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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.

**VILLAGE OF WAPPINGERS FALLS  
LOCAL LAW NO. 4 OF THE YEAR 2024**

A local law to amend Chapter 151 of the Village Code entitled ZONING to correct minor errors, provide provisions for additional solar energy facilities, and require a buffer adjacent to Wappinger Creek and Wappinger Lake.

**BE IT ENACTED** by the Board of Trustees of the Village of Wappingers Falls as follows:

**SECTION 1. LEGISLATIVE INTENT**

This local law amends the Village of Wappingers Falls Zoning Law to correct minor textual errors and a minor error on the Zoning Map, to provide provisions for solar canopies and solar carports, and to require a buffer adjacent to Wappinger Creek and Wappinger Lake in order to protect water quality. The propose amendments are designed to protect the health, safety and welfare of Village residents, and to bring the Village’s Zoning Law into conformance with *Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities* pursuant to Chapter 17 of the Village Code. The proposed amendments are consistent with the recommendations of the Village’s *Comprehensive Plan*.

**SECTION 2. APPLICATION**

This local law shall apply within the Village of Wappingers Falls.

**SECTION 3. SEVERABILITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law, which can be given effect without such part or parts.

**SECTION 4. AMENDMENTS TO ARTICLE II OF THE ZONING LAW ENTITLED “ZONING DISTRICTS”**

***§ 4.1. Section 151-13A of the Code is hereby amended by replacing the Official Zoning Map, attached to the existing Code as 151 Attachment 1, with an amended 151 Attachment 1, Official Zoning Map, annexed hereto as Attachment A.***

**SECTION 5. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”**

*§ 5.1. Section 151-16A of the Code is hereby amended by replacing Table 4: District Schedule of Use Regulations, attached to the existing Code as 151 Attachment 2 with an amended 151 Attachment 2, District Schedule of Use Regulations, annexed hereto as Attachment B.*

**SECTION 6. AMENDMENTS TO ARTICLE IV OF THE ZONING LAW ENTITLED “DISTRICT DEVELOPMENT STANDARDS”**

*§ 6.1. Section 151-19 of the Code is hereby amended by adding the following new subsection D.*

- D. In order to protect water quality, no construction, development, or other land alteration including clearing, grading, filling, or other disturbance shall be permitted within twenty-five feet of the high-water mark of the Wappinger Creek or Wappinger Lake. The twenty-five-foot setback shall be retained at all times as a natural vegetative buffer zone with native trees, shrubs, and grasses to minimize impacts of erosion and siltation on these significant water resources.

**SECTION 7. AMENDMENTS TO ARTICLE VI OF THE ZONING LAW ENTITLED “STREETSCAPES, PARKING, LANDSCAPING, LIGHTING”**

*§ 7.1. Section 151-44A of the Code is hereby amended by adding the following new subsection (3).*

- (3) Any nonconforming off-street parking facilities that are located on property that is the subject of a subdivision, special use permit and/or site plan application to the Planning Board shall be brought into compliance with this section to the maximum extent practicable as determined by the Planning Board.

*§ 7.2. Section 151-44B is hereby amended by deleting it in its entirety and replacing it with the following new § 151-44B.*

- B. Waiver of parking and loading requirements. Structures and land uses in the VC District built prior to 1965 shall not be subject to the parking and loading requirements set forth in this section, provided that any on-site parking and loading facilities now existing to serve such structures or uses shall not in the future be reduced, except to the extent where they exceed the requirements of this section, in which case they shall not be reduced below such requirements. The waiver of the parking and loading requirements of this section shall also apply to changes of use in said existing structures, and to the reconstruction of a building with the same building footprint, number of stories, and number of dwelling units and bedrooms in the VC District. In the event that any building is proposed to be enlarged or increased in gross floor area or number of dwelling units or bedrooms so as to create a need for a greater number of parking spaces than are currently existing, such additional spaces, which shall be calculated based only on the added square footage or additional dwelling units or bedrooms, must be provided concurrently with the building enlargement.

**§7.3. Subsection 151-46C(2)(a) is hereby amended by deleting it in its entirety and replacing it with the following new subsection 151-46C(2)(a).**

(2)(a) Changes to Existing Lighting (without establishment of a new use or a change in use).

- (i) For a lot of one (1) acre or less, if any outdoor lighting is changed, all lighting shall be brought into conformance with this section.
- (ii) For a lot greater than one (1) acre, if any outdoor lighting is changed, at least 50 percent of installed nonconforming outdoor lighting fixtures shall be brought into conformance with this section.

**§ 7.4. Section 151-46E(4) is hereby amended by deleting it in its entirety and replacing it with the following new § 151-46E(4).**

(4) Neon/LED tube or rope lighting used to outline or highlight a building, or a building's features, including lighting highlighting the outside or inside of windows, is prohibited in all districts except the CMU District.

## **SECTION 8. AMENDMENTS TO ARTICLE VII OF THE ZONING LAW ENTITLED "SIGNS"**

**§ 8.1. Section 151-51C(2) is hereby amended by adding the following new subsection 151-51C(2)(c) and renumbering the existing subsection (c) as subsection (d).**

(c) The color temperature of LED bulbs used in internally illuminated signs shall be determined by the Planning Board.

**§ 8.2. Section 151-51D(3) is hereby amended by deleting it in its entirety and replacing it with the following new § 151-51D(3).**

(3) Multi-Panel/Multi-Tenant Signs. The total sign area of multi-panel/multi-tenant signs includes the vertical and horizontal spacing between signs. See Figure VII-5.

**§ 8.3. Section 151-52A(2) is hereby amended by deleting it in its entirety and replacing it with the following new § 151-52A(2).**

(2) Nonresidential uses in the RMU, VMU, VC, CMU and B Districts are permitted a total of three (3) permanent signs per establishment, subject to the provisions of subsection B herein. Freestanding signs shall be included in this total, including multi-panel signs and a panel on a multi-tenant sign. Regardless of the number of uses on a property, not more than one freestanding sign is permitted per lot. An exception shall be made for parcels in the CMU District that exceed 125,000 square feet in size and contain more than one establishment. In that instance, a freestanding sign shall be permitted at each of up to two of the property's NYS Department of Transportation- or Village-approved curb cuts; however, only one such sign shall be a pylon sign.

**§ 8.4. Section 151-52B(1)(b) is hereby deleted in its entirety and replaced with the following new § 151-52B(1)(b).**

(b) Multi-Tenant Sign. Where there is more than one establishment on the property, a freestanding sign may be a multi-tenant sign as illustrated in Figure VII-5 above.

**§ 8.5. Section 151-56B(4) is hereby amended by deleting it in its entirety.**

**§ 8.6. Sections 151-59A, B, and C are hereby deleted in their entirety and replaced with the following new §§ 151-59A, B, and C.**

- A. Any nonconforming signs that are located on property that is the subject of subdivision, special use permit and/or site plan application, certificate of appropriateness, certificate of occupancy, non-violation letter, or other permit, approval, entitlement, or authorization from the Village of Wappingers Falls shall be brought into compliance with this Article prior to the issuance of any such approval, certificate, letter, permit, entitlement or authorization.
- B. All signs in existence as of the effective date of this chapter which do not conform to the provisions herein are nonconforming and shall be brought into compliance with the provisions of this Article within three years from the effective date of this chapter, such time being deemed sufficient to amortize the cost thereof. Any sign made nonconforming by any future amendment to this chapter shall be brought into compliance with the provisions of this Article within three years from the effective date of such amendment.
- C. A nonconforming sign may be allowed to remain for a specified period of time upon application for a special sign permit from the Planning Board. Such special sign permit shall not be granted unless the Planning Board finds that removal of the nonconforming sign would cause significant financial harm to the property or business owner and provide limited advantage to the public.

## **SECTION 9. AMENDMENTS TO ARTICLE IX OF THE ZONING LAW ENTITLED “SUPPLEMENTARY STANDARDS”**

**§ 9.1. Section 151-68M of the Code is hereby amended by deleting it in its entirety and replacing it with the following new § 151-68M.**

### **M. Solar Energy Facilities.**

(1) The following shall apply to all solar energy facilities:

- (a) All solar energy facilities shall comply with the New York State Uniform Code, as amended, and any additional electrical and safety regulations adopted by the State of New York.
- (b) All exterior electrical lines shall be placed in conduit and buried underground.

- (c) Ground-mounted solar collectors and solar canopies shall be screened from adjacent properties and from any public right-of-way, recreation park, or other public space to the maximum extent practicable.
  - (d) Ground-mounted solar collectors and solar canopies shall be designed with an anti-reflective coating and positioned so as not to project unreasonable glare onto any property-
- (2) Solar Canopies. Where allowed in the District Schedule of Uses, solar canopies shall be permitted as an accessory use, provided that the following standards are met:
- (a) Solar canopies shall be allowed only on a legally permitted parking lot or, in the case of parking located above the ground floor of a multi-level structure, on an approved parking area.
  - (b) The height of a solar canopy shall not exceed 15 feet above finished grade except that, for any parking located above the ground floor of a multi-level structure, such the height of such solar canopy shall not exceed 15 feet above the level of such floor. This shall supersede the maximum permitted height for an accessory structure in the district.
  - (c) To allow for solar access, the Planning Board may modify the landscaping requirements for the perimeter and interior of parking lots found in § 151-45G(2) of this chapter for that portion of a parking lot that is covered by a solar canopy.
  - (d) The site plan shall demonstrate an interior circulation plan accommodating all modes of vehicle transportation, including emergency vehicles, as well as pedestrians.
- (3) Solar collectors shall be permitted as a customary accessory use in any zoning district, provided that the following standards are met:
- (a) With the exception of the H-O District, the preferred location for solar collectors is on the roof of a structure.
  - (b) For building-mounted solar collectors the following shall apply:
    - (i) To minimize their overall visibility, solar collectors and their support structures, shall match the surrounding building fabric in color whenever possible.
    - (ii) For a building-mounted solar collector installed on a sloped roof, the solar collector shall be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eight inches between the roof and edge or surface of the system. The highest point of the solar collector shall not exceed the highest point of the roof to which it is attached.

- (iii) For a building-mounted solar collector installed on a flat roof, the highest point of the collector shall be permitted to extend up to two feet above the surface of the roof or the parapet, whichever is higher. The solar collector shall be set back from the roof edge, and the angle and height of the collector shall be adjusted to minimize visibility to the maximum extent practicable.
  - (iv) Roof-mounted solar collectors shall be arranged in a pattern that matches the general shape and configuration of the roof on which they are mounted.
  - (v) Conduits shall be run through the roof or building, and skirting shall be installed around the solar collectors to hide the underlying mounting frames and improve appearance.
- (c) For ground-mounted solar collectors the following shall apply:
- (i) Ground-mounted solar collectors are prohibited in a front yard, and shall not project closer to a fronting street than the principal building on the lot.
  - (ii) Ground-mounted solar collectors shall be considered accessory structures and shall meet all applicable setback requirements for accessory structures set forth in § 151-25 for the zoning district in which they are located.
  - (iii) The height of a ground-mounted solar collector shall not exceed 12 feet when oriented at maximum tilt.
  - (iv) Ground-mounted solar collectors shall be located so as not to impede the solar access of an adjacent property.
  - (v) Ground-mounted solar collectors shall be screened from adjacent properties and from any public right-of-way, recreation park, or other public space to the maximum extent practicable.
  - (vi) Ground-mounted solar collectors shall be designed with an anti-reflective coating and positioned so as not to project unreasonable glare onto any property.
- (d) In the H-O District, solar collectors shall require a Certificate of Appropriateness from the Planning Board and shall be located as follows:
- (i) Ground-mounted solar collectors are preferable to location on an historic building, as long as they are located to minimize their visibility from any public right-of-way, and are screened from public viewing locations to the maximum extent practicable through the use of architectural features, earth berms, landscaping, fencing, or other screening, to harmonize the solar collector with the character of the property and surrounding neighborhood.
  - (ii) In cases where new buildings or new additions to historic buildings either exist or are proposed, it is preferable to locate solar collectors on the new construction.

- (iii) If ground-mounted solar collectors cannot be accommodated and the site does not include new construction the following shall apply:
- i. Solar collectors shall be placed in areas that minimize their visibility from any public right-of-way. The primary façade of an historic building is often the most architecturally distinctive and publicly visible, and thus the most significant and character-defining. To the maximum extent practicable, solar collectors shall not be placed on street-facing walls or roofs, including those facing side streets. Preferred locations for solar collectors are below and behind parapet walls and dormers or on rear-facing roofs.
  - ii. The installation of solar collectors shall not require alterations to significant or character-defining features of an historic structure, such as existing rooflines or dormers, nor shall they obstruct views of significant architectural features, such as overlaying windows or decorative details.
  - iii. The use of solar roof tiles, laminates, glazing, and other technologies that require the removal of intact historic fabric or that permanently alter or damage such fabric are prohibited.

**SECTION 10. AMENDMENTS TO ARTICLE XIII OF THE ZONING LAW ENTITLED “ZONING BOARD OF APPEALS”**

***§ 10.1. Section 151-103E is hereby deleted in its entirety and replaced with the following new § 151-103E.***

Section 151-103E. Public notice and hearing.

- (1) The Zoning Board of Appeals shall fix a reasonable time and place for a public hearing on the appeal or other matter referred to it and shall give public notice of said hearing by publication in an official newspaper of the Village at least five days prior to the date of the public hearing. The cost of sending or publishing any notices relating to such appeal or matter, or a reasonable fee relating thereto, shall be borne by the applicant and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
- (2) Additionally, the Zoning Board of Appeals shall provide notice of the public hearing, including data regarding the substance of the application, to the applicant, together with a list of the owners of all property lying within 200 feet of the property lines of the property involved in such application. The applicant shall mail a copy of the notice to those property owners at least 10 calendar days prior to the hearing and shall provide a certificate of mailing to the Zoning Board prior to the public hearing.
  - (a) The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Village.
  - (b) Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action

taken by the Zoning Board of Appeals in either granting or denying an appeal for a variance from a specific provision of this chapter.

## **SECTION 11. AMENDMENTS TO ARTICLE XVI OF THE ZONING LAW ENTITLED “DEFINITIONS”**

*§ 11.1. Section 151-113 of the Code is hereby amended by deleting the definition of “Structure, Accessory” in its entirety and replacing it with the following new definition of “Structure, Accessory.”*

### **STRUCTURE, ACCESSORY**

A structure, the use of which is customarily incidental and subordinate to that of the principal building and/or use and is located on the same lot. The use of the accessory structure must be commonly associated with the principal building and/or use and must not change the character of the use or the site. Accessory structures are not for the purpose of human habitation and include structures such as tennis courts, swimming pools, carports, solar carports, solar canopies, buildings such as sheds, barns, garages, studios, greenhouses, pool houses, and playhouses, and such elements as free-standing satellite dish antennas, outdoor refuse enclosures, composting bins for household waste generated on the property, rain barrels, and ground-mounted solar collectors.

*§ 11.2 Section 151-113 of the Code is hereby amended by deleting the definitions of “solar collector, building-mounted” and “solar collector, ground-mounted” in their entirety and replacing them with the following new definition of “solar energy facility.”*

### **SOLAR ENERGY FACILITY**

An energy system that uses a photovoltaic device (solar panel) and related equipment to collect and convert solar energy into electrical energy. The following are types of solar energy facilities:

- (1) Solar canopy. A solar photovoltaic energy system that is incorporated into an elevated structure that is located over off-street parking spaces to provide shade, protection from the elements, and energy production.
- (2) Solar carport. A solar photovoltaic energy system that is incorporated into an elevated structure that is installed on a driveway or parking area associated with a residential use.
- (3) Solar collector, building-mounted. A solar photovoltaic energy or water heating system attached to any part or type of a building, such as a wall or roof, on a legally permitted building that is either the principal or an accessory building on a recorded lot.
- (4) Solar collector, ground-mounted. A solar photovoltaic energy or water heating system installed directly on the ground and not attached to any existing structure. A ground-mounted solar collector is typically mounted on a pole or series of poles constructed specifically to support the solar collector.

**SECTION 12. EFFECTIVE DATE**

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.