

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.: 22-7767

Date: 10/14/2022

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

I (We), Jason + Mary Gordon residing at 116 Rusty Trail  
Wappingers Falls NY 12590, (phone) 914-447-3757, hereby,

appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 10/14/22, and do hereby apply for an area variance(s).

Premises located at: 98-116 Rusty Trail Wappingers Falls NY 12590  
Tax Grid No.: 6057-04-744305  
Zoning District: R40/80

1. Record Owner of Property:

Jason + Mary Gordon  
Address: 116 Rusty Trail Wappingers Falls NY 12590  
Phone Number: 914-447-3757  
Owner Consent dated: 10/14/22  
Signature: [Signature]  
Print Name: Jason Gordon

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: no more than 2 accessory permitted in 1-Family Residential District

Applicant(s) can provide: has six structures

Thus requesting: A Variance to allow the structures to remain

To allow: for an 8'x10' Shed, 10'x36' Shed, 12'x40' Shed row barn & 12' diameter gazebo to remain.



**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 character should not change as there are buildings have been there for years already and setbacks are quite large w/ very few neighbors ever seeing these buildings

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.

We need this variance for horse storage for personal use. The gazebo is for viewing purposes of personal horse training + riding. No way to do this without variance as horses need shelter in paddocks area

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.

We don't believe it is substantial due to the size of the property and large setbacks as well as privacy from other neighbors

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.

We don't believe so, again bldgs have been there for many years and has no impact at all to anyone near us in the neighborhood

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

Some structures were there since our purchase in 2004. They were never permitted by previous owner. Barns were put in and not permitted but now we are trying to sell + want to get process going to get all legal

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

Yes it is unique by its sheer size of acreage + privacy as well it houses horses

4. List of attachments (Check applicable information)

- ☒ Survey dated: 8-9-2005, Last revised \_\_\_\_\_ and  
Prepared by: Spectra Engineering & Architecture & Surveying, P.C.  
( ) 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: 10-18-22  
( ) 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: 6/14/2022

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: 22-7767 Date: 10/14/22  
Grid No.: 6057-04-744305 Zoning District: R40/80  
Location of Project:  
98-116 Rusty Trail Wappingers Falls NY 12590  
Name of Applicant: Jason Gordon 914-447-3757  
Print name and phone number  
Description of Project: To legalize 2 Run in shed barns, 1 garage + 1 small shed  
\_\_\_\_\_  
I, Jason Gordon, 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: 10/14/22 Owner's Signature: [Signature]  
914-447-3757 Print Name and Title: Jason Gordon Owner  
Owner's Telephone Number 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.

| Part 1 – Project and Sponsor Information   |  |   |                                 |
|--|--|---|---------------------------------|
| Name of Action or Project:   |  |   |                                 |
| Project Location (describe, and attach a location map):<br><i>98-116 Dusty Trail Wappingers Falls NY 12590</i>   |  |   |                                 |
| Brief Description of Proposed Action:  |  |   |                                 |
| Name of Applicant or Sponsor:<br><i>Jason Gordon</i>   |  | Telephone: <i>914-447-3757</i>                |                                 |
|  |  | E-Mail: <i>jason@totalturflandscaping.com</i> |                                 |
| Address:<br><i>116 Dusty Trail</i>   |  |   |                                 |
| City/PO: <i>Wappingers 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<br><input checked="" type="checkbox"/>     | YES<br><input type="checkbox"/> |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.         |  |   |                                 |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?  |  | NO<br><input checked="" type="checkbox"/>     | YES<br><input type="checkbox"/> |
| If Yes, list agency(s) name and permit or approval:  |  |   |                                 |
| 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:<br>_____<br>_____  | <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: _____<br>_____   | <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: _____<br>_____  | <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: _____<br>_____<br>_____   |                                     |                                     |                          |

|  |                                     |                          |
|--|-------------------------------------|--------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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?<br>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)?<br>If Yes, briefly describe:   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|  |                                     |                          |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>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?<br>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?<br>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>Jason A. Gordon</u> Date: <u>10/14/22</u>   |                                     |                          |
| Signature: <u>[Signature]</u> Title: <u>Owner</u>  |                                     |                          |



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

To: Gordon, Jason  
116 Dusty Trl

SBL: 6057-04-744305-0000  
Date of this Notice: 10/18/2022  
Zone:  
Application: 42404

For property located at: 98-116 Dusty Trl

Your application to:

**SHED - 8' X 10' SHED WITHOUT ELECTRIC. 10' X 36' SHED WITH ELECTRIC. 12' X 40' SHED ROW BARN WITH ELECTRIC. 12' DIAMETER GAZEBO WITHOUT ELECTRIC.**

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

Where two accessory structures are permitted on a residential lot, the applicant has six accessory structures.

---

|                    | REQUIRED: | 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):  | _____ 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

Signature of Building Inspector



# TOWN OF WAPPINGER PLOT PLAN

Building Permit # \_\_\_\_\_

Date 10/17/22

Address: 116 Rusty Trail Wappinger Falls NY

Interior/Corner Lot: *circle one*

Owner of Land Jason A. Gordon

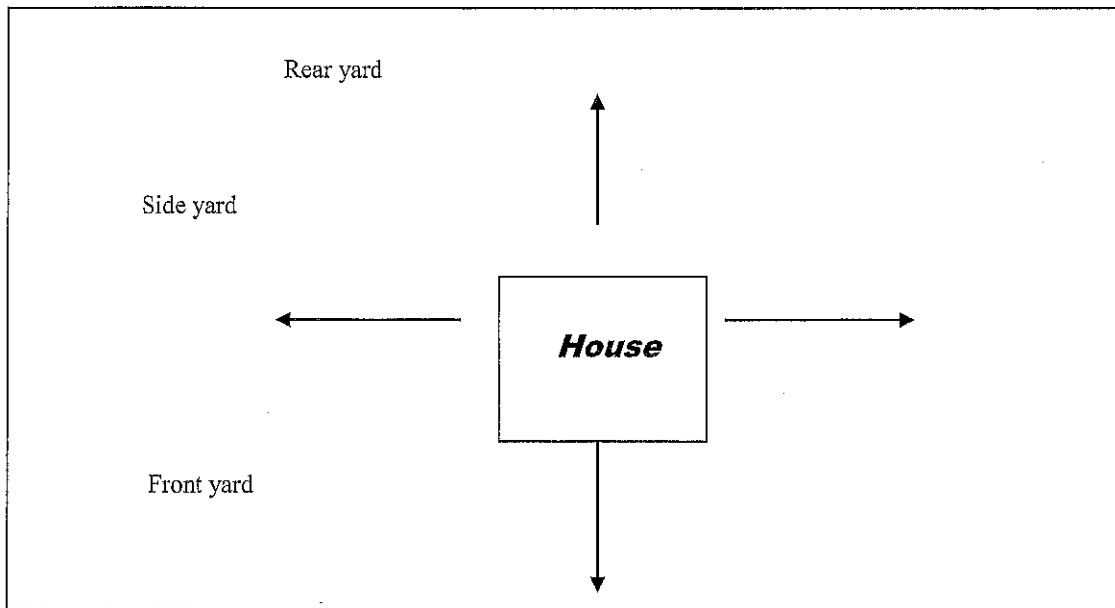
Zone: R40/80

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

1. House, Garage, Cottage, Hot tub, 2 shed Row Barns, 2 shed,

1 Carport

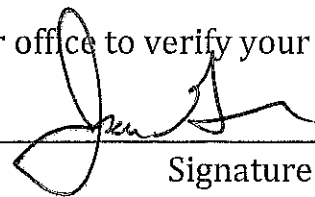
**STRUCTURE MUST MEET REQUIRED SETBACKS. PLEASE CONTACT OUR OFFICE TO FIND OUT HOW FAR YOU NEED TO BE FROM YOUR PROPERTY LINES.**



**INSTRUCTIONS:**

- Draw proposed location of structure on plot plan.
- Indicate location setbacks to both sides and rear property line (How far away is the structure from all property lines, measure in feet) Structure must meet setback requirements.

**\*\*Please contact our office to verify your setback requirements. \*\***

  
\_\_\_\_\_  
Signature

Approved:/Rejected: \_\_\_\_\_

Date: \_\_\_\_\_

Zoning Administrator