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July 9, 2025

**VIA ELECTRONIC MAIL AND FEDERAL EXPRESS**

Chairman John Lorenzini  
and Members of the Zoning Board of Appeals  
Town of Wappinger  
20 Middlebush Road  
Wappingers Falls, New York 12590



Re: Application for an Area Variance  
Owner: Joshua Indorf and Marlena Indorf  
Premises: 140 Old Hopewell Road, Wappingers Falls, New York  
Parcel No.: 6157-01-313530

Dear Chairman Lorenzini and Members of the Zoning Board of Appeals:

On behalf of our clients, Joshua Indorf and Marlena Indorf (the "Applicants"), owners of the above-referenced parcel (the "Premises"), we respectfully submit this letter and enclosures in support of the Applicants' Application for an Area Variance (the "Application") for the legalization of the existing pool shed (the "Pool Shed") on the Premises. The Premises is an approximately 2.67-acre parcel located south of Old Hopewell Road, between Route 9 to the east and Route 9D to the west, in the Town of Wappinger (the "Town"). The Premises is classified in the Town's R-40 One-Family Residence Zoning District, and is currently improved with the Applicants' residence and associated accessory structures, including the in-ground pool and associated accessory Pool Shed. **See Exhibit A** – Images of the Premises and Surrounding Area.

The Applicants are not proposing any new construction, and through this Application are merely seeking approvals from the Town to legalize the existing conditions at the Premises. Several years ago, the Applicants obtained certain approvals related to the in-ground pool at the Premises and installed the Pool Shed at that time. The Applicants believed that the applicable rear yard setback distance for the Pool Shed would be 10 feet, and that the Town would review the Pool Shed during the Building Permit closeout process for the pool. They were later informed that a separate application would be required to legalize the Pool Shed. The Applicants recently applied to the Town for a Building Permit to complete this legalization. In response, and as indicated in the enclosed denial letter issued by Town Zoning Administrator Barbara Roberti, dated June 16, 2025 (the "Denial Letter"), the Applicants' Building Permit Application was denied because the Pool Shed does not comply with the rear yard setback requirement. **See Exhibit C** – Denial Letter. The Applicants are therefore seeking an area variance from the applicable rear yard setback requirement to maintain and legalize the Pool Shed on the Premises.



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It is respectfully submitted that, for the reasons set forth below, the area variance requested by the Applicants is *de minimis* and poses no detriment to the character of the neighborhood or health and safety of the community. As such, the requested area variance should be granted.

#### **AREA VARIANCE RELIEF REQUESTED**

Pursuant to the Denial Letter attached hereto as **Exhibit C**, one (1) area variance is required. The Applicants respectfully request that the Zoning Board of Appeals (the "ZBA" or this "Board") grant area variance relief from Town Zoning Code Section 240-37 / 240 Attachment 3: Schedule of Dimensional Regulations – Residential Districts, which require a minimum rear yard setback of 50 feet for buildings and structures within the R-40 Zoning District. The Pool Shed is presently located 16.1 feet from the lot line of the Premises, therefore the Applicants are requesting a variance of 33.9 feet.

It should be noted that the Town Zoning Code provides a 10-foot rear yard setback requirement for accessory structures within the R-40 Zoning District which are less than 15 feet in height and 144 square feet in area. The existing Pool Shed varies in height between 13'-11" and 20'-4" tall due to variations in grading at the Premises, and is 192 square feet in area, which exceeds the parameters to qualify for the accessory structure setback requirement by at most 5 feet, 4 inches in height and by 48 square feet in area. Therefore, the 50-foot setback requirement for buildings and structures within the R-40 Zoning District applies. However, the existence of a separate setback requirement for accessory structures demonstrates the Town's recognition that in certain circumstances, accessory structures like the Pool Shed may appropriately be located only 10 feet from abutting property lot lines.

#### **THE FIVE FACTORS BALANCE IN FAVOR OF GRANTING THE AREA VARIANCE**

New York State Town Law Section 267-b(3)(b) and Town Zoning Code Section 240-107(B)(2)(b)[2][a] provide a balancing test for a zoning board to consider when determining whether to grant an area variance. Specifically, in considering the requested variance, the Board shall weigh the benefit to the applicants if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant.

In conducting the aforementioned balancing test, the zoning board shall consider: "(i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (ii) whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than the area variance; (iii) whether the requested area variance is substantial; (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not



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necessarily preclude the granting of the area variance.” N.Y. TOWN LAW § 287-b(3)(b); *see also* Town Zoning Code § 240-107(B)(2)(b)[2][a][i]-[v].

The five (5) area variance factors set forth in these provisions and outlined above are a tool for the ZBA to use in determining whether to grant the requested relief. It is important to note that no single factor is determinative in assessing an area variance application. For the following reasons and based on the evidence in the record, we respectfully submit that upon balancing the variance criteria, the granting of the requested area variance relief is warranted.

***1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

Granting the requested area variance would neither produce an undesirable change in the character of the neighborhood, nor result in a detriment to nearby properties. Rather, the variance requested, and the Pool Shed itself, is wholly consistent with the existing conditions at the Premises and the character of development within the surrounding neighborhood. Preserving such existing conditions would not result in any perceptible impact upon nearby properties.

The existing neighborhood character, as well as the existing character of the Premises, is such that there would be no adverse impact to the surrounding community by granting the variance. The Premises is located within a residentially zoned area characterized by large, heavily vegetated zoning lots with sparse or clustered development. It is bounded to the north by Old Hopewell Road, followed by The Nature Preserve townhome community; to the east and southeast by two multi-acre properties owned by the Town, which are undeveloped or largely undeveloped and occupied largely by wooded areas; and to the west and southwest by an undeveloped wooded 7.55-acre property owned by the Applicants. *See Exhibit A* – Images of the Premises and Surrounding Area. The rear lot line of the Premises, nearest to the Pool Shed, abuts the adjacent property owned by the Applicants.

Based upon the location of the Pool Shed on the Premises, and the presence of significant intervening distances and vegetation, the Pool Shed is not visible from the street, the Town-owned properties, or the other residences in the area. The Pool Shed is visible only from within the Premises and from limited locations on the adjacent undeveloped parcel owned by the Applicants. Further, on the developed parcels in the area, a majority of lots are developed with primary residences along with accessory structures, such as pools, sheds, and barns. *See Exhibit A* – Images of the Premises and Surrounding Area. The existing Pool Shed at the Premises is consistent with this established pattern of land use in the surrounding area.

The Applicants propose to preserve the existing conditions at the Property by maintaining the Pool Shed in its current location and with its current rear yard setback distance. This would not



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result in any visual, noise, or other impact to the adjoining properties or neighboring residences. Therefore, when viewed in the totality of the circumstances, the requested variance would not cause any undesirable change or detrimental impact to the character of the neighborhood or detriment to nearby properties.

***2. Whether the benefit sought by the applicant can be achieved by some method feasible to the applicant to pursue, other than the area variance.***

New York State Town Law Section 267-b(3)(b)(2) and Town Zoning Code Section 240-107(B)(2)(b)[2][a][ii] require the Board to consider “whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.” The range of appropriate alternatives is limited by two standards: first, the alternative must still provide the benefit sought by the applicant; and second, the alternative must be feasible for the applicant to pursue. A zoning board may not deny a variance and attempt to relegate an applicant to an alternative design that is a “profound departure” from, or substantially more costly than, the design proposed in the variance. Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dept. 2002). See also Baker v. Brownlie, 248 A.D.2d 527 (2d Dept. 1998); Salkin, New York Zoning Law & Practice § 29:36 Administrative Relief from Zoning Regulations: Variances.

In the instant matter, the Applicants are proposing to maintain the Pool Shed at the Premises in its present location. Absent the Board’s granting of the requested setback variance, the Applicants are unable to achieve this objective. Should the Town decline to grant the variance, the Applicants would be forced to reduce the height and area of the Pool Shed to qualify for the 10-foot setback requirement for accessory structures, or otherwise to relocate the Pool Shed to an alternate location on the Premises, both of which would be economically wasteful. Conversely, granting the requested variance would not introduce a new structure or otherwise alter the Premises, but would merely serve to maintain the existing conditions and residential use and development of the Premises.

In light of the foregoing, it is respectfully submitted that there are no feasible alternatives that the Applicants can pursue other than the requested variance.

***3. Whether the requested area variance is substantial.***

Upon consideration of the facts and circumstances of this Application, the requested area variance is not substantial. The substantiality of a variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the Zoning Code. Indeed, the overall effect of granting the relief is the appropriate inquiry. As discussed in further detail below, there would be no adverse impact to neighboring properties as a result of granting the variance.



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In considering whether a variance is substantial, the Board shall examine the totality of the circumstances within an application. See Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dep't 2008) (although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); see also Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3rd Dep't 2013) (upholding ZBA determination that an area variance was not substantial when compared to the nearby buildings). Indeed, "[s]ubstantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one." Lodge Hotel v. Town of Erwin Zoning Bd. of Appeals, 2007 WL 5649523 No. 94817 (Jan. 24, 2007) \*1, affirmed, 43 A.D.3d 1447, 843 N.Y.S.2d 744 (4th Dep't 2007).

It is respectfully submitted that the requested area variance is not substantial. Although the dimensional relief requested (i.e., 33.9 feet, as compared to the 50-foot side yard setback requirement) may appear to be significant, the requested variance would not be perceptible from the street, from any surrounding residences, or from the abutting Town-owned properties. As noted above, views of the Pool Shed are limited to areas within the Premises and to limited locations on the Applicants' abutting property to the east. Further, an accessory structure with only slightly smaller dimensions than the Pool Shed could be set back by only 10 feet from the rear yard lot line of the Premises; the Pool Shed conforms to this accessory structure setback distance. Therefore, granting the requested variance to maintain the Pool Shed in its present location is not anticipated to have any impact upon the surrounding community, and should not be considered substantial.

To the extent that this Board may believe otherwise, we respectfully remind the Board that the mere fact that a variance may be deemed "substantial," or fails to meet one of the other five factors, does not preclude application of the *overall* balancing test. Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dept. 2002) (determination that a request that was determined "substantial" did not excuse Zoning Board of Appeals from applying the overall balancing test).

***4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

It is respectfully submitted that the requested variance would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Generally, residential uses, including uses and structures accessory to residential development, are considered low intensity uses which do not result in any significant environmental impacts. Granting the variance would simply allow the Applicants to maintain the existing use and development of the Premises as a residence with an accessory pool and Pool Shed. Therefore, the requested variance would not adversely impact the environment.



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The requested area variance constitutes an action exempt from the New York State Environmental Quality Review Act ("SEQRA"), as both the granting of the setback variance for the Pool Shed and the construction of the Pool Shed itself are Type II Actions that have been determined not to have a significant impact on the environment. See 6 NYCRR § 617.5(C)(12) and (16). Nevertheless, we have included with this submission a Short Environmental Assessment Form ("EAF"), which demonstrates that granting the requested area variance would not create any significant adverse environmental impacts. See **Exhibit D** – Short EAF.

***5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.***

The area variance requested herein is not self-created. The Applicants are before the Board due to their prior understanding, based upon communications with Town personnel, that the applicable rear yard setback requirement for the accessory Pool Shed would be 10 feet. The Applicants constructed the Pool Shed in its present location in reliance on that interpretation, and were later informed that a setback requirement of 50 feet would instead apply. Accordingly, the Applicants are now requesting relief from the 50-foot setback requirement to maintain the existing conditions at the Premises.

To the extent that the Board may believe that the need for the variance is self-created, we respectfully remind the Board that this factor does not alone justify denial of an area variance under New York State Town Law Section 267-b(3)(b)(5) and Town Zoning Code Section 240-107(B)(2)(b)[2][a][v]. See also Daneri v. Zoning Bd. Of Appeals of Town of Southold, 98 A.D.3d 508, 510 (2d Dep't 2012) (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).

**CONCLUSION**

For the reasons set forth above, and as will be further discussed at the public hearing on this matter, the Applicants request that the aforementioned area variance be granted to provide relief from the Town Zoning Code and allow the Applicants to maintain and legalize the existing Pool Shed at the Premises. It is respectfully submitted that the benefit to the Applicants if the variance is granted clearly outweighs any possible detriment to the health, safety, and welfare of the neighborhood or community by such grant.



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In support of this Application, enclosed please find one (1) original and seven (7) copies of the following materials:

- Exhibit A:** Images of the Premises and Surrounding Area;
- Exhibit B:** Application for an Area Variance and Owner Consent Form;
- Exhibit C:** Denial Letter from Town of Wappinger Deputy Zoning Administrator, dated June 16, 2025;
- Exhibit D:** Short Environmental Assessment Form;
- Exhibit E:** Survey of the Premises, prepared by Edward T. Gannon, P.L.S., dated May 1, 2021; and
- Exhibit F:** As-built drawings of "Indorf Shed," prepared by Herbert Feuerstein, Architect, dated April 23, 2025.

Additionally, enclosed please find a check payable to the Town in the amount of \$375.00 representing the Application fee. Please note that copies of this letter and all referenced materials have also been provided to the Town via electronic mail.

We look forward to appearing at this Board's regular meeting on July 22, 2025 to discuss this Application. In the meantime, should the Board or Town Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me. Thank you for your time and consideration of this matter.

Sincerely,

*Jessica Zalin*

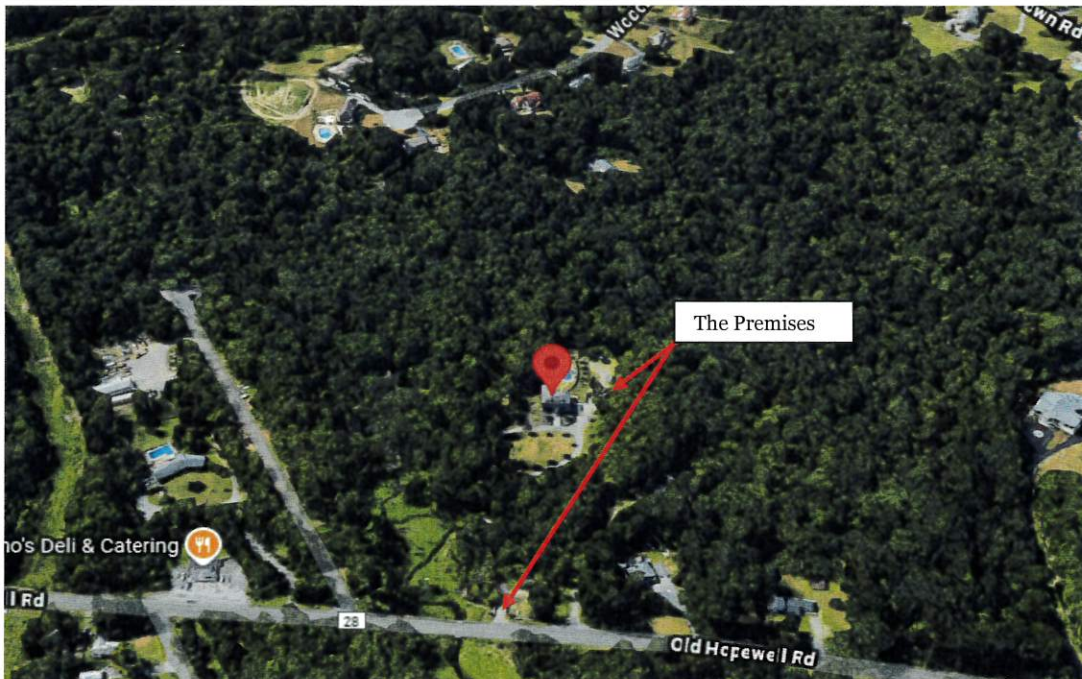
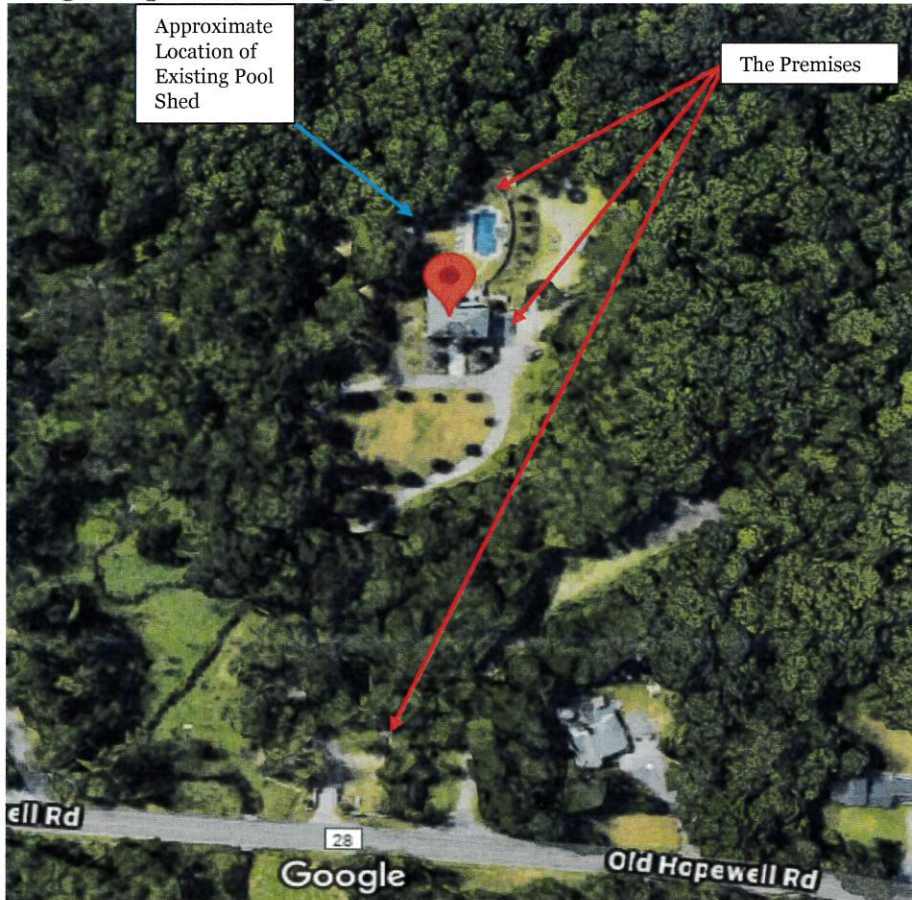
Jessica Zalin

Enclosures

cc: Barbara Roberti, Town of Wappinger Director of Strategic Planning and Municipal Codes  
Rebecca A. Valk, Esq., Attorney to the Zoning Board of Appeals  
Joshua Indorf  
Taylor M. Palmer, Esq.

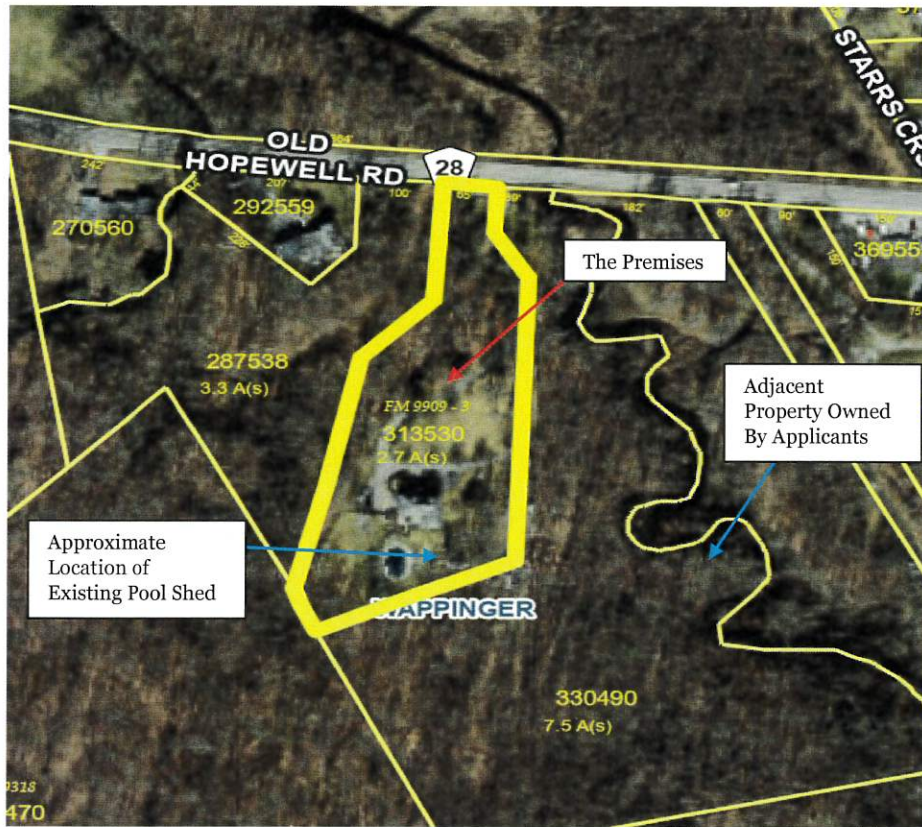
**Exhibit A: Images of the Premises and Surrounding Area**

**Google Maps Aerial Images of the Premises:**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

**Dutchess County Parcel Access Viewer Image of Premises:**



**Google Maps Street View – Front of Premises:**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

**Google Maps Street View – Old Hopewell Road Looking West Toward Premises  
(Residence, Pool, and Pool Shed Not Visible):**



**Google Maps Street View – Old Hopewell Road Looking East Toward Premises  
(Residence, Pool, and Pool Shed Not Visible):**

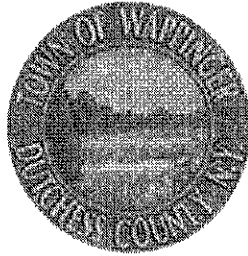


**ZONING BOARD OF APPEALS  
AREA VARIANCE  
CHECKLIST**

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

- ☒ Application: Must state if the applicant is the owner, if not, consent will be required
- ☒ Signatures: Must be original signatures
- ☒ Letter of Consent: If required
- ☒ EAF: Short Form is required (Environmental Assessment Form)
- ☒ Survey: Survey of property is required
- ☒ 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)
- ☒ 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.: 25-7856

Date: 7-11-25

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

I (We), Joshua Indorf and Marlena Indorf residing at 140 Old Hopewell Road  
Wappingers Falls, NY 12590, (phone) 914-906-6811, hereby,

appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 6/12/2025, and do hereby apply for an area variance(s).

Premises located at: 140 Old Hopewell Road, Wappingers Falls, NY 12590

Tax Grid No.: 6157-01-313530-0000

Zoning District: R40

1. Record Owner of Property:

Joshua Indorf and Marlena Indorf

Address: 140 Old Hopewell Road, Wappingers Falls, NY 12590

Phone Number: 914-906-6811

Owner Consent dated: 6/29/25

Signature: [Signature]

Print Name: Joshua G. Indorf

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 and Section 240 Attachment 3 - Schedule of Dimensional Regulations - Residential Districts  
(Indicate Article, Section, Subsection and Paragraph)

Required: 50 foot rear yard

Applicant(s) can provide: 16.1 rear yard setback

Thus requesting: a 33.9 foot side yard setback variance

To allow: the legalization and maintenance of the existing pool shed at the property.

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 25-7856

**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.

Please see attached narrative.

- 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.

Please see attached narrative.

- 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.

Please see attached narrative.

- 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.

Please see attached narrative.

Town of Wappinger Zoning Board of Appeals

Application for an Area Variance

Appeal No.: 25-7856

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

Please explain your answer in detail.

Please see attached narrative.

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

Please see attached narrative.

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

- (✓) Survey dated: May 1, 2021, Last revised \_\_\_\_\_ and  
Prepared by: Edward T. Gannon, P.L.S.
- ( ) Plot Plan dated: \_\_\_\_\_
- (✓) Photos
- (✓) Drawings dated: April 23, 2025
- (✓) Letter of Communication which resulted in application to the ZBA.  
(*e.g., recommendation from the Planning Board/Zoning Denial*)  
Letter from: Barbara Roberti, Zoning Administrator Dated: June 12, 2025
- ( ) Other (*Please list*): Short Environmental Assessment Form

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: 6/29/25

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.**

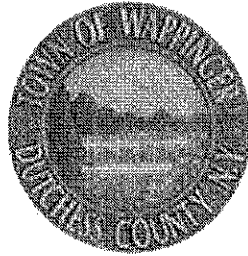
**DATED:** \_\_\_\_\_

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: 25-7856

Date: 7-11-25

Grid No.: 6157-01-313530-0000

Zoning District: R40

Location of Project:

140 Old Hopewell Road, Wappingers Falls, NY 12590

Name of Applicant:

Joshua Indorf and Marlena Indorf 914-906-6811

Print name and phone number

Description of

Project: Applicant requests a rear yard setback variance to legalize and maintain the existing pool shed at the property,

I, Joshua Indorf, 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.

Date

6/29/25  
914-906-6811

Owner's Telephone Number

[Signature]  
Owner's Signature

Joshua Indorf

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.

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

To: Indorf, Joshua  
140 Old Hopewell Rd

SBL: 6157-01-313530-0000  
Date of this Notice: 06/12/2025  
Zone:  
Application: 45610

For property located at: 140 Old Hopewell Rd

Your application to:

**SHED - 192 SQ FT POOL SHED - LEGALIZATION -**

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 placed his pool shed 16.1 from the rear property line.

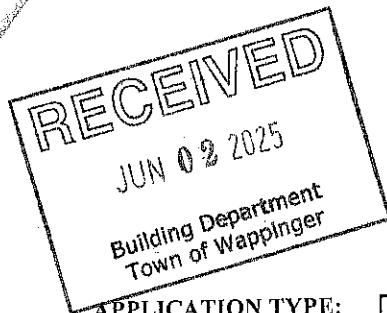
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	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>50</u> ft.	<u>16.1</u> ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ 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: R40 DATE: 6/4/2025  
APPL #: 45610 PERMIT #  
GRID: 6157-01-313530-0000

APPLICANT NAME: Joshua Indorf and Marlena Indorf  
ADDRESS: 140 Old Hopewell Road, Wappingers Falls, NY 12590  
TEL #: 914-906-6811 CELL: FAX #: E-MAIL: josh@jerricoinc.com

NAME OWNER OF BUILDING/LAND: Joshua Indorf and Marlena Indorf  
\*PROJECT SITE ADDRESS\*: 140 Old Hopewell Road, Wappingers Falls, NY 12590  
MAILING ADDRESS: 140 Old Hopewell Road, Wappingers Falls, NY 12590  
TEL #: (914) 906-6811 CELL: FAX #: E-MAIL: josh@jerricoinc.com

BUILDER/CONTRACTOR DOING WORK:  
COMPANY NAME: N/A - existing structure  
ADDRESS:  
TEL #: CELL: FAX #: E-MAIL:

DESIGN PROFESSIONAL NAME:  
TEL #: 914-355-2200 CELL: FAX #: 914-355-2198 E-MAIL: hefarch@gmail.com

APPLICATION FOR: Legalization of the existing pool shed.

SETBACKS: FRONT: > 50' REAR: 16.1' L-SIDEYARD: > 25' R-SIDEYARD: 71.1'  
SIZE OF STRUCTURE: 12' x 16' (192 SF) / 13'-11" high at shortest side, 20'-4" at tallest side  
ESTIMATED COST: \$0 - existing structure TYPE OF USE: pool shed

NON-REFUNDABLE APPL. FEE: 100- PAID ON: 6/4/25 CHECK # 440 RECEIPT #: 2025-00867  
Legalization BALANCE DUE: 250- PAID ON: 6/4/25 CHECK # 440 RECEIPT #: 2025-00866

APPROVALS:  
ZONING ADMINISTRATOR:  
O Approved ☒ Denied Date: 6/12/25  
Signature of Applicant: Barbara Roberts  
5/2/25

FIRE INSPECTOR:  
O Approved O Denied Date:  
Signature of Building Inspector

Print Name or Company Name(if applicable)

# Short Environmental Assessment Form

## Part 1 - Project Information

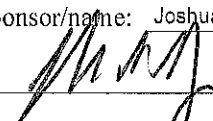
### Instructions for Completing

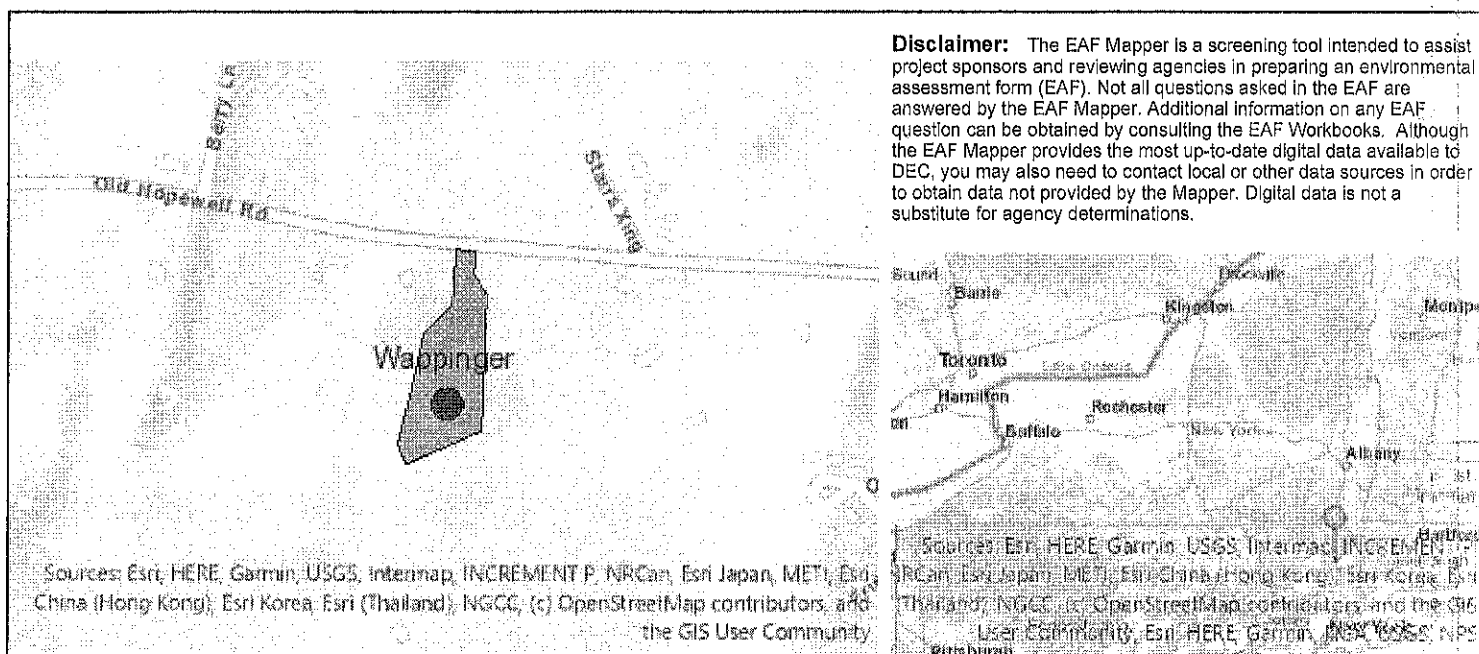
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Joshua Indorf and Marlena Indorf - Pool Shed			
Project Location (describe, and attach a location map): 140 Old Hopewell Road, Wappingers Falls, NY 12590 (6157-01-313530-0000)			
Brief Description of Proposed Action: Applicant requests variance approval to legalize and maintain the existing pool shed at the property.			
Name of Applicant or Sponsor: Joshua Indorf and Marlena Indorf		Telephone: 914-906-6811 E-Mail: josh@jerricoinc.com	
Address: 14 Old Hopewell Road			
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? 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 checked="" type="checkbox"/>	YES <input 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: Town of Wappinger Building Department - Building Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		2.67 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		10.22 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <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 checked="" type="checkbox"/> Other(Specify): Town-owned vacant lands <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 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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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? Indiana Bat, Northern Long-...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	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 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: Joshua Indorf and Marlena Indorf      Date: 6/29/25		
Signature:  Title:		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat, Northern Long-eared Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No