

**MINUTES OF REGULAR TOWN BOARD MEETING
HELD ON NOVEMBER 16, 2016 AT 7:00 PM
AT TOWN HALL, ONE OVEROCKER ROAD
POUGHKEEPSIE, NEW YORK**

PRESENT: Deputy Supervisor Baisley
Councilman Carlos
Councilman Conte
Councilman Cifone-Arrived at 7:02 PM
Councilman Lepore
Councilman Shershin
Town Attorney Strauch
Town Clerk Salvatore

Jon Jay Baisley reads through the agenda

Motion made to suspend the rules for public speaking on agenda items:

J. Baisley/A. Shershin

CARRIED: 6-0

Joe Armstrong: The Gasland Petroleum, do you know where that is located?

Councilman Carlos: It's up on Route 44, near the donut shop, or is it further out? The next one out. It's right by Lomotion, on that same side.

Joe Armstrong: Are you getting money back? Do we know what is going on there with their tax ---is this what this is about, or no?

Deputy Supervisor Baisley: Yes, It's a settlement reduced from 1.1 million to 875,000 at a reduction of \$225,000 and a petition that their real property taxes be adjusted accordingly and the petition be reimbursed for any overpaid interest or credit that corresponds with these. The actual dollar figures aren't attached. Call me in the morning and I can get you that.

Joe Armstrong: That should involve the Fire District as well? (Yes)

The other one is #6, the Water/Sewer re-levy, what does that pertain to?

Deputy Supervisor Baisley: It's software that Mr. Fink is purchasing to help do levies---

Joe Armstrong: It has nothing to do with people being reassessed or changes in the assessments? (No)

**It actually has to do with fees being added to County Tax bills for those people that are delinquent-Mark sends the amounts to be re-levied to the county every year.*

Motion made to resume the rules: Deputy Supervisor Baisley/Seconded by Councilman Conte CARRIED: 6-0

11:16-01 DISCUSSION

Arlington Avenue – Steve Tinkelman

Speakers: Neil Wilson introduces Eric Neiler and Jason Lichwick from Tinkelman Architecture.

Neil: I'm sure the Board is aware of the redevelopment that has been going on over in the Springside and Van Wagner Road area just a little north of the Holy Trinity Church. It started a few years ago when Tinkelman Architecture moved from the City of Poughkeepsie and took over an old decrepit building and really transformed the place and later the Center for Child Abuse Prevention took over a significant portion of it and then some of the other buildings near that building, two residential and one is in use of an office, but it kind of continues as part of that redevelopment effort. There has been construction of New Town Homes and there is a new restaurant slated to come online in late spring, on the north side of Springside Avenue. Some time in the second quarter of next year we hope to be open. This has sort of been, in my opinion at least, it is kind of a neglected corner of the Town going back to when the west bound arterial was installed, some time in the 1980's. What is happening here is as improvements are being made and opportunities sort of appear and Steve Tinkelman and his staff are pretty good in spotting those opportunities and taking advantage of the most recent purchase of the purchase of 33 Arlington Avenue, which is the older Roundout Electric Building. They have been in front of the Planning Board and received Site Plan Approval to kind of reactivate that building. The problem there is a general lack of parking and the Planning Board's approval is they essentially allow them to reactive only part of the building due to the lack of parking and so they have purchased some additional lands to the north of that area and are looking to put parking on that for the Roundout Electric, but it raises the question about the need for additional extension of the Arlington Town Center, which is sort of the participating event that allowed for the redevelopment of Springside Avenue and the buildings to the west. I also would like to talk to the Board about rezoning 33 Arlington Avenue and the additional parking area to the north, but I would also like to talk with the Board about the possibility of extending that zone to include other properties that are not controlled by Tinkelman. Specifically Schreck Electric and possibly some of the existing housing along Arlington Avenue over to Taft Avenue. That entire area always was considered part of Arlington until the Arterial came along and cut it off from the neighboring properties to the South.

Eric: Jason has been doing a great job in Arlington and I'm going to turn it over to him. I'm here primarily just to thank the Town Board, Planning Board, Neil Wilson, Eric Holman, Tim Sickles and everyone we worked with. I've been on these

projects from the beginning when we turned the vegetable warehouse into our office and just the spirit of co-operation from everyone we worked with over the years has been greatly appreciated by me and the other staff that has worked with you all. Steve feels the same way, he couldn't be here tonight. But, Jason is going to walk you through some things.

Jason spoke about the development of Van Wagner Place and the Rondout Electric Building, which are almost all rented.

(This discussion is located on You-Tube for you to follow) Neil Wilson pointed out Shreck Electric Building on the map and continued speaking about the extension of the Arlington Town Center.

Councilman Lepore asked where this was going to go from here on and if it had to go to the Planning Board.

Neil Wilson stated that he would work with Jason and gather the application for their properties and include some recommendation for some other properties to be included and will come back before the Town Board for a discussion and as soon as Board is in agreement on the selection of the properties, you will accept the application, make a referral to the Planning Board and the Planning Board has an opportunity to comment on it.

Deputy Supervisor Baisley: It looks like the Board is in favor of going forward and we just have to make sure everyone else is on board here and the property belongs in there and make sure the neighbors are kept informed as to what is going on.

11:16-02A **AUTHORIZE DEPUTY
SUPERVISOR TO SIGN**

**Lime Energy Agreement
A. Exterior Police Lights
B. Auto Center**

RESOLUTION

WHEREAS, the Building Department has received a cost proposal from Central Hudson Gas & Electric to have its exclusive efficiency contractor, Lime Energy Co., for the replacement of the exterior light fixtures at the police/court facility located at 19 Tucker Drive, Poughkeepsie, New York; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor or his designee, after consultation with the Attorney to the Town, to execute a contract for the replacement of exterior light fixtures at 19 Tucker Drive at a cost not to exceed its proposal price of \$3,286.33, said contract to be in substantially the form annexed, together with the same modifications to the arbitration, contractor damages and liability, and

indemnification clauses as were provided in the earlier contracts between the Town and Lime Energy; and

BE IT FURTHER RESOLVED, that said action is a Type II Action requiring no further environmental review.

SO MOVED: W. Carlos/J. Conte

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

CARRIED: 6-0

AGREEMENT ATTACHED TO FINAL BOOK COPY

**11:16-02B AUTHORIZE DEPUTY Auto Center
SUPERVISOR TO SIGN**

RESOLUTION

WHEREAS, the Building Department has received a cost proposal from Center Hudson Gas & Electric to have its exclusive efficiency contractor, Lime Energy Co., for the replacement of the interior light fixtures at the Auto Center located at 25 Tucker Drive, Poughkeepsie, New York; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor or his designee, after consultation with the Attorney to the Town, to execute a contract for the replacement of exterior light fixtures at 25 Tucker Drive at a cost not to exceed its proposal price of \$2,926.70, said contract to be in substantially the form annexed, together with the same modifications to the arbitration, contractor damages and liability, and indemnification clauses as were provided in the earlier contracts between the Town and Lime Energy; and

BE IT FURTHER RESOLVED, that said action is a Type II Action requiring no further environmental review.

SO MOVED: J. Conte/A. Shershin

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

CARRIED: 6-0

**11:16-03 AUTHORIZE DEPUTY
SUPERVISOR TO SIGN**

**IMA With Spackenkill School –
Resource Officer**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor to execute a three year School Resource Officer Agreement with the Spackenkill Union Free School District for 2017 through 2019 at \$70,000, \$75,000 and \$80,000 per year, respectively, with the foregoing payments being adjusted by the same rate of change as in the Town of Poughkeepsie – Town of Poughkeepsie PBA contract for salaries and benefits during the applicable periods, the School Resource Officer Agreement to provide to the school district a School Resource Officer who shall be a police officer of the Town of Poughkeepsie assigned to the Spackenkill School District, pursuant to the terms and conditions set forth in said agreement.

SO MOVED: M. Cifone/J. Conte

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

CARRIED: 6-0

INTERMUNICIPAL AGREEMENT ATTACHED TO FINAL BOOK COPY

11:16-04 AUTHORIZE

Tax Cert Settlement – Gasland Petroleum

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the settlement of the tax certiorari proceedings instituted by Gas Petroleum for the tax assessment roll of 2015 as shown on the attached Consent Judgement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize Jon Jay Baisley, Deputy Supervisor, Kyle W. Barnett of Van DeWater and Van DeWater, LLP and Kathleen Taber, Town Assessor, to sign such papers as are necessary to effectuate said settlement.

SO MOVED: J. Lepore/M. Cifone

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

CARRIED: 6-0

CONSENT JUDGMENT ATTACHED TO FINAL BOOK COPY

11:16-05 APPOINTMENT

**Full Time Network Specialist –
Police - Thomas P. Comerford**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does authorize the provisional appointment of Thomas P. Comerford to the full time position of Network Support Specialist-Police Department, at the grade 9, step 4 salary of \$29.31 per hour, which appointment is a provisional appointment pending results of the Civil Service Examination, effective November 21, 2016, and 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 Deputy Supervisor or his designee 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 Carlos, Conte, Cifone, Lepore
Councilwoman Shershin and Deputy Supervisor Baisley
Nays: None**

CARRIED: 6-0

11:16-06 RATIFY

**Water, Sewer & Misc. Rents and
Charges – Relevy**

RESOLUTION

WHEREAS, it appears that certain water and sewer rents, assessments and charges due to the various districts in the Town of Poughkeepsie from properties within said districts have not been paid for more than sixty (60) days and are liens against the said properties; and that notice of those delinquent charges, as detailed by the Town's Software Support Analyst, has been forwarded to the County of Dutchess per Town Law Section 198(1)(k) and (3)(d) by November 10, 2016, and

WHEREAS, delinquent charges for Property Maintenance have also been so forwarded to the County of Dutchess pursuant to Town Code Section 159; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie hereby ratifies the notification to Dutchess County regarding delinquent water and

sewer rents and charges and property maintenance charges and requests that the amounts stated as being in default be levied against the properties liable therefore.

| | |
|-------|---------------|
| WATER | \$ 291,080.25 |
| SEWER | \$ 196,569.50 |
| OTHER | \$ 7,724.71 |

| | |
|-------|----------------------|
| TOTAL | <u>\$ 495,383.46</u> |
|-------|----------------------|

SO MOVED: J. Baisley/J. Conte

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

CARRIED: 6-0

11:16-07 AUTHORIZE DEPUTY SUPERVISOR TO SIGN Contract/Lease-Computer Systems Integrators

RESOLUTION

WHEREAS, Mark Fink, Software Support Analyst, requested and received a proposal from Computer Systems Integrators, (CSI), to replace the existing virtual server hardware at Town Hall with new equipment that will combine both a virtual server and virtual desktop environment; and

WHEREAS, this equipment will allow the existing end of life virtual server hardware to be used by the Police Department as a backup and disaster recovery site, and will remove the need for the Town to purchase a new standalone server for the Court, now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Deputy Supervisor or his designee to execute documents, after review and consultation with the Attorney to the Town, with Computer Systems Integrators, (CSI), at a cost not to exceed its proposal price of \$174,670.99, to be billed for in a 60 month lease; and

BE IT FURTHER RESOLVED, the contract is exempt from the Town's Purchasing Policy because it is a State Bid Contract, and it is a Type II Action requiring no SEQRA review.

SO MOVED: W. Carlos/J. Conte

Deputy Town Supervisor Baisley: This is a five year lease and it was budgeted this year to move forward.

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

CARRIED: 6-0

CSI DOCUMENTS ATTACHED TO FINAL BOOK COPY

11:16-08 ACCEPT

Debbie Andrews Retirement

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept, with regret, the retirement of Debbie Andrews from the Town of Poughkeepsie Highway Department, effective January 27, 2017.

SO MOVED: J. Conte/M. Cifone

Deputy Supervisor Baisley thanked Debbie for her years of service in the Highway Department and helping Mark out and she was a pleasure when you called over there.

Town Clerk Salvatore stated that she also worked in the Building Department for a number of years as well.

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

CARRIED: 6-0

11:16-09 RE-APPOINT

Trish McLoughlin – Board of Assessment

RESOLUTION

BE IT RESOLVED, the Town Board of the Town of Poughkeepsie does hereby reappoint Trish McLoughlin to the Board of Assessment Review for a term of five (5) years commencing on October 1, 2016 and expiring September 30, 2021.

SO MOVED: M. Cifone/J. Conte

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

CARRIED: 6-0

11:16-10 A– ACCEPT

**Certificate of Attendance
Richard Davison**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Richard Davison from Dutchess County Planning Federation for the course entitled “Designing for Density: Meeting Your Community’s Changing Land Use Needs”, held on October 26, 2016, a copy of which is attached.

SO MOVED: J. Lepore/A. Shershin

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

Nays: None

CARRIED: 6-0

11:16-10 B - ACCEPT

**Certificate of Attendance
Peter Fanelli**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby accept the Certificate of Attendance for Peter Fanelli from Dutchess County Planning Federation for the course entitled “Designing for Density: Meeting Your Community’s Changing Land Use Needs”, held on October 26, 2016, a copy of which is attached.

SO MOVED: A. Shershin/M. Cifone

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

Nays: None

CARRIED: 6-0

11:16-11 NOTIFICATION

**The Following Petition/Notice Of
Petition Has Been Referred To
The Legal Department**

1. Neptune Capital

REFERRED TO LEGAL DEPARTMENT

**11:16-12 DECISION/
ADJOURNMENT**

O’NEILL-DUTTON

Neil Wilson: I guess just a more procedural – the last meeting, the Board had closed the Public Hearing and set then tonight for making a decision. In the interim, Danielle, I assume Jim Nelson had spoken to you, we had received an e-mail from Lou Kaufman representing Neil Dutton requesting an adjournment on action of this tonight, but the Board has already closed the Public Hearing and determined previously that you would consider an agreement tonight. So, I guess the first order of business would be whether or not you wish to again adjourn the matter to a future date and it is entirely up to the Board. If you choose not to, then you should acknowledge on record that you had received the communication and ----

Danielle: Yes, move ahead and make a decision and vote on the resolution. The representation was that there was an e-mail received by Mr. Kaufman was correct and Mr. Nelson had filled me in to that effect and a copy of which is here tonight in the file.

Deputy Supervisor Baisley: Also, there was an e-mail sent from one of the residence, Doreen Tignanelli, which everyone has and since the Public Hearing has been closed, we will not bring out what it was.

Councilman Cifone: This is in my Ward and this has been ongoing for a very long time and I would like to put this to bed. I don't think it's getting any better. We've wasted a lot of Town recourses at a lot of Town meetings with myself, Neil, Planning and a lot of different people. The Density is just too much and just not a lot of open space or parking. We've talked about this with the developer numerous times and I just think it is time to move on. I don't think this project is going to get any better and it doesn't seem to get any better. He placed a restaurant in with no additional parking and they didn't take anything away. For myself, I think that was the biggest aspect, we really tried to work with him so many different times. The density just never came down and the unit count stayed the same, no mater what we tried to do. There is just too many variables that it is not going to work with what he wants to put in there. I think we should read this and personally, I would like to close it down. It's time to move on and maybe someone else can come up with a better idea for that project.

Deputy Supervisor Baisley: Mike, I know this is in your ward and over the years this has been on the agenda and it started from day one, whether it was parking, green space, density, road, there was always issues and never addressed. They never brought anything to the table.

Councilman Lepore: Before we vote, how is it going on the City side?

Neil Wilson: Well, to the extent I can. They had received their site plan approval. The maps were eventually signed some months ago, I think back in the spring. At this point, I believe they had submitted applications for Building Permits. There was some going back and forth on the fees for the building permits. My

understanding is that recently they paid their fees and I don't know if the permits were actually issued or they seemed to be they would be soon. So, the City side is moving on, yes.

Councilman Lepore: My question is to Danielle, if we say no, what happens?

Danielle: I think we would have to have a conversation with Mr. Nelson and see what to do, but if this is something that has been hanging on, I think there needs to be some kind of action, if the Board deems it appropriate first. Then we will address if it's an issue moving forward with the City.

Councilwoman Shershin: Just because we say "No" now, doesn't mean they can't come back with another design later. It doesn't slam the door, it just says we don't accept what you are putting forward for us now.

Neil Wilson: There had been suggestions and I had said this to both Lou Kauffman and O'Neil at several points in time over the years and perhaps what they should do is to ask the Board to put the application in abeyance or withdraw it and go build the City side and come back at a later date, they never seemed willing to do that. The practical effect of –if the Board votes this resolution, which is a denial resolution, they would have to amend their plans to make sure all the improvements, curbing and parking and landscaping that is on the Town's side, they would have to pull those back to the City side and the Town Board portion of it would remain foul until such time they can come in with a plan that the Board can get behind and Ann is right, I think what is important to keep in mind is that the resolution sort of points a path for them to get to an approval if they are willing to do it.

Councilman Lepore: My question is, is this because they have the financial allocated for both City and Town and that is why they aren't willing to do that?

Neil Wilson: I don't understand their motivation on a lot of things, to be honest with you. I certainly don't understand their finances and I don't pretend too. I'm not privy to any of that. But, I think it is important that the City made a decision, so what ever is occurring on the City side, all of that is presumably going to go ahead and what remains of this 3 ½ acres of this larger site and it's disposition, I can't speak to it. But, if you want to this, this is the direction you need to go.

Councilwoman Shershin: This was the plan all along, they were going to build it in stages and the Town portion was always at the end. We are not really interfering with their plans at all.

Neil Wilson: No, the last phasing plane I had, now its several years old, I guess it's still somewhat representative, phase six was the Town portion of it and there was never any guarantee that they were going to build it.

**(The pros and cons of this continued for a while yet, ending
In the following resolution)**

RESOLUTION

WHEREAS, at a meeting held on March 5, 2014 the Town Board received an application from O’Neill Group Dutton, LLC (hereinafter “O’Neill”) to amend the existing I-H (Heavy Industry) zoning designation of tax parcel number 6062-02-763508 located at One Dutchess Avenue, Poughkeepsie, NY to apply a Waterfront Housing Overlay District (WHOD) designation to the approximately 3.8 acre portion of the site located in the Town; and

WHEREAS, the proposed zoning amendment is expressly intended to accommodate a proposed 84 unit multi-family residential development (hereinafter “Dutton Project”) on the approximately 3.8 acres in the Town that is part of a larger proposed mixed use waterfront re-development involving the approximately 14.3 acre portion of the site located in the City of Poughkeepsie; and

WHEREAS, the City of Poughkeepsie Common Council acting as Lead Agency for the environmental review of the proposed action, accepted a Final Environmental Impact Statement on March 19, 2012, and adopted and issued a written Statement of Findings relative to the overall project on May 7, 2012; and

WHEREAS, the City of Poughkeepsie Planning Board has granted conditional site plan and other approvals for the portion of the Dutton Project located in the City; and

WHEREAS, on September 18, 2014 the Town of Poughkeepsie Planning Board recommended adoption of the WHOD zoning amendment to the Town of Poughkeepsie Town Board, which written recommendation was transmitted to the Town Board by memorandum dated October 9, 2014; and

WHEREAS, a written recommendation dated November 5, 2014 was received from the Dutchess County Department of Planning and Development stating that adoption of the requested zoning amendment is a matter of local concern; and

WHEREAS, the Town Board convened a public hearing on the proposed Dutton Project on November 5, 2014 and adjourned said public hearing to November 19, 2014; and

WHEREAS, before the public hearing was reconvened on November 19, 2014 O’Neill requested that the Town adjourn the public hearing indefinitely and accept no additional public comment; and

WHEREAS, the Town Board accepted O’Neill’s request and adjourned, indefinitely, the public hearing on the Dutton Project; and

WHEREAS, by email received June 1, 2016 O’Neill requested that the Town reconvene the public hearing, but due to the passage of time the Town determined it would be prudent to re-advertise the public hearing; and

WHEREAS, the public hearing was held on August 17, 2016 and was adjourned to October 19, 2016; and

WHEREAS, the public hearing was reconvened on October 19, 2016 and was thereafter closed on October 19, 2016, and the Town Board set November 16, 2016 as the date by which a decision on the application would be considered;

WHEREAS, the Town Clerk notified the Clerks of the surrounding municipalities of the several public hearings pursuant to GML 239-nn; and

THEREFORE BE IT RESOLVED, after due consideration of the proposed Dutton Project, the Town Plan, and the WHOD zoning requirements, and the Planning Board and County Planning Department recommendations, the Town Board has determined that approval of the requested zoning amendment is not in the best interest of the Town for the following reasons:

- 1). The proposed project is not consistent with the purposes of the WHOD.**
 - a) Pursuant to section 210-21.1(A) of the Town Code the WHOD”...*overlay district is to encourage the provision of mixed uses along the Hudson River waterfront of the Town of Poughkeepsie...*”Over the course of several years, including several meetings preceding receipt of the March 5, 2014 application for zoning amendment, the Town Board made repeated requests of the applicant to provide a mix of commercial uses in addition to the proposed residential units. The applicant has not provided to the Board a revised layout depicting a viable commercial mix integrated into the project. To obtain favorable recognition by the Town Board the project would need to incorporate neighborhood scale commercial development including shops and services that would be available to residents of the project as well as visitors to the waterfront. The Dutton Project, as proposed, consists solely of residential units without any commercial development and is therefore inconsistent with the WHOD.**

- 2). The proposed density of 84 residential units is too high for the amount of land available.**
 - a) Pursuant to section 210-21.1(c) (5) the maximum residential density is 28 units per acre “*as determined by the Town Board*”. While the proposed project takes numeric advantage of the maximum potential development**

density it does so by providing impervious building, parking spaces, and driveway aisles in lieu of usable green spaces and common areas for residents and visitors. While the layout for the project depicts landscaped areas that meet the minimum set forth in the code in most cases these areas are nothing more than narrow strips of land a few feet wide containing grass and some trees and shrubs. None of these areas would be established for, or suitable for, residents to sit and gather. To obtain favorable recognition by the Town Board the project would need to incorporate areas of “Usable Open Space” as that term is defined in the zoning law, specifically:

“An unenclosed portion of the ground of a lot which is not devoted to driveways, access roads, parking spaces; which is free of structures that would interfere with the functionality of the open space and the intended use of the property; which is no less than eight feet in width at any point; which is available and accessible to all occupants of the building or buildings on said lot, or on a separate dedicated lot as part of a common development scheme, for purposes of active or passive outdoor use.”

- b) In order to obtain Town Board recognition the amount of Usable Open Space would need to be 10% to 35% of the total square footage of the site following the examples of other overlay districts as set forth in the Chapter 210 of the Town Code. The lack of any outdoor areas proposed as green spaces and common areas (i.e. Usable Open Space) indicates that the overall residential density is too high for the site and must be reduced in order to provide a quality living environment for residents.

3). The proposed project is devoid of any on-site recreational amenities for residents

- a) Although a determination as to provision of on-site recreation space is typically the purview of the Planning Board pursuant to Town Law Section 274-a(6), the Town Board through its sole discretion to approve, modify, or deny an application for a WHOD zoning amendment, has determined that the unique setting of the project on the banks of the Hudson River compelled the inclusion of on-site recreation as part of the proposed plan. While the Town Board may otherwise leave the specific type and location of recreation facilities to a determination by the Planning Board during site plan review, the Town Board has determined that some level of recreational facilities should be incorporated into the project design, and that such facilities cannot merely be a walking path. Further the Town Board has determined that the applicant’s proposed improvement of the waterfront lot adjacent to the Dutton Project site that would be available to the general public is not a substitute for providing on-site recreational amenities for residents of the proposed development.

4). The project lacks sufficient parking for residents and visitors.

a) Pursuant to section 210-21.1(c) (5) the “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*”. While the project appears to meet the minimum parking standard on a *per unit* basis, the Town Board has determined that parking should be provided on a *per bedroom* basis in order to ensure sufficient parking for the project. The Town Board has been advised by Staff that a rate of 0.75 parking spaces per bedroom was recently applied to the Fairview Commons project I order to ensure sufficient parking. The Town Board has been further advised by staff that the Fairview Commons project was primarily designed to meet the need for student housing in the vicinity of Marist College, and that a rate of 0.75 parking spaces per bedroom was appropriate since not all of the expected student residents owned vehicles. The Dutton Project is not a student housing project and instead is proposed as a market-rate multi-family development. As such the Town Board has determined that a parking rate of 1.25 spaces per bedroom would be appropriate in order to ensure sufficient parking not only for residents but for guests as well. Inasmuch as the applicant has not provided any information as to the number of bedrooms that would be available under the project the Town Board has no way of determining whether adequate parking would be provided using the parking rate specified. The Town Board also notes that the ownership of the units would also affect the amount of parking required, with a larger parking demand for rental units as opposed to condominium ownership. In the absence of such information the Board is unable to make a favorable determination that the project would provide sufficient parking for residents and visitors.

5). The proposed driveway aisle width of 24 feet is too narrow.

a) As depicted on the proposed project layout several of the driveways providing access to the residential units are shown at 24 feet in width. Pursuant to section 210-92(H) of the Town Code a typical driveway width for this type of project would be 26 feet in order to provide sufficient backup and maneuver room between curbs and between opposing on-street parking spaces. The reason for the reduced aisle width appears related to the high density of the proposed project – in other words in order to squeeze the proposed 84 units onto the site aisle widths needed to be reduced. The Town Board has determined that the driveway aisle widths for the project should meet the standard of 26 feet as set forth in the zoning code, and that said standard is the minimum necessary to ensure access for emergency vehicles and public safety for the Dutton Project.

6). The project layout does not provide sufficient room for snow storage.

- a) **The lack of sufficient snow storage combined with the insufficient parking and restrictive driveway aisle widths indicate that during a winter in which snow fall is heavy that movement on the site by residents, visitors, delivery vehicles, and emergency vehicles would set up conditions that would endanger resident health, safety and welfare. Similar to the issues of lack of commercial development, adequacy of parking, driveway aisle width, and Usable Open Space, the lack of adequate snow storage is related to applicant's efforts to maximize residential density at the expense of an appropriate and livable mixed use environment.**

BE IT FURTHER RESOLVED, as an Involved Agency the Town Board hereby finds and determines that, consistent with the requirements of the State Environmental Quality Review Act (hereinafter "SEQRA") that the Town Board:

- (1) Has considered the relevant environmental impacts, facts and conclusions disclosed in the SEQRA review by the City of Poughkeepsie and in the Town of Poughkeepsie application for a WHOD designation, and found that the proposed zoning amendment would have a significant adverse effect on the environment for the reasons set forth herein; and**
- (2) Has weighed and balanced relevant environmental impacts with social, economic and other considerations for the portion of the Dutton Project located in the Town and has determined, for the reasons set forth herein, that the potential environmental impacts of the project outweigh any other social, economic, and community considerations; and**
- (3) Finds that the proposed WHOD zoning amendment designation is inconsistent with the WHOD purposes and requirements as set forth in Town Code Section 210-21.1 for the reasons set forth herein; and**
- (4) Certifies that the requirements of 6 NYCRR 617 of the SEQRA regulations have been met;**
- (5) Certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed zoning amendment is not one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that for the reasons set forth herein the proposed Dutton Project would not mitigate, avoid, or minimize adverse environmental impacts to the maximum extent practicable as required by SEQRA and must, without additional design changes as set forth herein, be denied; and**

BE IT FURTHER RESOLVED, the application of O'Neill Group Dutton, LLC for a WHOD zoning amendment is denied for the reasons set forth herein; and

BE IT FURTHER RESOLVED, the Comptroller is authorized and directed

to return to O'Neill Group Dutton, LLC any application fees and any unexpended and unearned project review (i.e. escrow) funds.

SO MOVED: J. Baisley/J. Conte

**ROLL CALL: Ayes: Councilmen Carlos, Conte, Cifone,
Councilwoman Shershin and Deputy Supervisor Baisley**

Nays: None

Abstain: Councilman Lepore

CARRIED: 5-0-1

11:16-13 AUTHORIZE

Special Consents

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

- 1. Authorize Deputy Supervisor to Sign Central Hudson Street Light Authority Order – Sheraton Drive**

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

SO MOVED: W. Carlos/J. Conte

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

Nays: None

CARRIED: 6-0

**11:16-SC 1 AUTHORIZE DEPUTY
SUPERVISOR TO SIGN**

**Central Hudson Street Light
Authority Order – Sheraton Drive**

RESOLUTION

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby authorize the Supervisor to execute a Central Hudson Gas & Electric Corporation Street Lighting Authority Order for the installation of a new 39W LED streetlight on Pole P66418 near 49 Sheraton Drive, a copy of which is attached.

SO MOVED: J. Conte/A. Shershin

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

Nays: None

CARRIED: 6-0

Motion made to suspend the rules for public speaking on Town business: Deputy Supervisor Baisley/A. Shershin

CARRIED: 6-0

Mr. Casement: A couple of weeks ago, I brought up about the dangerous situation at Vic's Garage, I was wondering if you had any report on that?

Deputy Supervisor Baisley: He had contacted him and they were supposed to be working on that. Wayne was contacted and he was supposed to go out there and clean it up and finally do something with it. I will follow up again in the morning to see how he made out with the contact, but I did call him the next morning.

Joe Armstrong: I'm glad to see the Dutton resolution, the way it came out. I am a little curious as to some of the numbers and how they put one and 1/2 parking area. On the Arlington Avenue Tinkleman project. I hope that a lot of study has been done. It sounds like we are cramping an awful lot in an awful small area. Putting sidewalks in to increase pedestrian traffic along with the heavy traffic that is in that area to begin with because of the arterial. It just looks to me that we seem to be putting an awful lot trying to squeeze an awful lot into a little area, especially that kind of traffic and now foot traffic. I just hope that this has been looked at for some of the safety features that may develop from stuffing this stuff in there. I go by there a lot, but didn't look too close, it's usually dark when I go by there. It seems that people have to cross the parking lot to get to the business. How did that first building get done without knowing if there was enough parking spaces? Was that overlooked that there wasn't going to be enough parking? It sounds like that some of the parking that is needed there is going to be across the street and the people have to now cross the street every day. Are we trying to congest too much without looking at some of the safety factors? That's an accident prone area. Are we seriously looking at the safety factor there? I know that we want the business, but at what cost? I just hope your looking into everything.

Deputy Supervisor Baisley invited Mr. Armstrong to come and look over the plans with him on the site to get a good idea of what they want to do over there on Arlington Avenue.

Councilwoman Shershin wanted to remind everyone that Arlington is doing their Holiday Village on Raymond Avenue on the lawn next to the Krafted Kup, December 3rd starting at noon and there is going to be an eggnog crawl and at 4:15 there is going to be big parade which is going to start at Davis Hardware on Main Street and go to Raymond and end up in the large lawn of Vassar Alumni and then have a tree lighting there. December 3rd starting at noon, parade starting about 4:15 and tree lighting when parade finishes up.

Councilman Cifone: I spent some time at the Sewer Department this morning and they were fixing some sewer lines up on Scenic Road and they were using a new method where they stick a piece of material and balloon and fix any cracks in the pipes and it is truly amazing that these guys work hard and are saving us a ton of money and so taxpayers should be happy that this system is in. Instead of digging up a road, we actually patch these things and they will last about 50 years and are guaranteed. They are doing a great job. All our departments do a great job.

**Motion made to adjourn the Meeting: Deputy Supervisor Baisley/J. Conte
CARRIED: 6-0**

TOWN BOARD MEETING ADJOURNED AT 8:16 PM.