TOWN OF WAPPINGER
P.O. BOX 324 ~ 20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590

Zoning Board of Appeals
Office: 845.297.1373 ~ Fax: 845.297.4558
Zoning Enforcement Officer
Office: 845.297.6257
www.townofwappinger.us

Application for an Area Variance

Appeal # 20-7713

Dated: Sept. 30, 2020

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I(We), Farris & Jill Brodsky-Ibrahim residing at 20 Peter Drive, Wappingers Falls, NY 12590, 845 896 8320 (phone), hereby appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated 9-28-20, 200__, and do hereby apply for an area variance(s).

Premises located at 20 Peter Drive
Tax Grid # 135089-6157-04-963227-0000
Zoning District: R40

1. **Record Owner of Property** Farris + Jill Ibrahim
   Address 20 Peter Drive
   Phone Number 845 896-8320
   Owner Consent: Dated: 9-21-20
   Signature:
   Printed: Dave Ciotoli - Designer Rainbow Pools

2. **Variance(s) Request:**

Variance No. 1
I(We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240-37
(Indicate Article, Section, Subsection and Paragraph)

Required: 25 FEET to Side
Applicant(s) can provide: 8'4" to SIDE
Thus requesting: 16'6"
To allow: Installation of a 16 x 32 IN Ground Pool

Variance No. 2
I(We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

(Indicate Article, Section, Subsection and Paragraph)

Required:
Applicant(s) can provide:
Thus requesting:
To allow:

3. **Reason For Appeal** *(Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):*

A. If your variance(s) is(are) granted, how will the character of the neighborhood or nearby properties change? Will any of those changes be negative? Please explain your answer in detail.

there would be no negative change. the neighbors would not be impacted

B. Please explain why you need the variance(s). Is there any way to reach the same result without a variance(s)? Please be specific in your answer.

There is no other place to put the pool. There is a geothermal system and septic in yard being avoided

C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain, in detail, why it is not substantial.

It is about 16'.8" off from the required setback.

D. If your variance(s) is(are) granted, will the physical environmental conditions in the neighborhood or district be impacted? Please explain, in detail, why or why not.

No, they would not be impacted.

E. How did your need for an area variance(s) come about? Is your difficulty self-created? Please explain your answer in detail.

It came about because the setbacks are more than can be accomodated.

F. Is your property unique in the neighborhood that is needs this type of variance? Please explain your answer in detail.

All houses would have septics but the geothermal system is unique so that affects the need for the variance

4. **List of attachments** *(Check applicable information)*

(x) Survey Dated 11/13/2012, Last Revised _____ and Prepared by Robert V. Oswald.

( ) Plot Plan Dated 9/21/2020.

( ) Photos

( ) Drawings Dated _____.

( ) Letter of Communication which resulted in application to the ZBA. *(e.g., recommendation from the Planning Board/Zoning Denial)*
Letter from Barbara Roberti Dated: 9-28-20
Letter from _____ Dated: _____

( ) Other *(please list):* _____

5. **Signature and Verification**

Please be advised that no application can be deemed complete unless signed below.

The applicant hereby states that all information given is accurate as of the date of application.

SIGNATURE _____ DATED: 9-30-20
(Appellant)

SIGNATURE Dave Ciotoli - Designer, Rainbow Pools DATED: _____
(If more than one Appellant)

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

Farris & Jill Brodsky-Ibrahim

Name of Action or Project:
20 Peter Drive

Project Location (describe, and attach a location map):
install 16x32 inground gunite swimming pool

Brief Description of Proposed Action:

Name of Applicant or Sponsor:
Rainbow Pools

Telephone: 8458968320

E-Mail: ddeltreste@rainbowpools.com

Address:
1807 Route 52

City/PO:
Fishkill

State: NY

Zip Code: 12524

	NO	YES
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.	☒	☐
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:	☒	☐

3.a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☒	☐
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: _____	☒	☐
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: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Dana DelTreste/Rainbow Pools Date: 9/21/2020

Signature: Dana DelTreste

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?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
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?	☒	☐
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?	☒	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐

	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?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

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.

Rainbow Pools Name of Lead Agency	9/21/2020 Date
Mike Todd Print or Type Name of Responsible Officer in Lead Agency	President Title of Responsible Officer
Mike Todd Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

FOR OFFICE USE ONLY

1. THE REQUESTED VARIANCE(S) ( ) **WILL** / ( ) **WILL NOT** PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.

2. ( ) **YES** / ( ) **NO,** SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.

3. THERE ( ) **IS (ARE)** / ( ) **IS (ARE) NO OTHER** FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).

4 THE REQUESTED AREA VARIANCE(S) ( ) **IS (ARE)** / ( ) **IS (ARE) NOT** SUBSTANTIAL.

5. THE PROPOSED VARIANCE(S) ( ) **WILL** / ( ) **WILL NOT** HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.

6. THE ALLEGED DIFFICULTY ( ) **IS** / ( ) **IS NOT SELF**-CREATED.

CONCLUSION: THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE IS ( ) **GRANTED** ( ) **DENIED.**

CONDITIONS/STIPULATIONS: The following conditions and/or stipulations were adopted by resolution of the Board as part of the action stated above:

( ) FINDINGS & FACTS ATTACHED.

DATED: _____

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____
(Chairman)

PRINT: _____

TOWN OF WAPPINGER

BUILDING DEPARTMENT
20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590-0324
(845) 297-6256
FAX: (845) 297-0579

OWNER CONSENT FORM

BUILDING PERMIT #_____ **APPLICATION #** 20-7713

SITE LOCATION: 20 Peter Drive

GRID: # 135689-6157-04-963227-0000

Name of APPLICANT/OWNER: Dana DeCTreste/Rainbow Pools
(Person PHYSICALLY coming in to apply, if other than the Owner)

~ CERTIFICATION ~

NOTICE TO APPLICANTS: 240-109 Certificate of Occupancy

It shall be unlawful for a building owner to use or permit the use of any building or premises or part thereof hereafter created, erected, changed, converted or enlarged, wholly or partly, in its use or structure until a Certificate of Occupancy shall have been issued by the Building Inspector and/or Zoning Administrator.

I, Farris Ibrahim *, owner of the land/site/building hereby give my permission for the Town of Wappinger to approve or deny the attached application in accordance with local and state codes and ordinances. I understand that this permit will not be closed out unless all proper inspections are completed which can include the building inspector having access to the interior of my residence. If this permit is not closed before the expiration date it will remain as a violation on my property until it is closed out. After the expiration date the permit fee and application will have to be re-submitted in order to close out the permit. I understand that I am ultimately responsible for the closure of this permit.*

FAILURE TO COMPLY MAY RESULT IN COURT PROCEEDINGS.

9/21/2020
Date

845 222 6398
Owner's Telephone Number

Farris Ibrahim
Owner's Signature

Farris Ibrahim
Print Name

20 Peter Drive, Wappingers Falls, NY 12590
Print Owner's Address farris.ibrahim@gmail.com

FOR OFFICE USE ONLY

Code Enforcement Official: _____

Town of Wappinger
20 Middlebush Rd.
Wappingers Falls, NY 12590
(845) 297-6256

To: Ibrahim, Farris
Brodsky-Ibrahim, Jill
20 Peter Dr

SBL: 6157-04-963227
Date of This Notice: 9/28/2020
Zone: R40
Application #: 39747

For Property Located at: 20 Peter Dr

Your application to:

INSTALLATION OF 16X32 IN-GROUND GUNITE SWIMMING POOL

****FOUR COPIES OF FINAL AS BUILT REQUIRED TO CLOSE POOL AND GRADING PERMIT****
****POOL ALARM ASTM F 2208 REQUIRED****
****ALARM AFFIDAVIT REQUIRED****
****FINAL INSPECTION BY CERTIFIED ELECTRICAL INSPECTOR****
****FINAL INSPECTION BY BUILDING INSPECTOR****

is denied for the following deficiency under Section 240-37 of the Zoning Laws of the Town of Wappinger.

Where 25 feet is required to the side property line, the applicant can provide 8'4".

- o "Accessory Structures must comply with all minimum yard setback requirements for buildings, but in nc case shall they be permitted in the front yard."
- o Does NOT MEET dimensional requirement for Zone.
- o "This zoning district has a front yard requirement of seventy-five feet (75') from a state or County road."
- o As per code Section 240-26, which states: " The use of tents, trailers and mobile homes for permanent dwelling purposes shall not be permitted in any district except as permitted and regulated in Section 240-51, Mobile home park, of this chapter..."

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	25 ft.	8'4" ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

You have the right to appeal this decision to the Zoning Board of Appeals within 60 days of the date of this letter. The Zoning Board of Appeals meets the second and fourth Tuesday of the month. The area variance appeal will require at least two meetings, one for discussion and one for a Public Hearing. The required forms can be obtained at this office.

Very truly,

Barbara Roberti

Barbara Roberti
Zoning Administrator
Town of Wappinger

RECEIVED
SEP 23 2020
BUILDING DEPARTMENT
TOWN OF WAPPINGER

TOWN OF WAPPINGER BUILDING DEPARTMENT
20 Middlebush Road, Wappingers Falls, N.Y. 12590
telephone: 845-297-6256 fax: 845-297-0579

APPLICATION FOR BUILDING PERMIT

APPLICATION TYPE: ⊗ Residential O New Construction O Commercial O Renovation/Alteration O Multiple Dwelling

ZONE: R40 DATE: 9/28/2020
APPL #: 39747 PERMIT #: _____
GRID: 1 356 89-6157-04-963227-0000

APPLICANT NAME: Rainbow Pools Dave
ADDRESS: 1807 Rt 52 Fishkill NY
TEL #: 8458968320 CELL: _____ FAX #: _____ E-MAIL: ddeltreste@rainbowpools.com

NAME OWNER OF BUILDING/LAND: Farris Ibrahim
PROJECT SITE ADDRESS: 20 Peter Drive
MAILING ADDRESS: 20 Peter Drive
TEL #: 8452226398 CELL: _____ FAX #: _____ E-MAIL: farris.ibrahim@gmail.com

BUILDER/CONTRACTOR DOING WORK:
COMPANY NAME: Rainbow Pools
ADDRESS: 1807 Route 52 Fishkill
TEL #: 8458968320 CELL: _____ FAX #: _____ E-MAIL: ddeltreste@rainbowpools.com

DESIGN PROFESSIONAL NAME:
TEL #: _____ CELL: _____ FAX #: _____ E-MAIL: _____

APPLICATION FOR: installation of a 16x32 inground gunite swimming pool

SETBACKS: FRONT: 132' REAR: 372 L-SIDEYARD: 91' R-SIDEYARD: 8'4"
SIZE OF STRUCTURE: _____
ESTIMATED COST: 73,410 **TYPE OF USE:** residential swimming pool

NON-REFUNDABLE APPL. FEE: 250- PAID ON: 9/28/2020 CHECK # 28570 RECEIPT #: 20-22053
BALANCE DUE: _____ PAID ON: _____ CHECK # _____ RECEIPT #: _____

APPROVALS:
ZONING ADMINISTRATOR:
O Approved O Denied Date: 9.28.20
Barbara Cohuti
Dana DelTreste
Signature of Applicant

FIRE INSPECTOR:
O Approved O Denied Date: _____

Signature of Building Inspector

TOWN OF WAPPINGER
PLOT PLAN

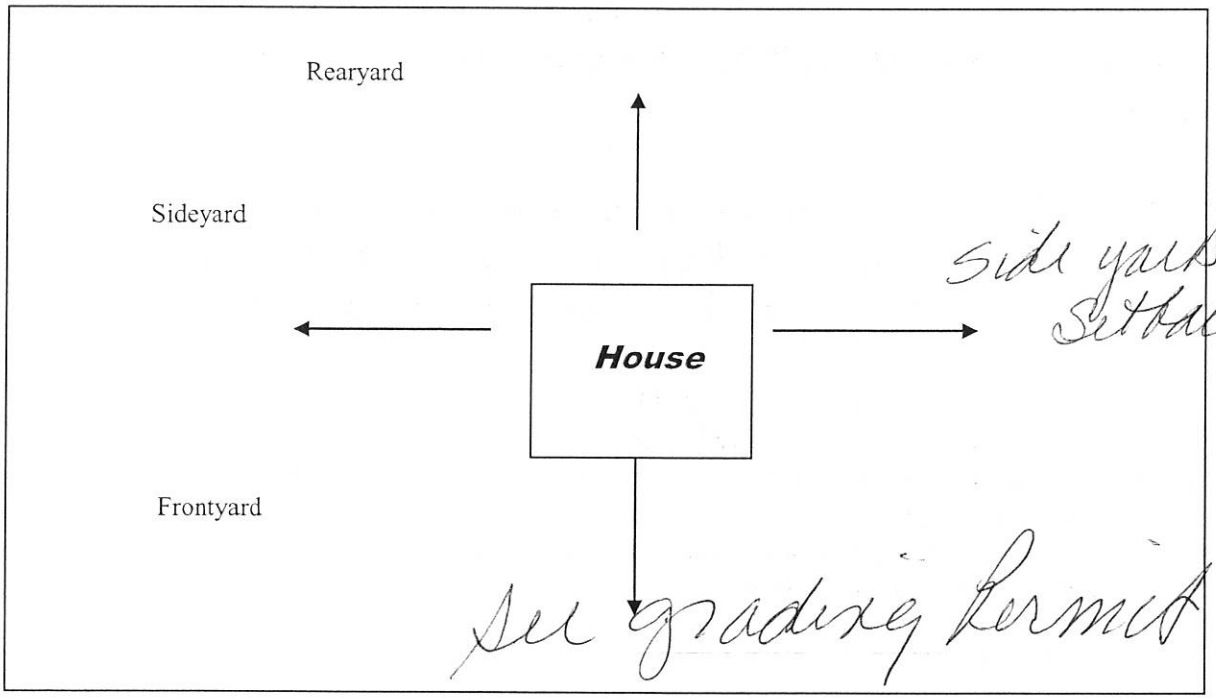
Building Permit #_____ Date 9.23.20

Address: 20 Peter Drive Interior/Corner Lot: *circle one*

Owner of Land Farris Ibrahim Zone: R40

LIST ALL EXISTING STRUCTURES ON PROPERTY: (*ie: Pool, shed, decks, detached garage*)

1. House,



Draw proposed structure on plot plan.
Indicate Location Setbacks to both sides and rear property line measurement of structure you are applying for.

_____
Signature

Approved:/Rejected: Barbara Schultz Date: 9.28.20
Zoning Administrator