

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON JULY 22, 2015 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Supervisor Tancredi
Councilman Baisley
Councilman Carlos
Councilman Cifone
Councilman Lepore
Councilwoman Shershin
Town Attorney Nelson
Town Attorney Odierna
Town Clerk Salvatore

ABSENT: 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 the Town Clerk's Office.

{ } designates corrections or amendments to

7:00 PM

CALL TO ORDER

SALUTE THE FLAG

**Motion made to open Public Hearing #1, Property Maintenance at 6 Pennock Road:
Supervisor Tancredi/W. Carlos**

CARRIED: 6-0

Sarah Davis: I did speak to a broker who showed the house and she contacted the bank and the bank told her they weren't interested in doing anything and won't do anything.

Supervisor Tancredi: We have some pictures that show the debris in the back yard and very long grass in the front.

Councilman Carlos: When we do this, does it include taking all that garbage out?
(Yes)

Sarah Davis: This one does.

Motion made to close Public Hearing #1: Supervisor Tancredi/W. Carlos

CARRIED: 6-0

07:22-01 PUBLIC HEARING

**Property Maintenance -6 Pennock
Road**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on July 22, 2015 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, under Chapter 159 of the Town of Poughkeepsie Code, entitled "Property Maintenance", does hereby determine that said property located at 6 Pennock Road, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6162-20-798153, owned by Angela Masood and Angel Moya, is in violation of Chapter 159; and

BE IT FURTHER RESOLVED, that the Legal Notice of Public Hearing was posted on July 13, 2015 and published in the Poughkeepsie Journal on July 15, 2015; and

BE IT FURTHER RESOLVED, that said determination is based on the presentation and report submitted at the public hearing by the Town of Poughkeepsie Zoning Administrator; and

BE IT FURTHER RESOLVED, that said owner of 6 Pennock Road has not complied with the Orders to Remedy; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of all garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises continues not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the registered owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 159-13 of the Town Code and shall become a lien against the property and filed with the Dutchess County Clerk and the Dutchess County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to cut and continue to cut the grass to a height not to exceed 6 inches and to remove and continue to remove all garden waste and fallen tree limbs, solid waste, debris and litter.

SO MOVED: J. Baisley/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

**Motion made to open Public Hearing #2, unsafe building: Supervisor Tancredi/
W. Carlos** **CARRIED: 6-0**

Bruce Flower (Building Inspector) showed slides of the property. Vandalism and neglect were apparent. This has been an ongoing problem for well over a year.

NO SPEAKERS CAME FORWARD

Supervisor Tancredi made a motion to close the Public Hearing. Seconded by W. Carlos.

CARRIED: 6-0

07:22-02 PUBLIC HEARING

Unsafe Building 25 Nemes Way

RESOLUTION

WHEREAS, by Resolution 6:17 - #10 of 2015 adopted on June 17, 2015, the Town Board of the Town of Poughkeepsie has determined that the building on the premises (“Building”) located at 25 Nemes Way, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6159-01-120956 (the “Premises”), owned by Nemes Way Property Owners, LLC, is dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, the Town Board adopted the Report regarding the Building and directed the issuance of an Order and Notice requiring the demolition of the Building and the setting of a Public Hearing regarding the Order and Notice; and

WHEREAS, said Order and Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Order and Notice and be completed no later than sixty (60) days thereafter, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, the Town of Poughkeepsie has in the Order and Notice reserved its right to proceed more rapidly with the remediation of this site if it is required pursuant to Town Code Section 71-12, and

WHEREAS, that the Legal Notice of Public Hearing was posted on June 29, 2015 and published in the Poughkeepsie Journal on July 2, 2015; and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that in the event that the owner has not timely commenced or completed the demolition, the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to demolish and remove the Building by Town employees or by the contractor making the lowest price proposal to the Town consistent with Town Code Section 71-10 and to thereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy, and

BE IT FURTHER RESOLVED, that this work is an enforcement proceeding and is therefore a Type II Action which is exempt from environmental review under 6 NYCRR 617.5(c)(29).

SO MOVED: W. Carlos/J. Baisley

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 6-0**

**Motion made to open Public Hearing #3, Unsafe Building at 50 Nemes Way:
Supervisor Tancredi/W. Carlos**

CARRIED: 6-0

Bruce Flower showed pictures of 50 Nemes Way and the debris and condition of the property. There have been compliance issues at this address since 2010.

NO SPEAKERS CAME FORWARD

Supervisor Tancredi moved to close the Public Hearing, seconded by W. Carlos

CARRIED: 6-0

07:22-03 PUBLIC HEARING Unsafe Building 50 Nemes Way

RESOLUTION

WHEREAS, by Resolution 6:17-11 of 2015 adopted on June 17, 2015, the Town Board of the Town of Poughkeepsie has determined that the building on the premises (“Building”) located at 50 Nemes Way, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6159-01-048975 (the “Premises”), owned by Nemes Way Property Owners, LLC, is dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, the Town Board adopted the Report regarding the Building and directed the issuance of an Order and Notice requiring the demolition of the Building and the setting of a Public Hearing regarding the Order and Notice; and

WHEREAS, said Order and Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Order and Notice and be completed no later than sixty (60) days thereafter, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, the Town of Poughkeepsie has in the Order and Notice reserved its right to proceed more rapidly with the remediation of this site if it is required pursuant to Town Code Section 71-12, and

WHEREAS, that the Legal Notice of Public Hearing was posted on June 29, 2015 and published in the Poughkeepsie Journal on July 2, 2015; and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that in the event that the owner has not timely commenced or completed the demolition, the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to demolish and remove the Building by Town employees or by the contractor making the lowest price proposal to the Town consistent with Town Code Section 71-10, and to thereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy, and

BE IT FURTHER RESOLVED, that this work is an enforcement proceeding and is therefore a Type II Action which is exempt from environmental review under 6 NYCRR 617.5(c)(29).

SO MOVED: M. Cifone/J. Baisley

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

Supervisor Tancredi made a motion to open Public Hearing #4, Unsafe Building, 53 Nemes Way, seconded by Councilwoman Shershin

CARRIED: 6-0

Bruce Flower showed pictures from 2014 as to deterioration and lack of maintenance.

Councilwoman Shershin: This is the unfortunate one because this house appears to be of some minor historic significance. It was built around the turn of the century. The Historic Preservation was just beginning to look into it and I was hoping there would be an option to secure it rather than to demolish it, but it appears that these are all demolitions.

Supervisor Tancredi: The problem is we've secured all of them over the last five years, a number of times and because of their location, set off from the road, we find it almost impossible to keep them secure.

Supervisor Tancredi made a motion to close Public Hearing #4 and was seconded by Councilman Cifone.

CARRIED: 6-0

07:22-04 PUBLIC HEARING

Unsafe Building 53 Nemes Way

RESOLUTION

WHEREAS, by Resolution 6:17-12 of 2015 adopted on June 17, 2015, the Town Board of the Town of Poughkeepsie has determined that the building on the premises ("Building") located at 53 Nemes Way, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6159-01-065967 (the "Premises"), owned by Nemes Way Property Owners, LLC, is dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, the Town Board adopted the Report regarding the Building and directed the issuance of an Order and Notice requiring the demolition of the Building and the setting of a Public Hearing regarding the Order and Notice; and

WHEREAS, said Order and Notice of a Public Hearing has been served and posted, which Order included a direction that the required work begin immediately and must be commenced not later than thirty (30) days from service of the Order and Notice and be completed no later than sixty (60) days thereafter, and gave further notice that on failure to timely comply, the Town Board is authorized to secure or demolish and remove the Building and assess the expense thereof against the Premises as a special ad valorem levy under Town Law Article 15 and to institute a proceeding to collect the expenses of such work, and

WHEREAS, the Town of Poughkeepsie has in the Order and Notice reserved its right to proceed more rapidly with the remediation of this site if it is required pursuant to Town Code Section 71-12, and

WHEREAS, that the Legal Notice of Public Hearing was posted on June 29, 2015 and published in the Poughkeepsie Journal on July 2, 2015; and

WHEREAS, said Public Hearing has been held this day, now therefore

BE IT RESOLVED, that in the event that the owner has not timely commenced or completed the demolition, the Town Board of the Town of Poughkeepsie authorizes and directs the Building Department to demolish and remove the Building by Town employees or by the contractor making the lowest price proposal to the Town consistent with Town Code Section 71-10, and to thereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy, and

BE IT FURTHER RESOLVED, that this work is an enforcement proceeding and is therefore a Type II Action which is exempt from environmental review under 6 NYCRR 617.5(c)(29).

SO MOVED: J. Lepore/M. Cifone

Councilman Carlos: Just to be clear, they are obviously walking away from the property, so we are going to put this as an ad valorem tax, that's on the tax bill right, so, if the property was to be sold with this stuff down at a tax sale, for example, that money still gets paid back to the Town? (Yes) This is money that we may have to lay out and that's not good. But, it's not money that we will lose; the property will be taken over and developed.

Supervisor Tancredi: The way it works in the Town, is the County makes us whole on these properties and pays the tax bill.

Councilman Carlos: That's even better.

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
and Supervisor Tancredi**

Nays: Councilwoman Shershin

CARRIED: 5-1

Motion made to open Public Hearing #5: Supervisor Tancredi/M.Cifone

Motion made to close Public Hearing #5: Supervisor Tancredi/J. Lepore

CARRIED: 6-0

RESOLUTION

BE IT ENACTED, that the Town Board of the Town of Poughkeepsie, pursuant to a public hearing held on the 22nd day of July, 2015 at 7:00 PM at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, does hereby adopt an amendment to Town Code chapter 210, specifically Section 210-64, entitled “Country Clubs, fraternal clubs and recreational clubs”; 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 it, 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 a Type I Action under the New York State Environmental Quality Review Act (SEQRA); 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 the attached Determination of No Significance and; 3) a Negative Declaration is hereby issued; and

BE IT FURTHER ENACTED, that a written recommendation was received from the Dutchess County Department of Planning and Economic Development dated July 6, 2015 stating that the proposed amendment was a matter of local concern; and

BE IT FURTHER ENACTED, that a written recommendation dated June 23, 2015 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 the Legal Notice of Public Hearing was posted on June 29, 2015 and published in the Poughkeepsie Journal on July 2, 2015; and

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

SO MOVED: A. Shershin/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None CARRIED: 6-0**

**Motion made to suspend the rules for Public comments on agenda items: Supervisor Tancredi/W. Carlos
CARRIED: 6-0**

Doreen Tignanelli & Joe Armstrong commented.

**Motion made to resume the rules: Supervisor Tancredi/M. Cifone
CARRIED: 6-0**

**07:22-06 SET DATE FOR PUBLIC HEARING 297 Violet Avenue – Rezoning
RESOLUTION**

WHEREAS, the Town Board has received an application from Edmond G. Loedy, Architect P.C., on behalf of Beacon Residential, LLC, 297 Violet Avenue, to amend the zoning classification of tax parcel number 6163-19-523128, said tax parcel also being known as 297 Violet Avenue, from R-20,000 District to R-M District; and

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

WHEREAS, the Town Board has received recommendations from Dutchess County Department of Planning and Economic Development and the Town Planning Board; and

WHEREAS, amending the Zoning Map requires a public hearing.

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby sets a public hearing on the proposed amendment for August 19, 2015, 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 of the Environmental Conservation Law; and**
3. **The Town Board directs the Town Clerk to notify the surrounding towns of the public hearing pursuant to GML 239-nn.**

SO MOVED: Supervisor Tancredi/W. Carlos

Town Attorney Nelson: There is a question here and Eric will address it, if you will, as to how many of these lots should be the subject of this.

Supervisor Tancredi: Are these tax parcels all 297? And if not, basically, what I want to know is which one is, because that is the one that should be considered tonight.

Eric Hollman: The first of those three is 297 Violet Avenue. I believe there was some confusion on the part of the applicant perhaps because of the Planning Board. The Planning Board's recommendation in June went above and beyond the original application of 2014, which was to rezone one lot.

Supervisor Tancredi: Ok, so 6163-19-523128 is the lot in question, 297 Violet Avenue?

Eric Hollman: That's correct and that's the one the Planning Board also did a SEQRA Negative Declaration on June the 2nd.

Some discussion commenced regarding this. The Resolution was amended.

Supervisor Tancredi: Ok, so I would like to make a motion to amend Item #6 to only include tax parcel 6163-19-523128. Seconded by Councilman Cifone

CARRIED: 6-0

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

MEMORANDUM ATTACHED TO FINAL BOOK COPY

AMENDMENT CARRIED: 6-0

**07:22-07 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance – 1016
Dutchess Turnpike**

RESOLUTION

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 1016 Dutchess Turnpike, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of August 2015 at 7:00 PM 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 a recommendation from the Zoning Administrator that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

SO MOVED: J. Baisley/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

**07:22-08 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance – 260 Vassar
Road**

RESOLUTION

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 260 Vassar Road, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of August, 2015 at 7:00 PM 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 a recommendation from the Zoning Administrator that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

SO MOVED: W. Carlos/J. Baisley

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

ORDER TO REMEDY ATTACHED TO FINAL BOOK COPY

**07:22-09 SET DATE FOR
PUBLIC HEARING**

**Property Maintenance -
23- Titus Road**

RESOLUTION

WHEREAS, Orders to Remedy, copies of which are attached hereto, have been issued for property located at 23 Titus Road, Town of Poughkeepsie, State of New York, pursuant to Chapter 159 of the Town of Poughkeepsie Town Code; and

WHEREAS, said Orders to Remedy have not been complied with, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 19th day of August, 2015 at 7:00 PM 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 a recommendation from the Zoning Administrator that the Town or its contractor remove and as needed continue to remove all garden waste and fallen tree limbs, cut and continue to cut the grass to a height not to exceed 6 inches, and remove and continue to remove all solid waste, debris and litter, all at the above property, so it will not become overgrown and unsightly, the cost of which work shall constitute a lien and charge on the above real property until paid, satisfied or discharged and shall be collected in the same manner as other Town charges.

WITHDRAWN DUE TO COMPLIANCE

07:22-10 APPOINT

Leonard Casabura – Sewer Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Leonard Casabura to the position of Sewer Maintenance Mechanic – Full Time Permanent with the Sewer Department at the Grade 6, Step 3 salary of \$21.85 per hour, which appointment will become effective August 7, 2015 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: J. Lepore/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

07:22-11 APPOINT

Thomas J. Waldvogel – Sewer Department

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby appoint Thomas J. Waldvogel to the position of Sewer Maintenance Mechanic-Full Time Permanent with the Sewer Department at the Grade 6, Step 3 salary of \$21.85 per hour, which appointment will become effective August 7, 2015 and which appointment is subject to a probationary period of not less than 8 nor more than 26 weeks per Civil Service Law; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute and file all documentation required by the Dutchess County Department of Human Resources in connection with this appointment.

SO MOVED: A. Shershin/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

**07:22-12 SET DATE FOR
PUBLIC HEARING**

Hudson Heritage

RESOLUTION

A RESOLUTION OF THE TOWN BOARD (I) DESIGNATING ITSELF LEAD AGENCY PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) IN THE REVIEW OF THE APPLICATION SUBMITTED BY EFG/DRA HERITAGE, LLC TO REDEVELOP THE FORMER HUDSON RIVER STATE HOSPITAL ON ROUTE 9 AS A MIXED- USE, PEDESTRIAN FRIENDLY RESIDENTIAL AND COMMERCIAL DEVELOPMENT, (II) ISSUING A POSITIVE DECLARATION PURSUANT TO SEQRA, AND (III) SCHEDULING A PUBLIC SCOPING SESSION FOR AUGUST 19, 2015

WHEREAS, EFG/DRA Heritage, LLC (“EFG/DRA”) is the owner of the approximately 156-acre site of the former Hudson River State Hospital on Route 9 in the Town of Poughkeepsie (the “Site”); and

WHEREAS, the Site is located in the Historic Revitalization Development District (“HRDD”) under the Town Code of the Town of Poughkeepsie (“Town Code”); and

WHEREAS, EFG/DRA is proposing various amendments to the HRDD Regulations in the Town Code, and proposing to redevelop the Site as mixed-use, pedestrian-friendly, residential and commercial development (collectively, the “Project”); and

WHEREAS, on June 5, 2015, EFG/DRA submitted to the Town Board a Development Master Plan Application (“Application”), a Petition for a Zoning Amendment (“Petition”), and a Long Environmental Assessment Form (“EAF”) Part 1 setting forth technical details pertaining to the potential environmental impacts of the Project; and

WHEREAS, on June 17, 2015, the Town Board reviewed Part 1 of the EAF, and classified the Project as a Type I Action pursuant to SEQRA; and

WHEREAS, the Town Board desires to designate itself as Lead Agency for review of the Project under SEQRA pursuant to 6 N.Y.C.R.R. 617.6(b)(3); and

WHEREAS, the Town Board has exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”) in accordance with SEQRA; and

WHEREAS, the Town Board has identified several potential Involved Agencies and Interested Agencies a list of which is attached hereto and made part hereof; and

WHEREAS, the Town Board adopted a Resolution on June 17, 2015, in which, among other things, it (i) declared its desire to assume Lead Agency status in connection with the SEQRA review of the Project, and (ii) directed Town Staff to transmit the EAF to the Involved and Interested Agencies, and notify them that the Town Board seeks to serve as Lead Agency for the purpose of conducting a coordinated review with other Involved Agencies of the potential environmental impacts of the Project under SEQRA; and

WHEREAS, more than thirty (30) calendar days have elapsed since the Town transmitted Part 1 of the EAF and related materials to the Involved and Interested Agencies, and no Involved Agency has expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Project; and

WHEREAS, the Town Board has reviewed Part I of the EAF, the Application, and the Petition, as well as the criteria for determining significance under SEQRA as set forth in 6 N.Y.C.R.R. 617.7(c), and for the reasons set forth in the Positive Declaration Form attached hereto and made part hereof, the Town Board has determined that the Project may include the potential for at least one significant adverse environmental impact if approved and built; and

WHEREAS, the Town Board has reviewed the attached Parts 2 & 3 of the EAF prepared by Town Staff and its professional Planning Consultants; and

WHEREAS, EFG/DRA together with Town Staff and Consultants have prepared the attached recommended draft Scope in accordance with 6 N.Y.C.R.R. Section 617.8 (“Draft Scope”).

NOW THEREFORE BE IT RESOLVED THAT:

- 1. The Town Board hereby declares that it shall serve as the Lead Agency for the purpose of conducting a coordinated review of the Project under SEQRA;**
- 2. The Town Board adopts the contents of the attached EAF Parts 2 & 3, as well as the attached Positive Declaration Form;**
- 3. The Town Board authorizes the Town Supervisor to sign the Determination of Significance on Part 3 of the EAF, declaring that the Project may result in one or more significant adverse impacts on the environment, and that a Draft Environmental Impact Statement shall be prepared;**
- 4. Town staff is directed to circulate the Positive Declaration Form and Draft Scope to all Involved and Interested Agencies, as well as make available copies of the Draft Scope to the public pursuant to 6 N.Y.C.R.R. 617.8(b), including posting the notices and the Draft Scope on the Town website; and**

5. The Town Board shall hold a duly noticed and advertised public Scoping Session in accordance with 6 N.Y.C.R.R. Section 617.8 on August 19, 2015, to consider the Draft Scope, and shall accept written comments on the Draft Scope until 4:00 PM, Monday, August 31, 2015.

SO MOVED: Supervisor Tancredi/W. Carlos

David Cooper from the Law Firm of Zarin and Steinmetz explained the process that would follow after the adoption of the Resolution.

ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None

CARRIED: 6-0

**DRAFT SCOPING SESSION FOR AUGUST 19TH
APPLICATION BY EFG/DRA HERITAGE, LLC ATTACHED
TO FINAL BOOK COPY**

**07:22-13 SET DATE FOR
PUBLIC HEARING**

**Town Code Amendment –
Chapter 210-Sidewalk Signs**

RESOLUTION

WHEREAS, the Town Board has received a communication from the Director of Municipal Development recommending an amendment to Chapter 210, entitled “Zoning”, specifically Sections 210-9, 210-122 and 210-123.2, 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 Town Board has determined that the proposed amendments must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board for review and recommendation; and

WHEREAS, the amendments require a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. 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 of the Environmental Conservation Law; and
2. The Town Board hereby sets a public hearing on the proposed amendments for August 19, 2015, 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
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.
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-mn.

SO MOVED: J. Baisley/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

07:22-14 AUTHORIZE

**Marist College Block Party Fireworks
Display To Be Held On August 30, 2015
At 9:00 PM**

RESOLUTION

WHEREAS, the Town Board of the Town of Poughkeepsie has heretofore received an application from Marist College to include a firework display at their Block Party to be held on Sunday, August 30, 2015; and

WHEREAS, the applicant has notified the Fairview Fire Department; and

WHEREAS, a Certificate of Liability Insurance has been filed with the Town Clerk naming the Town of Poughkeepsie as an additional insured; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby approve the applicant as submitted for a fireworks display to be held on

Sunday, August 30, 2015, at approximately 9:00 PM on Marist College Campus at the end of Fulton Street, Poughkeepsie, NY.

SO MOVED: W. Carlos/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

07:22-15 BID AWARD

**Sanitary Pipe Inspections And
Cleaning**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby award the bid for the “SANITARY PIPE T.V. INSPECTIONS AND CLEANING” to the low bidder, American Underground Services, at the bid price of \$45,721.50, pursuant to the recommendation of the Town Engineer; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute a contract agreement with American Underground Services.

SO MOVED: M. Cifone/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

**07:22-16 SET DATE FOR
PUBLIC HEARING**

**Town Code Amendment – Truck
Weights – New Hamburg**

WITHDRAWN

**07:22-17 SET DATE FOR
PUBLIC HEARING**

**Town Code Amendment –
Parking, Stopping, Standing –
New Hamburg**

WITHDRAWN

(Date to be set at August 5th meeting)

07:22-18 ACCEPT

**Certificate of Training
Completion – Peter Fanelli**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Training Completion for Peter Fanelli from the New York Planning Federation, for the courses regarding “Case Studies, NYS Building and Fire Codes, SEQR Applications/EAF Mapper and Site Plan Review”, a copy of which is attached.

SO MOVED: J. Lepore/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

CERTIFICATE ATTACHED TO FINAL BOOK COPY

07:22-19 AUTHORIZE

**Town Clerk To Advertise
For Bid - Country Club**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Town Clerk to advertise for bids for “COUNTRY CLUB ESTATES SEWER SYSTEM CONNECTION AND TREATMENT PLANT ABANDONMENT”, pursuant to plans and specifications prepared, which plans and specifications will be available on July 27, 2015 in the Office of the Town Clerk, with a bid opening to be held on August 28, 2015 at 11:00 AM; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby reserve the right to accept or reject all bids in whole or part; and

BE IT FURTHER RESOLVED, that the Town Board does hereby determine that this action is a Type II Action requiring no environmental review.

SO MOVED: A. Shershin/W. Carlos

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi**

Nays: None

CARRIED: 6-0

07:22-20 NOTIFICATION

**The Following Claim Has Been
Referred To Legal Department**

1. Kensington V. Town of Poughkeepsie

REFERRED TO LEGAL DEPARTMENT

Motion made to suspend the rules for public speaking on Town issues: Supervisor Tancredi/W. Carlos.

CARRIED: 6-0

Diane Levitt & Andrea Sayago spoke on New Hamburg issues.

Motion made to resume the rules: Supervisor Tancredi/J. Baisley

CARRIED: 6-0

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. Confidential communication between Attorney and his client, the Town Board based on Attorney/Client privileges.**

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

SO MOVED: J. Baisley/M. Cifone

**ROLL CALL: Ayes: Councilmen Baisley, Carlos, Cifone, Lepore,
Councilwoman Shershin and Supervisor Tancredi
Nays: None**

CARRIED: 6-0

**TOWN BOARD ADJOURNED TO EXECUTIVE SESSION
AT 8:17 PM**

The Town Board Returned from Executive Session at 9:01 PM

NO ACTION WAS TAKEN

The Town Board meeting closed at 9:02 PM

FS:lkm