

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.: 22-7759

Date: 7-7-22

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

I (We), Brian Luhrs residing at 6 Park Hill Drive
Hopewell Jet, NY 12533, (phone) 914-588-9682, hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated 6/20/2022, and do hereby apply for an area variance(s).

Premises located at: 6 Park Hill Drive

Tax Grid No.: 6356-01-166971

Zoning District: R20/40

1. Record Owner of Property:

Brian + Angela Luhrs

Address: 6 Park Hill Drive

Phone Number: 914-588-9682

Owner Consent dated: 6/3/22

Signature: Brian Luhrs
Print Name: Brian Luhrs

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.

Section 240-37 of the Zoning Laws

(Indicate Article, Section, Subsection and Paragraph)

Required: 45' Rear yard

Applicant(s) can provide: 8'

Thus requesting: 37'

To allow: for A pool

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
Appeal No.: 22-7759

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 will be no change to the neighborhood.
The pool will be in the backyard and there are
no houses behind our property.

- 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.

Property Line does not meet the required
set backs

- 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.

we have 15' & we require 40

- 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 - No trees or anything will be
disrupted

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
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E. How did your need for an area variance(s) come about? Is your difficulty self-created?
Please explain your answer in detail.

We want a pool for our kids to play in and
enjoy the summer. Our property line is preventing
us from doing this

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

We have one of the smallest back yards in
the neighborhood. It is also oddly shaped.

4. List of attachments (Check applicable information)

- (☒) Survey dated: 7-6-77, Last revised _____ and
Prepared by: Richard Barger
(☒) Plot Plan dated: 6-6-21
() Photos
() Drawings dated: _____
() Letter of Communication which resulted in application to the ZBA.
(e.g., recommendation from the Planning Board/Zoning Denial)
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: 6/8/22
(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: 22-7759

Date: 6/13/22

Grid No.: 6356-01-166971

Zoning District: R20/40

Location of Project:

6 Park Hill Drive Hopewell Jct, NY 12533

Name of Applicant:

Brian Luhrs - 914-588-9682

Print name and phone number

Description of

Project: Installation of a pool

I Brian Luhrs, 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.

6/13/22

Date

Brian Luhrs

Owner's Signature

914-588-9682

Owner's Telephone Number

Brian Luhrs - Owner

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Pool Installation</i>			
Project Location (describe, and attach a location map): <i>6 Park Hill Drive, Hopewell Jct, NY 12533</i>			
Brief Description of Proposed Action: <i>Installation of a 12x24 above ground Pool in my backyard</i>			
Name of Applicant or Sponsor: <i>Brian Luhrs</i>		Telephone: <i>914-588-9682</i>	
		E-Mail: <i>Brian.Luhrs@gmail.com</i>	
Address: <i>6 Park Hill Drive</i>			
City/PO: <i>Hopewell Jct, NY</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?		<i>1.42</i>	acres
b. Total acreage to be physically disturbed?		<i>0.05</i>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.42</i>	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 type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<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?	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	
	<input checked="" type="checkbox"/>	<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?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" 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 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:	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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Brian Luhre</u> Date: <u>6/28/22</u>		
Signature: <u>[Signature]</u> Title: <u>Owner</u>		

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

To: Luhrs, Brian Paul
6 Park Hill Dr

SBL: 6356-01-166971-0000
Date of this Notice: 06/20/2022

Zone:
Application: 41886

For property located at: 6 Park Hill Dr

Your application to:

ABOVE GROUND POOL - 12 X 24 OVAL POOL **CALL 811 PRIOR TO EXCAVATION **NEED ELECTRICAL INSPECTION BY TOWN APPROVED ELECTRICAL INSPECTOR** **POOL ALARM MUST MEET ASTM F 2208 REQUIREMENTS** **CALL INTO OUR OFFICE FOR FINAL INSPECTION BY TOWN BUILDING INSPECTOR**
POOL NOT TO BE USED WITHOUT CERTIFICATE OF COMPLIANCE**

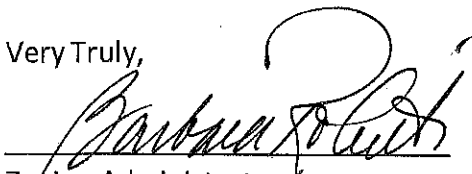
is denied for the following deficiency under Section **240-37** of the Zoning Laws of the Town of Wappinger.

Where 45 feet to the rear yard property line is required, the applicant can only provide 8 feet to the rear property line for a 12' x 24' above ground pool, thus requiring a 37 foot variance.

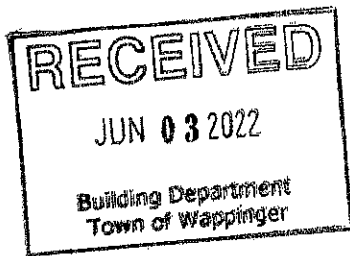
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>45</u> ft.	<u>8</u> ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

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,



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☐ New Construction☐ Commercial☐ Renovation/Alteration☐ Multiple Dwelling

ZONE: R20/40

DATE: ~~6/9/2022~~ 6/15/2022

APPL #: 41886

PERMIT #

GRID: 6350-01-166971

APPLICANT NAME: Brian Luhrs

ADDRESS: 6 Park Hill Drive, Hopewell Junction, NY 12533

TEL #: 8454408415

CELL: 9145889682

FAX #:

E-MAIL: Brian.Luhrs@gmail.com

NAME OWNER OF BUILDING/LAND: Brian Luhrs

PROJECT SITE ADDRESS: 6 Park Hill Drive, Hopewell Junction, NY 12533

MAILING ADDRESS: Same as above

TEL #: 8454408415

CELL: 9145889682

FAX #:

E-MAIL: Brian.Luhrs@gmail.com

BUILDER/CONTRACTOR DOING WORK:

COMPANY NAME:

ADDRESS:

TEL #:

CELL:

FAX #:

E-MAIL:

DESIGN PROFESSIONAL NAME:

TEL #:

CELL:

FAX #:

E-MAIL:

APPLICATION FOR: Swimming Pool

X NO DECK X

SETBACKS: FRONT: N/A

REAR: 10

L-SIDEYARD: 30

R-SIDEYARD: 85

SIZE OF STRUCTURE: 12' x 24' Oval pool**ESTIMATED COST:** \$6,000**TYPE OF USE:** Recreational**NON-REFUNDABLE APPL. FEE:** 150-

PAID ON:

6/15/22

CHECK #

1228

RECEIPT #:

2022-01057

BALANCE DUE:

PAID ON:

CHECK #

RECEIPT #:

APPROVALS:**ZONING ADMINISTRATOR:**☐ Approved☒ Denied

Date:

6-20-22

Signature of Applicant

PLEASE SIGN HERE

FIRE INSPECTOR:☐ Approved☐ Denied

Date:

Signature of Building Inspector

TOWN OF WAPPINGER

PLOT PLAN

Building Permit # _____

Date 6/6/2021

Address: 6 Park Hill Drive, Hopewell Junction, NY 12533

Interior/Corner Lot: *circle one*

Owner of Land Brian & Angela Luhrs

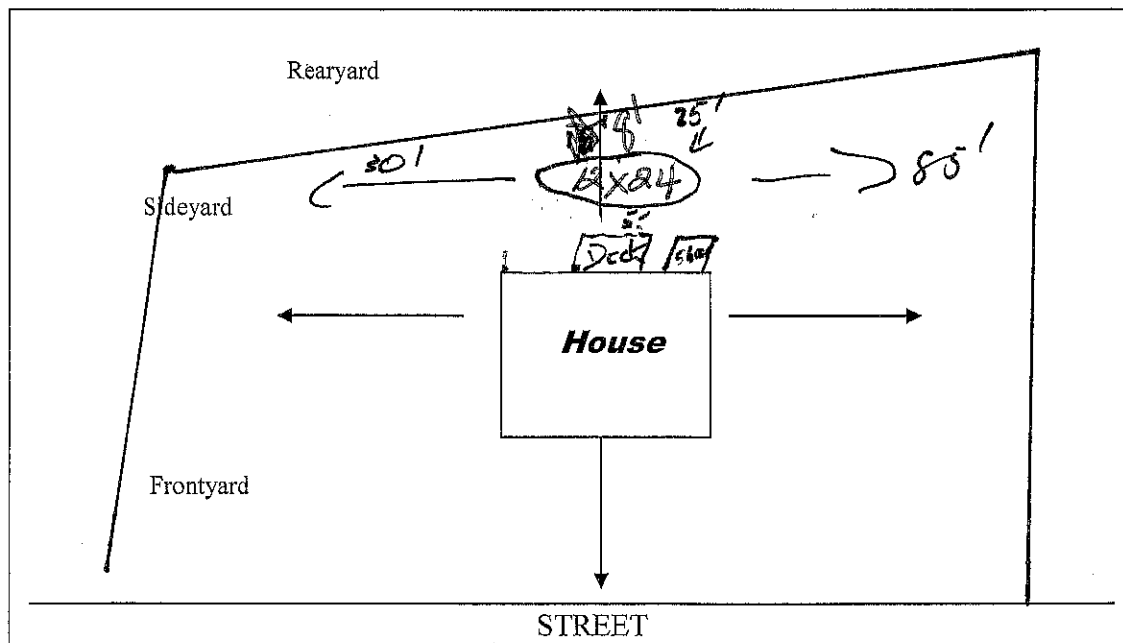
Zone: R20/40

NEEDS 45' (R-30)

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

1. House, Deck and shed

****NO ACCESSORY STRUCTURES PERMITTED IN FRONT YARD. CORNER LOTS WILL BE CONSIDERED TO HAVE 2 FRONT YARDS****



INSTRUCTIONS:

- Draw proposed location of pool (and deck if applicable) on plot plan.
- Indicate location setbacks to both sides and rear property line (How far away is the pool/deck from all property lines, measure in feet) Please contact our office to verify your setback requirements.

[Signature]
SIGNATURE REQUIRED

Approved: / Rejected: _____

[Signature]
Zoning Administrator

Date: 6.20.22