

VILLAGE OF WAPPINGERS FALLS
Offices of Planning/Zoning
2582 South Avenue Wappingers Falls, NY 12590
(845) 297-5277 Fax: (845) 296-0379

AGENDA OF THE ZONING BOARD OF APPEALS

January 11, 2022

****THIS MEETING WILL BE HELD ONLINE AND TELEPHONICALLY ONLY****

**THERE WILL BE NO IN-PERSON PARTICIPATION
BY THE BOARD OR THE PUBLIC.**

Until further notice, in accordance with Chapter 417 of the Laws of 2021, all Zoning Board of Appeals meetings will be held via videoconference utilizing the Webex platform. Each Board member will be participating remotely. There will not be an opportunity for the public to participate from the same location as a Board member. However, the public is welcome to view the videoconference contemporaneously by logging in to the Webex platform using the information below. There is also an option to participate by telephone for audio participation only. The meeting will be recorded and the recording will be posted on the Village website. A written transcript of the meeting also will be made available at a later date.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Wappingers Falls will hold a public meeting on January 11, 2022, beginning at 7:00 p.m. via Webex.

The Webex participation information is as follows:

Meeting number (access code): 2631 456 9295
Meeting password: yfJDk5mAX77

You may also use this link: [Join meeting](#)

To join by phone please call: 1-408-418-9388

The agenda is as follows:

ROLL CALL

STATEMENT OF COMPLIANCE BY THE CHAIR

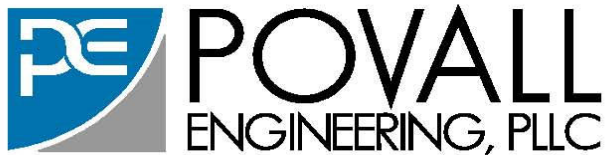
APPROVAL OF JUNE 21, 2021 MINUTES

PUBLIC HEARING

2746 W MAIN STREET

2746 W Main Street (Grid #6158-14-252469) – Viserba Breglia Holdings, LLC (Owner and Applicant) – Area Variance Application.

This property is located in the Village Mixed (VM) zoning district. The applicant is seeking a variance from Village Code §151-61, Definitions, “Dwelling, Multifamily” which permits “[a] building containing more than two dwelling units or a part of a building above a permitted business use containing more than two dwelling units” to allow a multifamily dwelling that (a) contains only two dwelling units and (b) has one of the dwelling units located below the commercial use.



p: (845) 897-8205

f: (845) 897-0042

www.PovallEngineering.com

3 Nancy Court, Suite 4

Wappingers Falls, NY 12590

William H. Povall III, P.E.

Professional Engineer: NY, CT, PA, VT

December 15, 2021

Chairman Firstenberg and Zoning Board of Appeals Members
Village of Wappingers Falls Planning Board
2582 South Avenue
Wappingers Falls, NY 12590

RE: Site Plan for 2746 W Main Street
Tax Grid Nos. 134601-6158-14-252469 (2746 W. Main Street)
Village of Wappingers Falls

Dear Chairman Firstenberg and Zoning Board of Appeals Members:

On behalf of the owner/applicant, Viserba Breglia Holdings, LLC, we are submitting an Application for an Area Variance for the above referenced site. The owner is seeking to gain approval for a basement apartment located at 2746 W. Main Street. Currently there is one (1) residential apartment and one (1) small office at this parcel which is located in the Village Mixed (VM) Zoning District.

With the existing and proposed use, the building falls under the multifamily use. However, by definition, per Chapter 151-61 of the Village of Wappingers Falls Zoning Code, a multifamily dwelling is a building containing more than two dwelling units or part of a building above a permitted business use containing more than two dwelling units. By gaining approval for the apartment, it will bring the total dwelling units to two. Therefore the owner/applicant is requesting a one (1) unit dwelling unit variance where more than two (2) dwelling units is required in order to meet the definition.

In support of this application, please find enclosed the following:

- Ten (10) copies of the Application for an Area Variance
- Ten (10) copies of the Short Environmental Assessment Form
- Ten (10) copies of the Owner & Applicant Affidavits
- Ten (10) copies of the Letter of Denial dated December 14, 2021
- Ten (10) copies of the Site Plan dated last revised 12-15-21
- A check in the amount of \$520.00 for the application fee.

We respectfully request to be placed on the January 11, 2022 Zoning Board of Appeals agenda. Please contact this office, should you have any questions or require any additional information. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. H. Povall III', written over a white background.

William H. Povall, III, P.E.

cc: Giacomo Breglia, *Viserba Breglia Holdings, LLC*
Karen Hagstrom, Esq., *Stenger, Diamond & Glass*



VILLAGE OF WAPPINGERS FALLS

APPLICATION FOR AREA VARIANCE

OFFICE OF BUILDING,
PLANNING AND ZONING
2582 SOUTH AVENUE
WAPPINGERS FALLS, NY 12590
PHONE: (845) 297-5277
FAX: (845) 296-0379
bmurphy@wappingersfallsny.gov
mperez@wappingersfallsny.gov
www.wappingersfallsny.gov

SUBMISSION REQUIREMENTS

1. All sections of the application form must be complete and accurate.
2. Application fee (non-refundable): cash or checks payable to "Village of Wappingers Falls"
3. The application must be filed with ten (10) copies of your appeal, together with ten (10) copies of all supporting documentation, and also submitted electronically in PDF format, including:

- "Letter of Denial" Zoning Administrator Memo
- Affidavit of ownership
- Contract of Sale or Lease, if applicable
- Photographs of affected area if applicable
- Plot Plan :

* A scale drawing not less than 8 1/2 by 11 inches in size.

*Suggested examples to include are: boundaries and dimensions of lot, dimensions and locations of existing structures (include porches, fences, walls, pools, sheds, signs, etc.). Dimensions of building set backs from property lines, location of driveways and parking layout, adjacent property lines, location of driveways, and parking layouts, adjacent property lines within 100 feet of the site, right of ways and easements, adjacent street(s), north point, building elevation (not required in most cases) may be helpful in rendering a decision.

APPLICATION DEADLINE:

In order to be on the following month's agenda you should submit a properly completed application by the submittal due date. For the ZBA meeting schedule and submittal due dates, please visit the Building, Planning & Zoning page of the Village website: <https://www.wappingersfallsny.gov/building-planning-zoning/>

ZBA meetings begin at 7:00 p.m. You are encouraged to visit the Village website and/or call the Planning and Zoning office the day of the meeting to confirm the meeting.



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
 (845) 297-5277 Fax: (845) 296-0379

APPLICATION FOR AN AREA VARIANCE

APPEAL NUMBER: _____ **MEETING DATE:** _____

APPLICANT:

Name: Viserba Breglia Holdings, LLC

Address: 34 Kingwood Park
Poughkeepsie, NY 12601

Phone Numbers: (H) 845-235-7231 (C) _____
 (E-mail) bregliar@yahoo.com

(If the applicant is not the owner, a Consent form signed by the owner must be filed with this application.)

PROPERTY OWNER:

Name: Same as owner

Address: _____

Contact Phone Numbers. : (H) _____ (C) _____
 (E-mail) _____

PROPERTY INFORMATION

Property Address (subject of appeal): 2746 W. Main Street

Tax Parcel #: 6158-14-252469

Date property acquired: May 27, 2020

Present use of property: Residential (1 dwelling unit) and office

Zoning District: Village Mixed (VM) Zone

Dimensions: Lot Area 3,352 (sq. ft. Width 30.3 ft. Depth 110.0 ft.

Setback: Front 10.9 ft. Rear 60.5 ft.

Sides 0 ft. and 4.1 ft.

REQUEST FOR AREA VARIANCE

Deed Restrictions: _____

Section(s) of ordinance from which variance is requested:

SECTION	REQUIRING	REQUESTED VARIANCE
151-61	Dwelling, Multifamily: More than two dwelling units	1 dwelling unit



VILLAGE OF WAPPINGERS FALLS
OFFICE OF BUILDING, PLANNING & ZONING
(845) 297-5277 Fax: (845) 296-0379
APPLICATION FOR AN AREA VARIANCE (Continued)

Description of appeal Requested: The building is located in the Village Mixed (VM) Zoning District. The residential building is currently occupied with a 2nd floor apartment and 1st floor office. A basement apartment is proposed which designates the proposed use as multi-family. By definition (Chapter 151-61) a multifamily dwelling is a building containing more than two dwelling units. Therefore a 1-unit dwelling unit variance is requested because the number of apartments does not exceed two.

Dates and Descriptions of prior appeals, variances or special permit for property: None

Planning Board review date(s): December 2, 2021

Environmental review: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS: (Use attachments if necessary)

1. How will this variance affect nearby properties?

This variance will have no affect on nearby properties in comparison to providing the 3rd unit as required by zoning given that there will be one less residential use.

2. How will granting this variance benefit the property owner?

Granting this variance will benefit the property owner by allowing the basement apartment.

3. What is the minimum relief needed? The minimum relief needed is to not provide a third dwelling unit in order to comply with more than two units as required.

4. Why are alternative methods for compliance NOT FEASIBLE?

Alternative methods for compliance are not feasible as the minimum parking can not be provided for a third residential unit and the existing office.

5. Did you do something to your property to cause the need for the variance? (i.e., previous activities such as grading, excavations, additions, improvements) ? The owner did not do something to cause the need for a variance as the existing building conditions were in place upon the owner purchasing the building.



VILLAGE OF WAPPINGERS FALLS
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APPLICATION FOR AN AREA VARIANCE (Continued)

6. How will this variance affect the general character of the community with respect to noise, vibration, odors, vehicular and pedestrian traffic, visual aesthetics, public services (such as schools, police, fire, water, sewer, and roads) ? The variance will improve such conditions as it will allow 1 less dwelling unit to be provided.

7. How will the proposed variance affect the health, safety, security morals or general welfare of residents, visitors or workers in the area? The variance will allow one less unit therefore, introducing less people and minimizing impacts to the neighborhood.

REQUIRED SUBMITTALS:

- "Letter of Denial"
- Affidavit of ownership
- Contract of Sale or Lease, if applicable
- Photographs of affected area if applicable
- Plot Plan
- Application Fee

SIGNATURE AND VERIFICATION

Please be advise 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. If not the owner of the property, I hereby swears that this application is made with the informed knowledge and consent of the owner.



SIGNATURE OF APPLICANT

12/14/21

DATE

PART "A"
OWNER AFFIDAVIT

State of NEW YORK }
County of Dutchess } ss:

Giacomo Breglia being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Subdivision / Lot Line Change / Site Plan / Land Contour / Aquatic Resource approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Povall Engineering, PLLC, to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Village related to this application.
5. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Village Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Village of Wappingers Falls, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Town Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Village official(s) entering the property for the purpose of conducting inspections.
6. That I/we understand that the Village of Wappingers Falls Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Applicant/Owner

Applicant/Owner

Sworn to before me this 8 day of

November, 2021.

Wendy Przetakiewicz
Notary Public

WENDY PRZETAKIEWICZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6295033
Qualified in Dutchess County
My Commission Expires December 23, 20__

PART "A"
OWNER AFFIDAVIT

State of NEW YORK }
County of Dutchess } ss:

Giacomo Bregua being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Subdivision / Lot Line Change / Site Plan / Land Contour / Aquatic Resource approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Stenger, Diamond & Glass, LLP, to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action.
4. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Village related to this application.
5. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Village Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Village of Wappingers Falls, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Town Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Village official(s) entering the property for the purpose of conducting inspections.
6. That I/we understand that the Village of Wappingers Falls Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Applicant/Owner



Applicant/Owner

Sworn to before me this 8 day of
November, 2021.

Wendy Przetakiewicz
Notary Public

WENDY PRZETAKIEWICZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6295033
Qualified in Dutchess County
My Commission Expires December 23, 20

PART "B"
APPLICANT / AGENT AFFIDAVIT

State of New York }
County of Dutchess } ss:

Giacomo Breglia being duly sworn, deposes and says:

1. That I/we are the _____ owner/applicant _____ named in the foregoing application for Planning Board for Subdivision / Lot Line Change / Site Plan / Land Contour / Aquatic Resource approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That he/she resides at or conducts business at 34 Kingswood Park, Poughkeepsie in the County of Dutchess and the State of New York.
3. That I/we understand that by submitting this application for Planning Board approval that I/we expressly grant permission to the Planning Board and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Planning Board action. That I/we understand that by submitting this application that I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Village related to this application.
4. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the Village Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Planning Board, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Village of Wappingers Falls, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Village Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Village official(s) entering the property for the purpose of conducting inspections.
5. That I/we understand that the Village of Wappingers Falls Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we has examined this affidavit and that it is true and correct.

Applicant/Agent

Applicant/Agent

Sworn to before me this 8 day of
November, 2021.

Wendy Przetakiewicz
Notary Public

WENDY PRZETAKIEWICZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR6295033
Qualified in Dutchess County
My Commission Expires December 23, 20__

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Site Plan for 2746 W. Main Street with Shared Parking at 20 West Street			
Project Location (describe, and attach a location map):			
2746 W Main Street & 20 West Street (see Site Plan for location map)			
Brief Description of Proposed Action:			
<p>The owner is seeking to gain approval a basement apartment located at 2746 W. Main Street. There are no means for parking at this parcel. Therefore, the owner is seeking approval to share the required parking with their nearby parcel located at 20 West Street.</p>			
Name of Applicant or Sponsor:		Telephone: 845-235-7231	
Viserba Breglia Holdings, LLC		E-Mail: bregliar@yahoo.com	
Address:			
34 Kingwood Park			
City/PO:		State:	Zip Code:
Poughkeepsie		NY	12590
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.09 _____ acres	
b. Total acreage to be physically disturbed?		0.00 _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.09 _____ acres (Lot 240412)	
		0.07 _____ acres (Lot 252469)	
4. Check all land uses that occur on, adjoining and near the proposed action.			
Urban	Rural (non-agriculture)	Industrial	<input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)
Forest Agriculture Parkland	Aquatic	Other (specify): _____	

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
		✓	
b. Consistent with the adopted comprehensive plan?		✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
			✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>Wappinger Lake, Reason: Protection of natural resource, Agency: Village of Wappinger Falls, Date: 6-29-98</u>	NO	YES	
			✓
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
			✓
b. Are public transportation service(s) available at or near the site of the proposed action?			✓
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?			✓
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
			✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
			✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
			✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
			✓
b. Is the proposed action located in an archeological sensitive area?			✓
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
			✓
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	NO	YES	
	✓		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: Shoreline Forest Agricultural/grassland Early mid-successional Wetland			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? <u>Bald Eagle, Pied-bill Grebe, Indiana Bat</u>	NO	YES	
			✓
16. Is the project site located in the 100 year flood plain?	NO	YES	
			✓
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?	NO	YES	
			✓
b. Will storm water discharges be directed to established conveyance systems off and storm drains)? If Yes, briefly describe: _____			


18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: Per NYSDEC EAF Mapper, Lot 240412 or an adjoining property has been the subject of remediation. However, a search of the NYSDEC Environmental Site Remediation Database shows no results.	NO	YES
_____	✓	✓
	Lot 252469	Lot 240412
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____	Date: 11/8/21	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Wappingers Falls _____ Name of Lead Agency	_____ Date
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	 _____ Signature of Preparer (if different from Responsible Officer)



VILLAGE OF WAPPINGERS FALLS

Office of Building, Planning & Zoning
2582 South Avenue
Wappingers Falls, NY 12590
Phone: (845) 297-5277 Fax: (845) 296-0379
E-mail: bmurphy@wappingersfallsny.gov
www.wappingersfallsny.gov

December 14, 2021

Viserba Breglia Holdings, LLC
34 Kingwood Park
Poughkeepsie, NY 12601

Re: 2746 W. Main Street, Wappingers Falls, NY 12590
SBL: 6158-14-252469

To Whom It May Concern:

Reference is made to your submission to my office and your application to the Planning Board regarding your proposal to legalize a new dwelling unit in the basement at the above-mentioned address. The building also contains an office on the first floor and a dwelling unit on the second floor, both permitted uses. Please note that 2746 West Main Street is located in the Village Mixed Use Zoning District.

At this time, I must deny your application because the building, as presently configured, does not meet the Village Code definition of either a two-family dwelling or a multifamily dwelling. "Dwelling, Two-Family" is defined as "[a] dwelling containing two dwelling units only." "Dwelling, Multifamily" is defined as "[a] building containing more than two dwelling units or a part of a building above a permitted business use containing more than two dwelling units." There is no use in our code that allows one commercial space with only two apartments. Furthermore, the proposed use does not meet the definition of a multifamily dwelling because both apartments would not be above the commercial use.

It is my determination that the use is as a mixed-use multifamily dwelling. Therefore, a variance from Village Code §151-61, Definitions, is required, to allow (a) only two dwelling units and (b) one of the dwelling units to be located below the commercial use.

Enclosed is an application for an Area Variance for your convenience. If you have any questions, please contact our office.

Thank you.

Bryan Murphy

Bryan Murphy
Building Inspector/Zoning Administrator
Village of Wappingers Falls

BM/mp
Enclosure