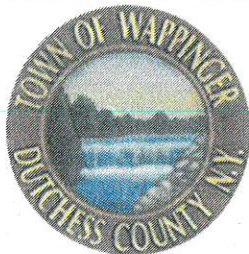


TOWN OF WAPPINGER



RECEIVED

FEB 15 2022

Planning Department  
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.: 22-7747

Date: 2/7/2022

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

I (We), Locust Tree Residential Properties, LLC residing at 80 Airport Drive  
, (phone) 845-463-0592, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 2/14/2022, and do hereby apply for an area variance(s).

Premises located at: 80 Airport Drive

Tax Grid No.: 6259-04-679493

Zoning District: AI

1. Record Owner of Property:

Locust Tree Residential Properties, LLC

Address: 80 Airport Drive

Phone Number: 845-463-0592

Owner Consent dated: 2/7/2022

Signature: Kathleen Neave

Print Name: Kathleen Neave

2. Variance(s) Request:

Variance No. 1 Hoop House Sand Storage Structure

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240.37 ✓  
Section 240 Attachment 4 Schedule of Dimensional Requirements; Section 240-30 Accessory Buildings

(Indicate Article, Section, Subsection and Paragraph)

Required: Rear yard setback: 50'; Side yard setback required: 50'

Applicant(s) can provide: <sup>R</sup> 7.6'; <sup>S</sup> 5.1'

Thus requesting: <sup>R</sup> 42.4'; <sup>S</sup> 44.9'

To allow: Continued use of a hoop house sand storage structure for snow removal sand

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 22-7747

**Variance No. 2** Poly Storage Tanks

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

Section 240 Attachment 4 Schedule of Dimensional Requirements; Section 240-30 Accessory Buildings <sup>240-37</sup>

(Indicate Article, Section, Subsection and Paragraph)

Required: Rear yard setback: 50'

Applicant(s) can provide: 76' 10'

Thus requesting: 42.4' 40'

To allow: Continued use of three (3) poly tanks for storage of snow removal solution

**Variance No. 3**

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240-37 & 240-30

(Indicate Article, Section, Subsection and Paragraph)

Required: 50 feet to rear

Applicant(s) can provide: 7.6 feet

Thus requesting: 42.4 feet

To allow: for a pre-existing poly shed

**Variance No. 4**

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240-37 & 240-30

(Indicate Article, Section, Subsection and Paragraph)

Required: Where no accessory can be larger than 600 sf in size and not more than 20 ft height

Applicant(s) can provide: a 30x100 poly shed - pre-existing

Thus requesting: 2400 sf

To allow: for the pre-existing poly shed to remain.

**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.**

The requested variance is to continue use of the hoop house and poly tanks so there will be no change to nearby properties or character of the neighborhood. The area is zoned Airport Industrial and the property to the east also contains two (2) hoop houses for storage of equipment. The poly tanks are located behind the main building and generally screened from the street. A wooded buffer exists between the tanks and the rear yard property. A 6' stockade fence and painting the tanks black has been proposed as part of the Site Plan under review by the Planning Board.

- 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.**

The hoop house is an integral component of the tenant's operation and it can not fit on the property without the need for a setback variance. The poly tanks can be re-located towards the side of the main building but at the expense of being more visible to the street and neighbor to the east. One of the goals of the current application before the Planning Board is to locate as much of the operations to the rear of the property and to improve screening of views from the street at the south west corner.

- 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 requested variances are substantial based on the minimum required setbacks, however they are not substantial considering the associated impacts. No screening vegetation was removed to place the hoop house and poly tanks. The main operations of the business are at the rear of the building and the poly tanks and hoop house are no visible than the rest of the operations and back of the main building.

- 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.**

The physical environmental conditions in the neighborhood will not be impacted. The hoop house and tanks have been in these locations for approximately 12 years.

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 22-7747

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

The need for the variance came about during the review of an Amended Site Plan for the property that includes improved screening of the site operations behind the main building. The difficulty is not self-created as it is related to snow removal operations that are typical of the tenant's business and the dimensions of the lot are not suitable to site these structures in the area of operations and that is suitably screened from the street.

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

The property is unique in that the tenant's business requires certain materials related to snow removal operations that require storage units to be stored in the rear of the building where truck filling operations occur. These operations are not appropriate in the front of the main building and do not fit on the sides of the main building.

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

- (x) Survey dated: 1/27/2021, Last revised \_\_\_\_\_ and  
Prepared by: Ausfeld & Waldruff Land Surveyors
- ( ) Plot Plan dated: \_\_\_\_\_
- (x) Photos
- (x) Drawings dated: 2/2021 last revised 4/16/2021
- (x) Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: BUILDING DEPT. Dated: 2/14/22
- ( ) 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: Kathleen M. Neale DATED: 2/7/2022  
(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:** \_\_\_\_\_

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

Project No: 22-7747

**Grid No.:** 6259-04-679493

80 Airport Drive

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

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

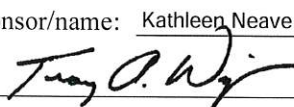
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
Area Variances for Hoop House Sand Storage Structure and Poly Tanks			
Project Location (describe, and attach a location map):			
80 Airport Drive			
Brief Description of Proposed Action:			
The property is currently operated by The Neave Group as a landscape, outdoor improvements and snow removal company. An existing structure known as a "hoop house" and three (3) poly tanks that store a solution for snow removal have been on the site for approximately 12 years and do not meet the minimum rear yard setback and the hoop house also does not meet the minimum side yard setback. The proposed action is to obtain area variances for these existing structures.			
Name of Applicant or Sponsor:		Telephone: 845-463-0592	
Locust Tree Residential Properties, LLC		E-Mail:	
Address:			
80 Airport Drive			
City/PO:		State:	Zip Code:
Wappingers Falls		NY	12590
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Amended Site Plan approval - Town Planning Board			YES
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.47 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.47 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
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?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ NA	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ NA	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<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"/>	<input type="checkbox"/>
<hr/> <hr/>		
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
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"/>
<hr/> <hr/>		
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"/>
<hr/> <hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Kathleen Neave</u> Date: <u>2/12/2022</u> Signature: <u></u> Engineer for Applicant      Title: <u>President</u>		

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

To: Locust Tree Residential Prop  
80 Airport Dr

SBL: 6259-04-679493-0000  
Date of this Notice: 02/16/2022  
Zone:  
Application: 41441

For property located at: 80 Airport Dr

Your application to:

**EXISTING 30' X 100' HOOP HOUSE STYLE SAND STORAGE SHED and THREE POLY TANKS ON REAR RETAINING WALL.**

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

Where no structure can be larger than 600 sf, the applicant has an existing 30 x 100 poly shed.

Where 50 feet to the side property line is required, the applicant can provide 5.1 feet to the side property line for a pre-existing poly shed.

Where 50 feet to the rear yard property line is required, the applicant can provide 7.6 feet to the rear property line for a pre-existing poly shed.

Where 50 feet to the rear property line is required the applicant can provide 10 feet to the rear property line to allow three poly storage tanks to remain.

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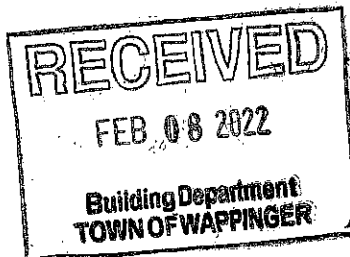
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>50</u> ft.	<u>7.6</u> ft. <i>Poly shed</i>
SIDE YARD (LEFT):	<u>50</u> ft.	<u>10</u> ft. <i>Poly tanks</i>
SIDE YARD (RIGHT):	_____ ft.	<u>5.1</u> ft. <i>Poly shed</i>
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ 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](http://www.townofwappingerny.gov)

Very Truly,



Zoning Administrator  
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 ☒ Commercial ☐ New Construction ☐ Renovation/Alteration ☐ Multiple Dwelling

ZONE: A1-I Airport Industrial DATE: 4-25-2022 2/14/2022

APPL #: 41441 PERMIT # \_\_\_\_\_

GRID: SEC 6259.04 Parcel - 679493

APPLICANT NAME: Neave Landscaping Inc.ADDRESS: 80 Airport DriveTEL #: 845.463.0592 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: info@neavegroup.comChrisNAME OWNER OF BUILDING/LAND: Locust Tree Residential Properties LLC\*PROJECT SITE ADDRESS\*: 80 Airport DriveMAILING ADDRESS: 80 Airport Drive Wappingers Falls, NY 12590TEL #: 845.463.0592 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: info@neavegroup.com**BUILDER/CONTRACTOR DOING WORK:**COMPANY NAME: Neave Landscaping Inc.ADDRESS: 80 Airport Drive Wappingers Falls, NY 12590TEL #: 845.463.0592 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: info@neavegroup.comDESIGN PROFESSIONAL NAME: Troy A. Wojciekofsky, PETEL #: 845.594.1529 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: woj12@optonline.netAPPLICATION FOR: Hoop House style sand storage shed\*existing\*SETBACKS: FRONT: 211' REAR: 7.6' L-SIDEYARD: 284' R-SIDEYARD: 5.1'SIZE OF STRUCTURE: 30' x 100'ESTIMATED COST: 10,000TYPE OF USE: Accessory

NON-REFUNDABLE APPL. FEE: 250 PAID ON: 2/14/22 CHECK # 41630 RECEIPT # 2022-00229

Legalization BALANCE DUE: 250 PAID ON: 2/14/22 CHECK # 41630 RECEIPT #: 2022-00230

**APPROVALS:**

ZONING ADMINISTRATOR:

☐ Approved ☒ Denied Date: 4-16-22

FIRE INSPECTOR:

☐ Approved ☐ Denied Date: \_\_\_\_\_

Signature of Applicant

Signature of Building Inspector

# TOWN OF WAPPINGER PLOT PLAN

Building Permit # \_\_\_\_\_

Date 1.31.2021

Address: 80 Airport Drive Wappingers Falls, NY 12590

Interior/Corner Lot: *circle one*

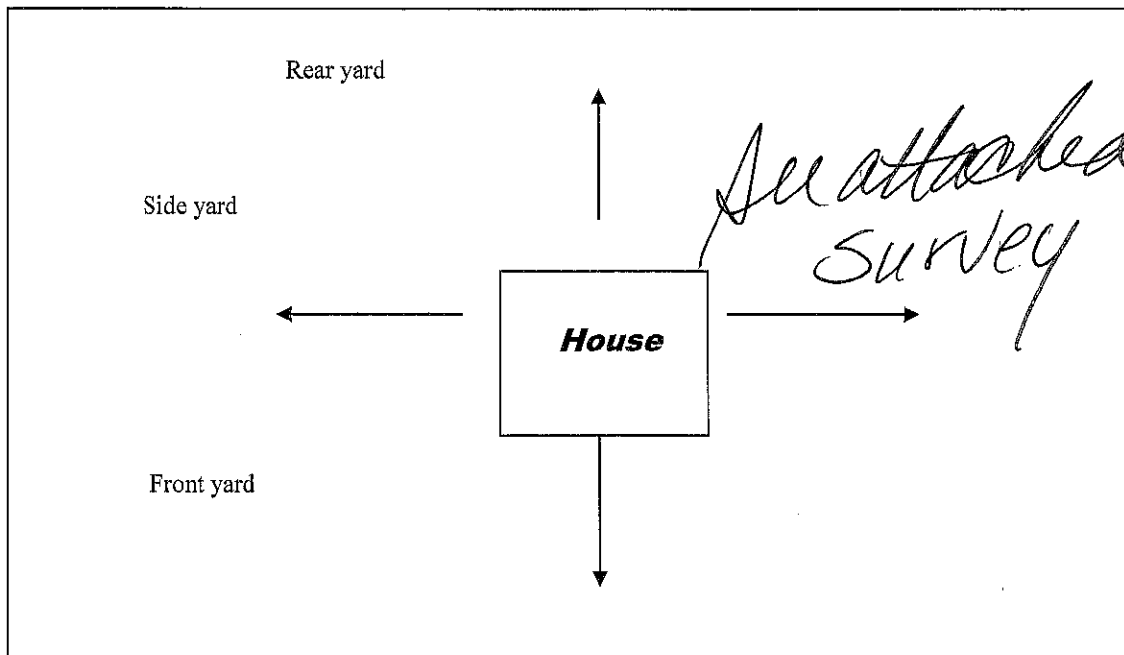
Owner of Land Neave Landscaping Inc.

Zone: A-1

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

1. House, Main Building

**STRUCTURE MUST MEET REQUIRED SETBACKS. PLEASE CONTACT OUR OFFICE TO FIND OUT HOW FAR YOU NEED TO BE FROM YOUR PROPERTY LINES.**



Draw proposed structure on plot plan.

Indicate Location Setbacks to both sides and rear property line.

This is to show exactly where the structure is going to be placed on the property and how far away from the property lines it will be. **MUST MEET REQUIRED SETBACKS.**

Signature

Approved: / Rejected: \_\_\_\_\_

Zoning Administrator

Date: 2.16.22