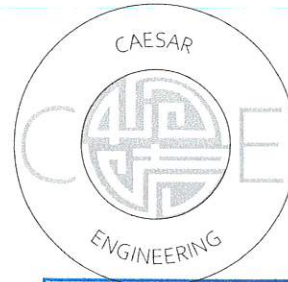


# Area Variance Application Letter: 12 Schlichter Rd, Fishkill, NY

Date: Jan 6, 2023

## Caesar Engineering D.P.C.

367 Windsor Highway #411  
New Windsor, New York, 12553  
845.391.0148  
contact@caesarengineering.work  
www.caesarengineering.work



To: Town of Wappinger, Zoning Board Of Appeals

From: Nathaniel Gooden, P.E.



Members of the board,

This letter is to supplement the Area Variance Application on behalf of Karan Garewal who owns the single-family home located at 12 Schlichter Rd, Fishkill, NY 12524. My firm is representing Mr. Garewal by providing engineering services on his behalf. Mr. Garewal is actively trying to sell his home and is seeking to comply with town regulations in order to complete the sale. In Mr. Garewal's effort to comply with the zoning regulations, he went before the ZBA on 11OCT22 to seek a variance to legalize the attached garage of his home due to its roof and soffit being over the property line. The ZBA denied Mr. Garewal's variance request of 0 feet but informed him that the board would entertain a variance similar or equal to the variance it granted for Mr. Garewal's kitchen (12 feet from the left property line) if he should come back before the board.

Mr. Garewal wishes to comply with the ZBA's decision but unfortunately, the complete removal of 12 feet of his entire home would incur significant demolition and construction costs as well as a detrimental loss of value to his property. The loss of 12 feet of his property also means the loss of the only bathroom for his residence. The removal of 12 feet and his primary bathroom would diminish Mr. Garewal's home to an uninhabitable and undesirable parcel, which would negatively affect the character of the surrounding neighborhood and deter the ability of a future family to move into the home and neighborhood. It should be of note that the extent of the garage, utility room, and bathroom, existed prior to Mr. Garewal's purchase of the property in 2003 as confirmed by the 1990 survey attached. In seeking to comply with the ZBA's decision on 11OCT22, Mr. Garewal has worked with us to find an amenable solution based on the ZBA's decision. Mr. Garewal can alter his garage and utility room wall 2.1 feet from the property line, which would offer a viable solution for him in terms of costs, structural integrity, and value retention. He understands that this is less than the 12 feet that the ZBA has outlined in their decision, but is eager to work with the ZBA to find a solution that would offer the best path forward for his residence, the town, and the neighborhood.

Please see the list of variances below in reference to sections 240-37 of the town code:

<u>Variance:</u>	<u>Requirement:</u>	<u>Client Can Provide:</u>	<u>Requesting:</u>	<u>For the following item:</u>
1	40 ft to the left side yard	2.1 ft	37.9 ft	Garage and Utility Room

Should you grant the variance, we intend to inspect these additions fully to ensure that they are structurally sound and are up to the current building code. Please feel free to contact my office at the address and phone number listed above.

Thank you for your time and effort,



Nathaniel Gooden, P.E.

**Enclosures:**

- 1 - ZBA Area Variance Application
- 2 - 2022 Survey (Dated 11APR22, revised 12AUG22)
- 3- Photos
- 4- Proposed Alteration Plans (Dated 04JAN22)
- 5-1990 Survey (Dated 1990)
- 6- Short Form EAF

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.: 23-7779

Date: 06 JAN 23

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

I (We), Caesar Engineering D.P.C. residing at 367 Windsor Highway #411  
New Windsor, New York, 12553, (phone) 845-275-3825, hereby,

appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated 06JAN23, and do hereby apply for an area variance(s).

Premises located at: 12 Schlichter Road, Fishkill, NY 12524

Tax Grid No.: 6156-02-986957-0000

Zoning District: R-80

1. Record Owner of Property:

Karan Garewal

Address: 6 Brentwood Court, Mt. Kisco, NY 10549

Phone Number: 914 309 5676

Owner Consent dated: 04JAN23

Signature: [Signature]

Print Name: Owner's Agent  
See Consent Form

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: 40 Feet for the left side yard

Applicant(s) can provide: 2.1 Feet

Thus requesting: 37.9 Feet

To allow: The alteration of the garage and utility room wall, removing all portions that are within 2.1 feet of the property line.



**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.

N/A  
(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.

There will be no change to the neighborhood or nearby properties.

- 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.

Due to the ZBA's motion to deny the variance for the garage on 11OCT22, the homeowner seeks to offer a variance that is similar or equal to the variance granted for the kitchen (Variance No. 5). A variance of 2.1 feet is sought to limit potential extensive damage to the structure and loss of the primary bathroom if the variance is greater.

- C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain in detail why it is not substantial.

The variances are substantial. However the home already abuts the property line significantly and has been that way for more than 20 years dating back to the 1990 survey, prior to current ownership.

- 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, these elements are standard parts of any single family home. Additionally, Mr. Garewal's property is set back significantly from the street, which further secludes the portions of the home under review.

Town of Wappinger Zoning Board of Appeals  
Application for an Area Variance  
Appeal No.: 23-7779

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

The owner went before the ZBA on 11OCT22, and was denied a variance of 0 feet from the property line for the garage. The owner is now requesting a variance of 2.1 feet from the property line in order to comply with ZBA decision. The structures existed prior to current ownership.

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


No, the property is a standard single-family dwelling.

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

- ( ) Survey dated: 11APR2022, Last revised 12AUG22 and  
Prepared by: Robert F. OICLE NYS LIC# 050962.
- ( ) Plot Plan dated: See Attached Drawings.
- ( ) Photos
- ( ) Drawings dated: 04JAN22.
- ( ) Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Barbara Roberti Dated: 06JAN23
- ( ) Other (*Please list*): Engineer's Letter dtd 06JAN23

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: 06JAN23

SIGNATURE: \_\_\_\_\_  
(If more than one Appellant)

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



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: 23-7779

Date: 04/19/23

Grid No.: 6156-02-986957-0000

Zoning District: R-80

Location of Project:

12 Schlichter Road, Fishkill, NY 12524

Name of Applicant:

NATHANIEL GOODEN, P.E. (CAESAR ENGINEERING D.P.C.)

Print name and phone number


Description of

Project: THE ALTERATION OF THE EXISTING PRIMARY STRUCTURE,  
MOVING THE GARAGE AND UTILITY ROOM WALL BACK FROM THE PROPERTY LINE.

I, Karan Garewal, 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.

1/4/23

Date

  
Owner's Signature

914 309 5676

Owner's Telephone Number

Karan Garewal, Owner

Print Name and Title \*\*\*

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

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

ZBA APPLICATION PHOTOS: 12 SCHLICHTER RD. FISHKILL, NY

FRONT LEFT SIDE OF PROPERTY: SHOWING GARAGE ROOF TO BE ALTERED



FRONT LEFT SIDE OF PROPERTY: SHOWING GARAGE WALL TO BE ALTERED



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

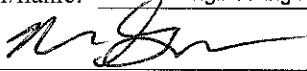
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

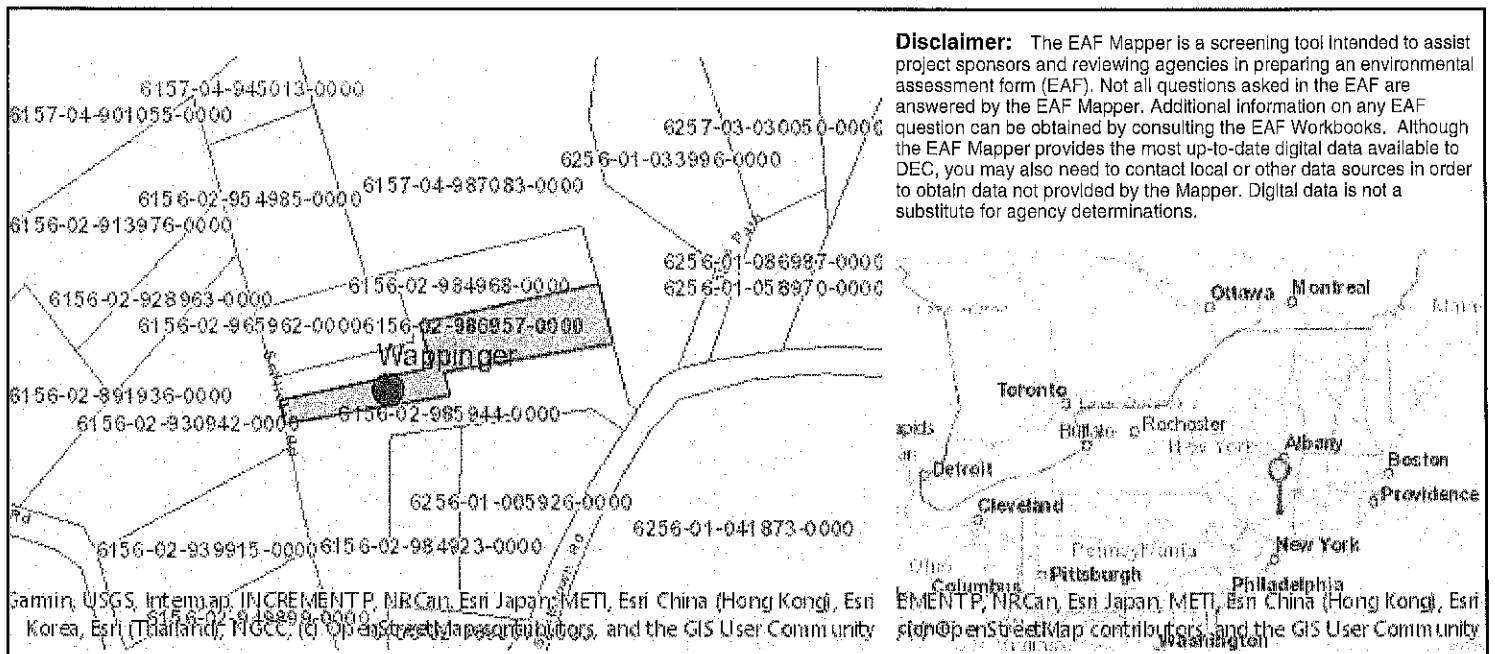
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Zoning Area Variance Application			
Project Location (describe, and attach a location map): 12 Schlichter Rd, Fishkill, NY 12524			
Brief Description of Proposed Action: Submission of a variance application to legalize existing features of the single-family home on the property.			
Name of Applicant or Sponsor: Caesar Engineering D.P.C.		Telephone: 845-275-0230 E-Mail: contact@caesarengineering.work	
Address: 367 Windsor Highway #411			
City/PO: New Windsor		State: New York	Zip Code: 12553
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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		64,480 acres	
b. Total acreage to be physically disturbed?		.00041 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		64,480 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 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input 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 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 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? Blanding's Turtle, Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
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"/>
<hr/>		
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"/>
<hr/>		
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"/>
<hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Caesar Engineering D.P.C./ Nathaniel Gooden</u> Date: <u>06 JAN 23</u>		
Signature: <u></u> Title: <u>Partner</u>		



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]	No
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
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



RECEIVED

JAN 05 2023

Building Department  
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  
☒ Renovation/Alteration  
☐ Commercial  
☐ Multiple Dwelling

ZONE: R-80

DATE: 1/6/2023

APPL #: 42653

PERMIT #

GRID: 6156-02-986957-0000

**APPLICANT NAME:** NATHANIEL GOODEN, P.E. (CAESAR ENGINEERING)

ADDRESS: 367 Windsor Highway #411 New Windsor New York, 12553

TEL #: 845-275-3825 CELL: 845-275-0230 FAX #: E-MAIL: nate@caesarengineering.work

**NAME OWNER OF BUILDING/LAND:** KAREN GAREWAL

\*PROJECT SITE ADDRESS\*: 12 Schlichter Road, Fishkill, NY 12524

MAILING ADDRESS: 6 Brentwood Court Mt. Kisco, NY 10549

TEL #: CELL: 914-309-5676 FAX #: E-MAIL: karan.garewal@gmail.com

**BUILDER/CONTRACTOR DOING WORK:**

COMPANY NAME:

ADDRESS:

TEL #: CELL: FAX #: E-MAIL:

**DESIGN PROFESSIONAL NAME:**

TEL #: 845-275-3825 CELL: FAX #: E-MAIL: nate@caesarengineering.work

**APPLICATION FOR:** THE ALTERATION OF THE EXISTING PRINCIPAL STRUCTURE, MOVING THE WALL OF THE GARAGE, UTILITY ROOM, AND BATHROOM 2.1 FEET BACK FROM THE LEFT PROPERTY LINE.

**SETBACKS:** FRONT: 50 REAR: 50 L-SIDEYARD: 40 R-SIDEYARD: 40

**SIZE OF STRUCTURE:** STRUCTURE REDUCED FROM 1128 SF TO 1,110 SF

**ESTIMATED COST:** \$17,000 **TYPE OF USE:** Primary Residence

**NON-REFUNDABLE APPL. FEE:** PAID ON: CHECK # RECEIPT #:

BALANCE DUE: PAID ON: CHECK # RECEIPT #:

**APPROVALS:**

**ZONING ADMINISTRATOR:**

O Approved O Denied Date: 1-6-23

Signature of Zoning Administrator

Signature of Applicant

Signature of Applicant

**FIRE INSPECTOR:**

O Approved O Denied Date:

Signature of Fire Inspector

Signature of Building Inspector

Signature of Building Inspector

Caesar Engineering P.C.  
Print Name or Company Name(if applicable)

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

To: Garewal, Karan  
6 Brentwood Ct

SBL: 6156-02-986957-0000  
Date of this Notice: 01/06/2023  
Zone:  
Application: 42653

For property located at: 12 Schlichter Rd

Your application to:

**ALTERATION - OF EXISTING PRINCIPAL STRUCTURE BY MOVING WALL OF GARAGE, UTILITY ROOM AND BATHROOM 2.1 FEET FROM THE LEFT PROPERTY LINE \*\*NO FEE TAKEN-- JUST DENIAL FOR EXISTING BUILDING PERMIT 2022-1169. THIS APPLICATION WILL BE VOID ONCE VARIANCE IS APPROVED FOR BUILDING PERMIT\*\***

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

Where 40 feet to the left side propertyline is required, the applicant can provide 2.1 feet for the legalization of a garage and bathroom.

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft	_____ ft
SIDE YARD (LEFT):	<u>40</u> ft	<u>2.1</u> 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

12 Schlüter  
Old Survey

SURVEY  
 1961

1000 D. 1000 D. 1000 D.

1956 0327

✓

20. UNCLASSIFIED

11-00-52-10N 3-00-52-10S

