

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.: 23-7796

Date: May 16, 2023

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

I (We), Shawn Adams residing at 38 Red Hawk Hollow Rd  
Wappingers Falls, NY 12590, (phone) 914-475-8756, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 4-24-23, and do hereby apply for an area variance(s).

Premises located at: 38 Red Hawk Hollow Rd, Wappingers Falls, NY 12590

Tax Grid No.: 135689-6359-02-795544-0000

Zoning District: R-40/80

1. Record Owner of Property:

Shawn Adams & Robin Adams

Address: 38 Red Hawk Hollow Rd Wappingers Falls, NY 12590

Phone Number: 914-475-8756

Owner Consent dated: May 16, 2023

Signature: [Signature]

Print Name: Shawn Adams

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 Where 50feet to the rear property line is required

*(Indicate Article, Section, Subsection and Paragraph)*

Required: 50feet to the rear property line required

Applicant(s) can provide: Applicant can provide 25feet

Thus requesting: Applicant is requesting a 25foot area variance

To allow: a new above ground pool, residential use

**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.

Our pool won't change the character of the neighborhood or nearby properties because it won't be visible from the street. Many houses, including those on either side of us and across the street, have pools.

- 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 want to put in an above ground pool. There is no way to put in a pool without the variance due to the shape of our lot and placement of our septic.

- 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 zoning law says we need 50 feet from the rear property line and we only have 25 ft. Our property backs up to woods.

- 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. It's in our backyard.



Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 23-7796

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 to put in a pool. Yes, our difficulty is self-created  
but the pool will enhance our family's quality of life.

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

No. There are other houses on our street that have less  
space behind their houses that have pools. The issue pertains  
to several lots on our street.

4. List of attachments (Check applicable information)

- (✓) Survey dated: 11/5/1992, Last revised \_\_\_\_\_ and  
Prepared by: Joseph P Berger
- ( ) Plot Plan dated: \_\_\_\_\_
- (✓) Photos
- (✓) Drawings dated: 9/12/22
- (✓) Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Zoning Administration Dated: 4/24/23
- ( ) 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:   
(Appellant)

DATED: May 16, 2023

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: 23-7796

Date: May 16, 2023

Grid No.: 6359-02-795544

Zoning District: R40/80

Location of Project:

38 Red Hawk Hollow Rd

Name of Applicant:

Shawn Adams 914-475-8756

Print name and phone number

Description of

Project: above ground pool

I, Shawn Adams, 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.

May 16, 2023

Date

Shawn Adams

Owner's Signature

914-475-8756

Owner's Telephone Number

Shawn Adams

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.

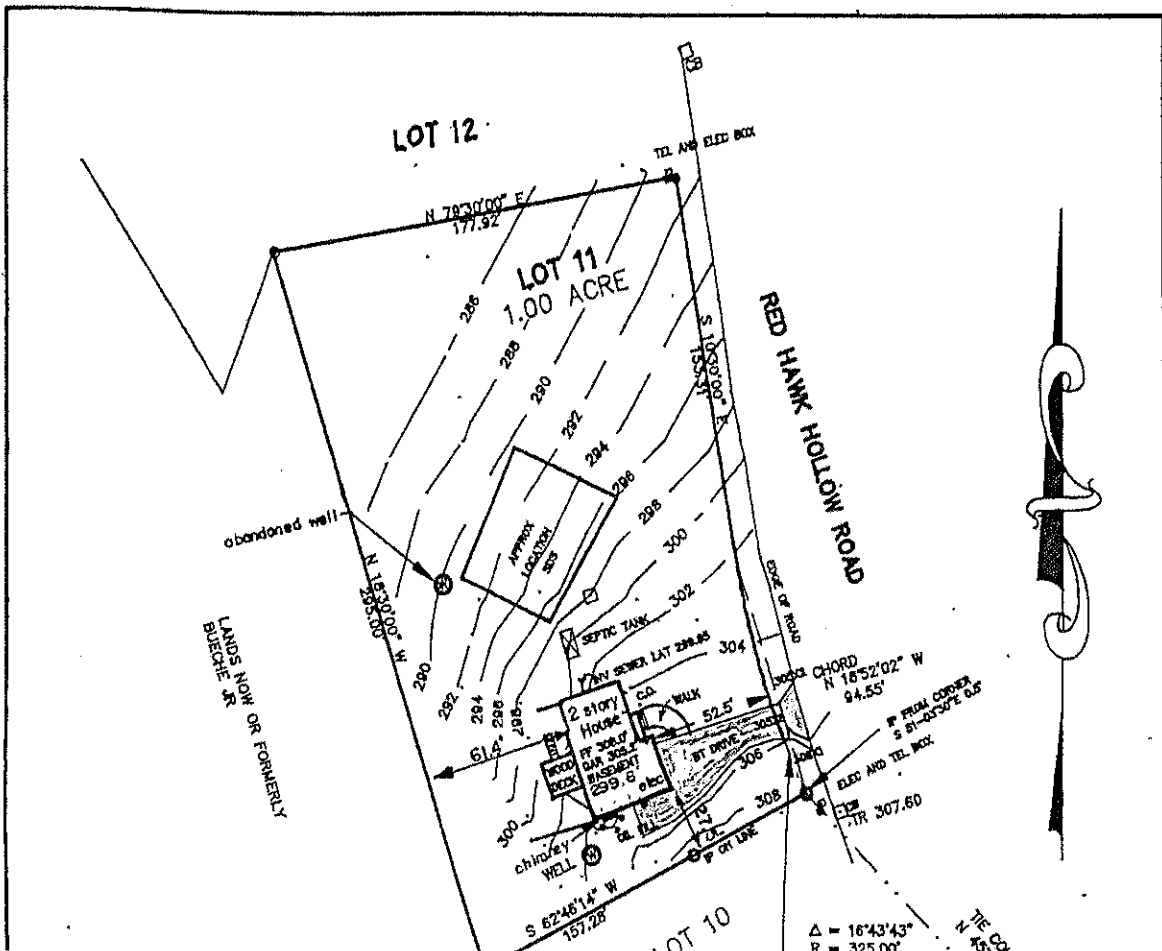
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Above ground pool project at 38 Red Hawk Hollow Rd			
Project Location (describe, and attach a location map): 38 Red Hawk Hollow Rd, Wappingers Falls, NY 12590			
Brief Description of Proposed Action:  Installation of above ground pool for residential family use at 38 Red Hawk Hollow Rd.			
Name of Applicant or Sponsor: Shawn Adams		Telephone: 914-475-8756	
		E-Mail: shawn.m.adams@gmail.com	
Address: 38 Red Hawk Hollow Rd			
City/PO: Wappingers Falls		State: NY	Zip Code: 12590
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? <span style="float: right;">1 acres</span>			
b. Total acreage to be physically disturbed? <span style="float: right;">_____ acres</span>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">_____ acres</span>			
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 checked="" 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 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 type="checkbox"/>	<input checked="" 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, archeological 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 checked="" 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
_____ _____		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Shawn Adams</u> Date: <u>May 16, 2023</u>		
Signature: <u>[Signature]</u> Title: _____		





FINAL PLOT PLAN FOR LOT NO. 11 - RED HAWK HOLLOW  
SITE FIELD VERIFIED 11/03/92 - CONDITIONAL ACCEPTANCE:

1. Small area in the rear right corner of the house to be hand-raked to insure safe site.
2. Invert at Inlet to the septic tank to be shown on revised plan providing a minimum of  $\frac{1}{4}$ " per foot pitch.

Building Inspector should verify both of the above items.

SURVEY OF  
LOT 11  
RED HAWK HOLLOW SUBDIVISION  
FILED MAP NO 8627

APPROVED

FRANK & MARTIN  
CONSULTING ENGINEERS & LAND SURVEYORS  
54-55 ROUTE 9  
POUGHKEEPSIE, NY 12601

APPROVED  
DATE 11/5/92  
TOWN OF WAPPINGER  
HIGHWAY DEPARTMENT

Unauthorized alteration or addition to a survey map bearing a licensed Land Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

Only copies from an original of this map marked with either an embossed ink seal shall be considered a true and valid copy.

Underground utilities shown hereon are approximate.

Subject to all easements of record.

Surveyed without the benefit of a title search.

Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Professional Land Surveyors as adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person so noted. Certifications are not transferable to additional institutions, their successors or assigns, or subsequent owners unless expressly stated hereon.

CERTIFIED TO:  
THOMAS D. & SHERYL J. ZIRBANT

OF WAPPINGER  
DATE 10/29/92

DUTCHESS COUNTY  
SCALE 1" = 50'

JOSEPH P. BERGER  
PROFESSIONAL LAND SURVEYOR  
33 HAWK LANE  
POUGHKEEPSIE, NY 12601  
(914) 471 - 7383

NOV - 1992

Zoning Administrator

92-263

RECEIVED

NOV 2 1992

Building Inspector

Joseph P. Berger

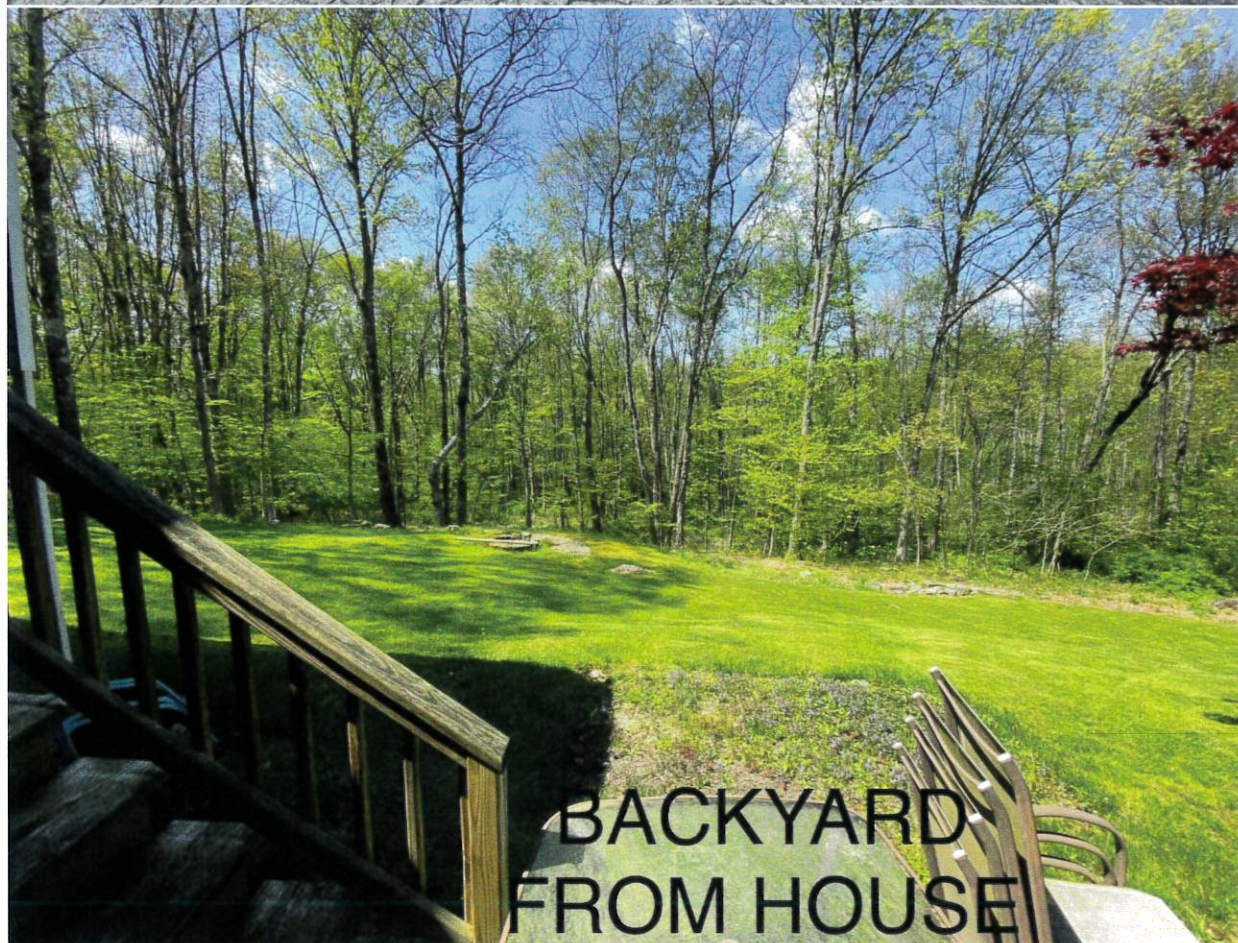
GRAPHIC SCALE





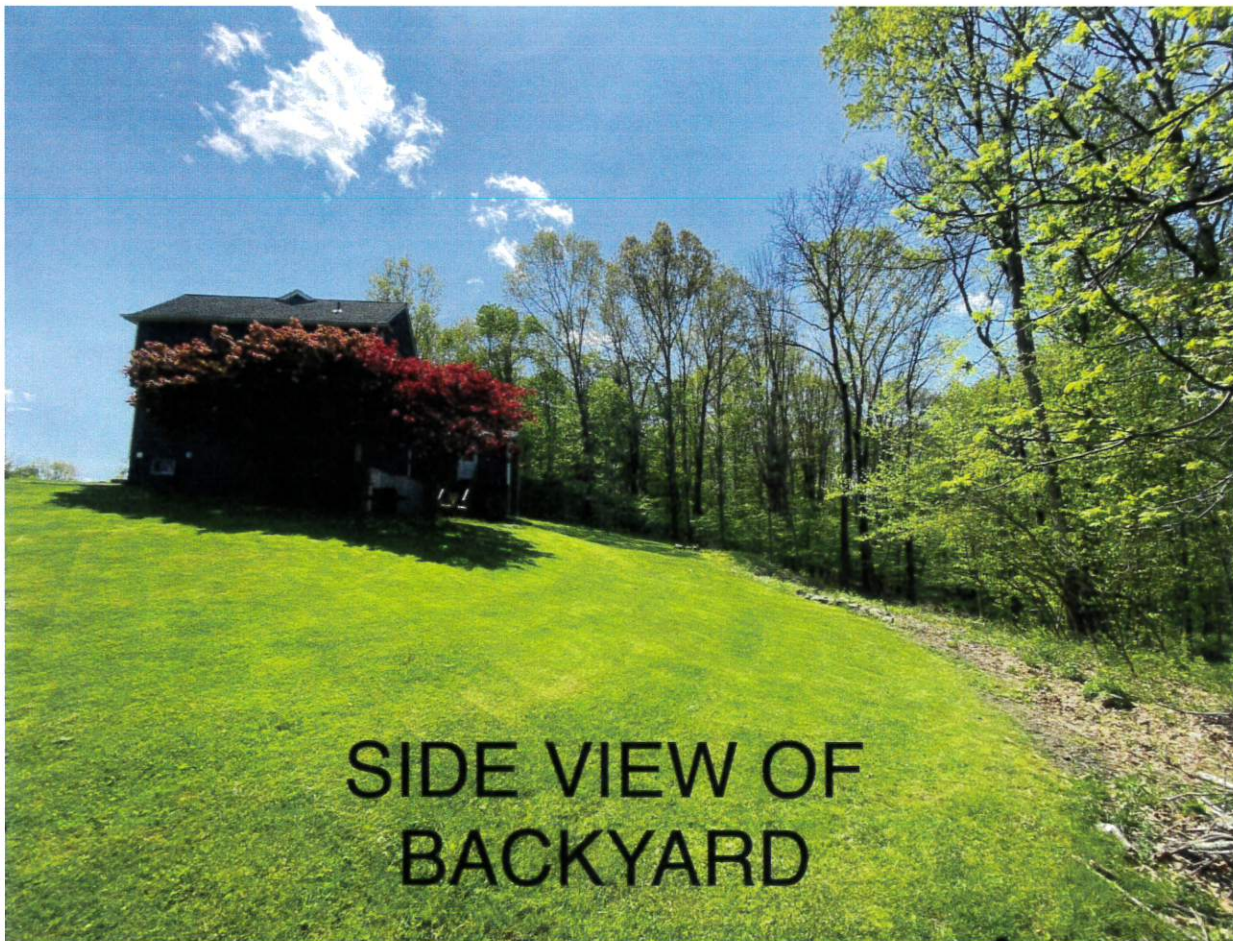


FRONT

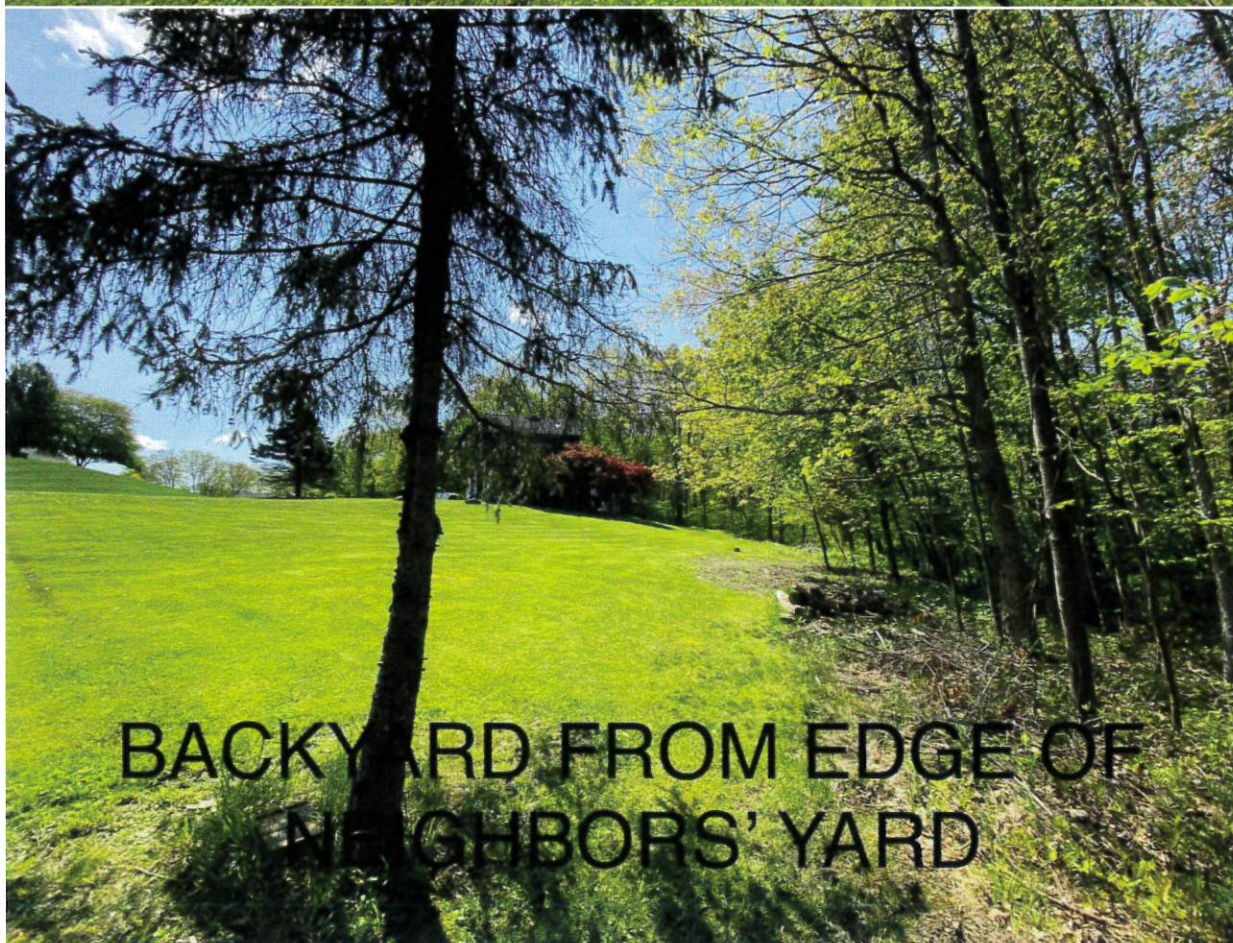


BACKYARD  
FROM HOUSE





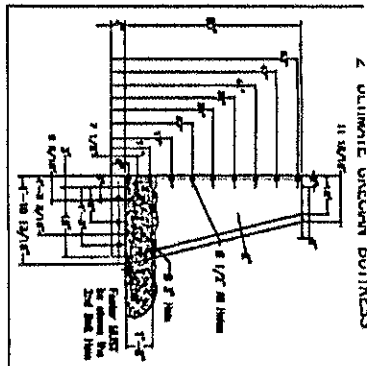
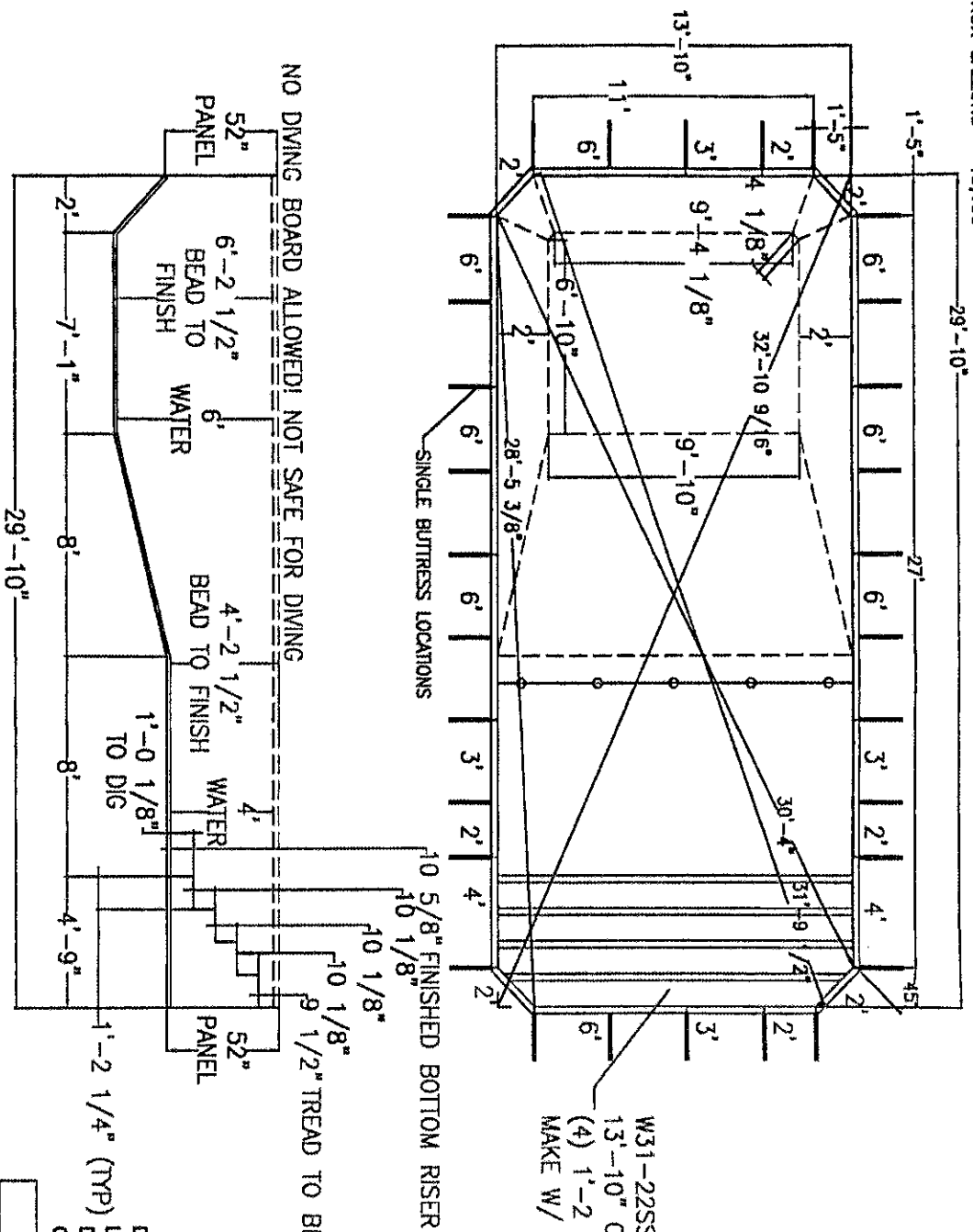
SIDE VIEW OF  
BACKYARD



BACKYARD FROM EDGE OF  
NEIGHBORS' YARD



INVT FURNITURE - UT  
SOFT SWIM AREA - 408  
APPROX GALLONS - 15,100



- NOTES:
1. ALL PANELS ARE 14 GAUGE, POWDER-COATED STEEL.
  2. POOL WALLS SHOULD ALWAYS BE INSTALLED ON VIRGIN SOIL OR COMPACTED BASE MATERIAL.
  3. BUTTERFLIES ARE LOCATED AT EACH JOINT ALONG EACH SIDE WALL.
  4. NO DRIVING BOARD ALLOWED! NOT SAFE FOR DAMAGE!
  5. IF USING BENDABLE BULLHORN COPIING ADD 3"-1/8" TO DIG DEPTH. BEAD TO FINISH WILL STAY THE SAME.
  6. BURNING MATERIAL TO BE IN ACCORDANCE WITH CITY DATA DECOMPOSITIONAL RATE.

**DRAWING MUST BE APPROVED  
AND SIGNED BEFORE ORDER  
WILL BE PLACED FOR ALL  
SPECIAL ORDERS.**

**DEALER**

## LINEAR CHOICE

DATE 5/13/2022

**CUSTOMER** \_\_\_\_\_

FOX POOL

TIME 1430 ULT RECTANGLE

6' W. STEEL STAIRS

DATE 9/12/22 TIME 0

Doc 09-32634	SPICE NONE
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**Town of Wappinger**  
20 Middlebush Rd.  
Wappingers Falls, NY 12590  
(845) 297-6256

To: Adams, Shawn  
38 Red Hawk Hollow Rd

SBL: 6359-02-795544-0000  
Date of this Notice: 04/24/2023  
Zone:  
Application: 43018

For property located at: 38 Red Hawk Hollow Rd

Your application to:

**POOL - 14x30 OVAL ABOVE GROUND POOL. NO DECK. \*\*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.

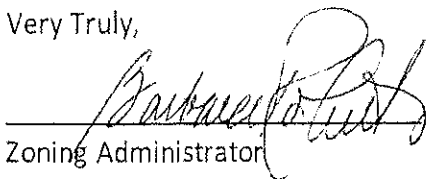
Where 50 feet to the rear property line is required, the applicant can provide 25 feet for a new Above Ground Pool.

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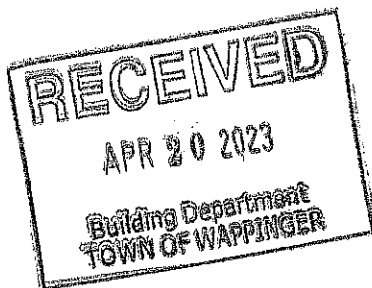
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>50</u> ft.	<u>25</u> ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

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,

  
\_\_\_\_\_  
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: R80 DATE: 4/24/2023  
APPL #: 43018 PERMIT # \_\_\_\_\_  
GRID: 6359-02-795544

APPLICANT NAME: Shawn Adams

ADDRESS: 38 Red Hawk Hollow Road, Wappingers Falls, NY 12590

TEL #: 845-849-1780 CELL: 914-475-8756 FAX #: \_\_\_\_\_ E-MAIL: shawn.m.adams@gmail.com

NAME OWNER OF BUILDING/LAND: Shawn Adams

\*PROJECT SITE ADDRESS\*: 38 Red Hawk Hollow Road, Wappingers Falls, NY 12590

MAILING ADDRESS: 38 Red Hawk Hollow Road, Wappingers Falls, NY 12590

TEL #: 845-849-1780 CELL: 914-475-8756 FAX #: \_\_\_\_\_ E-MAIL: shawn.m.adams@gmail.com

### BUILDER/CONTRACTOR DOING WORK:

COMPANY NAME: Under The Sun Improvements - James

ADDRESS: 168 Overlook Road, Poughkeepsie NY 12603

TEL #: 914-490-1695 CELL: 845-505-7628 FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

### DESIGN PROFESSIONAL NAME:

TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICATION FOR: Shawn Adams Pool - 14x30 oval. No deck.

SETBACKS: FRONT: \_\_\_\_\_ REAR: 25 L-SIDEYARD: 40 R-SIDEYARD: 100+

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

ESTIMATED COST: 30,000 TYPE OF USE: \_\_\_\_\_

NON-REFUNDABLE APPL. FEE: 150- PAID ON: 4/24/23 CHECK # 1783 RECEIPT #: 2023-00687

BALANCE DUE: \_\_\_\_\_ PAID ON: \_\_\_\_\_ CHECK # \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

### APPROVALS:

#### ZONING ADMINISTRATOR:

☐ Approved ☒ Denied Date: 4-24-23

[Signature]

[Signature]  
Signature of Applicant

Shawn Adams

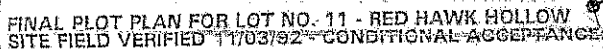
Print Name or Company Name(if applicable)

#### FIRE INSPECTOR:

☐ Approved ☐ Denied Date: \_\_\_\_\_

\_\_\_\_\_

Signature of Building Inspector



- used SURVEY OF  
LOT 11  
WK HOLLOW SUBDIVISION  
FILED MAP NO 8627

APPROVED

( IN FEET )  
1 inch = 50 ft.

# TOWN OF WAPPINGER PLOT PLAN

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

Date 4/24

Address: 38 Red Hawk Hollow Road

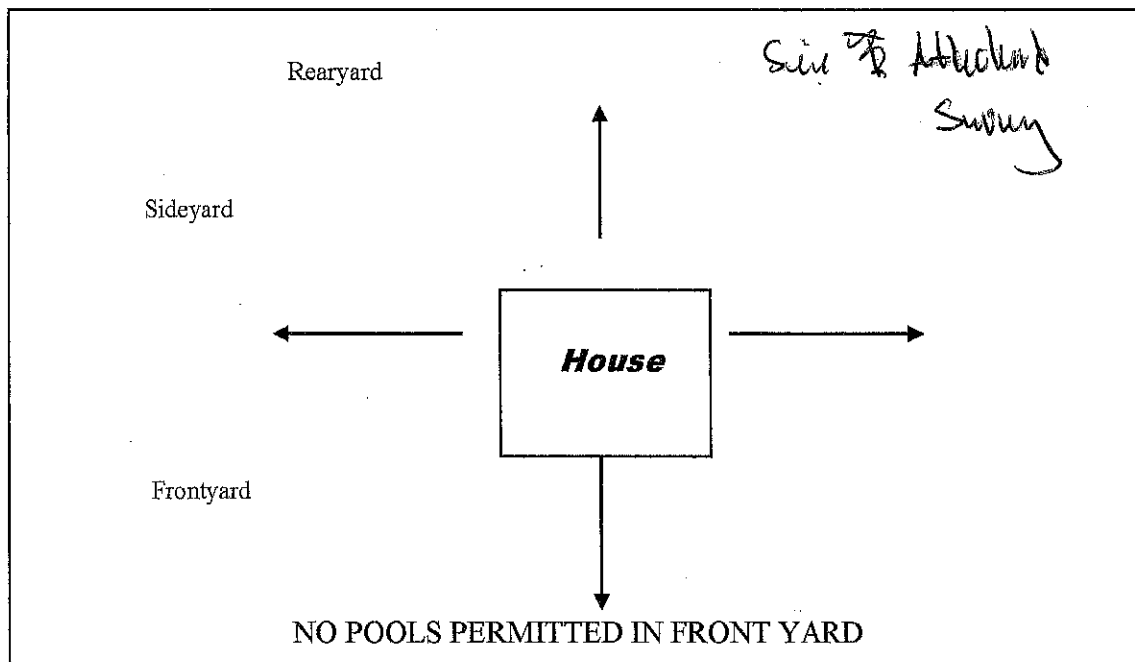
Interior/Corner Lot: *circle one*

Owner of Land Shawn Adams

Zone: R80

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

1. House,



**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

*Shawn Adams*  
SIGNATURE REQUIRED

Approved: *[Signature]*  
Zoning Administrator

Date: 4-24-20