

JOHN A. LENTINI ARCHITECT
pencilbase@aol.com



124 ALLAN STREET
CORTLANDT MANOR, NY 10567
914-737-2890

July 7, 2026

TOWN OF WAPPINGER
Zoning Board of Appeals
Town Hall
20 Middlebush Rd
Wappingers Falls, NY 12590

Attn: Chairman

Re: 1604 Rte 9 area variance request.

TRANSMITTAL

Please find the following material for filing for an appeal referenced above:

1. 1 copy of ZBA application
2. 1 copy of Short Environmental Form
3. 1 copy of Owners Consent Form
4. 1 copy, each, of 9 Deeds associated with property
5. 1 copy of property survey
6. 8 copies of architects site/plot plan
7. 8 copies of image page with 4 views
8. Filing Fee Check No. 1002 in the amount of \$1,000
9. USB Thumb Drive with PDF Images of all above

Respectfully

JOHN A. LENTINI ARCHITECT

A handwritten signature in blue ink, appearing to read "John A. Lentini", written over a horizontal line.

John A. Lentini RA NY # 23755



**TOWN OF WAPPINGER
AREA VARIANCE(S) APPLICATION**

**APPLICATION TO ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK**

Appeal # 26-7873
Date: 7-7-26
Fee: \$4,000.00
Escrow:

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

I (We) Wilson Narvaez, Managing Member, of

1049 Park St, Peekskill, NY 10566, 914 804-8630
(Mailing Address) (Tel. Nos. Home/Work)

**HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE
DECISION/ACTION OF THE ZONING ADMINISTRATOR, DATED _____, 20__
AND DO HEREBY APPLY FOR AN AREA VARIANCE(S).**

Premises located at 1604 Route 9
(Address of Property)
6158-04-542293 HB
(Grid Nos.) (Zoning District)

1. **RECORD OWNER OF PROPERTY** New Wappinger Centerpoint, LLC
(Name)
235 Ponce De Leon Pl, Suite M-190, Decatur, GA
(Address) (Phone Number)

OWNER CONSENT: Dated: 5/27/2026 Signature: _____
Printed: Charles B. Miller

THE APPLICANTS APPEAL, AS PERMITTED BY STATE LAW, CONCERNS THE
FOLLOWING:

☐ DENIAL OF A BUILDING PERMIT – NEW STRUCTURE
☐ DENIAL OF A BUILDING PERMIT - TO CURE A VIOLATION
☒ TOWN OF WAPPINGER PLANNING BOARD

VARIANCE REQUESTED FOR THE CONSTRUCTION OF: 4,938 SF Storage Addition in Front Yard Setback

VARIANCE REQUESTED FOR THE LEGALIZATION OF: _____

DATE OF ZONING ENFORCEMENT LETTER: _____

STATE THE REASON YOU ARE APPLYING FOR THE VARIANCE(S): FRONT YARD

Variance 19.00 Feet Proposed, 75.00 Feet Required

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 ORDINANCE.

Article V Section 240-21, Paragraphs A and C, 240 Attachment 4 Schedule of Dimensional Regulations

(Indicate Article, Section, Subsection and Paragraph)

REQUIRED: Corner Lot Front Yard

REQUIRED SETBACK: 75 Linear Feet

APPLICANT(S) CAN PROVIDE: 19 Linear Feet

THUS REQUESTING A VARIANCE OF: 56 Linear Feet

TO ALLOW: Construction of 1 story Storage and Loading enclosure/addition to existing building

VARIANCE NO. 2

I (WE) HEREBY APPLY TO THE ZONING BOARD OF APPEALS FOR A VARIANCE(S) OF THE FOLLOWING REQUIREMENTS OF THE ZONING ORDINANCE.

(Indicate Article, Section, Subsection and Paragraph)

REQUIRED SETBACK: _____

APPLICANT(S) CAN PROVIDE: _____

THUS REQUESTING A VARIANCE OF: _____

TO ALLOW: _____

VARIANCE NO. 3

I (WE) HEREBY APPLY TO THE ZONING BOARD OF APPEALS FOR A VARIANCE(S) OF THE FOLLOWING REQUIREMENTS OF THE ZONING ORDINANCE.

(Indicate Article, Section, Subsection and Paragraph)

REQUIRED SETBACK: _____

APPLICANT(S) CAN PROVIDE: _____

THUS REQUESTING A VARIANCE OF: _____

TO ALLOW: _____

APPEAL CONCERNS THE FOLLOWING PROPERTY - RESIDENTIAL PROPERTIES ONLY
ENTIRE SECTION MUST BE COMPLETED
STRUCTURES UNDER 144 SF, REQUIRE ONLY 10 FT TO THE SIDE AND REAR PROPERTY LINES

Zoning District: HB	Minimum allowed by Town Code	Current Setback	New Setback	Variance Required
Front Yard Setback (R-10, 25 ft) (R-15 & R-20 - 35 ft) (R-40 & R-80, 50ft.) (R3-A, 75 ft) (R-5A - 100ft.) (RMF-3 & RMF-5, 50 ft.) STATE OR COUNTY ROADS REQUIRE A 75 FT FRONT SETBACK IN ALL DISTRICTS	75 ft.	54 ft. 5 in.	19 ft. 0 in.	56 ft. 0 in.
Rear Yard Setback (R-10, 25 ft) (R-15, 30ft) (R-20 - 40 ft) (R-40 & R-80, 50ft.) (R3-A, 50 ft) (R-5A - 100 ft.) (RMF-3 & RMF-5, 50 ft.)	_____ ft.	__ ft. __ in.	__ ft. __ in.	__ ft. __ in.
Side Yard Setback (R-10, 12 ft) (R-15, 15 ft) (R-20, 20 ft) (R-40, 25 ft) (R-80, 40 ft.) (R3-A, 50 ft) (R-5A, 50 ft.) (RMF-3, 50 ft.) (RMF-5, 25 ft.)	_____ ft.	__ ft. __ in.	__ ft. __ in.	__ ft. __ in.
Maximum building coverage (R-10, 25%) (R-15, 20%) (R-20, 15%) (R-40, 12%) (R-80, 10%) (R3-A, 7%) (R-5A, 5%) (RMF-3, 30%.) (RMF-5, 45%)	_____ %	_____ %	_____ %	_____ %

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 UNDESIRABLE OR A DETRIMENT TO THE NEIGHBORHOOD.? PLEASE EXPLAIN YOUR ANSWER IN DETAIL.

The neighborhood that the subject property is in is commercial. Retail developments, in the immediate area, to the East, South and West are in Wappingers Falls and have structures that have similar setbacks as what is requested. The adjoining properties are in Wappingers Falls CMU Commercial Mixed Use Zone that has required front yard setbacks along Route 9 of much less than what is required in Wappinger along Route 9 and in some cases only 10 linear feet is required. A business to the North of the subject, on the same side of Route 9 has a front setback that appears to be less than 10 feet. There is no development to the North, on New Hackensack Rd that conflicts in appearance.

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.

In order to retrofit the existing structure to suit the proposed Fresh Market Use the structure area needs to be increased. Storage for this use is typically 25% of the entire building. The current building is 11,439 sf, therefore the sales area would only be 8,600 sf if we were unable to add area. The average size of a grocery store in the United States is approximately 44,000 sf. A large chain like Shoprite have average areas of 75,000 sf. Smaller chains like Acme average 40,000 sf. Older neighborhood located in urban areas are as small as 15,000 sf. In order to enlarge the subject with the least disturbance to the site and existing parking and circulation.

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 proposal is substantial because the site is a corner lot that is 66 % front yard. If not for New Hackensack Rd the request would not be considered substantial. Front yards for average interior lots would only involve approximately 30% of all setbacks. The Variance is not substantial when the adjoining Jurisdiction properties are factored.

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.

If permitted to enlarge the existing structure the physical appearance on New Hackensack Rd will be altered. The improvement will not be noticeable from Route 9 heading South and slightly visible when heading North on Route 9. Traffic on New Hackensack Rd will be reduced, at the North end of lot because deliveries and employees will provide less activity than the former drive through window that is going to be eliminated. Overall there should be little change in traffic and activity due to the new use and the proposed addition.

E. HOW DID YOUR NEED FOR AN AREA VARIANCE(S) COME ABOUT? IS YOUR DIFFICULTY SELF-CREATED? PLEASE EXPLAIN YOUR ANSWER IN DETAIL.

Applicant is perspective Contract Vendee desiring to retrofit the existing/former Eckerd Drug Store for use as a Fresh Market Grocery Store. The existing sales area is the minimum required for the proposed business plan, however, logistics, require additional storage and loading area for the products offered for sale. The requirement is self created as it is a requirement of the proposed business, however, work has not been done and the applicant was not involved with historical development

Property within 500' of any of the following? If so, they are to be notified.

- ☐ Town of Fishkill ☐ Town of Poughkeepsie ☐ Town of East Fishkill
☒ Village of Wappinger ☐ Town of LaGrange
☒ State or County Road (Rt 9, Rt 9D, Rt 376,
DC Route 28, DC Rt 92, DC Rt 93, DC Rt 94,
DC Rt 104 and DC Rt 1

4. LIST OF ATTACHMENTS (*Check applicable information*)

- ☒ SURVEY DATED May 2, 2012, LAST REVISED May 24, 2012 AND
PREPARED BY T.M. Depuy, TMD, LLS.
☒ PLOT PLAN DATED May 14, 2026.
☐ PHOTOS
☐ DRAWINGS DATED _____.
☐ LETTER OF COMMUNICATION WHICH RESULTED IN APPLICATION TO
THE ZBA.

(*e.g., recommendation from the Planning Board / Zoning Denial*)

LETTER FROM _____ DATED: _____
LETTER FROM _____ DATED: _____

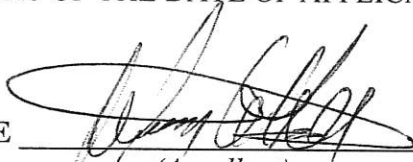
- ☒ OTHER (*please list*): Verbal direction from the Planning Board resulting from the Conceptual Review
Hearing on June 15, 2026 at the Town's offices.

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:

7/7/2026

SIGNATURE

(If more than one Appellant)

DATED:

.....
.....

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

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)** / (☐) **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
BE
(☐) GRANTED (☐) DENIED.

Reasons: _____

The ZBA further finds that a variance of _____ from Section of the Zoning Code _____ is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the following reasons:

Condition No. 1. _____

Adverse impact to be minimized: _____

Condition No. 2: _____

Adverse impact to be minimized: _____

() FINDINGS & FACTS ATTACHED.

DATED: _____

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____
(Chairman)

PRINT: _____

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	John Lorenzini	_____	_____
Co-Chair	David Barr	_____	_____
Member	Tom DellaCorte	_____	_____
Member	Don Denardo	_____	_____
Member	Christopher Hernandez	_____	_____

OWNER'S AUTHORIZATION

STATE OF GEORGIA)
) **ss:**
COUNTY OF DEKALB)

Lindy Miller being duly sworn, deposes and says:

1. I am an authorized representative of New Wappingers CenterPoint, LLC and as such I am authorized and empowered to issue this consent.
2. On behalf of New Wappingers CenterPoint, LLC I hereby authorize 1604 Route 9, LLC to make application to the Town of Wappinger Zoning Board of Appeals in connection with property owned by New Wappingers CenterPoint, LLC situated at 1604 Route 9, Wappingers Village, NY 12590, Parcel ID 6158-04-542293 and 1602 Route 9, Wappingers Village, NY 12590, Parcel ID 6158-15-538272.
3. This consent is issued with the express understanding that New Wappingers CenterPoint, LLC shall in no manner be responsible for any costs, fees, expenses or the like in connection with any such application to the Town of Wappinger Zoning Board of Appeals and that all such fees, costs and expenses shall be the sole and singular responsibility of and shall be paid by 1604 Route 9, LLC.

NEW WAPPINGERS CENTERPOINT, LLC

BY: _____

Lindy Miller, Authorized Representative

Subscribed and sworn to (or affirmed)
before me on this 8th day of July, 2026

John K. Lee
NOTARY PUBLIC

W-00732859



TOWN OF WAPPINGER



PLANNING BOARD & ZONING BOARD OF APPEALS

20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12589
PH: 845-297-0255
Fax: 845-297-0579

Owner Consent Form

Project No: 26-3541
Grid No.: 6158-04-542293

Date: 5/27/26
Zoning District: HFD

Location of Project:

11604 + 11602 Route 9, Wappingers Falls, NY 12590

Name of Applicant:

11604 Route 9, LLC, Wilson Alvarez 914-804-8630
Print name and phone number

Description of
Project:

Grocery Store

I, New Wappingers Centerpoint 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.

May 26, 2026
Date

[Signature]
Owner's Signature

Owner's Telephone Number

Charles B. Miller, Member
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.