

TOWN OF WAPPINGER



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APR 24 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.: 23-7794

Date: 4-24-23

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

I (We), Enrique & Erika Penafiel residing at 96 Robinson Ln, Wappingers Falls, NY 12590, (phone) 914-552-1629, hereby,

appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated 4-21-23, and do hereby apply for an area variance(s).

Premises located at: 96 Robinson Ln, Wappingers Falls, NY 12590  
Tax Grid No.: 6459-03-058412  
Zoning District: R-40

1. Record Owner of Property:

Enrique & Erika Penafiel  
Address: 96 Robinson Ln, Wappingers Falls, NY 12590  
Phone Number: 914-552-1629  
Owner Consent dated: 4-24-23

Signature: Enrique Penafiel - [Signature]  
Print Name: Enrique & Erika Penafiel

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

(Indicate Article, Section, Subsection and Paragraph)

Required: 25 feet to the side (right) property line

Applicant(s) can provide: 7 feet

Thus requesting: 18 feet

To allow: for the installation of an 18' above ground pool

**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.

The character of the neighborhood or nearby properties will not change because we are not making any big construction and we are not making any changes that can affect the neighborhood.

- 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.

We need the variance in order to install the pool in the best spot that we have in our property since we do not have any other spot where to install the pool without a variance.

- 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.

There is not a big change from the standards in the zoning law; it's just the distance between the pool and the side yard, where nothing is going to be in between.

- 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.

Environmental conditions in the neighborhood or district will not be impacted because we do not have to cut trees or destroy any property to install the pool.

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 received a letter from the Town of Wappingers informing us that our old pool was installed in our property line which was not following deficiency under Section 240-37 of the Zoning laws of the Town of Wappinger.

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

Yes, because the way of the property line is set up is to narrow between our property and neighbors property.

4. List of attachments (Check applicable information)

- ☒ Survey dated: 9-26-2012, Last revised 5-2021 and  
Prepared by: Spencer S. Hall, Land Surveyor  
☐ 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: Barbara Roberti Dated: 4-21-23  
☐ 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: Enrique Penafiel  
(Appellant)

DATED: 4-24-23

SIGNATURE: Enrique Penafiel  
(If more than one Appellant)

DATED: 4-24-23

**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: 23-7744 Date: 4-24-23

Grid No.: 6459-03-058412 Zoning District: R-40

Location of Project:

96 Robinson Ln, Wappingers Falls, NY 12590

Name of Applicant: Enrique & Erika Penafiel (914-552-1629)  
Print name and phone number

Description of Project: Installation of 18ft above ground pool

(we) I Enrique & Erika Penafiel, 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.

4-24-23  
Date

Enrique Penafiel  
Owner's Signature

914-552-1629  
Owner's Telephone Number

Enrique & Erika Penafiel  
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: <b>Installation of 18ft above ground pool</b>			
Project Location (describe, and attach a location map): <b>96 Robinson Ln, Wappingers Falls, NY 12590</b>			
Brief Description of Proposed Action: <b>The pool will be install next to the deck creating 4ft to the side property line.</b>			
Name of Applicant or Sponsor: <b>Enrique &amp; Erika Penafiel</b>		Telephone: <b>914-552-1629</b>	
		E-Mail: <b>cashora2@msn.com</b>	
Address: <b>96 Robinson Ln</b>			
City/PO: <b>Wappingers Falls</b>		State: <b>NY</b>	Zip Code: <b>12590</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <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 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 checked="" 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: <u>Pool water delivery</u> <u>company</u>	<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: <u>No wastewater</u>	<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"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Enrique &amp; Erika Penafiel</u> Date: <u>4-24-23</u>		
Signature: _____ Title: <u>Owner</u>		



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

To: Penafiel, Enrique  
96 Robinson Ln

SBL: 6459-03-058412-0000  
Date of this Notice: 04/21/2023  
Zone: *R40*  
Application: 43008

For property located at: 96 Robinson Ln

Your application to:  
**18' above ground pool.**

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

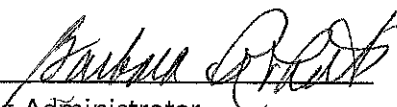
Where 25 feet to the side property line, the applicant can provide 7 feet for a new above ground pool.

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	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	<u>25</u> ft.	<u>7</u> 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  
☐ New Construction ☐ Commercial  
☒ Renovation/Alteration ☐ Multiple Dwelling

**ZONE:** RES-40 **DATE:** 3-30-23  
**APPL #:** 43008 **PERMIT #**  
**GRID:** 645903-058412

**APPLICANT NAME:** ERIKA & ENRIQUE PENAFIEL

**ADDRESS:** 96 ROBINSON LN, WAPPINGERS FALLS, NY 12590

**TEL #:** 845-632-0360 **CELL:** 914-552-1629 **FAX #:** **E-MAIL:** CASHORA2@MSN.COM

**NAME OWNER OF BUILDING/LAND:** ERIKA & ENRIQUE PENAFIEL

**\*PROJECT SITE ADDRESS\*:** 96 ROBINSON LN, WAPPINGERS FALLS, NY 12590

**MAILING ADDRESS:** SAME AS ABOVE

**TEL #:** **CELL:** 914-552-1629 **FAX #:** **E-MAIL:** CASHORA2@MSN.COM

**BUILDER/CONTRACTOR DOING WORK:**

**COMPANY NAME:** RENNHACK & RENNHACK CONSTRUCTION INC.

**ADDRESS:** PO BOX 89, HOPEWELL JUNCTION, NY 12533-4248

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

**DESIGN PROFESSIONAL NAME:**

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

**APPLICATION FOR:** ROUND ABOVE GROUND POOL

**SETBACKS:** FRONT: 52 FT REAR: 121 FT L-SIDEYARD: 25 FT R-SIDEYARD: 42 FT

**SIZE OF STRUCTURE:** 18 FT

**ESTIMATED COST:** \$3,000 **TYPE OF USE:** RECREATION



**NON-REFUNDABLE APPL. FEE:** 150 **PAID ON:** 4-21-23 **CHECK #** 1553 **RECEIPT #:** 2023-00673

**BALANCE DUE:** **PAID ON:** **CHECK #** **RECEIPT #:**

**APPROVALS:**

**ZONING ADMINISTRATOR:**

☐ Approved ☒ Denied **Date:** 4-21-23

  
  
Signature of Applicant

**FIRE INSPECTOR:**

☐ Approved ☐ Denied **Date:**

Signature of Building Inspector

Print Name or Company Name(if applicable)

# TOWN OF WAPPINGER PLOT PLAN

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

Date 3-30-23

Address: 96 Robinson Ln

Interior/Corner Lot: *circle one*

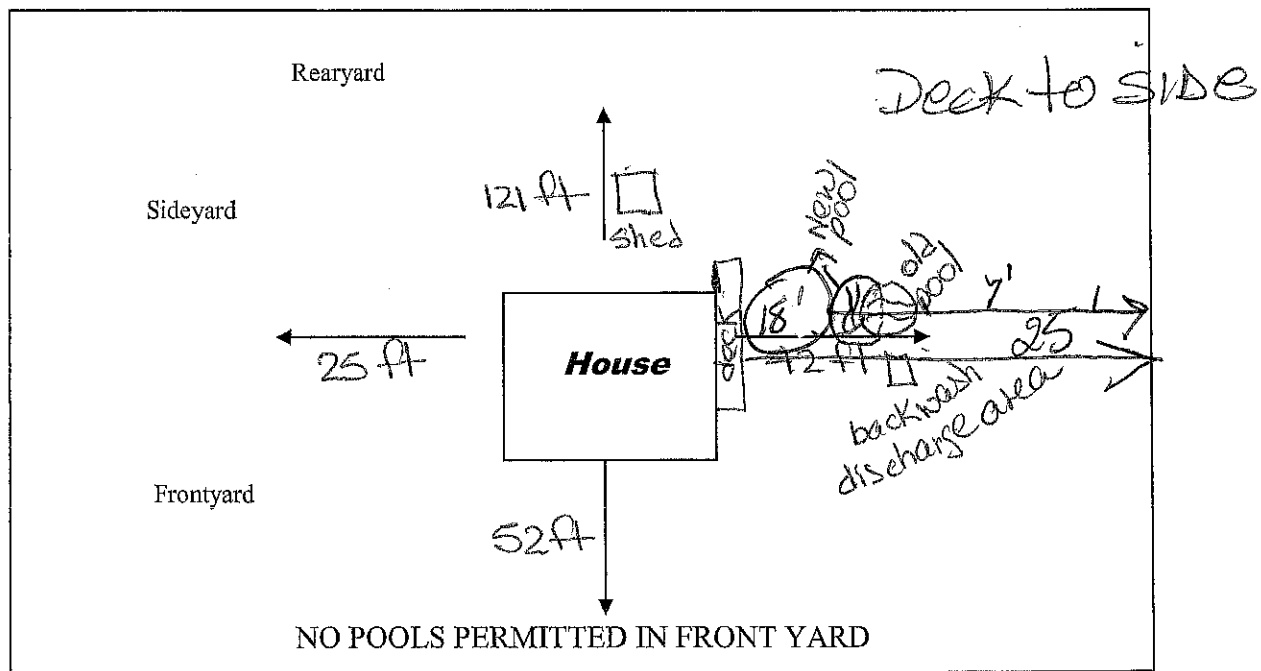
Owner of Land Enka & Enrique Penahel

Zone: Res.

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

1. House, shed, deck, pool

18' Rd pool



## REQUIRED:

- Draw proposed and all existing structures on plot plan.
- Indicate Location Setbacks to both sides and rear property line (measurement in feet)
- Show location of mechanical equipment and filter system backwash discharge area

Enka Penahel Enrique Penahel  
SIGNATURE REQUIRED

Approved:/Rejected: Barbara G. Smith

Zoning Administrator

Date: 4-21-23