

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 a Use Variance

Appeal No.: 25-7849

Date: 5/12/2025

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

I (We), Frances Parisi (33 Middlebush, LLC) residing at 47 Union School Road, Montgomery, NY 12549
, (phone) 914-403-6108, hereby,
appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator,
dated 4/21/2025 (Planning Board Mtg), and do hereby apply for a use variance.

Premises located at: 33 Middlebush Road
Tax Grid No.: 135689-6157-01-414840
Zoning District: R20/40

1. Record Owner of Property:

33 Middlebush, LLC
Address: 47 Union School Road, Montgomery, NY 12549
Phone Number: 914-403-6108
Owner Consent dated: 5/12/2025 Signature: _____
Print Name: Frances Parisi

2. Variance Request:

I (We) hereby apply to the Zoning Board of Appeals for a variance of the following
requirements of the Zoning Code.

Section 240 - Attachment 1 Schedule of Use Regulations R20/40 Zone

(Indicate Article, Section, Subsection and Paragraph)

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Intended use, alteration, conversion and/or construction (Describe proposed project)

The building is currently being considered for indoor storage of car(s), boat, trailer and a recreational vehicle by a single user.

The following is requested:

1. The current use variance for contractor storage/office remains in place.
2. The additional use of personal indoor storage of cars, boats and RV's.
3. The additional use of commercial indoor storage of cars, boats and RV's so that an owner is permitted to collect rent from tenants for the storage of these items

3. Reason for Appeal (Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):

**A. Are you able to make reasonable economic use of your property without a variance?
Please set forth detailed financial evidence describing.**

The property has not been able to be leased or sold because the current permitted uses limited by the previously issued use variance is too restrictive with the requirement that the building is used by a contractor for storage as described in the attached letter prepared by Tony DeGelormo of Century 21, dated April 30, 2025. According to the real estate agent, there are opportunities to utilize the building for indoor vehicular storage by users that are not contractors. The intention of the original use variance was to allow for the storage of contractor vehicles, building supplies and office employee space that might be associated with small to medium size contractor/construction-type businesses. This variance allowed a commercial use in an otherwise residential zone. It did not allow for outdoor storage or retail-type businesses that might generate a significant amount of in and out daily traffic or outside noise.

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

The property is unique in the neighborhood with respect to a property that has historically been used for commercial purposes but is located within a residential zone. The property has historically been used for an automotive repair business and it continues to be a non-residential use property with the re-construction of the previously dilapidated building on the same footprint.

However the property is not unique in the neighborhood with respect to other non-residential uses, as the Town Hall property that includes the emergency services building and the Wappingers School District property are also within the R20/40 zone and current uses are not residential.

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C. If your variance is granted, will it change the kind of neighborhood in which your property is located? Please explain your answer in detail.

Granting of the variance will not change the neighborhood as it will be similar but arguably less impactful as compared to the currently approved contractor storage use. There will be no on-site parking and daily traffic associated with contractor employees and office workers. The use would result in a property that would exhibit very little outdoor activity with the exception of occasional movement of vehicles, recreational vehicle, boat trailer at the end and beginning of season for the seasonal vehicles and in frequently for the automobiles.

D. How did your need for a variance come about? Is your difficulty self-created? Please explain your answer in detail.

The need for the variance came about because of the limited marketability of the building/property for the narrowly-defined contractor storage use. The difficulty is self-created in that it was believed at the time that the original use variance was requested that the building would be marketable for use by small to medium size contractors or start-up businesses. However, the requirement that the user has to be a contractor has been realized to be too narrow and has been detrimental to the successful marketing of the building/property for the same type of use, but by a tenant or buyer that is not a contractor.

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

- ☒ Financial (economic) statement. This statement should not be personal in nature. The information provided should relate directly to the property for which you are seeking a variance and should illustrate the monetary injury or undue hardship you are suffering without the variance.
- ☒ Survey dated: 11/7/2017, Last revised 2/19/2020 and Prepared by: Oicle Land Surveying.
- ☒ Plot Plan dated: 2/7/2023, last revised 3/4/2024.
- ☒ Photos
- ☒ Drawings dated: see above plot plan.
- ☒ 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: May 12, 2025

SIGNATURE: _____
(If more than one Appellant)

DATED: _____

FOR OFFICE USE ONLY

- A. The appellant () IS () IS NOT able to make reasonable economic returns on the property without a variance for each permitted use within this zoning district.

- B. The appellant's property () IS () IS NOT unique in the neighborhood that needs this type of a variance.

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C. If the variance is granted, () IT WILL () IT WILL NOT change the kind of neighborhood in which the property is located.

D. Is your difficulty self-created? Please explain your answer in detail.

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Conclusion: Therefore, it was determined the requested variance

Be () **GRANTED** () **DENIED**

Conditions / Stipulations: The following conditions and/or stipulations were adopted by resolution of the Board as part of the action stated above:

() **FINDINGS & FACTS ATTACHED.**

DATED: _____

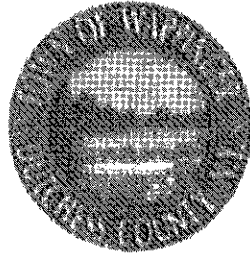
ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____

(Chairman)

PRINT: _____

TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590
PH 845-297-8258
FAX 845-297-0570

Owner Consent Form

Project No: 25-7849

Date: 4/9/2025

Grid No.: 135689-6157-01-414840

Zoning District: R20/40

Location of Project:

33 Middlebush Road

Name of Applicant:

33 Middlebush, LLC c/o Frances Parisi 914-403-6108 (Troy Wojciekofsky, PE representing)

Print name and phone number

Description of

Project: Amend proposed use of site to include vehicle, boat and RV storage. Current approval permits contractor storage with associated office space. No outdoor storage is permitted. No changes to the site are proposed.

I, Frances Parisi, 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.

4/9/2025

Date

Frances Parisi
Owner's Signature

914-403-6108

Owner's Telephone Number

Frances Parisi - President
Print Name and Title ***

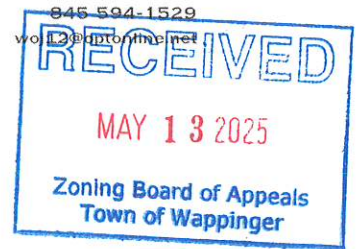
*** If this is a Corporation or LLC, please provide documentation of authority to sign.

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

TW ENGINEERING, P.C.

TROY A. WOJCIEKOWSKY, P.E., LEED-AP
CONSULTING ENGINEER

P.O. BOX 913
WAPPINGERS FALLS, NY 12590



May 12, 2025

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

RE: Use Variance Application
33 Middlebush, LLC
33 Middlebush Road (Tax Parcels 6157-01-396837 and 414840)
Town of Wappinger, NY

Dear Ms. Ogunti:

Attached are eight (8) copies of an Application, Owner's Consent, Letter from Tony DeGelormo, Century 21 Real Estate, dated April 30, 2025, Short EAF, Survey, Site Plan and photos for the referenced project. This project is currently under construction with construction estimated to be completed in May. This submittal is to amend the allowable uses of the site to include storage described below.

The site is currently approved for contractor storage with offices by a previously issued use variance. It was anticipated that the building might be used by one or several small contracting businesses to run their business out of and/or store materials and work vehicles inside of the building, considering the layout of the building and the multiple overhead doors. The building is currently being considered for storage of a car(s), boat and trailer and a recreational vehicle by a single user. This use is less impactful compared to the currently permitted uses as there will be virtually no traffic or deliveries. The site will still maintain no outdoor storage.

In summary, the Applicant requests that you consider the following:

1. The current use variance for contractor storage/office remains in place.
2. The additional use of personal storage of cars, boats and RV's.
3. The additional use of commercial storage of cars, boats and RV's so that an owner is permitted to collect rent from tenants for the storage of these items.

Please place this application on the next available meeting agenda for consideration.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

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