

3. LAND USE

Community Goal

Encourage diversified growth of the Village, including a variety of residential, commercial, and industrial areas, while preserving its single-family residential character.

The Village of Wappingers Falls is nearly fully developed. The advanced age of the community creates a need to identify the few remaining vacant parcels that can be developed, as well as opportunities for the redevelopment of underutilized properties. A survey of existing land uses is an important tool for identifying these areas and for establishing a future land use plan. An existing land use survey delineates development patterns that have occurred since the previous

plan's adoption, and provides guidance for future development and redevelopment. Some of the questions answered by an existing land use survey include the following:

- Are the development patterns well-established, or are there areas where the original character has been lost and a new development pattern is emerging?
- In which areas do land use conflicts exist and how can they be eliminated?
- Are there areas of dilapidated housing stock or commercial buildings that could be demolished to assemble larger redevelopment parcels for adaptive reuse? If so, what are the viable land uses in the area and what type of redevelopment will be compatible with the surrounding area?

This chapter of the *Comprehensive Plan* presents the results of the existing land use survey of Wappingers Falls conducted in 1998 in preparation for this *Plan*. It also makes recommendations for a future land use plan, including zoning modifications, based on those results.

3.1 SURVEY METHOD

Eleven land use categories were selected for the existing land use survey: single-family residential; multi-family residential; office; local commercial; general commercial; industrial; public uses; quasi-public uses; recreation and open space; parking; and vacant land. A windshield survey was conducted to verify existing land uses in the Village, which were color-coded on a lot-line map. Each land use category was then calculated as a percentage of the total land in the Village. Planning areas were used to analyze the

development patterns in various parts of the Village and to highlight any significant changes that have occurred since the previous plan was adopted in 1968. The planning areas are: Ward 1, Ward 2, Upper Ward 3, Lower Ward 3, the Market Street Industrial Park, and the Channingville Road area. The boundaries of these planning areas are shown on Map 3, which appears at the end of this chapter along with other maps referenced herein. The complete existing land use survey and tabulated results can be read in their entirety in the *Background Studies Supplement*.

3.2 EXISTING CONDITIONS

The total land area of Wappingers Falls is 773 acres. However, Wappingers Lake and Wappingers Creek comprise 130 acres, or approximately 17 percent, of this total area. Streets and right-of-ways comprise another 104 acres. Developed land in the Village amounts to 415 acres. The remaining 124 acres (16 percent of the total land area) is vacant.

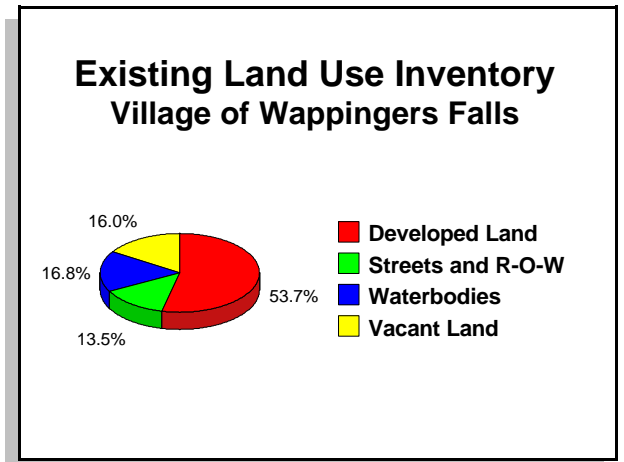
There may appear to be an abundance of vacant land in the Village. However, much of the vacant land is constrained by steep slopes or other natural factors. These unique features, which are discussed in more detail in Chapter 4, enhance the historic character of the Village and present opportunities for recreation and tourism, two key components of the future land use plan for the Village. But they also limit other more traditional forms of development. For this reason, the *Comprehensive Plan's* land use recommendations emphasize redevelopment of underutilized parcels and adaptive reuse of existing structures.

Developed land in the Village, which comprises 54 percent of the Village's total area, is analyzed according to the eleven land use categories in the following section. This analysis provides the basis for the recommended land use plan, which appears in the second half of this chapter.

3.2.1 Residential : *Single and Multi-family*

One third of the Village is residentially developed, including 137 acres of single-family housing and 105 acres of multi-family residential structures. Although mortgage lenders define two to four unit structures as single-family residential, local municipal boards generally consider structures with more than one unit as single-family only under special

Figure 4



circumstances. The existing land use survey therefore includes two- to four-unit properties in the multi-family residential category.

In recent years, the Village has seen a proliferation of multi-unit properties in essentially single-family neighborhoods. In some cases, absentee landlords of these multi-family residences have resulted in the deterioration of these structures and a decline in neighborhood character. One purpose of the existing land use survey is to identify single-family residential areas in the Village where this situation exists.

According to the 1990 Census, 27.8 percent (572) of the 2,058 dwelling units in Wappingers Falls were single-family detached structures, while 40.1 percent were in single-family attached, two unit, and three to four unit structures.¹ Approximately 16 percent of the remaining third of the housing stock are apartments in five to nineteen unit buildings. This interspersing of small apartment buildings and single-family attached structures in single-family neighborhoods is most evident in the southwest part of the Village.

Residential development in Upper Ward 3, north of East Main Street and east of Wappingers Lake, is predominantly single-family. The single-family homes in this area, are generally in very good condition, probably due to their relatively new 1960's construction, particularly along Liss Road. South of High Street, around Mesier Park, are a number of scattered small multi-family residential structures with two to ten units. This is not unusual in older Village centers and, considering its age, this housing, with the exception of Brookside Terrace, is in good condition.

Other single-family residential areas in the Village are in Lower Ward 3, between South Avenue and South Remsen Avenue, and in Ward 1 north of West Street. However, along the West Main Street corridor approaching the Central Business District (CB), and in Ward 2 south of the CB District, the single-family residential neighborhood image that many Villagers wish to present becomes more diluted.

Larger multi-family residential developments are found in Lower Ward 3 east of South Remsen Avenue. These include Oakwood Terrace and Wenliss Terrace, both of which were built in the 1950s and 1960s. Though the structures are predominantly duplex or two-family and are zoned R 2-F, these developments have more in common with a multi-family residential complex than a single-family subdivision. In the same area is DiMarco Place, an attractive 32 unit apartment complex for senior citizens constructed in 1997. A large co-operative apartment development, Imperial Towers, is located on the east side of Route 9, and Oak Tree Gardens Apartments are located in the Channingville Road area in the northwesterly portion of the Village.

¹ Of this 40.1 percent, 9.6 percent were single-family attached, 19.3 percent were two unit, and 11.2 percent were three to four unit structures.

3.2.2 Commercial

Wappingers Falls has three commercial land use categories: general business (GB), local business (NB and CB), and office (OB). Together these comprise about 10 percent of the total land area in the Village.

General Business (GB)

General business includes highway-oriented businesses with a regional market. Most of the 48 acres of general business use in the Village are located along Route 9. Businesses in this area include the Dutchess Shopping Plaza, the Grand Union supermarket, Home Depot, and the Rite-Aid Drugstore, located on the east side of Route 9. The west side of Route 9 includes free-standing, general commercial uses such as McDonald's, Dairy Queen, several auto-related businesses, and the Holiday Recreation Center bowling alley. A few older general commercial businesses are scattered throughout the Village on West Main Street between Delavergne Avenue and Clinton Street. These include a truck rental company, an auto repair shop, and a gas station. A few other general business uses are also found in Ward 2 on South Avenue and off of Fulton Street.

Local Business (NB and CB)

Local commercial uses are intended to serve the surrounding neighborhood and tend to be small proprietorships. In total, Wappingers Falls has eight acres of local commercial uses. Their primary concentration is in the Central Business District. The rest are scattered north of the Central Business District along East and West Main Streets.

Office (OB)

Office development totals 16 acres and is primarily found in converted houses along East Main Street and South Avenue. Larger office developments include Regency Plaza on the east side of Route 9, and those located in the Industrial District on Delavergne Avenue.

3.2.3 Industrial

Industrial development in the Village totals about 15 acres and includes fuel service and storage establishments, located on West Main Street and Delavergne Avenue, and the Market Street Industrial Park. The Industrial Park is the only traditional industrial area in the Village, and the largest, with a total of about 10 developed acres. The focal point for the Industrial Park is the former Bleachery, a series of historic loft-type buildings.

Prior to 1999, expansion of the Market Street Industrial Park was limited by the inadequacy of the only bridge providing access to the site. In 1998, State funding was

obtained to construct an additional bridge. The new Fedigan's Bridge, completed in the Spring of 1999, is expected to encourage more light industrial firms to locate in the Park, bringing more jobs to the Village. Some limited expansion of the site is also possible.

3.2.4 Institutional: *Public and Quasi-Public*

The broad Institutional land use category is comprised of public and quasi-public uses, which include facilities used by government and non-profit organizations respectively.

Public uses occupy 19 acres of land and include the Village administrative buildings in and near Mesier Park, the Post Office on East Main Street, the Village Highway Department Yard and Collection and Pumping Station off Creek Road, the well fields at Canale Park, three Village water storage facilities, and two Village Fire Stations.

The majority of the 48 acres of quasi-public land in the Village is comprised of the Mount Alvernia Retreat Center and St. Mary's Church, school, cemetery and grounds, located in the northwest portion of the Village. Much of the land on these two properties, which are zoned R-12.5 or R-7.5, is vacant. However, these properties are classified as quasi-public, rather than vacant, because there are no current plans to sell them. Other quasi-public uses include: the Veterans of Foreign Wars (VFW) Post Hall on School Street, the Knights of Columbus Hall on East Main Street, American Legion Hall on Spring Street, First Presbyterian Church on South Avenue, United Methodist Church on Remsen Avenue, Zion Episcopal Church on East Main Street, and Bethel Baptist Church on South Avenue.

According to the Poughkeepsie Journal's 1998 Fact Book, 68 percent of Dutchess County residents with a religious affiliation are Roman Catholic. Given the population density of Wappingers Falls, the large percentage of land owned by the Catholic Archdiocese in the Village is understandable.

3.2.5 Recreation and Open Space

Recreation and open space areas in the Village total approximately 53 acres. Two parks create the focal point of the Village: the six acre Mesier Park and Homestead, located on the north side of East Main Street, and the Zion Episcopal Church Park, directly opposite. These two parks are located in the approximate geographic center of Wappingers Falls forming a traditional "village green." Significant community facilities, such as the Village offices and the Grinnell Library, front on this green.

Other recreation and open space areas include:

- James J. Temple Memorial Park at Market and McKinley Streets in Ward 2. This six acre park includes a baseball field, a play lot, and a basketball court. Parking is provided for about 80 cars.
- Veterans Memorial Park on North Mesier Avenue in Upper Ward 3. This six acre park, which abuts a portion of the east shore of Wappingers Lake, was developed after World War II at the request of returning servicemen. It includes a Little League baseball field, a basketball court, a playground, a multi-purpose building, and picnic tables. Parking is provided for about 20 cars.
- Canale Memorial Park at the north end of West Main Street in Ward 1. This three acre park abuts the well field on a northwest portion of Wappinger Lake. Adjacent to Canale Park is the seven acre well field which shares the total ten acre site.
- Fisherman's Park at the north end of Liss Road in Upper Ward 3. This park is adjacent to the Lake and provides access to the lake for fishing and boating.
- The MIA Park is a vest pocket park off of Route 9 in Lower Ward 3. It consists of a monument to military personnel who were declared Missing in Action in the Vietnam War.
- Bain Park located west of Franklindale and Clapp Avenue in Ward 2. This six acre park was formerly the Village land fill.
- The Scenic Hudson property, located on Channingville Road at the top of the ridge overlooking the Market Street Industrial Park. This is a wooded 27 acre parcel that is part of the Wappinger Greenway Trail.
- Two parks proposed for the Downtown area will emphasize the presence of the Falls. Falls View Park will be located on Market Street and Galucci Park will be located on West Main Street.

Attention should be paid to each of these parks, since they could be instrumental in defining Wappingers Falls as a small Village with many recreational opportunities that appeal to residents and visitors alike. Needed improvements to these parks are discussed in detail in Chapter 6.

The current condition of Wappingers Lake makes the Village's lakefront parks less than desirable during peak summer months. The Lake was acquired by the Village in the late 1960s, and the process of cleaning and protecting it is ongoing. In 1998, the Village designated the Lake as a State Environmental Quality Review Act Critical Environmental Area (CEA), which ensures that any land development project that may impact the Lake will require an additional level of environmental assessment prior to approval by State and/or local agencies. The designation has also brought to the fore the issue of the Lake's water quality, and has facilitated funding for dredging the Lake, helping to ensure an effective cleanup. The Village is currently working with neighboring communities to

create an intermunicipal plan for restoring the Lake. Development of the Wappingers Greenway Trail, a portion of which will wind around the Lake, will also contribute to improved Lake conditions. Wappingers Lake and the Wappingers Greenway Trail are discussed in detail in Chapter 4.

3.3 RECOMMENDATIONS

One reason for periodically revising a land use plan is to identify emerging development patterns and determine whether they are appropriate. If an emerging development pattern is appropriate, the zoning should be amended to allow uses consistent with the pattern. This process also allows an identification of areas where incompatible land uses are creating conflicts that threaten the character and quality of life of a neighborhood. By comparing the existing land use map with the Zoning map, land uses that are inconsistent with the current Zoning can be identified, as well as areas with unique features that may require special treatment.

The following discussion recommends Zoning map amendments, based on the existing land use analysis, to encourage appropriate development and redevelopment in the Village. The analysis has been broken down into four primary areas of concern: Downtown Wappingers Falls; Other Commercial Areas; Single-Family and Multi-family Residential Areas; and the Market Street Industrial Park. The existing and proposed land use maps for the four planning areas, Ward 1, Ward 2, Upper Ward 3, and Lower Ward 3, can be found at the end of this chapter.

3.3.1 Downtown Wappingers Falls

A traditional downtown serves as a focal point for shopping, community services, and social interaction. It is characterized by a dense concentration of land uses, building styles, and other features that convey a community's image and character. Typical downtown land uses include mixed-use buildings with retail on the street level and apartments or offices above. Civic buildings, entertainment establishments, and cultural or social facilities are also commonly found here.

Downtown Wappingers Falls includes a three block area zoned Central Business (CB) located around the intersection of East Main and Mill Streets. Over the years, however, land uses appropriate to a traditional downtown have extended beyond the CB district line along East and West Main Streets and Market Street. The resulting land use conflicts has created a haphazard development pattern in the downtown area. The *Comprehensive Plan* recommends that the CB district be expanded to include adjacent appropriate uses and to eliminate some existing non-conformities. Expanding the CB district will also facilitate downtown revitalization by permitting more shops and services appropriate to this area. Since the CB district already exists in the Village's Zoning Law,

expanding it could be done with relative ease. Figure 6 at the end of this chapter identifies the existing and the proposed expanded CB District. Areas beyond the current CB district boundary with land use patterns more consistent with the downtown are discussed in detail below.

East Main and Spring Streets

This area includes the Village Hall, the American Legion Hall (which houses the Village Planning and Zoning Office), Mesier Park, and the Zion Church and Park. All of these uses are appropriate for the CB district.

Immediately north of Grinnell Library on the west side of Spring Street are three lots included in the R-7.5 (Single Family Residential) Zoning District. Two of these three lots include a physical therapist's office and the American Legion Hall. Only the northernmost of the three lots is occupied by a single-family residence. Although the R-7.5 District includes most of the Village east of Spring Street, south of High Street, and west of Remsen Avenue, the north half of Spring Street and the north frontage of High Street is interrupted by a three-block R-2F (Two-Family Residential) Zoning District. Extending the R-2F zone south will create greater consistency on Spring Street.

Mesier Homestead and Park, which occupies the entire north frontage of East Main Street between Spring Street and North Mesier Avenue, and the Zion Church and Park are also zoned R-7.5.

Recommendations:

- Extend the CB District to include the west side of Spring Street (the office and the American Legion Hall/Village Planning and Zoning Office).
- Extend the R-2F District to include the house north of the American Legion Hall and the house across from the American Legion Hall (#8 and #11 Spring Street).
- Extend the CB District to include Mesier Park and the Zion Episcopal Church and Park.
- Create a Recreation Park Overlay to include Mesier Park and the Zion Episcopal Church and Park.

A portion of the block between North Mesier Avenue and Remsen Avenue is zoned R-7.5; however a funeral home and a two-family residential structure are located in this R-7.5 District. At the northeast corner of East Main Street and Mesier Avenue, the R-7.5 District is interrupted with an office building which is zoned OB (Office Business). The parcels east of Remsen Avenue, both north and south of East Main Street, are also zoned OB. This is one of numerous examples in the Village where small, isolated zoning districts present potential conflicts with surrounding uses.

Recommendation:

Extend the OB District on each side of East Main street from Remsen Avenue to Mesier Avenue.

Givens Avenue

Currently, Givens Avenue between the CB and Industrial Zones is zoned R-M2 (Multifamily Residential) and R-2F (Two-Family). However, Givens Avenue includes only a few two-family structures and two mixed-use buildings. These are appropriate land uses in a downtown area. Givens Avenue is also significant to the historic character of Wappingers Falls. The pedestrian access to the Industrial Park at the end of Givens Avenue was the route used by the Bleachery employees to walk to work. This pedestrian path was restored in 1999, as a link in the Wappinger Greenway Trail.

Recommendation:

Extend the CB District as far as 10 Givens Avenue.

Market Street south of East Main Street

The section of Market Street between East Main Street and Franklin Street is currently zoned GB (General Business). This poses a serious threat to the downtown identity. The purpose of the GB District is to allow commercial uses that have a regional market and are oriented towards the car. Because they have a regional draw, these uses tend to generate high traffic volumes and a significant amount of commercial truck traffic. This type of traffic is inappropriate for the Village's Central Business District, and would, in fact, compound the already existing conflict between pedestrians and vehicular traffic in the Village core. As discussed in detail in Chapter 5, this vehicular conflict threatens the economic vitality of the downtown shopping district, which depends heavily on pedestrian activity. GB uses also require deep setbacks from the road, which are inappropriate for the smaller lots in the Village core and would imperil the existing character of its historic streetscapes.

The east frontage of Market Street and the south side intersection at Franklin Street include some marginal commercial uses which are inconsistent with the historic character and aesthetically pleasing image that the Village wishes to project. Most of the west side of Market Street along the Falls and the Creek, which is currently vacant, is municipal property. The Village plans to develop a park here that will provide views of the Falls. As discussed in Chapter 4, the Village's water resources are an integral part of its fabric and historic legacy. With the development of Falls View Park and the Wappingers Greenway Trail, that legacy may become a lucrative tourism attraction as well. It is therefore important to ensure that the redevelopment of adjacent areas, such as the east

frontage of Market Street, is in keeping with the Village's historic character. Rezoning this area from GB to CB could encourage owners of buildings in this area to apply for grant money for commercial building rehabilitation.

Recommendation:

Expand the CB District to include the existing GB district in this area.

West Main Street south of West Street

The CB District boundary extends less than 200 feet north of the intersection of West and East Main Streets, and includes only the southeast corner of Givens and East/West Main Streets. The CB District in this area includes only five buildings on the west side just north of the R-M2 zoning on Givens Avenue. The most significant of these structures is the County Players Theater. The other four buildings are mixed-use, commercial or multi-family residential buildings. Between the CB District and West Street, the west side of West Main Street includes a mix of multi-family residential, mixed-use (commercial/residential) buildings, small offices, and scattered single-family residences. Many of these uses are consistent with a typical Village downtown. However, the portion of West Main Street immediately north of the CB District is zoned R-M2. The north and southwest corners of West Street are zoned NB (Neighborhood Business). Between the NB and the R-M2 zoning districts, the west frontage is zoned R-M1. This inconsistent zoning emphasizes the haphazard land use pattern that has evolved along West Main Street.

Recommendations:

Extend the CB District to replace the R-M2 District on the west side of West Main Street below Church Street.

Extend the CB District to replace the R-M1 District on the west side of West Main Street up to Church Street.

Extend the NB District to replace the R-M1 District on the west side of West Main Street from Church Street to West Street.

On the east side of West Main Street, only the three southernmost buildings are included in the CB District. The Falls and the Creek are located immediately behind these buildings. If appropriately developed, the east side of Main Street could provide an excellent vantage point for viewing these natural landmarks. However, the east frontage includes a mix of commercial, single-family and multi-family residential uses, and vacant properties north of the CB zoning district. The zoning immediately north of the CB district is R-M2. The R-M1 District adjacent to the north of the R-M2 District is interrupted by one lot zoned NB on the northeast corner of School and West Main Streets. Beyond the R-M1 District, the northeast and southeast corners of West and West Main Streets are zoned NB.

Recommendations:

Extend the CB District to replace the R-M2 District along the east side of West Main Street.

Extend the CB District to replace the R-M1 District along the east side of West Main Street to School Street.

Extend the NB District to replace the R-M1 District along the east side of West Main Street from School Street to West Street.

3.3.2 Other Commercial Areas

Other commercial areas in the Village have a distinctively different identity from the downtown. While the Route 9 Corridor is the most obviously different, three other areas also stand out. These include: South Avenue, the east end of East Main Street, and Upper West Main Street. These areas are characterized by a mix of multi-family residential uses and some commercial and institutional uses. Due to location, however, these areas serve as gateways to the Village and its downtown core. The mix of uses in these three areas are characteristic of a transition zone rather than a Central Business District.

Two of these “transition zones” are described in this section, along with the rationale for the respective proposed recommendations. Upper West Main Street presents a special case and is discussed at the end of this chapter. The section concludes with a discussion of the Route 9 Corridor to emphasize the contrast between uses that exist along Route 9 and those typically found in a downtown district.

South Avenue

South Avenue (Route 9D) is the southern gateway to the Village. Although the Avenue is primarily zoned R-7.5, most development in this area is institutional, two-family residential, office, and business. The “transitional” two-family residential, institutional, and office uses along South Avenue from Maple Street to the current OB zoning boundary at Prospect Street should be permitted to continue. The business uses include the Texaco Service Station and Seimans Auto Service and Sales lot. These businesses provide convenient services for the densely populated multi-family neighborhoods tucked behind South Avenue.

Recommendation:

Maintain the present NB District along South Avenue.

East Main Street

The north side of East Main Street between North Remsen Avenue and Route 9 includes vacant land and a mix of multi-family residential structures and offices, most of which are converted residential structures. The zoning in this area is Office Business (OB) and extends approximately 1,000 feet north of East Main Street to the adjacent vacant parcel that is zoned R-M2. The OB District also extends along Moran Avenue just west of Route 9.

Due to the proximity to Route 9, office and multi-family residential developments appear to be the most appropriate zoning for this area. However future development should be carefully planned to emphasize the small-scale, historic character of the Village and to create an attractive gateway for its eastern entry.

Recommendation:

Maintain the present OB District along the north side of East Main Street.

The East Main Street frontage between the proposed CB zoning district and Route 9 includes the Post Office at the southeast corner of Remsen and a mix of single-family residential, small multi-family residential structures, and offices, most of which are converted residential structures. The OB zoning district north of East Main Street also includes the south frontage of East Main between South Remsen Avenue and Route 9. To further complicate the area south of East Main Street, a large vacant parcel occupies the west side of South Remsen Avenue adjacent to the rear of East Main Street's south frontage. The vacant parcel was originally zoned R-12.5 but was rezoned to CB in order to accommodate a proposed retail development adjacent to the new Post Office. Since that time, DiMarco Place, a 32-unit senior citizen housing development, was constructed on the R-M1 parcel immediately south of the vacant CB parcel. The CB zoning remains, although the proposed retail development proved to be infeasible, and a 3 acre parcel zoned R-12.5 was left between DiMarco Place and Gilmore Boulevard. The existing single-family residential and senior citizen housing south of East Main Street indicate that residential development would be most appropriate along the east side of South Remsen Avenue. At the informational meeting on the *Comprehensive Plan* held in June 2000, Village residents were unanimous in their desire that the residential character of Remsen Avenue be preserved.

Recommendation :

Retain and enhance the single-family residential character of Remsen Avenue.

Route 9 Corridor

Despite the predominance of highway commercial uses along the Route 9 corridor, nearly all of this road's frontage is currently zoned CB. One exception is the entrance to Wenliss Terrace at the south end of the Village, which is partially zoned GB and partially zoned R-M2. The other is the OB District north of East Main Street, a portion of which fronts on Route 9. The Central Business District is traditionally used to define a downtown area with a mix of residential and commercial uses scaled to accommodate lower traffic volumes and permit pedestrian activity. CB zoning is inappropriate for the Route 9 corridor, with its exclusive auto-orientation of drive-through fast food restaurants, single use shopping centers, and auto-related establishments. Ironically, though the land use pattern in this area is predominantly general business, the only GB zoning on Route 9 is developed with multi-family residential structures.

Recommendation:

Change the CB District to GB for all parcels fronting Route 9 that have sufficient front yard area for development.

3.3.3 Single Family and Multi-Family Residential

The Existing Land Use Map highlights the most prominent land use conflict in Wappingers Falls, the interspersing of numerous multi-family residential structures within single-family residential neighborhoods. In many cases, the multi-family units are two-family structures that were constructed prior to enactment of the Village's Zoning Law and were primarily intended to accommodate extended families. However, since Zoning was adopted, many additional units have been allowed through the granting of use variances by the Zoning Board of Appeals (ZBA). Table 9, located at the end of this chapter, presents a sample of the ZBA variances granted between 1979 and 1995. Seventeen of the 21 cases listed permitted additional units or substandard lot widths in R-7.5 and R-2F zones. None of the cases in which variances were granted involved hardships related to lot configuration or some other physical constraint of the property which could justify granting the requested variance. Moreover, in nearly all of these cases the Dutchess County Department of Planning and Development recommended that the requests be denied due to the absence of any hardship other than financial considerations. In 1994, New York State Village Law was amended to set forth specific criteria for the granting of both area and use variances.

This practice of granting use variances has encouraged the proliferation of rental properties with absentee landlords in the Village, which, in many cases, has resulted in neighborhood deterioration. Another result is that the inventory of affordable single-family residential housing, which is the preferred homeownership choice, has declined. An additional problem involves the conversion of street-level storefronts to

apartments in the Central Business District. This detracts both from the appearance and traditional function of the downtown as a shopping area, in addition to creating inadequate dwelling units.

Since 1995, the ZBA has been diligent in requiring justification of variance requests for reasons related to lot configuration or some other physical feature causing the hardship. The variances now have very specific conditions and are granted to the applicant on condition that the variance be lifted if the hardship no longer exists. The problems cited above can be eliminated through strict enforcement of the Zoning Law and continued diligence in denying use variances to allow additional dwelling units in single-family residential areas and the conversion of storefronts to apartments. To reduce neighborhood blight, the Village should consider adopting a rental housing maintenance ordinance. Blight can also be eliminated by demolishing non-historic structures, and by adaptively reusing historic or non-historic structures, if feasible.

Recommendations:

Limit use variances to a specific hardship so the variance can be lifted when the hardship no longer exists. Moreover, if an existing non-conforming two-family structure changes ownership, the variance should be lifted and it should be incumbent on the new owner to petition the ZBA for a new variance to which the ZBA could respond appropriately.

Amend the Zoning to limit permitted uses in street-level storefronts in the Central Business District to shops and services with walk-in clientele.

Businesses that do not attract walk-in clients, such as professional consulting services, are more appropriate for upper floor levels in this area. Adopt policies and programs to attract young families and singles to the Village, such as working with banks and realtors to develop a home-buyer assistance program.

Identify target areas for housing rehabilitation.

Enforce Zoning Laws strictly to ensure realization of the Village character desired by residents.

Channingville Road

A large area of the Village along Channingville Road is currently zoned for multi-family (R-M1) development. There is currently one apartment complex, Oaktree Apartments, on this road. However, the rest of the area is characterized by a number of single-family residences and vacant land. Much of the vacant land is constrained by steep slopes of 15 percent or greater. Current residents in this area experience water pressure problems when several apartment dwellers use water at the same time, and low water pressure is a concern for fire fighting as well.

Channingville Road is a winding two lane road owned by the Town of Poughkeepsie. Traffic has been increasing dramatically on this road because it is one of three routes to the Metro North Train Station in New Hamburg. A large number of buses use this road on the way to Sheafe Road Elementary School and St. Mary's School. Bottini fuel oil trucks and tankers also travel Channingville Road on their way to the Bottini facility near the Metro North Station. Moreover, the New Hamburg Fire Station # 1 is also located on Channingville Road; in 1999 this station responded to 550 fire and accident alarms, an average of 1.5 per day. Children walk and bike along Channingville Road, and the increase in traffic imperils them.

The high density permitted by the R-M1 District will only add to water and traffic problems in the area. In addition, much of the vacant land in this area is adjacent to the Wappinger Greenway Trail, and is a habitat for a diversity of wildlife, including deer, wild turkeys, red fox, owl, and red tailed hawk. High density development in this area may detract from the appeal of the Greenway Trail and impact natural habitats. Many mature trees, over 200 years old, and archaeological sites are also located in this area. Given these conditions, and the existing single-family residential character, this area would be more appropriately zoned for single-family residential development.

Recommendation :

Rezone the R-M1 District on Channingville Road to R-12.5.

House Trailers and Mobile Homes

The current ordinance (Chapter 92) of the Zoning Code prohibits house trailers and mobile homes in all areas of the Village. This ordinance must be amended to permit mobile homes in some portion of the Village. The *Comprehensive Plan* recommends that house trailers and mobile homes be permitted in a Trailer District on the east side of Marshall Road in the area where trailers are currently located. Single family detached homes should also be a permitted use in this district.

Recommendation :

Create a Trailer District on the east side of Marshall Road.

3.3.4 Market Street Industrial Park

The Market Street Industrial Park is one of a number of historic factories throughout the Hudson River Valley that are finding new life through adaptive reuse. As a converted historic property, the Market Street Industrial Park has tremendous tourism potential. The historic loft-type buildings are an attraction in themselves. Moreover, the Park is located on a section of the Wappinger Greenway Trail and in close proximity to two proposed new parks in the Village center. The Village should capitalize on this attraction

to draw more visitors to the downtown. One suggestion is to create a tour brochure, similar to that produced for the river mansions, of converted historic factories in the Valley, including other similar sites such as the Dia Center for the Arts in the National Biscuit plant in Beacon and the converted Baker's Chocolate Factory in Red Hook.

Recommendation:

Explore recreational and tourism opportunities associated with the Market Street Industrial Park.

3.3.5 Special Cases

Upper West Main Street includes a hodgepodge of uses ranging from single-family residential to industrial. The area is further complicated by the existing R-M1 zoning along both sides of West Main Street, which is interrupted by a GB District between Delavergne Avenue and North Street. Moreover, the GB District has been developed with uses that are more industrial than commercial, and, in one case, a non-conforming general business use is located in a residential zone. A similar incompatibility is evident in the small, isolated Industrial District on the north side of Delavergne Avenue in a primarily residential neighborhood. To further complicate this area, this district has been developed with office uses rather than industrial ones. These conditions result in little relationship between the various land uses and the zoning of this area.

This area should be studied in greater detail. Upper West Main Street is the northern gateway to Wappingers Falls and should present a welcoming visual image of the Village's distinctive character. Reducing land use conflicts and creating an attractive gateway to the Village in this area will be a challenge. Residential property owners feel their property values will be negatively affected by further industrial and general business development in their neighborhood. However, commercial landowners have also raised concerns about creating non-conformities and limiting the resale value of their properties if the commercial zoning of their land is changed. The residential and commercial property owners in this area should participate together in finding an acceptable solution to these land use conflicts. A facilitated meeting of all stakeholders would be one method to reach consensus on this issue.

Recommendations:

Study the Upper West Main Street area in greater detail to determine exactly where land use conflicts exist and what the development potential of the existing GB and Industrial Districts may be.

Facilitate a meeting of property owners in the area to find a solution to land use conflicts that satisfies all the stakeholders.

3.4 SUMMARY

The Village must carefully weigh future development, redevelopment, and zoning decisions to encourage appropriate economic development, create greater compatibility between land uses, and enhance the Village's unique historic character. Allowing appropriate rezonings and justifiable variances, strengthening the Zoning Law, and diligently enforcing it, will be the most effective tools to implement the future land use plan for the Village.

**TABLE 9: SAMPLE OF ZONING BOARD OF APPEALS USE VARIANCES
GRANTED FROM 1979-1995
Village of Wappingers Falls, New York**

Address	ZBA Date	Zoning	Request	County Advice	ZBA Action	Rationale
10 Clinton	8/3/82	R-7.5	add 1 unit	Denial	Approved	Inherited property; Other 2F in Area; Owner disabled & needs rent income
22 Clapp	7/16/82	R-2F	add 2 units	Denial	Approved	Allow 2F on each half of duplex; Lot cannot be subdivided further.
15 South Ave.	4/13/82	R-7.5	add 2	Denial	Approved	ZBA allowed 2 Family
15 South Ave.	9/28/80	R-7.5	add 2	Denial	Denied	Financial hardship only
W. Main/Clinton	7/7/81	R-M1	repair shop	Denial	Approved	Repair shop accessory to gas station (9/9/70-original)
W. Main/Clinton	6/5/79	R-M1	Spec use	Denial	Denied	Unless proposed dual use is approved, deny variance
27 & 29 Clapp	7/3/79	R-2F	2-SF to 2-2F	Denial	Approved	Originally one 2F on lot; divided to 2 SF attached lots; destroyed by fire; ZBA approved one 2-F/lot built.
27 & 29 Clapp	6/5/79	R-2F	2-SF to 2-2F	Denial	Denied	Neighbor protest-stop work
27 Clapp	4/3/79	R-2F	2F to 3F	Denial	Denied	If RM would need 5 parking spaces; increase non-conf.
161 W. Main	1/2/79	GB	Parking		Approved	Insufficient size for parking
28 High St.	11/13/87	R-7.5	SF to 2F	Denial	Approved	Previous Multi-Residential; Addition to accommodate larger family size.
28 High St.	8/2/88	R-7.5	SF to 2F	Denial	Approved	Village rezoned from R-7.5-increase min. lot to 75'
28 Clinton	5/5/87	R-7.5	Add 2F house	Denial	Denied	Existing plus proposed SF create 2 houses on one lot
29 Mesier	5/3/88	R-7.5	SF to 2F	Denial	Approved	Variance to allow 2F on 62.5 ft. lot (75'minimum)
55 E. Main St.	5/3/88	R-7.5	2F	Denial	Approved	Replace demolished 2F with new 1,725 sf 2F house
8 Clapp Ave	9/20/88	R-2F	4 apts	Denial	Approved	Convert Tavern to 4 apts.
107-123 E. Main	1/3/89	CB/OB	Comm		Approved	Office retail & restaurant
19 Franklindale	4/4/89	R-2F	3F to 4F	Denial	Approved	Add 4th unit for family member; 6 - 4F in vicinity.
75 Market St.	7/31/89	R-2F	2F to 3F	Denial	Approved	Allow continued 3F
S. Remsen	7/13/93	R-12.5	32 apts		Approved	DiMarco rezoning to R-M1
Gilmore Blvd.	12/6/94 3/3/95	R-2F	Lot width		Approved	Allowed 33.6' lot width on Lots 4-10; then 2-12

Source: Zoning Board of Appeals, 1979 to 1995; Village of Wappingers Falls Zoning Office.