

**MINUTES OF THE COMMITTEE OF THE WHOLE COUNCIL
MEETING, JUNE 13, 2012 AT 7:00 PM AT TOWN HALL, ONE
OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Eagleton
Councilman Cifone
Councilwoman Shershin
Town Attorney Nelson
Town Clerk Miller

ABSENT: Councilman Krakower
Councilman Conte

- **NOTE:** Attachments pertaining to a particular Town Board Meeting will be found after the final minutes of that meeting, which are kept in the official minute books, held in 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 or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

06:13-COW 1 PRESENTATION

**By Representatives Of O'Neill
Dutton, Group, LLC Waterfront
Project Status Update Including
Pending Request Of Zoning
Amendment**

Lou Caplan: I want to give you an update of what is going on since I was here last September and I've given you a packet which hasn't changed. There is a brief synopsis in the package of the executive summary. It hasn't been updated, so it's before we received the Zoning approval and finished our SEQRA process. But, by in large, it will explain once again the property and what we plan to put there. Just some economic benefit bullet points are put in for you. There is also a rendering and a full Site Plan. A smaller version of that same Site Plan and the proposed waterfront housing overlay development district to permit Zoning and the project are included. This is the project as it originally stood. We have started and are fully into the remediation process. We have already demolished several of the buildings. (A demonstration on screen presentation) The last buildings that remain is this one, which we are using for storage and these two buildings are the original processing plants for the waterproof wood, which is pressure treated wood, which was treated with copper chromium and arsenic and the ground inside these buildings are the "Hottest" spots on the property and we are working on the floors of those plants right now when we have the floors satisfactorily removed, we will

demolish those buildings, but not before because we want to avoid any dust or air contamination of any sort. We are into the remediation process right now and all of the tanks have been removed from under the ground and above the ground, the chemical tanks. Any soils that are impacted by those tanks have been taken care of. All inspection and approvals of the DEC and progress reports are on line where anyone can look at and see how we've been doing. We are getting close, as soon as we get rid of the large buildings, which are the difficult part, close to getting the cap on, which will require some soils and vegetation soils in order to cap the contamination and pull the site out of the flood plain. I presented this same plan last September and so that is what it looked like. That is on the Dutchess Avenue side in the City. We are going to have two mid rises that are four story and have parking below. Then on the City side, we are going to have 102 townhouse style units in these buildings. Then, this line, is the City/Town line and in the Town portion are 84 only townhouse units. That style looks like this (showed picture). This is the proposed look, of course, but it's not written in stone yet. That was designed by the Architect that put in and developed Hudson Point for the Ginsberg Company. During the course of our planning it is pretty uniformly accepted that the Hudson Point Development was a nice development and if we could make it look similar to that, and that was acceptable to the people around the table. Those people around the table consisted at that time of the Mayor of the City, the Planner, the Director of Development (which there is none now) and a variety of other people in the City and Mr. Wilson and Mr. Weisman from the Town who gave us input and helped us in revising that plan. Included in this plan are the development and then the park. The park was a requirement, in many ways, by your own LWRP and the State Corporate Zone Management Policy and the Waterfront Advisory Commission as well, who have their own guidelines which mirror in many ways the Postal Zone Management Plan for the State, which in fact, they are guided by as well. This is going to be a 2 ½ acre park with a walkway on it, a Greenway trail, which will be approximately 12 ft. wide consisting of either asphalt or paver stones. At the boundary, this, of course, is very preliminary pending input on it from the City and Town and State, which presently owns the property, some sort of stopping point. Then as we get into the Town portion, we are getting input from Mr. Wilson and we hope to get input from this Board and the Planning Board, and whatever it is that the Town would like. Whether it be mostly landscaping, possibly some gravel paths so it flows more naturally into the northern parks that exist. We also expect that there will be a fence between the Hudson River Rowing Association and ourselves. We are proposing to have an emergency access that will end at that fence before it goes on to the Hudson River Rowing Association because Vassar, which owns that property, has not really given us the approval yet that we would need to provide them with emergency access and they to provide us. Our plan is, and what I've presented to them, is that as a secondary emergency access only, if this road, North Water Street, which is a private street, were blocked and no one could gain access to Vassar or the Hudson River Rowing Association, they could come to us and get through the gate with the lock box and visa/versa, getting to us by way of a third access. If we don't get that resolved, however, both Fairview Fire Department and the City have found acceptable the flow of traffic that we have created, which is completely within our power, and that is, there are two entrances on Dutchess which is a very wide avenue and you would come in and loop around and go back out. The units themselves, the Town portion is going to

consist of 84 Townhouse units. There will be a few three bedrooms, about 8 or 12, along the river, two bedrooms, which most of them are two bedrooms. There are a few one bedrooms also. That's the plan there. We have successfully completed the SEQRA process with the City, which was the Lead Agency for that portion. We have gotten rezoned for this project in the City portion and so now we are here before you hopefully to complete the Zoning process with the Town as well. At that point, we would then submit to the Planning Boards of both the City and the Town for their input.

Councilman Cifone: As far as the building goes, I'm happy with everything there and I'm sure the Planning Board may have some small changes they may want to make. My biggest concern is the park. I don't want to have the Town spend any money on maintenance of that park. I know that was an issue, you said it wasn't going to be, but I got feed back from the City that they were looking for funds from the Town to help pay for that park. I would like clarification on that.

Lou Caplin: We are not looking for any funds from the Town or the City, for that matter, for the construction and the maintenance and that is entirely your call and that would depend on a large degree if you want ownership or not. Our plan is, based on the feedback we are getting from the City and Town, is that we are in the process of creating a not-for-profit organization that hopefully will consist of people who have expressed interest in maintaining it with us and that will be Marist, Vassar, ourselves, Scenic Hudson and hopefully Dyson, all of which we are meeting with. In fact, Marist and Vassar had made that suggestion in one of their comment letters a year ago. We would do the initial construction and we are in fact seeking funds from the State for grants. We've met with members of the Department of State that Mr. Wilson sat in on. We got some very good feedback from the Department of State, the DEC who is overseeing the cleanup, and they are very pleased with the way we are taking care of it and we are now going to resolve the State lands in cleaning up them as well. We are obligated by the findings to do that by a certain point. We are compelled to take care of that in the process. In fact, finish up the park long before the project is finished. We can't fund the entire thing. There are only 384 units. It is going to be a public access park. It is already public accessible. So, you need no permission to get there, but, on the maintenance we are going to work that into our Home Owners Association as a portion of the fees there and again we are compelled to see that that happens before we complete the project. So, we are quite inspired and no, we don't intend to seek any funds from the Town or the City. If you are uncomfortable with any financial situation you may think you are getting into, you are not an applicant, and you are not compelled to accept anything.

Supervisor Tancredi: I agree with Councilman Cifone. My view of that park has always been a very passive park, similar to what exists on the river now. Walking past some benches or a picnic table or two, that type of park.

Councilwoman Shershin: Have you already begun the cleanup of the Stateland?

Lou Caplin: Yes. There was a building being demolished, underground storage tanks that have been pulled, the soils impacted by those tanks have been pulled and so essentially

all that is left is the cap and the dealing with the shore line, which is a big IF. We are working on a riprap shore, we have to build it up and feather it in to our project. You start where it exists now and go up to about 6 feet with the cap and then level off with a small walk way and a retaining wall so we would be above the flood plain for the project. So, it's going to be a gentle grade with a small retaining wall. The City has asked for a playground. So, initially we designed it with a playground on both the City and Town. In the latest design, we are taking it out of the Town side. So, all you would have now is the walkway, vegetation.

Councilman Baisley: What percent of the park is of the whole project?

Lou Caplin: 20%.

Councilman Eagleton: Have you accounted for the changes in the Flood Map since May 2nd.

Lou Caplin: I can't say that I have, no. I think my engineers are aware of it, but, I don't think we've changed much, but I can't speak to that. I can assure you that it will have to be spoken to when we present it to the Planning Board.

Councilman Eagleton: The other thing I saw and it was a noticeable quote and I couldn't help but not to ignore it, I think the words were "Monstrosity of mediocrity". I guess there was some concern in the City about it looking a lot like something in Peekskill and they wanted something to make it look different from Peekskill.

Lou Caplin: That was a quote from Tom O'Neill. I can't speak to that except to tell you that I will be before that gentleman shortly and he told me he wants to make it nice and I have told him we would work with him to do that. So, I anticipate it will not be an easy journey, but I can assure you it has not been an easy journey until now. But, we have changed substantially, based upon the comments we've gotten from you. Initially, when I came before you people, it was three large buildings about 30 feet from the shore line, 600 units. I've knocked out almost 40% of the units. We're back over 100 feet from the shore line. Some places 135 feet from the shore line. They are smaller buildings with smaller footprints. The Town only has townhouse style buildings in it.

Councilwoman Shershin: Do you envision them being for sale or for rental units?

Lou Caplin: For sale.

Supervisor Tancredi: What's the build-out for the entire project?

Lou Caplin: Well, we anticipate cleaning up the property by the end of 2012 and hopefully we will have approvals by the end of this year and so we will probably start next Spring. The construction phase is 24 months. Hopefully, the buildings will be absorbed by a fairly descent rate, that's what our market studies have been showing.

Councilman Cifone: I would rather see no picnic tables, benches yes, but no picnic tables in the park.

Supervisor Tancredi: Any one from the audience wish to speak?

Doreen Tignanelli: The comment that Councilman Eagleton referenced from Tom O'Neill was actually Mr. O'Neill was asking the developer to revamp the architecture and come up with a more "Magnificent Design" (from the Poughkeepsie Journal) and the rest of the quote is "what the developer has proposed to build on our waterfront is an ill-conceived monstrosity of mediocrity". So, I guess it is likely there will be some changes to the architecture. What I am concerned about is in February when Mr. Caplin was before the Committee of the Whole he said that "Clean up and Building of the park would come from grants and funds and would not come from the Town or City, yet, just a month later the final Environmental Impact Statement that was issued in March says, "The applicant will request a waiver from the Town's fee in lieu recreational facilities." Well, that's \$5,000 for 84 units, which comes to \$420,000 and the final Environmental Impact Statement said that the money was proposed to be used for the cleanup of the contaminated strip of land that is to be used for public parkland. So, I think I heard conflicting information here tonight and I would like to know whether or not there is any Town money going to be used for the parkland and whether you still plan on requesting the waiver of the Rec fees?

Lou Caplin: We intend to use the Rec fees for the park, not for the cleanup. If that was in the FEIS that was not taken out, it was missed. So, the cleanup is not a part of that. The cleanup will be dealt with through Brownfield Tax Credits. Which is not a free ride, we have to invest in those as well. When it says Grants and Funds, the Funds are not the same as Grants. There are matching Funds and that's coming from the Town, that will be from private funds. No, the Town will not have to invest any money.

Councilman Cifone: As far as Recreation fees, they come to the Town and the Town appropriates where they go. So I don't intend giving you any money back for your project.

Lou Caplin: We were hoping to use some of that \$420,000 for match funds for the park in the Town.

Councilman Cifone: We don't really need the park in the Town. We can just have a walk way along the water.

Supervisor Tancredi: When will that decision be made? At the rezoning?

Neil Wilson, Town Development Director: There are several critical points in which a decision like that would be made. Starting with the finding statement that Doreen has alluded to and that Lou has mentioned, the finding statement that was adopted by the City of Poughkeepsie Common Council. This Board is not bound by the terms of that finding statement and so what ever it may say about Recreation fees and the use of those fees,

you are not bound by it. As part of the Town Board's consideration of the rezoning request, before you can act on any rezoning, you must also adopt your own findings and you get to say whatever it is you want to say about any number of issues that were addressed in the final environmental impact statement of the project, including the recreation fees. Then, as part of the process, particularly for multi-family, is that under our Code we have a set fee of \$5,000 per lot for a single family residential. Multi-family projects like this, it actually comes back to the Town Board for establishment of whatever the recreation fee is for the particular project.

Supervisor Tancredi: So, we would have the definitive say on what the recreation fees, whether we accept them or reject them.

Neil Wilson: Absolutely. You have a finding statement in which you make a statement about recreation fees and the use of those fees and what you anticipate to be paid and not.

Supervisor Tancredi: That would be what would be very binding?

Neil Wilson: Right.

Doreen Tignanelli: I just wanted to know whether it was the intent that they were still going to ask to have the recreation fees waived.

Supervisor Tancredi: It sounds like their intent is request that some of the recreation fees apply toward the park. I don't think they can tell us how much at this point, that is the decision we can make when we consider the rezoning. Correct, Neil? (Yes)

Lou Caplin: Just as a clarification. The word waived was used, however, what we meant by that was that we are installing a park, whether you call it a walkway or not, it's a Greenway Trail and it is compelled to be done to some degree under the Local Waterfront Revitalization Program and it was specifically requested as some form of open space and so we were hoping to use some of those funds for the benefit of the project we are putting in and for the general public. To that degree, we were asking for a waiver so we can invest in a waterfront park.

Supervisor Tancredi: When that request is made of us, probably the thing we are going to need to know is how much of those recreation fees you would be looking to use to create the passive park you are talking about.

Lou Caplin: Fair enough.

Councilman Eagleton: Do you have an order of magnitude estimate as to what it's going to cost to build that park?

Lou Caplin: \$3.2 million.

Supervisor Tancredi: Including the cleanup?

Lou Caplin: No

Supervisor Tancredi: What's the —oh, the shore line stabilization? (Yes)

Lou Caplin: And the vegetation cap, I have it broken down and I will be submitting it to you.

Bob Casement: I remember when Dutton owned this, they brought lumber in from Scandinavia, Europe and big ships came in here and unloaded that lumber and it is one of the few places on the Hudson River that an ocean ship can dock and I was wondering if there is any consideration of this and of using it as any kind of a dock or if you are knowledgeable of this or if it's out of the question?

Lou Caplin: We've been told it was one of the few deep water ports on the Hudson. When we had considered using a portion of it for motorized boating, we had gotten a lot of resistance about the dangers it has to the immediately adjacent northerly property owner, which is Vassar, which rents it to the Hudson River Rowing Association. We were told of at least one incident where some boaters were hurt by a motorized boat and so there is a resistance to have any sort of motorized boating there. We're not too sure which way to go, but—

Supervisor Tancredi: Ok, any discussion from the ordinance on a general nature.

Doreen Tignanelli: Since you passed the electronic message sign ordinance, I've noticed that the Hudson Harbor sign is changing like every 6 seconds and it never used to do that before. Red Fox Eatery in Councilman Cifone's Ward. That is changing and flashing. So, there are still signs in the Town that people need to understand shouldn't be happening. It is important that when people come and make presentations about proposed developments, to try to get some sort of commitment out of them because the Wegman Assisted Living on the corner of Boardman and Spackenkill Road, when they were here February 8th, Councilman Tancredi specifically asked, "Would you be willing to put some type of easement on the property so that if you were to sell this property down the road the portion of the property not used would stay green?" The Wegman person said, "I don't see why not." Well, I don't see any sort of conservation easement on their proposed plan that is going before the Planning Board. There are easements on there, but they were insisting easement that run with the site and that's just one that is a U shed easement and the other one is a wetland easement, which is no more than basically it says, "You will adhere to all State and Federal laws." So, maybe when it comes back to you, again, when it goes before the Planning Board—

Supervisor Tancredi: But, they don't build what they have from the Planning Board until they get what they need from us. I remember asking that and I will still be looking for that.

Doreen Tignanelli: Also, the only other thing about that, too, is they did say and I know that Councilwoman Shershin is looking into this. She asked if the stone barn could be

preserved. Now, it says on the plan, "If possible". I've seen a lot of those "If possible" and it's usually associated with trees and then they are gone.

Marlene Galow: Have you given any reports yet on the committees?

Supervisor Tancredi: Not yet.

Marlene Galow: Senior Citizens are what I'm concerned about. Have you found anything else or what is going on as far as housing?

Councilman Baisley: At this point, we are looking into it and within the next week to two weeks, we should have a decision on which way we are going. We are close to deciding whether to go with the White House and we are looking at a couple other locations.

Supervisor Tancredi: We are investigating something else and we might move in another direction, but we don't know yet.

Marlene Galow: I also agree with Doreen about giving commitments when presenting issues to the Board.

Jim Smith: I would like to bring to the attention of the Board and ask for some type of action to improve the intersection of Spackenkill and Route 9. That is really the most ridiculous configuration. The number of times you see cars going through on the red because you sit there and sit there and it's close to a 2 minute time span sitting there. The line of site, in my opinion, is not much different from Sharon, New Hackensack, Spring and a number of other roads coming down Croft Corners to make a right or cross to CVS. I feel like an idiot sitting there, especially at night, with no cars coming, for nearly 2 minutes. I don't see any reason why there can't be a "Time out" or a "Right on Red". No one seems to care whether a car is making a right hand turn there or not and I've had two or three of them go by me on the right while I'm sitting there in the center lane waiting for the light. I have already contacted the NYS Highway Department and they explained why it can't be done for about 5 minutes, the only thing now I have is to address the Town Board about it. Is there anything that can be done about that? Also, Croft Corners. If you are going West bound on Spackenkill and you are approaching that intersection, it turns red with no cars coming out of Croft Corners. I have trouble understanding why it changes without being tripped. I've also seen that on Wilbur and I called the State on that also. There is a simple solution. One is configuration, that's pretty big and the other is timing and that could be done relatively easy.

Councilman Eagleton: The first thought to me is contacting Assemblyman Joel Miller and I will contact him and see if there is anything he can do for us.

Supervisor Tancredi: We can also write a letter to the State and ask them to make that consideration. Hagan & Spackenkill by the school, there is no right on red during school hours is a good example. So, for certain hours could be done.

Jim Baretta: I listened to the discussion about the prior project and the comments about the things that go to the Planning Board and the Planning Board will look at the details. I just want to go on record as a Town of Poughkeepsie resident saying, I have absolutely no faith in the Planning Board and after 10 plus years watching them, I have formed an opinion some time ago and it stands the same now. The most recent incident I personally had was when Lourdes had their athletic field on the Planning Board agenda, when they had the hearing, I took the time to research the project, put together documents and one of the comments that I made was that from where we live on Colburn Drive, we suspected that we would probably hear noise from that field because we hear the games from down at Spackenkill High School where I live. Then I listened to the audio of the Planning Board Meeting and two projects after that one, Chairman Weisman asked Joe Burger, on a completely different project, could they hear the Spackenkill High School Athletic Field from that project? (8 miles away) That was purposely intended to make a joke about my comment at my expense. It was completely unprofessional and it came as no surprise to me. Just based on that. That Chairman said that! They are arrogant enough. It is filmed, people watch it and listen to and yet make a joke when someone is not in the room as if no one is going to hear it. My request to you the Board, is please consider who you appoint. Sometimes make it a point to come and stay for the entire meeting.

COMMITTEE OF THE WHOLE MEETING

FINANCE COMMITTEE

Councilman Baisley: No report. Jim gave his report last week.

FIRE ADVISORY

Councilman Baisley: We are setting up another meeting shortly.

GOVERNMENT OPERATIONS

Councilwoman Shershin: No report.

LAND USE & PLANNING

Councilman Cifone: No report.

PERSONNEL

Councilman Cifone: Recreation has hired some people for the camps that are starting this year.

RECREATION

Councilman Baisley: Tom said the Summer Recreation Program is about 74% full, a little less than last year and he is re-evaluating his staff and cutting some of the staff down and so is staying within budget and as of tomorrow there are some ads going out, so if anyone is interested there is room

available for the camps. Also, the lady's adult softball league starts tonight.

TECHNOLOGY & EQUIPMENT

Councilman Eagleton: I believe there will be a contract for the Audio/Video work before the Board on the 20th.

WATER, SEWER, HIGHWAY

Councilman Eagleton: No report.

Councilwoman Shershin: I have one other thing I would like to throw out there because it was brought to my attention for people looking for something to do with their children this summer. There is a national program called "Kids Bowl Free" and you can go to their website, kidsbowlfree.com and they offer two games of bowling per day from now till September 5th and there is an opportunity to buy a family pass for those parents who would like to bowl with their children and the Hoe Bowl in this area is participating in this.

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:

- A. Confidential Communication Between Attorney and His Client, The Town Board, Based on Attorney Client Privilege concerning the Tilcon and Hildacar Law Suits

BE IT FURTHER RESOLVED, that there will be no action appropriating money.

SO MOVED: J. Baisley/T. Tancredi

ROLL CALL: Ayes: Councilmen Baisley, Eagleton, Cifone, Councilwoman Shershin, and Supervisor Tancredi

Nays: None

CARRIED: 5-0

BOARD WENT INTO EXECUTIVE SESSION AT 8:00 PM

BOARD RETURNED FROM EXECUTIVE SESSION AT 8:11 PM

NO ACTION WAS TAKEN

Motion made to close the meeting: Councilman Cifone/Supervisor Tancredi

MEETING CLOSED AT 8:13 PM

SJM:lkm