

**MINUTES OF SPECIAL AND COMMITTEE OF THE WHOLE
TOWN BOARD MEETING HELD ON MAY 13, 2009 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE,
NEW YORK**

PRESENT: Supervisor Myers
Councilman Seminara
Councilman Conte
Councilman Krakower
Councilman Tancredi
Town Attorney Mahar
Town Clerk Miller

ABSENT: Councilman Baisley
Councilman Cifone

***NOTE: Attachments pertaining to a particular Town Board Meeting will be found after the minutes of that meeting, which are kept in the official minute books, held in the Town Clerk's Office.**

Public comments made during a Board Meeting may be heard on the audiotape of that particular meeting which is kept in the Town Clerk's Office.

{ } designates corrections

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

Supervisor Myers: I have a Special Proclamation I would like to do now.

PROCLAMATION

WHEREAS, **ROBERT JACKSON** has served on the Town of Poughkeepsie Zoning Board of Appeals since 1986 and

WHEREAS, **ROBERT JACKSON** served the Town of Poughkeepsie in this capacity for 23 years, now therefore, be it

RESOLVED, that the Town Board of the Town of Poughkeepsie wishes to express its appreciation to **ROBERT JACKSON** for his many years of dedicated service to the Town, and be it further

RESOLVED, that the Town of Poughkeepsie is proud to award this certificate in recognition to **ROBERT JACKSON**, for his accomplishments within our Town, and we sincerely hope this will serve as a memento of his extraordinary contribution to the Town of Poughkeepsie.

Dated: Poughkeepsie, NY
May 13, 2009

Robert Jackson thanked the Council and stated he would like to see the Town pass the revised Sign Law that was put together by a blue ribbon committee, it would be a big improvement to the Zoning Laws in the Town.

Karmen Buckey: I would like to read a letter from Betty Bomba who is out of State this evening: "Dear Bob: At my very first Zoning Board Meeting, you made me feel comfortable. You helped me understand the protocols and the procedures and offered guidance. I quickly learned that you were always willing to share your knowledge and expertise, your talent, or should I say obsession for calculations, came in handy on so many occasions. Your commitment never wavered and you are what every community minded person strives to be. We will miss you and your experience for many years to come. Thank you for all the years of dedication, participation and support. Betty Bomba" I would like to second that contribute. I would also like to say, for someone who has served for twenty plus years, he is probably the ZBA Czar. Thank you, Bob, for your service.

Councilman Tancredi also gave tribute to Bob and thanked him for his service to the Town.

Motion made to suspend the rules for public speaking on agenda items: Supervisor Myers/T. Tancredi

CARRIED: 5-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 5-0

Councilman Tancredi: I would like to make the motion to adjourn Item # 1 since we have two members absent and set it for an indefinite period. Seconded by Supervisor Myers.

CARRIED: 5-0

05:13-SM 1 ADOPTION

To Amend Town Code, Chapter 210, Entitled "Zoning", Specifically Article V, Section 210 – 22 Entitled, "Arlington Town Center (ATC) District"

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of April, 2009 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend the Town Code, Chapter 210, entitled "Zoning", specifically Article V, Section 210-22, "Arlington Town Center (ATC) District", which amendment would be as follows:

ADD:

Section 210-22(G) Main Street Drive-In Overlay District (MSDOD) more fully set forth in the attached document, the application of which may be permitted at the sole discretion of the Town Board as a Zoning Map amendment subject to such additional terms and conditions as the Town Board may require at locations within the Arlington Town Center (ATC) District which meets the specific requirements set forth herein.

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does hereby declare itself as Lead Agency and that said action will not have a significant adverse impact on the environment; and

BE IT FURTHER ENACTED, that this Resolution is adopted, notwithstanding a recommendation from the Dutchess County Planning Board not to adopt said amendment; and

BE IT FURTHER ENACTED, that the Town Board of the Town of Poughkeepsie does override that recommendation for the following reasons:

1. The minimum lot size, road frontage, and locational requirements of the proposed local law have been carefully drafted to specifically limit the number of parcels that could qualify under its terms; and
2. The application of the overlay district to any one parcel would be a discretionary act on the part of the Town Board to amend the Zoning Map; and
3. The character of the Main Street section of the Arlington Town Center (ATC) District is very different than other parts of the District and currently contains

five businesses with drive-thru facilities and an Average Daily Traffic (AADT) volume in excess of 13,000 vehicles. Unlike other parts of the ATC District, Main Street is a major vehicular route into and out of the Town and City of Poughkeepsie, and allowing merchants to develop drive-thru facilities, on a case by case basis, to take advantage of this vehicle volume should speed the redevelopment of underutilized and blighted properties along Main Street; and

4. The proposed amendment is intended to encourage the redevelopment of existing parcels along the busy Main Street section of the ATC District by facilitating drive-thru facilities in those cases where the Town Board, with the recommendation of the Planning Board, deems it in the interest of the Town to allow a drive-thru facility as part of a new or redeveloped commercial use.
5. The design standards of the proposed local law, together with the existing design standards of the ATC District, will ensure that drive-thru facilities will be designed and implemented so as to minimize their appearance to surrounding properties, limit conflicts with existing pedestrian patterns, and require that the building, parking lot, and access driveway are designed so as to be consistent with development in the ATC District.

AND BE IT FURTHER ENACTED, that said local law shall take effect immediately upon filing with the Secretary of State.

SO MOVED:

ADJOURNED INDEFINITELY

05:13 – SM 2	AUTHORIZE SUPERVISOR TO SIGN	Fireworks Contract With Young Explosives Corporation For Fireworks Exhibition On Tuesday June 30, 2009, At Bowdoin Park 85 Sheafe Road
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RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute an agreement with Young Explosives Corporation for a fireworks exhibition to be held on Tuesday, June 30, 2009, with a rain date of Wednesday, July 1, 2009 at Bowdoin Park, 85 Sheafe Road, Poughkeepsie, NY, pursuant to the Fireworks Exhibition Agreement attached hereto, for a sum of \$5,000.00.

SO MOVED: D. Seminara/T. Tancredi

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

Supervisor Myers: Item #3 is a parking change, but it has not quite been finalized yet, right?

Town Attorney Mahar: I called Sgt. Faber from the Traffic Division. We have no provisions for “No Parking Between Signs”. That was apparently a little “home cooking”, but we do have under the Vehicle and Traffic Law of the State of New York, you can not park in front of a curb cut or a driveway. So, they have the enforcement procedure.

Councilman Tancredi: Oh, that should solve the problem then.

Town Attorney Mahar: I would think so. If not, we can always go back and revisit it.

05:13-03 SET DATE FOR

Amend Town Code, Chapter 195,
Entitled "Vehicle & Traffic", Specifically
Section 195-48, Entitled "Schedule XIII:
Parking Prohibited At All Times" For
LaGrange Avenue – East Side- Between
North Side & South Side in Front of Jewish
Cemetery

WITHDRAWN FROM THE AGENDA

05:13-04 AUTHORIZE
SUPERVISOR
TO SIGN

Municipal Agreement Between City of
Kingston & Town of Poughkeepsie

RESOLUTION

WHEREAS, the Town of Poughkeepsie is a municipal corporation, under the laws of the State of New York with offices located at One Overocker Road, Poughkeepsie, New York, and

WHEREAS, the City of Kingston is a municipal corporation under the laws of the State of New York with offices at 420 Broadway, Kingston, New York 12401, and

WHEREAS, the Mayor of the City of Kingston is James M. Sottile, and

WHEREAS, the Supervisor of the Town of Poughkeepsie is Patricia Myers, and

WHEREAS, both municipalities maintain a wastewater collection and treatment facility for their respective municipalities, and

WHEREAS, the Town of Poughkeepsie needs four (4) control panels for the various pump stations, and

WHEREAS, the City of Kingston has four (4) used stainless steel control panels which are surplus, and

WHEREAS, the City of Kingston needs a portion of their system televised, and

WHEREAS, the Town of Poughkeepsie has the equipment to do so, now, therefore,

BE IT RESOLVED, that the City of Kingston is willing to transfer said control panels to the Town of Poughkeepsie, and

WHEREAS, the Town of Poughkeepsie is willing to provide a one time televising of the system, now, therefore,

BE IT RESOLVED, the Supervisor of the Town of Poughkeepsie is authorized to enter into an agreement to effectuate this exchange of services.

SO MOVED: J. Conte/T. Tancredi

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

05:13- SM 5 AUTHORIZE

Bonding Resolutions For Acquisition
of Bright Horizons

WITHDRAWN FROM AGENDA

05:13- SM 6 AUTHORIZE

Referendum For Acquisition of
Bright Horizons

WITHDRAWN FROM AGENDA

05:13- SM 7 AUTHORIZE

Special Consents SC 1, SC 2, SC 3,
SC 4, SC 5, and SC 6

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby grant Special Consent to the following items; to wit:

- SC 1 Modify Park Maintenance Contract with Edge Tech Services – to provide for mowing at Town Hall
- SC 2 Set Date for Public Hearing Amend Chapter 210 – Zoning – Outdoor Seating in the Arlington Town Center
- SC 3 Set Date for Public Hearing Amend Chapter 210 – Zoning – designate 159 Channingville Road – R-20,000
- SC 4 Accept & Authorize Amended Declaration of Utilities Easement Metro Builders Corp. – Dara View Subdivision
- SC 5 Authorize Return of Security – 105 Oakdale Avenue
- SC 6 Authorize Supervisor To Sign Longview Park Agreement # C006573

AND BE IT FURTHER RESOLVED, that upon the objection of any member of the Town Board, an item may be removed from the list and voted on separately.

SO MOVED: S. Krakower/T. Tancredi

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

05:13-SC 1 MODIFY

Park Maintenance Contract Between
Town & Edge Tech Services To
Provide For Mowing the Lawn at Town
Hall

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby modify the Park Maintenance Contract between the Town of Poughkeepsie and Edge Tech Services to provide that Edge Tech Services will mow the lawn at Town Hall, One Overocker Road, Poughkeepsie, NY at a cost of \$210.00 per mowing.

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

5:13-SC 2 SET DATE FOR
PUBLIC HEARING

Amend Town Code, Chapter 210,
Entitled "Zoning", Specifically Article V,
Section 210-22 To Provide For Outdoor
Seating For Restaurants In The
Arlington Town Center

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 17th day of June, 2009 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY as and for the time, date and place of a public hearing to consider an amendment to the Town Code, Chapter 210, entitled "Zoning", specifically Article V, §210-22, to provide for outdoor seating for restaurants in the Arlington Town Center as a special permitted use, which amendment shall be as follows:

ADD: Article V §210-22. Arlington Town Center (ATC) District,

D. Accessory uses shall be as follows:

(4) Sidewalk seating and tables for patrons, subject to §210-104A

ADD: §210-104A. Sidewalk seating and tables for patrons.

- A. Purpose. It is the intent of these regulations to allow establishments that serve food and beverages to provide tables and chairs for patron use on the sidewalk at the front entrance to such establishments. The provisions of this section are distinguished from the provisions of §210-102 since the placement of any tables and chairs is a temporary accessory use and does not include the installation of permanent structures or improvements that would serve to delineate the sidewalk seating area. In addition, the placement of tables and chairs on a public sidewalk is subject to the jurisdiction of the town, county, state or federal agency that may own the affected right-of-way.
- B. Criteria. In any district where permitted sidewalk seating and tables for patrons shall comply with the following provisions:
- (1) Only tables and chairs placed directly on the sidewalk shall be permitted. The use of platforms on which tables and chairs would be placed shall be prohibited. Umbrellas that are supported on a post that is affixed to or supported by tables are also permitted. Freestanding umbrellas shall be prohibited.
 - (2) The placement or installation of light fixtures, planters, trash receptacles, signs, posts, ropes, signage, service stands, or any other freestanding, self-supported, or permanent fixtures of any kind on the sidewalk is prohibited.
 - (3) Tables, chairs and umbrellas shall be moveable and shall not be affixed to the ground, the building, or to the sidewalk.
 - (4) Tables and chairs shall not be placed on any sidewalk before 7:00 a.m. and shall be removed not later than 10:00 p.m. or the close of business, whichever occurs first.
 - (5) Tables and chairs shall be located so as to provide not less than five (5) feet of open sidewalk space for unimpeded pedestrian passage between the curb line and the tables located between the curb line and the sidewalk the minimum five (5) feet of open sidewalk space shall be measured from the edge of the planted area inward toward the building front. In addition, tables and chairs shall be located to maintain not less than eight (8) feet of open space from the edge of any designated crosswalk.
 - (6) The placement of tables and chairs at or near the curb line so that pedestrians must pass between the tables and chairs and the building front shall be prohibited.
 - (7) All food and beverages shall be dispensed from the interior of the establishment. No outdoor service bar or counter shall be permitted.

- (8) No outdoor music or sound amplified from the interior of the building shall be permitted.
- (9) The placement, installation, and use of sound amplifiers or public address systems shall be prohibited.

AND BE IT FURTHER RESOLVED, that the Town Board declares its intent to act as Lead Agency under the New York State Environmental Quality Review Act and upon review Short Form Environmental Assessment Form does declare said action as an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does authorize and direct the Town Clerk to submit the proposed zoning amendment to the Dutchess County Department of Planning for a recommendation pursuant to GML 239-m; and

BE IT FURTHER RESOLVED, that the Town Board does hereby refer the ATC District outdoor sidewalk seating amendment to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154, and

BE IT FURTHER RESOLVED that, if adopted, said local law shall become effective immediately upon filing with the Secretary of State.

SO MOVED: Supervisor Myers/T. Tancredi

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 5-0

PUBLIC HEARING SCHEDULED FOR JUNE 17, 2009

05:13-SC 3 SET DATE FOR PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled "Zoning" & Zoning Map of The Town to Rezone Property Located at 159 Channingville Road From Institutional District (IN) To R-20,000 District

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 17th day of June, 2009 as and for the date of a public hearing to be held at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY to consider an amendment to the Town Code, Chapter 210, entitled "Zoning", and the Zoning Map of the Town of Poughkeepsie to rezone property located at 159 Channingville Road, Tax Parcel No. 6158-03-072409 from Institutional District (IN) to R-20,000 District; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does declare itself Lead Agency under the New York Environmental Quality Act and pursuant to a review of the Short Form Environmental Assessment Form, does declare that said action is an Unlisted Action; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize and direct the Town Clerk to forward a copy of the proposed amendment with explanations submitted by the Director of Municipal Development to the Dutchess County Department of Planning and the Town of Poughkeepsie Planning Board as required by law; and

BE IT FURTHER RESOLVED that, if adopted, said local shall take effect immediately upon filing with the Secretary of State

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 5-0

05:13-SC 4 ACCEPT &
AUTHORIZE

Amended Declaration of Utilities
Easement From Metro Building
Corporation in Regard to Project
Known as Dara View Subdivision

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the amended Declaration of Utilities Easement from Metro Builders Corp. in regard to the project known as Dara View Subdivision., which amendment consists of widening the current utilities easement approximately five (5) feet; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor, on behalf of the Town of Poughkeepsie, to sign the Declaration of Utilities Easement and all other papers necessary and proper to have said document filed in the Dutchess County Clerk's Office.

SO MOVED: J. Conte/Supervisor Myers

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

05:13-SC 5 AUTHORIZE

Return of Security for 105 Oakdale
Avenue To Owner

RESOLUTION

WHEREAS, the owner of 105 Oakdale Avenue has heretofore posted with the Town \$5,000.00 as security and \$1,000.00 as a Street Opening Permit for work to be done in front of 105 Oakdale Avenue; and

WHEREAS, one (1) year has elapsed since the date of the work; and

WHEREAS, said work was inspected by the Superintendent of Highways and certain deficiencies were observed; and

WHEREAS, the owner has called requesting the return of his deposit; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the return of the \$5,000.00 security; and

BE IT FURTHER RESOLVED, that, with the consent of the owner, the \$1,000.00 Street Opening Permit shall be held and used by the Superintendent of Highways to make some minor adjustments and thereafter the balance remitted to the homeowner

SO MOVED: S. Krakower/T. Tancredi

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

Councilman Krakower: The \$1,000.00 Street Opening Permit. Is that a fee or a refundable deposit?

Town Attorney Mahar: That is a refundable deposit.

Councilman Krakower: Why is it called a permit then?

Town Attorney Mahar: Because the Superintendent of Highway collects that money when the individual comes in and signs for his street opening permit.

Councilman Krakower: But \$5,000.00 is a security Deposit and then \$1,000.00 Street Opening Permit, why?

Town Attorney Mahar: Because in this case there were two because of the unique situation involving the fact that the Highway Department was making the cut into Oakdale Avenue shortly after it had been repaved.

Councilman Seminara: What Ward is that in?

Supervisor Myers: Fourth.

05:13-SC 6 AUTHORIZE &
DIRECT

Supervisor to Execute Agreement
#C006573 With NYS Department of
State For The Design & Installation of
Longview Park Amenities

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize and direct the Supervisor to execute agreement #C006573 with the New York State Department of State for the Design and Installation of Longview Park Amenities and all other documents necessary and proper to implement this agreement forthwith.

SO MOVED: T. Tancredi/S. Krakower

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and
Supervisor Myers

Nays: None

CARRIED: 5-0

Doreen Tignanelli: I really hope that the Planning Board uses this study on the Blanding Turtles because one of the problems we are facing now is the fact that a lot of the parcels left in the Town now are parcels that contain wetlands that people would not have built on years ago, but it's available now and that is what people are building on. We need to pay a little more attention to those sites. Some of you have served on the Water Board and so you know that we have these water quality issues and the better protection you can give your ground water, that's less treatment you have to have for our drinking water, so it's not just to protect the turtles, it is for overall protection of the health of Town residents. Also, I would like to discuss the fines for violations. At one point I had asked about Tilcon. They had a number of oil spills over the last year and I had said that that was something the Planning Board had not looked into when they were having their application for their asphalt plant relocation. I asked at the time if that was something they could have been fined for, also. It seems as though that was all handled within the DEC. I was looking at Chapter 173, Discharge Management Regulations, and there is a section in there on spills and it says that industries have to report spills. Non-hazardous spills would be reported the next day to the municipality by phone or fax and in writing within three business days, there is also a provision for fines in there. So, I was wondering if someone could look into this and tell Tilcon, also be fined after 5 days.

Gary Levine: I would just like to comment on the Country Club purchase. Whether you are for it or against it, I think people are getting a little frustrated. I'm getting a little frustrated at the yo yo, on and off process we seem to have when it's on the agenda and off the agenda. I think this is the third or fourth time that this matter has been removed from the agenda and I believe that the people of the Town of Poughkeepsie were advised that the referendum was going to take place some time in May or June. Now, it may not be until July, August, or even September if the contracts are ever signed and delivered by then, that the referendum will take place on the bonding resolution. What I'm suggesting at this point, wouldn't it make sense to amend our purchase offer so that the referendum coincides with the general election so that we don't have to spend the time and the money

on a special referendum in the next couple of months. We can save the taxpayers a lot of time and money if we can amend our purchase offer to coincide with the general election so we can do everything all at once.

Motion made to resume the rules: Supervisor Myers/T. Tancredi

CARRIED: 5-0

SPECIAL TOWN BOARD MEETING CLOSED AT 7:43 PM

COMMITTEE OF THE WHOLE MEETING
MAY 13, 2009

7:44 PM

05:13-COW 1 PRESENTATION

Blanding Turtles by Hudsonia, Ltd.

Gretchen Stevens, Biologist at Hudsonia: Discussed a project they have been working on for years and just completed. The project is looking at the habitats for the Blanding Turtles in six Dutchess County Towns, one of which is Poughkeepsie. The Blanding Turtle is a threatened species in New York. Dutchess County is the only County lucky enough in South Eastern New York to accommodate the turtles and their habitats.

Vanessa Hartwig: Biologist, spoke about the mapping. The Blanding Turtle is a threatened species in New York due to habitat loss and segmentation. Hudsonia decided to use their 30+ years studying Blanding Turtles in Dutchess County to map potential and known habitats in Southern Dutchess with the hope that the Towns will be able to use the maps in their planning processes. The Blanding Turtle is an 8" to 10" turtle. They have a solid yellow neck and that is the distinctive way of telling a Blanding Turtle because they are the only ones that have it. She described several other turtles that habitat in Dutchess County. Blanding Turtles are found only in North America. They are mostly populated out west and around the St. Lawrence River with sparse locations here in New York, basically Dutchess County. Blanding Turtles live in habitats, which are deeply flooded shrub swamps with a moat. The most common shrub is the button bush. They have several habitats to suit their needs. They travel a lot to get to all their habitats. They travel up to 1,000 meters from their core wetland. The habitats are used primarily to store food and for nesting migration. Because these turtles travel a lot from habitat to habitat, they are vulnerable to getting hit by cars on the road or construction or farm equipment and from predators like raccoons, possums and skunks which love turtle eggs. Also, well meaning people who see them on the road and think they should move it to their pond or by actual poachers. The DEC just busted a whole poaching ring of reptiles and amphibians in New York State and there were quite a few Blanding Turtles in that ring. Being threatened in New York State means; No person may take any endangered or threatened species and this is defined broadly by saying you can't hurt a threatened or endangered turtle or other species or you can't destroy their habitats. Under New York State Wetland Regulations, on any wetland that is resident habitat may be considered in New York State a regulated wetland, even if it is less than the 12.4 acre threshold. That's stricter regulations than protected Federal wetlands. We studied 6 towns in southern Dutchess County and Poughkeepsie is one of the Towns we studied. We chose these towns mainly because we thought that the development pressures are highest and so we need to take action as quickly as possible. We scan and outline all of the area habitats looking for the core habitats and outline them and then we go out and field check what we scanned on the computer. We also look for water depths and canopy cover. Once we have done that, we then create a map and outline three tiers of buffer zones around those habitats. We found 173 core wetlands altogether and if enough of these can be preserved, we would have a very nice corridor for Blandings Turtle habitats. Most of the habitats are concentrated in the northeast corner of Poughkeepsie. We found 26 core wetlands in Poughkeepsie and almost 700 associated wetlands. These habitat complexes are ones we considered particularly important to protect and because they are close to known Blanding Turtle habitats. Blanding Turtles are considered an umbrella species because they use so many habitats. We have some management recommendations that you hopefully will be able to apply the maps to your Town landscapes. We also hope to meet with the Planning Board and hopefully some other Town agencies to review how to use our maps for site review proposals. The Comprehensive Plan can include our highly significant areas map when it comes due for updating. Municipal Zoning, open space planning, permit conditions and conservation easements. The Town can actually coordinate with local interest to perhaps put some of these under conservation easement

so they will be protected for eternity. Things we recommend for this area is keeping speeds low so that people can see the turtles on the roads, restoring tree fringe around the core wetlands to protect the water quality and temperature of the wetland, retrofitting the storm drains so that turtles and hatchlings can't fall through them, building fences around in-ground pools so the turtles won't go in and drown. In the conservation areas, avoid building new roads as much as possible in this area especially where they go in between two wetlands and protecting the wetlands also educating homeowners. (Flyers in Recreation Department) Some brochures should be distributed around in our parks areas and on the rail trail in little hand out boxes to educate people.

05:13-COW 2 DISCUSSION

Amendments to Town Code
Numerous Chapters, Dealing With
Civil Fines & Criminal Fines

Town Attorney Mahar: A draft was put together and distributed to all the Board Members regarding the fines and civil penalties for various chapters of our Code. Basically, at the Supervisor's request, I went through the entire Town Code and hopefully picked up all the areas. The penalties seem to be low and so I imposed an increase in the penalties basically not to exceed \$1,000 for the first violation, all to be within the discretion of the Court. Secondly, some of these provisions of the Code did provide for a civil fine, but did not provide an appellate review if someone imposed it, so I provided that in some of the sections and I increased the civil fines to a \$1,000. Basically, I think, at the end of the day, if this is adopted, every section would have a provision for an increased fine on a criminal offense and the authority to impose civil fines in appellate process and I heard the comments about the noise ordinance, I will have to go back and see if I caught that one, but I went from the beginning of the book to the end of the book.

DRAFT OF THE PROPOSED CHANGES ATTACHED TO FINAL BOOK COPY

05:13-COW 3 DISCUSSION

Beck Place Abandonment

WITHDRAWN FROM AGENDA

05:13-COW 4 DISCUSSION

Property Maintenance Law

Neil Wilson: We tried to keep this at 25 words or less, but we obviously failed. This is something Tom Mahar and I have been working on for some time and this is aimed specifically at vacant properties and I set standards for appearance in terms of the height of grass, disposal of debris and litter, maintenance of the landscaping and you will also see references in here to hedges, bushes and shrubs with a height of no greater than 8'. We are trying, obviously, to maintain consistency here. This is focused on vacant properties, residential, non-residential and mixed use premises. The primary enforcer as we set it up in here is the Zoning Administrator, but we also added enforcement powers for the Police Department, Fire Inspector and Building Inspector or Superintendent of Highways with respect to right-of-violations. It also provides a provision for the Town and actually goes in and cleans up the site and charges back the cost of that to the premises. So, we tried very narrowly to craft this thing to get at the issues relative to vacant properties for which no one is taking the responsibility to take care of the landscaping and overall appearance of the site.

Town Attorney: What we did on vacant homes, we expanded the definition of the, what we call, the person in control of the premises, the owner, the tenant, the occupant, or person in control. We could include the mortgage company, bankruptcy court, trustee in bankruptcy, any of those people, because a lot of the problem we've had in the past as you are well aware of it, we couldn't find someone to actually go because the owner left town, etc. So, we expanded that definition because I thought it was crucial.

Neil Wilson: Basically, our current problem is finding the right person to serve, whether it's the Zoning Administrator or the Building Inspectors, they do, on occasion, have to spend considerable time to try and figure out who owns the property and who it is they

are serving. There are various provisions in here for service. It starts with certified mailing to the owner, tenant or occupant or person in control. Finding the right person takes a lot of time.

Several Councilmen were concerned about people away for more than two months on vacation to i.e. Florida, etc.

Neil Wilson: We do have a seasonal absence clause in the first definition under abandon or abandoned that we can carry over to the vacant structure and indicate that it is vacant for something other than heading to Florida for three or four months; Absent, but not abandoned.

PROPERTY MAINTENANCE LAW ATTACHED TO FINAL BOOK COPY

05:13-COW 5 DISCUSSION

Tree Ordinance

Neil Wilson: Looking at an e-mail I had received from Councilman Seminara several weeks ago about wanting a very targeted law about tree protection and taking a look at Section 3, page 3, General regulations, it says, "A tree removal permit will be required before removing (a) any protected tree on any residential lot or parcel of land in excess of 2 acres in size, (b)

any protected tree on any non-residential lot or parcel of land in excess of ½ acre in size, (c) clear cutting on any residential lot or parcel of any size (d) clear cutting on any non-residential lot or parcel of any size." So, those are the items for which a person would have to receive a permit before cutting and what we actually did was to define what a protected tree is. We actually listed specific trees, such as American (inaudible) American Elm, and Atlantic White Cedar, those would be trees of any size. The second part of the list, Eastern Hemlock, Eastern Red Cedar, specifies a tree of certain diameter, breast height or larger is protected. The smaller trees would not be. So, this is the approach that we've taken. It's targeted so that the owners of residential land can remove trees if they need to for house expansion and things like that and they have a lot of under 2 acres in size or a commercial lot of ½ acre and under, a person can do some tree clearing without a permit. We have defined clear cutting on page 1: "The cutting of more than ten trees at breast height of 4" or greater on a lot within any 12 month period." So, we are getting at the clear cutting on any sized lot, residential or commercial. We are trying to bring to the table a very focused ordinance. We spent a very fair amount of time with Sara Davis, the Zoning Administrator and received input from Tim Sickles, our Building Inspector and we asked Tim to take a look at this from the standpoint of process. In the terms of the permit coming in, what are the things to be looked at and how would a violation be dealt with. This is the proposal for your consideration.

05:13-COW 6 DISCUSSION

Permit Regulations for Fencing

REMOVED FROM AGENDA

05:13-COW 7 DISCUSSION

Zoning Amendment – Channingville Road – From Industrial to Residential

Neil Wilson: This is 2/10ths of an acre and .04 in the Village of Wappinger. We not only have the Institutional Zone applied to this lot, but all the other Residential Zoning to the South and to the West are 4 acres. He was originally Zoned for R-20,000 under the old Zoning Code. So, the question came up of Spot Zoning, but I took a look and part of his lot is actually in the Village. They have an R-12.5, which is 12,500 sq. ft. in the Residential District and even though it allows for a smaller lot size than ours, our smaller lot size is R20, the set backs are roughly equivalent in terms of front, sides and rear. So, my recommendation is to make it an R20 designation to this lot, which is closer to the R12.5 Zoning in the Village. He still may need a variance or two to place a house on the lot, but it at least is getting him much closer.

Councilman Baisley: There was a house on there and that's how this came about. He took the house down about two years ago and now he wants to put another one there on there and Zoning said he can't because it is not Zoned for that any more.

05:13-COW 8 DISCUSSION

Sidewalk – Seating Regulations

Supervisor Myers: The sidewalks were already addressed. (See 05:13-SC 2)

Councilman Krakower: I just want to say that I love the idea of the sidewalks being in the Arlington Area. I think it's a great idea and you drive through there and there are lights coming back in that area and the sidewalks are going to help it also.

The Councilmen agreed with Councilman Krakower.

Neil Wilson: Depending on where the establishment is located in the Arlington Town Center, they may or may not be able to put seating out on the street. One of the things I've been talking with staff about is preparing a leaflet to be able to give to the restaurant owners and literally diagramming out where the tables and chairs have to be up against the building leaving a clear pedestrian path of no less than 5 feet and bring them in at night and just help explain what the regulations are. So, we are going to prepare those and state that the law has been adopted and help explain what the regulations are.

COMMITTEE REPORTS

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|---------------------------|--|
| 1. FINANCE | Councilman Baisley: No Report |
| 2. FIRE ADVISORY | Councilman Baisley: No Report |
| 3. GOVERNMENT OPERATIONS | Councilman Conte: No Report |
| 4. LAND USE & PLANNING | Councilman Conte: No Report |
| 5. PERSONNEL | Councilman Cifone: No Report |
| 6. RECREATION | Councilman Tancredi: No Report |
| 7. SENIOR CITIZENS | Councilman Krakower: No Report |
| 8. TECHNOLOGY & EQUIPMENT | Councilman Krakower: We had a meeting with Time Warner, but nothing to report. |
| 9. INFRASTRUCTURE: | Councilman Seminara: No Report |

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby adjourn to Executive Session to consider the following matters, to wit:

1. Personnel Matters, to wit: A meeting to discuss the employment history of particular individuals who need not be identified at this time.
2. Confidential Communications between Attorney and his Client, the Town Board, based on Attorney/Client privileges

SO MOVED: J. Baisley/Supervisor Myers

ROLL CALL: Ayes: Councilmen Seminara, Conte, Krakower, Tancredi, and Supervisor Myers

Nays: None

CARRIED: 5-0

MEETING ADJOURNED AT 9:17 PM
INTO EXECUTIVE SESSION AT 9:28 PM
BACK FROM EXECUTIVE SESSION AT 9:43 PM
NO ACTION WAS TAKEN
MEETING CLOSED AT 9:44 PM

SJM:lk