TOWN OF WAPPINGER

PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

Application for an Area Variance

Appeal No.: 21-7728 Date: 04/21/2021

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

I (We), Edy V. Nuñez residing at 17 Peel Ln Wappingers Falls, NY. 12590, (phone) (646) 702-8575, hereby, appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated 04/16/2021, and do hereby apply for an area variance(s).

Premises located at: 17 Peel Ln, Wappingers Falls, NY.
Tax Grid No.: 6258-04-906150
Zoning District: R-40

1. **Record Owner of Property**:
   Edy V. Nuñez
   Address: 17 Peel Ln Wapp. Falls, NY. 12590.
   Phone Number: (646) 702-8575
   Owner Consent dated: 04/21/2021 Signature: [signature]
   Print Name: Edy V. Nuñez

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.

204-37

(Indicate Article, Section, Subsection and Paragraph)

Required: 50 ft. to rear.

Applicant(s) can provide: 20 ft. to rear.

Thus requesting: 30 ft. to rear.

To allow: Installation of 18' X 33' above ground pool.

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
Appeal No.: 21-7728

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.

Variance is for an above ground pool for personal usage only. It will not affect nor, alter the neighborhood in any aspect.

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.

Project does not meet backyard setbacks of 50 ft. to rear property line. Most property land is located at the front. Rear land space is narrow for a pool and must need variance.

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.

The difference is 30 ft. I can only provide 20 ft out of the 50 ft ~~requested~~ imposed by the zoning law.

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. Project is an above ground pool for personal usage only.

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

Zoning law requires 50ft. to rear property line. I can only provide 20 ft to rear property line. Difficulty is not self-created due to rear land space area is narrow.

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

Yes, property is located in a dead end street zone. House is located mostly to the rear of the property land.

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

(✓) Survey dated: 5-8-17, Last revised _____ and Prepared by: Howard W. Weeden.

(✓) Plot Plan dated: 03/26/2021.

( ) 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: 04/16/2021

( ) 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: 04/21/2021
(Appellant)

SIGNATURE: _____ DATED: _____
(If more than one Appellant)

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**) 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 the 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

PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

Owner Consent Form

Project No: 21-7728 **Date:** 04/21/2021

Grid No.: 6258-04-906150 **Zoning District:** R40

Location of Project:

17 Peel Ln, Wappingers Falls, NY. 12590

Name of Applicant:

Edy V. Nuñez (646) 702-8575

Print name and phone number

Description of Project: Installation of 18' x 33' above ground pool.

I Edy V. Nuñez, owner of the above land/site/building hereby give permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances.

04/21/2021
Date

Owner's Signature

(646) 702-8575
Owner's Telephone Number

Edy V. Nuñez
Print Name and Title ***

***** If this is a Corporation or LLC, please provide documentation of authority to sign.**

If this is a subdivision application, please provide a copy of the dead.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:
New Installation: above ground pool.

Project Location (describe, and attach a location map):
17 PEEL LN, Wappingers Falls, NY. 12590

Brief Description of Proposed Action:
Installation of 18'x33' above ground pool.

Name of Applicant or Sponsor:	Telephone: (646) 702-8575
Edy V. NUÑEZ	E-Mail: edyvanessa25@gmail.com.

Address:
17 PEEL LN, Wapp. Falls.

City/PO:	State:	Zip Code:
Wappingers Falls	NY	12590

	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 government 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, are adjoining or 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?	☒	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☒	☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐
b. Are public transportation services available at or near the site of the proposed action?	☒	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the 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: _____	☒	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☒	☐
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☒	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☒	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☒	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐

	NO	YES
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?	☒	☐
16. Is the project site located in the 100-year flood plan?	☒	☐
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?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	☒	☐
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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Edy V. Nuñez Date: 04/21/2021

Signature: _____ Title: _____

PRINT FORM

Town of Wappinger

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

To: Nunez, Leonardo A
Nunez, Edy V
,

SBL: 6258-04-906150
Date of this Notice: 04/16/2021
Zone:
Application: 39273

For property located at: 17 Peel Ln

Your application to:

24' ROUND ABOVE GROUND POOL - NO DECK **FINAL ELECTRICAL INSPECTION REQUIRED BY A TOWN APPROVED AGENCY **POOL ALARM MUST MEET ASTM F 2208 REQUIREMENTS** **FINAL INSPECTION BY A BUILDING INSPECTOR REQUIRED** **POOL NOT TO BE USED WITHOUT CERTIFICATE OF COMPLIANCE****

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

WHERE 50 FEET IS REQUIRED TO THE REAR PROPERTY LINE, THE APPLICANT CAN PROVIDE 20 FEET TO THE REAR PROPERTY LINE FOR AN ABOVE GROUND POOL.

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	50 ft.	20 ft.
SIDE YARD (LEFT):	ft.	ft.
SIDE YARD (RIGHT):	ft.	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. This 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 or on our website at www.townofwappingerny.gov

Very Truly,

Barbara Roberts

Zoning Administrator
Town of Wappinger

RECEIVED
APR 01 2021
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:** 4/13/2021
APPL #: 39273 **PERMIT #** 2020-0367
GRID: 6258-04-906150

APPLICANT NAME: Leonardo Nuñez & Edy V Nuñez
ADDRESS: 17 Peel Ln, Wapp. Falls. NY 12590
TEL #: CELL (646)702-8575 FAX #: E-MAIL: edyvanessa25@gmail.com

NAME OWNER OF BUILDING/LAND:
PROJECT SITE ADDRESS: 17 PEEL LN.
MAILING ADDRESS:
TEL #: CELL: FAX #: E-MAIL:

BUILDER/CONTRACTOR DOING WORK:
COMPANY NAME: Rennback and Rennback construction INC.
ADDRESS: 14 Carol Dr., Hopewell Junction, NY. 12533
TEL #(845)227-2214 CELL: 590-9066 FAX #: E-MAIL:
DESIGN PROFESSIONAL NAME: MARK
TEL #: CELL: 590-9066 FAX #: E-MAIL:

APPLICATION FOR: Pool Permit. - no deck.
* Amendment *

SETBACKS: FRONT: **REAR:** X **L-SIDEYARD:** **R-SIDEYARD:**
SIZE OF STRUCTURE: Oval 18' x 33'
ESTIMATED COST: 5,000.00 **TYPE OF USE:** Personal.

NON-REFUNDABLE APPL. FEE: 50- PAID ON: 4/13/2016 CHECK # 201 RECEIPT #: 2021-23419
BALANCE DUE: PAID ON: CHECK # RECEIPT #:

APPROVALS:
ZONING ADMINISTRATOR:
O Approved ✓ Denied Date: 4-15-21
Barbara Gilbert

Signature of Applicant

FIRE INSPECTOR:
O Approved O Denied Date:

Signature of Building Inspector

TOWN OF WAPPINGER
PLOT PLAN

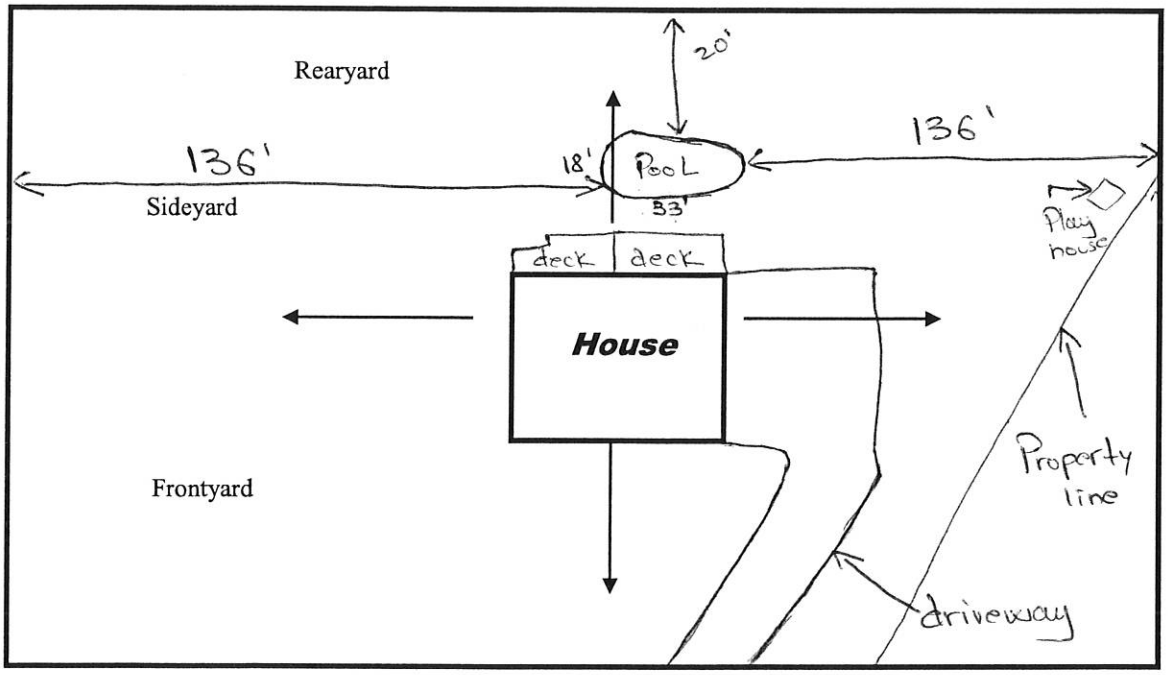
Building Permit # 2020-0367 Date 03/26/2021

Address: 17 Pool Lane Wapp. Falls, NY 12590 Interior/Corner Lot: *circle one*

Owner of Land Leonardo & Edy V. Nunez. Zone: R40

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

1. House, deck and play 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: Date: 4-15-21

Zoning Administrator