

DANIEL YADGARD
247 W 87TH STREET
APT. 12G
NEW YORK, NY 10024-2849



UBS Financial Services Inc.

1015
25-80440

PAY TO THE
ORDER OF

TOWN OF WINDHAM
EIGHT THOUSAND SEVEN HUNDRED & TWO

10/26/2023

DATE

\$ 8702

62

Resource Management Account*

800-762-1006
UBS Bank, N.A.
Kansas City, MO 64105

DOLLARS



MEMO

6622 PFC (1202000)

⑆044000804⑆

8114018314101010

⑆

MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW

October 31, 2023

Robert R. Butts
Robert B. Dietz
Joshua E. Mackey
Ian S. MacDonald
Cara A. Whalen

Christina A. Mazzarella
Lita M. Ward

Emily Abrahams
Tyrone Brown
R. Keith Salisbury

Via Email and Hand Delivery

Chairman John Parisi
Town of Washington
Zoning Board of Appeals
10 Reservoir Drive
Millbrook, New York 12545

**Re: Reapplication for Area Variance – Third Submission
Daniel Yadgard
610 Stanford Road, Millbrook, New York 12545
Tax Map No.: 135889-6766-00-042590
Our File No.: 1282.0001**

Dear Chairman Parisi:

As you are aware, this firm represents the applicant, Daniel Yadgard, in the above-referenced matter. Please find enclosed as Exhibit “A” our client’s application for the following area variances:¹

- Requesting the back of the pool to be 40’ from the back property line requiring the variance from the 75’ setback.
- Requesting the front edge of the pool to be 90.8 away from the side property line requiring a variance for the 100’ side yard setback.
- Requesting a building/lot coverage, if the Town deems that the lot coverage is beyond the maximum with a pool,² for a pool that has an area of 525 square feet (35’x15’) on a lot that is 1.74 acres/7,595.10 square feet.

The prior area variances that were requested on July 24, 2023 were greater, as the pool in this application has been significantly reduced from 720 square feet to 525 square feet. As you may recall, the applicant previously requested the following:

¹ The installation of the pool mechanicals will be adjacent to the house as shown on the site plan included in the application (See again Exhibit “A”).

² Please note that although the applicant is asking for three variances, it is our belief that the pool remains within the lot area coverage allowed. The driveway of 721’ should not be included in lot coverage as explained more fully below.

Reply to:

3208 Franklin Avenue
Millbrook, NY 12545
P 845.677.6700
F 845.677.2202

319 Mill Street
Poughkeepsie, NY 12601
P 845.452.4000
F 845.454.4966

81 Main Street
P.O. Box 308
Sharon, CT 06069
P 860.364.6232
F 860.364.6429

- Requesting the back of the pool to be 35' from the back property line requiring the variance from the 75' setback
- Requesting the front edge of the pool to be 87.8 away from the side property line requiring a variance for the 100' side setback.
- Requesting a building/lot coverage beyond the maximum for a pool that has an area of 720 sq. ft. (40'x18') on a lot that is 1.74 acres/7,595.10 sq. ft.

Therefore, the new pool will require 5' less of a variance in the back and 3' less of a variance from the side. The square footage has been reduced from 720 square feet to 525 square feet. Our client has reduced the pool size from a standard 40x18 to a 35x15, for a total reduction of 27%.

Also enclosed is a check in the amount of \$8,702.63, which represents the applicant's new application fee and escrow in the amount of \$1,500 plus \$5,573.61 for the Town's legal fees with regard to previous variance applications. We are aware that the Town incurred other fees in defending a lawsuit against it. The applicant submits this amount in good faith for what he believes are the maximum legal fees for which he should be responsible in connection with his prior application.

There is a very long history to this application. Our client made a previous application on September 1, 2022 for area variances to construct a swimming pool at his property. On November 17, 2022, The ZBA granting the area variances. A building permit was later issued and our client commenced construction of the swimming pool. Subsequently, a resident commenced an Article 78 lawsuit against the Town of Washington Zoning Board of Appeals, et. al. (the "ZBA"), which was based upon the Town's failure to notify the neighbors via mailings. The ZBA later asked our client to withdraw his application and resubmit it, perhaps in an effort to avoid litigation. On January 17, 2023, Mr. Yadgard applied again for the needed area variances.

While the application was pending on March 28, 2023, Zoning Administrator James Finley determined that the property was 1.74 acres and therefore 75,794 square feet, allowing a maximum lot coverage of 7,579, which equals 10%. Mr. Finley determined that the residential driveway, approximately 721 square feet, did not count towards lot coverage as it is not an interior road or loading area, as defined by Article VI, Section 610, page 1126 "Building Area". Mr. Finley also noted that the proposed swimming pool is 720 square feet, resulting in a proposed lot coverage of no more than 5,297, or approximately 7% and therefore, the proposed swimming pool would meet the requirement of Appendix B.

On April 5, 2023, in reference to the *prior* application, counsel for the litigant resident wrote a letter indicating that he believed that a driveway should be included in lot coverage as he believed it to be a "structure" as defined in the Code. The basis for his opinion was what he believed was custom and practice. On May 3, 2023, Mr. Finley responded to his letter stating that "structure" does not include a driveway, as "building" and "structure" are used interchangeably in the Code in Section 600, and furthermore, anything that is a "structure" or "building" requires a permit, and a driveway does not require a permit, as well as the fact that if a driveway were to be

considered a “structure” or “building”, it would have to comply with the area and bulk regulations in Appendix B. It would be illogical for a driveway, since by its very nature, cannot meet the front yard setback requirements as driveways fundamental purpose to provide egress to the road. Mr. Finley also determined that “structure” and “building” have their customary meanings, and do not include paved or unpaved driveways, patios, raised bed gardens, or similar features, improvements or constructions. Mr. Finley also determined that a literal interpretation of the Code would mean that “interior roads” and “parking areas” include both paved and unpaved driveways and parking areas for purposes of calculating lot coverage. If all paved and unpaved roads are included, the total building area would be 9,050 square feet.

Notwithstanding Mr. Finley’s informed opinion, our client once again resubmitted his application to add a request for a lot coverage variance. He now comes to you once again requesting area variances to complete construction of the swimming pool.

We are aware that the litigant resident argues that the swimming pool requires yet another variance in the form of a “use” variance. The litigant resident vaguely referred to case law for this preposterous argument however what is cited is completely inapplicable. In one of those cases, the court held that an enlargement of a *nonconforming use*, which specifically was a proposed one-story addition of a repair garage increasing the lot coverage by more than 25% of floor area of an existing building was in violation of the zoning ordinance. This case is not on point with the facts here. Here, our client is not proposing a second story addition to his house. He is seeking to install a swimming pool, which is not a building or an extension of a non-conforming use. In the other case cited, the applicant sought a variance for a structure higher than the limit authorized by the ordinance. It appears that the court viewed that circumstance to require a combined use and area variance.

Mr. Yadgard is not seeking a structure higher than the limited authorized by the ordinance. Nonetheless, our jurisdiction has even gone as far to say that a variance relating to the height of an apartment house, in an area zoned for apartments, is an area variance, not a use variance. *See, Wilcox v. Zoning Bd. Of Appeals of City of Yonkers*, 17 N.Y.2d 249 (1966). Here, Mr. Yadgard is seeking to build a swimming pool in a residential area which is zoned for swimming pools and for which other neighbors have currently have. An area variance is one which does not involve a use which is prohibited by the zoning ordinance and does not change the character of the zoned district as in use variance scenarios. *See, Hoffman v. Harris*, 171 N.Y.2d 138, 144 (1966). Here, a swimming pool is not prohibited by the zoning ordinance and certainly does not change the character of the zoned district.

In the third and last case cited by the litigant resident where the court determined that the area variances requested were actually use variances, the court dealt with a proposed four-story office building and over the limit parking spaces. The Court determined that because the variance sought approval of a four-story building as opposed to a 2-story which was the maximum height an increase in area variance

by more than 25% had expanded the permissible use of the building. Not only was this an increase in building area, but a relaxation of the parking requirements was also requested. The zoning code in that case seemed to be focused on the intensity of use which would occur with doubling the height allowed. Here, the facts are entirely different. The property is residential rather than commercial and our client is merely requesting to build a 15 x 35-foot swimming pool, smaller than a standard size. Moreover, it is ludicrous to suggest that a swimming pool of this moderate size being installed for family use will result in any increase in traffic, noise or diminishment or natural resources.

As the ZBA is surely aware, an area variance application requires the ZBA to take into consideration the certain factors in making its determination which we address in turn below. While all of the factors do not need to be met, but rather only considered, the facts of this case result in every factor being met in making a determination to allow for the necessary area variances as follows:

(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 are other similar swimming pools in the neighborhood, and this lot size is 1.74 acres with a proposed 525-foot artisan pool, which is smaller than the standard. Indeed, see Exhibit “B” annexed hereto for Parcel Access Map showing the existence of a swimming pool at 630 Stanford Road, Town of Washington, New York. The pool will not be visible to the neighbors. There will be a curated landscaping installation and fencing installed. Details of landscaping and fencing will be provided. Photographs depicting similar size pools constructed by our client’s contractor are enclosed as Exhibit “C”. These photographs clearly demonstrate the quality of artisanship practiced by the contractor. During prior ZBA meetings there was apparently some debate about the placement of pool mechanicals. Our client has determined to install the pool mechanicals adjacent to the house as shown on the site plan included in the application (See again Exhibit “A”). We also enclose specifications for the pool mechanicals. The manufacturer describes these pool mechanicals as “**the quietest pump on the planet.**” See Exhibit “D”. Accordingly, there will be no detriment to the character of the neighborhood by the installation of the swimming pool.

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;

The site plan and survey show that there is not another area where a pool can be located. Although we do not believe that there is a need for lot coverage variance, if one strictly saw every paved and unpaved driveway as part of lot coverage AND if the Board deemed that a pool is an extension of a house, like an additional room to a house, there would be no type of swimming pool that could be sensibly constructed at the property.

(3) whether the requested area variance is substantial;

The area variances are not substantial. The setbacks are minimal and the pool is smaller than the standard size at only 525 feet (15'x35') in a lot that is 7,595 square feet.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The physical and environmental conditions have been considered and are of no consequence and no adverse impact as has been previously determined by the Town Engineer. When feasible, landscaping installations will include native plant species.

(5) whether an alleged difficulty is self-created.

The ZBA previously granted variances for this swimming pool. The Town of Washington Building Department issued a building permit. On this basis the applicant commenced construction including excavation and carpentry.

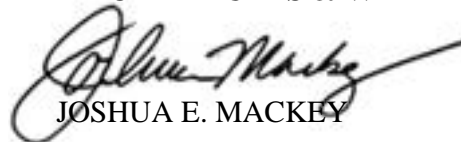
The applicant will suffer a hardship that was not self-created if the swimming pool is not completed soon. It has been over a year since the applicant's first application, which was originally granted, and the applicant has spent numerous fees on attorneys and applications, as well as contractor fees, and would like to be able to complete construction of his swimming pool and be able to enjoy it just as others in the neighborhood do.

We look forward to presenting to the ZBA at your November 21, 2023 ZBA meeting. If you or your colleagues with the Town have any response to this application prior the meeting, we ask that this be made in writing. In the interim, if there are any questions or concerns regarding this application, please do not hesitate to contact the undersigned.

Thank you.

Very truly yours,

MACKEY BUTTS & WHALEN, LLP



JOSHUA E. MACKEY

JEM/mrs
Enclosures

cc. Kyle Barnett, Esq. (via email only kbarnett@vandewaterlaw.com)
Allan Rappleyea, Esq. (via email only abr@cgrlaw.com)

EXHIBIT A



*Town of
Washington*

10 Reservoir Dr, PO Box 667, Millbrook, NY 12545
845-677-3419

www.washingtonny.org

AREA VARIANCE APPLICATION FORM

APPLICATION TO THE TOWN OF WASHINGTON ZONING BOARD OF APPEALS FOR AN AREA VARIANCE

REAL PROPERTY INFORMATION

Dutchess County Tax Map Number (1234-00-123456-0000)	135889-6766-00-042590
Property Street Address	610 Stanford Road, Town of Washington
Number of Acres	1.74
Zoning District from Zoning Map	RR-10
Describe the Current Use of the Property.	Residential
Is this property located in or near a Wetland or Wetland Buffer?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO May Require a Town Wetlands Permit or be ruled by the Aquifer Protection Requirements
Is this property within 500 feet of the boundary of the Village of Millbrook?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is this application being made for a violation that currently exists on the property?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, the application fee is double.

OWNER INFORMATION

Name of Record Owner(s): If a corporation, LLC, Trustee, so state and submit form	Daniel Yadgard
Record Owner Mailing Address	610 Stanford Road, Town of Washington
Record Owner Email Address	daniel@thefndtn.com
Record Owner Phone Number	917-734-3301

NOTE: In addition to the above, please complete the following information if the application is submitted and signed by a representative of the owner. (ie: LLC, Corporation, Trustee or applicant's attorney, agent, architect, builder, contract vendee, etc.)

Name of Authorized Representative if different from owner:	Joshua E. Mackey/Lita M. Ward
Business Name of Applicant	Mackey Butts & Whalen, LLP
Applicant Mailing Address	3208 Franklin Avenue Millbrook, New York 12545
Applicant Email Address	jmackey@mbwlawyers.com; lward@mbwlawyers.com
Applicant Phone Number	845-677-6700

Please check to specify who you wish correspondence to be e-mailed to, from the above names:

- Applicant/Owner(s)
 Authorized Representative

SUMMARY OF AREA VARIANCE REQUEST

Installation of custom inground gunite swimming pool within backyard. There are three variances requested although applicant's position is that only two are actually variances required. The first variance is to allow the back of the pool to be 40' from the back property line requiring a variance from the 75' setback. The second variance is to allow the front edge of the pool to be 90.8' away from the side property line requesting a variance for the 100' side setback. Although it is disputed that an area coverage variance is necessary, the lot coverage requested is an additional 525' (reduced from 720').

DESCRIPTION OF HARDSHIP

A Variance to the Zoning Ordinance is requested for the following five (5) reasons:

1. An undesirable change will not be produced in the CHARACTER of the neighbor or a detriment to nearby properties if granted, because:

The swimming pool will not be visible from or disrupt the neighboring properties. A 525 sq. ft. pool is quite small – which has been reduced from the standard of 725' – and on a 1.74-acre lot is minimal and not in excess of the 7,595 sq. ft. lot coverage allowed. The pool will be screened by fence and landscaping. Upon information and belief, there are similar pools in size/character in the neighborhood.

2. The benefit sought by the applicant CANNOT be achieved by some method feasible for the applicant to pursue, other than an area variance, because:

There is no feasible alternate location to place a swimming pool at the property. There is no alternative pool that would be built to satisfy the maximum coverage, if it is in fact exceeded. However, the applicant has significantly reduced the size of the area variances needed. The rear area variance has been reduced from 40' to 35', the side area variance has been reduced from 12.2' to 9.2'. It is disputed that a lot coverage variance is needed, but nonetheless, the pool is reduced in size from 720' to 525'.

3. The amount of relief requested is not substantial because:

The entire pool will sit well within the lines of the parcel. It just does not meet the 75' rear setback which is a large parcel of wooded vacant land nor does it meet the 100' side setback to the neighbor's property, but the side yard variance is a mere 9.6' and the rear yard variance is 35'. The lot coverage is an additional 525' (reduced) from 720' and does not exceed 10% of lot coverage.

4. The variance will NOT have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

There will be no adverse environmental impacts as no substantial changes will be made to the property. When feasible, landscaping installations will include native plant species.

5. Has the alleged difficulty been self-created? _____ Yes, or No Why:

The Town of Washington ZBA previously granted variances for this swimming pool. On that basis, the applicant commenced construction including excavation and carpentry. Applicant will suffer a hardship that was not self-created when asked by the Town of Washington to withdraw its application and resubmit his application, which he has done.

DESCRIPTION OF PROJECT

Please write N/A in any section which does not apply to your application.

For Demolition of Existing Building Areas

Please describe area being removed:

N/A

New Construction Areas (New Dwelling, New Additions **Pool)**

Dimensions of first floor extension:

N/A

Dimensions of new second floor:

N/A

Dimensions of floor above second level:

N/A

Height (from finished ground to top of ridge):

N/A

Is basement or lowest floor area being constructed? If yes, please provide height (above ground) measured from natural existing grade to first floor:

N/A

Submit manufacturer specifications for pools, sheds, etc.

Proposed Alterations or Structural Changes Construction

Please describe building areas:

Number of Floors and General Characteristics **BEFORE** Alterations:

1 Floor with no swimming pool.

Number of Floors and Changes **WITH** Alterations:

1 Floor with inground swimming pool.

Calculations of building areas and lot coverage:

Existing square footage of existing buildings on your property:

2782

Proposed increase of building coverage:

25.88%

Square footage of your lot:

7,595.10

Percentage of coverage of your lot by building area:

9.4%

Purpose of New Construction

Installation of inground gunite swimming pool for family and guest use.

Please describe the land contours (flat, slope %, heavily wooded, marsh area, etc.) on your land and how it relates to the difficulty in meeting the code requirement (s):

Flat. There is no alternate location to construct a swimming pool on the parcel within the backyard, nor is there an alternative size pool that can be built without area

variances, however, the new site plan has significantly decreased the overall variance requested, which is now minimal.

ADDITIONAL REQUIRED INFORMATION

Have any prior appeals been made with respect to this property?

Yes NO

Such appeal(s) was (were) in the form of

A requested interpretation

A request for a variance

Name of Owner:

Date

Was appeal granted or denied?

Same as above

_____ Please
provide copies of previously granted appeals.

Are there any Covenants or Restrictions concerning this land?

Yes NO If yes, please furnish a copy

Are the subject premises listed for sale on the real estate market?

Yes No

Are there any proposals to change or alter land contours?

No Yes please explain.

Are there any wetland areas or buffers on the parcel?

Yes NO

Are those wetland areas or buffers shown on the survey submitted with this application?

Yes N/A NO

If your property contains ponds, wetlands or buffer areas, have you contacted the Building Department for its determination of jurisdiction?

Yes N/A NO

Does your application require Town, County, State, or Federal Permits?

Yes NO If yes, provide which agency and the type of application.

Town

Has an application been made to or granted by any other entity, and by which agency? Provide copies

Are there any patios, structures, pools or fences that exist on your property that are not shown on the survey that you are submitting?

____ Yes ____ NO X

If yes, please provide a plot plan showing all improvements.

Do you have any construction taking place at this time concerning your premises?

____ Yes ____ NO X

Please submit a copy of your building permit and survey as approved by the Building Department

Describe the construction: _____

Do you or any co-owner also own other land adjoining or close to this parcel?

____ Yes ____ NO X If yes, please label the proximity of your lands on your survey.

Please list present use or operations conducted at this parcel Existing Single Family

Residence and the proposed use Single Family Residence

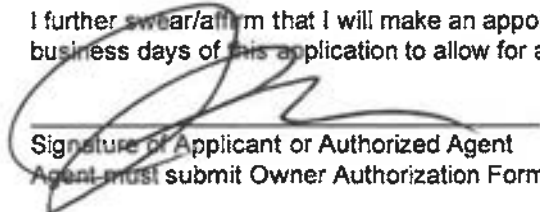
with inground swimming pool _____ (i.e.: existing single family, proposed: same with garage, pool or other)

NOTARIZED STATEMENT

By submitting this application, I hereby swear/affirm that this variance is the MINIMUM that is necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

I further swear/affirm that the information in this application is a truthful and honest representation of the property for which this request is made.

I further swear/affirm that I will make an appointment with the Zoning Administrator within five business days of this application to allow for an inspection of said property.



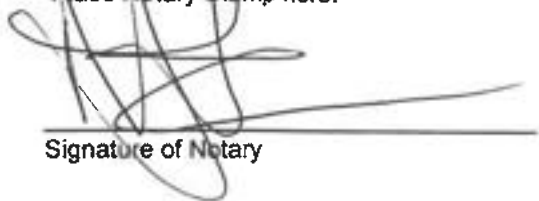
Signature of Applicant or Authorized Agent
Agent must submit Owner Authorization Form

Joshua E. Mackey

Printed Name

Sworn to before me this 31st day of October, 2023.

Place Notary Stamp here:



Signature of Notary

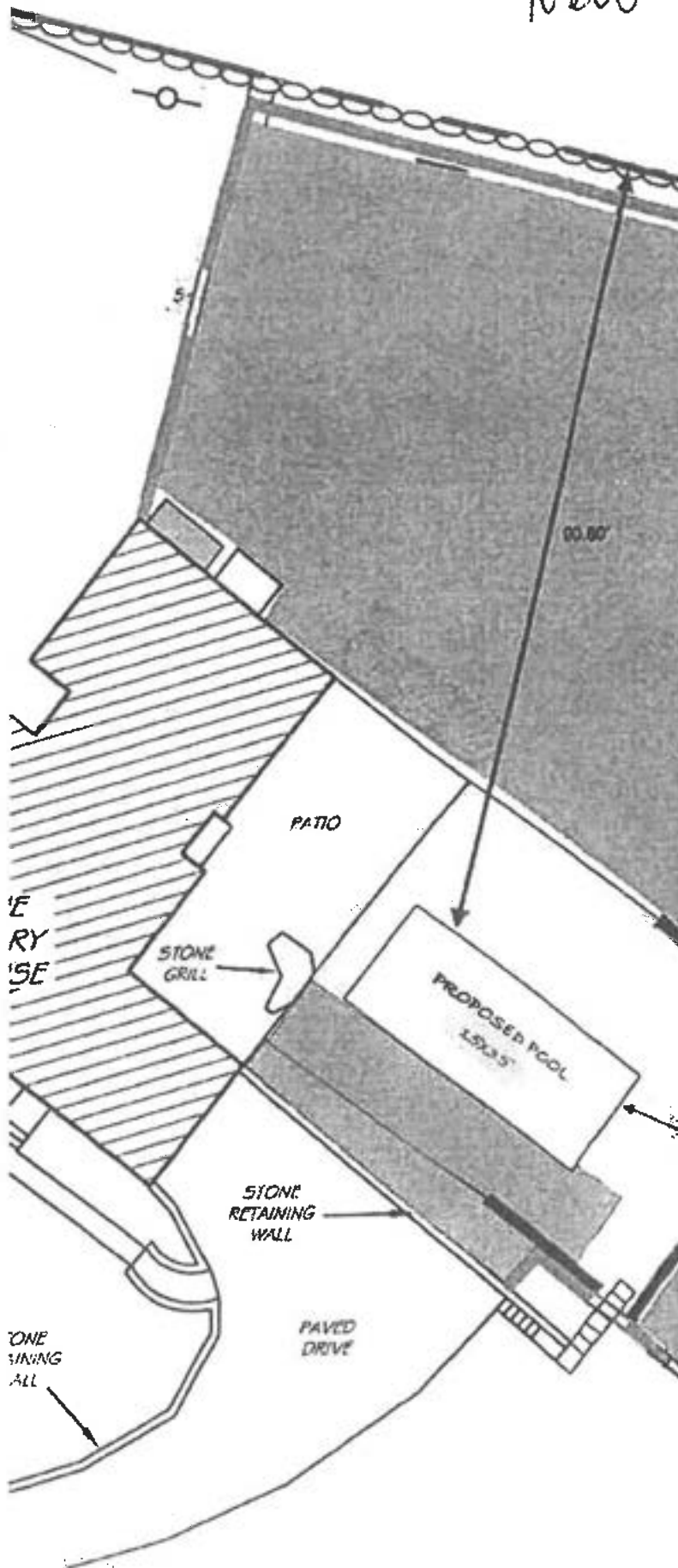
MARIA SIMMONS
Notary Public, State of New York
Registration No. 01SI6385924
Qualified in Dutchess County
My Commission Expires 1/14/2027



- Post&Rail Fence 4'
- Post&Rail Door
- Privacy Fence 6'
- Stone Retaining Wall
- Filter Pad
- Burried Propane Tank
- Bluestone Patio
- Well

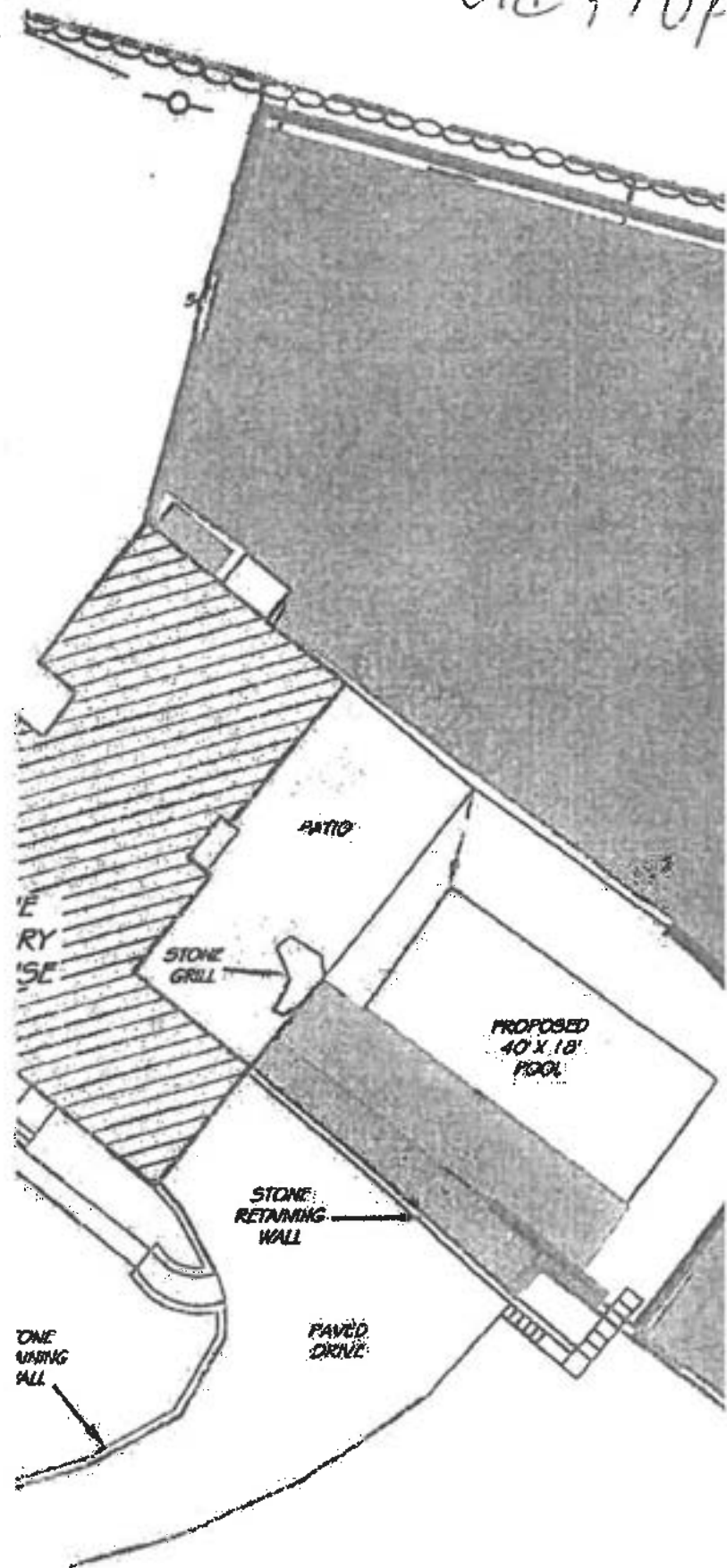


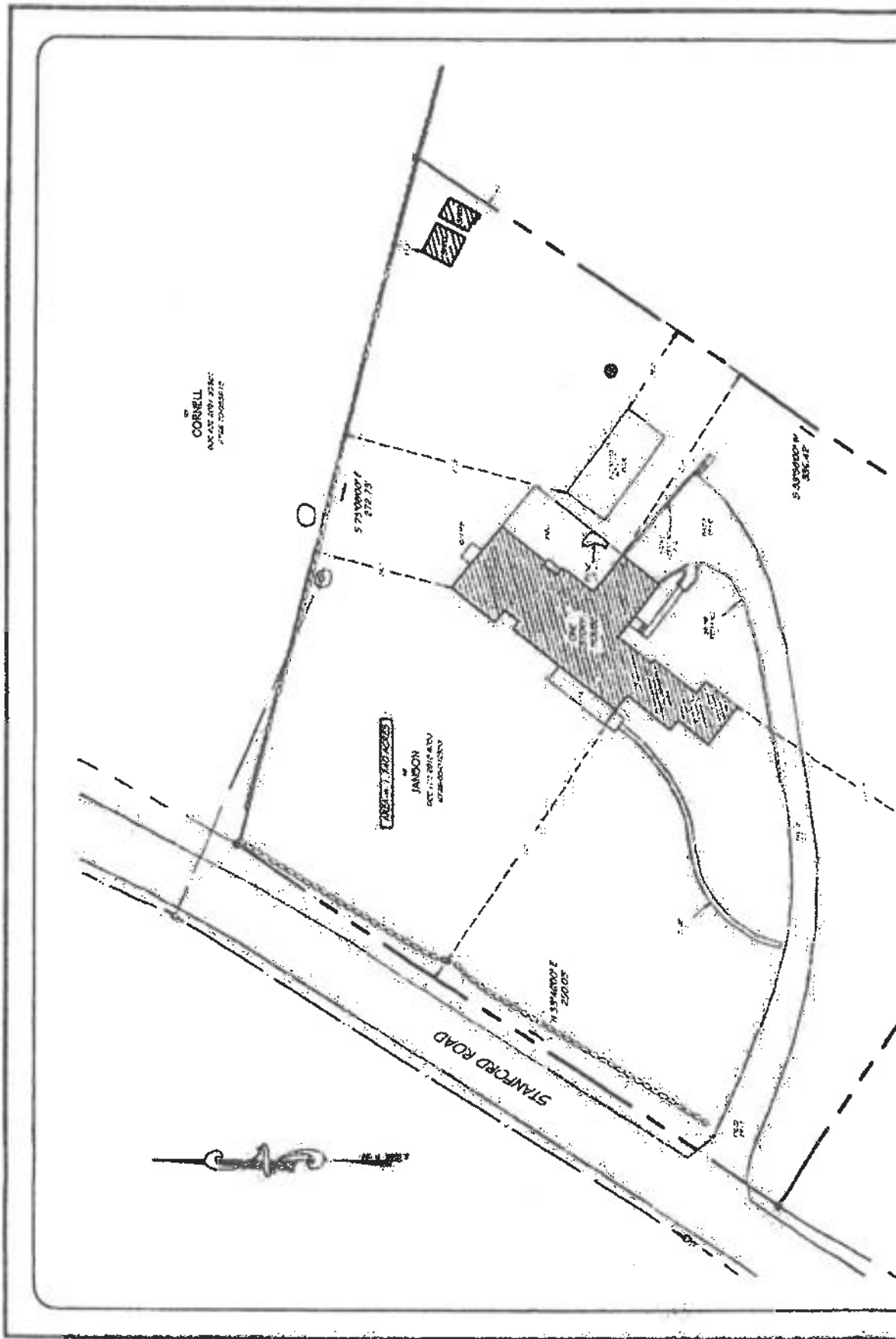
New



Lot coverage
reduced
from
9.5%
to
6.9%
reduced: 10%

Old Prof





CORNELL
AC 00 270 1 8807
7" X 10" 08/81/12

S 73°00'00" W
272.73'

JANSON
DC 00 270 4 100
6720-00112340

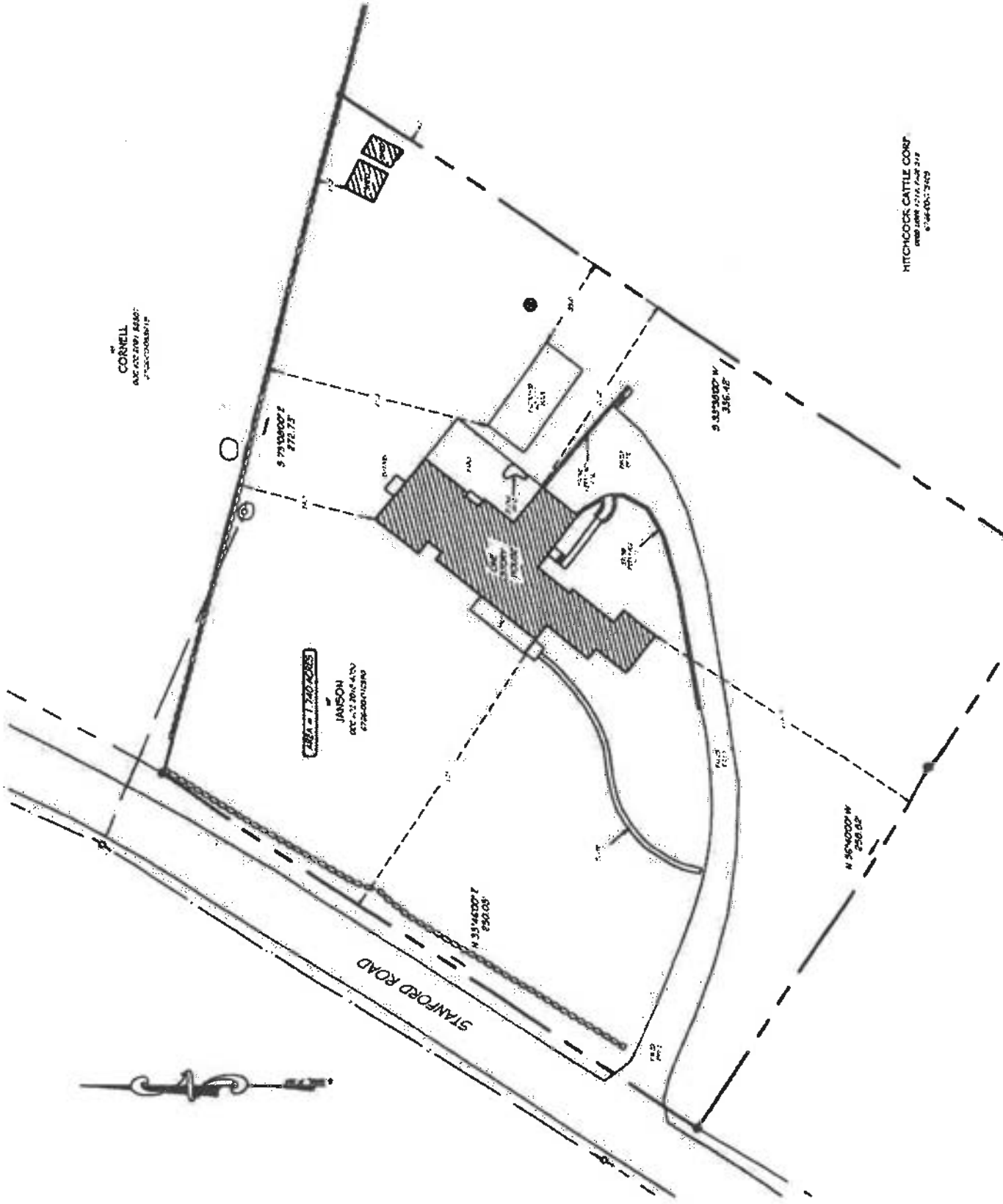
N 33°14'00" W
250.00'

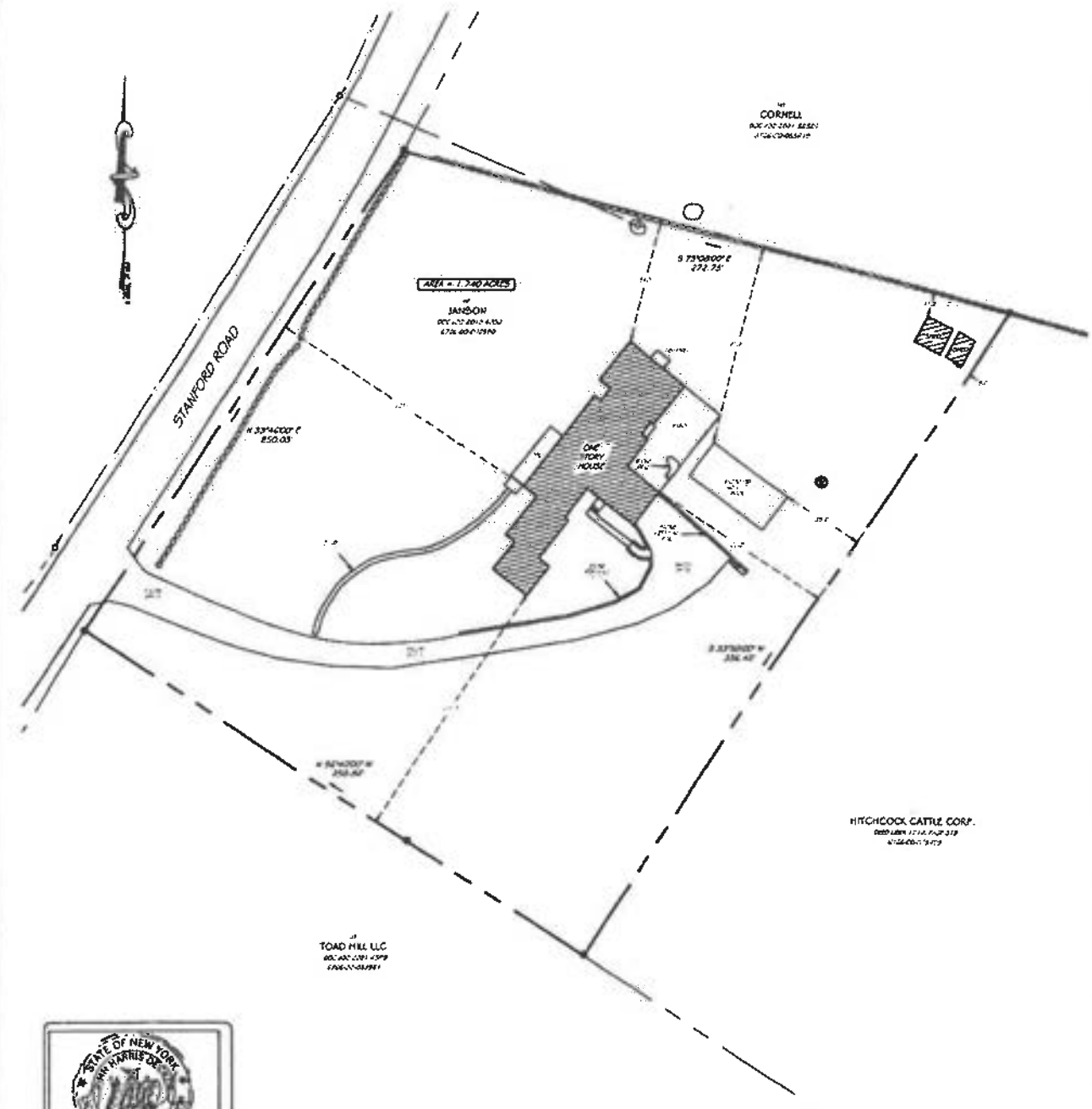
S 33°30'00" W
336.45'

N 50°00'00" W
250.00'

HITCHCOCK CATTLE CORP.
DC 00 270 1 111 1/2 1/2 1/2
6720-00112340

STANFORD ROAD





LEGEND

	PROPERTY BOUNDARY
	OVERHEAD WIRE
	UTILITY POLE
	WELL
	IRON ROD/PIPE
	TREE - SURV

DECKER SURVEYING

JOHN B. DECKER IS
BY PALMER LAKE
NEW YORK 12519
Phone No. 518-798-1148
www.deckersurveying.com

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UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
MAKING A SURVEYED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 208, SUB-DIVISION 1, OF THE NEW YORK STATE
EDUCATION LAW.

ONLY COPIES OF THE ORIGINAL BY THIS SURVEY MAP MAKER
WITH AN ORIGINAL OF THE LAND SURVEYOR'S SEAL OR HIS
EMPLOYEE HAS MADE BE COMMERCE TO BE VALID TITLE COVER.

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN
ACCORDANCE WITH THE EXISTING FORMS OF PRACTICE FOR LAND
SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF
PROFESSIONAL LAND SURVEYORS.

CERTIFICATION INDICATES BELIEF IN THE ACCURACY OF THE SURVEY
THE PROVISIONS OF ACCORDANCE WITH THE EXISTING CODE OF
PRACTICE FOR LAND SURVEYORS AND CERTIFICATIONS SHALL RUN
ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND
ON NO BASIS TO THE TITLE TO LAND, LONGEVITY, LONGEVITY
AND THE GOVERNMENTAL AGENCY LISTED HEREON, AND TO THE
ACCURACY OF THE LEGAL DESCRIPTION, CERTIFICATIONS ARE
NON-TRANSFERABLE TO ADDITIONAL PURCHASERS OR
SUBSEQUENT OWNERS.

NO STATE OR FEDERAL RECORDS OF RECORD AND AS IN
WRITTEN POSSESSION OR RECORD MAY BE MADE.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT
OF TITLE REPORT AND IS SUBJECT TO WHATEVER STATE OF FACTS
SUCH A REPORT MAY REVEAL.

LOT COVERAGE:

- 11.1% WITH DRIVEWAY
- 4.9% WITHOUT DRIVEWAY

PROPOSED POOL LOCATION & LOT COVERAGE

LANDS OF YADGARD

TOWN OF WASHINGTON DUTCHESS COUNTY, NEW YORK

APRIL 16, 2023 1" = 30'



Dutchess County Clerk Recording Page

Record & Return To:

RAYMOND P RAICHE ESQ
385 MAIN ST
BEACON, NY 12508

Date Recorded: 6/20/2022
Time Recorded: 12:32 PM

Document #: 02 2022 2598

Received From: RIVER CITY ABSTRACT

Grantor: JANSON MARK
Grantee: YADGARD DANIEL

Recorded In: Deed
Instrument Type:

Tax District: Washington

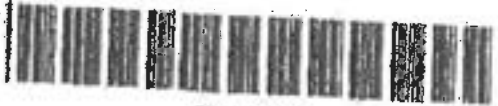
Examined and Charged As Follows :

Recording Charge: \$205.00
Transfer Tax Amount: \$18,100.00
Includes Mansion Tax: \$11,600.00
Transfer Tax Number: 7913
Red Hook Transfer Tax

Number of Pages: 5
*** Do Not Detach This Page
*** This is Not A Bill

RPS217: Y
TP-584: Y

County Clerk By: jmc
Receipt #: 18850
Batch Record: 127



0220222598

[Signature]
Bradford Kendall
County Clerk



ST 60574

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

und 4205
142
805
400
405
11500
10205

THIS INDENTURE, made the 20 day of May, 2022,

between

Mark Janson, of 610 Stanford Road Millbrook New York 12545

party of the first part, and

Daniel Yagard of 255 West 84th Street Apt. 8E New York NY 10024

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 Dollars (\$10.00), lawful money of the United States, 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 Washington, County of Dutchess and State of New York, commonly known as 610 Stanford Road and as is more particularly described on Schedule "A", which is attached and made a part hereof.

BEING THE SAME PREMISES as conveyed by Edward Froelich and Joanne I. Froelich to Mark Janson, by deed dated June 5, 2018 and recorded in the Dutchess County Clerk's Office on June 8, 2018 in Document No. 02-2018-4080.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

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

AND the party of the first part, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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


Mark Janson

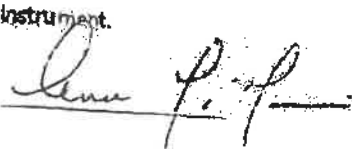
Acknowledgement

State of New York

County of Dutchess

ss:

On the 20th day of May, 2022, before me, the undersigned, a Notary Public in and in for said state, personally appeared Mark Janson, 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.



Notary Public

ANN M. MARVIN
NOTARY PUBLIC STATE OF NEW YORK
No. 01MA0141887
Qualified in Dutchess County
My Commission Expires 05-27-23

Please return by mail to:

Raymond P. Raiche, Esq.
✓ 255 Main Street
Beacon, NY 12518

TITLE NO. RCA-ST-60574
REVISED 5/18/2022
SCHEDULE A

ALL that certain piece or parcel of land situate in the Town of Washington, County of Dutchess and the State of New York, is more particularly described as follows:

BEGINNING at an iron rod on the easterly bounds of Stanford Drive at the southwest corner of lands, now or formerly, Cornell (Doc #02 2021 53507), said point being the northwest corner of herein described parcel;

THENCE running easterly along a stonewall and the southerly bounds of Cornell, South 75°08'00" East 272.73 feet to an iron pipe on the westerly bounds of lands, now or formerly, Hitchcock Cattle Corp. (Deed Liber 1712, Page 313);

THENCE running southerly along the westerly bounds of Hitchcock Cattle Corp., South 33°38'00" East 336.42 feet to an iron rod on the northerly bounds of lands now or formerly, Toad Hill LLC (Doc #02 2021 4593);

THENCE running westerly along the northerly bounds of Toad Hill Road, North 56°40'00" West 258.82 feet to an iron rod on the easterly bounds of aforementioned Stanford Road;

THENCE running northerly along the easterly bounds of Stanford Road, North 33°46'00" East 250.03 feet to the point or place of **BEGINNING**.

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

Form No. 403-2M-6-49

In consideration of the sum of 1.00 and other valuable considerations, the receipt whereof from Central Hudson Gas and Electric Corporation, a domestic corporation having its principal office (residence) at South Road (no street number), Poughkeepsie, New York, AND New York Telephone Co., a domestic Corporation having its principal office (residence) at

111 West St., New York City, N. Y. is hereby acknowledged, the undersigned hereby grant(s) and convey(s) unto said corporation(s), and each of them, their respective successors, assigns and lessees, an easement and right of way 30 feet in width throughout its extent, in, upon, over, under and across the lands of the undersigned, including roads and highways thereon and adjacent thereto, situated in the Town of Washington County of Dutchess State of New York

Said easement and line shall extend from the property line of from pole #51361 on the South in a Northern direction to the property line of E. V. Hall on the North along the Bangall-Bartevillage Road

Together with the right at all times to enter thereon and to have access thereto and to construct, relocate, operate and maintain thereon and to repair, replace, protect and remove, lines of poles, cables, crossarms, wires, guys, braces, underground conduits, and all other appurtenances and fixtures adapted to the present and future needs, uses and purposes of said corporation(s), their respective successors, assigns and lessees.

Together with the right also to trim, cut and remove at any time such trees and other objects thereon and on adjacent property of the undersigned, as in the judgment of said corporation(s), their respective successors, assigns and lessees, may interfere with, obstruct or endanger the construction, operation or maintenance of said rights, lines and fixtures or any thereof.

The exact location of said easement and lines is to be as determined by said corporation(s) having regard to the origin, general direction and destination of said lines and the requirements of said corporation(s).

Reserving unto the undersigned the right to cultivate the ground between said poles and beneath said wires and fixtures, provided that such use of said ground shall not interfere with, obstruct or endanger any of the rights granted as aforesaid and provided that no house or other structure shall be erected within the limits of the right of way without the written consent of said corporation(s); and provided that damage to the property owned by the undersigned caused solely by said corporation(s), their respective successors, assigns or lessees, in maintaining or repairing said lines shall be adjusted at the expense of said corporation(s), their respective successors, assigns or lessees.

The provisions hereof shall inure to and bind the heirs, legal representatives, successors, assigns and lessees of the undersigned and said corporation(s) respectively.

Signed, sealed and delivered, April 10 1952 Harry D. Durrant (L. S.)

In the presence of: Floyd Morley, William [unclear] Residing at: Bartevillage In Bangall [unclear] Washington Dutchess New York

(Only for Acknowledgment)

* If no street number put "(none)".

NEW 337
M.D.
MAY 20 1952

CENTRAL HUDSON GAS & ELECTRIC CORPORATION

RIGHT OF WAY

NUMBER 339

TOWN Washington

VILLAGE

CITY

MAP

W. D. No.

LINE

GRABTOR

DATE

WATER

WATER

WATER

WATER

WATER

WATER

WATER

WATER

WATER

WATER

WATER

WATER

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WATER

WATER

WATER

WATER

FILE NO.	1950
FILED	
RECORD	
CHECKED BY	
INDEXED	

OUTCHERS COURT
 COUNTY CLERK'S OFFICE
 SOUTH SPAIN

RECORD & RETURN
 SOUTH SPAIN

NOTARIAL ACKNOWLEDGMENT

STATE OF NEW YORK

County of _____

On this _____ day of _____ 19____ before me the

subscriber, personally appeared _____

who is personally known and known to me to be the individual(s) described in and

who executed the foregoing instrument, and _____ (personally edly acknowledged

to me that _____ executed the same.

Notary Public

CORPORATE ACKNOWLEDGMENT

STATE OF _____

County of _____

On this _____ day of _____ 19____ before me

by one duly sworn, did deposit and say that he is the _____

of the _____

of the above instrument; that he knows the said of said corporation; that

of the board of directors of said corporation; and that he signed the same

by this office.

Notary Public

COVENANT BY SUBSCRIBING WITNESSES

OF THE STATE OF _____

County of _____

On this _____ day of _____ 19____ before me

by one _____ (subscribing witness)

I am personally acquainted, to me known and known to me to be the

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____

of the above instrument, and that he is the _____



**TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT**

10 West Hill
P.O. Box 68
Millersburg, PA 17241
Phone: (717) 671-1111 Fax: (717) 671-2085
Email: zoning@washingtonpa.gov

CERTIFICATE OF OCCUPANCY

Certificate No: 02407

Location of Property: 6766 Old Rt 2290-0000, 210 Slating Rd

Property Owner: Mark Jensen

Description of Project: Sanitary bathroom and utility room additions and
Electrical service added

I have examined the premises described in the "Application for Building or Zoning Permit" No. 02407 and find the work performed is in compliance with the work described in the approved application; therefore, the completed project meets all the purposes described in the "Application for Building Permit" No. 02407. There are no violations on file.

Signature: [Handwritten Signature]
for the Town of Washington

Date: 5-6-20

This Certificate of Occupancy is the property of the Town of Washington and may be read by anyone.



TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT
P.O. Box 667, 10 Reservoir Drive
Millbrook, NY 12545
Phone (518) 677-3419 Fax (518) 677-1185
www.washingtonny.org

CERTIFICATE OF OCCUPANCY

Certificate No: 11921

Location of Property: 6769-00-042505, 610 Starford Rd

Property Owner: Mark Janton

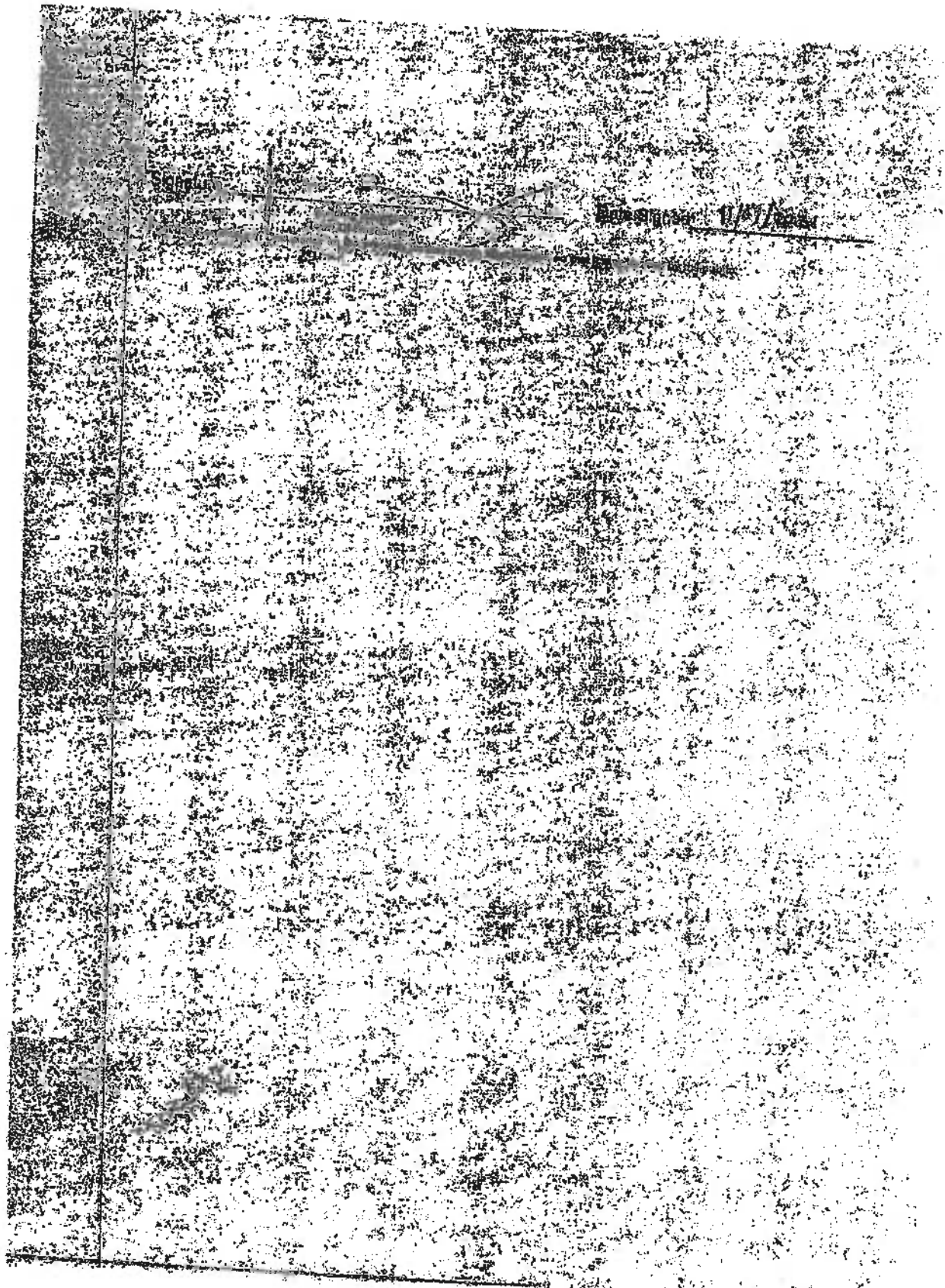
Description of Project: Retroactive permit of

- Covered porch
- Type of Construction: VB
- Assembly Occupant Load: N/A
- Automatic Sprinkler System Provided: No Required: No
- 7' 3" x 27' 9" covered porch built in 1994. Concrete footings, wood framed, painted wood decking, wood ceiling, asphalt shingles.

On 11/08/2021 a cursory walk through was conducted at the above referenced address. The inspection for a Certificate of Occupancy was exposed-to-view conditions, directly visible and no destructive or intrusive techniques were employed, nor special apparatus to explore concealed conditions.

The building(s) do not/does not appear to present a compromise to the safety or well being of any occupants and qualifies for a Certificate of Occupancy. However, this does not imply that the property is free of code violations. Should a future inspection reveal such violations, a building permit must be obtained by the owner and a Certificate of Occupancy or a Certificate of Compliance will be issued when such corrective work as is necessary has been completed.

In the event that erection, construction, enlargement, alteration, removal, improvement, demolition, conversion, or change in the nature of the occupancy, will occur or has occurred, succeeding the issuance of this Certificate, appropriate building permits and Certificates of Occupancy/Compliance will be required.



60579



TOWN OF WASHINGTON
BUILDING AND ZONING DEPARTMENT
P.O. Box 667, 165 Central Drive
Middletown, NY 12544
Phone (845) 877-2419; Fax (845) 877-1195
www.washingtonny.org

03/20/02

Dear Guy abstractor Hudson Valley, Inc.
11 Raymond Avenue
Suite 35
Poughkeepsie, NY 12603

Re: 507 Stamford Rd. Tax and # 8768-00-000590

Owner Mark Janson

Title No. RGA-ST 09574

To Whom It May Concern:

Please be advised that the above mentioned property
This is to certify that this parcel is coded as Residential One Family with Planned Residences (R10)

Description of Property: 1.74 Acres

1 story built in 1995.
1 kitchen, 2 bedrooms, 3 full and 1 half bathrooms, 1 fireplace, basement in partial and unfinished.
30 square foot covered porch built in 1995.
On 5/08/2001, a Certificate of Occupancy was issued for replacing one full bathroom and a laundry room, creating a mudroom and upgrading the electrical system.
224 square foot covered porch built in 1994. A Retroactive Certificate of Occupancy was issued 11/09/02.
144 and 100 square foot storage sheds built prior to the adoption of either building or zoning amendments in the Town of Washington. No Certificates of Occupancy could be located, nor are any required.
Copies of Certificates of Occupancy are attached.

As a visit has not been conducted to confirm the findings of this search.

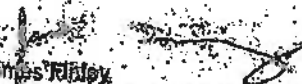
Any improvements made after 1984 require a Building Permit followed by a Certificate of Occupancy or Compliance.

A search of the Town of Washington Building Department records indicates that no building violations exist.

Additionally, the fire department is in compliance.

Standards are maintained by the Town of Washington.

Sincerely,


James Finley
Building Inspector and Zoning Administrator

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Daniel Yadgard - Swimming pool</i>			
Project Location (describe, and attach a location map): <i>Inground swimming pool</i>			
Brief Description of Proposed Action: <i>Inground swimming pool</i>			
Name of Applicant or Sponsor: <i>Daniel Yadgard</i>		Telephone: <i>917-734-3301</i>	
Address: <i>610 Stanford Rd</i>		E-Mail: <i>daniel@theindco.com</i>	
City/PO: <i>Town of Washington</i>		State: <i>NY</i>	Zip Code: <i>12545</i>
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
<i>ZBA</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>1.14</i> acres	
b. Total acreage to be physically disturbed?		<i>1.14</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.74</i> 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?	<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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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"/>	<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"/>	<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: _____	<input type="checkbox"/>	<input checked="" 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<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 checked="" 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input 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	<input checked="" type="checkbox"/>	<input 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	<input type="checkbox"/>	<input 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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>David Yalvard</u>	Date: <u>1/17/2023</u>	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT



View from walking out back door of the house.



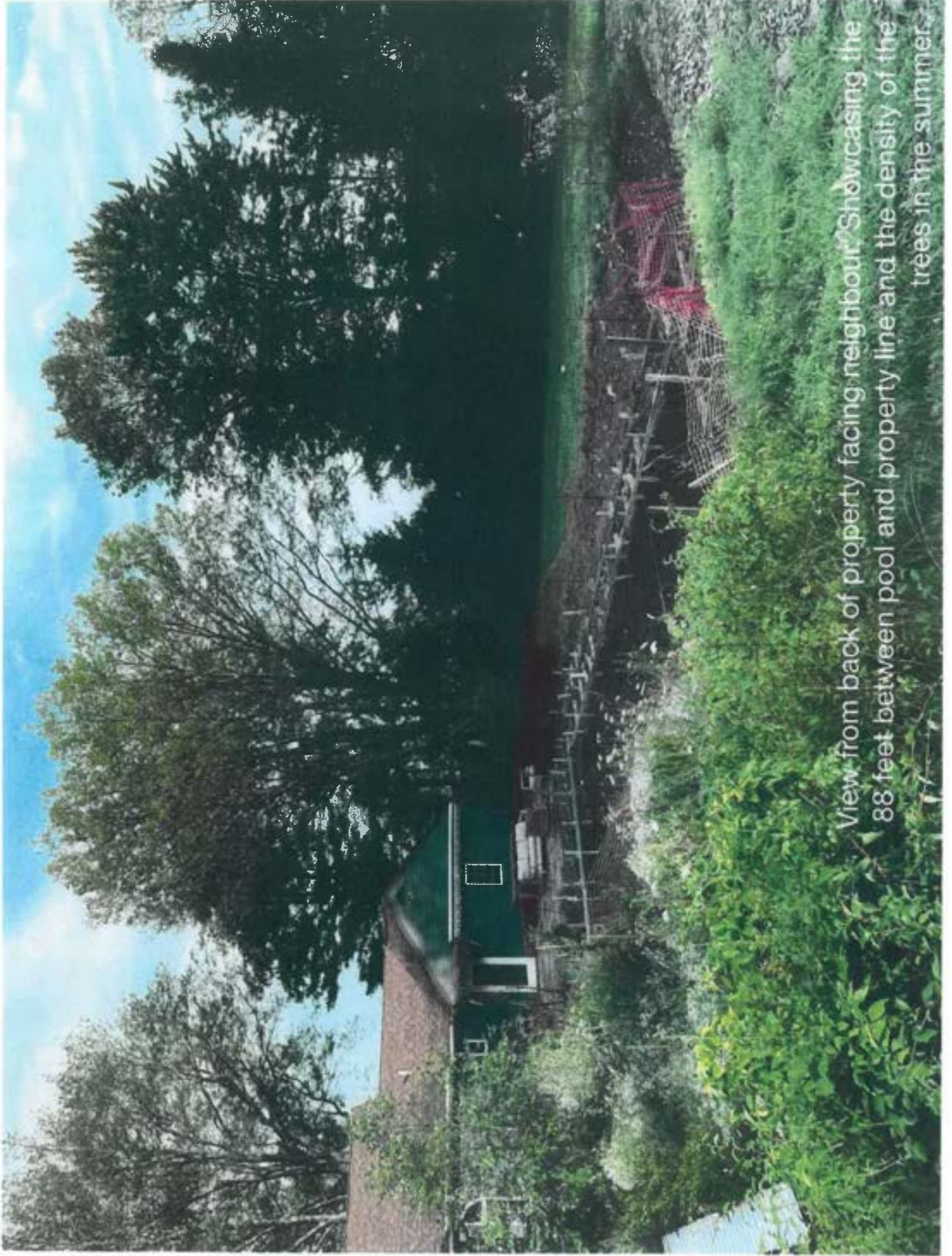
Opposite view staring at the same door taken from back of property with about 15 feet of property behind this image.



View from side of property facing the pool with approx 10 feet of property behind this image.



View from side of property facing the house with approx 15 feet of property behind this image. Showing both existing house and patio are closer than pool.



View from back of property facing neighbour. Showcasing the 88 feet between pool and property line and the density of the trees in the summer.



View from roof showing the 88 feet as well as the density of the trees at the property line.



View from the roof showing overall placement in the backyard in relation to the patio.

AFFIDAVIT TO BE COMPLETED BY APPLICANT/OWNER

State of NEW YORK }
County of DUTCHESS } ss:

Daniel Yadgard being duly sworn, deposes and says:

1. That he/she resides at 610 Stanford Road, Millbrook, New York 12545 in the County of Dutchess and the State of New York. That he/she is the Owner Agent of the Owner of the within property as described in the foregoing application for Subdivision / Site Plan Special Use Permit approval(s) and that the statements contained therein are true to the best of his/her knowledge and belief.
2. That we hereby authorize Joshua E. Mackey, Esq. Mackey Butts & Lita M. Ward, Esq. of Whalen, LLP to act as our representative in all matters regarding the application that may come before the Town of Washington Planning Board.
3. That he/she has the legal right to make or authorize the making of said application.
4. That he/she understands that the Town of Washington Planning Board 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.

Applicant/Owner

Applicant/Owner

Notary Public

MARIA SIMMONS
Notary Public, State of New York
Registration No. 01SI6385924
Qualified in Dutchess County
My Commission Expires 1/14/20 27



BUILDING PERMIT

TOWN OF WASHINGTON

DESCRIPTION OF WORK: CONSTRUCTION OF 18' x 40' INGROUND
GUNITE SWIMMING POOL WITH ASSOCIATED POOL EQUIPMENT
AND NYS CODE COMPLIANT BARRIER FENCE

PROPERTY OWNER:

DANIEL (ADGARD)

TAX GRID NUMBER:

6766-00-042590

PROPERTY ADDRESS:

630 STANFORD ROAD

DATE ISSUED:

11/17/2022

EXPIRATION DATE:

11/17/2023

PERMIT NUMBER: 3200

[Signature]
TOWN OF WASHINGTON BUILDING INSPECTOR

WORK SHALL REMAIN ACCESSIBLE AND EXPOSED UNTIL INSPECTED AND PASSED BY THE BUILDING INSPECTOR OR BY AN INSPECTOR AUTHORIZED BY THE BUILDING INSPECTOR.

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS SUBMITTED WITH AND ACCEPTED AS PART OF THE APPLICATION FOR THIS BUILDING PERMIT, AND THE BUILDING INSPECTOR SHALL BE NOTIFIED IMMEDIATELY OF ANY CHANGES.

THIS PERMIT IS TO BE DISPLAYED CONSPICUOUSLY AND REMAIN VISIBLE UNTIL ALL AUTHORIZED WORK HAS BEEN COMPLETED.



Town of Washington

Building Department
10 Reservoir Drive • P.O. Box 667
Millbrook, NY 12545

(845) 677-3419 EXT 112 • buildinginspector@washingtontny.org

Application for Building Permit

This application must be completely filled out with ink and submitted to the Building Office at the Town of Washington Town Hall. To be submitted along with this application:

1. Two complete plans of the proposed construction, showing materials and equipment to be used, and the details of structural, mechanical, plumbing, electrical, and Energy Code Compliance, as applicable. The Building Inspector may require that these plans be stamped and signed by a New York State registered architect or engineer.
2. A plot plan showing the proposed construction in relation to the property line boundaries, existing structures, and wetlands, if applicable.
3. Owner's Authorization Form and Insurance information as required, see below.

Applicant: Name Daniel Yadgard
 Address: 610 Stanford Rd. Millbrook, NY 12545 Phone: _____
 Email: _____

Property Owner: Name: Daniel Yadgard
 Address: 610 Stanford Rd. Millbrook, NY 12545 Phone: _____

Signed and Notarized Owner's Authorization Form Attached OR Property Owner same as Applicant

Property Address: 610 Stanford Rd. Millbrook, NY 12545

Tax Grid ID Number: 6766-00-042590 Zoning District: RR-10

Is the proposed project located in a wetland or 100 year flood plain? No

Proposed Work: Setbacks from property line: Front _____, Rear _____, Side 1 _____, Side 2 _____

New Building Addition Alteration/Renovation Repair Installation (HVAC, etc) Demolition Retroactive C/O

Swimming Pool/Hot Tub Fireplace/Wood/Pellet Stove Roofing/Siding Deck Tent >400FT² Agricultural

Propane Tank Shed or Barn Solar Other (please specify) 18x40

Builder's Name: 4 Seasons Swimming Pool Phone: (578) 789-0591

Builder's Address: 5935 North Elm Ave. P.O. Box 622 Millerton, NY 12546

Builder's Email: fourseasonssvc@optonline.net

Builders must provide proof of Workers Compensation Insurance (C105.2 or U26.3) and proof of Disability

Benefits Compensation (DB120.1) Homeowners or Sole Proprietors may provide CE-200 Certificate of Attestation

of Exemption. Builder's Insurance Information attached Exemption Form Attached

Estimated Cost of Project: \$133,000⁰⁰ Description of Proposed Work (include square footage as applicable):

18x40 in ground granite swimming pool

Please read, initial, and sign page 2.

- Spas or hot tubs equipped with a safety cover which complies with ASTM F 1346 shall be exempt from the above barrier requirements.

Barrier requirements for indoor swimming pools, hot tubs, spas, or when the wall of a dwelling serves as part of the barrier:

- The pool shall be equipped with a powered safety cover in accordance with ASTM F 1346; OR
- All doors and with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door, or its screen, are opened, the deactivation switch for which must be located 54 inches above the threshold of the door. The alarm must be listed and labeled in accordance with UL 2017.
- Operable windows in walls giving direct access to the pool must have a locking device no closer than 48 inches above the floor AND must not allow a 4 inch diameter sphere to pass through when in their largest opened position.
- Other means of protection, such as self closing doors with self latching devices, may be acceptable, as long as the degree of protection is not less than described in the door alarm requirements.

Access gate requirements:

- Access gates shall comply with the requirements listed above for barriers. Additionally:
- Pedestrian access gates shall open outward, away from the pool, and be self closing and self latching, and equipped with a key, combination or other sufficiently child proof lock so as to prevent access when the swimming pool is not in use or not supervised.
- Gates other than pedestrian access gates shall be self latching.
- Where the release mechanism of the self latching device is located less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate, and at least 3 inches below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

Pool Alarm Requirements:

- **Every swimming pool which is installed, constructed, or substantially modified after December 14, 2006 must be equipped with a pool alarm which:**
- Is capable of detecting a child entering the water at any point on the surface of the swimming pool, and giving an audible alarm which is audible both poolside AND inside the building in which it is monitored.
- Pool alarms must comply with ASTM F 2208.
- **The use of personal immersion alarms shall not be construed as compliance with this section.**
- Swimming pools, hot tubs and spas equipped with a safety cover classified to reference standard ASTM F 1346 are exempt from this requirement.

Please fill out and sign below, and submit with your building permit application.

I, Daniel Yadgar at 610 Stanford Rd, Town of Westchester
Print Name Print Address

As an applicant for a building permit for a swimming pool, hot tub, or spa, have read the pool barrier and alarm requirements as set forth in Section 3109 of the New York State Building Code, and understand that that no Certificate of Occupancy will be issued, nor may the pool, hot tub or spa, be occupied, until I have complied with these standards.

Signature: _____

Date: 1/17/23



M212



Town of Washington

Building Department
10 Reservoir Drive • P.O. Box 687
Millbrook, NY 12545

(845) 677-3419 EXT 112 • buildinginspector@washingtontny.org

Application for Building Permit

This application must be completely filled out with ink and submitted to the Building Office at the Town of Washington Town Hall. To be submitted along with this application:

1. Two complete plans of the proposed construction, showing materials and equipment to be used, and the details of structural, mechanical, plumbing, electrical, and Energy Code Compliance, as applicable. The Building Inspector may require that these plans be stamped and signed by a New York State registered architect or engineer.
2. A plot plan showing the proposed construction in relation to the property line boundaries, existing structures, and wetlands, if applicable.
3. Owner's Authorization Form and insurance information as required, see below.

Applicant: Name 4 Seasons Swimming Pools
 Address: 5935 North Elm Ave P.O. Box 1622 Millbrook, NY Phone: 518-781-0591
 Email: fourseasons@optonline.net

Property Owner: Name: Daniel Yodanis
 Address: 610 Stanford Rd Millbrook, NY 12545 Phone: _____

Signed and Notarized Owner's Authorization Form Attached OR Property Owner same as Applicant

Property Address: 610 Stanford Rd Millbrook, NY 12545

Tax Grid ID Number: _____ Zoning District: _____

Is the proposed project located in a wetland or 100 year flood plain? NO

Proposed Work: Setbacks from property line: Front _____, Rear _____, Side 1 _____, Side 2 _____

New Building Addition Alteration/Renovation Repair Installation (HVAC, etc) Demolition Retroactive C/O

Swimming Pool/Hot Tub Fireplace/Wood/Pellet Stove Roofing/Siding Deck Tent >400FT² Agricultural

Propane Tank Shed or Barn Solar Other (please specify) 16' X 40'

Builder's Name: 4 Seasons Swimming Pool Phone: 518-781-0591

Builder's Address: 5935 North Elm Ave

Builder's Email: fourseasons@optonline.net

Builders must provide proof of Workers Compensation Insurance (C105.2 or U26.3) and proof of Disability

Benefits Compensation (DB120.1) Homeowners or Sole Proprietors may provide CE-200 Certificate of Attestation of Exemption. Builder's Insurance Information attached Exemption Form Attached

Estimated Cost of Project: \$133,000 Description of Proposed Work (include square footages as applicable):


Please read, initial, and sign page 2.

AFFIDAVIT TO BE COMPLETED BY APPLICANT/OWNER


State of NY }
County of NY } ss

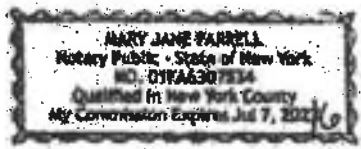
DANIEL YADSKIN being duly sworn, deposes and says:

1. That he/she resides at 610 STANFORD RD. in the County of DUTCHESS and the State of NEW YORK. That he/she is the Owner / Agent of the Owner of the within property as described in the foregoing application for Subdivision / Site Plan / Special Use Permit approval(s) and that the statements contained therein are true to the best of his/her knowledge and belief.
2. That we hereby authorize KEVIN EISENMAN of FOUR SEASONS to act as our representative in all matters regarding the application that may come before the Town of Washington Planning Board.
3. That he/she has the legal right to make or authorize the making of said application.
4. That he/she understands that the Town of Washington Planning Board 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.

Applicant/Owner: 

Applicant/Owner: 

Notary Public: 





**TOWN OF WASHINGTON
BUILDING DEPARTMENT**

**SWIMMING POOL, SPAS, AND HOT TUB
BARRIER, ENCLOSURE AND ALARM AGREEMENT**

Please read each section below, referring to Section 3108 of the New York State Building code, or the Town of Washington Building Inspector, with any questions, sign page 2, and submit with your building permit application.

Temporary barriers during construction:

- In ground pools shall be provided with a temporary barrier during construction, measuring at least 48 inches above grade, and this temporary barrier must remain in place until a compliant permanent barrier is installed. This permanent barrier must be installed within 90 days of the installation of the swimming pool.

Permanent Barrier requirements, outdoor swimming pools, hot tubs, or spas:

- The top of the barrier shall be at least 48 inches above grade, as measured on the side of the barrier which faces away from the swimming pool.
- The bottom of the barrier shall be no higher than 2 inches above grade, as measured on the side of the barrier which faces away from the swimming pool.
- Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.
- No opening in the barrier shall be large enough to permit the passage of a 4 inch diameter sphere.
- Solid barriers, such as masonry walls, shall not contain indentations or protrusions, except for normal construction tolerances and tooled joints.
- Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches, (for example, a split rail fence with wire mesh applied over it) the horizontal members shall be on the swimming pool side of the barrier, and the spacing between vertical members, including decorative cutouts, shall not exceed 1.75 inches.
- Where the barrier is composed of horizontal and vertical members, and the spacing between horizontal members is 45 inches or more (for example, a wrought iron fence) spacing between vertical members shall not exceed 4 inches, and spacing within any decorative cutouts (such as in a picket fence) shall not exceed 1.75 inches.
- Maximum mesh size for a chain link fence shall be a 2.25 inch square, unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than 1.75 inches.
- Barriers composed of diagonal members, such as lattice fences, shall have a maximum opening of 1.75 inches.
- For above ground pools which have walls higher than 48 inches above grade, and which serve as a permanent barrier, no additional barrier is required, however, the ladder or steps which serve as access to the pool must be either: Capable of being secured, locked or removed to prevent access, OR surrounded by an approved barrier.

- Spas or hot tubs equipped with a safety cover which complies with ASTM F 1346 shall be exempt from the above barrier requirements.

Barrier requirements for indoor swimming pools, hot tubs, spas, or when the wall of a dwelling serves as part of the barrier:

- The pool shall be equipped with a powered safety cover in accordance with ASTM F 1346; OR
- All doors and with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door, or its screen, are opened, the deactivation switch for which must be located 54 inches above the threshold of the door. The alarm must be listed and labeled in accordance with UL 2017.
- Operable windows in walls giving direct access to the pool must have a locking device no closer than 48 inches above the floor AND must not allow a 4 inch diameter sphere to pass through when in their largest opened position.
- Other means of protection, such as self closing doors with self latching devices, may be acceptable, as long as the degree of protection is not less than described in the door alarm requirements.

Access gate requirements:

- Access gates shall comply with the requirements listed above for barriers. Additionally:
- Pedestrian access gates shall open outward, away from the pool, and be self closing and self latching, and equipped with a key, combination or other sufficiently child proof lock so as to prevent access when the swimming pool is not in use or not supervised.
- Gates other than pedestrian access gates shall be self latching.
- Where the release mechanism of the self latching device is located less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate, and at least 3 inches below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

Pool Alarm Requirements:

- Every swimming pool which is installed, constructed, or substantially modified after December 14, 2006 must be equipped with a pool alarm which:
- Is capable of detecting a child entering the water at any point on the surface of the swimming pool, and giving an audible alarm which is audible both poolside AND inside the building in which it is monitored.
- Pool alarms must comply with ASTM F 2208.
- The use of personal immersion alarms shall not be construed as compliance with this section.
- Swimming pools, hot tubs and spas equipped with a safety cover classified to reference standard ASTM F 1346 are exempt from this requirement.

Please fill out and sign below, and submit with your building permit application.

I, Kenn Ferguson 4 Seasons Swimming ^{Pools} at 1610 Stanford Rd Millbrook NY

Print Name

Print Address

As an applicant for a building permit for a swimming pool, hot tub, or spa, have read the pool barrier and alarm requirements as set forth in Section 3109 of the New York State Building Code, and understand that that no Certificate of Occupancy will be issued, nor may the pool, hot tub or spa, be occupied, until I have complied with these standards.

Signature: 

Date: 8/1/22



Town of Washington

Application for Building Permit

I hereby certify that I have read, do understand, and will comply with the following: (Please read, initial each, then sign)

1. The work covered by this application may not be commenced before the issuance of a Building Permit. Work begun prior to the issuance of a Building Permit will be subject to an additional fee of 55%.
2. Building Permits shall be visibly displayed at the work site and remain visible until the project has been completed.
3. All work shall be performed in accordance with the construction documents submitted and accepted as part of the application. The Building Inspector shall be notified immediately in the event of changes occurring during construction.
4. A building permit becomes void if the work is not started within 180 days of issue. Building permits expire 1 year after issue, and may be renewed for up to (2) 6 month periods, renewal fee is 55% of the original fee.
5. The applicant agrees to comply with all applicable State and Town laws, ordinances and regulations.
6. Work shall remain accessible and exposed until inspected and accepted by the Building Inspector, and it is the responsibility of the applicant to schedule all required inspections.
7. No structure or improvement may be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy or Certificate of Compliance has been issued.
8. The applicant does hereby give consent to representatives of the Town of Washington, including, but not limited to the Building Inspector, Zoning Administrator or Assessor to conduct such inspections as they deem necessary in relation to this building permit application, date and time of inspections to be scheduled in advance with the property owner or their representative.

Applicant: [Signature] Date: 8/1/22

SIGNATURE

Building Inspector: _____ Date: _____

FOR OFFICE USE ONLY: Permit Number: _____ Permit Fee: _____ Check Number: _____

Zoning Approval No Open Permits or Violations Insurance Plans and Site Plan Plan Review

Reason if Denied/Referred: _____

Type of Construction: I II III IV V A B Use and Occupancy Classification: _____

Assembly Occupant Load: _____ Automatic Sprinkler System: Y N Required: Y N

Bedrooms: _____ # Bathrooms: _____ # Kitchens: _____ Basement Type: _____ Finished: Y N Sq Ft: _____

Walls: _____ Siding: _____ Roof: _____ Finished Attic: Y N

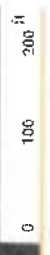
Insulation: Ceiling _____ Walls: _____ Floor: _____ Slab: _____ Foundation: _____



Parcel Line
Dutchess County NY



Parcel Access





TOWN OF WASHINGTON
BUILDING, PLANNING & ZONING
10 Reservoir Dr, PO Box 667
Millbrook, NY 12545
845-677-3419

Consent to Inspection

The undersigned, does hereby state:

Daniel Yadgard and _____

Owner Name

Owner Name

That the undersigned is/are the owner(s) of the premises in Town of Washington, located at
610 Stanford Road, Town of Washington

which is shown and designated on the Dutchess County Tax Map as:

135889 - 6766 - 00 - 042590

That the undersigned (has) (have) filed, or cause to be filed, an application with the Town of Washington for the following:

_____ Assessment Review

_____ Building Permit

_____ Municipal Search

_____ Planning Board Application

Zoning Board of Appeals Application

That the undersigned do(es) hereby give consent to representatives of the Town of Washington, including but not limited to the Building Inspector, Zoning Administrator, or Assessor of the Town of Washington to enter upon the above described property, including any and all buildings located thereon, to conduct such inspections as they may deem necessary with respect to the aforesaid application, including inspections to determine that said premises comply with all of the laws, ordinances, rules, and regulations of the Town of Washington. The time and date of the inspection will be scheduled in advance with the property owner or their representative. **Failure to schedule an inspection will delay your project.**

That the undersigned, in consenting to such inspections, does so with the knowledge and understanding that any information obtained will be used in conjunction with the application, and may delay your application if violations of the laws, ordinances, rules or regulations of the Town of Washington have been identified, and that your assessment may be increased based upon information found in the site inspection.

Contact person for inspection: Daniel Yadgard

Phone Number to schedule inspection: 917-734-3301

Signature

Daniel Yadgard

Print Name

Dated: _____

Signature

Print Name

Dated: _____

ZBA AREA VARIANCE CHECKLIST TO BE COMPLETED BY APPLICANT.

Documents are required 21 days prior to a meeting. We suggest submitting earlier than 21 days to ensure the Town has a complete application. **If information is missing the appearance before the ZBA will be delayed.**

REAL PROPERTY INFORMATION

Dutchess County Tax Map Number (1234-00-123456-0000)	135889-6766-00-042590
Property Street Address	
Check or N/A	
*	A complete application form, neatly printed or typed, signed in ink and six copies.
*	Scaled site plan drawings of proposed project in an 11x17 or larger format, prepared by a NYS licensed engineer or surveyor. Drawings should be folded with the packet and include the name of the property owner and address on the drawings. These drawings can include, but are not limited to, the following: Site plan. Floor plan(s). Elevations. Any other details deemed necessary to explain this project. (Copies of pool plans, shed information, etc.)
*	Survey maps of the property with the name of the property owner on the map. The map should be folded to fit in a legal sized file folder. The map must have the grid number legibly written on the back of the map.
*	Legal proof of control of the property by ownership. (Deeds may be obtained from the Office of the Dutchess County Clerk or via the website: https://www.co.dutchess.ny.us/CountyClerkDocumentSearch/Search.aspx
	Certificates of occupancy for the subject premises. If any are lacking, please apply to the Building Department to either obtain them or to obtain an Amended Notice of Disapproval.
*	New York State Environmental Assessment Form. The type of environmental assessment form to be submitted will depend on the scope of work and proposed use described in the application. Please refer to the New York State Department of Environmental Conservation's website at www.dec.ny.gov/permits/357.html for further information as well as printing required forms
*	A set of at least four photographs labeled to show different angles of the yard areas after staking corners for new construction, and/or photos of building area to be altered.
*	Application fee: Four hundred dollars (\$400.00) for the first variance One hundred twenty-five dollars (\$125.00) for each additional area variance (For example, if you need a side yard variance and a rear yard variance the fee will be \$525.00) An escrow fee may be requested by the ZBA. Minimum fee \$750.00. Checks shall be made payable to "Town of Washington" Credit card payments are subject to an additional fee up to 2.95% charged by the credit card processing company.
*	A Flash Drive or PDF of all documents, except the application fee. A PDF may be emailed to ZBA@washingtontny.org referenced as "ZBA Application/Owner's Name"
	A plot plan of all improvements if not shown on the survey map.
	Owner's affidavit providing permission for someone to act as their agent.

	Approved Building Permit
	Permits from other town, county, state or federal agencies.
*	Owner's Endorsement
	APPLICANTS ARE RESPONSIBLE FOR PUBLICATION OF NOTICE OF PUBLIC HEARING & MAILING TO ADJACENT NEIGHBORS CONSULT with ZBA Clerk for Notice of Public Hearing & Neighbor List The following two requirements must be provided to the ZBA Clerk two weeks prior to the meeting or the application will be removed from the agenda.
	Affidavit of Publication from Poughkeepsie Journal
	Proof of Mailing to Adjacent Neighbors from the United States Post Office (USPS Certified Mail Receipt for each neighbor)



Town of Washington

TOWN OF WASHINGTON
BUILDING, PLANNING & ZONING
10 Reservoir Dr, PO Box 667
Millbrook, NY 12545
845-677-3419

Consent to Inspection

The undersigned, does hereby state:
Daniel Yadgard

and

Owner Name

Owner Name

That the undersigned is/are the owner(s) of the premises in Town of Washington, located at
610 Stanford Road, Town of Washington

which is shown and designated on the Dutchess County Tax Map as:

135889 -6766- 00 -042590

That the undersigned (has) (have) filed, or cause to be filed, an application with the Town of Washington for the following:

Assessment Review

Building Permit

Municipal Search

Planning Board Application

Zoning Board of Appeals Application

That the undersigned do(es) hereby give consent to representatives of the Town of Washington, including but not limited to the Building Inspector, Zoning Administrator, or Assessor of the Town of Washington to enter upon the above described property, including any and all buildings located thereon, to conduct such inspections as they may deem necessary with respect to the aforesaid application, including inspections to determine that said premises comply with all of the laws, ordinances, rules, and regulations of the Town of Washington. The time and date of the inspection will be scheduled in advance with the property owner or their representative. Failure to schedule an inspection will delay your project.

That the undersigned, in consenting to such inspections, does so with the knowledge and understanding that any information obtained will be used in conjunction with the application, and may delay your application if violations of the laws, ordinances, rules or regulations of the Town of Washington have been identified, and that your assessment may be increased based upon information found in the site inspection.

Contact person for inspection: Daniel Yadgard

Phone Number to schedule inspection: 917-734-3301

Signature

Daniel Yadgard

Print Name

Dated:

10/30/2023

Signature

Print Name

Dated: _____

AFFIDAVIT TO BE COMPLETED BY APPLICANT/OWNER

State of NEW YORK
County of DUTCHESS

ss:

Daniel Yadgard being duly sworn, deposes and says:

1. That he resides at 610 Stanford Road, Millbrook, New York 12545 in the County of Dutchess and the State of New York. That he is the Owner Agent of the Owner of the within property as described in the foregoing application for Subdivision / Site Plan Special Use Permit approval(s) and that the statements contained therein are true to the best of his knowledge and belief.
2. That we hereby authorize Joshua E. Mackey, Esq. Mackey Butts & Lita M. Ward, Esq. of Whalen, LLP to act as our representative in all matters regarding the application that may come before the Town of Washington Planning Board.
3. That he/she has the legal right to make or authorize the making of said application.
4. That he/she understands that the Town of Washington Planning Board 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.

Applicant/Owner

Applicant/Owner

Notary Public

MARIA SIMMONS
Notary Public, State of New York
Registration No. 01SI6385924
Qualified in Dutchess County
My Commission Expires 1/14/2027

EXHIBIT B



FM 5746 - 3
017630
7.8 A(s)

053619
2.0 A(d)

042590
1.7 A(d)

STANFORD RD

WASHINGTON

292'

250'

400'

0 100 200 ft



Parcel Lines
Dutchess County, NY

Printed By:
ParcelAccess

N
ParcelAccess
7/3/2023

EXHIBIT C













4seasonsswimmingpool





EXHIBIT D

IntelliFlo® VSF Variable Speed and Flow Pool Pump

JUMP TO ▾



TRADEGRADE

Feedback



THE BEST SELLING VARIABLE SPEED PUMP IN THE WORLD

IntelliFlo VSF pump is the first variable speed and flow pump that adjusts to changes in flow conditions to maintain its preprogrammed flow rate to run optimally throughout the entire filtration cycle. It's like having cruise control for your pump.

Find out where to purchase online or in a retail location near you.

WHERE TO BUY

- Eight programmable speed or flow settings and built-in timer
- Rotatable keypad with optional wall mount kit (sold separately)
- Top-mounted field wiring compartment is easier to access and connect
- Totally enclosed fan-cooled design for increased performance and long life
- Menus are easier than ever to use
- Consistently maintains system flow requirements
- Compatible with Pentair Automation
- WEF 6.9 THP 3.95

★★★★★ 4.8 | 409 Reviews

343 out of 355 (97%) reviewers recommend this product

366 questions and 366 answers for this product



TRADEGRADE



PRODUCT COMPONENTS

- 01 Rotatable keypad with optional wall mount kit (sold separately)
- 02 Menus are easier than ever to use
- 03 Eight programmable speed and flow settings and built-in timer
- 04 Top-mounted field wiring compartment is easier to access and connect
- 05 Totally enclosed fan-cooled design motor for quiet operation and long life



ADJUSTS TO CHANGING CONDITIONS

The IntelliFlo VSF pump is the first of its kind to respond to changes in your pool's environment in order to maintain a pre-programmed flow rate. There's no more guesswork—just set it and forget it. The IntelliFlo VSF variable speed pool pump *always* delivers the precise flow for peak performance.

QUIETEST PUMP ON THE PLANET

With the IntelliFlo VSF pump, you'll experience a quiet, tranquil backyard experience. Its whisper-quiet operation means that it won't interfere with your pool enjoyment. In fact, when the pump is operating at low speeds, you might not know it's running.



ENERGY STAR CERTIFIED

The IntelliFlo VSF pump features the smartest variable speed pool pump technology available. As the first pump to combine speed and flow control, the IntelliFlo VSF pump adjusts flow throughout the cycle to minimize energy use. This results in increased energy savings over conventional single- or two-speed pumps, up to 90%.*

CALCULATE YOUR SAVINGS



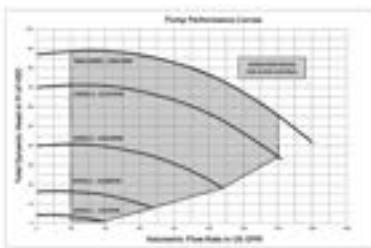
SEE IT IN ACTION

Watch this video to learn more about what the IntelliFlo VSF Pool Pump can do!



Feedback

PERFORMANCE CURVES



HOMEOWNER AND PRO RESOURCES

- IntelliFlo VSF Brochure – English**
- IntelliFlo VSF Brochure – Spanish**
- IntelliFlo VSF Brochure – French**

SPECIFICATIONS



Item #:
 011056
THP:
 3.95
WEF:
 6.9
Weight (LBS):
 55
Voltage:
 230
Full Load Amps:
 16
kW:
 3.2
Service Factor:
 1.0
HHP:
 1.88
SFHP:
 3.95
FREQUENCY (Hz):
 50Hz/60Hz
Primary Listings and Certifications:
 UL/NSF/APSP
Port Size (NPT):
 2" x 2"
Purchase Options:
 Available Through Dealer

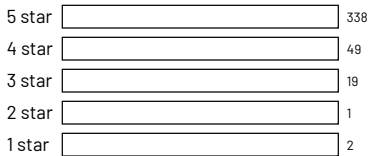
Feedback



Review Highlights

★★★★★ 4.8 stars

Rating Distribution (409 reviews)



343 out of 355 (97%) of reviewers would recommend this product to a friend.

Pros

Satisfaction 9 reviews

"I was shocked at how quiet it is and love the ability to control the speeds to match the season." (Full review)

For Runners 4 reviews

"Super easy to install, works perfectly, and runs awesome." (Full review)

Reliable 2 reviews

"Efficient and dependable Pump" (Full review)

Cons

Suitable Cons could not be generated at this time.

[SEE ALL REVIEWS >](#)

★★★★★ 4.8 | 409 Reviews

343 out of 355 (97%) reviewers recommend this product



409
Reviews

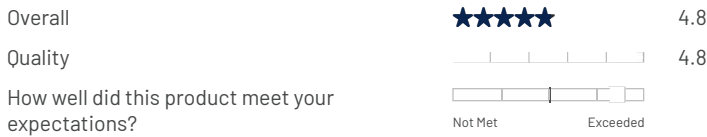
366
Questions

366
Answers

Reviews



Average Customer Ratings



1-8 of 409 Reviews

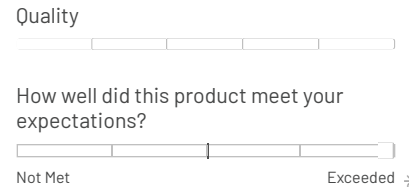
Sort by: ▾ ☰

★★★★★ Shooraye · 3 years ago

★ Verified Review

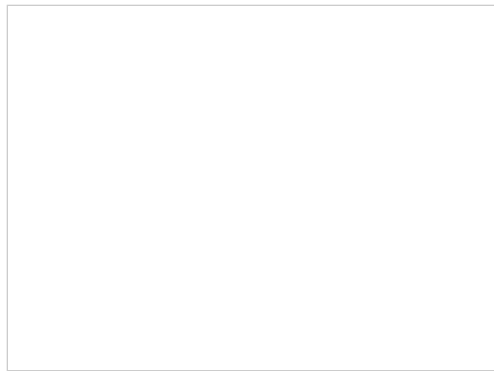
Swimming Pool Needs!

Tremendous equipment. Have an in ground pool for 43 years. Count on Pentair to be innovative & cost effective. Plus they honor their warranty!
 Don't let the price have you in shock.... yes, well worth the cost. Silent, super efficient, Electric Bill reductions will blow your mind & easy to use. Hats off to Pentair....
 Oh, there service department will discuss any questions as a courtesy. Great guidance.



Feedback

Recommends this product ✓ Yes



Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★★★★★ Vance A. · 3 years ago

★ Verified Review

Electric Costs Savings & Quietness

We had purchased our home with pool and inherited a 10yr old single speed Hayward pump. As we started receiving our electric bills, we thought they seemed a little high. It was partially due to the single speed pump running twice a day at on high speed.

When we purchased our IntelliFlo Variable Speed Pump from Pentair, we saw a noticeable difference in our electrical bill. This was due to the fact that we could run separate filtering cycle at different speeds.

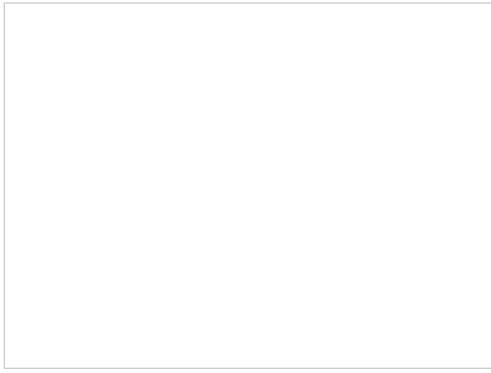
The other great thing is this pump very quiet. Unless your are standing right next to it, you might not think it's even running.

Awesome piece of equipment!



Recommends this product ✓ Yes





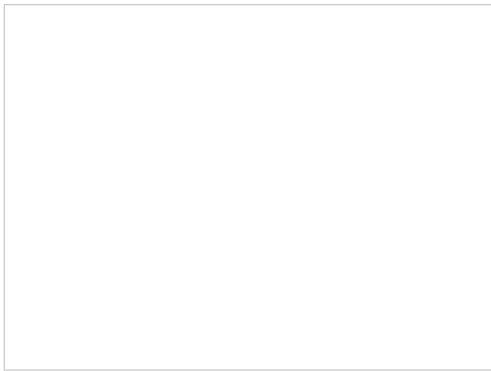
Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★★★★★ Hollie P · 3 years ago

Great pump

This pump is efficient, and quiet on lower speeds, and relatively easy to program. Our electric bill went down about \$40/month when we had this pump installed! The only issue that we have had is it has lost prime a few times.

Recommends this product ✓ Yes



Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★ Verified Review

Quality

Feedback

How well did this product meet your expectations?

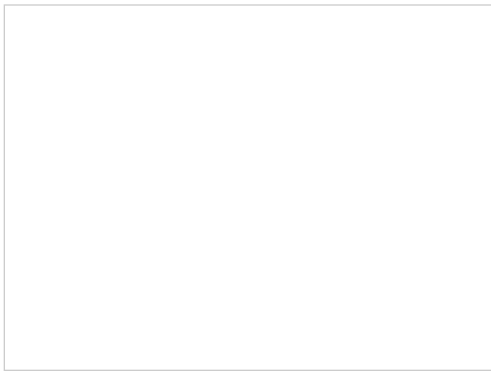
Not Met Exceeded

★★★★★ Anonymous · 3 years ago

Only install pentair

Great product. Pentair products have never let me down nor has their warranty center or reps.

Recommends this product ✓ Yes



Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★ Verified Review

Quality

How well did this product meet your expectations?

Not Met Exceeded



Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★★★★★ Glier · 3 years ago

Verified Review

Best Pool Pump that you can buy

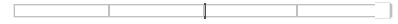
If you are looking for Reliability, easy installation, great performance Pentair products are a easy choice for me after 37 yrs.

Recommends this product ✓ Yes

Quality

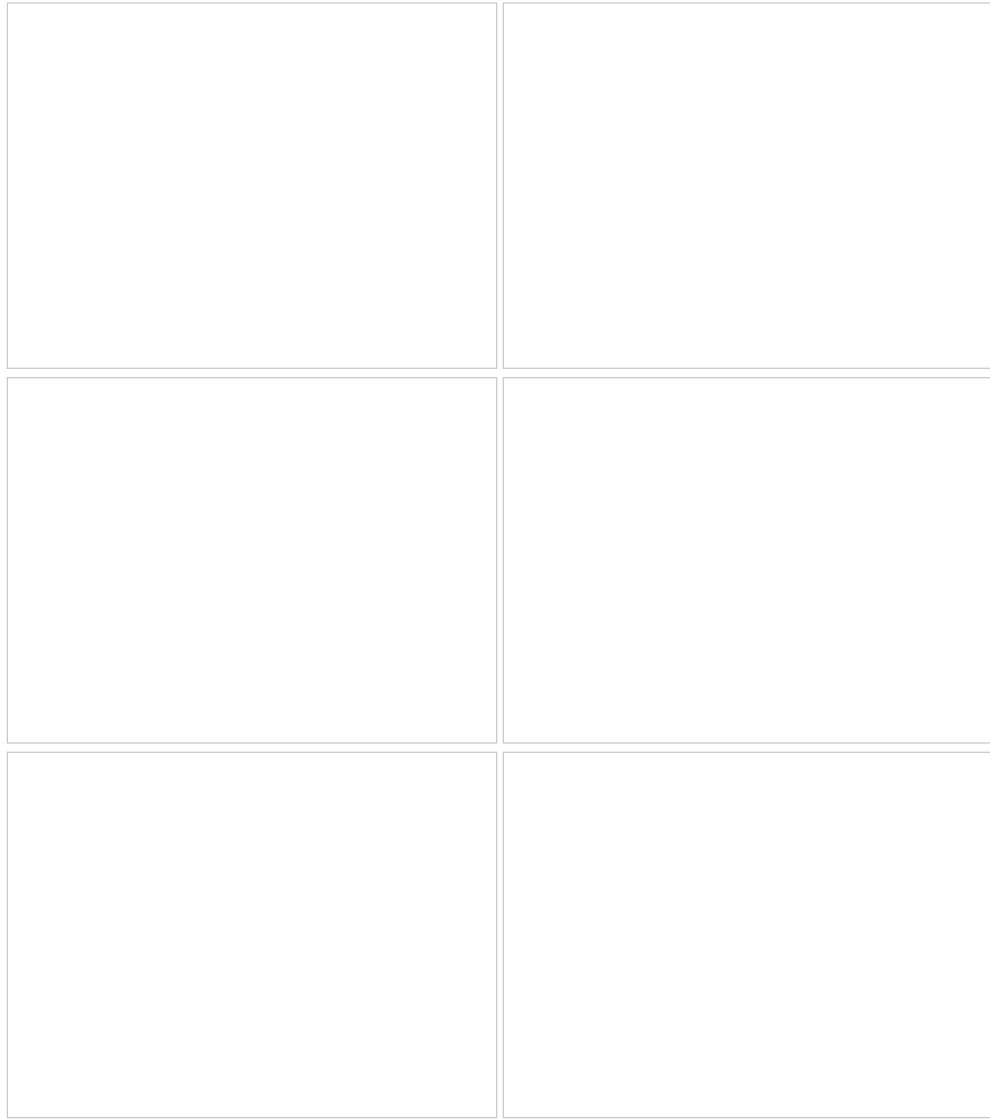


How well did this product meet your expectations?



Not Met

Exceeded



Feedback



Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★★★★★ Lars willerup · 3 years ago

Verified Review

Clear pool

Forget the electrical cost savings, my pool has NEVER been clearer to enjoy!

Recommends this product ✓ Yes

Quality



How well did this product meet your expectations?

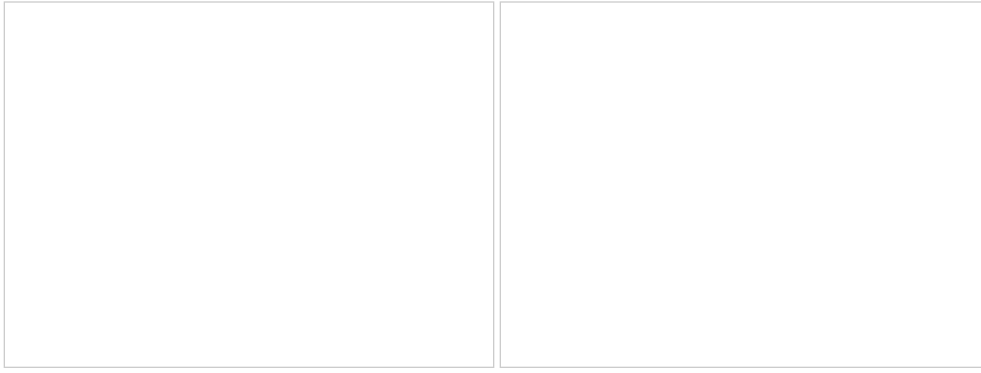


Not

Exceeded



TOP



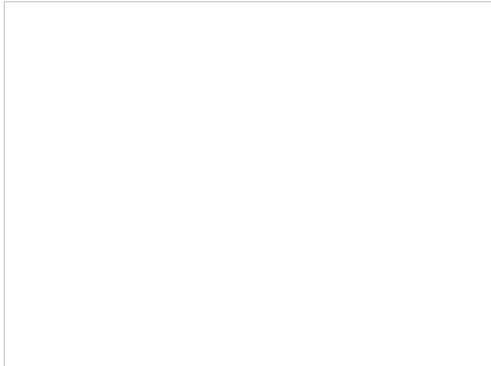
Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★★★★★ Anonymous · 3 years ago

Pool pump variable speed

Low maintenance energy efficient. Easy to use plug and play with solar controller!

Recommends this product ✓ Yes



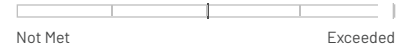
Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★ Verified Review

Quality



How well did this product meet your expectations?



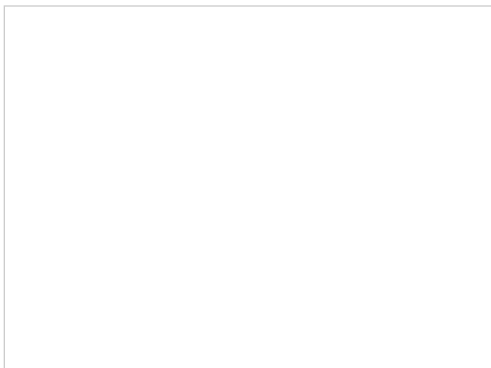
Feedback

★★★★★ Anonymous · 3 years ago

Outstanding Product

Great pump. Easy to program. Very quite. Excellent customer service.

Recommends this product ✓ Yes



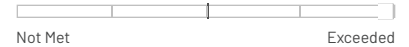
Originally posted on IntelliFlo® VSF Variable Speed and Flow Pumps

★ Verified Review

Quality



How well did this product meet your expectations?



1-8 of 409 Reviews



★★★★★ 4.8 | 409 Reviews

Search questions and answers



409 Reviews

366 Questions

366 Answers

Questions

Ask a question

1-10 of 366 Questions

Sort by: Most helpful answers ▼

John · 11 days ago

We have the Intelliflo pump but the controller is not able to communicate to it. Do you sell the correct controller that will do the pool and the heating solar part of the system. John

1 answer

Feedback



Tech Support, Raquel M · 5 days ago

Hello, thank you for contacting Pentair. In order to assist you we will need more information and we would need for you to contact us at 800-831-7133

Helpful? **Yes · 0** **No · 0** **Report**

Brian · 16 days ago

Pump worked. Then pool was drained, repainted. New tiles put in spa. Upon refill, pump will not come on. Alarm light. No sounds, turning, or clicks. No error msg on Intellitouch. No effect flipping breaker or detach cable. Basket clean.

1 answer

Tech Support, Raquel M · 13 days ago

Thank you for contacting Pentair,

To reset the pump you can the below:

Press: 1-2-3-4 simultaneously, then press: Select, then press: UP arrow, and then press: Enter or Save

After all that, Turn the pump from breaker for 20 seconds.

and if you still have questions please call 1800-831-7133

Thank you

Helpful? **Yes · 0** **No · 0** **Report**

BJG1! · 16 days ago

My pump stopped working and now it says Alarm. How do I fix or reset it?

1 answer

Tech Support, Raquel M · 13 days ago

Thank you for contacting Pentair,

Please try the below to reset it:

Press: 1-2-3-4 simultaneously, then press: Select, then press: UP arrow, and then press: Enter or Save

After all that, Turn the pump from breaker for 20 seconds.

If you still have questions please call 1800-831-7133



Thank you

Helpful? **Yes · 0** **No · 0** **Report**

Eric · 20 days ago

Does the IntelliFlo VS+SVRS come in a 208v 3 phase pump

1
answer

Tech Support, Raquel M · 19 days ago

Thank you for contacting Pentair,

Below is a link that will answer your question and give you more information on the pump.

https://www.pentair.com/en-us/products/residential/pool-spa-equipment/pool-pumps/intelliflo_vs_svrsvariablespeedpumps.html?bvstate=pg:11/ct:q

Helpful? **Yes · 0** **No · 0** **Report**

Mark · 22 days ago

How to I return the pump to running a schedule?

1
answer
Feedback

Tech Support, Raquel M · 19 days ago

Hello, thank you for contacting Pentair. In order to assist you we will need more information and we would need for you to contact us at 800-831-7133

Helpful? **Yes · 0** **No · 0** **Report**

Neil · a month ago

ALARM Over Current on display! Pump not starting. About 4 years old. First time this happened

1
answer

Tech Support, Raquel M · a month ago

Hello, thank you for contacting Pentair. In order to assist you we will need more information. Please register your product if you have not already and then fill out the contact us section from our website or call Technical Services at 800-831-7133. Please see links below:

<https://partners.pentair.com/s/pool-product-registration>
<https://www.pentair.com/en-us/education-support/contact-us/pool-spa-equipment-customer-service.html>

Helpful? **Yes · 0** **No · 0** **Report**

Anonymous · a month ago

My Pentair pump system regularly has problems with pushing out air bubbles into the pool. What are the most common causes? Also, does lubricating the O-rings on the pump filter and chlorinator help reduce air being sucked into the system?

1
answer

Tech Support, Raquel M · a month ago

Hello, thank you for contacting Pentair. In order to assist you we will need more information. Please register your product if you have not already and then fill out the contact us section from our website or call Technical Services at 800-831-7133. Please see links below:

<https://partners.pentair.com/s/pool-product-registration>
<https://www.pentair.com/en-us/education-support/contact-us/pool-spa-equipment-customer-service.html>



Helpful? **Yes - 0** **No - 0** **Report**

Daniel · a month ago

I have an intellipro vsf. When I run at 40 gpm watts are 1149, at 50 gpm watts are 1256, at 60 gpm watts are 1193 at 70 gpm watts are 1191. Why are watts almost the same? Note: at 50, 60 and 70, a warning saying "pressure limit"? Max Flow is 140 GPM.

1
answer

Tech Support, Raquel M · a month ago

Hello, thank you for contacting Pentair. In order to assist you we will need more information. Please register your product if you have not already and then fill out the contact us section from our website or call Technical Services at 800-831-7133. Please see links below:
<https://partners.pentair.com/s/pool-product-registration>
<https://www.pentair.com/en-us/education-support/contact-us/pool-spa-equipment-customer-service.html>

Helpful? **Yes - 1** **No - 4** **Report**

mike · 2 months ago

My pump status says - Your pump is running due to pump override. ive cycled power and it did not help. it runs at 550 rpm and i cant get it to run at any other speed or any of my normal programs? I have a Intelliflo VSF pump. and an intelliconnect sys

1
answer
Feedback

Tech Support, Shamir B. · a month ago

Thank you for contacting Pentair. I'd think its a bad temp sensor causing freeze protect to come on but need more info to be sure. Please call 800-831-7133 to speak with one of our Technical Support Specialists.

Helpful? **Yes - 0** **No - 0** **Report**

Jo2023 · 2 months ago

Hi we have a pentair intelliflo vsf pool pump and have constant air in the system lines etc have had the lines checked and new plumbing and filter around pump and still air any ideas as to why?

1
answer

Tech Support, Caylee G. · 2 months ago

Hi there, thank you for contacting Pentair. Try adjusting priming range to a lower setting (default setting is 5)

If that does not work, we would need some more information from you to help troubleshoot. Please register your product if you have not already and then fill out the contact us section from our website or call Technical Services at 800-831-7133. Please see links below:

<https://partners.pentair.com/s/pool-product-registration>
<https://www.pentair.com/en-us/education-support/contact-us/pool-spa-equipment-customer-service.html>

Helpful? **Yes - 0** **No - 0** **Report**

1-10 of 366 Questions



¹ 'UL' indicates that pump bears a UL mark signifying evaluation to U.S. Standards UL1081 for Permanently Connected Swimming Pool and Spa Pumps and to Canadian Standards CAN/CSA C22.2 No. 108-01 Liquid Pumps For Swimming Pools Only (Enclosure 3).

² 'NSF' indicates that pump bears a mark signifying evaluation to NSF Standard 50 For Self-Priming Centrifugal Pumps For Swimming Pools Only.

³ 'APSP' Pump has been evaluated to ANSI/APSP/ICC-15 and California Title 20 and is certified to use on Residential Swimming Pool Filtration Systems.



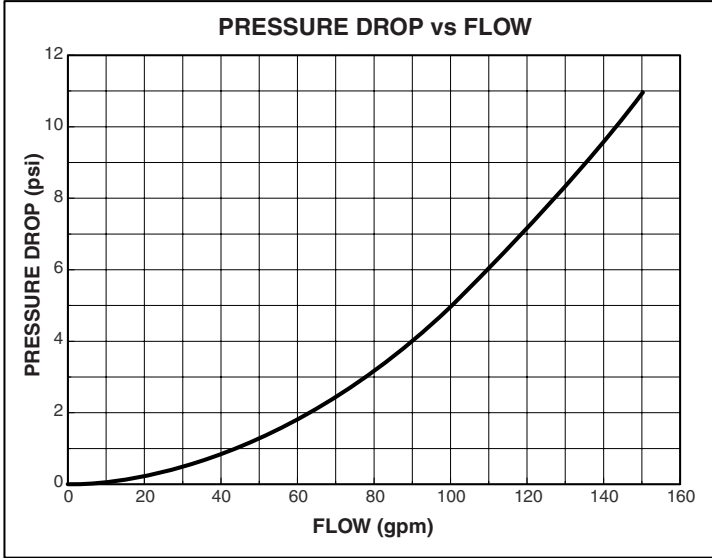
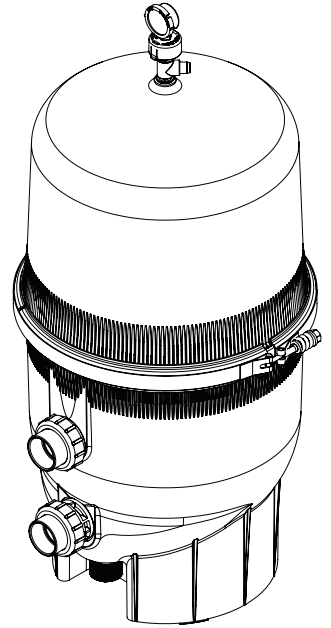
⁴ Product may have been evaluated to other state and local regulatory standards. Listing status may change. Always confirm status with appropriate agency if in doubt.

*Savings based on variable speed pump compared to a single-speed pump running 12 hours per day at an average of \$0.16 per kWh in a 20,000 gallon pool. Actual savings may vary based on local utility rates, pool size, pump run time, pump horsepower, pump rpm, plumbing size and length, pump model, service factor and other hydraulic factors.

Note: Pump must be used with current collectors when installed on spas or hot tubs in Canada.



CLEAN AND CLEAR[®] PLUS CARTRIDGE FILTER

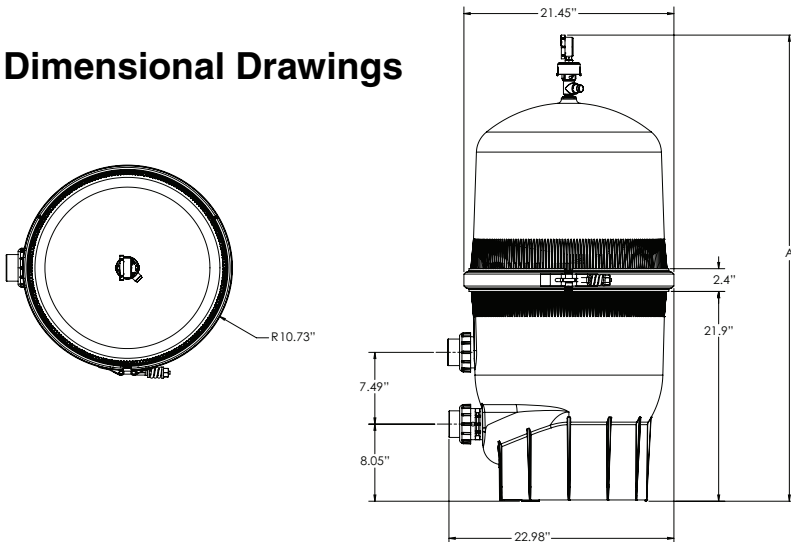


Clean and Clear [®] Plus Cartridge Filters						
Recommended Flow Rate						
Model #	Filter Area (Sq. Ft.)	Vertical Clearance*	Flow Rate (GPM)	Turnover Capacity (Gallons)		
				6 Hours	8 Hours	12 Hours
CCP240	240	56 in.	90	32,400	43,200	64,800
CCP320	320	62 in.	120	43,200	57,600	86,400
CCP420	420	68 in.	150	54,000	72,000	108,000
CCP520	520	74 in.	150	54,000	72,000	108,000

NOTE: Actual system flow will depend on plumbing size and other system components.

* Required Clearance to remove filter elements and lid

Dimensional Drawings

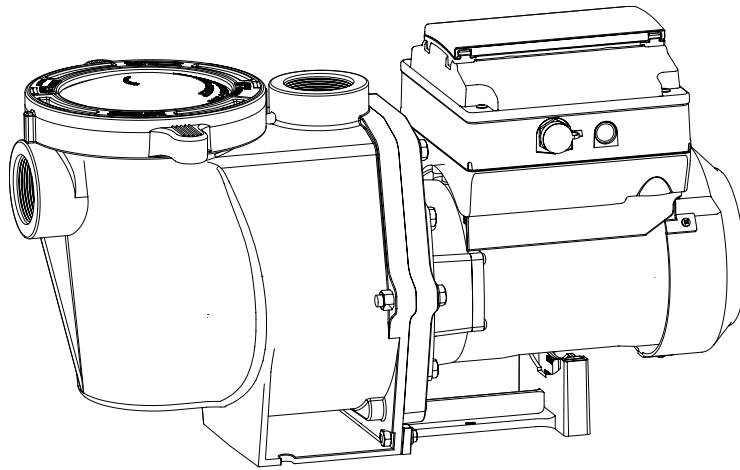


MODEL	DIM "A"
CCP 240	37"
CCP 320	43"
CCP 420	49"
CCP 520	56"

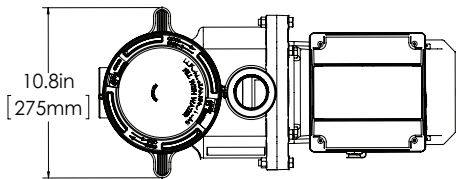


INTELLIFLO[®] VSF

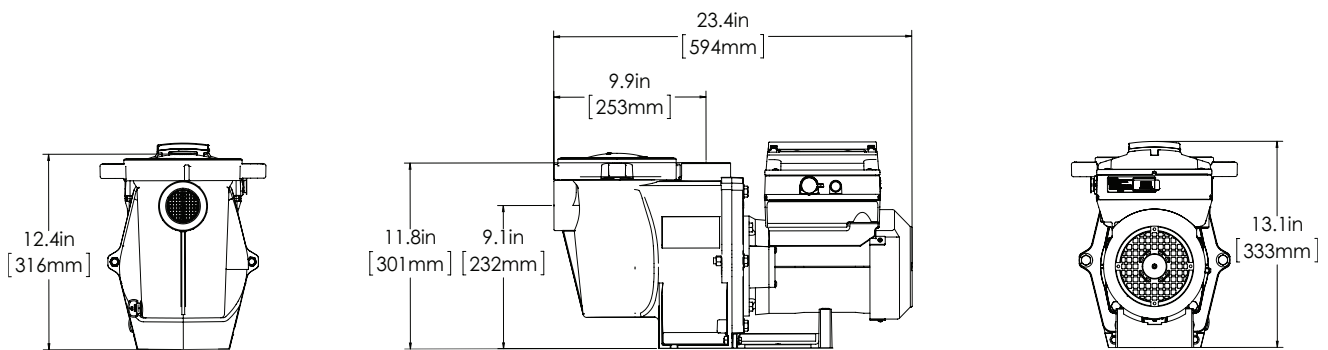
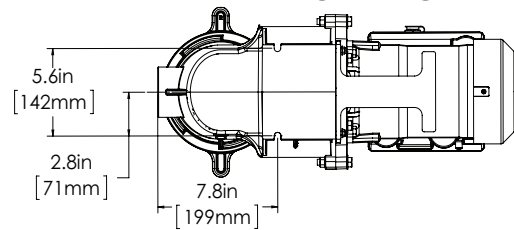
VARIABLE SPEED AND FLOW PUMP



Pump Dimensions



TECHNICAL DATA



Electrical Specifications

Circuit Protection: Two-pole 20 AMP device at the Electrical Panel.

Input: 230 VAC, 50/60 Hz, 3200 Watts Maximum, 1 phase

WEF 6.9 THP 3.95

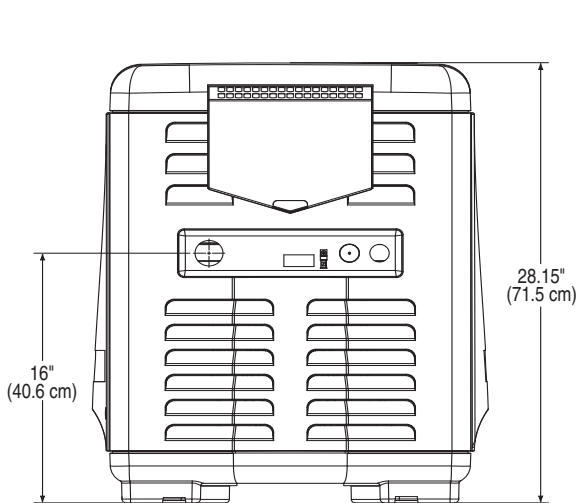


MASTERTEMP POOL AND SPA HEATER SPECIFICATIONS

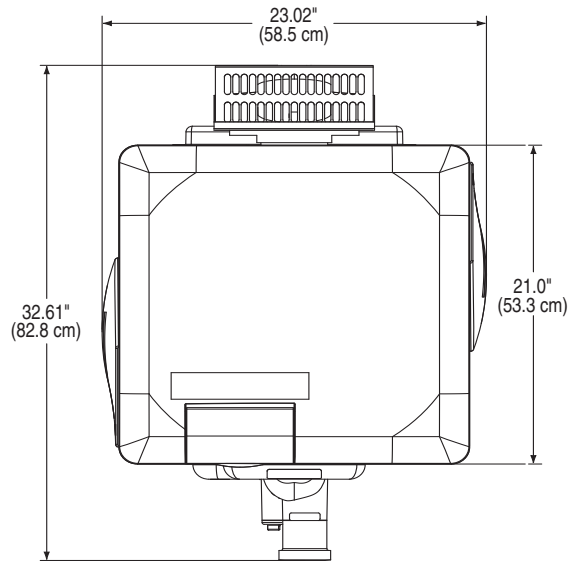
SPECIFICATIONS

These installation instructions are designed for use by qualified personnel only, trained especially for installation of this type of heating equipment and related components. Some states require installation and repair by licensed personnel. If this applies in your state, be sure your contractor bears the appropriate license. See Figure 2 for Outdoor and Indoor Installations.

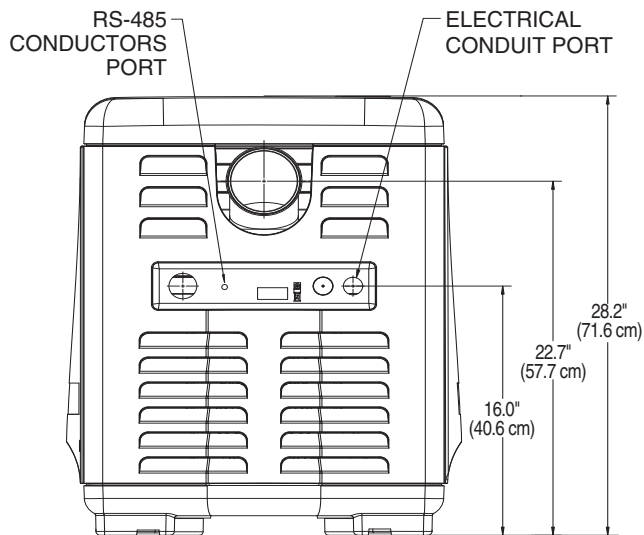
DIMENSIONS IN INCHES AND CM



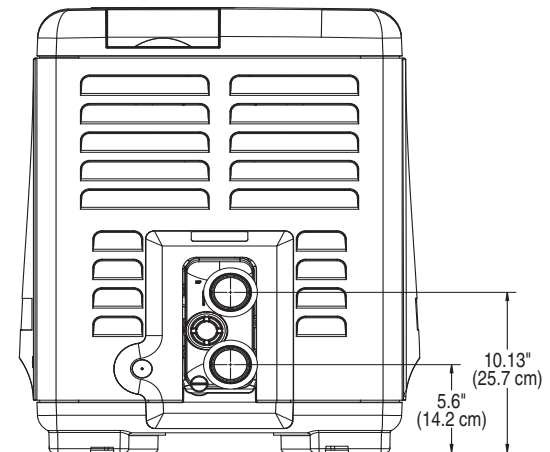
FRONT



TOP



EXHAUST SIDE



PLUMBING SIDE

GAS PIPE SIZING

STAGE TWO “LOW PRESSURE” GAS PIPE SIZING

Table 2.

PIPE SIZING FOR GAS LINE CONNECTIONS														
<i>MAXIMUM EQUIVALENT PIPE LENGTH (Ft.)</i>														
Natural Gas at 1000 B.T.U. per Cubic Foot														
Propane Gas at 2500 B.T.U. per Cubic Foot														
MODEL	1/2"		3/4"		1"		1-1/4"		1-1/2"		2"		2-1/2"	
	NAT	PRO	NAT	PRO	NAT	PRO	NAT	PRO	NAT	PRO	NAT	PRO	NAT	PRO
175	-	20'	30'	80'	125'	250'	450'	600'	-	-	-	-	-	-
200	-	20'	30'	80'	125'	250'	450'	600'	-	-	-	-	-	-
250	-	10'	20'	50'	70'	150'	250'	500'	600'	-	-	-	-	-
300	-	-	10'	30'	50'	100'	200'	350'	400'	600'	-	-	-	-
400	-	-	-	10'	20'	60'	100'	150'	200'	450'	400'	-	-	-

SEDIMENT TRAPS

Install a sediment trap and union located outside the heater panels in accordance with National code requirements. Do not use a restrictive gas cock. The sediment trap shall be either a tee fitting with a capped nipple in the bottom outlet which can be removed for cleaning, as illustrated in Figure 8, or an other device recognized as an effective sediment trap. All gas piping should be tested after installation in accordance with local codes.

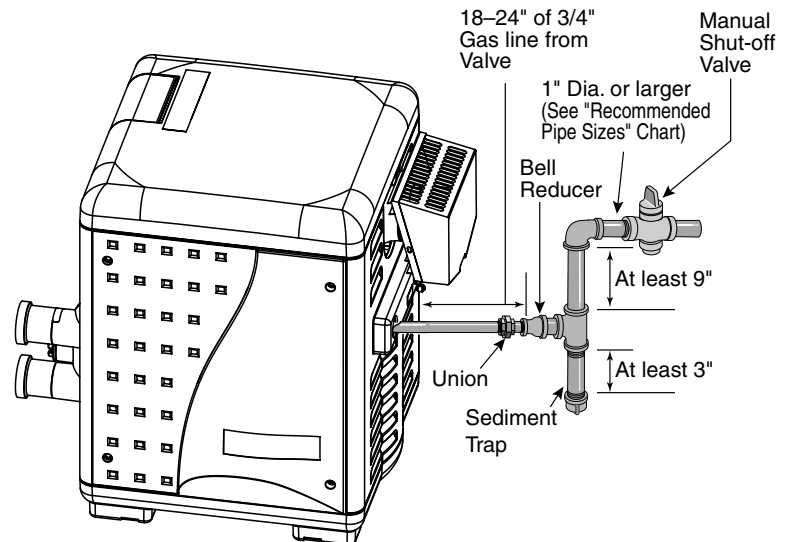


Figure 8.

HEATER BONDING

⚠ WARNING

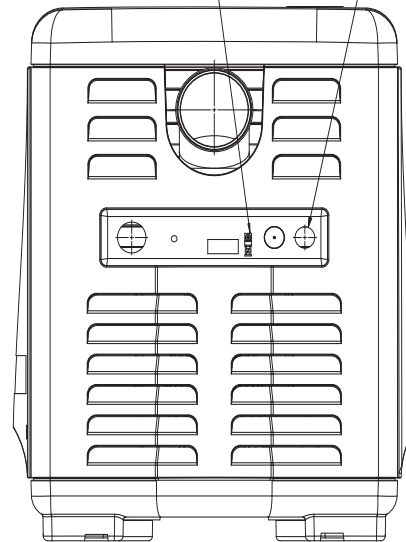
To reduce voltage gradients in the pool area, the heater and the pool system equipment must be electrically grounded and “bonded” together. Connect a solid copper conductor (8 AWG or larger) to the heater “bonding” terminal lug provided on the exhaust side of the heater. See **Figure 27**.

Not properly “bonding” and grounding the heater increases the risk of electrical shock and can cause damage and electrolysis to the heat exchanger.

All wiring must be in accordance with all applicable codes. The heater, when installed, must be electrically grounded and “bonded” in accordance with local codes or, in the absence of local codes, with the National Electrical Code or the Canadian Electrical Code (as applicable).

HEATER BONDING
CONNECTOR

ELECTRICAL
CONDUIT PORT



EXHAUST SIDE

Figure 27.

ELECTRICAL CONNECTIONS

Electrical Rating: 60 Hz 120 / 240 Volts AC, single phase: Enclose the incoming AC power line to the heater in an approved flexible conduit connected directly to the junction box on the inside of the access door panel. Line voltage field wiring should be 14 gauge, with a circuit capacity of 15 Amps. Note: The heater operating AMP draw is about 5 AMPS at 120 VAC and 2.5 AMPS at 240 VAC. A 15 AMP circuit capacity is required for the inrush current at startup. IMPORTANT NOTICE: FOR HEATER BONDING,