

***Welcome to the Village of Wappingers Falls monthly regular meeting of the Mayor and Board of Trustees today Wednesday, May 13, 2020, 7PM.***

**RECOGNITION / ANNOUNCEMENTS / SPECIAL EVENTS**

**ROLL CALL BY THE CLERK OF THE VILLAGE:** Mayor Alexander, Trustee Marcojohn, Trustee Davis, Trustee Komornik, Trustee Huber, Trustee Whitten, Trustee Paonessa, Village Attorney Wallace.

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
VILLAGE OF WAPPINGERS FALLS**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Wappingers Falls will conduct a PUBLIC HEARING on the 13 day of May, 2020, at 7:00 p.m. at the Village Hall 2582 South Avenue, Wappingers Falls, New York, at which time all parties in interest and citizens shall have an opportunity to be heard as to whether the Board of Trustees of the Village of Wappingers Falls shall adopt a proposed Local Law entitled "Local Law No. A of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled "Zoning" to Clarify the Provisions for Street-Level Dwellings".

**PLEASE TAKE FURTHER NOTICE** that the purpose and intent of the proposed Local Law is to amend Chapter 151 of the Code of the Village of Wappingers Falls in order to clarify the provisions pertaining to street-level dwellings.

**PLEASE TAKE FURTHER NOTICE** that a copy of the proposed Local Law is available for review and inspection at the Office of the Village Clerk on weekdays from 8:30 a.m. to 4:00 p.m., at the Village Hall, 2582 South Avenue, Wappingers Falls, New York.

Dated: April 2, 2020

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF WAPPINGERS FALLS

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JOHN KARGE, VILLAGE CLERK  
RESOLUTION NO. 082020 of 2020

RESOLUTION INTRODUCING LOCAL LAW NO. A OF THE YEAR 2020,  
AMENDING CHAPTER 151 OF THE VILLAGE OF WAPPINGERS FALLS  
ENTITLED "ZONING" TO CLARIFY THE PROVISIONS FOR STREET-LEVEL  
DWELLINGS

The following resolution was introduced by Trustee Huber and seconded by Trustee Davis.

WHEREAS, the Village Board of Trustees has determined that certain portions of the Village's current zoning regulations, particularly the provisions for street-level dwellings, need to be clarified; and

WHEREAS, the Board of Trustees believes that it is in the best interest of the citizens and property owners of the Village to adopt the attached proposed Local Law in order to protect the health, safety and welfare of Village residents, and to bring the Village's Zoning Code into conformance with the Comprehensive Plan of the Village of Wappingers Falls and with the Greenway Connections: Greenway Compact Program and Plan for Dutchess County Communities pursuant to Chapter 17-3 of the Village Code; and

WHEREAS, the Board of Trustees has determined that the proposed action, adopting the attached proposed Local Law, is a Type I Action under the State Environmental Quality Review Act (SEQRA), and further has determined that there are no other involved agencies, and therefore declares itself to be Lead Agency for the environmental review of this action, as it is the only involved agency, and in that capacity has caused the preparation of a Full Environmental Assessment Form (FEAF) and a Coastal Assessment Form (CAF).

NOW, THEREFORE, BE IT RESOLVED:

1. The Village Board of Trustees hereby introduces, for consideration of its adoption, proposed "Local Law No. A of the Year 2020, Amending Chapter 151 of the Code of the Village of Wappingers Falls entitled "Zoning" to Clarify the Provisions for Street-Level Dwellings," in the form annexed hereto.
2. The Village Board of Trustees hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the 13<sup>th</sup> day of May, 2020, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York, or by such virtual means as may be permitted and/or required.
3. The Village Board of Trustees hereby directs the Village Clerk to act as follows with respect to the proposed Local Law:
  - a. To publish a Notice of Public Hearing in the Village's official newspaper, and on the sign board maintained by the Village Clerk at least 5 days prior to said public hearing date, and to post the Notice on the Village website as soon as practicable;
  - b. To serve a copy of this Resolution, the annexed proposed Local Law and the Notice of Public Hearing, on the Town Clerks of each abutting municipality prior to said Public Hearing;

- c. To serve a copy of this Resolution, the annexed proposed Local Law, the FEAF and CAF on the Dutchess County Department of Planning and Development for advisory review in accordance with §239-m of the General Municipal Law; and
- d. To forward a copy of this Resolution, the annexed proposed Local Law, the FEAF and CAF to the Planning Board of the Village of Wappingers Falls for a report thereon pursuant to §151-55 of the Code of the Village of Wappingers Falls.

The foregoing was put to a vote which resulted as follows:

**ROLL CALL VOTE:** Trustee Marcojohn, Aye. Trustee Paonessa, Aye. Trustee Davis, Aye. Trustee Komornik, Aye. Trustee Whitten, Aye. Trustee Huber, Aye. Carried.

Dated: Wappingers Falls, New York  
April 1, 2020

The Resolution is hereby duly declared adopted.

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JOHN KARGE, VILLAGE CLERK

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certificate of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQRA, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response): NA
- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) \_\_\_\_\_
  - (b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_
  - (c) Permit, license, certification \_\_\_\_\_

2. Describe nature and extent of action: The Village Board has proposed to adopt a local law to amend Chapter 151 of the Village Code entitled "Zoning" to clarify the provisions for street level dwellings. The proposed action is designed to protect the health, safety and welfare of Village residents and to bring the Village's Zoning Law into conformance with the Comprehensive Plan and with the "Greenway Connections: Greenway Compact Program and Plan for Dutchess County Communities" pursuant to Chapter 17-3 of the Village Code.

3. Location of action:

<u>Dutchess County</u> County Description	<u>Village of Wappingers Falls</u> City, Town or Village	<u>_____ Village-wide</u> Street or Site
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4. If an application for the proposed action has been filed with the state agency, the following information shall be provided: NA

(a) Name \_\_\_\_\_ of \_\_\_\_\_ applicant:

(b) Mailing \_\_\_\_\_ address:

(c) Telephone Number: Area Code  
( ) \_\_\_\_\_

(d) State agency application number:  
\_\_\_\_\_

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes \_\_\_ No ✓ If yes, which federal agency?  
\_\_\_\_\_

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

1. Will the proposed action be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

YES                      NO

- (a) Significant fish or wildlife habitats? .....  \_\_\_\_\_
  - (b) Scenic areas of statewide significance?.....  \_\_\_\_\_
  - (c) Important agricultural lands?.....  \_\_\_\_\_
2. Will the proposed action have a significant effect upon:
- (a) Commercial or recreational use of fish and wildlife resources?.....  \_\_\_\_\_
  - (b) Scenic quality of the coastal environment?.....  \_\_\_\_\_
  - (c) Development of future, or existing water dependent uses?.....  \_\_\_\_\_
  - (d) Operation of the State's major ports?.....  \_\_\_\_\_
  - (e) Land or water uses within the State's small harbors?.....  \_\_\_\_\_
  - (f) Existing or potential public recreation opportunities?.....  \_\_\_\_\_
  - (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?.....  \_\_\_\_\_
3. Will the proposed action involve or result in any of the following:
- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?.....  \_\_\_\_\_
  - (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?.....  \_\_\_\_\_
  - (c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?.....  \_\_\_\_\_
  - (d) Energy facility not subject to Article VII or VIII of the Public Service Law? .....  \_\_\_\_\_
  - (e) Mining, excavation, filling or dredging in coastal waters?.....  \_\_\_\_\_
  - (f) Reduction of existing or potential public access to or along the shore?.....  \_\_\_\_\_
  - (g) Sale or change in use of state-owned lands located on the shoreline or under water?.....  \_\_\_\_\_
  - (h) Development within a designated flood or erosion hazard area?.....  \_\_\_\_\_
  - (i) Development on a beach, dune, barrier island or other natural



THE PROVISIONS FOR STREET LEVEL DWELLINGS” in the Village of Wappingers Falls, Dutchess County, New York; and

**Whereas,** a Full Environmental Assessment Form (EAF) and Coastal Assessment Form dated April 1, 2020 was prepared for the proposed action; and

**Whereas,** the Board has reviewed the thresholds for Type I and Type II actions set forth in 6 NYCRR 617.4 and 617.5; and

**Whereas,** after examining the EAF the Village Board has determined that there are no other involved and/or federal agencies on this matter since no other agency has approval authority with respect to the proposed action.

**Now Therefore Be It Resolved,** that the Village Board hereby determines that the proposed action is a Type I action.

**Be It Further Resolved,** that the Village Board hereby declares itself Lead Agency for the review of this action, as it is the only involved agency.

**Be It Further Resolved,** that a Determination of Significance will be made at such time as all reasonably necessary information has been received by the Village Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, and \_\_\_\_\_ absent, this resolution was adopted on

#### 617.7

#### State Environmental Quality Review (SEQR)

#### Negative Declaration

Notice of Determination of Non-Significance

**Date of Adoption:** \_\_\_\_\_

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8

(State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Wappingers Falls Board of Trustees, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft

Environmental Impact Statement will not be prepared.

**Name of Action:** Adoption of Local Law No. A (Proposed) of 2020 Amending Chapter 151

of the Code of the Village of Wappingers Falls entitled “Zoning” to Clarify the Provisions for

Street Level Dwellings

**Description of Action:** The action involves adoption of amendments to Chapter 151 of the

Village Code entitled “Zoning” to clarify the provisions for street level dwellings. The proposed action is designed to protect the health, safety and welfare of Village residents and to “Greenway Connections: Greenway Compact Program and Plan for Dutchess County Communities” pursuant to Chapter 17-3 of the Village Code.

**Location:** Village of Wappingers Falls, Dutchess County, New York

**Reasons Supporting This Determination:**

1. The Village Board has given due consideration to the subject action as defined in 6 CRR-NY

617.2(b) and 617.3(g).

2. After reviewing the Full Environmental Assessment Form (EAF) for the action dated April 1,

2020, the Village Board has concluded that environmental effects of the proposal will not exceed any of the Criteria for Determining Significance found in 6 CRR-NY 617.7(c).


3. The proposed action will apply to lands that are located within the Village of Wappingers Falls

Historic District, which is listed on the National Register of Historic Places, and to other properties that are individually listed on the National Register. It will also apply to lands that have been identified as sensitive for archaeological sites by the NYS Office of Parks,

Recreation


and Historic Preservation. The proposed action involves amendments to the Village Zoning Law

to clarify the existing provisions for street level or “ground floor” dwellings. Specifically it

**SEQR Status:** Type I 

Unlisted 

**Conditioned Negative Declaration:**  YES

 NO

Negative Declaration page 1

clarifies that the definition of “ground floor dwelling” includes all or “any portion” of a dwelling unit, and it limits a hallway with stairs to a maximum of 6’ wide leading from the exterior ground-floor door located on a building facade that faces a street to a self-enclosed dwelling unit located above or below the ground floor. These provisions will ensure that no portion of a ground floor dwelling will face the street in the VC District, which in turn will encourage pedestrian-oriented commercial development along the street frontage consistent with historic development patterns, a beneficial impact on historic resources. No development

is proposed as part of the action and therefore no significant adverse environmental impacts will

occur to archaeological resources. Potential impacts on archaeological resources that may occur

as a result of future development activities permitted by the proposed Zoning amendments must be investigated on a site specific basis; if development of a specific site is proposed subsequent to adoption of the proposed Zoning amendments, a separate site-specific



environmental review, including an assessment of potential impacts on archaeological resources, will be conducted under SEQR. Based on the foregoing, the Village Board concludes that the proposed action will not result in a significant adverse environmental impact on historic and archaeological resources.

4. The proposed action will apply to lands located within or adjacent to a critical environmental area (CEA). No development is proposed as part of the action and therefore no significant adverse environmental impacts will occur to the CEA. Potential impacts on the CEA that may occur as a result of future development activities permitted by the proposed Zoning amendments must be investigated on a site specific basis; if development of a specific site is proposed subsequent to adoption of the proposed Zoning amendments, a separate site-specific environmental review, including an assessment of potential impacts on the CEA, will be conducted under SEQR. Based on the foregoing, the Village Board concludes that the proposed action will not result in a significant adverse environmental impact on a CEA.

5. The Village Board has concluded that there are no significant adverse environmental impacts associated with the proposed action.

**For Further Information:**

**A Copy of this Notice Filed With:**

Village of Wappingers Falls Board of Trustees (Lead Agency)  
Matt Alexander, Village Mayor

Any person who has requested a copy  
Environmental Notice Bulletin: [enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

Contact Person:

Address:

Telephone:

Email:

John Karge, Village Clerk

2582 South Avenue

Wappingers Falls, NY 12590

845-287-8773

[jmkarge@optonline.net](mailto:jmkarge@optonline.net)

Negative Declaration page 1

**ACTION ON MINUTES**

April 8, 2020 Village Board Meeting

April 22, 2020 Village Board Budget Meeting

April 29, 2020 Village Board Meeting

**AUTHORIZATION TO PAY BILLS AS PER APPROVED WARRANTS**

**REGULAR SESSION:**

**FINANCE / ADMINISTRATIVE**

Approval for Mayor to sign STORMWATER MANAGEMENT PROGRAM ANNUAL REPORT for the past year 2019-20. Clerk

Purchase the fire truck on 5/13

**SAFETY**

**FURTHER DISCUSSION OF ITEMS FROM PREVIOUS BOARD MEETINGS.**

**COMMITTEE REPORTS.**

Police

EDC

Highway, Trustee Whitten

Fire, Trustee Huber

Recreation, Trustee Huber

Lake, Trustee Huber

Water, Mayor Alexander

Personnel, Trustee Davis

Sewer and Grants, Mayor Alexander

***Note: Future reports to be submitted in writing to the clerk prior to monthly meeting.***

Public Input

Motion to adjourn the 5/13/2020 Village Board Meeting