
STENGER, GLASS, HAGSTROM,
LINDARS & IUELE LLP

February 5, 2025

Kenneth M. Stenger
Jessica J. Glass
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Albert P. Roberts
partner emeritus

Ms. Barbara Roberti
Town of Wappinger
Zoning Board of Appeals
20 Middlebush Road
Wappingers Falls, NY 12590

**Re: Cesar Barzallo with the Town of Wappinger
15 Spook Hill Road
SGHLI File No. 42183.0006**

Mary Kate Ephraim
Jad B. Haddad

Dear Ms. Roberti:

Covered by this correspondence is the Application of Mr. Barzallo for an Area Variance which will allow him to keep the use of a porch constructed on the front of his residence located at 15 Spook Hill Road, Wappingers Falls, New York.

Annexed to this Application are four photographs which describe the porch.

Additionally annexed to this application are as-built surveys dated January 29, 2025 and March 26, 2024. Each of these as-built surveys describes the dimension and location of the porch for which the variance is sought. The surveys also serve other purposes which are as follows:

- A. The survey dated January 29, 2025 demonstrates that the newly constructed stone wall is within the property line of the lot. A comparison of the January 29, 2025 survey to the March 26, 2024 survey also confirms that the original stone wall featured a gap which has been preserved in the reconstruction of the wall as described in the January 29, 2025 survey. Thus, the designed gap is not a new feature of the stone wall and is not the entry way for a proposed driveway as it has been unfortunately characterized in the past.
- B. A close inspection of the January 29, 2025 survey confirms that the plantings installed by Mr. Barzallo along his property's boundary line, where his property fronts on Spook Hill Road, are all set on the property line.

Please advise when we are to appear before the ZBA for a meeting at which I might appear to explain this application and, for the further purpose, scheduling a site inspection of the property by the Board if it should so desire to make that inspection after having seen the photographs submitted with the Application.

OF COUNSEL

Joan F. Garrett
Kyle A. Steller
Mary E. Tokarz

PARALEGALS

Elizabeth Amicucci
Jillian Medina
Sandra Oakley

**CLOSING
COORDINATORS**

Maria L. Jones
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LAW CLERK

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stengerglass.com

Thank you.

Very truly yours,

STENGER, GLASS, HAGSTROM, LINDARS & IUELE, LLP

A handwritten signature in black ink, appearing to read 'Ken M. Stenger', is written over the printed name.

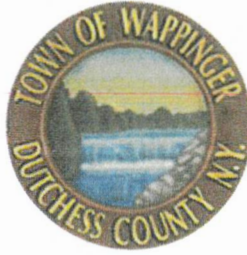
KENNETH M. STENGER, ESQ.

kstenger@stengerglass.com

KMS/lac

Enc.

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.: _____

Date: February 5, 2025

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

I (We), Cesar Barzallo residing at 15 Spook Hill Road
Wappingers Falls, NY 12590, (phone) 914-529-1796, hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated July 3, 2024, and do hereby apply for an area variance(s).

Premises located at: 15 Spook Hill Road, Wappingers Falls, NY 12590
Tax Grid No.: 6257-01-003424
Zoning District: R20

1. Record Owner of Property:

Cesar Barzallo
Address: 15 Spook Hill Road, Wappingers Falls, NY 12590
Phone Number: 914-529-1796
Owner Consent dated: 2/5/2025
Signature: _____
Print Name: Cesar Barzallo

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.

Sections 240-37
(Indicate Article, Section, Subsection and Paragraph)

Required: a 35-foot set back from a front yard boundary line

Applicant(s) can provide: 11', 7" of set back

Thus requesting: area variance of 23', 3" which includes the area of a previously granted
variance of 19', 1" made on appeal #22-773.

To allow: The continued existence of a porch which is described in the annexed photographs and
as-built survey dated 1/29/25, each of which are annexed as Exhibts A and B respectively.

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance
Appeal No.: _____

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 property is located within a residential district. The porch is in character with the neighborhood. The porch is not visible from any other residence or from any traffic on Spook Hill Road because the view is blocked by a berm and plantings.

- 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 built the porch by mistake. I thought it was covered in the variance that I had previously received from the ZBA. Without this variance, I may be required to remove the porch which will damage the appearance of my home and benefit nobody.

- 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 set back is 35 feet. The variance I seek is 23 feet, 3 inches which includes the previously granted variance of 19 feet, 1 inch. The area variance I seek is approximately 66% of the permitted setback. However the improvement for which the variance is sought is not visible from or across Spook Hill Road and creates no negative impact on any neighboring residence.

- 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 _____

Town of Wappinger Zoning Board of Appeals
Application for an Area Variance

Appeal No.: _____

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

Please explain your answer in detail.

My need for a variance has been created by my mistake in believing that it was permitted under Appeal No. 22-773. I now understand that I need the variance to allow my house to get a Certificate of Occupancy with the porch.

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

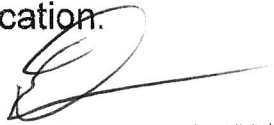
No. My property is a single-family dwelling like every other structure in the immediate vicinity of it. Again, because you cannot see my porch from Spook Hill Road, or from any other location in the neighborhood, I don't believe it causes any inconvenience or other negative impact on any of my neighbors.

4. List of attachments (Check applicable information)

- ☒ Survey dated: as-built 3/26/24, Last revised _____ and
Prepared by: Larry L. Lynn.
- ☐ Plot Plan dated: _____.
- ☒ Photos 4
- ☐ 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: 
(Appellant)

DATED: 2,3,25

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: 24-7827

Date: 8/5/2025

Grid No.: 6257-01-003924

Zoning District: R20

Location of Project:

15 Spookhulld Wappinger falls NY 12590

Name of Applicant: Cesar Barzallo 914-529-1796

Print name and phone number

Description of

Project: This is for fixing porch measurements
for Renovation of house

I Cesar Barzallo, 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.

2/5/2025
Date

914-529-1796
Owner's Telephone Number

[Signature]
Owner's Signature

Cesar Barzallo 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: <i>Renovation of house</i>			
Project Location (describe, and attach a location map): <i>front porch</i>			
Brief Description of Proposed Action: <i>This is to fix measurements from proposed porch from previous variance</i>			
Name of Applicant or Sponsor: <i>Cesar Barzallo</i>		Telephone: <i>914-529-1796</i>	
		E-Mail: <i>edwin5309@hotmail.com</i>	
Address: <i>15 Spook hill rd</i>			
City/PO: <i>Wappinger falls</i>		State: <i>NY</i>	Zip Code: <i>12590</i>
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 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	
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 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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Cesar Barzallo</u> Date: <u>2/5/2025</u>		
Signature: <u>[Signature]</u> Title: <u>Owner</u>		









LOT NUMBERS ARE AS SHOWN ON A CERTAIN MAP ENTITLED, "SUBDIVISION FOR DEANNA ESTATES" AND FILED AS MAP NO. 11195. REF. FILED MAPS, 11195A, 12091, 71432 AND 5046.
TAX PARCEL NUMBERS ARE AS SHOWN ON TAX MAP 135689-6257-01.

- NOTES:
- 1. PROPERTY SUBJECT TO A 10 FT. WIDE DRAINAGE EASEMENT AS SHOWN ON F.M. 11195
 - 2. A COURSE ON THE SOUTH LINE WAS COMPUTED TO ELIMINATE ERROR OF CLOSURE.
 - 3. CONTOUR INTERVAL=2'

RECEIVED
JUL 03 2024
Building Department
TOWN OF WAPPINGER

SCALE: 1"=40'

THIS SURVEY IS ACCURATE AND CORRECT BY:
LARRY L. LYNN, L.S.
[Signature]
WAPPINGERS FALLS, NY
NYSDPS No. 050531

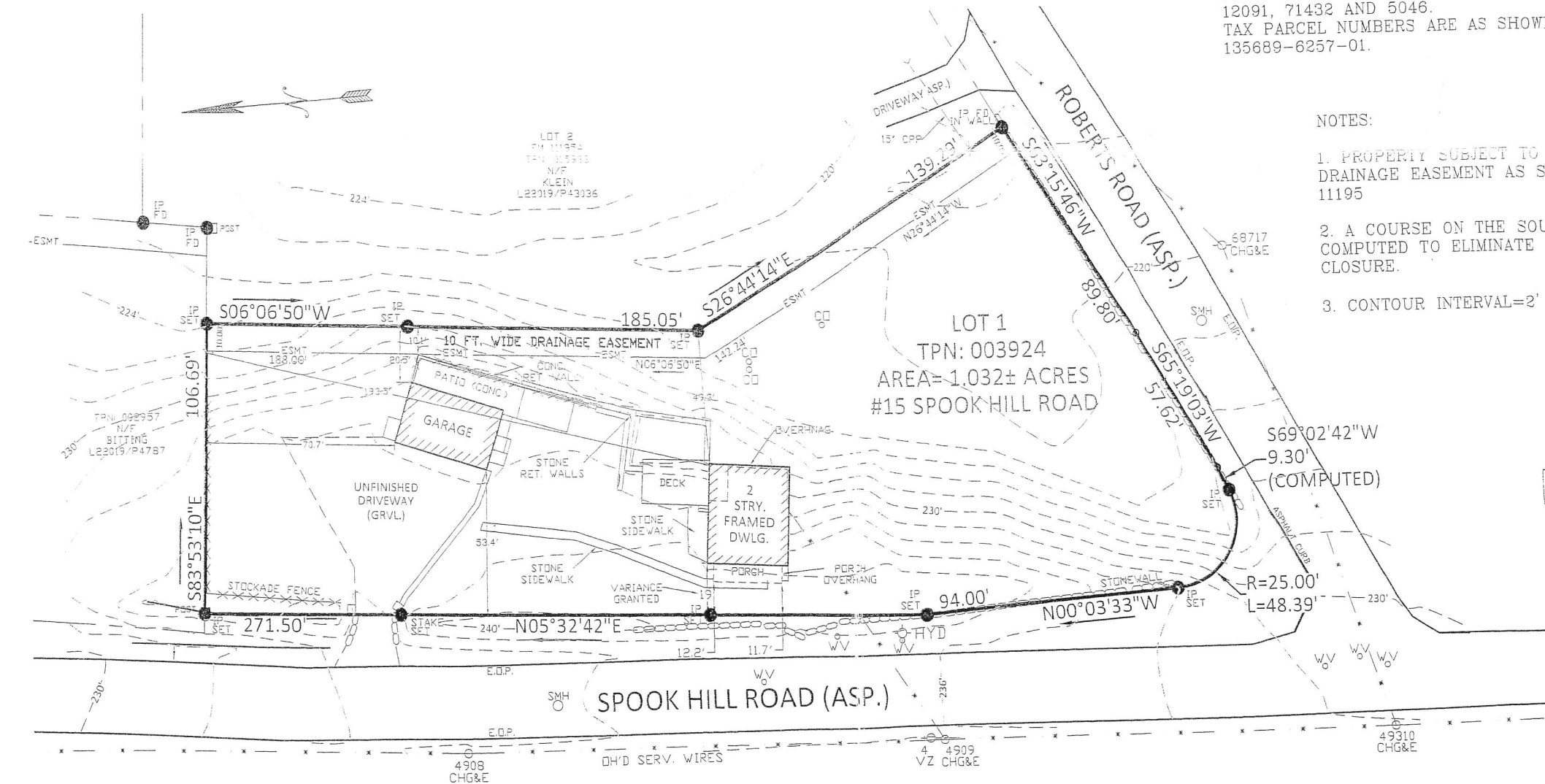
PREPARED BY LARRY L. LYNN, L.S., 'LARRY L. LYNN, LAND SURVEYOR, P.C.' 66 MIDDLEBUSH AVE. STE. G107 WAPPINGERS FALLS, NY 12590, (845) 463-2733.
PLAN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON MARCH 26, 2024. BASED ON A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON APRIL 21, 2023 AND AN 'AS-BUILT' SURVEY COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON MARCH 26, 2024.
UNAUTHORIZED ALTERATION OR ADDITIONS TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.
SUBJECT TO THE FINDINGS OF A CURRENT TITLE SEARCH, SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS AND AGREEMENTS OF RECORD.

ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THERE OF ONLY IF SAID MAP OR COPIES BEAR THE IMPRESSED SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON. THE CERTIFICATIONS HEREFIN ARE NOT

-- I HEREBY CERTIFY TO --
CEASAR ALFONSO BARZALLO-TENEMEIA

- REV. 1- ADDED TOPO 5/13/24
- REV. 2- ADDED DIM. 6/18/24
- REV. 3 - REV. DIMS 6/26/24
- REV. 4 - ADDED DIMS 7/12/24

AS-BUILT SURVEY FOR/TO
CEASAR BARZALLO
TOWN OF WAPPINGER
COUNTY OF DUTCHESS
STATE OF NEW YORK
MARCH 26, 2024



LOT NUMBERS ARE AS SHOWN ON A CERTAIN MAP ENTITLED, "SUBDIVISION FOR DEANNA ESTATES" AND FILED AS MAP NO. 11195. REF. FILED MAPS, 11195A, 12091, 71432 AND 5046. TAX PARCEL NUMBERS ARE AS SHOWN ON TAX MAP 135689-6257-01.

NOTES:

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2. A COURSE ON THE SOUTH LINE WAS COMPUTED TO ELIMINATE ERROR OF CLOSURE.



-- I HEREBY CERTIFY TO --

CEASAR ALFONSO BARZALLO-TENEMEA

REV. 1- ADDED TOPO
5/13/24

REV. 2- ADDED DIM.
6/18/24

REV. 3 - REV. DIMS
6/26/24

REV. 4 - ADDED DIMS
7/2/24

REV. 5 - UPDATED
1/29/25

AS-BUILT SURVEY FOR/TO

CEASAR
BARZALLO

TOWN OF WAPPINGER
COUNTY OF DUTCHESS
STATE OF NEW YORK
JANUARY 29, 2025

SCALE: 1"=40'



THIS SURVEY IS ACCURATE
AND CORRECT BY:

LARRY L. LYNN, L.S.

L.L.L.

WAPPINGERS FALLS, NY
N.Y.S.P.L.S. No. 050531

PREPARED BY LARRY L. LYNN, L.S., "LARRY L. LYNN, LAND SURVEYOR, P.C." 65 MIDDLEBUSH AVE. STE. G107 WAPPINGERS FALLS, NY 12590, (845) 463-2733. PLAN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON MARCH 25, 2024. BASED ON A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON APRIL 21, 2023 AND AN "AS-BUILT" SURVEY COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION ON MARCH 26, 2024. UNAUTHORIZED ALTERATION OR ADDITIONS TO THIS PLAN IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW. SUBJECT TO THE FINDINGS OF A CURRENT TITLE SEARCH, SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS AND AGREEMENTS OF RECORD. COPYRIGHT © 2024 LARRY L. LYNN, ALL RIGHTS RESERVED.

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