



Village of Wappingers Falls

Office of Planning & Zoning

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MINUTES OF THE ZONING BOARD OF APPEALS 2/9/2021

This meeting was held online and telephonically utilizing the WebEx platform.

Present: Allen Firstenberg – Chair, Heidi Murphy – Vice Chair, Bridget Gannon, Frank Barresi, Loretta Holloway, Vincent Harvey (Alternate), Lisa M. Cobb (Attorney), Mercedes Perez (Planning and Zoning Assistant)

The meeting was called to order at 7:11 p.m.

The Planning and Zoning Assistant completed roll call of the Zoning Board members.

Motion to approve the January 12, 2021 minutes:

Motion: Frank Barresi

Second: Heidi Murphy

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

PUBLIC HEARING

McDONALD'S - 1567 Route 9 (Grid #6158-19-527150-0002) – Ormater Development Corp. (Owner); McDonald's Corporation (Applicant); Keith P. Brown, Esq. – Brown Altman & DiLeo, LLP (Attorney) – Rehearing of Denial of Variance.

This property is located in the Commercial Mixed Use (CMU) zoning district. The applicant is seeking rehearing of the denial of the original requested variance application to the ZBA for the proposed digital pre-browse and menu boards.

Motion to open the public hearing for the rehearing of denial of variance:

Motion: Bridget Gannon

Second: Frank Barresi

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

Motion to reopen the public hearing for the interpretation:

Motion: Loretta Holloway

Second: Bridget Gannon

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

Motion to close the public hearing for the rehearing of denial of variance:

Motion: Frank Barresi

Second: Bridget Gannon

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

- The Zoning Board determined that there were no other involved agencies.

Motion that the Zoning Board be Lead Agency:

Motion: Allen Firstenberg

Second: Frank Barresi

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

Motion that the Zoning Board determined that the proposed action would not have a significant adverse environmental impact and issued a Negative Declaration:

Motion: Allen Firstenberg

Second: Frank Barresi

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

Motion that the Board finds that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood or community and thus grants a variance from Village Code section 151-25(C)(7) to permit the installation of the Proposed Signs, namely, two digital pre-browse boards and two digital menu boards, subject to the following conditions:

- 1) The Proposed Signs are to be located to the rear of the property in the locations shown on the current, approved site plan.
- 2) The Proposed Signs shall change no more than 4 times per day. Turning a sign off shall not constitute a “change.”
- 3) The contents of the signs shall transition to the next message without any effects between messages, but this transition may include a brief period where the screen is dark.
- 4) No part of the sign shall be animated or include special effects including, but not limited to, flashing, rotating, scintillating, blinking, strobing, showing action or motion, or present the appearance of any such effects.
- 5) The light intensity of the signs shall not exceed an average of 1.31 footcandles as provided in the lighting plan approved by the Planning Board on July 16, 2019.

- 6) The signs shall be no larger than 10.1 square feet for the pre-menu boards and 20.2 square feet for the menu boards each.

Motion: Allen Firstenberg

Second: Bridget Gannon

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg - Aye

CONTINUED PUBLIC HEARING

McDONALD’S - 1567 Route 9 (Grid #6158-19-527150-0002) – Ormater Development Corp. (Owner); McDonald’s Corporation (Applicant); Keith P. Brown, Esq. – Brown Altman & DiLeo, LLP (Attorney) – Interpretation.

This property is located in the Commercial Mixed Use (CMU) zoning district. The applicant is seeking an interpretation of §151-25(C)(7) of the Village Zoning Code, specifically, that its proposed digital pre-browse and menu boards, which change 3 times per day, do not fall within that section of the Code which provides that “Signs with flashing, blinking, intermittent, or moving lights, or any artificial light which does not maintain stationary and constant intensity and color at all times, except signs displaying time and/or temperature” are prohibited.

- The applicant withdrew the interpretation request.

Motion to adjourn meeting:

Motion: Frank Barresi

Second: Bridget Gannon

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Loretta Holloway – Aye

Allen Firstenberg – Aye

The meeting was adjourned at 8:47 p.m.