

**MINUTES OF COMMITTEE OF THE WHOLE TOWN  
BOARD MEETING HELD ON APRIL 9, 2014 AT 7:02 PM  
AT TOWN HALL, ONE OVEROCKER ROAD,  
POUGHKEEPSIE, NEW YORK**

**PRESENT:** Supervisor Tancredi  
Councilman Baisley  
Councilman Carlos  
Councilman Krakower  
Councilwoman Shershin  
Town Attorney Nelson  
Town Clerk Salvatore

**ABSENT:** Councilman Conte  
Councilman Cifone

- **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 the Town Clerk's Office.

{ } designates corrections or amendments to

**7:00 PM**

**CALL TO ORDER**

**SALUTE THE FLAG**

**04:09-COW01 DISCUSSION**

**Creek Road Apartments –  
Concept Plan**

**Dan Koehler:** John Page, Jr. has property on east side of Creek Road which is opposite the Stewart Shops. It's north of the Rail Trail and south of Pendell Road. To the east is a cemetery and there is a Zoning District, which is the Neighborhood Business here. The other sliver of property in question here is also partially in the BN Zone and partially in the R20 Zone. What John is looking to do is to change a zone into a Residential Multi-Family and the reason behind it is for several reasons. There are several Resident Multi-Family Districts surrounding the property. On the east side of Creek Road are all residential or multi-family and that zone goes across and behind Stewarts and the auto body shop and into the Colonial Manor which is all residential multi-resident and all along Pendell Road on the South side is residential multi-family. So, it's a continuation of a continuing district, we would just be expanding on that district. Part of the reason is the uses that are provided and allowable within the BN District are not really desirable

**on the area right now. The Golf Plaza does not have any tenancy; it's a brand new building.**

**Supervisor Tancredi: Where are you in relation to the Golf Plaza?**

**Dan Koehler: We're north of the Golf Plaza.**

**Supervisor Tancredi: Closer to Dutchess? (Yes)**

**Dan Koehler: Based on that and based on the fact that Colonial Manor is over 95% rented at this point and there is still a need for apartment uses, we thought it natural, it's what John does in several of his other ventures and the parcel topography actually lends itself to doing something other than Neighborhood Business. You've got this short section along Creek Road, Neighborhood Business really requires exposure and as soon as you get to the top of the hill here, it drops down and so this whole portion of the property with regard to Business Neighborhood, really didn't make sense, topographically. So, that's what we are here for. We are here to ask that you consider that. We've met with a few of the members of the Land Use Committee and we have had some positive feed back at that point and are now looking to see how you all feel about it.**

**Supervisor Tancredi: How many units are there?**

**Dan Koehler: We are showing 40, but the resident multi-family basically allows, I believe, 6 dwelling units per acre. Technically it could go up to 6 would be allowable.**

**Councilman Carlos: Are you counting that parcel that the last 3 digits are 640, the long thin piece in the back? (Yes) So, you are counting that as part of the property? (Yes) But, you really couldn't build anything there because every spring, that is completely soaked. You are counting that area as usable property when none of that can actually be used.**

**Dan Koehler: There are environmental constraints on the property, yes. There are also some steeper slopes on the other parts of the property as well.**

**The apartments are primarily one bedroom apartments, possibly a few two bedrooms, but mostly one.**

**Councilwoman Shershin: Do you have an approximate price range on them?**

**John Page, Jr.: Roughly \$850 for one bedroom including heat and hot water. Also, at one point, this property was RM and the owner changed it and we are just trying to put it back.**

**Councilman Krakower stated that he would be cautious of putting families on those areas because down the road, we will inevitably have people coming in and complaining of serious flooding on their land.**

**John Page, Jr.: It will remain as open space.**

**Doreen Tignanelli: When I looked at this parcel today, it looked like two separate parcels. One was 1. something and the other were 4. something and one is owned by Mr. Sala. So, you don't own both pieces?**

**John Page, Jr.: I have an option agreement with Mr. Sala.**

**Doreen Tignanelli: So, if you were just using the five acre parcel then you would only be allowed to put 30 units in or less? (Correct)**

**04:09-COW 02 DISCUSSION**

**299, 297, 285 Violet Avenue  
Rezoning**

**Neil Wilson, Development Director: I guess it was a few months ago that I met with Tim Owen, who was here in the audience regarding property he owns at 297 Violet Avenue. What he is interested in doing is a four unit multi-family dwelling. Right now there is a dilapidated and very much in need of taking down a remnant of a single family house on the property. The purpose of introducing this tonight is just sort of "Testing the Waters" and seeing if the Board is interested in considering an application for a Zone change. What I've put together for you is information from the County Parcel Access Data Base. The 297 Violet Avenue property is about a 1/2 acre in size and immediately north of that is a piece of property that is about 1/2 acre in size and**

actually has a three unit multi-family dwelling on it and immediately south of that is the property owned by Schmaling Glass Company. The recommendation would be, if the Board is interested in considering a rezoning, I will turn it over to Mr. Owen in a minute. I've provided you with a copy of the Zoning Map and the little hatched areas here, are actually the three properties. As you can see, the Schmelling Glass actually abuts Multi-Family Zone to the South. So, it really would be a matter of extending Zone northward to encompass these three properties. It would legalize the three families, allows Mr. Owen to go forward and I think he would actually be eligible only for a three family as well. I think he was actually talking with us about a four family. The Schmaling Glass property right now is zoned for R/20. It's already a Legal non-conforming use stretching the R/M Zone to include it would affect would have no impact on their business use of the property and just in terms of placing this, the location again is 9G Violet Avenue. The property across the street is a portion of the Dutchess Community College property and of course we have a Mobile Home Park located to the west of that as well.

Mr. Owen: Mr. Wilson, on this map it's got parcel numbers. Could you just give me the last three digits of the parcel numbers so I know which ones you are talking about? It doesn't have street numbers on it.

Neil Wilson: Yes, actually the property we are talking about is the six digit number 523128, the middle of the three.

Mr. Owen: Schmaling Glass is the 522115? (Yes) And 535122 is that little piece out.

Neil Wilson: I don't know what that is.

Mr. Owen: We are talking about rezoning the two north of it? (No)

Neil Wilson: No. Schmaling Glass, which is 522115, the middle piece, which is 523128 and then the one immediately north of that, 527136, which is already a three family.

Mr. Owen: Ok, so we are talking about rezoning the Schmaling Glass piece, too? (Yes) So, 115128136 (Right)

**Neil Wilson:** Again, the reference to the Zoning Map, the Schmaling Glass piece applies to an existing R/M Zone along a southerly boundary. So, it would really be a matter of extending that northward.

**Councilman Baisley:** Neil, what's behind it?

**Neil Wilson:** It's a Mobile Home Park and a portion of the remnant land that the State of New York retained from the former Psychiatric Center.

**Town Supervisor Tancredi:** And right now, on the property that Mr. Owen owns is basically a vacant lot.

**Mr. Owen:** I took 128 down.

**Town Supervisor Tancredi:** Oh, you did take the house down? (Yes, about a month ago).

**Councilman Krakower:** So, most of the properties on your side of the road are all single family homes?

**Mr. Owen:** No. Schmaling Glass is right next door and on the other side is a three family and then you go down to one family.

**Councilman Krakower:** And in the other direction.

**Mr. Owen:** They are all multi-families down that way.

**Councilman Krakower:** Your Zoning right now is R-20? (Yes)  
How much are you looking to put in?

**Mr. Owen:** Four family, which I've actually got 4 family I built 20 years ago in Beacon (I took this picture today).

**Supervisor Tancredi:** So you build them and retain them, you don't build them and sell them? (NO – I retain them)

**Councilman Carlos:** Do you own the Schmaling Glass piece? (No)  
You only own the one, but we are requested to rezone all three?

**Neil Wilson:** The suggestion from staff is if you are going to consider rezoning, include the one north of it, which would legalize that three family.

**Supervisor Tancredi:** It's already a three family, but it's not zoned that.

**MAPS AND DESCRIPTIONS ATTACHED  
TO FINAL BOOK COPY**

**04:09-COW03 DISCUSSION**

**10 Tucker Drive Rezoning**

**Neil Wilson:** A little while back, the Town Board rezoned several of the properties on Tucker Drive including the Court facility. That entire area at one time had been Neighborhood Business. It was mostly converted over to Shopping Center Business. That would include the Town Owned properties, sort of the North end of Van Wagner Road. The one piece that was sort of left out from the rezoning is actually being used for warehousing. At one point, the TEG Federal Credit Union was located in the southern end of the Building, but the entire property is being used for warehousing and storage. What we intend to do is to recommend to the Board that this piece of property be incorporated in the heavy industrial zone located to the north. Right now it is the remnant B/N piece within that entire area because all of the properties to the South, West and Northwest have now been converted to Shopping Center. That had been our intention to include that at the time that we did the other rezoning so as to effectively move the heavy Industrial Zone south to incorporate that piece because that is what that use is.

**Councilman Baisley:** Is there a reason for this, Neil? Is someone looking at this property?

**Neil Wilson:** No. Again, we sort of left it with a BN piece in the middle with this other Heavy Industrial and surrounded by a Shopping Center Piece and it just doesn't seem to be the appropriate zone for what the use is and again, we meant to do this at the time when we recommended that you rezone the other pieces and we just simply neglected to do it. It's kind of a clean up from our standpoint.

**ATTACHMENT TO FINAL BOOK COPY**

**Supervisor Tancredi:** I asked Neil to come in and I don't think I did a very good job last week when we talked about home occupations and so I asked Neil to come in and just give a brief overview as to the thought behind the process and what it would accomplish.

**Neil Wilson, Town Development Director:** The object behind this is, well there are a couple of things behind it is right now, if you look at our definition of a home occupation is something that is done as an occupation or business activity that results in a product or service and we had at least one instance in the Town where a home occupation was established and actually fell out of this definition because it is not a business activity, it's not an occupation, it is actually something being conducted where clothing and shoes were being collected and given away for free from a single family home in a single family residence. So, that is sort of the first thing you see, is eliminating the current home occupation definition in favor of the simpler one which says, "The use of a portion of a dwelling for the use of a non-residential purpose by resident thereof." So, that would capture activities done for gain and done for charitable purposes. So, that's the first thing. Then the second thing is, in stead of talking about floor space, right now the Code talks in terms of limitations of 25% of the floor of a home for use in the home occupation. That could be a lot of space, depending upon the size of the home. It seems to make more sense to talk in terms of inhabitable space, which would eliminate things like bathrooms, closets, halls, storage rooms, utility spaces and not ordinarily considered inhabitable spaces. So, those are the two proposed definition changes you see at the top. The other thing that has been going on is we've had a number of home occupations requests where a number of people are sole proprietors baking cookies, crafts and things in their home and they are seeking to legalize the occupation. So, they come in and talk to us and then they see there are applications and escrow fees of several hundred dollars, and they say, but, it's just me working in my own home. Again, this goes back a couple of years and we thought it would be worthwhile to present to the Board sort of a two part home occupation regulation. First tier would allow someone who is truly a sole propriety and having one person working for them, that they meet the first tier of the regulations and that would be that they don't have to come in for a

special use permit, but they do need to register with the Zoning Administrator so we know that they are there. They have to meet all of the other criteria. If they don't meet those criteria, they get kicked into the second tier. That lands them in front of the Zoning Board of Appeals for a Special Use Permit subject to a Public Hearing. So, that is what we were really trying to do. Trying to make it easier and less cumbersome for the truly small home occupation or sole proprietors. They may have one or two employees, but most likely not. We just didn't think it fair to subject those people to hundreds of dollars of application and escrow fees a mandatory Public Hearing and a 60 day process to get through it.

**Supervisor Tancredi:** I also think that may be why some people try to hope to float under the radar and not come in for those very reasons, this would allow the insignificant home occupational to come in and have no fee, just to register with "No harm, no fault".

**Councilman Krakower:** How much do we charge for home occupation fees?

**Neil Wilson:** \$250 on the application, but according to the Chart, it's an \$800 Escrow fee. It was a fee set a number of years ago based on historic experience with Special Use Permits.

**Councilman Krakower:** If someone comes in for pools or a deck, do we charge escrow fees also? (Yes) Does that cover our in-house staff time or consulting? (Both) Based on that, I think we might need to take another look at those escrow fees because for doing a mall, apartment building, multi family housing, escrow fees make complete sense. Putting a deck in or a pool, home occupation, some of those things I kind think that it's sort of something of what you pay for in your tax bill and shouldn't be a separate fee. For the little guy that is not doing much, I think we should allow him to come in for something like that. I think it would be more beneficial and more compliance if it were done that way rather than \$800. I just think the little guy should be able to walk in and not be broke doing it.

**Neil Wilson:** I can do something about the Escrow fee, that's in the Code, but I can't do anything about the Application Fees, they need to be collected. We do need to cover the costs of the professional at the

table in the meeting and that's anywhere from \$60 to \$100. We are chasing escrows all of the time.

**Supervisor Tancredi:** I would just rather waive the fee for the small guy and just have them register their home business, possibly on a yearly basis or two years so the Town is aware of the business.

## **ATTACHMENT TO FINAL BOOK COPY**

**04:09-COW 05 DISCUSSION**

**Tattoo Shops**

**Supervisor Tancredi:** We've had a number of residents inquire over the last six months about having a Tattoo Shop. Right now it is not allowed in the Town unless grandfathered in prior to Code change and in each case we told the person inquiring to present it to the Board and see what they want to do about it. The members have received a letter from a building owner in Arlington who makes an interesting point: "I note first that the imagery in regard to both the business and tattooing has dramatically changed over the years. What clearly in the past it has been viewed as a fringe endeavor attacking potential clientele is no longer the case today. Tattooing is regarded as a hygienic business that is both popular and accepted in the mainstream of the public. Tattoo services are now more to be regarded as a body art form and legitimate expression of creativity in a business context. Tattooing industries are not on storefronts of ill repute as some past may have regarded them. Regulations and health practices have legitimized these and have become mainstreamed in our society." I thought when we spoke to these folks, I think in each case there was a lady who was interested in actually opening a parlor. I thought they did a good job in presenting their situation. One in particular, I remember she had gone to art school and all.

**Councilman Krakower:** Do we allow tattoo parlors anywhere in the Town now? (No)

**Neil Wilson:** I recall discussions, particularly about the Arlington Town Center not allowing them. There is only one right now, it's on Raymond Avenue on the second floor.

**Councilman Baisley:** We have one by Marist in the plaza across the street.

**Councilman Krakower:** Is this considered an adult business? Under a certain age, can you get a tattoo?

**Councilwoman Shershin:** No. You have to be 18 or have a parental permission. But, that is the same way with ear piercings, etc.

Some things are perfectly fine, but in some cases they are not and a massage parlor is the perfect example of it can be perfectly fine and other times it can be horrendous. I think the Town should have a mix of a little bit of anything, but I would say that I would think you would have to be over a certain age and in certain areas and not in others and so it would really fit in a Business Neighborhood and Residential.

**Councilman Baisley:** I don't personally think we should put it in any set spot. I think they should come in on a case to case basis. Years ago they had a horrible reputation. The one by Marist College has a great reputation and the one in the Village of Wappingers has a great reputation.

**Councilwoman Shershin:** The one in Vassar actually has an excellent reputation.

**Supervisor Tancredi:** I read the letter, the people own a Plumbing Building on Main Street, across from Duncan Donuts and what they would like to do is put in a beauty salon and tattoo place.

**Neil Wilson:** The difficulty with having them come on a case by case is that it is a use variance, which by design, is supposed to be hard to get. So, if we were to allow them, we would have to do it through a Special Use Permit process or something subject to a Board Review. I didn't prepare anything for the Board in a way as proposal legislation, this is just a discussion. If you are interested, I will work with Sarah, Eric and Brian and we will try to put together some idea as to how to regulate this thing and see how other communities are doing with them. The bulk of requests we've had is for Main Street, Arlington and on Raymond Avenue.

**Councilman Krakower thought the shop would be an “Alright” thing. He thought it would probably fit in ok. He also stated, however, that the only concern he would have is the hours. It shouldn’t go too late in the night hours due to possible problems. The Council seemed to all feel the same way and also felt the night hours should be restricted.**

**Neil Wilson said they would start gathering information and make a presentation at a later date.**

**Councilman Baisley asked how they would be able to limit massage therapy. Is that depicted anywhere in the Code?**

**04:09-COW 06 DISCUSSION**

**Sign Amendment For B-SC District**

**Neil Wilson: This is something Sarah Davis, Zoning Administrator, mentioned to me a while ago and it just seemed to make sense to do something about it. In this town it is only particular to the Poughkeepsie Plaza. The regulations right now were written to accommodate something like the Galleria that has a ring road and you have major tenants with multiple walls where they can have signs around the entire enclosed mall. The second level of sign regulations for a shopping center are actually concerns of something that looks like the Route 9 Mall down in Wappingers or the Hudson Plaza where you have stores facing the road and parking lot and they are allowed so much wall signage and window signs. The oddball one is the Poughkeepsie Plaza, which up to about the mid 80’s looked like the Hudson Plaza until they had added stores out where it formerly was the drive area in front of that store. The front wall tenants have the windows to the parking area for advertising, but the inside stores do not and any time those tenants change, they have to come before the Zoning Board in order to put wall signage facing the parking lot because that is not part of their tenant space because they are on the inside. This would take care of that. They would still be subject to the size limitations, but they would not have to come before the Zoning Board just to put up a sign on the outside wall. The size of the sign is the only exception to coming to the Zoning Board. We don’t regulate the content of the sign.**

**The Council people stated that they thought the amount of signs on the windows should be regulated.**

**Councilman Carlos:** I don't see a problem with an interior tenant coming to the Zoning Board. If there is a sign already there and that business leaves and a new business comes in, I don't think they should have to get a variance to get the sign up in the same size that the old was in.

**Neil Wilson:** That's what the new amendment will do.

**Councilman Carlos:** I also think they shouldn't have to go through the whole process also if there was a sign there originally and they wanted to put a sign up also.

**Neil Wilson:** I don't know how you would make that distinction in the Code. Either you allow a signage or you don't and if you don't, you need a variance. A sign variance goes away when the owner of the sign puts it up, goes away. So, you need a whole new variance to replace a sign.

**Councilman Krakower** believes we should have sign standards and to be filed with the Zoning Board. Rather than have a lot of rules or have no rules, somewhere in between would be good. A few basic rules are needed.

**Doreen Tignanelli:** I'm not sure I saw an updated proposed ordinance for the home business on the website, but maybe I missed it.

**Councilman Krakower:** I don't think there is one right now.

**Doreen Tignanelli:** Ok second liberation had a letter F in there and it said that in addition to parking for a non resident employee, there would be sufficient off-street parking for customers and employees would be provided. I think that was C-F at one point. Is that still in there? (Yes- 2-D and in F also) One of the things I know is that TV's are prohibited in windows and signs can't be changing more than twice a day. There is in the Arlington Town Center, several store fronts down from the Juliet, the old Prudential, now is Berkshire, Hathaway Realty, they have what looks like a TV panel in the window that is changing and an order to remedy was issued and another one for the TV in the window and I guess they are challenging it that it is not really a TV and

now you get into these sort of things. The other thing I wanted to talk about is the Library on Boardman Road. I filed a FOIL about the inspections going on in the Town and I noticed that for several months I saw a lot of work being done and I didn't see it showing up in the inspection reports that Morris Associates do for the Town. So I contacted Mr. Wilson and told him I've been watching this construction activity for months now and didn't see any inspections and he had replied that it was his understanding that they were just starting to bring equipment on site in anticipation of starting construction. Well, for months, they did quite a bit of work on that site. There is no erosion and sediment control and so it was my opinion that a Stop Work Order was in order. So, anyway, a site visit was made and verified what I saw, for months they've been doing work and there was no erosion/sediment control, they had had their pre-construction meeting. So, I really have a problem with my tax dollars being used to violate the law. Chazen Engineering is the company, they certainly know by now, they've been working in the Town, that really shouldn't have been allowed to happen. The Town's application says you have to have these pre-construction visit. The last thing I asked the Supervisor to check on for me is the Poughkeepsie Day School had exceeded the rule for work limits and went outside the area of disturbance and we ended up with a standing water on the corner of Boardman and Spackenkill Road there. What they did is, they then went back in and put big pieces of rock in there and they claimed they were replanting existing shrubs. There was no replanting done, there was just this flat area with all the stone left in the middle. So, even if they are not going to be replanting shrubs, there should be some sort of vegetation in there and if there is a problem with ponding water, it's not going to help the situation if you take away the vegetation. I would like to see that resolved. Also, that's Chazen Engineering and they really should know better.

Marlene: I just wanted to explain why I questioned John Page, Jr. I just wanted to let you know that, I, like Mr. Conte know that piece of property and I couldn't hear, I thought it was Page and I wasn't sure. Anyway, I just believe it is a tough piece of property and I think it is one of the Pages who have businesses in the area and have done great jobs, so I believe this piece of property there, if it's one of their sons or whatever, can take that piece of property and make it into nice apartments or something. We need that in this area.



**they are very active and out there and as of noon yesterday, there were about 12 to 15 people who got hit yesterday. So, if you get a call from Central Hudson saying they will cut off your electric if you don't pay your Central Hudson Bill, do not respond to those type of phone calls.**

**Councilman Krakower thanked the Arlington Fire Department for their quick responses to the fire alarm situations going off at his home at one or two instances and always when there is any need for their services through the Town.**

**Motion made to close the meeting: Supervisor Tancredi/W. Carlos**

**CARRIED: 5-0**

**MEETING CLOSED AT 8:40 PM**

**Lkm:FS**