

TOWN OF WAPPINGER



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MAR 27 2023

Zoning Board of Appeals
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.: 23-7788

Date: 3/3/2023

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

I (We), Brian + Cathy Holley residing at 16 Applesauce Lane
Wappingers Falls, NY, (phone) 845-297-2694 / 845-235-2612 ^{Home} / ^{cell} hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated 3/3/2023, and do hereby apply for an area variance(s).

Premises located at: 16 Applesauce Lane Wapp-Falls, N.Y
Tax Grid No.: 6258-04-701001
Zoning District: R20

1. Record Owner of Property:

Brian and Cathy Holley
Address: 16 Applesauce Lane, WF, NY
Phone Number: 845-297-2694 / 845-235-2612 ^{cell}
Owner Consent dated: 3-3-23 Signature: Cathy Holley
Print Name: CATHY HOLLEY

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: 20 feet to the side yard

Applicant(s) can provide: 8.6'

Thus requesting: 11.4'

To allow: for the legalization of a three season room

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

We are trying to bring everything up to code
and establish proper Building Permits

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

We are on a Cul-du-sac and face 2 different streets
and therefore limited as to where these structures
could be placed

4. List of attachments (Check applicable information)

- (☒) Survey dated: 2/13/2023, Last revised _____ and
Prepared by: Robert V. Oswald.
() Plot Plan dated: 3-3-23.
() 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: 3-15-23
() 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: Brian Holley
(Appellant)

DATED: 3/3/2023

SIGNATURE: Cathy Holley
(If more than one Appellant)

DATED: 3/3/2023

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: 23-7788

Date: 3/3/2023

Grid No.: 6258-04-701001

Zoning District: R20

Location of Project:

16 Applesauce Lane, Wappingers Falls, NY

Name of Applicant:

Brian and Cathy Holley 845-297-2694 Hm / 845-235-2612
Print name and phone number

Description of

Project: MOVE shed, bring above ground pool up to code
reconstruct deck by pool, bring screened in deck
and enclosed 3 season room up to code

I Brian and Cathy Holley, 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.

3/3/2023
Date

Brian Holley, Cathy Holley
Owner's Signature

845-297-2694 Hm.
Owner's Telephone Number

Brian and Cathy Holley
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			
<div style="font-size: 1.2em; font-family: cursive;">Brian and Cathy Holley</div>			
<div style="font-size: 1.2em; font-family: cursive;">16 Applesauce Lane, Wappingers Falls, NY 12590</div>			
<div style="font-size: 1.2em; font-family: cursive;">We would like to bring our above ground pool up to code. We would like to reconstruct pool deck and bring up to code our screened in deck and enclosed 3 season room and move our shed away from property line. We would like to obtain permission/approval from our neighbor who borders our side lot.</div>			
<div style="font-size: 1.2em; font-family: cursive;">Brian and Cathy Holley</div>		<div style="font-size: 1.2em; font-family: cursive;">Telephone: 845-297-2694 Hm</div>	
<div style="font-size: 1.2em; font-family: cursive;">16 Applesauce Lane</div>		<div style="font-size: 1.2em; font-family: cursive;">E-Mail: cholley16@gmail.com</div>	
<div style="font-size: 1.2em; font-family: cursive;">16 Applesauce Lane</div>		<div style="font-size: 1.2em; font-family: cursive;">Address:</div>	
<div style="font-size: 1.2em; font-family: cursive;">Wappingers Falls, NY</div>		<div style="font-size: 1.2em; font-family: cursive;">City/PO:</div>	
<div style="font-size: 1.2em; font-family: cursive;">N.Y.</div>		<div style="font-size: 1.2em; font-family: cursive;">State:</div>	
<div style="font-size: 1.2em; font-family: cursive;">12590</div>		<div style="font-size: 1.2em; font-family: cursive;">Zip Code:</div>	
<div style="font-size: 1.2em; font-family: cursive;">1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</div>		<div style="text-align: center;">NO YES</div>	
<div style="font-size: 1.2em; font-family: cursive;">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.</div>		<div style="text-align: center;"><input checked="" type="checkbox"/> <input type="checkbox"/></div>	
<div style="font-size: 1.2em; font-family: cursive;">2. Does the proposed action require a permit, approval or funding from any other government Agency?</div>		<div style="text-align: center;">NO YES</div>	
<div style="font-size: 1.2em; font-family: cursive;">If Yes, list agency(s) name and permit or approval:</div>		<div style="text-align: center;"><input checked="" type="checkbox"/> <input type="checkbox"/></div>	
<div style="font-size: 1.2em; font-family: cursive;">3. a. Total acreage of the site of the proposed action?</div>		<div style="font-size: 1.2em; font-family: cursive;">1/3 acres</div>	
<div style="font-size: 1.2em; font-family: cursive;">b. Total acreage to be physically disturbed?</div>		<div style="font-size: 1.2em; font-family: cursive;">_____ acres</div>	
<div style="font-size: 1.2em; font-family: cursive;">c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?</div>		<div style="font-size: 1.2em; font-family: cursive;">_____ acres</div>	
<div style="font-size: 1.2em; font-family: cursive;">4. Check all land uses that occur on, are adjoining or near the proposed action:</div>			
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Urban</div> <div><input type="checkbox"/> Rural (non-agriculture)</div> <div><input type="checkbox"/> Industrial</div> <div><input type="checkbox"/> Commercial</div> <div><input checked="" type="checkbox"/> Residential (suburban)</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Forest</div> <div><input type="checkbox"/> Agriculture</div> <div><input type="checkbox"/> Aquatic</div> <div><input type="checkbox"/> Other(Specify):</div> </div>			
<div style="display: flex; justify-content: space-between;"> <div><input type="checkbox"/> Parkland</div> </div>			

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 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: _____ N/A	<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: _____ N/A	<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 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
	<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"/>

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 and Cathy Holkey</u> Date: <u>3/3/2023</u> Signature: <u>Cathy Holkey</u> Title: <u>OWNERS</u>		

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

To: Holley, Brian
16 Applesauce Ln

SBL: 6258-04-701001-0000
Date of this Notice: 03/15/2023
Zone:
Application: 42848

For property located at: 16 Applesauce Ln

Your application to:

EXISTING DECK/3 SEASON ROOM/SCREENED DECK/ FRONT DECK LEGALIZE EXISTING 18' X 16' DECK, 12' X 16 SCREENED DECK, 12' X 16 3 SEASON ROOM AND FRONT STEPS **NEED INSPECTION BY TOWN BUILDING INSPECTOR**

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

Where 20 feet to the side yard is required, the applicant can provide 8.6' for a three season room.

Where 20 feet to the side yard is required, the applicant can provide 8.6' for a covered screened deck.

Where 20 feet to the side yard is required, the applicant can provide 9.4' for an open deck.

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	<u>20</u> ft.	<u>8.6'</u> ft. 3 Season Room
SIDE YARD (RIGHT):	_____ ft.	<u>9.4'</u> ft. screened deck
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

RECEIVED

MAR 03 2023

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

ZONE: B20 DATE: 3/3/2023
APPL #: 42848 PERMIT # _____
GRID: 6258-04-701001

✓ APPLICANT NAME: Brian and Cathy Holley

ADDRESS: 16 Applesauce Lane, W.F. N.Y.

TEL #: 845-297-2694 CELL: 845-235-2612 FAX #: _____ E-MAIL: Cholley16@gmail.com
845-702-4416

✓ NAME OWNER OF BUILDING/LAND: Brian and Cathy Holley

PROJECT SITE ADDRESS: 16 Applesauce Lane, W.F. N.Y.

MAILING ADDRESS: Same as above

TEL #: 845-297-2694 CELL: 845-235-2612 FAX #: N/A E-MAIL: Cholley16@gmail.com

✓ BUILDER/CONTRACTOR DOING WORK:

COMPANY NAME: TBD

ADDRESS: _____

TEL #: _____ CELL: _____ FAX #: _____ E-MAIL: _____

DESIGN PROFESSIONAL NAME:

TEL #: _____ CELL: _____ FAX #: _____ E-MAIL: _____

✓ APPLICATION FOR: Future!
(TEAR DOWN and rebuild) existing deck bring
it up to CODE. Bringing existing screened in deck
up to code, bringing enclosed 3 season room up to
code, hot tub front deck
Part 2

SETBACKS: FRONT: _____ REAR: _____ L-SIDEYARD: _____ R-SIDEYARD: _____

SIZE OF STRUCTURE: see attached Survey Map and hand drawn

✓ ESTIMATED COST: unknown as of TYPE OF USE: residential paper

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 3/8/23 CHECK # 9494 RECEIPT #: 2023-00375

legalization BALANCE DUE: 250 PAID ON: 3/8/23 CHECK # 9494 RECEIPT #: 2023-00374

APPROVALS:

ZONING ADMINISTRATOR:

O Approved ☒ Denied Date: 3-15-23

Mubana Roberts

FIRE INSPECTOR:

O Approved O Denied Date: _____

Signature of Applicant

Signature of Building Inspector

Print Name or Company Name(if applicable)

TOWN OF WAPPINGER PLOT PLAN

Building Permit # _____

Date 3/3/2023

Address: 16 Applesauce Lane, WF, NY

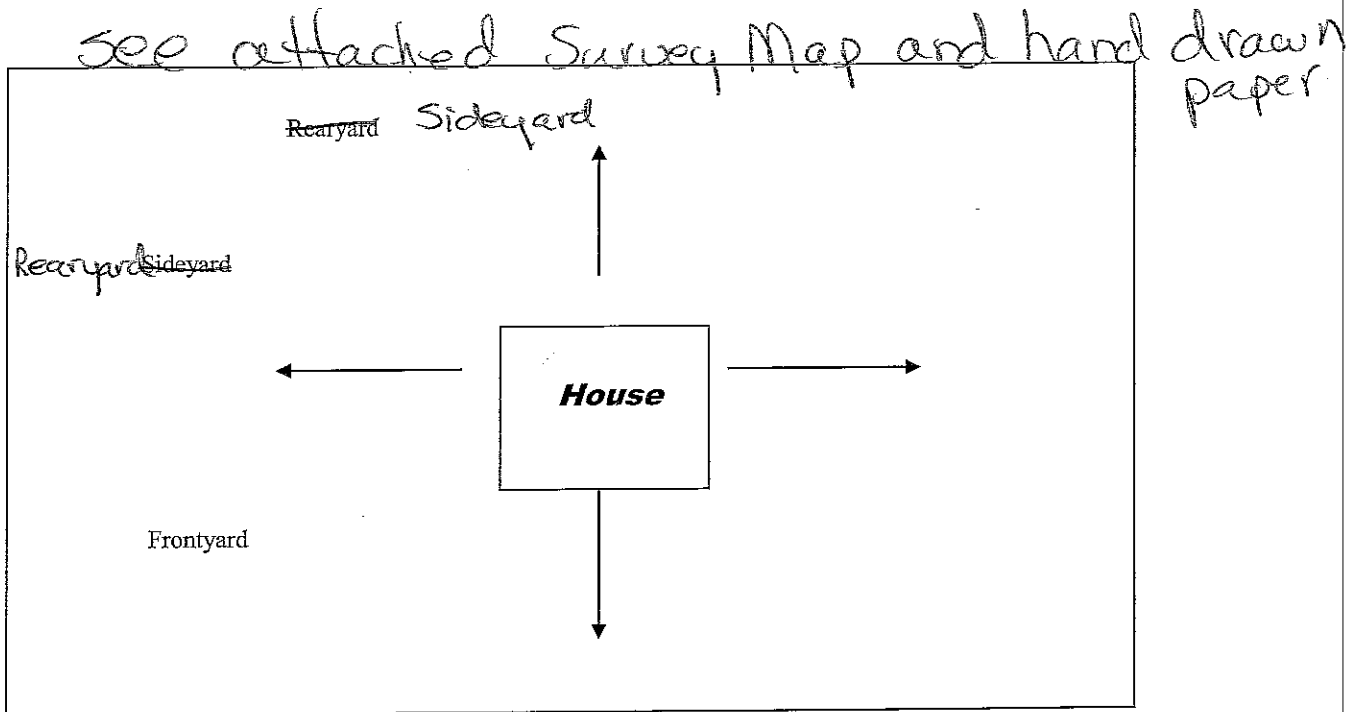
Interior/Corner Lot: circle one

Owner of Land Brian and Cathy Holley

Zone: B20

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

1. House, pool, 2 sheds, 1 deck, hot tub, screened in deck,
enclosed 3 season room



Draw proposed structure on plot plan.

Indicate Location Setbacks to both sides and rear property line measurement of structure you are applying for.

X Brian Holley, Cathy Holley
Signature

Approved: Rejected

[Signature]
Zoning Administrator

Date: 3.15.23

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: 20 feet to side yard
Applicant(s) can provide: 8.6'
Thus requesting: 11.4'
To allow: for the legalization of a covered screened deck

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

(Indicate Article, Section, Subsection and Paragraph)

Required: 20 feet to side yard
Applicant(s) can provide: 9.4'
Thus requesting: 10.6'
To allow: for the legalization of an open deck

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.

We are requesting to reconstruct, repair and bring up to code our existing deck, screened in deck and 3 season room, pool and relocate 1 shed. We do not feel there will be a negative impact

- 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 Shed and decks are not within the proper property line requirements of our 1 neighbor

- 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 area is not substantial and we would like to obtain permission/approval from our neighbor who borders our side lot.

- 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.

There would be no environmental condition issues