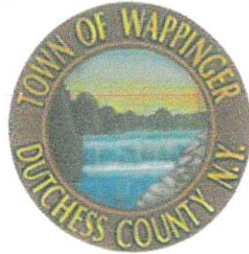


TOWN OF WAPPINGER



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.: 24-7834

Date: 10/1/24

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

I (We), DAVID FREEMAN RA residing at 26 Sheldon Drive  
Poughkeepsie, NY 12603, (phone) 845-452-5359, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 12/19/24, and do hereby apply for an area variance(s).

Premises located at: 1217 ROUTE 376  
Tax Grid No.: 135689-6358-01-182912-006  
Zoning District: R80

1. Record Owner of Property:

GEZIM ZUKAN  
Address: 1217 ROUTE 376, WAPPINGERS FALLS, NY 12590  
Phone Number: 518-378-8818  
Owner Consent dated: 10/1/24

Signature: [Signature]  
Print Name: GEZIM ZUKAN

2. Variance(s) Request:

I (We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

SCHEDULE OF DIMENSIONAL REGULATIONS, ZONE R80  
(Indicate Article, Section, Subsection and Paragraph)

Required: 80,000 SF LOT, 200 FT WIDTH, 40 FOOT SIDE YARD

Applicant(s) can provide: 40,000 SF LOT (EXISTING) 100 FT WIDTH, 20 FOOT SIDE YARD

Thus requesting: VARIANCE TO CONSTRUCT NEW HOME

To allow: 40,000 SF LOT, 100 FT WIDTH, 20 FOOT SIDE YARDS

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 24-7834

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: MINIMUM LOT SIZE 80,000 SF  
Applicant(s) can provide: 40,000 SF  
Thus requesting: 50% 40,000 SF VARIANCE  
To allow: CONSTRUCTION OF NEW HOME

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.

246-37

(Indicate Article, Section, Subsection and Paragraph)

Required: 200 FOOT LOT WIDTH  
Applicant(s) can provide: 100 FOOT LOT WIDTH  
Thus requesting: 50% 100 FOOT VARIANCE  
To allow: CONSTRUCTION OF NEW HOME

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: 40 FOOT SIDE YARD (Left)  
Applicant(s) can provide: 20 FOOT SIDE YARD  
Thus requesting: 50% 20 FOOT VARIANCE  
To allow: CONSTRUCTION OF NEW HOME

Variance No. 4

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: 40 FOOT SIDE YARD (RIGHT)  
Applicant(s) can provide: 20 FOOT SIDE YARD  
Thus requesting: 50% 20 FOOT VARIANCE  
To allow: CONSTRUCTION OF NEW HOME



Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 24-7834

**Variance No.**

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.

NEIGHBORHOOD WILL BENEFIT FROM NEW HOME  
LOCATED FURTHER OFF MAJOR ROAD

- 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 EXISTING LOT DOES NOT MEET CURRENT CODE  
FOR SIZE AND WIDTH

- 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 VARIANCE CENTER THE  
HOUSE ON THE LOT AND PLACE IT  
FURTHER FROM THE ROAD

- 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.

BY MOVING HOUSE LOCATION AWAY FROM  
ROAD IT USUALLY IMPROVES  
NEIGHBORHOOD

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 24-7834

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

Please explain your answer in detail.

THE EXISTING HOUSE FROM 1890 NEEDS IMPROVEMENT AND  
HAS WATER ISSUES. NEW CONSTRUCTION OFFERS A  
BETTER CHOICE

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

PROPERTY IS NOT UNIQUE. LOT SIZES,  
HOUSES AND USES VARY IN AREA

4. List of attachments (Check applicable information)

- ( ) Survey dated: 9/17/24, Last revised \_\_\_\_\_ and  
Prepared by: LAKE - TULLY
- ( ) Plot Plan dated: 9/30/24
- ( ) Photos
- ( ) Drawings dated: 9/30/24
- (☒) Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Barbara Roberti Dated: 12/19/24
- ( ) 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: 9/30/24

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

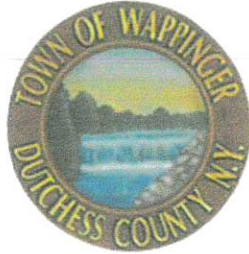
**ZONING BOARD OF APPEALS  
TOWN OF WAPPINGER, NEW YORK**

**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: 24-7834 Date: 10/1/2024  
Grid No.: 135689.6358.01-182912 Zoning District: R20

Location of Project:

1217 ROUTE 376

Name of Applicant:

DAVID FREEMAN ARCHITECT 845.452.3359

Print name and phone number

Description of

Project: REPLACE EXISTING HOME WITH NEW  
HOME LOCATED FURTHER FROM RTE 376.

I, GEZIM ZUKAJ, 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.

10/1/2024  
Date

[Signature]  
Owner's Signature

518-378-5515  
Owner's Telephone Number

GEZIM ZUKAJ, 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: <b>NEW HOME FOR ZUSAK RESIDENCE</b>			
Project Location (describe, and attach a location map): <b>1217 ROUTE 376, WAPPINGERS FALLS</b>			
Brief Description of Proposed Action: <b>REPLACE EXISTING HOME (1890's) WITH NEW HOME LOCATED FURTHER FROM ROUTE 376</b>			
Name of Applicant or Sponsor: <b>DAVID FREEMAN RA</b>		Telephone: <b>845.452.5359</b>	
		E-Mail: <b>DAVID@DFARCHT.COM</b>	
Address: <b>26 SHELDON DRIVE</b>			
City/PO: <b>POUGHKEEPSIE</b>		State: <b>NY</b>	Zip Code: <b>12602</b>
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: <b>BUILDING PERMIT</b>			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>1.009</u> acres	
b. Total acreage to be physically disturbed?		<u>.05</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.009</u> 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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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 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	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
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 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>DAVID FREEMANURA</u> Date: <u>9/22/24</u>		
Signature: <u>[Signature]</u> Title: <u>ARCHITECT</u>		

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

To: Zukaj, Gezim  
1217 Route 376

SBL: 6358-01-182912-0000  
Date of this Notice: 12/19/2024

Zone:  
Application: 44849

For property located at: 1217 Route 376

Your application to:

**NEW ONE FAMILY RES - REPLACING EXISTING RESIDENCE 60' x 32'**

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

Four Variances are requested:


- 1) Where the minimum lot size in an R-80 zoning district is (80,000sf) 2 acres, the applicant is requesting a variance of (40,000sf) 1 acre.
- 2) Where the minimum width size in an R-80 zoning district is 200 sf, the applicant is requesting a width of 100 feet.
- 3) Where 40 feet to the left side property line is required, the applicant can provide 20' to the left property side.
- 4) Where 40 feet to the right side property line is required, the applicant can provide 20' to the right property side.

---

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	<u>40</u> ft.	<u>20</u> ft.
SIDE YARD (RIGHT):	<u>40</u> ft.	<u>20</u> ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

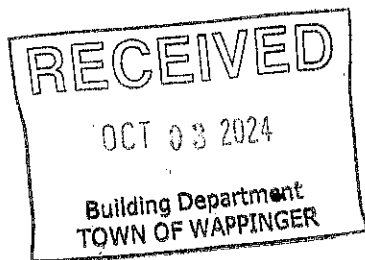
You have the right to appeal this decision to the Zoning Board of Appeals within 60 days of the date of this letter. This Zoning Board of Appeals meets the second and fourth Tuesday of the month. The area variance appeal will require at least two meetings, one for discussion and one for a Public Hearing. 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  
☐ Renovation/Alteration

- ☐ Commercial  
☐ Multiple Dwelling

ZONE: R-80

DATE: 10.3.24

APPL #: 44849

PERMIT # \_\_\_\_\_

GRID: 1829+2 6358-01-182912

### APPLICANT NAME:

DAVID FREEMAN ARCHITECT

ADDRESS: 26 SLEADOW DRIVE, FOUHKEARSE, NY

TEL #: 845-452-5374

FAX #: \_\_\_\_\_

E-MAIL: DAVID@DFARCHT.COM

### NAME OWNER OF BUILDING/LAND:

GEZIM ZUKA

\*PROJECT SITE ADDRESS\*: 1217 ROUTE 376

MAILING ADDRESS: 1217 ROUTE 376, WAPPINGER 12590

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

### BUILDER/CONTRACTOR DOING WORK:

COMPANY NAME: TBID

ADDRESS: \_\_\_\_\_

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

### DESIGN PROFESSIONAL NAME:

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

### APPLICATION FOR:

NEW HOME TO REPLACE EXISTING

SETBACKS: FRONT: 190 REAR: 200 L-SIDEYARD: 20 R-SIDEYARD: 20

SIZE OF STRUCTURE: 60' X 32'

ESTIMATED COST: 300K TYPE OF USE: SINGLE FAMILY

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 10/3/24 CHECK # 1160 RECEIPT #: 2024-01678

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

### APPROVALS:

#### ZONING ADMINISTRATOR:

O Approved O Denied Date: 10/4/24

#### FIRE INSPECTOR:

O Approved O Denied Date: \_\_\_\_\_

Signature of Applicant

Signature of Building Inspector

Print Name or Company Name(if applicable)