

**MINUTES OF A REGULAR TOWN BOARD MEETING  
HELD ON OCTOBER 3, 2012 AT 7:00 PM AT  
TOWN HALL, ONE OVEROCKER ROAD, POUGHKEEPSIE, NEW YORK**

**PRESENT: Supervisor Tancredi  
Councilman Eagleton  
Councilman Conte  
Councilman Cifone  
Councilman Krakower  
Councilwoman Shershin  
Town Attorney Kyle Burnett  
Town Clerk Miller**

**\* 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**

**Supervisor Tancredi explained to the public the Assessment notice set out to them is a standard annual notice sent out each year.**

Motion made to suspend the rules for Public Hearing #1: Supervisor Tancredi/M. Cifone

CARRIED: 7-0

Neil Wilson, Town Development Director: The County had some comments of the average height established and a lighter comment about some language as far as the parking rate, and a comment about the average height established and a small comment about the quick ability of the (inaudible). I went back and made some modifications to address their comments and I've also been in touch with the developer of the Dutton project specifically, and I received a communication yesterday regarding one of the changes on page 2 of the draft and I handed out to each member a one page addendum. The way that I had drafted the language is that they could go up an additional story for projects incorporating parking within a floor or sub-floor area. The way that it was drafted originally states that "For projects that incorporate no less than 52 parking spaces". Some of these units are going to have one space and some have two and some will have three. So, what I've recommended is a change to take out the number so that it reads Page 2 – C4 "FOR PROJECTS THAT INCORPORATE PARKING WITHIN THE GROUND FLOOR OR SUB-FLOOR AREA." And Page 3 C6 "MINIMUM PARKING SHALL BE PROVIDED AT A RATIO OF 1.5 SPACES PER DWELLING UNIT OR

SUCH OTHER RATIO AS MAY BE APPROVED BY THE TOWN BOARD, PARKING FOR ANY NONRESIDENTIAL PORTION OF ANY DEVELOPMENT SHALL BE ESTABLISHED BY THE PLANNING BOARD PURSUANT TO SECTION 210-92 OF THE TOWN CODE.” So, my recommendation is to have the Board curb the resolution. Close the original Public Hearing and reset the Public Hearing on this proposed draft with those recommended changes and have it November 7<sup>th</sup> and that will give us a chance to circulate the amended draft back to the County and to our Planning Board.

Councilman Krakower: Where did the number 28 residential units per acre come from?

Neil Wilson: That’s actually the calculated density when you look at the size of the lot and the 84 units they have on the Town portion of it, that’s how the density factors out.

Councilman Krakower: So, that’s everything that they are asking for?

Neil Wilson: Yes.

Councilman Krakower: So we just backed into the number?

Neil Wilson: That’s it.

Councilman Krakower: My concern is, we had another proposal before the Board not too long ago, regarding an overlay with pretty high density and we have a really bad real estate market right now and allowing more and more density doesn’t seem to “Work that well on a bet” playing to a bad market and I’m not sure the area—we’ve been doing a lot of density on the City side and I don’t remember having the conversation at this Board level that we were ok with that number and let’s roll with it. It concerns me, I think it’s high and we keep pushing that number higher and higher and everywhere you look there are properties that are vacant and we have a couple more properties on the agenda tonight that people have just walked away from because they can’t afford to pay the mortgage and we are going to add more density to the market seems countertoative.

Neil Wilson: Well, again, this is to establish the under lying zone itself. It’s not to drop in onto this particular piece of property. All we are doing at this point is adding this as an overlay district option and it is specific to only the water front two areas for our Zoning Map. Like the Senior Overlay, it still has to come back to this Board. The Planning Board hasn’t even sunk their teeth into the Site plan for this project. The density and lay out of the units have been proposed. The applicant came before assuming –

Councilman Krakower: The question I have, in the senior overlay, in order to get more density you have to jump through certain hoops and you have to do things that would be beneficial to the community around you and here, I don’t see that. The planned residential overlay district, that wasn’t even present either. In that you build retail and you get more density. We have a lot of retail and a lot of residential and so I don’t see why we would put no incentive there to get to a higher number.

Neil Wilson: If you would like to refer this back to the Land Use Committee for additional review, that's fine.

Councilman Krakower: I don't think it's ever been to the Land Use Committee.

Neil Wilson: No, it has not.

Supervisor Tancredi: How many units---We talked about 80 some odd units for that piece for some time now.

Neil Wilson: Yes, they have certainly come down from their original 600+ between the City and the Town. There is no question that it's been reduced. The original plan also had a sort of garden style multi-story apartments on the Town side and we said "No, we are only interest in Town homes." They have reduced the density and they have given the unit type that we had told them that we were interested in. So, this overlay zone reflects the conversations over the past several years that have gotten them to a certain point in terms of their site plan. Again, this is just to establish the District. It has to come to this Board to drop the overlay on to it.

Councilman Krakower: I like the idea of the Overlay Districts and I like the fact that in the past there has been a rhyme and reason to getting more density. In the past it used to be, if you put water and sewer in, you got a density bump that would triple because a lot of the parts in Town didn't have water and sewer, which made sense. We took that out because a lot of the parts of Town that needed it have already been built out. We then kind of moved away from these density bonuses and now we are kind of moving back into throwing them in haphazardly throughout and I just think it creates a potential problem down the road. I do think there is a point where you over saturate the Town with residential and you need some sort of mix between commercial, residential and open and recreational space. This one is one that says build residential at least the others had something other than just straight residential. I'm all for building a nice project there that is financially liable, but, there should be a rhyme or reason to what we are doing. Are there any other properties in the Town that this would apply to?

Neil Wilson: In my opinion, not viable ones. That's why it was very carefully applied to the waterfront two areas alone.

Supervisor Tancredi: This has to come back to us before we approve the overlay, so—we have complete discretion to how it looks and how it's built, we've talked about this for months.

Councilman Eagleton: When we talk about the number of units, I think the lesson we learn from the Gables, for instances, we were assuming that the sewage and water supply for that area was going to be sufficient and all of that would be considered since part is in the City and part in the Town, the nightmare could be "Oops 28 is too much for that line, what's the Town of Poughkeepsie going to do to help us out. I don't want to be faced

with that and I think there is some kind of formula, whether it be economic principals or just as a pipe big enough to carry all the sewage away from the property.

Neil Wilson: The answer to many of those types of questions is in the environmental documents.

The Board agreed with Councilman Krakower on many of the points he brought up and the Supervisor felt that the staff and Committee people are spending too much time spinning their wheels on this project and would like to see it move forward with changes to be made.

Neil Wilson: My recommendation is that the Board closes the Public Hearing on the original draft from September 12<sup>th</sup>. That is what was referred to tonight and my recommendation would be to close the Public Hearing and take no action.

Doreen Tignanelli: I have to agree with some of the comments Councilman Krakower made. This is an Overlay District that is supposed to apply in general and even though there may be a limited number of parcels, it appears to be tailored specifically to Dutton. As a matter of fact, at the September 12<sup>th</sup> meeting when it was originally 40' high as the maximum height, Mr. Wilson said that night that Mr. Kaufman Had a concern about the height, now I see it's gone from 40 feet height to 55 feet high if there is parking underneath and so again, that was something specific to Mr. Kaufman of the O'Neill Group. Also, impervious surface coverage is 80%. That sounds pretty high and there has been more intense storms and flooding in that area down there, and I really do think that that is a high amount. There is different design criteria, building height, impervious surface, parking, landscaping, I don't know how you can enforce that, especially in the case of the Dutton site, because even though it comes back before you as the Town Board, the City of Poughkeepsie Planning Board is the Lead Agency, so we keep hearing the talk about Planning Board approval, but ultimately, when you gave up your Lead Agency to the City back in about 2009, to me, the Town gave up a lot of their control. I thing there should be some changes made to the Overlay District in general, but they are also going to be getting an \$18 million in State tax credits to do this. This is a \$100 million project. They had also asked for a waiver of the Town's Recreation Fees and they wanted to use that money toward cleaning up that Park plan. I would just ask that when the Land Use Committee looks at it, you also look at the things like the maximum building height and the amount of impervious surface coverage.

Neil Wilson: It's both; it's got to come back to this Board as well. Again, through the SEQRA process, the City's Lead Agency, but every other involved agency where you have a project going through the environmental process and you have an adopted and final EIS, the Lead Agency gets to adopt its final statement first, but, every single involved agency, including this Board and our Planning Board also have to adopt their findings and it can be completely at odds with whatever the City findings are. The findings statement from this Board and the Planning Board do not have to match up entirely with the City's. Parts may go forward and some may just die.

Councilman Krakower: All the more reason to have it the way the way we want it on the front end and we won't have an issue on the back end.

Motion made to close the Public Hearing and adjourn it indefinitely and refer it to the Land Use Committee: Supervisor Tancredi/J. Conte

CARRIED: 7-0

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

Nays: None

CARRIED: 7-0

10:03-01 PUBLIC HEARING

Amend Town Code, Chapter 210, Entitled  
"Zoning", Specifically Article IV, Entitled  
"Waterfront Housing Overlay District" With  
Town Board As Lead Agency

### RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie, pursuant to public hearing held on the 12<sup>th</sup> day of September, 2012 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, to consider a recommendation to amend Chapter 210 of the Town Code, entitled "Zoning", specifically the addition of Section 210-21A, "Waterfront Housing Overlay District (WHOD)", and does hereby close that public hearing, take no action on said amendments; and

WHEREAS, the Town board has received a new communication from the Director of Municipal Development recommending the amendment of Chapter 210 of the Zoning Law in regard to the addition of Section 210-21A, Waterfront Housing Overlay District; and

WHEREAS, the proposed amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, the action to amend the Zoning Law is an Unlisted Action under the New York State Environmental Quality Review Act; and

WHEREAS, the addition of Chapter 210-21A requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments to Chapter 210 for November 7, 2012, at 7:00 PM, or as soon thereafter as the matter may come to be heard, in the Town Hall, One Overocker Road, Poughkeepsie, New York; and

2. The Town Board hereby states that because only the Town Board can consider and adopt changes to the Town Code that it is the only involved agency, and the Board hereby declares that it is the Lead Agency for purposes of coordinating the environmental review of this matter pursuant to Article 8 for the environmental Conservation Law; and
3. The Town Board refers this matter to the Dutchess County Department of Planning and Economic Development for a recommendation pursuant to GML 239-m; and
4. The Town Board refers this matter to the Planning Board for an advisory report pursuant to town Code Sections 210-154; and
5. The Town Board directs the town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and
6. That said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

PUBLIC HEARING ADJOURNED INDEFINITELY AND  
REFERRED TO THE LAND USE COMMITTEE

Motion made to suspend the rules for public speaking on Public Hearing #2: Supervisor Tancredi/J. Conte

CARRIED: 7-0

NO SPEAKERS CAME FORWARD

Motion made to resume the rules: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

10:03-02 PUBLIC HEARING

Entitled "Zoning", Specifically Definitions  
Of "Family" In Article II, section 210-9  
Entitled "Definition" In The Zoning Code

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 3<sup>rd</sup> day of October, 2012 at 7:00 PM, or as soon thereafter as the matter may come to be heard, at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby amend Chapter 210, entitled "Zoning", specifically Article II, Section 210-9, "Definitions", and

BE IT FURTHER ENACTED, that the amendments are attached hereto and incorporated herein and the Town Board does hereby waive a verbatim reading of said amendments and does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER ENACTED, that the Town Board has previously declared its intent to act as Lead Agency under the New York State Environmental Quality Review Act and does declare said action to be an Unlisted Action; and

BE IT FURTHER ENACTED, that the Town Board has reviewed the Long Form Environmental Assessment Form (EAF) prepared by the Director of Municipal Development and hereby determines that: 1) the adoption of the herein zoning amendment would not have a significant adverse effect on the environment and; 2) a draft environmental impact statement will not be required for the reasons set forth in Part II of the EAF and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a communication was received from the Dutchess County Department of Planning and Economic Development stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated September 25, 2012 was received from the Town of Poughkeepsie Planning Board in which said Board recommended adoption of the herein amendments; and

BE IT FURTHER ENACTED, that the Town Clerk notified the Clerks of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and

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

SO MOVED: J. Bailey/S. Eagleton

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

Nays: None

CARRIED: 7-0

Town Clerk Miller: I did hereby file the affidavit of posting on September 20, 2012 and published in the Poughkeepsie Journal on September 22, 2012.

Motion made to suspend the rules for Public Hearing #3: Supervisor Tancredi/S. Eagleton

CARRIED: 7-0

10:03-03 PUBLIC HEARING

Property Maintenance For 37 Kelsey Road

RESOLUTION