

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.: 23-7789

Date: 3/28/23

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

I (We), NICHOLAS SENA residing at 1 CAYUGA DRIVE  
Wappingers Falls NY, (phone) 914-489-7583, hereby,

appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 3/28/23, and do hereby apply for an area variance(s).

Premises located at: 1 CAYUGA DRIVE WAPPINGERS FALLS NY

Tax Grid No.: 6157-02-543551

Zoning District: R10

1. Record Owner of Property:

Address: 1 CAYUGA DR WAPPINGERS FALLS NY

Phone Number: 914-489-7583

Owner Consent dated: 3/28/23

Signature: Nicholas Sena

Print Name: NICHOLAS SENA

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: Where only a four foot high fence is allowed in the front yard

Applicant(s) can provide: Would like to erect a 6 foot high fence for privacy

Thus requesting: a variance of two feet

To allow: for a 6 feet fence along side/front yard on old Hopewell Rd

**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.

NO the character will not change or be negative as  
other properties also have 6ft high fences along  
old Hopewell Rd

**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.

I need the variance for the fence to be 6ft  
The codes changed to 4ft but all other fences  
on old Hopewell are 6ft high. lights from cars shine into house

**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 change from the standard is 4ft high to 6ft  
It is not substantial as all other fences on  
the road are 6ft high

**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 the conditions will not be impacted  
all other existing fencing is at 6ft along  
the road



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

Please explain your answer in detail.

It came about because the codes change  
from 6ft high to 4ft along the road  
All existing fences on road are 6ft high I need it 6ft to  
block the headlights from oncoming traffic

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

Sgt Palmateer Way faces my house all on coming traffic  
from there shines headlight on my house and into  
my bedroom at night I have no privacy at my property

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

- ( ) Survey dated: \_\_\_\_\_, Last revised \_\_\_\_\_ and  
Prepared by: \_\_\_\_\_.
- ( ) Plot Plan dated: \_\_\_\_\_.
- ( ) 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:** Nicholas Lu  
(Appellant)

**DATED:** 3/28/23

**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: 23-7789 Date: 3/28/23  
Grid No.: 6157-02-543551 Zoning District: R10

Location of Project:

1 Cayuga Drive

Name of Applicant: NICHOLAS SENA 914-489-7583

Print name and phone number

Description of Project: Privacy Fence of 6ft high on old Hopewell Rd  
to block headlight from Sgt Palmateer Way

I Nicholas SENA, 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.

3/28/23

Date

914-489-7583

Owner's Telephone Number

Nicholas Sena

Owner's Signature

NICHOLAS SENA 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: <div style="font-size: 1.2em; font-family: cursive;">Privacy Fence</div>			
Project Location (describe, and attach a location map): <div style="font-size: 1.2em; font-family: cursive;">1 CAYUGA DRIVE WAPPINGERS FALLS NY 12590</div>			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor: <div style="font-size: 1.2em; font-family: cursive;">NICHOLAS SENA</div>		Telephone: <div style="font-size: 1.2em; font-family: cursive;">914-489-7583</div>	
		E-Mail: <div style="font-size: 1.2em; font-family: cursive;">NICKSENA007@GMAIL.COM</div>	
Address: <div style="font-size: 1.2em; font-family: cursive;">1 CAYUGA DRIVE</div>			
City/PO: <div style="font-size: 1.2em; font-family: cursive;">WAPPINGERS FALLS</div>		State: <div style="font-size: 1.2em; font-family: cursive;">NY</div>	Zip Code: <div style="font-size: 1.2em; font-family: cursive;">12590</div>
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 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	
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 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:	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:	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"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>NICHOLAS SENTA</u> Date: <u>3/28/23</u> Signature: <u>Nicholas C</u> Title: <u>Owner</u>		



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

To: Sena, Nicholas  
1 Cayuga Dr

SBL: 6157-02-543551-0000  
Date of this Notice: 04/04/2023  
Zone:  
Application: 42940

**For property located at:** 1 Cayuga Dr

Your application to:

**6 foot fence along side/front yard. Old Hopewell Road**

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

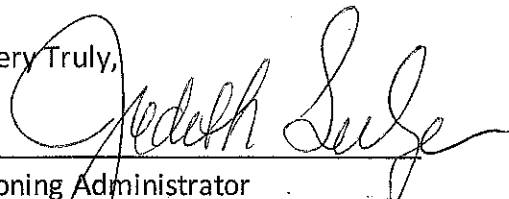
Where only a four foot high fence is allowed in a front yard, the applicant would like to erect a 6 feet high fence for privacy.

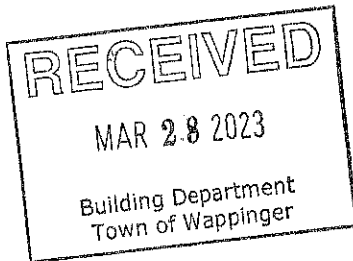
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	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

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](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 **ZONE:** R15 **DATE:** 4-4-23  
☐ New Construction ☐ Commercial **APPL #:** 42940 **PERMIT #** \_\_\_\_\_  
☐ Renovation/Alteration ☐ Multiple Dwelling **GRID:** 6157-02-543551

**APPLICANT NAME:** NICHOLAS SENA  
**ADDRESS:** 1 CAYUGA DRIVE WAPPINGERS FALLS NY 12590  
**TEL #:** \_\_\_\_\_ **CELL:** 914-489-7583 **FAX #:** \_\_\_\_\_ **E-MAIL:** NICKSENA007@gmail.com

**NAME OWNER OF BUILDING/LAND:** NICHOLAS SENA  
**\*PROJECT SITE ADDRESS#:** 1 CAYUGA DRIVE WAPPINGERS FALLS NY 12590  
**MAILING ADDRESS:** 1 CAYUGA DRIVE WAPPINGERS FALLS NY 12590  
**TEL #:** \_\_\_\_\_ **CELL:** 914-489-7583 **FAX #:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

**BUILDER/CONTRACTOR DOING WORK:**  
**COMPANY NAME:** NICHOLAS SENA  
**ADDRESS:** 1 CAYUGA DR WAPPINGERS FALLS NY 12590  
**TEL #:** \_\_\_\_\_ **CELL:** 914-489-7583 **FAX #:** \_\_\_\_\_ **E-MAIL:** \_\_\_\_\_

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

**APPLICATION FOR:** PRIVACY FENCE  
45 feet of 6 feet high to block on coming  
head lights from Sergeant PALMATEER way

**SETBACKS: FRONT:** \_\_\_\_\_ **REAR:** \_\_\_\_\_ **L-SIDEYARD:** \_\_\_\_\_ **R-SIDEYARD:** \_\_\_\_\_  
**SIZE OF STRUCTURE:** 6 ft high 60 ft long  
**ESTIMATED COST:** \_\_\_\_\_ **TYPE OF USE:** \_\_\_\_\_

**NON-REFUNDABLE APPL. FEE:** \_\_\_\_\_ **PAID ON:** \_\_\_\_\_ **CHECK #** \_\_\_\_\_ **RECEIPT #** \_\_\_\_\_  
**BALANCE DUE:** \_\_\_\_\_ **PAID ON:** \_\_\_\_\_ **CHECK #** \_\_\_\_\_ **RECEIPT #** \_\_\_\_\_

**APPROVALS:****ZONING ADMINISTRATOR:**☐ Approved ☒ Denied **Date:** 3/28/23

Judith Sule  
Nicholas Sena

Signature of Applicant

**FIRE INSPECTOR:**☐ Approved ☐ Denied **Date:** \_\_\_\_\_

Signature of Building Inspector