

TW ENGINEERING, P.C.

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May 26, 2023

Bea Ogunti, Zoning Board Secretary
Town of Wappinger
20 Middlebush Rd
Wappingers Falls, NY 12590



RE: Area Variance Application for
Middlebush, LLC Contractor Storage Building
33 Middlebush Road (Tax Parcels 6157-01-396837 and 414840)
Town of Wappinger, NY

Dear Ms. Ogunti:

Attached is an application and eight (8) copies of the site survey, Site Plan, site photographs and a \$750 application fee check in support of the following variances:

1. Rear Yard Setback
2. Front Yard Setback

This project previously received a Use Variance for the proposed use. The building is existing with non-conforming front and rear yard setbacks. The setbacks were considered existing non-conforming when the building was proposed to be renovated. However, a structural investigation was under taken and it was determined that the building must be demolished and re-constructed. The building is proposed to be re-constructed within the same footprint of the existing building and therefore the Planning Board and their consultants have indicated that the requested variances will be required.

Please place this project on the next available Zoning Board of Appeals meeting for consideration. If you have any questions or require additional information, please feel free to contact me.

Sincerely,

Troy A. Wojciekofsky, P. E.; LEED-AP; ENV-SP
Engineer

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH: 845-297-6256
Fax: 845-297-0579

Application for an Area Variance

Appeal No.: 23-7798

Date: 4/25/2023

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

I (We), 33 Middlebush, LLC residing at 33 Middlebush Road
, (phone) 845-629-1702, hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated 4/25/2023, and do hereby apply for an area variance(s).

Premises located at: 33 Middlebush Road

Tax Grid No.: 6157-01-396837 and 414840

Zoning District: R 20/40

1. Record Owner of Property:

33 Middlebush, LLC

Address: 33 Middlebush Road

Phone Number: 845-629-1702

Owner Consent dated: 4/25/2023

Signature: 

Print Name: John Falvella

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.

Section 240 Attachment 3 Schedule of Dimensional Requirements

(Indicate Article, Section, Subsection and Paragraph)

Required: Front yard setback (County Road): 75'

Applicant(s) can provide: 29' (existing)

Thus requesting: 46'

To allow: Reconstruction of a dilapidated building structure for contractor storage use; building is in too poor condition to renovate

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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.

Section 240 Attachment 3 Schedule of Dimensional Requirements

(Indicate Article, Section, Subsection and Paragraph)

Required: Rear yard setback: 50'

Applicant(s) can provide: 39' (existing)

Thus requesting: 11'

To allow: Reconstruction of a dilapidated building structure for contractor storage use; building is in too poor condition to renovate

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.

The requested variance is to allow the reconstruction of an existing dilapidated building and therefore there will be no change to nearby properties or character of the neighborhood. The proposed use will be a low impact use consisting of contractor storage. The new building will be an architectural/aesthetic improvement to the neighborhood. The building is partially screened from the adjacent school use. Many adjacent properties have principal buildings that have similar non-conforming setbacks to Middlebush.

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.

The applicant intended to renovate the building to avoid the requested variances. However, the building has been determined to be in too poor condition to renovate. Therefore, reconstruction within the same footprint as the existing is proposed.

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

The requested variances are 11' from the 50' minimum rear yard and 46' from the 75' minimum front yard required. The requester variance is not substantial. The adjacent parcel behind the property is Wappingers Junior High School and is not sensitive to the variance, as compared to potentially a residential use might be. The building will be within the footprint of the existing building that has been there for many years and therefore is not substantial with respect to impacts to the neighborhood.

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.

The physical environmental conditions in the neighborhood will not be impacted. The existing building has been in the same location for many years. The majority of the site will remain unchanged except for an increase in the parking/maneuvering area adjacent to the building. Issuance of the variances will have no bearing on the impacts to the environmental conditions of the neighborhood as the variances are an administrative request as the variances would not be required if the building were renovated in-place.

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

The need for the variance came about because the existing building has deteriorated too much to renovate it as originally anticipated and therefore not self-created. The existing building, if renovated would not require the requested variances as the front and rear yards would be grand fathered.

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

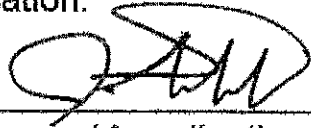
The property is unique in that the use variance previously approved for the site specified that construction on the parcel on the west side of the building must remain without development. Additionally, the septic system will be replaced in the location of the existing system and no other locations are suitable with respect to suitable soils and appropriate separations from neighboring wells. These conditions limit the layout of the site to the current layout and the need for the requested variances.

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

- ☒ Survey dated: 11/7/2017, Last revised 3/22/2023 and
Prepared by: Oicle Land Surveying, PC
- ☐ Plot Plan dated: _____
- ☒ Photos
- ☒ Drawings dated: 2/7/2023 revised 5/26/2023
- ☒ Letter of Communication which resulted in application to the ZBA.
(*e.g., recommendation from the Planning Board/Zoning Denial*)
Letter from: _____ Dated: _____
- ☐ 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: 4/26/2023

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.**

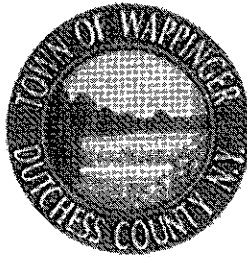
DATED: _____

**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: 23-7798

Date: 4/26/2023

Grid No.: 6157-01-396837 and 414840

Zoning District: R20/40

Location of Project:

33 Middlebush Road

Name of Applicant: 33 Middlebush, LLC

Print name and phone number

Description of

Project: Area variance for reconstruction of existing building within same footprint:

rear yard and front yard setbacks

I, John Falvella (33 Middlebush, LLC)

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.

4/26/2023

Date


Owner's Signature

845-629-1702

Owner's Telephone Number

John Falvella

Print Name and Title ***

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

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