

TOWN OF WAPPINGER



LuisGutierrez@gutcorp.com  
Licht6979@gmail.com

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.: 23-7790

Date: 4-5-23

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

I (We), Luis Gutierrez residing at 715 Sargeant Palmer  
Wax Wappingers Falls NY 12590 (phone) 845 239 8247, hereby,  
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,  
dated April 4, 2023, and do hereby apply for an area variance(s).

Premises located at: \_\_\_\_\_  
Tax Grid No.: 6157-02-562852  
Zoning District: HB

1. Record Owner of Property:

Address: Same  
Phone Number: 845 239 8247  
Owner Consent dated: 4-4-23

Signature: [Signature]  
Print Name: Luis Gutierrez

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: 50' to front property line

Applicant(s) can provide: 9' for a covered landing w/ 3 steps

Thus requesting: 41' Variance

To allow: a 4' landing and 4' for 3 steps w/ overhang roof.

**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.

240.37

(Indicate Article, Section, Subsection and Paragraph)

Required: \_\_\_\_\_  
Applicant(s) can provide: 50' to front Property line  
Thus requesting: 25' 1 1/2 Story Pre-existing - non-forming house  
To allow: a variance to add full 2 story  
a full second floor for bedrooms

**Variance No. 3**

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: 30 feet to the rear yard  
Thus requesting: 10 feet to the rear yard  
To allow: 20' Variance  
12' x 14' Shed

**Variance No.**

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: \_\_\_\_\_

**Variance No.**

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: \_\_\_\_\_

**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.

no

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.

improve House for my family  
(no)

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.

House is close To Road AS Existing  
(yes)

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)

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

(yes)

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

yes

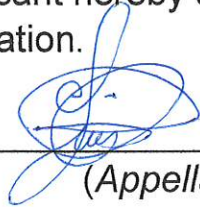
4. List of attachments (Check applicable information)

- Survey dated: 6-11-2021, Last revised \_\_\_\_\_ and  
Prepared by: Oicle Land Surveying.
- Plot Plan dated: 4-4-23.
- Photos
- Drawings dated: 3-6-23.
- Letter of Communication which resulted in application to the ZBA.  
(e.g., recommendation from the Planning Board/Zoning Denial)  
Letter from: Barbara Roberts Dated: 4-4-23
- 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: 4-4-23

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: 23-7790

Date: 4-4-23

Grid No.: 6157-02-562852

Zoning District: HB

Location of Project:

715 Sergeant Pakateer Way

Name of Applicant:

Luis Gutierrez Casela

Print name and phone number

Description of Project:

see application

I \_\_\_\_\_, 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.

X 4-4-23  
Date

X [Signature]  
Owner's Signature

X 845 239 8247  
Owner's Telephone Number

X Luis Gutierrez  
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: <i>Additions of Shed</i>			
Project Location (describe, and attach a location map): <i>715 Sgl. Palmateer Way</i>			
Brief Description of Proposed Action: <i>ADDITION of front porch 2nd story. Real addition 12x14 shed</i>			
Name of Applicant or Sponsor: <i>Luis S. Gutierrez Canela</i>		Telephone:	
		E-Mail:	
Address: <i>715 Sgl. Palmateer Way</i>			
City/PO: <i>WF</i>		State: <i>DY</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? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input 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 type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ <i>1</i> _____ 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 checked="" 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			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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"/>	<input type="checkbox"/>
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input 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"/>	<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 checked="" type="checkbox"/>	<input 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: _____ _____		<input checked="" type="checkbox"/>	<input 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"/>	<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"/>	<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"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input type="checkbox"/>	<input 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 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?	NO	YES
If 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)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____	<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?	NO	YES
If Yes, describe: _____	<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?	NO	YES
If Yes, describe: _____	<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> X Applicant/sponsor/name: <u>Luis Gutierrez</u> X Date: <u>4-4-23</u> X Signature: <u>[Signature]</u> Title: _____		

**Town of Wappinger**

20 Middlebush Rd.

Wappingers Falls, NY 12590

(845) 297-6256

To: **Luis S. Gutierrez Canela**  
715 Sergeant Palmateer Way  
Wappingers Falls, NY 12590

SBL: 6157-02-562852-0000  
Date of this Notice: 04/04/2023  
Zone:  
Application: 42921

For property located at: 715-717 Sergeant Palmateer Way

Your application to:

**ADDITION/ALTERATION - 20x22 ADDITION & RENOVATION OF HOME, 14x20 DECK WITH STAIRS AND 8x8 OVERHANG ABOVE FRONT DOOR & 12 X 14 shed**

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

Where 50 feet from the front property line is required, the applicant can provide 9 feet for a covered landing with 3 steps.

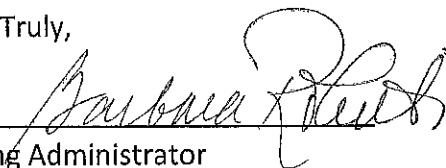
Where the house is a pre-existing non-conforming 1.5 story, the applicant would like to add a 1/2 story .

Where 30 feet to the rear is required, the applicant can provide 10 feet for a 12 x 14 shed.

	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	<u>30</u> ft.	<u>10</u> ft. shed
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.
FRONT YARD:	<u>50</u> ft.	<u>29</u> ft. add 1/2 story front landing w/ steps
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,

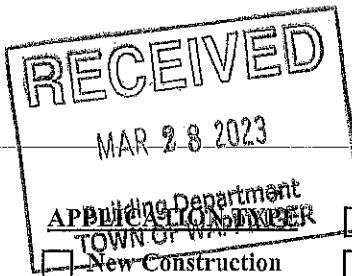


Zoning Administrator  
Town of Wappinger

**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**

Building Department  
TOWN OF WAPPINGER

New Construction

Renovation/Alteration

Residential

Commercial

Multiple Dwelling

ZONE: HB

DATE: 3/30/2023

APPL #: 42921

PERMIT # \_\_\_\_\_

GRID: 16157-02-562852

APPLICANT NAME: Luis S. Gutierrez Canela  
ADDRESS: 715 Sargeant Palmateer Way, Wappingers Falls, NY 12590  
TEL #: (845) 239-8247 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_  
239-8247 or 845-464-7982 - Francesca.

NAME OWNER OF BUILDING/LAND: Luis Gutierrez Canela / Porfiria Canela  
\*PROJECT SITE ADDRESS\*: 715 Sargeant Palmateer Way, Wappingers Falls, NY 12590  
MAILING ADDRESS: \_\_\_\_\_  
TEL #: (845) 239-8247 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

BUILDER/CONTRACTOR DOING WORK:  
COMPANY NAME: Gutierrez Building Corp  
ADDRESS: 715 Sargeant Palmateer Way, Wappingers Falls NY 12590  
TEL #: (845) 239-8247 CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: luisgutierrez@guctcorp.com  
DESIGN PROFESSIONAL NAME: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICATION FOR: includes Renovation of pavement  
Renovation and addition of home - 20x22  
And 14x20 deck with stairs and 8x8 overhang above  
front door. Not doing overhang at this time - Separate permit to be applied for -  
Shed 12x14  
4-4-23

SETBACKS: FRONT: \_\_\_\_\_ REAR:  L-SIDEYARD: \_\_\_\_\_ R-SIDEYARD: \_\_\_\_\_  
SIZE OF STRUCTURE: \_\_\_\_\_  
ESTIMATED COST: 30,000 TYPE OF USE: Personal/main Home  
NON-REFUNDABLE APPL. FEE: 150 PAID ON: 3/30/23 CHECK # CASH RECEIPT #: 2023-00503  
BALANCE DUE: \_\_\_\_\_ PAID ON: \_\_\_\_\_ CHECK # \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

APPROVALS:  
ZONING ADMINISTRATOR: 4-4-23  
Approved  Denied  Date: 4-4-23

FIRE INSPECTOR:  
O Approved O Denied Date: \_\_\_\_\_

[Signature]  
Signature of Applicant  
Luis Gutierrez  
Print Name or Company Name(if applicable)

\_\_\_\_\_  
Signature of Building Inspector

# TOWN OF WAPPINGER PLOT PLAN

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

Date 3/28/23

Address: <sup>75-</sup> 717 Sargeant Palmer way.

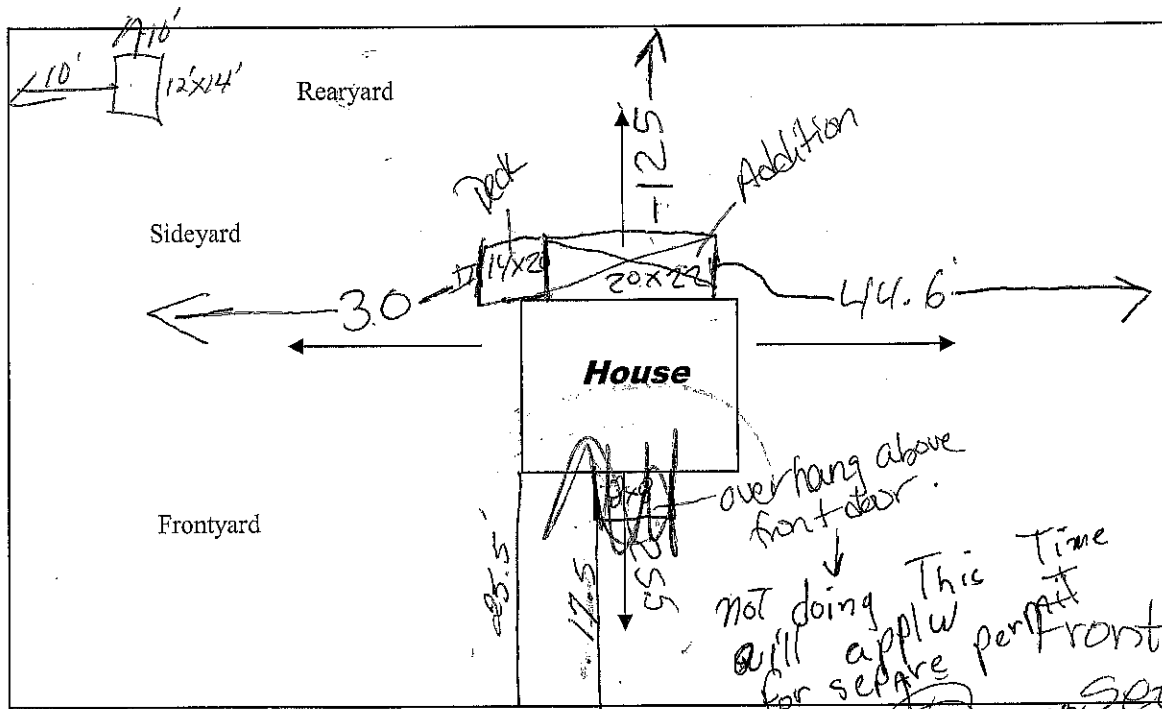
Interior/Corner Lot: *circle one*

Owner of Land Luis Gutierrez / Porfirio Canela

Zone: HB

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

1. House, Left side Deck, Rearyard addition, front addition



**REQUIRED:**

- Show proposed location of the unit on plot plan.
- Indicate how far the unit will be from the house and how far it will be from the property lines. (unit cannot be installed in front of house)

*[Signature]*

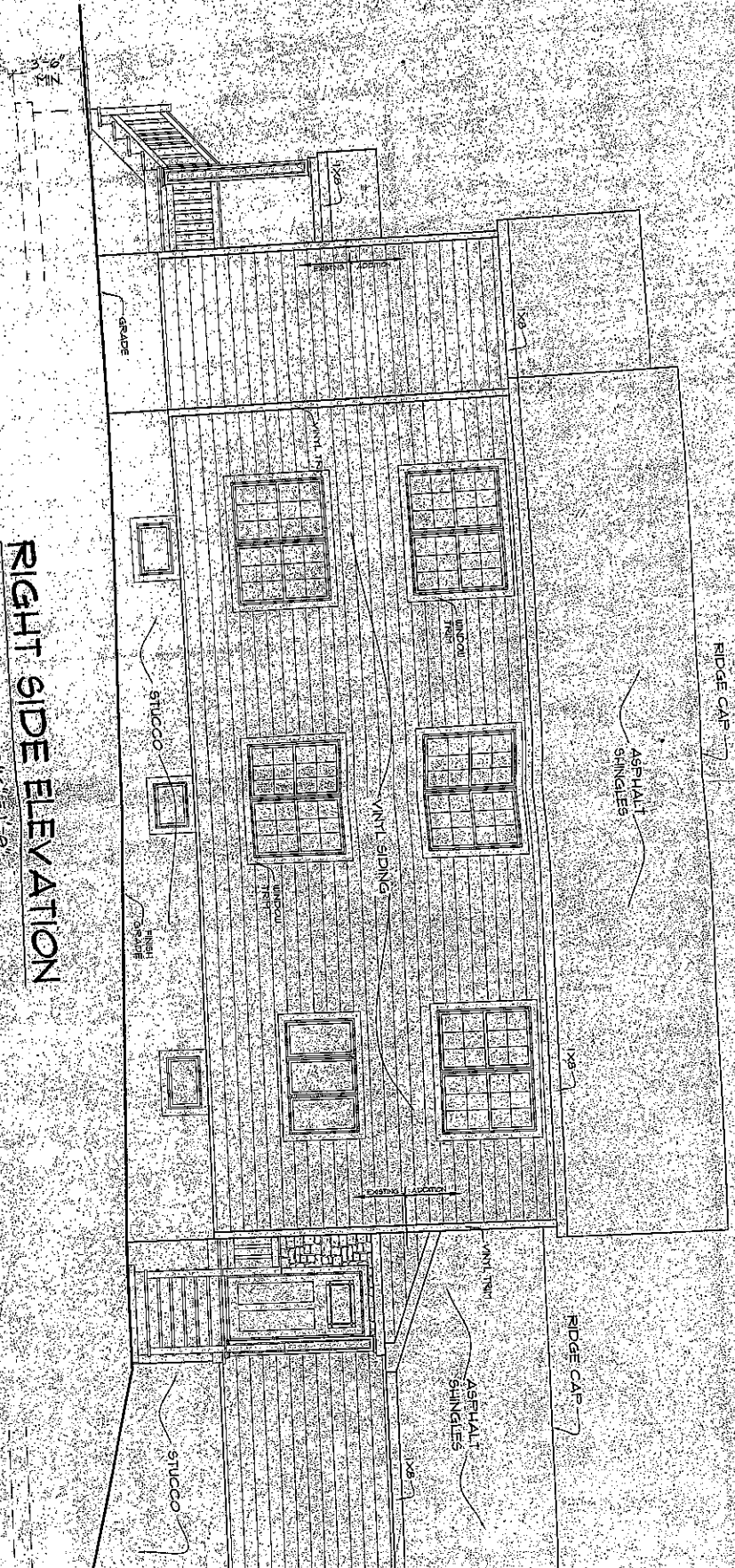
SIGNATURE REQUIRED

Approved: ~~Rejected~~

*[Signature]*  
Zoning Administrator

Date: 4/4/23  
~~3-30-23~~

not doing this time will apply for separate permit  
4-4-23  
50' - T/road  
75' - City or State  
Front yard setback



**RIGHT SIDE ELEVATION**

SCALE 3/16" = 1'-0"

**NY'S EDUCATION NOTE**

IT IS A VIOLATION OF ARTICLE 145 OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DOCUMENT IN ANY WAY WITHOUT THE WRITTEN VERIFICATION OR ADOPTION BY A NY'S LICENSED ARCHITECT UNDER SECTION 1909(2)

