

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.: 22-7755 Date: 4-26-22

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

I (We), Maria M. Jimenez residing at 17 Peters Rd  
Hopewell Jct, NY 12533, (phone) 917-865-2343, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 4/26/22, and do hereby apply for an area variance(s).

Premises located at: 17 Peters Rd, Hopewell Jct, NY 12533  
Tax Grid No.: 6857-03-013029  
Zoning District: R20/40

1. Record Owner of Property:

Maria M. Jimenez & Jorge L. Moreno  
Address: 17 Peters Rd, Hopewell Jct, NY 12533  
Phone Number: 917-865-2343  
Owner Consent dated: 4/26/22  
Signature: Maria M. Jimenez  
Print Name: Maria M. Jimenez

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: 50 feet to rear

Applicant(s) can provide: 24'5"

Thus requesting: 25'7"

To allow: for the legalization of a 22'x15.5' deck

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 28-1755

**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.

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

Required: 10 feet to rear  
Applicant(s) can provide: 3 feet  
Thus requesting: 7 feet  
To allow: for the legalization of an 8' x 10' shed

**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 character of the neighborhood will not be affected or changed. Our patio is private and fenced in.

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.

Variance is required due to materials used to make the patio. Materials chosen were for the safety of our grandchildren, so they may enjoy the patio.

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.

To my knowledge there is no set standard on materials used for a patio.

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.

Physical environmental conditions in the neighborhood will not be impacted, as the patio is private.

Town of Wappinger Zoning Board of Appeals

Application for an Area Variance

Appeal No.: 22-7755

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

Please explain your answer in detail.

Our need for an area variance came about because the land in the back yard has an awkward hill and has a very rocky terrain. We wanted a space for our grandkids to safely enjoy the backyard with us, and so choose materials accordingly for our patio area.

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

No my property is not "unique", we need the variance to approve the materials chosen for our patio.

4. List of attachments (Check applicable information)

- ( ) Survey dated: \_\_\_\_\_, Last revised \_\_\_\_\_ and  
Prepared by: \_\_\_\_\_
- (✓) Plot Plan dated: 4-8-22
- ( ) 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: 4-8-22
- ( ) 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: Flavia H. Smerver  
(Appellant)

DATED: 4/26/22

SIGNATURE: \_\_\_\_\_  
(If more than one Appellant)

DATED: \_\_\_\_\_

**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.**

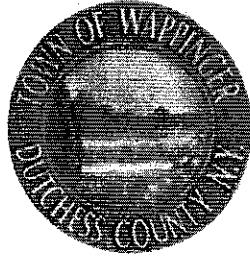
**DATED:** \_\_\_\_\_

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: 22-7755  
Grid No.: 6357-03-013029

Date: 4-26-22  
Zoning District: R20/40

Location of Project:

17 Peters Road, Hopewell Jct, NY 12533

Name of Applicant:

Maria M. Jimenez & Jorge L. Moreno (917-865-2343)  
Print name and phone number

Description of

Project: 8x10 shed & outdoor patio area.

I, Maria M. Jimenez, 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.

4/26/22  
Date

917-865-2343  
Owner's Telephone Number

Maria M. Jimenez  
Owner's Signature

Maria M. Jimenez  
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 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: <i>Variance for patio materials &amp; 8x10 shed.</i>			
Project Location (describe, and attach a location map): <i>Patio - Backyard 8x10 shed to be left of the house</i>			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: <i>Marica Jimenez</i>		Telephone: <i>917-865-2343</i>	
		E-Mail: <i>magdalena6227@hotmail.com</i>	
Address: <i>17 Peters Rd</i>			
City/PO: <i>Hopewell Jct.</i>		State: <i>NY</i>	Zip Code: <i>12533</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
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:			
<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,	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 checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<input 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?	NO	YES
	<input checked="" type="checkbox"/>	<input 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, <div style="margin-left: 40px;">           a. Will storm water discharges flow to adjacent properties?            b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?         </div> If Yes, briefly describe: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	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: <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 20px; margin-top: 5px;"></div>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		



**Town of Wappinger**

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

To: Moreno, Jorge Luis  
17 Peters Rd

SBL: 6357-03-013029-0000  
Date of this Notice: 04/08/2022

Zone:

Application: 41617

For property located at: 17 Peters Rd

Your application to:

**SHED - 8' X 10'. NO ELECTRIC. & DECK - 22' X 15.5'. NO STAIRS. -LEGALIZATION-**

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

Where 50 feet to the rear property line is required, the applicant can provide 24'5" to the rear property line for an existing deck.

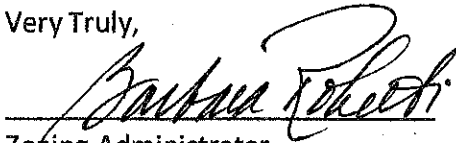
Where 10 feet to the rear property line is required for a shed under 144 sf, the applicant can provide 3 feet for a 8 x 10 sf shed.

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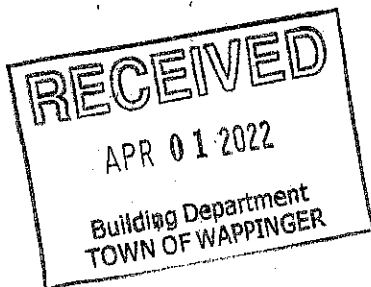
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	50 ft.	24'5" ft. Deck
SIDE YARD (LEFT):	10 ft.	3' ft. shed
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

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](http://www.townofwappingerny.gov)

Very Truly,



Zoning Administrator  
Town of Wappinger



\$150  
\$250  
\$400

**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 ☐ New Construction ☐ Renovation/Alteration  
☐ Commercial ☐ Multiple Dwelling  
ZONE: R20/40 DATE: 4/7/2022  
APPL #: 41617 PERMIT # \_\_\_\_\_  
GRID: 6357-03-013029

APPLICANT NAME: Maria M. Jimenez  
ADDRESS: 17 Peters Road Hopewell Junction NY 12533  
TEL #: \_\_\_\_\_ CELL: 917 8652343 FAX #: \_\_\_\_\_ E-MAIL: magdalena6227@hotmail.com

NAME OWNER OF BUILDING/LAND: \_\_\_\_\_  
\*PROJECT SITE ADDRESS\*: 17 Peters Rd Hopewell Jct NY 12533  
MAILING ADDRESS: same  
TEL #: \_\_\_\_\_ CELL: 917 8652343 FAX #: \_\_\_\_\_ E-MAIL: magdalena6227@hotmail.com

BUILDER/CONTRACTOR DOING WORK:  
COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESIGN PROFESSIONAL NAME: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICATION FOR: existing 8' x 10' shed - no electric  
22' x 15.5' deck - no stairs.

SETBACKS: FRONT: \_\_\_\_\_ REAR: \_\_\_\_\_ L-SIDEYARD: \_\_\_\_\_ R-SIDEYARD: \_\_\_\_\_

SIZE OF STRUCTURE: \_\_\_\_\_

ESTIMATED COST: \_\_\_\_\_ TYPE OF USE: \_\_\_\_\_

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 4/7/22 CHECK # 3047 RECEIPT #: 2022-00559  
Legalization BALANCE DUE: 250 PAID ON: 4/7/22 CHECK # 3047 RECEIPT #: 2022-00558

**APPROVALS:**

**ZONING ADMINISTRATOR:**

☒ Approved ☐ Denied Date: 4-8-22

Maria M. Jimenez  
Signature of Applicant

**FIRE INSPECTOR:**

☐ Approved ☐ Denied Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Building Inspector

# TOWN OF WAPPINGER PLOT PLAN

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

Date \_\_\_\_\_

Address: 17 Peters Rd, Hopewell Jct.

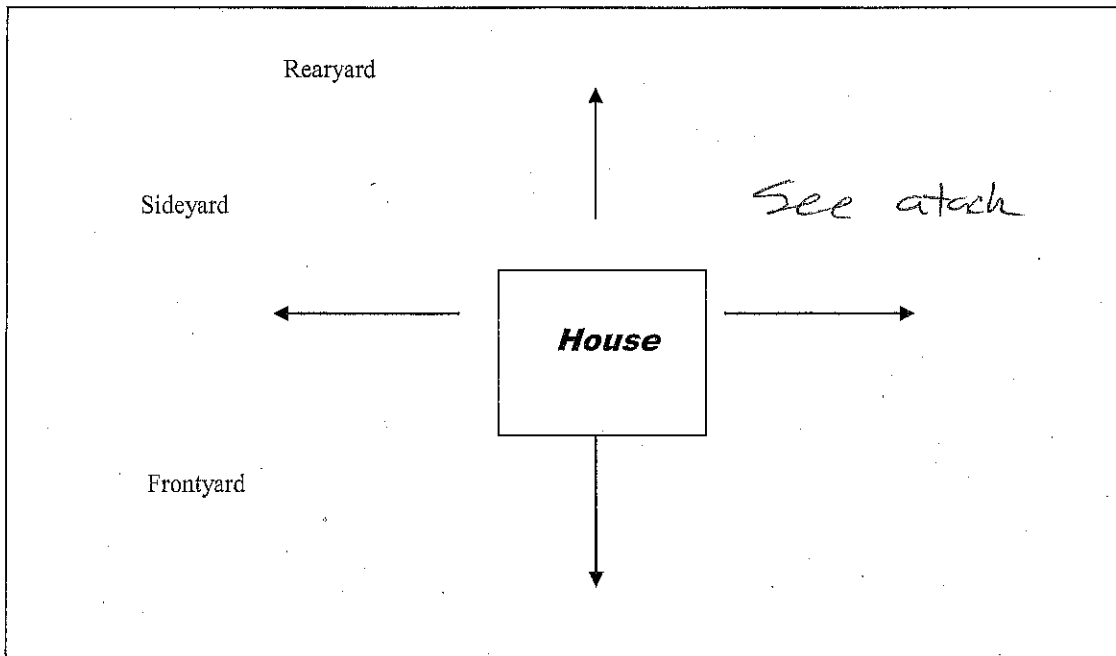
Interior/Corner Lot: *circle one*

Owner of Land \_\_\_\_\_

Zone: R20/40

**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.

Maia H. Smiley

Signature

Approved: BR

Zoning Administrator

Date: 4.8.22