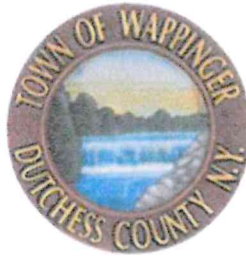


**ZONING BOARD OF APPEALS  
AREA VARIANCE  
CHECKLIST**

**THE FOLLOWING ITEMS MUST BE PRESENTED ON THE SUBMISSION DATE:**

- x   Application: Must state if the applicant is the owner, if not, consent will be required
- x   Signatures: Must be original signatures
- Letter of Consent: If required
- x   EAF: Short Form is required (Environmental Assessment Form)
- x   Survey: Survey of property is required
- x   Application Fee: Application fee may be paid in cash, check or by credit card. Checks over \$500.00 must be a certified check, bank, or money order made payable to the "Town of Wappinger" (Separate checks are required for application fees and escrow)
- n/a   Escrow: Escrow may be paid in cash, or if paying by check, it must be certified check, bank, or money order made payable to the "Town of Wappinger" (Separate checks are required for the application fees and escrow)
- 8   Plans: Number of Plans to be delivered with application to ZBA Secretary

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: 2/20/25

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

I (We), Donald Flood residing at 105 Robinson Lane  
Wappinger Falls NY 12590, (phone) 845-656-5233, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 2-19-25, and do hereby apply for an area variance(s).

Premises located at: 105 Robinson Lane, Wappinger Falls NY 12590  
Tax Grid No.: 135689-6459-03-077339  
Zoning District: R-40

1. Record Owner of Property:

Donald Flood

Address: 41 Benson Road, Wassaic NY 12592

Phone Number: 845-656-5233

Owner Consent dated: 2-2-25

Signature: \_\_\_\_\_

Print Name: Donald Flood

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: 50.0'

Applicant(s) can provide: 46.7'

Thus requesting: 3.3' front yard variance

To allow: An existing front porch.

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.

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*(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 will remain unchanged, It is currently residential and this project will remain residential and will not alter the character of the neighborhood.

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- 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 structure is existing. There is no other means of correcting the encroachment.

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- 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.

In our opinion, the 3.3' variance is minor. The front porch matches similar existing residential dwellings along Robinsion Lane.

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- 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.

If granted, the physical environmental conditions in the neighborhood will not be impacted. The use currently is and will remain residential, and will not generate any hazardous materials beyond typical household functions.

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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.**

The encroachment is self-created, the owner, contractor, and project engineer provide assurances that this error will not happen again.

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

The property is similar to existing residential dwellings along Robinson Lane. The issuance of this variance will not have an adverse impact to neighboring properties.

**4. List of attachments (Check applicable information)**

- (x) Survey dated: 9-11-24, Last revised 2-20-25 and  
Prepared by: Day & Stokosa Engineering PC.
- (x) Plot Plan dated: 2-20-25.
- (x) Photos - Porch Building Plans attached.
- (x) Drawings dated: 2-20-25.
- (x) Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Phone call with the BLDG Department Dated: 2-20-25
- ( ) 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: Donell A. Hargrett  
(Appellant)

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

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.**

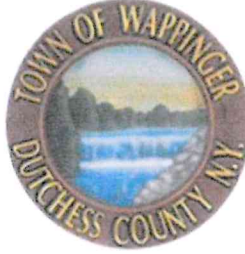
**DATED:** \_\_\_\_\_

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: \_\_\_\_\_

Date: 2-20-25

Grid No.: 135689-6459-03-077339-0000

Zoning District: \_\_\_\_\_

Location of Project:

105 Robinson Lane, Wappinger Fall NY 12590

Name of Applicant:

Donald Flood - 845-656-5233

Print name and phone number

Description of

Project: Front Yard variance of 3.3' for an existing front porch encroachment. 46.7' provided, 50' required.

I, Donald Flood, 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.

2-20-25

Date

845-656-5233

Owner's Telephone Number

Owner's Signature

Donald Flood

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 dead.



# 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: ZBA Variance			
Project Location (describe, and attach a location map): 105 Robinson Lane, Wappinger Fall NY 12590			
Brief Description of Proposed Action:  The owner is requesting a 3.3' front yard variance for an existing front porch. 46.7' provided, 50' required.			
Name of Applicant or Sponsor:  Donald Flood		Telephone: 845-656-5233  E-Mail: Deke878@aol.com	
Address: 41 Benson Road			
City/PO: Wassaic		State: NY	Zip Code: 12592
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 type="checkbox"/>	YES  <input checked="" 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: Building Dept, ZBA		NO  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.93 acres	
b. Total acreage to be physically disturbed?		0.75 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		10+ ac 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: <u>Turtle mitigation area provided to the east, not near the variance encroachment.</u>	<input 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>Existing Well</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>Existing OWTS area</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 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?  The existing development is not within the floodplain boundary	NO	YES
	<input type="checkbox"/>	<input checked="" 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:      Existing Rain Garden	<input type="checkbox"/>	<input checked="" 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>Donald Flood</u> Date: <u>2-20-25</u>		
Signature: <u><i>Donald Flood</i></u> Title: <u>Owner</u>		