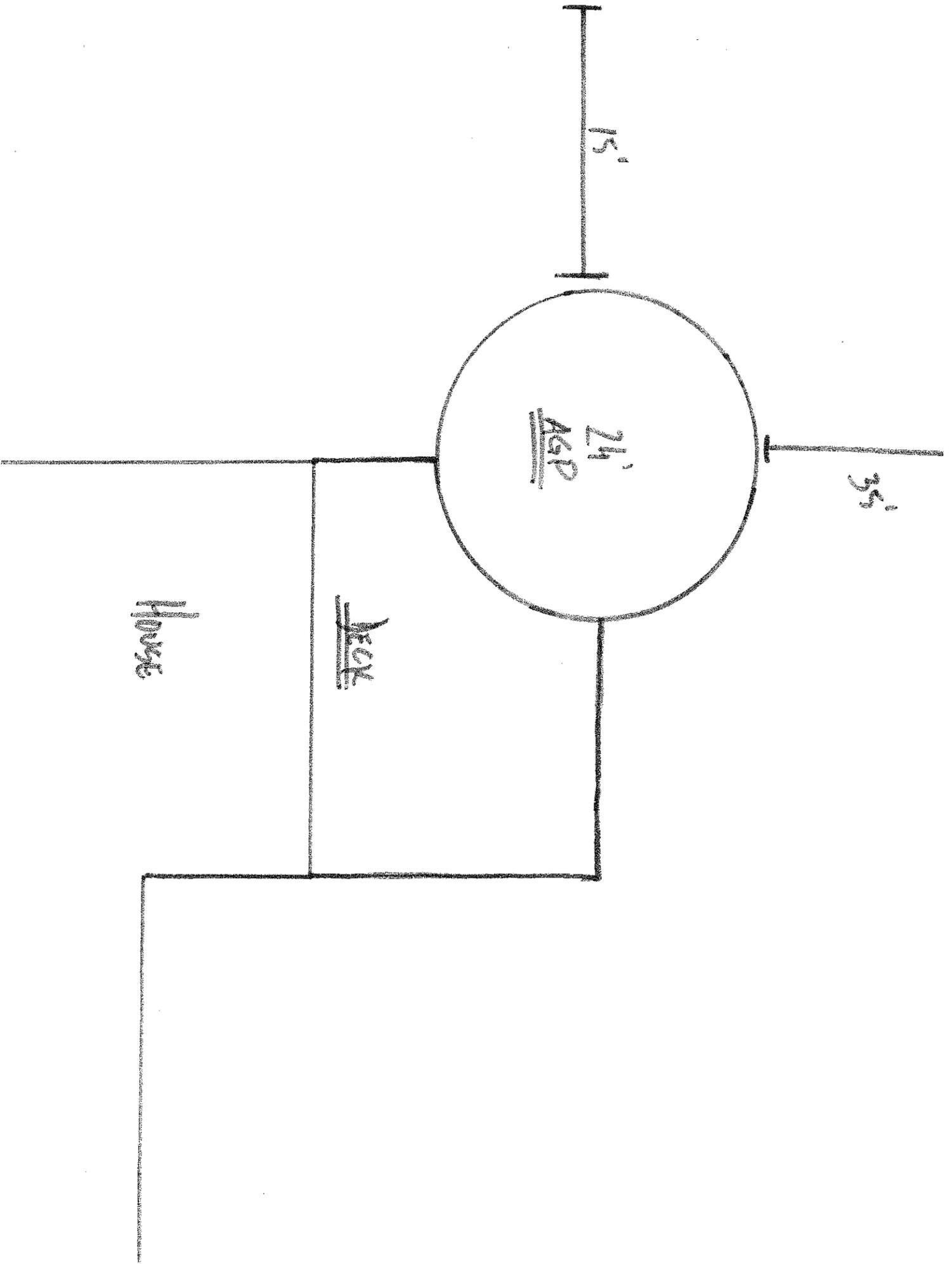
Driveway Fence

16-

156652 45 Panels  
48 4x4-8  
48 Concrete  
FS  
3 Gate Kits  
50333



Keper



April 25, 2016

To Whom It May Concern:

I am writing this letter in regard to the variance application my neighbors, The Antonini Family at 19 North Jackson Drive, are applying for their fence. I reside at 21 North Jackson Drive in Poughkeepsie and I have no problem with them installing this fence. If you have any questions, I can be reached at 849-1406 or my email is [msasaguay@yahoo.com](mailto:msasaguay@yahoo.com)

Thank you for your time and I hope this letter allows the Antonini's to receive their variance.

Thank you,

Maryellen Sasaguay  
21 North Jackson Drive  
Poughkeepsie, NY



PLANNING CONSULTANTS, INC.

April 22, 2016

Chairman James Challey and  
Members of the Zoning Board of Appeals  
Town of Poughkeepsie Zoning Board of Appeals  
1 Overocker Road  
Poughkeepsie, NY 12603

**RE: SBRJ-2 Inc  
22 Delaval Place  
Variance and Special Use Permit Applications**

Dear Chairman Challey and Zoning Board Members:

The Applicant, SBRJ-2 Inc has recently completed extensive renovations of the corner building at Delaval Place and North Grand Avenue. The project involved renovations to an existing building which had formerly housed a deli and two residential apartments. The project received Site plan approval from the Town and Building Permits were issued for the first floor deli/convenience store and for modifications to the exterior elevation. The second floor contains two existing apartments. The Owner will apply for building permits at a later date for renovations to the two existing apartments.

I have enclosed the following applications:

1. Variance for expansion of a non-conforming structure - During the Site plan approval process, the Planning Board approved the construction of a roof extension which had previously covered a flat roof on the first floor. This action requires a variance as it resulted in an expansion of a non-confirming structure.
2. Variance for a free standing sign (setbacks) - The Applicant is seeking a variance to construct a free standing sign that does not meet the required setbacks due to the nature of the lot configuration. The sign is located behind a timber guiderail that prevents traffic from cutting through the intersection which was a problem in the past.
3. Special Use Permit - The structure contains two existing apartments on the second floor. According to the BN zoning, the second apartment requires a special permit.

# KARC

PLANNING CONSULTANTS, INC.

Enclosed please find one (1) original and fourteen (14) copies of the following in support of these applications:

1. Application fees and escrow in the amounts of \$1,100 and \$1,800.
2. Special Use Permit Application
3. Area Variance Application & Addendum
4. Short Form EAF
5. Drawing entitled SP-2 prepared by the LRC Group dated 08.13.15 which was submitted as part of the Site Plan Approval process.
6. Drawing entitled SP-3 prepared by the LRC Group dated 08.13.15 which was submitted with the Site Plan Approval process showing the building elevations including the rear covered porch.
7. Schematic Floor Plan showing the first and second floor square footage and the rear porch area.
8. Sketch illustrating the location of the Free Standing Sign.

Please place this matter on the May 9, 2016 ZBA agenda for consideration of these applications and contact me at your earliest if you require any additional information.

Sincerely,



Kelly Libolt, AICP



# 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): 22 DELAVAL PLACE

Name of Applicant(s): SBRJ-2 (STEVE KUMAR)

Address: 22 DELAVAL PLACE, Poughkeepsie NY 12601

Telephone: 845-242-8264

Name and Address of Record Owner(s): SBRJ-2 c/o Steve Kumar

22 DELAVAL PLACE, Poughkeepsie NY 12601

Name and Address of Attorney or professional representative: KARC PLANNING Consultants

(Kelly Libolt) PO Box 924, Poughkeepsie NY 12602

Telephone: 845-594-1055

Street Address of all parcels: 22 DELAVAL PLACE

Tax Map Number of all parcels: 6162-19-744096

Zoning District: BN

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)

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;

SEE Attachment

- 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;

SEE Attachment

- 3) Whether the requested area variance is substantial;

SEE ATTACHMENT

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

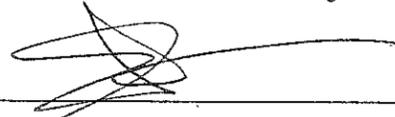
SEE Attachment

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.

SEE Attachment

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: \_\_\_\_\_

Steve Kumar - SBRJ-2

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

4/20/16

**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss:

Steve Kumar 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 KELLY LIBOLT, KARC PLANNING 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

Applicant/Owner

Gail L. Setaro  
Notary Public

GAIL L. SETARO  
Notary Public, State of New York  
# 11-4962589  
Qualified in Columbia County  
My Commission expires June 03 2019

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }  
County of Dutchess } ss:

Kenny Libard being duly sworn, deposes and says:

1. That I/we are the agent 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 PO Box 924 Poughkeepsie 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.

K Libard  
Applicant/Agent

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

Susan L. Koritsa  
Notary Public

Susan L. Koritsa  
Notary Public State of New York  
Commission in Dutchess County  
Lic. # 01K06218892  
Commission Expires 03/15/2018

22 DELAVAL PLACE  
AREA VARIANCE APPLICATION ADDENDUM

Summary

The applicant is requesting area variances from the following code sections:

Variance 1

Section 210-123 (c) - Freestanding sign shall be located 10 feet from any highway boundary.

The applicant's property is located at a corner lot at DeLaval Place and North Grand Avenue. The applicant is requesting to construct a freestanding sign to be located at the corner inside of a timber guiderail. The Freestanding Sign Location sketch included with this application indicates the closet point of the sign is 0 feet from the property line. The applicant is therefore requesting a 10 foot variance from 10 feet to 0 feet from code Section 210-123 (c).

Variance 2

Section 210-134 A (1) - Expansion of non-conforming use allows expansion of a non-conforming use by a maximum of 25% of the gross floor area of the existing structure.

The Applicant received Site Plan approval and the submitted building elevations (enclosed with this application) indicated a roof extension to cover an existing 16'-5" x 27'-5" flat roof (454 SF) on the first floor. The flat roof was originally accessed from the second floor rear apartment, was enclosed by stockade fencing and used for outdoor seating and air conditioning units. The new roof extension creates a formal porch area accessed by the apartment. The first floor square footage is approximately 2076 SF and second floor is approximately 1622 SF. Total is approximately 3698 SF. 25% expansion of the total is 924.5 SF which is greater than the actual 454 Sf covered porch

- 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;

Variance 1 (sign)

The Applicant has invested in improving the property which was in a dilapidated state. Improvements have included a complete renovation of the first floor and modifications to the exterior of the structure which essentially resulted in an entirely new façade. The

sign meets the requirements of the BN zone. However because the lot is so small, there no locations on the property where the required setbacks for the free standing sign can be properly met. The location selected for the sign is on the inside corner of a wooden guide rail and the sign has been professionally designs to fit in with the surrounding community.

Variance 2 (roof)

The structure has undergone extensive renovations. The newly created roofline improves the aesthetics of the structure and simply legalizes the prior and current use of the area as a porch.

- 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;

Variance 1 (sign)

As shown on the attached drawings, due to the geometry of the existing lot, there are very limited areas for the placement of the sign. There are no other feasible locations given the road access and parking configuration.

Variance 2 (roof)

The Applicant had designed the roofline for the improved structure prior to understanding the requirement for the area variance. Therefore, the design and functionality of the roofline drove the need for the required variance.

- 3) Whether the requested area variance is substantial:

Variance 1 (sign)

Although the variance is to permit the sign with a zero setback, the design of the sign and configuration of the lot make the appearance of the sign location to be appropriate on the parcel.

Variance 2 (roof)

The variance is to permit the prior and existing use of the area under the roof for a porch. This area is approximately 454 sq. ft. which is well below the maximum expansion area of 924 sq. ft.

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

Variance 1 (sign)

The sign has been professional design and is consistent with the building design and will fit in well within the neighborhood.

Variance 2 (roof)

The location of the expansion area is not readily apparent to those in the neighborhood and therefore would not negatively affect the conditions in the neighborhood or district.

- 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.

Variance 1 (sign)

The requested variance is being sought due to the configuration of the parcel, the location of the adjoining road relative to the site improvements and the location of the parking.

Variance 2 (roof)

The requested variance is being sought to legalize the use of the enclosed area. Since this area was previously used for the same purposes, the variance request is not considered self-created.



44 Noxon Road, Suite 4 Poughkeepsie, NY 12603  
p/845.471.3800 f/845.483.0692  
wespeaksigns.com

Proposal for: *Community Deli*  
22 Delaval Place  
Poughkeepsie, NY 12601

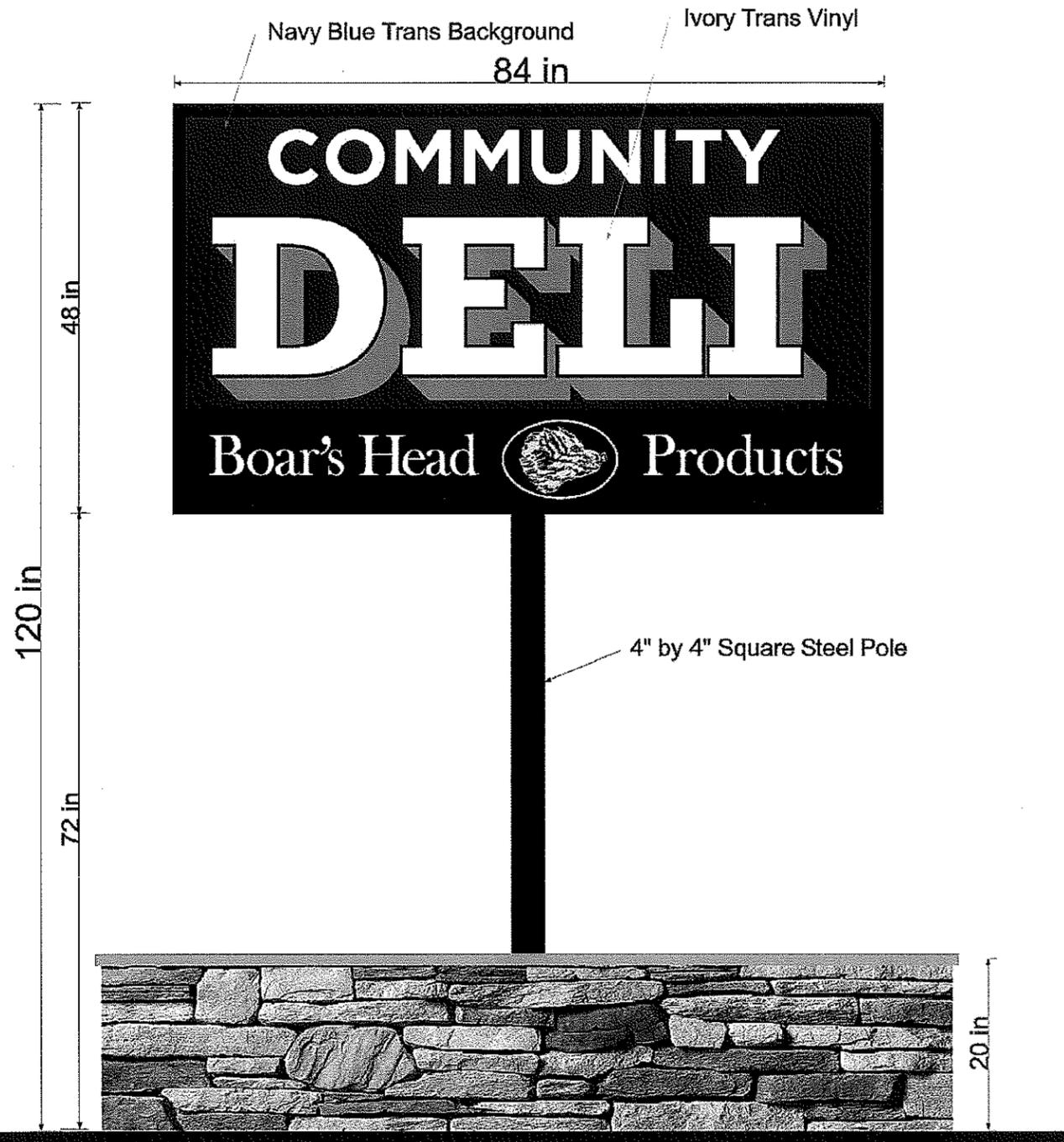
Contact: *Steve* p: 845.242.8264

Email: *Manjindersingh41@Yahoo.com*

Description: *Freestanding Sign Rev 2*

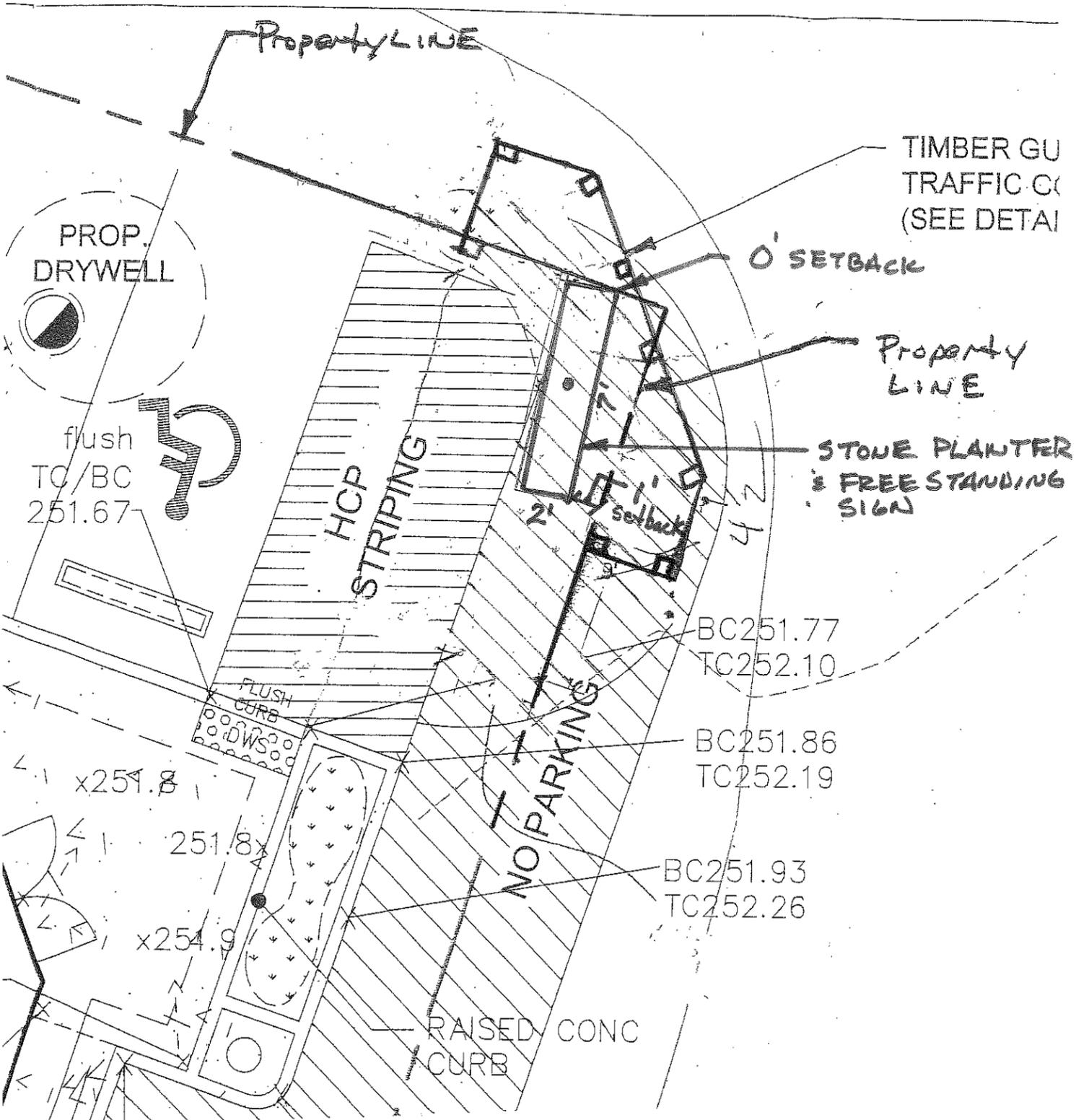
### Customer Proof

## Double Sided Freestanding Illuminated Sign



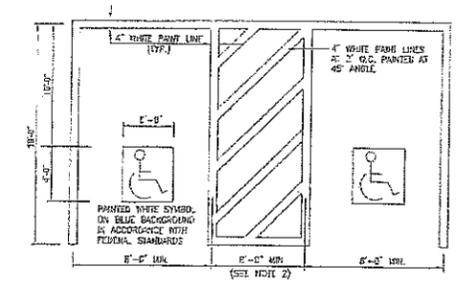
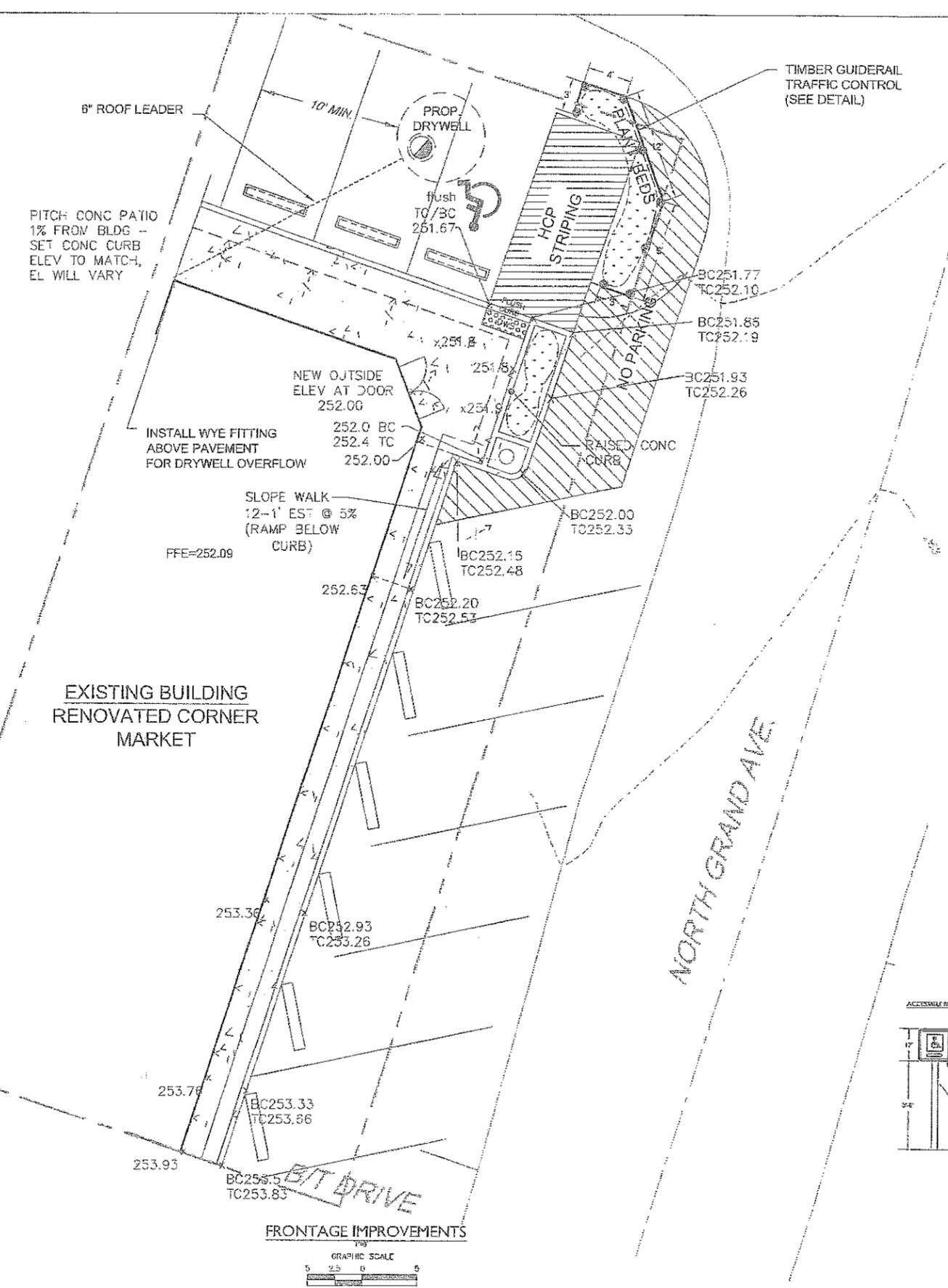
**\*\*\*Colors on this proof may vary from actual final product\*\*\***

**Approval:** By signing this proof, you are authorizing production of this sign to begin. Please check text, spelling, colors, etc. We are not responsible for any mistakes once this document has been signed. If any corrections need to be made once authorized, they will be subject to additional fees. This design is the sole property of Sign Language Inc., and may not be reproduced in any manner without written permission. 50% deposit required on all work over \$100. Full payment in advance required for all work under \$100.

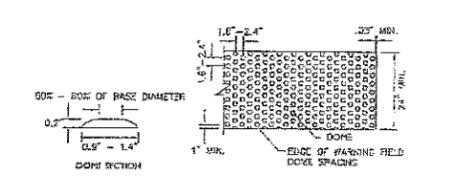


FREE STANDING SIGN LOCATION SKETCH

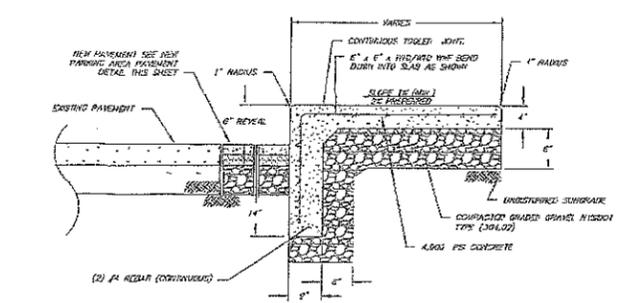
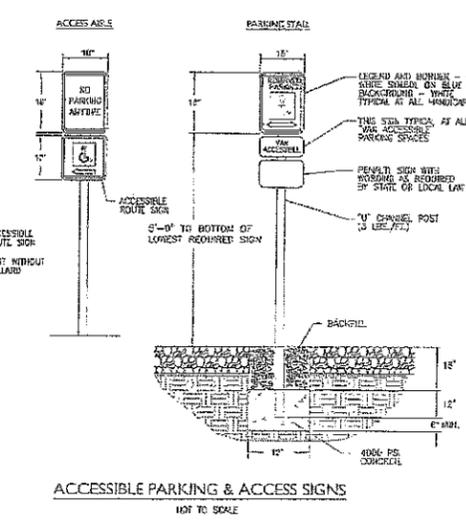
1" = 5'



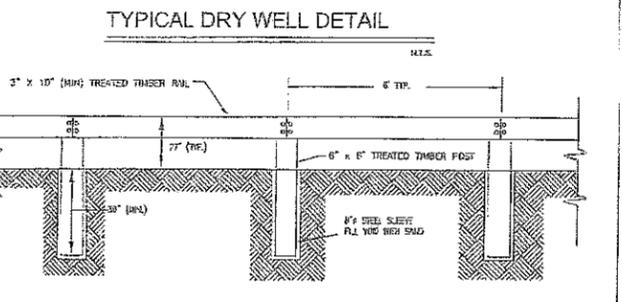
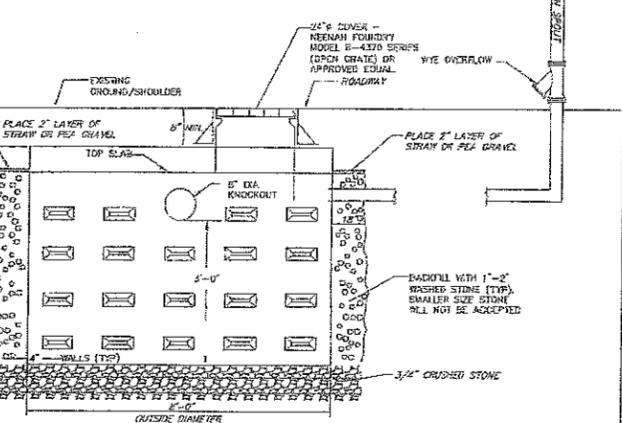
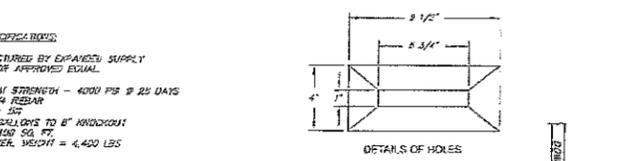
**NOTES:**  
1. SEE SITE PLAN FOR ACCESSIBLE SPACE LOCATION AND DIMENSIONS.  
2. PROVIDE 2 COATS OF PAINT ON ALL SURFACES.



**NOTES:**  
1. THE DETAILS PROVIDED ARE NOT DRAWN TO SCALE. THE QUANTITY OF DOMES DEFINED ON THE DETECTABLE WARNING LIST (THE DOWNS AND THE FUTURE 2" LEVEL SURFACE) IS FOR ILLUSTRATION ONLY.  
2. THE SIZE OF THE DETECTABLE WARNING FIELD SHALL BE 24" IN THE DIRECTION OF TRAVEL AND SHALL EXTEND THE FULL WIDTH OF THE CURB RAMP OR FLUSH SURFACE.  
3. THE ROWS OF DOMES SHALL BE ALIGNED TO BE PERPENDICULAR OR RADIAL TO THE GRADE BREAK BETWEEN THE RAMP LANDING OR CURB RAMP AND THE STREET.  
4. WHERE DOMES ARE ARRANGED RADially THEY MAY DIFFER IN DOME DIAMETER AND CENTER-TO-CENTER SPACING WITHIN THE RANGES SPECIFIED ON THIS SHEET.  
5. THE DETECTABLE WARNING FIELD SHALL BE THE COLOR SPECIFIED IN THE CONTRACT DOCUMENTS OR MEET THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS.  
6. DETECTABLE WARNING SHALL BE LOCATED SO THAT THE EDGE OR CORNER OF THE WARNING FIELD NEAREST TO THE ROADWAY IS 8" TO 6" FROM THE FRONT OF THE CURB OR THE ROADWAY EDGE (WHATEVER TRAVELABLE CURB IS USED). INSTALL THE DETECTABLE WARNING FIELD BEHIND THE FLUSH CURB.  
7. THE EDGE OF THE DETECTABLE WARNING FIELD NEAREST TO A RAILROAD CROSSING SHALL BE 6"-12" MINIMUM AND 15'-0" MAXIMUM FROM THE CENTERLINE OF THE NEAREST RAIL.



**NOTE:**  
FORMS TO BE USED AT 4" ON CENTER FROM TYPICAL CURB JOINT TO LAMP SIDE OF SIDEWALK.  
FORMS 1/2" EXP. JOINT MATERIAL AT 12" ON CENTER (ROUGHEN CURB AND SIDEWALK)



**FRONTAGE IMPROVEMENT PLAN AND DETAILS**

**CORNER MARKET RENOVATION**

22 DELAVAL  
TOWN OF POUGHKEEPSIE,  
DUTCHESS COUNTY, NEW YORK

**LRC**  
• Land Planning  
• Civil Engineering  
• Environmental Services  
• Land Surveying  
• Landscape Architecture

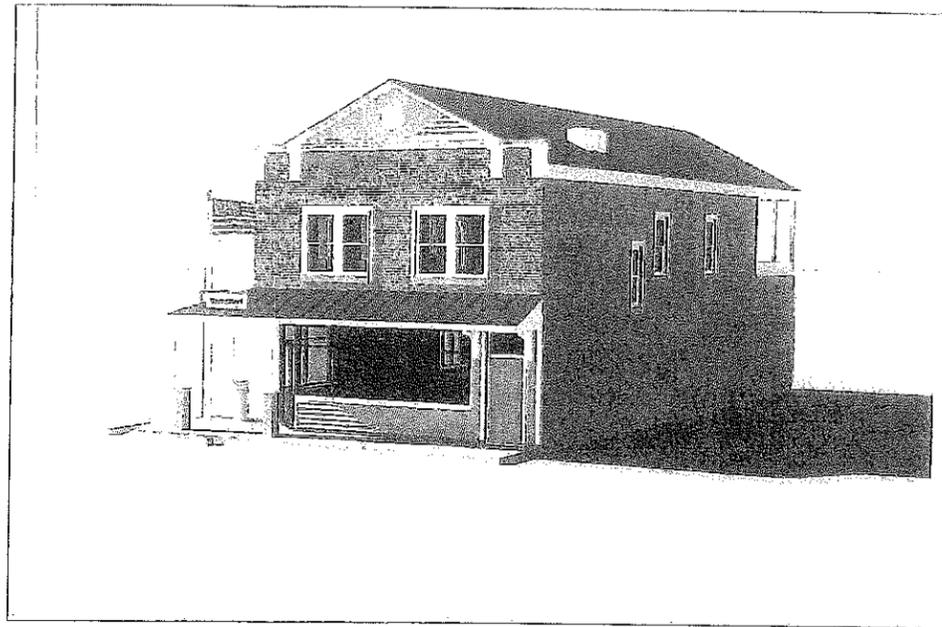
20 West Street, Suite 103  
Poughkeepsie, NY 12603  
Tel: 845-243-2800 Fax: 845-243-8175  
160 West Street, Suite F  
Catskill, NY 12414  
Tel: 845-243-2877 Fax: 845-243-4124  
www.lrcny.com

Designed: LRC | CAD File: 22-11-13 | Sheet No. SP-2  
Drawn: SMC | Project No. 22-11-13  
Checked: RFS | Date: 2022.11.13  
Approved: RFS | Scale: 1"=8'

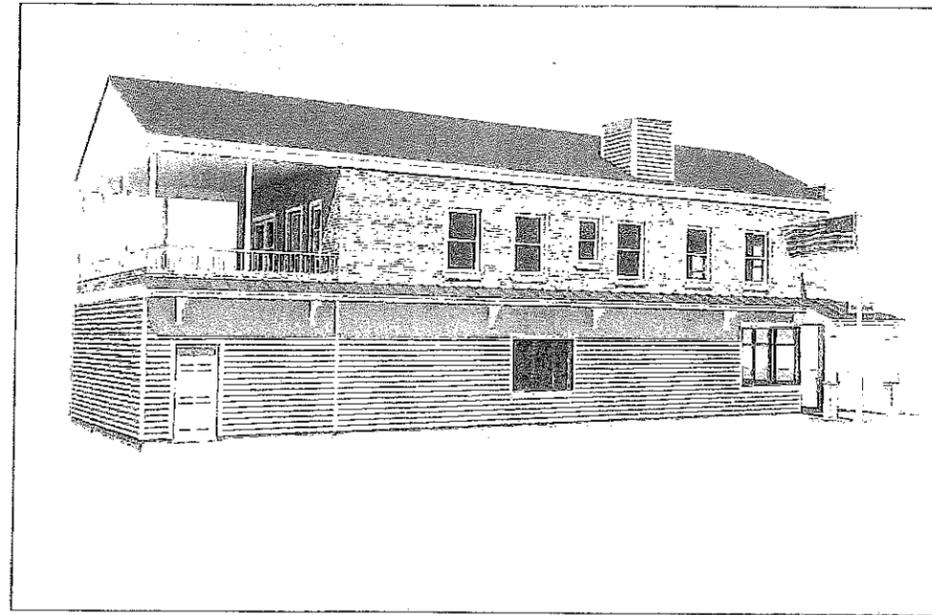




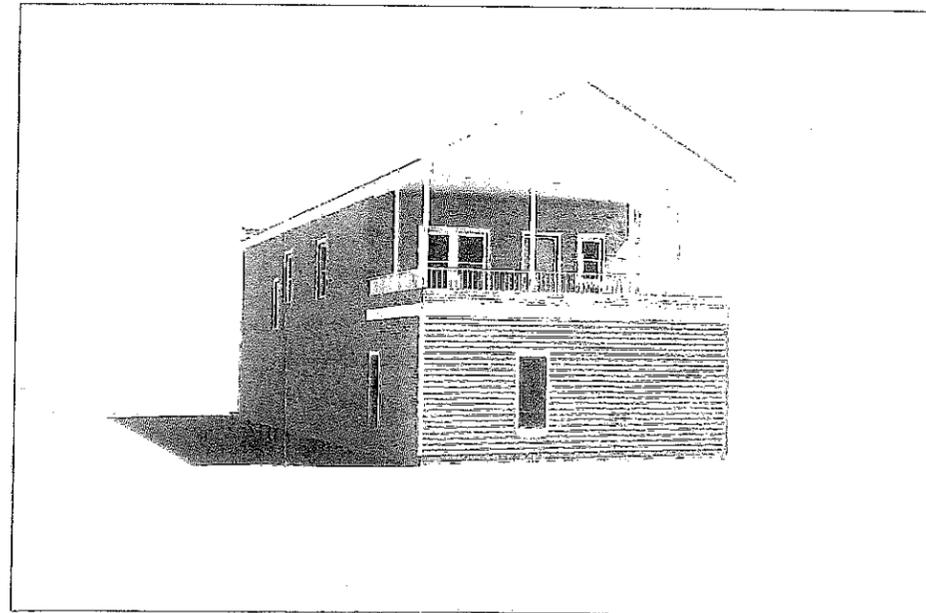
NORTHEAST ELEVATION



NORTHWEST ELEVATION



SOUTHEAST ELEVATION



SOUTHWEST ELEVATION

C:\Users\jg1511\Documents\Projects\Development\2015\2226\2226.dwg  
 2/15/2015 10:00 AM  
 2226.dwg  
 2/15/2015 10:00 AM

 • Land Planning • Civil Engineering • Environmental Services • Land Surveying • Landscape Architecture 55 Erie Canal Plaza, Suite 103 Poughkeepsie, NY 12603 Tel: 845-343-2550 Fax: 845-365-1175 100 West Plaza, Suite 8 Cromwell, CT 06106 Tel: 860-659-2577 Fax: 860-659-4234 www.lrc-nyc.com		<b>ELEVATIONS</b>	
		<b>CORNER MARKET RENOVATION</b> 22 DELAVAL TOWN OF POUGHKEEPSIE, DUTCHESS COUNTY, NEW YORK	
Drawn: DJC Checked: ABM Approved: JSM	LRC Project No.: 15-1491 Date: 2015.08.13 Scale: NTS	CAD File: 2226.dwg Plot No.: 15-1491	Sheet No.: <b>SP-3</b>



# 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 Use Variance / Special Use Permit

APPROVAL REQUESTED FOR: (Check all that apply)

Use Variance

Special Use Permit

Name of Project (if applicable): 22 DELAVAL PLACE

Name of Applicant(s): SBRJ-2 (Steve Kumar)

Address: 22 DELAVAL PLACE, Poughkeepsie NY 12601

Telephone: 845-242-8264

Name and Address of Record Owner(s): SBRJ-2 (Steve Kumar)

22 DELAVAL PLACE, Poughkeepsie NY 12601

Name and Address of Attorney or professional representative: KARC PLANNING CONSULTANTS

(KELLY LIBOLT) PO Box 924, Poughkeepsie NY 12602

Telephone: 845-594-1055

Street Address of all parcels: 22 DELAVAL PLACE

Tax Map Number of all parcels: 6162-19-744096

Zoning District: BN Code Section 210-33 (c)

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 Use Variance Applications:**

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary). In order to prove unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals for each and every permitted use under the zoning regulations for the particular district where the property is located:

1) That the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence, and

2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood, and

3) That the requested use variance, if granted, will not alter the essential character of the neighborhood, and

4) That the alleged hardship has not been self-created.

**B) For Special Use Permit Applications (except accessory apartment):**

Provide a description of the proposed activity with regard to the following standards. (Attach additional pages as necessary):

1) That there would not be any detrimental effect by the establishment of such use on other uses within the district.

No - The building has historically had apartments upstairs so use will continue.

2) That such use will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, fences and parking areas will not discourage the appropriate development and use of adjacent lands.

YES - Building has historically had deti/convenience

Store on first floor, Apartments on second floor. Neighborhood is primarily residential

3) That all structures, equipment and materials shall be reasonably accessible for fire and police protection.

Apartments renovations will require building permits that require all life safety codes to be met

4) That the use meets the prescribed requirements for the district in which located, including minimum yard requirements for the district in which located or as further specified in this section and including maximum height, required off-street parking and sign regulations.

Building and parking are existing.

5) Noise. The maximum noise level at the property line applicable to the use involved shall not exceed the maximum established under Chapter 139 of the Town Code.

YES - only 2 apartments located over convenience

store at busy intersection of DeLaur and Northland Ave.

6) Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.

No - normal residential sewage waste to

Town of Pok sewer system

7) Traffic access. All proposed traffic access ways shall be adequate but not excessive in number; adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections and other places of public assembly; and shall meet other similar safety considerations.

Parking is existing

8) Parking. Adequate off-street parking and loading spaces shall be provided in accordance with the off-street parking and loading requirements of this Chapter. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking report may be employed to demonstrate shared parking effects.

Parking is existing

9) Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking, and to provide for the convenience and safety of vehicular, pedestrian, and bicycle movement within the site and in relation to adjacent areas or roads.

N/A

10) Landscaping and screening. All parking and service areas shall be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets and the general landscaping of the site should be in character with that generally prevailing in the neighborhood. Existing trees twelve (12) inches or more in diameter at breast height (dbh) should be preserved to the maximum extent practical.

N/A - Applicant HAS SEASONAL planters  
at site for DELI/CONVENIENCE store

11) Character and appearance. The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood, and shall not adversely affect the general welfare of the inhabitants of the Town.

Building has been completely remodeled per  
Town Planning Board and Building Dept. Approvals

12) Historic and natural resources. The proposed use shall be designed and should be carried out in a manner that minimizes impacts to protect historic and natural environmental features on the site under review and in adjacent areas.

N/A

13) Sewage Treatment and Water Supply. The adequacy of available sewage disposal and water supply services supporting the proposed activity or use shall be sufficient to meet the needs of the proposed activity or use. This consideration should be given to both including, but not be limited to, the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and the adequacy of measures to protect surface and groundwater from pollution.

Town Sewer ad under available at site

14) Size and scale. The location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection therewith, and the size of the site in relation to the use, its site layout and its relation to existing and future access streets should be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.

Buildin is not being EXPANDED

15) The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

No changes proposed

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: Steve Kumar

Date: 4/20/16

AFFIDAVIT TO BE COMPLETED BY OWNER

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }

ss:

Steve Kumar

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 KELLY LIBOLT, KARC PLANNING, 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

Applicant/Owner

Gail L. Setaro  
Notary Public

GAIL L. SETARO  
Notary Public, State of New York  
#11-4962589  
Qualified in Columbia County  
My Commission expires June 03, 2019

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }  
County of Dutchess } ss:

Kelly Libolt being duly sworn, deposes and says:

1. That I/we are the agent 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 PO Box 924 Poughkeepsie 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.

K Libolt  
Applicant/Agent

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

Susan L. Korisa  
Notary Public

Susan L. Korisa  
Notary Public State of New York  
Commission in Dutchess County  
Lic. # 01K08218892  
Commission Expires 03/15/2018

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

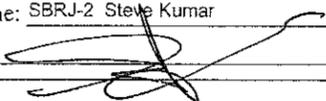
**Instructions for Completing**

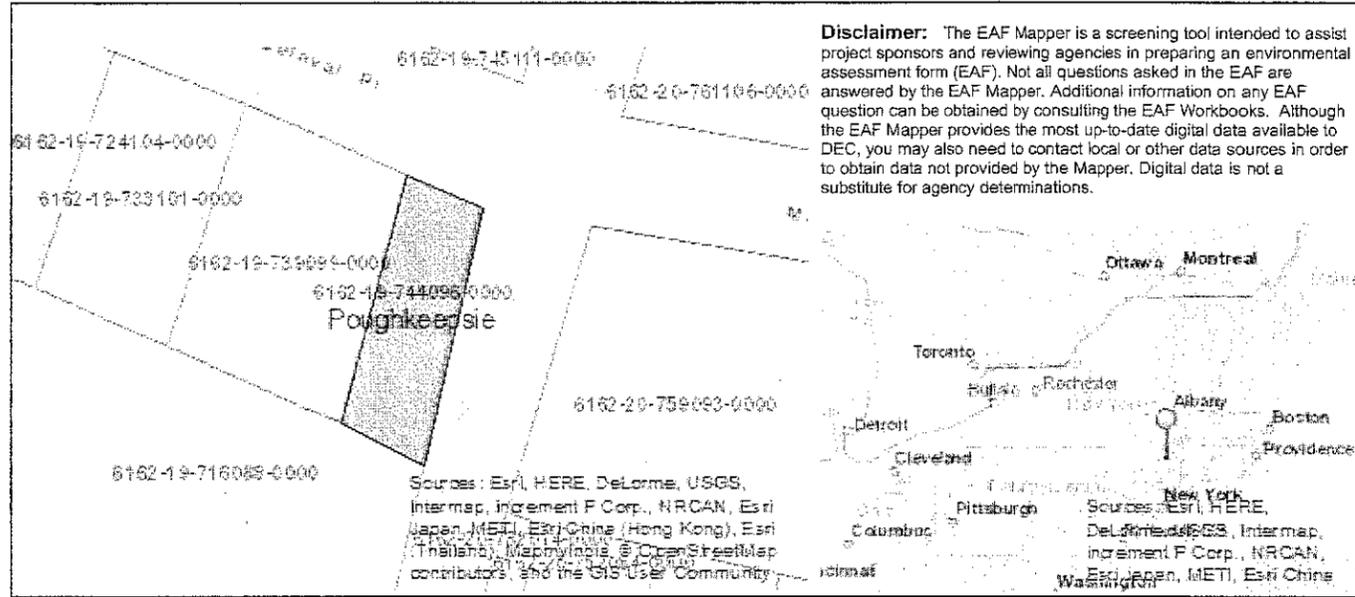
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: 22 DeLaval Place Variance and Special Use Permit			
Project Location (describe, and attach a location map): 22 DeLaval Place, on the southwest corner of the intersection of North Grand Avenue with DeLaval Place, Town of Poughkeepsie			
Brief Description of Proposed Action: The proposed action involves an application for area variances for expansion of a non-conforming use for covered porch and freestanding sign setbacks. The action also involves an application for a special use permit to allow two (2) apartments as accessory uses in the BN (neighborhood business) zoning district.			
Name of Applicant or Sponsor: SBRJ-2		Telephone: 845-242-8264	
		E-Mail:	
Address: 22 DeLaval Place			
City/PO: Poughkeepsie		State: NY	Zip Code: 12602
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.9 acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.9 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO   <input checked="" type="checkbox"/>	YES   <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>SBRJ-2 Steve Kumar</u> Date: <u>4/20/16</u> Signature: 		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

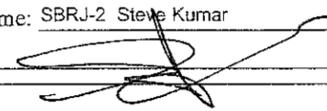
**Instructions for Completing**

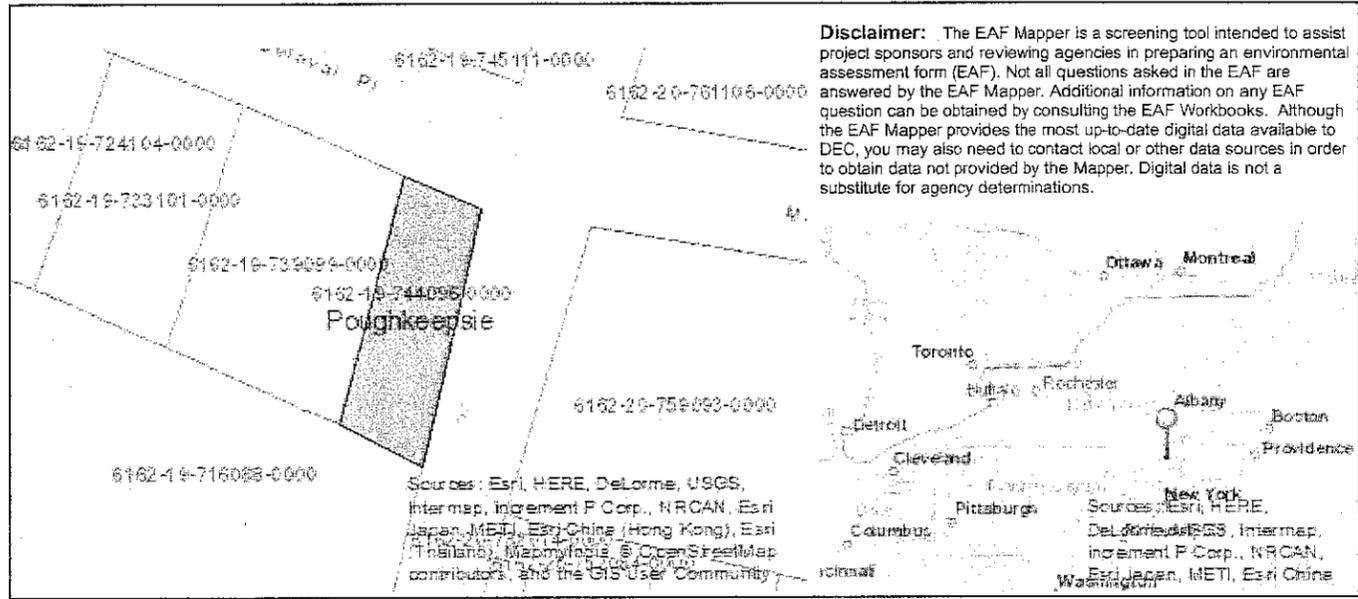
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: 22 DeLaval Place Variance and Special Use Permit			
Project Location (describe, and attach a location map): 22 DeLaval Place, on the southwest corner of the intersection of North Grand Avenue with DeLaval Place, Town of Poughkeepsie			
Brief Description of Proposed Action: The proposed action involves an application for area variances for expansion of a non-conforming use for covered porch and freestanding sign setbacks. The action also involves an application for a special use permit to allow two (2) apartments as accessory uses in the BN (neighborhood business) zoning district.			
Name of Applicant or Sponsor: SBRJ-2		Telephone: 845-242-8264	
		E-Mail:	
Address: 22 DeLaval Place			
City/PO: Poughkeepsie		State: NY	Zip Code: 12602
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.9 acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.9 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>SBRJ-2 Steve Kumar</u> Date: <u>4/20/16</u>		
Signature: 		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



# 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): CareMount Medical

Name of Applicant(s): CareMount Medical

Address: 2507 South Rd Poughkeepsie, NY 12601

Telephone: 845-471-3112

Name and Address of Record Owner(s): Spackenkill Partners, LLC  
1105 Bedford Rd. Mt. Kisco, NY 10549

Name and Address of Attorney or professional representative: Gloede Signs, Inc.  
97 N. Clinton St. Poughkeepsie, NY 12601

Telephone: 845-471-4366

Street Address of all parcels: 2507 South Rd.

Tax Map Number of all parcels: 134689 - 6060 - 04 - 976470 - 0000

Zoning District: B-H

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)

X

**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;

There will not be an undesirable change. The sign is replacing a sign that was previously approved.

- 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;

The sign is to replace an existing sign approved by the board in its current location. The first floor carries signage for all retail stores and the Medical Facility is housed on the three floors above.

- 3) Whether the requested area variance is substantial;

The sign is to be located on the fourth floor level as opposed to the second floor. As the area variance is not a 50 ft. issue, the requested variance does not appear to be substantial.

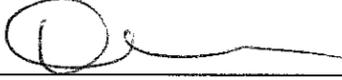
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environment conditions in the neighborhood or district.

The sign has no adverse impact on the neighborhood or district as it is located in a commercial + professional complex on Rte 9 (South Rd) and a commercial zone.

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 property had been granted approval for the four story building within the complex and sign approval was given for the fourth story. It is being changed solely because MKMG is changing its name.

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: Todd Lantieri

Date: 4/19/16

\*

**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York }  
County of Westchester } ss:

\_\_\_\_\_ 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 Gloede Neon Signs 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

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

[Signature]  
Notary Public

**ROSE E. FALCO**  
Notary Public, State of New York  
No. 01FA6156156  
Qualified in Westchester County  
Commission Expires Nov. 27, 2018

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of New York }  
County of Dutchess } ss:

Todd Kanthier being duly sworn, deposes and says:

1. That I/we are the professional agent 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 911 N Clinton St Poughkeepsie 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.

Todd Kanthier  
Applicant/Agent

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

Linda L. Yellin  
Notary Public  
LINDA L. YELLIN  
Notary Public, State of New York  
Reg # 01YE6187780  
Qualified in Ulster County  
Commission Expires May 27, 20 16

DISCLOSURE OF BUSINESS INTEREST

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss:

\_\_\_\_\_ being duly sworn, deposes and says:

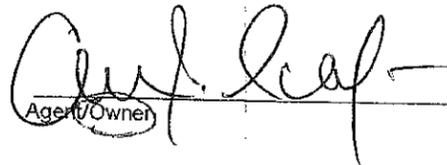
1. Pursuant to §803 of the General Municipal Law the following municipal officer(s) or employee(s), and any of their family members, outside employers, business associates, clients, or campaign contributors, have, or will later acquire, an ownership position, employment position, or other contractual 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

\_\_\_\_\_  
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): Care Mount Medical

Address: 2507 South Rd, Poughkeepsie, NY 12601

Telephone: 845-471-3112

Description of the Project: Installation of a wall sign

APPROVAL REQUESTED FOR: (Check all that apply)

Interpretation

Area Variance

Use Variance

Special Use Permit

Accessory Apartment

Project Address: 2507 South Rd. Poughkeepsie, NY 12601

Tax Map Number of all parcels: 134689-6060-04-976470-0000

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

 n/a

Own

 n/a

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.

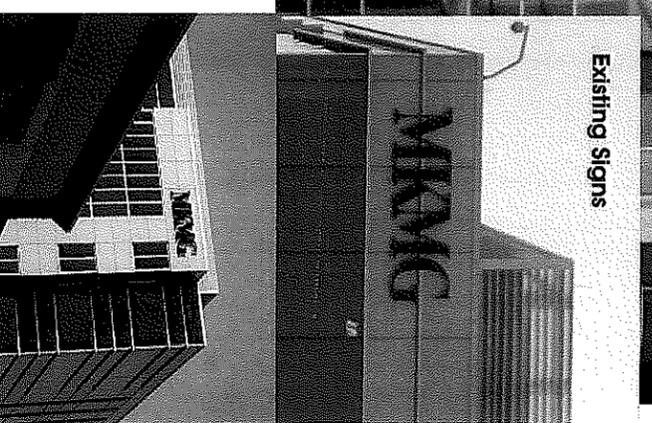
Signature of Applicant:

[Signature]

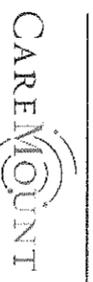
Date:

4/19/16





Existing Signs



**Project Description:**  
 TWO (2) SETS Front Lit Channel Letters  
 featuring Internal, LED Illumination with faces  
 covered in digitally, 4 color printed, vision film  
 vinyl - to light white at night.

**GNS**  
 97 North Clinton Street  
 Poughkeepsie, NY 12601  
 845-471-4366 - phone  
 845-471-0987 - fax  
 www.gnsgroupllc.com

**Client:** CareMount Medical  
**File Name:** CareMount Medical Survey.cdr  
**Date:** 2/4/2016  
 RVSD  
 2/9/2016

**Client Approval:**  
**Date:**  
 Please note that the colors represented on this proof are not exact representations of the finished product. All computer screens, cell phone screens and printers display colors in different manners. If exact colors are necessary for this project, you may request a physical color sample for an additional fee.

This document is the property of GNS Group Inc. and may not be reproduced without written consent. All rights reserved. This document is to be used only for the purposes and conditions of the sale of this document.  
 (IL) Underwriters Laboratories Inc. Refer to UL 1585 for specifications.