



Village of Wappingers Falls

Office of Planning & Zoning

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MINUTES OF THE ZONING BOARD OF APPEALS 1/12/2021

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

Present: Allen Firstenberg – Chairman, 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 7:03 p.m.

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

The Zoning Board Chair read the Statement of Compliance.

Motion to approve the December 8, 2020 minutes:

Loretta Holloway did not attend the December 8, 2020 meeting and recused herself from consideration of this motion. The Chair then made Vincent Harvey an acting voting member to vote on the December 8, 2020 minutes.

Motion: Bridget Gannon

Second: Frank Barresi

All in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye

Bridget Gannon – Aye

Frank Barresi – Aye

Vincent Harvey – Aye

Allen Firstenberg – Aye

PUBLIC HEARINGS

DOWNEY AVENUE - Downey Avenue (Grid #6158-13-199440) – Daniel E. Garay, Jr. (Owner and Applicant) – Area Variance.

This property is located in the Residential (R) zoning district. The applicant is seeking a variance from Table 2A of §151 of the Village Code to permit an existing foundation to remain in place having a side yard setback for the northwest corner of the structure to be 7 feet, 1 inch where 8 feet is mandated, therefore, requiring a variance of 11 inches.

Motion to open the public hearing:

Motion: Bridget Gannon

Second: Heidi Murphy

Alli 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:

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 grant a variance of 11 inches:

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

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. In the alternative, the applicant is seeking rehearing of the denial of its prior application to the ZBA.

Motion to open the public hearing:

Motion: Bridget Gannon
Second: Loretta Holloway
Alli in favor – none opposed

Roll Call Vote: Heidi Murphy – Aye
Bridget Gannon - Aye
Frank Barresi – Aye
Loretta Holloway – Aye
Allen Firstenberg – Aye

Motion to adjourn the public hearing until the February 9, 2021 meeting:

Motion: Heidi Murphy
Second: Allen Firstenberg
4 in Favor – 1 opposed

Roll Call Vote: Heidi Murphy – Aye
Bridget Gannon – Nay
Frank Barresi – Aye
Loretta Holloway – Aye
Allen Firstenberg – Aye

Motion for the Zoning Board to hold a rehearing:

Motion: Heidi Murphy

Second: Allen Firstenberg

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 adjourn meeting:

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

The meeting was adjourned at 9:07 p.m.