

# RENNIA ENGINEERING DESIGN, PLLC

CIVIL ▪ ENVIRONMENTAL ▪ STRUCTURAL

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6 Dover Village Plaza, Suite 5, P.O. Box 400, Dover Plains, NY 12522  
Tel: (845) 877-0555 Fax: (845) 877-0556

May 21, 2015

Town of Dover  
Zoning Board of Appeals  
126 East Duncan Rd  
Dover Plains, NY 12522

Attn: Ms. Marilyn Van Millon  
Chairperson

**Re: Delgado/Maxwell Residence House Addition  
Town of Dover  
Tax ID# 132600-7160-02-233939**

Dear Ms. Van Millon and Zoning Board of Appeals Members,

The owner of the above referenced property is proposing to construct a new 24' x 24' addition attached to the back of their existing home located at 46 White Farm Rd., Wingdale, NY. As part of the design development it was determined that an area variance is required to obtain a building permit for the addition due to its side yard setback. The owner of the property is requesting an area variance to reduce the side yard setback from 27.77 feet to 20.6 feet to construct the proposed addition.

Please note that the existing house has a current 21.3 foot noncompliant side yard setback in this location. Based on the setback for the front yard, west side yard and an existing deck on the opposing corner of the rear wall the proposed addition cannot be located elsewhere on the property.

In support of this variance request attached to this letter please find 8 copies each of the following items:

- Variance Application
- Disclosure of Interest Form
- Short Environmental Assessment Form
- Site Plan, Sheet 1 of 1, dated 5/21/15

The application and escrow fee will be submitted under separate cover.

Should you require any additional information please do not hesitate to contact me with any questions, (845) 877-0555.

Sincerely,



Charles J. Taft, Jr., P.E.  
Senior Engineer

## Town of Dover Zoning Board of Appeals

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 ext 100  
(845) 832-3188 fax

### APPEAL / VARIANCE APPLICATION

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the Checklist along with **eight (8) copies of all information** and required fees and escrow to the Building Department at least three weeks prior to the ZBA meeting. Meetings are scheduled for the 1<sup>st</sup> Wednesday of every month at the Dover Town Hall at 7:00 pm (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by town consultants, if needed. A \$100 escrow fee is required with the application in a separate check to cover these costs.

If the matter before the Zoning Board of Appeals was canceled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place; the Poughkeepsie Journal and all contiguous neighbors will also be notified by the ZBA Clerk. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the clerk, **AT LEAST 48 HOURS IN ADVANCE** since there are clerical functions which must take place, i.e., notifying property owners, notice in paper, etc.

Please supply a cover letter and describe the project in your own words including any hardships involved.

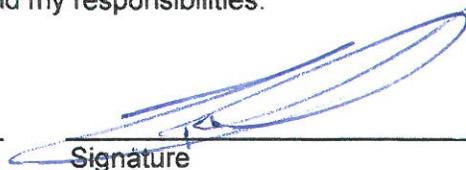
The applicant is responsible for adhering to Chapter 145, Sections 145-58 and 145-59 of the Town of Dover Zoning Law available online at [www.TownofDoverNY.US](http://www.TownofDoverNY.US) (Links, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

Jason Maxwell

Name (please print)

  
Signature

5-13-15  
Date

## Appeal / Variance Checklist

Eight copies (**supplied by the applicant**) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Dover Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board or Architectural Review Board. **Incomplete applications will not be put on the Agenda.**

X            Appeals / Variance Application

X            Disclosure of Interest Form

X            Cover letter describing the project in detail including any hardships involved

NA            Agricultural Data Statement (for Use Variances only) **if** the property is in an agricultural district and contains a farm operation, **or if** the property is within 500 feet of a farm operation in an agricultural district

NA            Building Permit Application with copies of all drawings and maps showing the proposed building(s) and site alterations with dotted lines and showing existing building(s) and other improvements with solid lines submitted to Building Department

NA            Building Inspector's Denial (Decision of Code Enforcement Officer)

X            Site plan of the property showing adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county-owned or managed streams or drainage channels and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements within a quarter-mile radius

NA            Copies of all applications, attached information, and decisions if matter is being heard by another Board

### **FEES:**

X            Application - \$ 100.00

X            Variance - \$150 (each variance)

           Interpretation - \$100

           Reversal of Decision by Code Enforcement Officer - \$100

\$250.00 TOTAL (checks payable to Town of Dover)

\$100.00 Escrow - \$100 (**Separate Check**)

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111  
(845) 832-3188 fax

## APPEAL / VARIANCE APPLICATION

Project Name: Delgado/Maxwell Residence House Addition

Application Number: \_\_\_\_\_  
(to be determined by ZBA Clerk)

Grid Number: 132600-7160-01-233939

Type of Application:  Area Variance  
 Use Variance  
 Review of ARB Decision

Reversal or Modification of Decision of CEO  
 Interpretation of Zoning Text or Map

Property Address: 46 White Farm Rd  
Wingdale NY 12594

Current Use(s): Residential

Proposed Use(s) and/or Structure(s): \_\_\_\_\_  
Residential additional

Primary Contact Person: \_\_\_\_\_  
Rennia Engineering Design

Brief Description of Proposed Use/Activity  
(attach additional sheets, if necessary):

Address: 6 Dover village Plaza  
Dover Plains, NY 12522

Existing residence in which the owner wishes to construct a 24' x 24' addition attached to the back of the existing house.

Phone Number: (845) 877-0555

E-mail: ctaft@renniadesign.com

Name of Property Owner: Hilda Delgado

Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any: \_\_\_\_\_

Address: 46 White Farm Road  
Wingdale NY 12594

Section 145-29A, Side Yard Setback for existing non conforming lots.

Phone Number: \_\_\_\_\_

E-mail: amaxxincoffice@gmail.com

Name of Applicant: (if different)  
Jason Maxwell

Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?

Address: 46 White Farm Road  
Wingdale NY 12594

Phone Number: (845) 878-0001

E-mail: amaxxincoffice@gmail.com

yes, granted on \_\_\_\_\_  no

Relationship of Applicant to Owner  
(e.g., contract vendee, option holder, lessee):  
Spouse

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district?

Property Information:

Land Use District: SR Suburban Residential

Overlay Districts (if any): AQ

Lot Area: 0.60 ac.

yes  no  not applicable

**REASON FOR APPEAL / VARIANCE** *(Complete where applicable. Use extra sheet if necessary)*

**A. INTERPRETATION** of the Zoning Law is requested because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. REVERSAL OR MODIFICATION** of a decision by the Code Enforcement Officer or ZBA  
**ARB** is requested because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. A USE VARIANCE** is requested for these reasons *(all blanks must be filled in)*:

(1) The applicant cannot realize a reasonable return from the property for any use  
allowed by the Zoning Law because: \_\_\_\_\_  
\_\_\_\_\_

The property was acquired in the year \_\_\_\_\_ for \$\_\_\_\_\_. The applicant has invested  
\$\_\_\_\_\_ in the property since that time, and the largest return that can be expected from  
using the property as a \_\_\_\_\_ *(most valuable use allowed by the Zoning  
Law)* is \$\_\_\_\_\_ per year. The value of the property under the current Zoning Law, as  
determined by competent financial evidence submitted herewith, is \$\_\_\_\_\_. The  
expected return and/or property value from other uses allowed by the Zoning Law ranges  
from \$\_\_\_\_\_ to \$\_\_\_\_\_. *(Please attach a list of all permitted and special permit uses  
and their probable return and value.)*

(2) The hardship relating to this property is unique, and does not apply to a substantial  
portion of the district or neighborhood because:  
\_\_\_\_\_  
\_\_\_\_\_

(3) The variance will not alter the essential character of the neighborhood because:  
\_\_\_\_\_  
\_\_\_\_\_

(4) The hardship is not self-created because:  
\_\_\_\_\_  
\_\_\_\_\_

**D. AN AREA VARIANCE** is requested for these reasons:

- (1) If the variance is granted, the applicant will have the following benefit:  
The applicant is seeking to build a 24'x24' addition to the back of the existing residence for additional garage storage space (in basement) and additional sleeping area (bedrooms) on the 1st floor.  


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- (2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because:  
The addition will be placed behind the existing house thus reducing visibility from the road. The existing house is nonconforming with a 21.3' side yard setback. The new addition side yard set back will be 20.6'. Only ~0.7' more nonconforming over the existing. Additionally the addition will add additional needed storage and living space to the existing residence.  


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- (3) The applicant cannot attain the benefit of having the variance by any other method because:  
The front yard and side yards are limited by the setback requirement therefore extending the addition from the back and into the rear yard is the only available option. The kitchen, dining room as well as the existing back deck are on the rear west side thus it is undesirable to place additional bedrooms on this side of the residence.  


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- (4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:  
The residence is serviced by town water and town sewer. The project will not remove any trees.  


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The undersigned hereby makes an application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.

A. Delgado  
Signature of Record Owner

5-13-15  
Date

[Signature]  
Signature of Applicant (if different)

5-13-15  
Date

## DISCLOSURE OF INTEREST FORM

Project Name: Delgado/Maxwell Residence House Addition

Application Number: \_\_\_\_\_

Grid Number: 132600-7160-02-233939

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.
  - (a) Is the applicant, or
  - (b) Is an officer, director, partner, or employee of the applicant, or
  - (c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

*In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the word "none" none.*

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Date

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

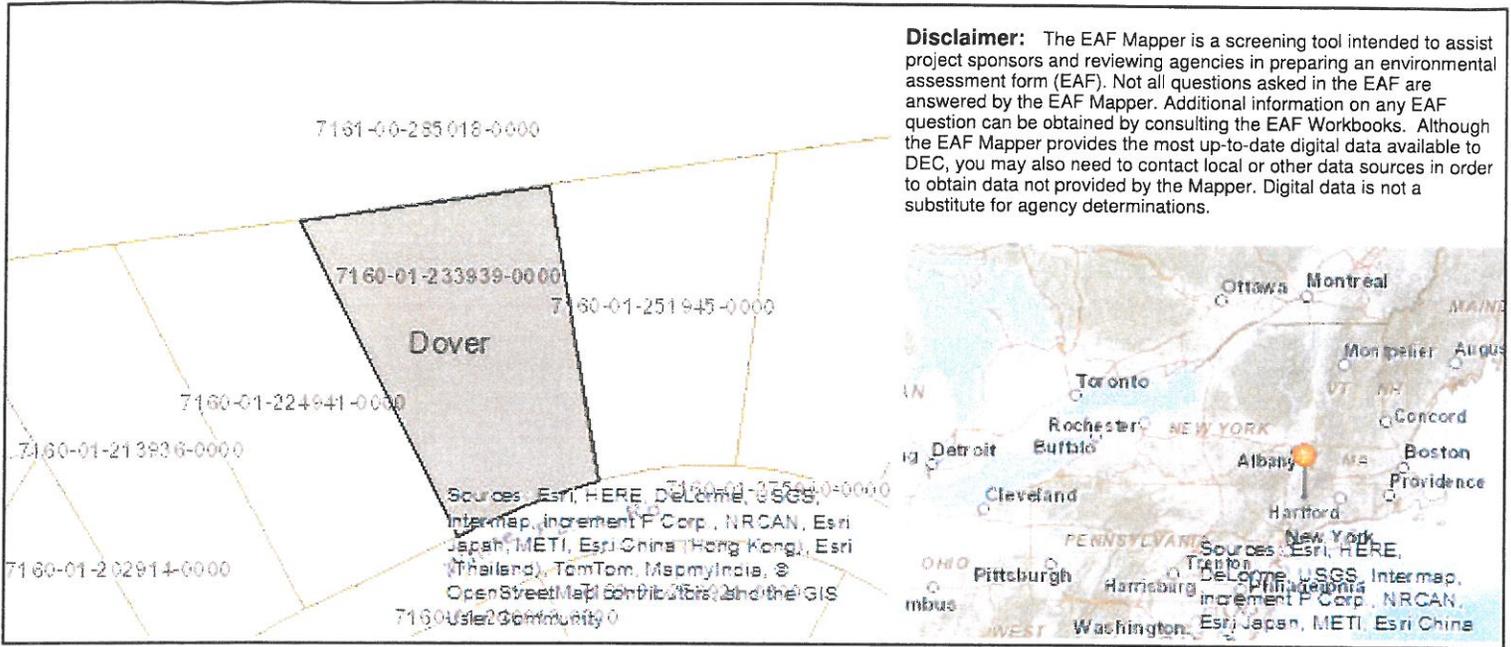
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Delgado/Maxwell Residence House Addition			
Project Location (describe, and attach a location map): 46 White Farm Road, Wingdale NY 12594			
Brief Description of Proposed Action: It is proposed to add a 24' x 24' addition to the back of the existing 3 Bedroom residence.			
Name of Applicant or Sponsor: Jason Maxwell		Telephone: (845) 878-0001 E-Mail: amaxxincoffice@gmail.com	
Address: 46 White Farm Road			
City/PO: Wingdale		State: NY	Zip Code: 12594
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"/>
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: Town of Dover ZBA for side yard setback variance. Town of Dover Building Permit.			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 0.60 acres			
b. Total acreage to be physically disturbed? _____ 0.04 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.60 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



<p>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: _____          _____          _____</p>	<p><b>NO</b></p> <input checked="" type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>
<p>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: _____          _____          _____</p>	<p><b>NO</b></p> <input checked="" type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>
<p>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: _____          _____          _____</p>	<p><b>NO</b></p> <input checked="" type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Jason Maxwell</u> Date: <u>5-13-15</u></p> <p>Signature: _____</p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No