

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

FILED
STATE RECORDS
OCT 04 2022

Local Law Filing

~~DEPARTMENT OF STATE~~

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of WAPPINGER

Local Law No 6 of the year 2022

A local law entitled "A Local Law Amending the Town's Zoning Map for the Purpose of Rezoning a Property from the R-40 to the R-80 District."

Be it enacted by the TOWN BOARD
of the

Town of WAPPINGER as
follows:

TEXT COMMENCES ON NEXT PAGE

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW 6 OF THE YEAR 2022

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section 1. Title

This local law shall be entitled, "A Local Law Amending the Town's Zoning Map for the Purpose of Rezoning a Property from the R-40 to the R-80 District."

Section 2. Legislative Intent

This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. The Town Board believes that it is reasonable and appropriate to amend the Zoning Map associated with Chapter 240, Zoning, of the Town Code. This local law is intended to implement the Town's Comprehensive Plan.

Section 3. Changing of Zoning District Designation of Parcel

The zoning of the parcel listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown below:

Tax Parcel Number(s)	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6258-03-376432	189 Myers Corners Road	Sean Thompson 22 Old Myers Corners Rd Wappingers Falls, NY 12590	R-40	R-80

Section 4. Amendment to the Zoning Map of Chapter 240, Zoning, of the Wappinger Town Code

The Zoning Map of the Town of Wappinger is hereby amended to graphically show the changed zoning of the parcel listed in Section 3 above in the R-80 District.

Section 5. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Zoning Law of the Town of Wappinger as adopted by Local Law No. 5 of 1990 and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 6. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Wappinger that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 7. Effective Date

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

**Resolution Adopting Negative Declaration For Local Law No. ____ Of The Year 2022
Entitled "A Local Law Amending The Town's Zoning Map For The Purpose Of Rezoning
A Property From The R-40 To The R-80 District"**

At a Regular Meeting of the Town Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York, on September 26, 2022.

The meeting was called to order by Richard Thurston, Town Supervisor, and upon roll being called, the following was recorded:

✓ Vote Record - Resolution RES-2022-139		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Richard Thurston	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	William H. Beale	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Angela Bettina	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Christopher Phillips	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Al Casella	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following Resolution was introduced by Councilman Phillips and seconded by Councilman Beale.

WHEREAS, the Town Board is considering the adoption of a Local Law entitled "A LOCAL LAW AMENDING THE TOWN'S ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY FROM THE R-40 TO THE R-80 DISTRICT" and

WHEREAS, the Town Board has determined that the Proposed Action is a Type I action pursuant to Article 8 of the Environmental Conservation Law, Part 617 NYCRR (commonly known as "SEQRA"); and

WHEREAS, the Town Board has circulated its intent to serve as lead agency to all involved agencies and 30 days has passed since that circulation and the Town Board now declares itself as lead agency for the project; and

WHEREAS, the Attorney to the Town has prepared a Full Environmental Assessment Form (FEAF) regarding the proposed Local Laws, which FEAF analyzes the potential environmental impacts regarding said Local Laws; and

WHEREAS, the Town Board has reviewed the Local Laws and the Full Environmental Assessment Form;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wappinger hereby adopts the attached Negative Declaration, for the reasons stated therein, thereby finding that the proposed Local Law entitled "A LOCAL LAW AMENDING THE TOWN'S ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY FROM THE R-40 TO THE R-80 DISTRICT" will have no significant adverse impact upon the environment, and thereby ending the SEQRA process with respect to said Local Law.

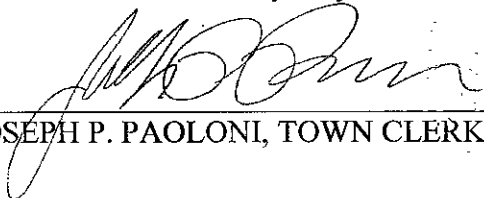
AND BE IT FURTHER RESOLVED, that the Town Clerk shall cause the Negative Declaration to be circulated to the involved agencies and to have it published in the Environmental Notice Bulletin as required by the SEQR regulations.

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Christopher Phillips, Councilman
SECONDER: William H. Beale, Councilman
AYES: Thurston, Beale, Bettina, Phillips, Casella

Dated: Wappingers Falls, New York
9/26/2022

The Resolution is hereby duly declared Adopted.



JOSEPH P. PAOLONI, TOWN CLERK

Resolution Adopting Local Law No.6 Of The Year 2022 Entitled “A Local Law Amending The Town’s Zoning Map For The Purpose Of Rezoning A Property From The R-40 To The R-80 District”

At a Regular Meeting of the Town Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York, on September 26, 2022.

The meeting was called to order by Richard Thurston, Town Supervisor, and upon roll being called, the following was recorded:

✓ Vote Record - Resolution RES-2022-140						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Richard Thurston	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	William H. Beale	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Angela Bettina	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Christopher Phillips	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Withdrawn	Al Casella	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following Resolution was introduced by Councilman Beale and seconded by Councilman Phillips.

WHEREAS, a Resolution was duly adopted by the Town Board of the Town of Wappinger introducing a proposed Local Law 6 entitled, “A LOCAL LAW AMENDING THE TOWN’S ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY FROM THE R-40 TO THE R-80 DISTRICT” for consideration by the Town Board; and

WHEREAS, a Public Hearing was duly advertised in the Southern Dutchess News and the Poughkeepsie Journal as required by law; and

WHEREAS, the Town Board circulated its intent to serve as lead agency to the involved agency together with the application and 30 days has passed with no other agency seeking to serve as lead agency; and

WHEREAS, the Town Board declares itself as the lead agency for the SEQR review of the project; and

WHEREAS, a Public Hearing was held on September 26, 2022 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, the Town Board determined that the proposed Local Law was a Type I action and issued a negative declaration on September 26, 2022; and

WHEREAS, the Town Board of the Town of Wappinger after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Wappinger for at least seven (7) days exclusive of Sunday prior to the adoption of this Resolution.

NOW, THEREFORE, be it resolved, that the Town Board of the Town of Wappinger hereby adopts the Local Law entitled, “A LOCAL LAW AMENDING THE TOWN’S ZONING MAP FOR THE PURPOSE OF REZONING A PROPERTY FROM THE R-40 TO THE R-80

DISTRICT”, as Local Law 6 of 2022 a copy of which is attached hereto and made a part of this Resolution; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Town of Wappinger and shall file the Local Law with the Secretary of State of New York as provided by law and the Zoning Map of the Town shall be amended to reflect the change; and

BE IT FURTHER RESOLVED, that this Local Law shall become effective immediately upon filing with the Secretary of State as provided by law.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William H. Beale, Councilman
SECONDER:	Christopher Phillips, Councilman
AYES:	Thurston, Beale, Bettina, Phillips, Casella

Dated: Wappingers Falls, New York

9/26/2022

The Resolution is hereby duly declared Adopted.



JOSEPH P. PAOLONI, TOWN CLERK