

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.: 23-7795

Date: 5/1/2023

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

I (We), Jay & Dana VanBenschoten residing at 92 Hackensack Heights Rd  
Wappingers Falls NY 12590, (phone) 845-392-6285, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 5/1/2023, and do hereby apply for an area variance(s).

Premises located at: 92 Hackensack Heights Rd Wappingers Falls  
Tax Grid No.: 6259-02-732509  
Zoning District: R-40

1. Record Owner of Property:

Jay/Dana VanBenschoten  
Address: 92 Hackensack Heights Rd  
Phone Number: (845) 392-6285  
Owner Consent dated: 5/1/2023

Signature: [Signature]  
Print Name: Jay VanBenschoten

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 ft

Applicant(s) can provide: 10 ft

Thus requesting: 40 ft Variance

To allow: Shed to be 10 ft from property line. 352 SF - existing

**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, we do not have surrounding neighbors on back side of property where shed resides.

- 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.

Shed is located at the flattest part of the property.

- 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.

40 foot change which places the shed in the middle of the yard. Behind our property is wooded without neighbors.

- 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 shed is existing and there has never been a complaint that we know of.



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 purchased the property with the shed in the  
existing space.

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

we are in a col-de-sac with residential on one side, ~~the~~  
Industrial on the other and it helps as a sound barrier.

4. List of attachments (Check applicable information)

- (☒) Survey dated: July 21, 2021, Last revised July 21, 2021 and  
Prepared by: M
- ( ) 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 Roberts Dated: 8-30-23
- ( ) 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: [Signature]  
(Appellant)

DATED: 5/1/2023

SIGNATURE: Dana VanBenschoten  
(If more than one Appellant)

DATED: 5/1/2023

**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.**

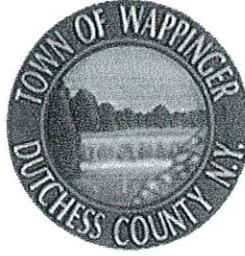
**DATED:** \_\_\_\_\_

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: 23-7795 Date: 5/11/2023  
Grid No.: 6259-02-732509 Zoning District: R-40

Location of Project:

02 Hackensack Heights Wappingers Falls

Name of Applicant:

Jeffrey VanBenschoten 845-392-6285  
Print name and phone number

Description of

Project: Shed variance of 10 ft from property line.  
Shed is existing, was there when we purchased  
the property.

I Jay/Laura VanBenschoten, 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.

5/11/2023  
Date

Jay/Laura VanBenschoten  
Owner's Signature

(845) 392-6285  
Owner's Telephone Number

Jay VanBenschoten - 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: <u>Pre-existing shed w/ overhang</u>			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone: <u>(615) 392-6285</u>	
<u>Dana/Jay VanBenschoten</u>		E-Mail: <u>Jay@Jubland.com</u>	
Address:			
<u>92 Hackensack Hgts Rd.</u>			
City/PO:		State:	Zip Code:
<u>Wappingers Falls</u>		<u>NY</u>	<u>12590</u>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO <input type="checkbox"/>
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.			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO <input type="checkbox"/>
If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>2.23</u> acres	
b. Total acreage to be physically disturbed?		<u>352.59</u> 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 checked="" 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	N/A  <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  <input checked="" type="checkbox"/>	YES  <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <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? 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?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	

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 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 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>Jay/Dana VanBenschoten</u> Date: <u>5/1/2023</u> Signature: <u>[Signature]</u> Title: <u>Owner</u>		



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

To: *Donna & Jay Van Benschoten*  
Perpetua, Donna  
92 Hackensack Heights Rd

SBL: 6259-02-732509-0000  
Date of this Notice: 03/30/2023  
Zone:  
Application: 42924

For property located at: 92 Hackensack Heights Rd

Your application to:

**POOL & SHED - 27' ROUND ABOVEGROUND POOL AND 12x16 SHED WITH 10x16 OVERHANG ON RIGHT SIDE WITHOUT ELECTRIC. 352 SF - Deck w/ overhang - LEGALIZATION - \*\*CALL 811 PRIOR TO EXCAVATION\*\* \*\*NEED ELECTRICAL INSPECTION BY TOWN APPROVED ELECTRICAL INSPECTOR\*\* \*\*POOL ALARM MUST MEET ASTM F 2208 REQUIREMENTS\*\* \*\*SHED MUST BE ON GRAVEL, CONCRETE SLAB OR PAVERS\*\* \*\*CALL INTO OUR OFFICE FOR FINAL INSPECTION BY TOWN BUILDING INSPECTOR\*\* \*\*POOL NOT TO BE USED WITHOUT CERTIFICATE OF COMPLIANCE\*\* \*\*SHED MUST BE ON GRAVEL, CONCRETE SLAB OR PAVERS\*\***

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 10 feet for a shed with overhang which is 352 SF.

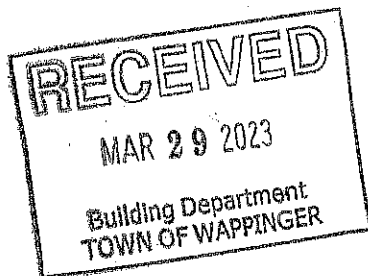
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>50</u> ft.	<u>10</u> ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

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

Very Truly,

*Barbara Philib*

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: R40 DATE: 3/30/2023  
APPL #: 42924 PERMIT # \_\_\_\_\_  
GRID: 6259-02-732509

APPLICANT NAME: Dana and Jay VanBenschoten  
ADDRESS: 92 Hackensack Heights Rd Wappingers Falls  
TEL #: \_\_\_\_\_ CELL: (845) 656-6930 FAX #: \_\_\_\_\_ E-MAIL: Jay@JVBland.com

NAME OWNER OF BUILDING/LAND: Dana and Jay VanBenschoten - Per Parcel Access 3/29/2023  
\*PROJECT SITE ADDRESS\*: 92 Hackensack Heights Rd Wappingers Falls 12590  
MAILING ADDRESS: Same as above  
TEL #: \_\_\_\_\_ CELL: (845) 656-6930 FAX #: \_\_\_\_\_ E-MAIL: Jay@JVBland.com

### BUILDER/CONTRACTOR DOING WORK:

COMPANY NAME: Sun Up construction  
ADDRESS: Air Port drive, Wappingers Falls, NY, 12590  
TEL #: \_\_\_\_\_ CELL: (845) 392-6285 FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

DESIGN PROFESSIONAL NAME: Mauri Architects PC  
TEL #: (845) 452-1030 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: mauri-architects.com

### APPLICATION FOR:

12x16 shed w/ 10x16 overhang on  
right side. No electric. = 352 SF  
\*existing\*

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

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

ESTIMATED COST: 12,000.00 TYPE OF USE: \_\_\_\_\_

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 3/30/23 CHECK # 571 RECEIPT #: 2023-00507  
Logeization BALANCE DUE: 250 PAID ON: 3/30/23 CHECK # 571 RECEIPT #: 2023-00506

### APPROVALS:

ZONING ADMINISTRATOR:

☐ Approved ☒ Denied Date: 3.30.23

Dana VanBenschoten

Signature of Applicant

FIRE INSPECTOR:

☐ Approved ☐ Denied Date: \_\_\_\_\_

Signature of Building Inspector

# TOWN OF WAPPINGER PLOT PLAN

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

Date 3.30.23

Address: 92 Hackensack Lights Rd Wappinger, Va.

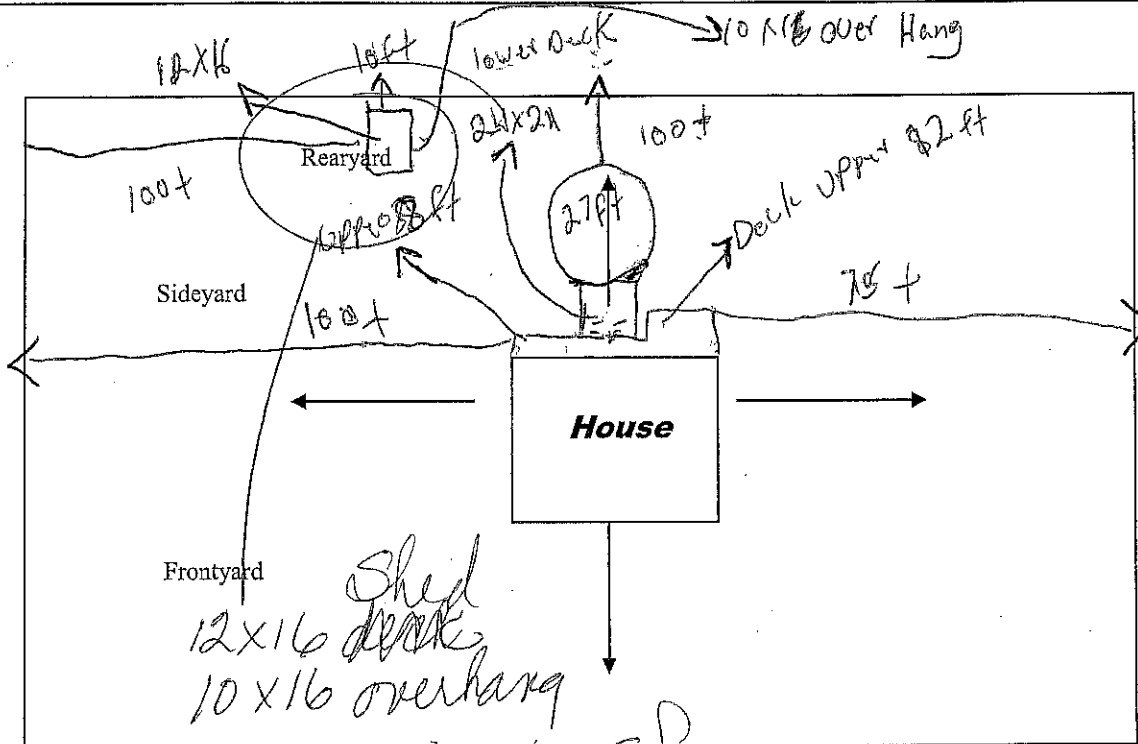
Interior/Corner Lot: circle one

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

Zone: R40

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

1. House, Pool, Shed



Draw proposed structure on plot plan.

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

Signature

Approved: Robert Rejected:

Zoning Administrator

Date: 3.30.23