

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

May 9, 2023

The Zoning Board of Appeals of the Village of Wappingers Falls will hold a meeting at the American Legion Hall, 7 Spring Street, Wappingers Falls, on May 9, 2023, beginning at 7 p.m. There is a public hearing scheduled for this meeting.

The agenda is as follows:

ROLL CALL

APPROVAL OF FEBRUARY 7, 2023 MINUTES

PUBLIC HEARINGS

17 S MESIER AVENUE

17 S Mesier Avenue (Grid #6158-18-377180) Duncan Nichol (Owner and Applicant) – Area Variance Application.

This property is located in the Village Residential (VR) zoning district. The applicant is seeking a variance from §151-24(C) of the Village Code, which prohibits parking in the front yard in any district for all existing structures and uses, to permit the construction of a parking area in the front yard.

27 HILLSIDE AVENUE

27 Hillside Avenue (Grid #6158-13-177372) Trent R. Atkinson (Owner and Applicant) – Area Variance Application.

This property is located in the Residential (R) zoning district. The applicant is seeking a variance from Table 2A of Section 151 of the Village Code, which permits a maximum lot coverage of 35%, to permit the construction of an in-ground swimming pool and concrete patio, and the placement of a shed on the property. With these improvements, the lot coverage would be above the permitted amounts by 1,644.5 feet, requiring a variance of 8.6%.



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

April 11, 2023

Mr. Duncan Nichol
17 S Mesier Ave
Wappingers Falls, NY 12590

Re: 17 S Mesier Avenue

Dear Mr. Nichol,

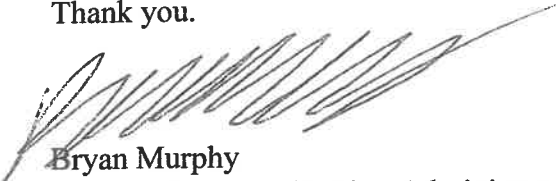
Reference is made to your submission to my office of an excavation permit application to create parking in the front yard at 17 S Mesier Avenue, Wappingers Falls, NY 12590 (SBL #6158-18-377180).

At this time, our office must deny your application because parking is prohibited in the front yard. Per §151-24(C), which applies to front yard parking, parking is prohibited in the front yard in any district for all existing structures and uses or structures and uses as they may be changed under this code. Therefore, requiring an area variance.

An application for an area variance can be found on the Village website, along with the 2023 Zoning Board meeting schedule and application/submission deadlines:
www.wappingersfallsny.gov.

Our office is returning your excavation permit application and survey. If you have any questions, please contact our office.

Thank you.



Bryan Murphy
Building Inspector/Zoning Administrator
Village of Wappingers Falls

BM/mp
Enclosures



VILLAGE OF WAPPINGERS FALLS

APPLICATION FOR AREA VARIANCE

OFFICE OF BUILDING,
PLANNING AND ZONING
2582 SOUTH AVENUE
WAPPINGERS FALLS, NY 12590
PHONE: (845) 297-5277
FAX: (845) 296-0379
bmurphy@wappingersfallsny.gov
mperez@wappingersfallsny.gov
www.wappingersfallsny.gov

② CHECKS :
\$ 250.- FEE
\$ 500.- ESCROW

10 COPIES

SUBMISSION REQUIREMENTS

1. All sections of the application form must be complete and accurate.
2. Application fee (non-refundable): cash or checks payable to "Village of Wappingers Falls"
3. The application must be filed with ten (10) copies of your appeal, together with ten (10) copies of all supporting documentation, and also submitted electronically in PDF format, including:

- "Letter of Denial"
- Affidavit of ownership
- Contract of Sale or Lease, if applicable
- Photographs of affected area if applicable
- Plot Plan :

* A scale drawing not less than 8 1/2 by 11 inches in size.

*Suggested examples to include are: boundaries and dimensions of lot, dimensions and locations of existing structures (include porches, fences, walls, pools, sheds, signs, etc.). Dimensions of building set backs from property lines, location of driveways and parking layout, adjacent property lines, location of driveways, and parking layouts, adjacent property lines within 100 feet of the site, right of ways and easements, adjacent street(s), north point, building elevation (not required in most cases) may be helpful in rendering a decision.

APPLICATION DEADLINE:

In order to be on the following month's agenda you should submit a properly completed application by the submittal due date. For the ZBA meeting schedule and submittal due dates, please visit the Building, Planning & Zoning page of the Village website: <https://www.wappingersfallsny.gov/building-planning-zoning/>

ZBA meetings begin at 7:00 p.m. You are encouraged to visit the Village website and/or call the Planning and Zoning office the day of the meeting to confirm the meeting.



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
 (845) 297-5277 Fax: (845) 296-0379

APPLICATION FOR AN AREA VARIANCE

APPEAL NUMBER: _____ **MEETING DATE:** _____

APPLICANT:

Name: Duncan H. Nichol
 Address: 17 South Mesier Avenue
Wappingers Falls, New York 12590
 Phone Numbers: (H) _____ (C) 402-870-1609
 (E-mail) pastorduncan929@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: Duncan H. Nichol
 Address: 17 South Mesier Avenue
Wappingers Falls, New York 12590
 Contact Phone Numbers: (H) _____ (C) 402-870-1609
 (E-mail) pastorduncan929@gmail.com

PROPERTY INFORMATION

Property Address (subject of appeal): 17 South Mesier Avenue, Wappingers Falls, NY
 Tax Parcel #: 6158-18-377180
 Date property acquired: January 11, 2020
 Present use of property: Family home
 Zoning District: R
 Dimensions: Lot Area _____ (sq. ft. Width _____ ft. Depth _____ ft.)
 Setback: Front 46.17 ft. Rear _____ ft.
 Sides 160 ft. and 160 ft.

REQUEST FOR AREA VARIANCE

Deed Restrictions: None

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

SECTION	REQUIRING	REQUESTED VARIANCE
151-24(c)	Parking in the front yard for one car	Parking in the front yard for one car.



VILLAGE OF WAPPINGERS FALLS

OFFICE OF BUILDING, PLANNING & ZONING

(845) 297-5277 Fax: (845) 296-0379

APPLICATION FOR AN AREA VARIANCE (Continued)

Description of appeal Requested: Put a driveway in our front yard.

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

Planning Board review date(s): _____

Environmental review: _____

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

1. How will this variance affect nearby properties?

no effect

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

Increase handicap access

3. What is the minimum relief needed? a permanent front parking spot.

4. Why are alternative methods for compliance NOT FEASIBLE?

Because many people park on our street due to the activities at The River Arts Studio.

We need better access for our 98 year old mother.

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)? No

Return this form by mail or in person to:

Office of Building Planning & Zoning - 2582 South Avenue Wappingers Falls NY 12590



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
(845) 297-5277 Fax: (845) 296-0379
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)? It should not affect anything.

7. How will the proposed variance affect the health, safety, security morals or general welfare of residents, visitors or workers in the area? We can get our 98-year old mother into the house and other visitors.

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

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.

Dunca F. Nichol

SIGNATURE OF APPLICANT

March 15, 2023

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>Create a parking space for one auto on our (right) front lawn using Item 4.</i>			
Project Location (describe, and attach a location map): <i>Right front lawn along the side of the sidewalk leading to the house.</i>			
Brief Description of Proposed Action: <i>We will break head dig the required depth for Item 4.</i>			
Name of Applicant or Sponsor: <i>Duncan H. Nichol</i>		Telephone: <i>402-870-1609</i>	
		E-Mail: <i>pastorduncan929@gmail.com</i>	
Address: <i>17 South Mester Avenue</i>			
City/PO: <i>Wappinger Falls</i>		State: <i>New York</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 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? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			<i>0.217</i> acres <i>200</i> acres <i>50 Feet</i> <i>0</i> 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): <u>Residential (suburban)</u>

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5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	NIA
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	
		<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>		
b. Are public transportation service(s) available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			
	<input checked="" 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: _____	NO	YES	
		<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>		
b. Is the proposed action located in an archeological sensitive area?			
	<input checked="" 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"/>		
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	
	<input checked="" 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: Shoreline Forest Agricultural/grassland Early mid-successional Wetland LAWN			
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"/>		
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>		
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?	NO	YES	
	<input checked="" type="checkbox"/>		
b. Will storm water discharges be directed to established conveyance systems off and storm drains)? If Yes, briefly describe: _____			
	<input checked="" type="checkbox"/>		

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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>DUNCAN Nichol</i>	Date: <i>March 15, 2023</i>	
Signature: <i>Duncan H Nichol</i>		

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.	
_____	_____
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)

PART "A"
OWNER AFFIDAVIT

State of New York
County of Dutchess

}
} ss:
}

Duncan H Nichol & Elizabeth Nichol being duly sworn, deposes and says:
Nichol

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 _____, 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.

Duncan H Nichol
Applicant/Owner

Elizabeth F M Nichol
Applicant/Owner

Sworn to before me this 16th day of
March, 2023.

Heather M. McCormick
Notary Public

HEATHER M McCORMICK
Notary Public, State of NY
No. 01MC5031663
Qualified in Dutchess County
Commission Expires August 8, 2026

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 DUNCAN & Elizabeth Nichol 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 resides at or conducts business at 17 South Wester Ave 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.

Duncan H Nichol
Applicant/Agent

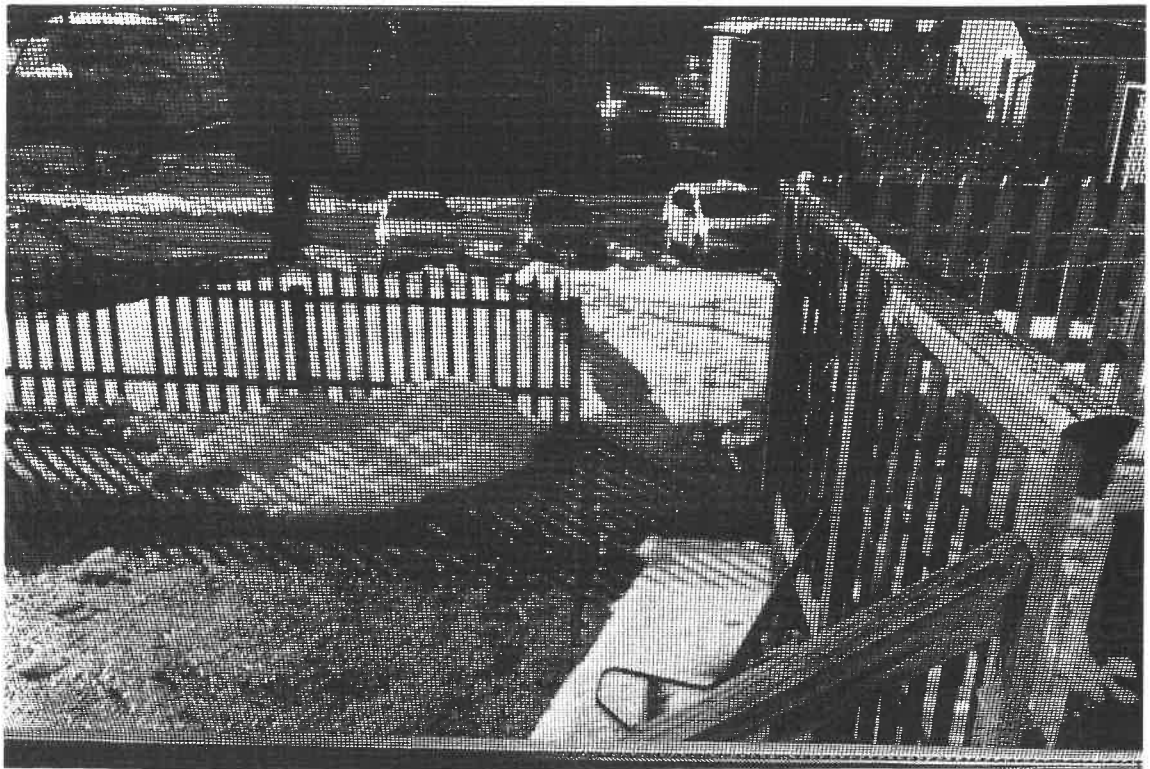
Elizabeth F M Nichol
Applicant/Agent

Sworn to before me this 10th day of
March, 2023.

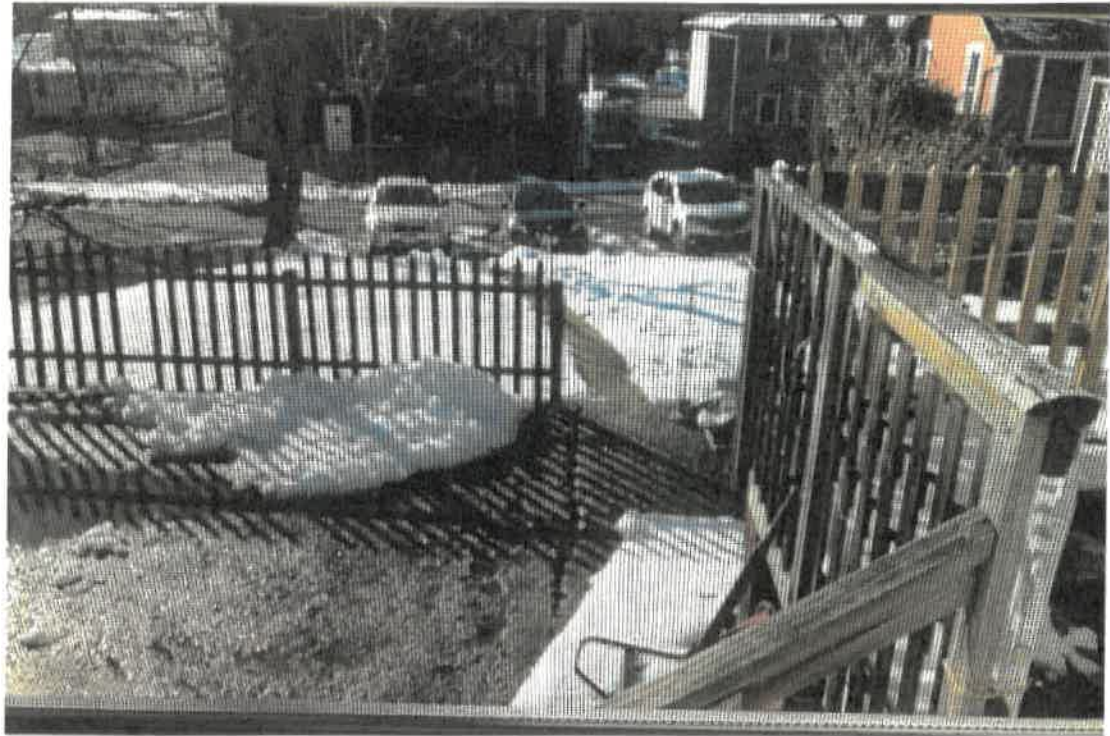
Heather M. McCormick
Notary Public

HEATHER M McCORMICK
Notary Public, State of NY
No. 01MC5031663
Qualified in Dutchess County
Commission Expires August 8, 2026

Project
Area →
(white)
Front yard

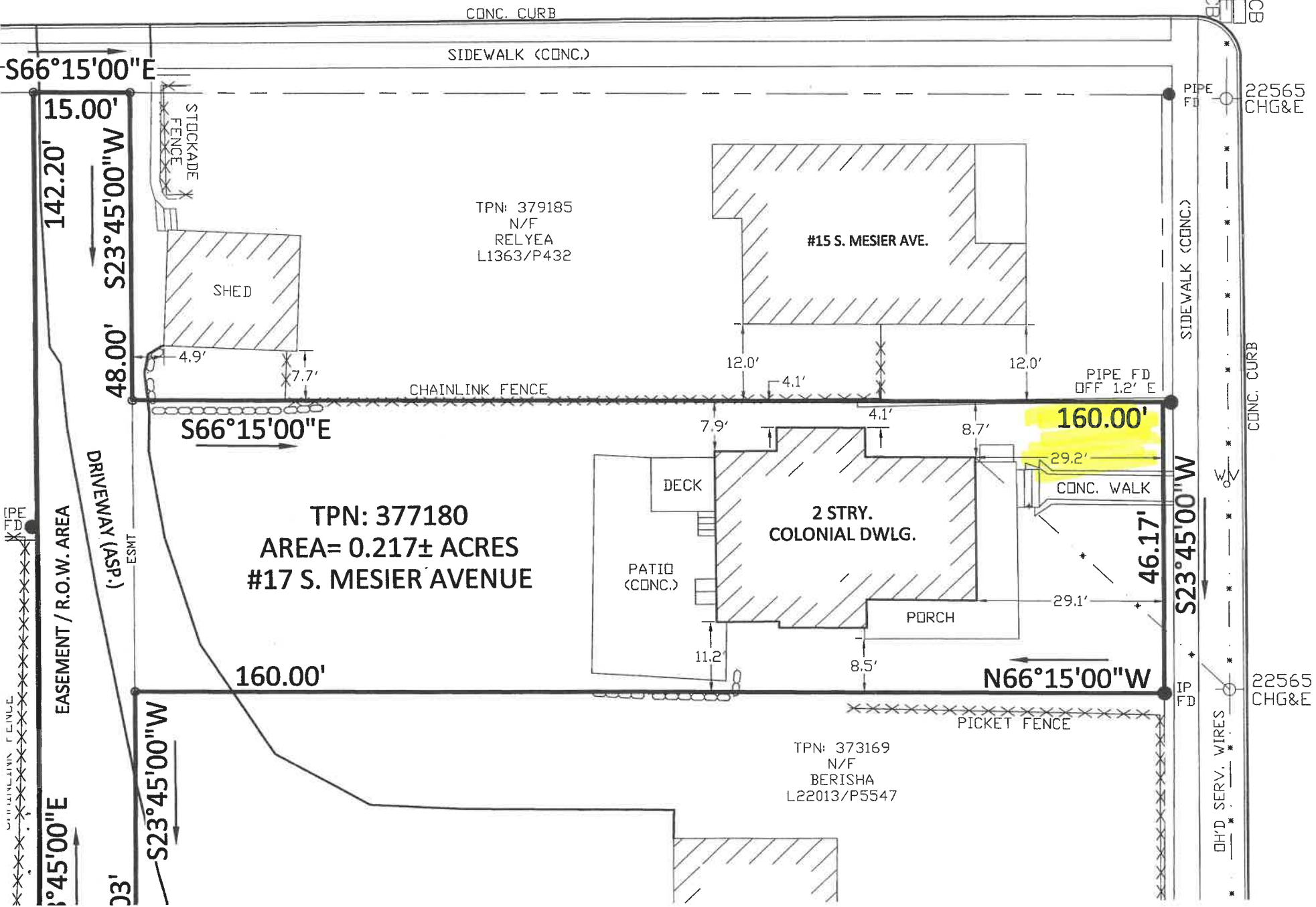


Landscape out Back
(not part of project)



RESERVE PLACE (ASP.)

SMH
WV



S. MESIER AVENUE (ASP.)



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

April 12, 2023

Mr. Trent R. Atkinson
27 Hillside Avenue
Wappingers Falls, NY 12590

Re: Above Ground/In Ground Pool Permit Application

Dear Mr. Atkinson,

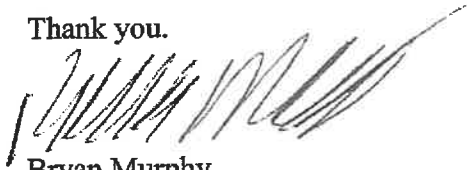
Reference is made to your submission to my office for the construction of a pool located at 27 Hillside Avenue, Wappingers Falls, NY 12590 (SBL #6158-13-177372).

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 6,662.5 sq. ft. With the proposed pool and other improvements, you would be over your allowable lot coverage by 1,644.5 sq. ft., requiring an area variance of 8.6%.

An application for an area variance can be found on the Village website, along with the 2023 Zoning Board meeting schedule and application/submission deadlines:
www.wappingersfallsny.gov.

Our office is returning your pool permit application. If you have any questions, please contact our office.

Thank you.



Bryan Murphy
Building Inspector/Zoning Administrator
Village of Wappingers Falls

BM/mp
Enclosure



VILLAGE OF WAPPINGERS FALLS

APPLICATION FOR AREA VARIANCE

OFFICE OF BUILDING,
PLANNING AND ZONING
2582 SOUTH AVENUE
WAPPINGERS FALLS, NY 12590
PHONE: (845) 297-5277
FAX: (845) 296-0379
bmurphy@wappingersfallsny.gov
mperez@wappingersfallsny.gov
www.wappingersfallsny.gov

SUBMISSION REQUIREMENTS

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2. Application fee (non-refundable): cash or checks payable to "Village of Wappingers Falls"
3. The application must be filed with ten (10) copies of your appeal, together with ten (10) copies of all supporting documentation, and also submitted electronically in PDF format, including:
 - "Letter of Denial"
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 - Photographs of affected area if applicable
 - Plot Plan :

* A scale drawing not less than 8 1/2 by 11 inches in size.

*Suggested examples to include are: boundaries and dimensions of lot, dimensions and locations of existing structures (include porches, fences, walls, pools, sheds, signs, etc.). Dimensions of building set backs from property lines, location of driveways and parking layout, adjacent property lines, location of driveways, and parking layouts, adjacent property lines within 100 feet of the site, right of ways and easements, adjacent street(s), north point, building elevation (not required in most cases) may be helpful in rendering a decision.

APPLICATION DEADLINE:

In order to be on the following month's agenda you should submit a properly completed application by the submittal due date. For the ZBA meeting schedule and submittal due dates, please visit the Building, Planning & Zoning page of the Village website: <https://www.wappingersfallsny.gov/building-planning-zoning/>

ZBA meetings begin at 7:00 p.m. You are encouraged to visit the Village website and/or call the Planning and Zoning office the day of the meeting to confirm the meeting.



VILLAGE OF WAPPINGERS FALLS

OFFICE OF BUILDING, PLANNING & ZONING

(845) 297-5277 Fax: (845) 296-0379

APPLICATION FOR AN AREA VARIANCE

APPEAL NUMBER: _____ **MEETING DATE:** _____

APPLICANT:

Name: Trent R. Atkinson

Address: 27 Hillside Avenue

Wappingers Falls, New York 12590

Phone Numbers: (H) _____ (C) 914-489-6433

(E-mail) trent.atkinson@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: Trent R. Atkinson

Address: 27 Hillside Avenue Wappingers Falls, New York 12590

Contact Phone Numbers. : (H) _____ (C) 914-489-6433

(E-mail) trent.atkinson@gmail.com

PROPERTY INFORMATION

Property Address (subject of appeal): 27 Hillside Avenue Wappingers Falls NY 12590

Tax Parcel #: 134601-6158-13-177372-0000

Date property acquired: September 16, 2015

Present use of property: Single Family Residential with Accessory Apartment

Zoning District: R12.5

Dimensions: Lot Area 19,035 (sq. ft. Width 150 ft. Depth 90 ft.

Setback: Front 12 ft. Rear 36 ft.

Sides 18 ft. and 54 ft.

REQUEST FOR AREA VARIANCE

Deed Restrictions: None

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

SECTION	REQUIRING	REQUESTED VARIANCE
	35% Maximum Coverage	Additional 8.6%



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
(845) 297-5277 Fax: (845) 296-0379
APPLICATION FOR AN AREA VARIANCE (Continued)

Description of appeal Requested: Requesting a variance of 8.4% of Lot Coverage in an R12.5 Zone for the addition of an in-ground swimming pool, concrete patio, and shed.

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

December 4, 2014- Accessory Apartment

Planning Board review date(s): December 4, 2014

Environmental review: N/A

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

1. How will this variance affect nearby properties?

Minimal affect. Adjoining parcels nearest improvement consist of woodland that form a ravine with drastic drops in elevation. It is unlikely that they will be developed. Run-off from the property is directed into that ravine. The only runoff that enters the village stormwater system is from the shared driveway.

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

Improve the quality of life for the owners, their children, their elderly parents (occupants of the accessory apartment), as well as family and friends residing in the neighborhood. It will provide physical therapy, exercise, and promote family & community interaction.

3. What is the minimum relief needed? A variance of 5.4% would allow for the pool and required concrete walkway for stability and access to the pool. Additional 3.2% would allow for a small patio for entertainment and a shed to house the pump / heater and provide storage of pool equipment.

4. Why are alternative methods for compliance NOT FEASIBLE?

All options would require additional lot coverage.

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) ? Since construction (2015) the addition of a 12x16 block patio is the only improvement that has been made that affects the Lot Coverage.

Existing coverage is 34.6%- (35% Allowed).



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
 (845) 297-5277 Fax: (845) 296-0379
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) ? The improvement will have minimal impact on the environment. The proposed improvement is bound by the existing primary structure and unimproved woodlands. It will not be seen by any neighbors and noise will be buffered by both.

7. How will the proposed variance affect the health, safety, security morals or general welfare of residents, visitors or workers in the area? Minimal to no impact.

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

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.



SIGNATURE OF APPLICANT

2/24/2023

DATE

PART "A"
OWNER AFFIDAVIT

State of NEW YORK }
County of DUTCHESS } ss:

TRENT R. ATKINSON being duly sworn, deposes and says:

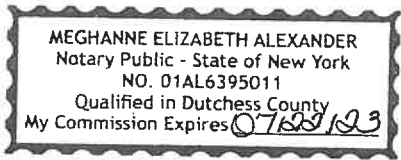
1. That I/we are the Owner(s) of the within property as described in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize _____, to act as my/our representative in 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.

[Signature]
Applicant/Owner

Applicant/Owner

Sworn to before me this 4 day of
April, 2023.

[Signature]
Notary Public



plan must include a note that stipulates no parking is permitted in the driveway and a note referencing the driveway easement is filed with the Dutchess County Clerk's office. All criteria for special permit review can be found in Article IXC of the Zoning Ordinance. It was also stated that an area map must be included on the site plan to determine if the property is within 500 ft of a state highway. If it is within the 500 ft. a copy of both the site plan and special use permit application must be sent to Dutchess County Dept. of Planning for their review. Ms. Kieffer made a motion, seconded by Mr. McCormick to continue the Public Hearing at the next meeting. Unanimously carried.

TRENT R. ATKINSON FOR 27 HILLSIDE AVENUE

Next on the agenda was a public hearing on the request of Trent R. Atkinson seeking a special use permit and site plan review to be able to have an accessory dwelling unit in a new single family dwelling which is under construction at 27 Hillside Avenue located in a residential zone. Mr. Trent Atkinson the owner and applicant was present. Motion by Mr. Kocan, seconded by Ms. Kieffer to open the public hearing. Unanimously carried. An affidavit for assurance that the dwelling unit would always be occupied by a family member was discussed. The shared driveway was also discussed. Mr. Atkinson stated that there was a maintenance agreement legally filed with the County Clerk's office for the egress/ingress of the driveway but all underground utilities will be located on the separate properties. It is also stated in the filed agreement that no parking is allowed in the driveway areas. Mr. Morris stated that SEQRA is not necessary. The applicant must change the data tables as they refer to the former Zoning Ordinance not the new ordinances. Mr. Murphy stated he felt the application was complete and conformed to the Zoning Ordinance. Ms. Kieffer made a motion to close the public hearing contingent upon the following: (1) An affidavit stating only family members will be occupying the dwelling unit must be submitted, (2) All data tables must be updated on the site plan, (3) as a condition of the special use permit and with a note put on the site plan – no parking along the driveway. On roll call vote – Ms. Kieffer – Aye, Mr. Kocan – Aye, Mr. Regan – Aye, Mr. Morris – Aye and Mr. McCormick – Abstain.

RAY MARINACCIO FOR 1 EAST ACADEMY STREET

Next on the agenda was the proposal of Ray Marinaccio with a proposal to convert existing dentist office into two bedroom apartment and renovate existing two one bedroom apartments on second floor – demolish one story and one car garage at 1 East Academy Street. Mr. Todd Page, the Engineer for the project and Mr. Ray Marinaccio, the owner of the property were present. Applicant stated there is a two story building on the property. The first story was an existing dentist office that is now vacant and has been for several years. They would like to gut it and make a two bedroom apartment. The second floor is being used as two one bedroom apartments – they would like to renovate them and bring them up to code. There is a one story garage they would be removing to bring the parking into conformance. The third building on site is a former playgroup. This building is vacant and has been for quite some time and it is completely inhabitable. Parking was discussed. The required amount of parking according to the Zoning Code for the three dwelling units is 3 parking spaces and Mr. Kocan does not think this is sufficient. Mr. Marinaccio stated he does have control over the amount of vehicles a tenant can have and if the Planning Board makes it a point of approval that each tenant can only have one

Lot Coverage Calculations
Proposed In-ground Pool & Shed
27 Hillside Avenue, Wappingers Falls, NY
Owners: Trent & Patricia Atkinson

	Acres	Sqft
Total Lot	0.437	19035.72

EXISTING

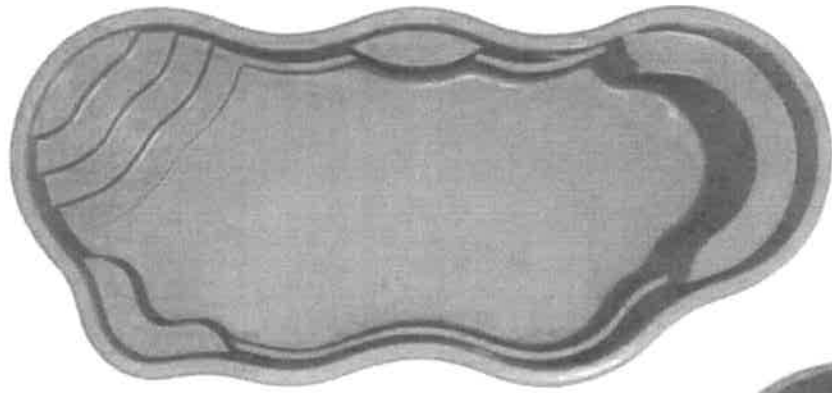
House & Garage (Incl. o.h.)		1986
Front Porch (Incl. stairs & o.h.)		78
Back Porch (Incl. stairs & o.h.)		397
Back Concrete Walkway		203
A/C Pad		21
Front Block Patio		192
Front Concrete Walk		282
Asphalt Driveway (sole use)		2179
Asphalt Driveway (joint use)		1242
Total Existing		6580
Existing Coverage (%)		34.6%

PROPOSED (w/out Driveway Extension)

Pool		236
Shed		240
Stamped Concrete		550
Total Proposed		1026
Total Existing		6580
Total new		7606
Proposed New Coverage		40.0%

PROPOSED (with Driveway Extension)

Pool		236
Shed		240
Stamped Concrete		500
Concrete Driveway Extension		750
Total Proposed		1726
Total Existing		6580
Total new		8306
Proposed New Coverage		43.6%



Width: 12'

Length: 26'



Depth: 3'-6" to 5'-6"



First, the ZBA may have to make a determination of significance under the State's Environmental Quality Review Act (SEQRA). Based on this determination, an Environmental Impact Statement (EIS) may or may not be required. If an EIS is required, the case cannot be heard until the EIS has been completed and accepted by the ZBA. Environmental review is not necessary for interpretations of the zoning regulations or for area variances relating to setbacks and lot lines, or for area variances relating to one-, two-, or three-family residences.

Second, depending on the location of the property, the ZBA may be required by State law to refer requests for variances to the county planning agency for a preliminary recommendation. If such a referral is required, the ZBA must give the county 30 days to respond. It is also possible that the county's recommendation could result in an increase in the number of votes needed for the ZBA to approve the variance. Appeals for interpretations need not be referred to the county.

What is the responsibility of the applicant at the hearing?

At the hearing, the applicant may submit written evidence and/or argument to support his or her case. Obviously, the sooner that written testimony or material is received, the more time ZBA members will have to consider the case and reach a proper decision. Therefore, it is a good idea to submit written material with the application, or as soon thereafter as possible, so that it can be sent to ZBA members prior to the hearing. (Please note that the applicant can present written evidence at any time up to the close of the hearing, or even after the hearing if the ZBA allows the record to remain open.)

At the hearing, the ZBA will offer the applicant and/or the applicant's representative the opportunity to present a case for relief. The applicant may personally testify, call witnesses, or submit written evidence, including drawings and graphics. Because an appeal is an adversarial proceeding, the ZBA will offer the municipality an equal opportunity to present its side of the case (the side which supports the enforcement officer's decision). Each side will be given an opportunity to question the other, or the other's witnesses. In addition, ZBA members may ask questions.

After the applicant and the municipality have presented their cases, any other interested persons will be given the opportunity to speak and/or submit written material. If necessary, the hearing may be adjourned and continued at a later date. When all parties and interested persons have been granted the opportunity to be heard, the hearing will be closed.

Will the ZBA make a decision the night of the hearing?

Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision within 62 days.