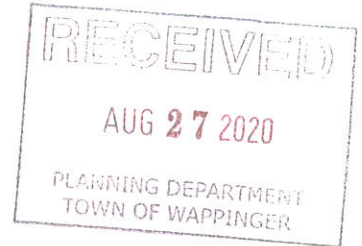


TOWN OF WAPPINGER
 P.O. BOX 324 ~ 20 MIDDLEBUSH ROAD
 WAPPINGERS FALLS, NY 12590

Zoning Board of Appeals
 Office: 845.297.1373 ~ Fax: 845.297.4558
 Zoning Enforcement Officer
 Office: 845.297.6257
 www.townofwappinger.us



Application for an Area Variance

Appeal # 20-7709

Dated: August 27, 2020

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

I(We), Daniel Barry residing at 49 middle bush Road
Wappingers Falls NY 12590 845-453-3391 (phone), hereby appeal
 to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
 dated 8/26/2020, 200___, and do hereby apply for an area variance(s).

Premises located at 49 middle Bush Road
 Tax Grid # R 20/40 6157-02-507894
 Zoning District R 20/40

1. Record Owner of Property Daniel Barry
 Address 49 middle Bush Road Wappingers Falls
 Phone Number 845-453-3391
 Owner Consent: Dated: 8/26/2020 Signature: [Signature]
 Printed: Daniel Barry

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.

240.37

(Indicate Article, Section, Subsection and Paragraph)
 Required: _____
 Applicant(s) can provide: 25' to side Prop.
 Thus requesting: 9' to side
 To allow: 16' variance
Front porch

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.

It will be a big improvement.

No negatives, it will improve the appearance of this house.

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 need 25 feet, but there are only 9.

No, there is no other way.

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.

It is the same depth as the existing front deck, but will now be longer.

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, not at all.

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

No, the porch will not extend past the width of my house. It came about because I want to improve my house.

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

It's too close to the neighbors property line, so I will need the variance.

4. List of attachments (Check applicable information)

Survey Dated Nov. 10, 1990, Last Revised _____ and Prepared by Robert D. Kalaka, ULS.

Plot Plan Dated _____.

Photos

Drawings Dated _____.

Letter of Communication which resulted in application to the ZBA. (e.g., recommendation from the Planning Board/Zoning Denial)

Letter from Barbara Roberti Dated: 8-26-20
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.

X SIGNATURE [Signature] DATED: 8/26/2020
(Appellant)

SIGNATURE _____ DATED: _____
(If more than one Appellant)

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) / 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 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
20 Middlebush Road
Wappingers Falls, NY 12590

Planning Department
Office: 845.297.1373 ~ Fax: 845.297-0579
www.broberti@townofwappinger.us

Owner Consent Form

Project # 20-7709

Date: 8/26/2020

Grid # 6157-02-507894

Zoning District: R 20/40

Location of project: 49 Middlebush Rd.

Name of Applicant: Daniel Barry
Print name and phone number

Description of project: front deck

I Daniel Barry, 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 8/26/2020

Owner's Signature

Owner's Telephone No. 845-453-3396

Daniel Barry / owner
Print Name and Title ***

49 Middlebush Rd Wapp Falls
Owner's Address
NY 12590

***If this is a Corporation or LLC please provide documentation of authority to sign.

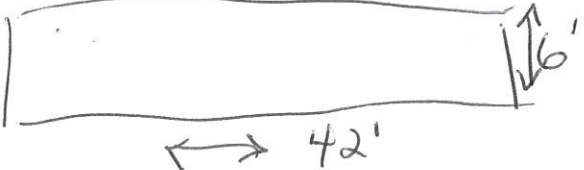
If this is a subdivision application, please provide a copy of the deed.

617.20
Appendix B
Short Environmental Assessment Form

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 I. 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 I - Project and Sponsor Information | | | |
|--|--|--|---|
| Name of Action or Project: Daniel Barry / Front porch | | | |
| Project Location (describe, and attach a location map): 49 Middlebush Rd. Wappinger Falls N.Y. 12590 | | | |
| Brief Description of Proposed Action: <div style="text-align: center; margin-top: 10px;">  </div> | | | |
| Name of Applicant or Sponsor: Daniel Barry | | Telephone: 845 453 3396 | |
| Address: 49 Middlebush Rd | | E-Mail: | |
| City/PO: Wappinger 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 | YES |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: | | NO | YES |
| 3.a. Total acreage of the site of the proposed action? | | 1.1 acres | |
| b. Total acreage to be physically disturbed? | | 6.67 x 42 ft acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | 1.1 acres | |
| 4. Check all land uses that occur on, adjoining and 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, a. A permitted use under the zoning regulations? | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> N/A |
| 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? | <input type="checkbox"/> NO | <input checked="" type="checkbox"/> YES | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| b. Are public transportation service(s) 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 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? If the proposed action will exceed requirements, describe design features and technologies: _____ | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| b. Is the proposed action located in an archeological sensitive area? | <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? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 16. Is the project site located in the 100 year flood plain? | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO | <input type="checkbox"/> YES | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ | <input type="checkbox"/> NO | <input type="checkbox"/> YES | |

| | | |
|---|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ | 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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor name: <u>Dawley Barry</u> | Date: <u>8/26/2020</u> | |
| Signature: <u>[Signature]</u> | | |

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will the proposed action impair the character or quality of the existing community? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. public / private wastewater treatment utilities? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | <input type="checkbox"/> | <input type="checkbox"/> |

| | No, or small impact may occur | Moderate to large impact may occur |
|---|-------------------------------|------------------------------------|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action create a hazard to environmental resources or human health? | <input type="checkbox"/> | <input type="checkbox"/> |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

| | |
|--|--|
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input type="checkbox"/> | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. |
| _____ | _____ |
| Name of Lead Agency | Date |
| _____ | _____ |
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| _____ | _____ |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

PRINT

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

To: Barry, Daniel
49 Middlebush Rd
Wappinger Falls NY

SBL: 6157-02-507894
Date of This Notice: 8/26/2020
Zone: R20/40
Application #: 39605

For Property Located at: 49 Middlebush Rd

Your application to:

CONSTRUCT 40'8" X 6' FRONT DECK

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

Where 25 feet to the side property line is required, the applicant can provide 9 feet to the side property line for a new front porch.

- "Accessory Structures must comply with all minimum yard setback requirements for buildings, but in no case shall they be permitted in the front yard."
- Does NOT MEET dimensional requirement for Zone.
- "This zoning district has a front yard requirement of seventy-five feet (75') from a state or County road."

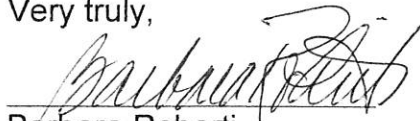
As per code Section 240-26, which states: " The use of tents, trailers and mobile homes for

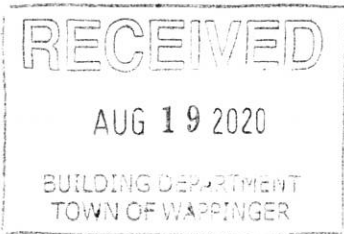
- permanent dwelling purposes shall not be permitted in any district except as permitted and regulated in Section 240-51, Mobile home park, of this chapter..."

| | R E Q U I R E D: | WHAT YOU CAN PROVIDE: |
|--------------------|------------------|-----------------------|
| REAR YARD: | _____ ft. | _____ ft. |
| SIDE YARD (LEFT): | _____ ft. | _____ ft. |
| SIDE YARD (RIGHT): | _____ ft. | _____ ft. |
| FRONT YARD: | _____ ft. | _____ ft. |
| SIDE YARD (LEFT): | <u>25</u> ft. | <u>9</u> 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. The 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.

Very truly,


 Barbara Roberti
 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 Commercial Multiple Dwelling
 New Construction Commercial
 Renovation/Alteration Multiple Dwelling
ZONE: B20/40 DATE: 8/21/2020
APPL #: 39605 PERMIT # _____
GRID: 6157-02-507894

APPLICANT NAME: Daniel Barry
ADDRESS: 49 Middlebush Rd. Wappingers Falls NY 12590
TEL #: _____ CELL: 845-453-3396 FAX #: _____ E-MAIL: _____
*

NAME OWNER OF BUILDING/LAND: Daniel Barry
PROJECT SITE ADDRESS: 49 Middlebush Rd Wappingers Falls NY 12590
MAILING ADDRESS: _____
TEL #: _____ CELL: 845-453-3396 FAX #: _____ E-MAIL: _____

BUILDER/CONTRACTOR DOING WORK:
COMPANY NAME: self
ADDRESS: _____
TEL #: _____ CELL: _____ FAX #: _____ E-MAIL: _____

DESIGN PROFESSIONAL NAME:
TEL #: _____ CELL: _____ FAX #: _____ E-MAIL: _____

APPLICATION FOR: front deck
40' 8" x 6'

SETBACKS: FRONT: _____ REAR: _____ L-SIDEYARD: _____ R-SIDEYARD: _____

SIZE OF STRUCTURE: _____

ESTIMATED COST: 4000 \$ **TYPE OF USE:** _____

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 8/21/2020 CHECK # 1834 RECEIPT #: 20-21780

BALANCE DUE: _____ PAID ON: _____ CHECK # _____ RECEIPT #: _____

APPROVALS:

ZONING ADMINISTRATOR:
 Approved Denied Date: 8-24-20
Dawn Polak

FIRE INSPECTOR:
 Approved Denied Date: _____

Daniel Barry
Signature of Applicant

Signature of Building Inspector

TOWN OF WAPPINGER
PLOT PLAN

Building Permit # _____

Date 8/18/2020

Address: 49 Middle Bush Road

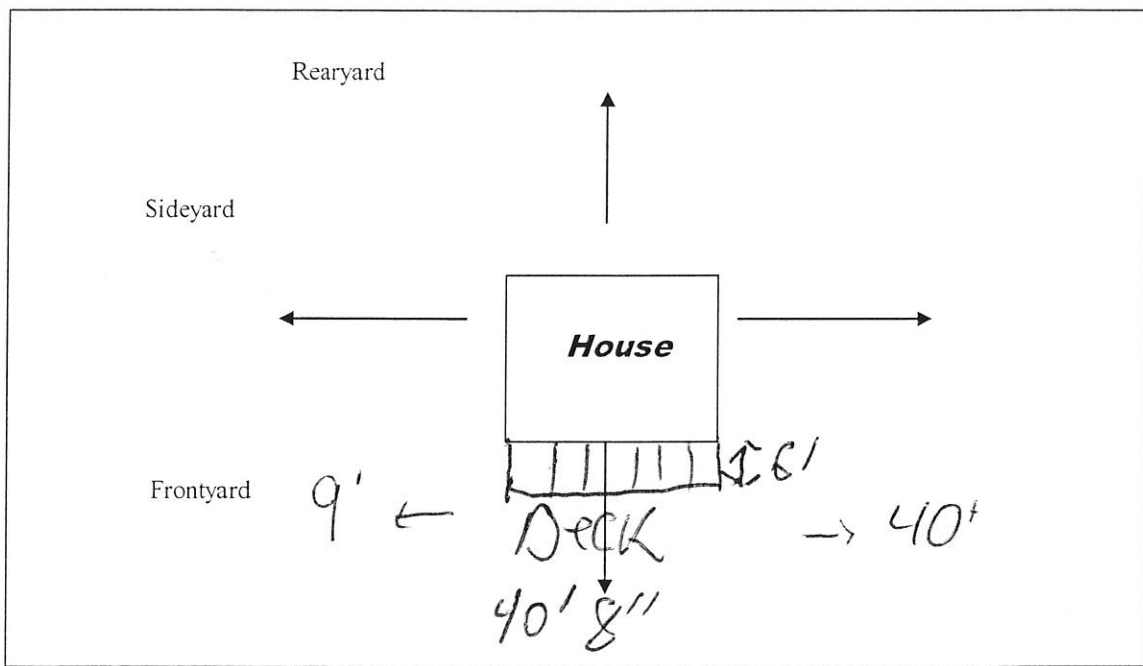
Interior/Corner Lot: *circle one*

Owner of Land Daniel Barry

Zone: B20/40

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

1. House,

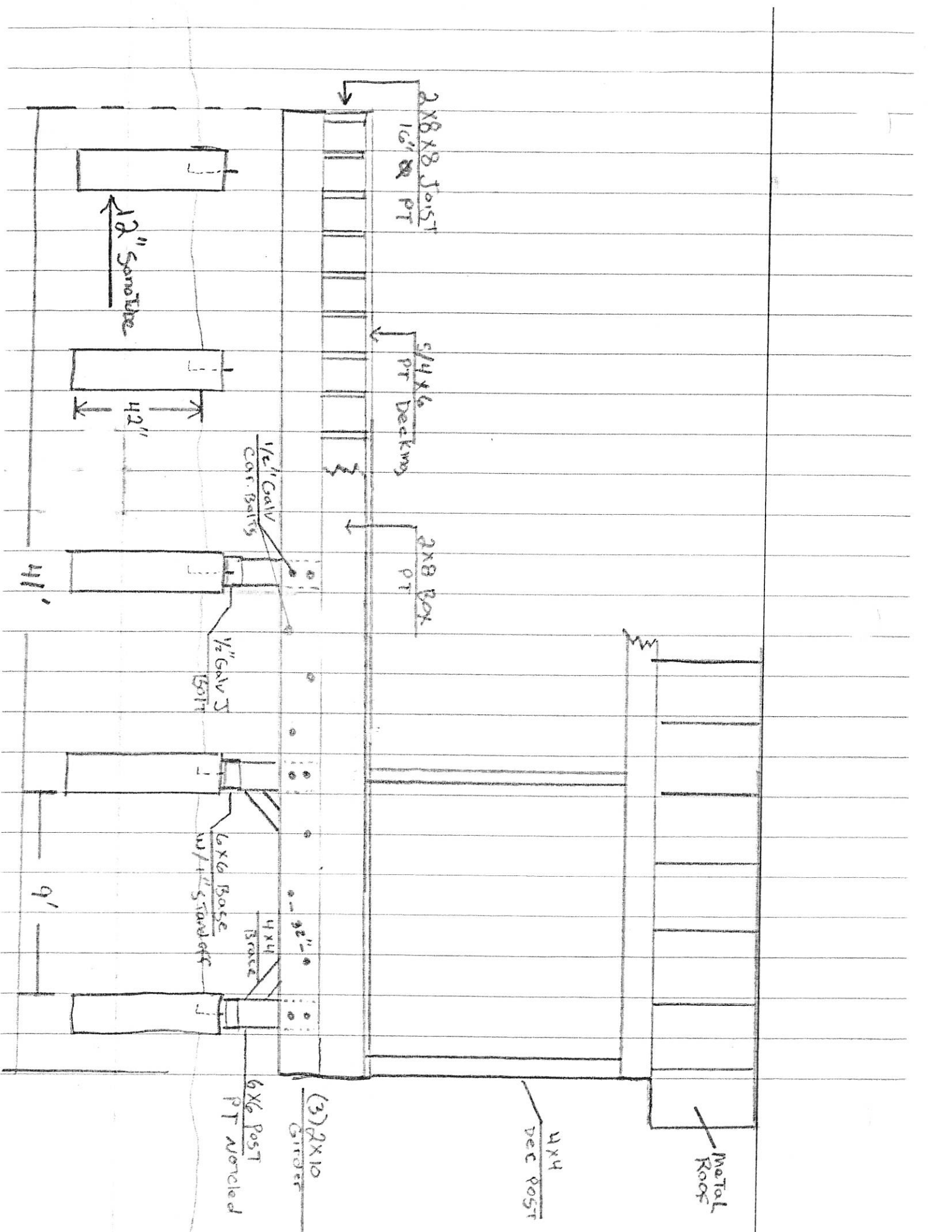


Draw proposed structure on plot plan.
Indicate Location Setbacks to both sides and rear property line
measurement of structure you are applying for.

Daniel Barry
Signature

Approved: *Barbara Pluth*
Zoning Administrator

Date: 8-24-20



Metal Roof

4x4
dec post

(3) 2x10
Girder

6x6 Post
PT Woodered

6x6 Base
w/ 4x4 Standoff

4x4
Brace

1/2" Galv S
Bolts

1/2" Galv
Corr Bolts

2x8 Box
PT

5/4x6
PT Decking

2x8x8 Joist
16" on PT

12" Sandstone

42"

47'

9'

