

VILLAGE OF WAPPINGERS FALLS
Offices of Planning/Zoning
2582 South Avenue Wappingers Falls, NY 12590
(845) 297-5277 Fax: (845) 296-0379

AGENDA OF THE ZONING BOARD OF APPEALS

June 8, 2021

****THIS MEETING WILL BE HELD ONLINE AND TELEPHONICALLY ONLY****

**THERE WILL BE NO IN-PERSON PARTICIPATION
BY THE BOARD OR THE PUBLIC.**

Until further notice, in accordance with Governor Cuomo's Executive Order 202.1, all Zoning Board of Appeals meetings will be held via videoconference utilizing the Webex platform. Each Board member will be participating remotely. There will not be an opportunity for the public to participate from the same location as a Board member. However, the public is welcome to view the videoconference contemporaneously by logging in to the Webex platform using the information below. There is also an option to participate by telephone for audio participation only. The meeting will be recorded and the recording will be posted on the Village website. A written transcript of the meeting also will be made available at a later date.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Wappingers Falls will hold a public meeting on June 8, 2021, beginning at 7:00 p.m. via Webex.

The Webex participation information is as follows:

Meeting number (access code): 1324 01 8284
Meeting password: eiAmJFTm492

You may also use this link: [Join meeting](#)

To join by phone please call: 1-408-418-9388

The agenda is as follows:

ROLL CALL

STATEMENT OF COMPLIANCE BY THE CHAIR

APPROVAL OF FEBRUARY 9, 2021 MINUTES

PUBLIC HEARING

63 S REMSEN AVENUE

63 S Remsen Avenue (Grid #6158-18-377051) – Renee Bodie and Mark Bodie (Owners and Applicants) – Area Variance Application.

This property is located in the Residential (R) zoning district. The applicant is seeking to construct a deck and install a 24 ft. above ground pool.



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OFFICE OF BUILDING, PLANNING & ZONING
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APPLICATION FOR AN AREA VARIANCE

APPEAL NUMBER: _____ **MEETING DATE:** June 8, 2021

APPLICANT:

Name: Mark & Renee Boker
 Address: 63 South Rensselaer Ave
Wappingers Falls NY 12590
 Phone Numbers: (H) (845) 797-4852/3 (C) (845) 632-2020
 (E-mail) gbskalik@gmail.com

(If the applicant is not the owner, a Consent form signed by the owner must be filed with this application.)

PROPERTY OWNER:

Name: Mark & Renee Boker
 Address: 63 South Rensselaer Avenue
Wappingers Falls NY 12590
 Contact Phone Numbers: (H) (845) 632-2020 (C) (845) 797-4852(3)
 (E-mail) gbskalik@gmail.com

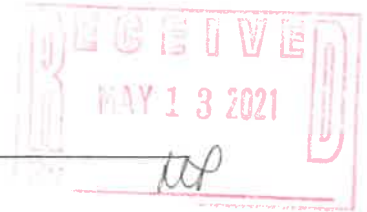
PROPERTY INFORMATION

Property Address (subject of appeal): 63 South Rensselaer Avenue, Wappingers Falls NY 12590
 Tax Parcel #: 6158-18-377051
 Date property acquired: 11-1999
 Present use of property: Residential
 Zoning District: R
 Dimensions: Lot Area 7500 (sq. ft. Width 50 ft. Depth 150 ft.
 Setback: Front 34' ft. Rear 119 ft.
 Sides 9' ft. and 4' ft.

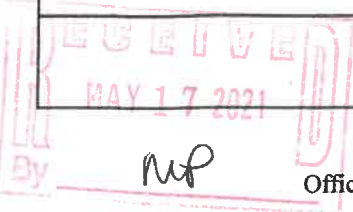
REQUEST FOR AREA VARIANCE

Deed Restrictions: N/A 151 Title 2A

Section(s) of ordinance from which variance is requested:



SECTION	REQUIRING	REQUESTED VARIANCE
<u>151 Title 2A</u>	3062.5 sq ft <u>3062.5 sq ft</u>	<u>1359.5 sq ft</u>



Return this form by mail or in person to:
 Office of Building, Planning & Zoning - 2582 South Avenue, Wappingers Falls, NY 12590

Shed
8x10 shed

Swing
Set

50'

34' 7"

House

29' 8"

Dinner way

Walk way

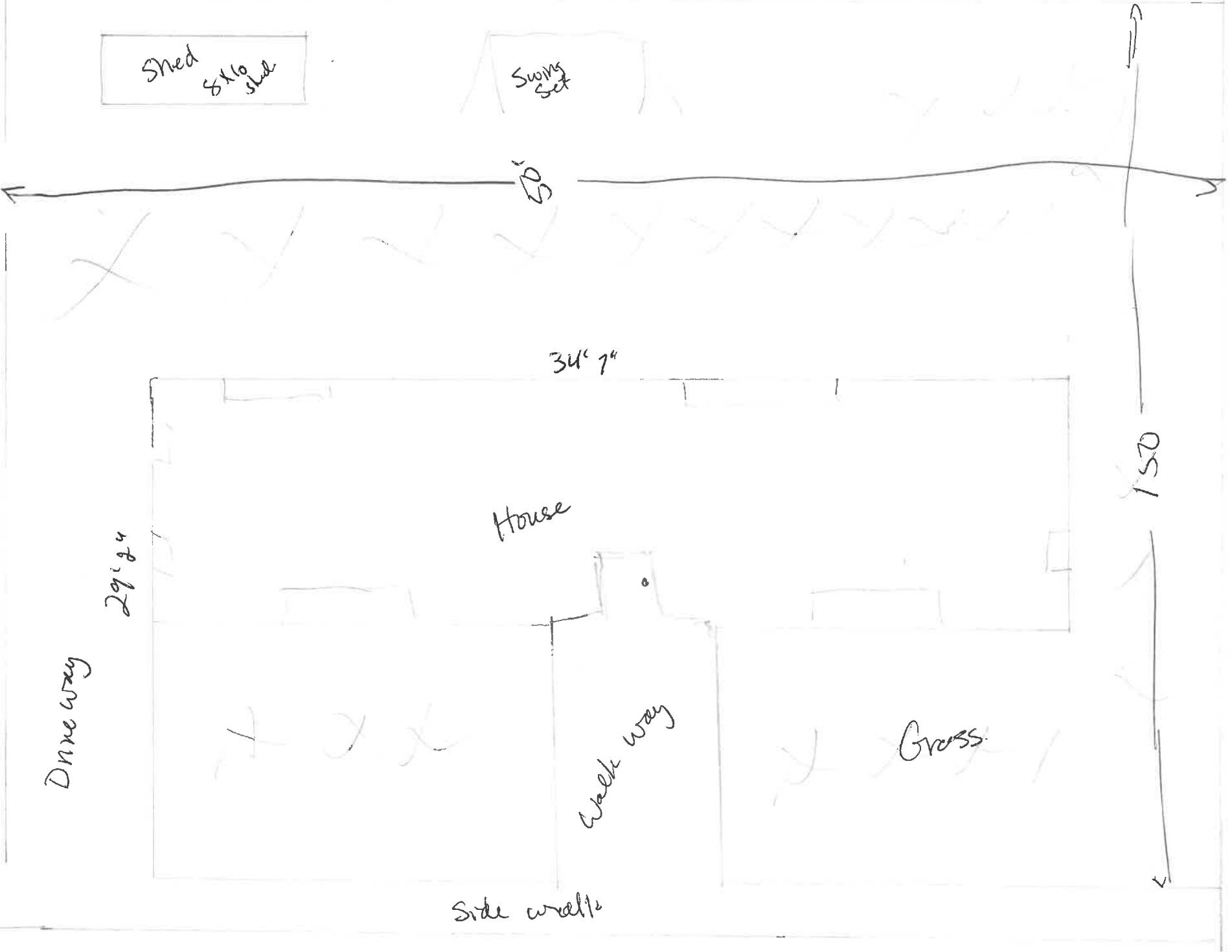
Gross

Side walk

50'

Neighbor

Neighbor





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APPLICATION FOR AN AREA VARIANCE (Continued)

Description of appeal Requested: Requesting a variance to put up a deck attached to house and a 24' above ground pool.

Dates and Descriptions of prior appeals, variances or special permit for property: NA

Planning Board review date(s): June 8, 2021

Environmental review: NA

PLEASE ANSWER THE FOLLOWING QUESTIONS: (Use attachments if necessary)

1. How will this variance affect nearby properties?

It should not affect nearby properties.
This variance will not affect nearby properties.

2. How will granting this variance benefit the property owner?

The owner will be able to access the deck and pool from the kitchen without going down steps. We have elderly parents and they have difficulty going up and down stairs. With the addition it will allow our parents the freedom to enjoy the outdoors without being crowded.

3. What is the minimum relief needed?

A minimum relief; we are hoping not to reduce the deck. As stated to our parents an old and we don't want to limit the space for them if they were to have other family members over.

4. Why are alternative methods for compliance NOT FEASIBLE?

If the measurement of the deck is reduced (1) It will spoil the final project making it look small (2) It would mean that our parents won't have the freedom they might need to come about it would limit their grand (great grand) children visit.

5. Did you do something to your property to cause the need for the variance? (i.e., previous activities such as grading, excavations, additions, improvements)? Putting on a deck (addition to the house) pool etc.

Have plans to add a deck and above ground pool, the deck will be attached to the house giving access without going down steps. The pool & deck is for our parents to enjoy their old age comfortably.



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APPLICATION FOR AN AREA VARIANCE (Continued)

6. How will this variance affect the general character of the community with respect to noise, vibration, odors, vehicular and pedestrian traffic, visual aesthetics, public services (such as schools, police, fire, water, sewer, and roads)? This variance will not affect the general character of the

community. Most homes in the community have a pool.

7. How will the proposed variance affect the health, safety, security morals or general welfare of residents, visitors or workers in the area? This variance will not affect the health, safety etc in

the area. No one will be able to access my deck or pool without the owners knowing.

REQUIRED SUBMITTALS:

- "Letter of Denial"
- Affidavit of ownership
- Contract of Sale or Lease, if applicable
- Photographs of affected area if applicable
- Plot Plan
- Application Fee \$270 - \$500

SIGNATURE AND VERIFICATION

Please be advise 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. If not the owner of the property, I hereby swears that this application is made with the informed knowledge and consent of the owner.

Diana Smith Baker / [Signature]

SIGNATURE OF APPLICANT

5/12/2021

DATE

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 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>Deck and above ground pool</i>			
Project Location (describe, and attach a location map): <i>Back of existing house</i>			
Brief Description of Proposed Action: <i>To add a deck and above ground pool in the back of my house. The deck will be attached to the house.</i>			
Name of Applicant or Sponsor: <i>Renee & Mark Bodie</i>		Telephone: <i>(845) 797-4852</i>	
		E-Mail: <i>ghskelch@hotmail.com</i>	
Address: <i>63 South Remsen Avenue Wappingers Falls</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? 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 checked="" type="checkbox"/>
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 <input type="checkbox"/>
<i>Village of Wappingers Zoning Board</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>7500 sq ft</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, adjoining and near the proposed action.			
Urban	Rural (non-agriculture)	Industrial	Commercial
Forest Agriculture Parkland	Aquatic	Other (specify): <i>NA</i>	
Residential (suburban)			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
		✓	
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
		✓	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	✓		
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	✓		
	✓		
	✓		
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: _____	NO	YES	
	✓		
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>HA</u>	NO	YES	
	✗	✓	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
		✓	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	✓		
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? 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:	NO	YES	
	✓		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: Shoreline Forest Agricultural/grassland Early mid-successional Wetland <i>None</i>			
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	
	✓		
16. Is the project site located in the 100 year flood plain?	NO	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? b. Will storm water discharges be directed to established conveyance systems off and storm drains)? If Yes, briefly describe: _____	NO	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
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Renee & Mark Bodie</i> Date: <i>5/12/2021</i> Signature: <i>Renee Bodie / MRB</i>		

NA

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?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
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?	✓	
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?	✓	
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	✓ ✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	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?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

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.	
<hr/> Name of Lead Agency	<hr/> Date
<hr/> Print or Type Name of Responsible Officer in Lead Agency	<hr/> Title of Responsible Officer
<hr/> Signature of Responsible Officer in Lead Agency	<hr/> Signature of Preparer (if different from Responsible Officer)

PART "B"
APPLICANT / AGENT AFFIDAVIT

State of New York }
County of Dutchess } ss:

_____ being duly sworn, deposes and says:

1. That I/we are the owners, Renee & Mark Boice named in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That he/she ^{we} resides at or ~~conducts business~~ at 63 South Remsey Avenue in the County of Dutchess and the State of New York.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Zoning Board of Appeals action. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Village related to this application.
4. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Village Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Zoning Board of Appeals, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Village of Wappingers Falls, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Village Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Village official(s) entering the property for the purpose of conducting inspections.
5. That I/we understand that the Village of Wappingers Falls Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we has examined this affidavit and that it is true and correct.

Renee Boice
Applicant/Agent

ARIS
Applicant/Agent

Sworn to before me this 13 day of
May, 2021.

[Signature]
Notary Public



PART "A"
OWNER AFFIDAVIT

State of New York }
County of Dutchess } ss:

_____ being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Rene & Mark Bode, to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Zoning Board of Appeals action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Village related to this application.
5. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Village Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Zoning Board of Appeals, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Village of Wappingers Falls, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Village Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Village official(s) entering the property for the purpose of conducting inspections.
6. That I/we understand that the Village of Wappingers Falls Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Rene Bode
Applicant/Owner

Mark Bode
Applicant/Owner

Sworn to before me this 13 day of
May, 2021.

[Signature]
Notary Public





VILLAGE OF WAPPINGERS FALLS

Office of Building, Planning & Zoning
2582 South Avenue
Wappingers Falls, NY 12590
Phone: (845) 297-5277 Fax: (845) 296-0379
E-mail: bmurphy@wappingersfallsny.gov
www.wappingersfallsny.gov

May 5, 2021

Renee Bodie
Mark Bodie
63 S Remsen Ave
Wappingers Falls, NY 12590

Re: Building Permit Application for Above Ground Pool and Deck

Dear Ms. Bodie and Mr. Bodie,

Reference is made to your submission to my office for an above ground pool and the construction of a deck at 63 S Remsen Avenue, Wappingers Falls, NY 12590 (SBL #6158-18-377051).

At this time, our office must deny your application. Please be advised that your property is located in the Residential Zoning district. Per §151 Table 2A you are allowed a maximum lot coverage of 35%, which would be 3,062.5 sq. ft. With the proposed pool and deck, you would be over your allowable lot coverage by 1,359.5 sq. ft.

Enclosed is an application for an Area Variance for your convenience. If you have any questions, please contact our office.

Our office is also returning your pool permit application, building permit application, electrical permit application, and the pool-deck drawings.

Thank you.

Bryan Murphy
Building Inspector/Zoning Administrator
Village of Wappingers Falls

BM/mp
Enclosures