

**TOWN OF POUGHKEEPSIE
COMMITTEE OF THE WHOLE
OCTOBER 13, 2021
7:00 P. M.**

A public meeting of the Town of Poughkeepsie Town Board, will be held on October 13, 2021 at 7:00 PM, or as soon thereafter as the matter may be heard.

Given the global COVID-19 pandemic, Town Hall is now open to the public, but with limited seating and with special requirements (masks if not vaccinated, social distancing). The Town Board meetings, inclusive of any public hearings if held, will also still be accessible to the public through the media platform called Zoom at this time.

Members of the community can access the Town Board meeting through Zoom information found below.

<https://us06web.zoom.us/j/84318337190?pwd=NFNFWlo1c2VZeVc2dFB1cm50QzgrUT09>

Via the Zoom website or application (“app”): Meeting ID 843 1833 7190
Password: 655634

Through Zoom members of the community will be able to participate in the Town Board meeting via computer or phone audio.

Members of the community can also simply call into the meeting using the following phone number: 1-929-205-6099 and the meeting ID and meeting password above.

The meeting is also broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

COMMITTEE OF THE WHOLE

10:13-COW1 Discussion Raymond Avenue School Redevelopment Recreation Fees
(Back up included)

**COMMITTEE REPORTS
2021**

- | | |
|--|----------------------------------|
| 1. FINANCE | Krakower, Lopez, Cifone |
| 2. TECHNOLOGY | Krakower, Cifone, Shersin |
| 3. RECREATION/ SENIOR CITIZENS
(Including Town Day) | Shershin, Krakower, Lopez |

- | | | |
|-----------|---|--|
| 4. | FIRE ADVISORY | Renihan, Carlos & Fire Officials (Arlington, New Hamburg, Fairview) |
| 5. | INFRASTRUCTURE/ LAND USE | Carlos, Shershin, Renihan |
| 6. | PERSONNEL | Lopez, Renihan, Cifone |
| 7. | BUILDING CONSOLIDATION
(Team working together on this for time to be determined) | Bill Carlos, Jessica Lopez |
| 8. | MASTER PLAN | Carlos, Renihan, Shershin |
| 9. | SUPERVISORS REPORT | Jon Jay Baisley |

Bold denotes Chairperson of the Committee

The Supervisor serves as an ad-hoc member of all Committees, except finance during budget process.

All Committee meetings are subject to the Open Meetings Law

Arthur May Redevelopment, LLC
32 Pine Tree Dr
Poughkeepsie, NY 12603

October 7, 2021

Re: Concept Proposal for Discussion at Town Committee of the Whole Meeting, regarding concept for Arthur May Redevelopment to Build, Dedicate for Public Passive Recreation Use, and then maintain at its own expense a portion of Lot #4 of 25 Raymond Avenue, Poughkeepsie, NY (the "Property") in exchange for adjusted Recreation Fees

Dear Supervisor Baisley and Town Board Members:

We are pleased to submit this proposal to adjust our plans for a portion of Lot #4 within the Property to accommodate a public use of the space ("Proposed Public Space"). Lot #4 is on the front the property, immediately to the South of the driveway, on Raymond Avenue and in the heart of the Arlington Town Center. Through this proposal, we propose to dedicate the area, pay for, and manage the construction, and then maintain the property at our expense in perpetuity. Dedicating this space would ensure that the Arlington Town Center maintains green spaces for use by Town residents and promote the area as a destination with a mix of amenities. The Proposed Public Space is shown in the Attached.

Our total Recreational Fees for the Project without the above are projected to be \$345,000 (276 bedrooms x \$1250). In consideration of the above, we would ask to have the Fee reduced by 50%, to \$172,500.

We believe it will be of real public value to have a dedicated, improved space centrally located within the Arlington Town Center. The Proposed Public Space will help promote the area as a walkable destination with thoughtful amenities. We look forward to discussing this Concept with the Town Board at a meeting of the Committee of the Whole.

RECREATION FEES

It is our understanding that Town Recreation Fees are intended to be used for capital improvements to enhance the recreational facilities in the Town, so that it may support new town residents. The actions within this proposal are directly in line with this goal. Additionally, the Project is designed with 1- and 2-bedroom apartments, and this type of amenity would support the types of residents that are historically common in those residences.

We also note that the Project is located in the Arlington Town Center and is an Anchor Project (as defined by Section 210-51.1 of the Town Code). The Anchor Project is intended to serve as a catalyst for increased investment, especially along and near major roads serving the Arlington area. The Anchor Project Section specifically mentions plazas and/or green spaces and a walkable environment – to support the economic development goals of the Town Plan. The actions within this proposal are directly in line with promoting the economic development goals of the Town Plan.

DESIGN AND CONSTRUCTION OF PUBLIC SPACE

The current Planning Board has conditionally approved plans which include a green space that was designed for tenants of the property only. The green space is currently designed for those tenants to use the space as an access point into the site.

With this proposal, we are offering to meet with Town staff to review the existing plans for the Potential Public Space and mutually determine if those plans are desired to be kept as is or if a revised set of plans for the portion of Lot #4 is preferred. If revised plans are preferred, we would pay for the renovated plan sets and present to the Planning Board for consideration – all while construction of the rest of the Property is underway. Once a final plan set for the Potential Public Space is agreed upon and approved by the Planning Board, we would construct the new amenities at our expense, and enter into a formal legal agreement to dedicate the Public Space to the Town (in a form approved by the Town Attorney)

The Agreement would allow public access to Town residents to use the site for passive recreation, according to reasonable standards of use to be agreed upon between the Town and Applicant (including hours of use, allowable conduct, noise control, etc).

The Applicant would be responsible for property maintenance, thereby providing a public space for Town residents which would be paid for and maintained by private interests. We will maintain the Public Space for its intended use according to the same standards as the rest of the Property, at our expense.

We note that we are not proposing a public park, as defined by law, but rather a passive recreation area to complement the Arlington Town Center.

SUMMARY

We believe that the inclusion of a public space for passive recreational use along Raymond Avenue will further enhance the economic development of the Arlington Town Center and the user-experience of Town residents who want to enjoy local amenities. This concept is in line with the intent of the Recreation Fees in the Town. By adding amenities that are maintained at private expense (not by the Town), the Town goals will be achieved in a cost-effective and efficient manner.

We look forward to discussing this concept.

Respectfully submitted,

Jacob Reckess

LEGEND:
 (SEE ALSO NOTES & LEGENDS ON SHEET 000)
 PROPOSED SITE FENCING
 EXISTING FENCING
 EXISTING DRIVE
 EXISTING SIDEWALK
 EXISTING PARKING
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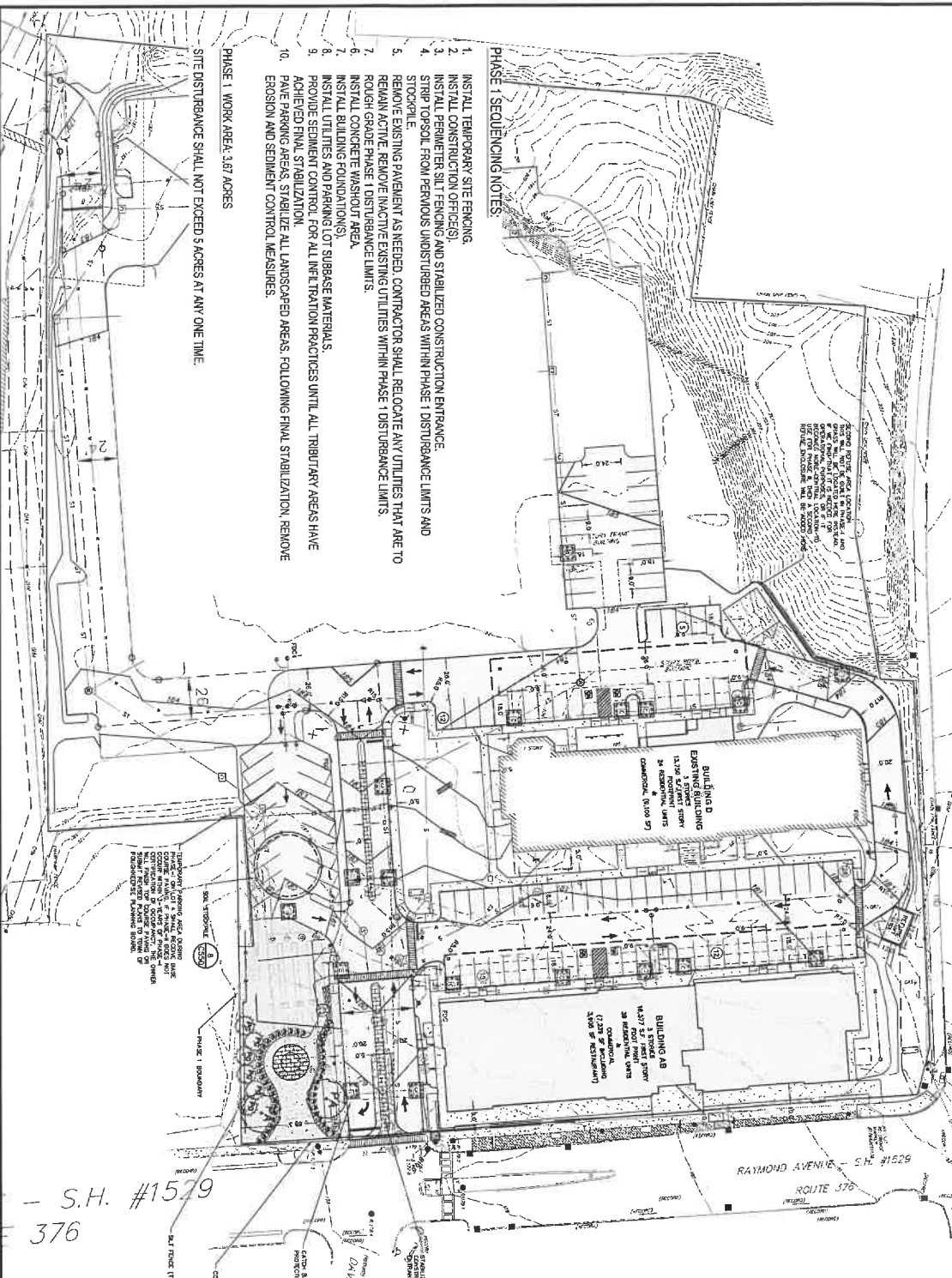
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- PHASE 1 SEQUENCING NOTES:**
1. INSTALL TEMPORARY SITE FENCING.
 2. INSTALL CONSTRUCTION OFFICES.
 3. INSTALL PERIMETER SILT FENCING AND STABILIZED CONSTRUCTION ENTRANCE.
 4. STRIP TOPSOIL FROM PERVIOUS UNDISTURBED AREAS WITHIN PHASE 1 DISTURBANCE LIMITS AND STOOPPILE.
 5. REMOVE EXISTING PAVEMENT AS NEEDED. CONTRACTOR SHALL RELOCATE ANY UTILITIES THAT ARE TO REMAIN ACTIVE. REMOVE INACTIVE EXISTING UTILITIES WITHIN PHASE 1 DISTURBANCE LIMITS.
 6. RELOCATE EXISTING UTILITY POLES.
 7. INSTALL CONCRETE WASHOUT AREA.
 8. INSTALL UTILITIES AND PARKING LOT SUBBASE MATERIALS.
 9. PROVIDE EROSION CONTROL FOR ALL INFILTRATION PRACTICES UNTIL ALL TRIBUTARY AREAS HAVE ACHIEVED FINAL STABILIZATION.
 10. PAVEMENT PAVING AREAS. STABILIZE ALL LANDSCAPED AREAS. FOLLOWING FINAL STABILIZATION, REMOVE EROSION AND SEDIMENT CONTROL MEASURES.

PHASE 1 WORK AREA: 3.67 ACRES
 SITE DISTURBANCE SHALL NOT EXCEED 5 ACRES AT ANY ONE TIME



Dig Safety
 New York State
 Department of Environmental Conservation
 625 Route 9W
 Albany, NY 12243
 518-545-5011
 NSP-DOT PIN: AV09B.03.70R

CHAZEN ENGINEERING & LANDSCAPE ARCHITECTURE, CO., P.C.
 1000 Route 9W
 Albany, NY 12243
 518-545-5011

**RAYMOND AVENUE SCHOOL PROPERTY REDEVELOPMENT
 EROSION AND SEDIMENT CONTROL
 PHASING PLAN: PHASE 1**

PH1



Town of Poughkeepsie

Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

MEMORANDUM

TO: Jon J. Baisley, Town Supervisor
Town Board Members
Jim Nelson, Esq., Town Attorney

FROM: Michael Welti, AICP - Director of Municipal Development

DATE: October 8, 2021

RE: Raymond Avenue School Property Redevelopment
Recreation Fees – applicant proposes to offset a portion of the required recreation fees by improving and dedicating a portion of Lot #4 as public open space for passive recreation for Town residents.

In a letter dated October 7, 2021 (attached) the applicant has proposed to offset a portion of the required recreation fees by improving and dedicating part of Lot #4 as public open space for passive recreation by Town residents. In summary, the applicant proposes to place the open space area shown on the Site Plan under a “Use Easement” that would allow the public to access the site for passive recreational purposes. (If the applicant’s proposal is accepted, the Town would determine the appropriate legal instrument, whether easement or covenant or declaration, to effectuate the intent of the dedication.) The applicant would continue to own and maintain the open space. The applicant also proposes to construct the improvements within the proposed open space as shown on the Site Plan; or, in consultation with Town staff and the Planning Board, modify the plan and construct any preferred improvements. In exchange for creating and maintaining this public space, the applicant requests that 50% of the required recreation fee be credited. They estimate that the full recreation fee would be \$345,000 (276 bedrooms x \$1,250/bedroom under Town Code §105-4V(7)). Therefore, a 50% offset would be \$172,500.

Under this proposal, Town residents would have public access to a privately owned and maintained open space (designed in consultation with the Town and constructed by the applicant at the applicant’s cost) in the heart of the Arlington Town Center District, and also would collect \$172,500 in recreation fees to fund capital improvements to other recreational facilities in the Town.

Procedure

Town Code §210-93, entitled “Parkland Reservation and Fees” sets forth the parameters and procedures under which the Planning Board is to “ensure that the park and recreation demands generated by new residential development are addressed in accordance with the provisions of this section.”

As a general principle, if an applicant is proposing on-site recreational land or facilities, the Planning Board must determine if they are adequate to meet some or all of the needs of the new residents. Before

a requirement of a fee in lieu of on-site land can be imposed, the Town must have determined two things:

1. that a proper case exists for the reservation of land for parkland or other recreational uses for new residents coming into the Town as a result of the project; and
2. that suitable land for the parkland does not exist on the site.

In the case of the Raymond Avenue School Redevelopment project, the Planning Board by its prior resolutions determined that a proper case exists for the reservation of land for parkland or other recreational uses as a result of the project and that a fee in lieu would be imposed.

On April 15, 2021, the Planning Board issued a SEQRA Negative Declaration, adopted an amended resolution of Conditional Site Plan Approval for the Second Amended Site Plan, and granted conditional Final 4-lot Major Subdivision Approval for the Raymond Avenue School Property Redevelopment project. The resolution of approval included a condition that the Applicant “pay a fee in lieu of providing on-site recreational facilities in an amount as established by the Town Board in Chapter 105 of the Town Code.” Since April, the applicant has been working to satisfy the conditions of approval in order to obtain Site Plan signature by the Planning Board Chairman.

On September 23, 2021, the applicant appeared before the Planning Board with his proposal to offset a portion of the recreation fees by “dedicating part of Lot #4 as public open space for passive recreation by Town residents.” However, in this case, the land is not proposed to be dedicated to the Town as “parkland.” Ownership of the parcel will not be transferred and the Town will assume no installation or maintenance responsibility.

The Planning Board agreed that the applicant’s proposal to construct, maintain, and allow public use of this privately-owned open space is appropriate to satisfy a portion of the recreational need created by the project and, therefore, that an offset of the recreation fee is warranted. The Planning Board also agreed with the proposed amount of the offset (see the attached decision letter dated September 27, 2021). However, the Planning Board’s recommendation was conditioned upon Town Board approval of the proposed amount of the offset and the remaining recreation fee.

The reason for this condition is that under §210-93(I)(2), the Town Board sets the recreation fee. Typically, when no on-site land is being provided for recreational purposes, setting the fee is a mechanical calculation pursuant to Chapter 105. Under those circumstances, the Town Board has pre-set the fee. In this case, however, while the Planning Board can opine on what it believes the amount of the offset and remaining recreation fee should be, the ultimate decision lies with the Town Board.



Town of Poughkeepsie Planning Department

1 Overocker Road
Poughkeepsie, NY 12603

845-485-3657 Phone
845-486-7885 Fax

September 27, 2021

Sent via email to: jreckess@pazhealth.com

Jacob Reckess
PAZ Management
32 Pine Tree Dr,
Poughkeepsie, NY 12603

RE: RAYMOND AVENUE SCHOOL PROPERTY REDEVELOPMENT
25 and 31 Raymond Avenue
Grid #s 6161-12-755735 (± 6.38 acres) and 6161-12-784726 (± 0.43 acre)

Dear Mr. Reckess:

This letter is to inform you of the action taken by the Town of Poughkeepsie Planning Board at a meeting held on September 23, 2021, at which time you requested to offset a portion of the required recreation fees by improving and dedicating a portion of Lot #4 as public open space for passive recreation for Town residents. 25 and 31 Raymond Avenue; Zoned ATC (Arlington Town Center) District; Grid #s 6161-12-755735 (± 6.38 acres) and 6161-12-784726 (± 0.43 acre); Type I Action; Arthur May Redevelopment, LLC, Owner, (f/k/a Paz Management, Inc.).

Motion that the Planning Board find that the proposal to offset a portion of the required recreation fees by improving and dedicating part of Lot #4 as public open space for passive recreation by Town residents is not inconsistent with the Board's previous SEQRA Negative Declaration for a Type 1 action dated April 15, 2021.

Moved: Nicole Gemmati
Seconded: Ahmad Katnani
Carried: 4-0

Motion that the Planning Board agrees that the applicant's proposal to construct, maintain, and allow public use of this privately-owned open space is appropriate to satisfy a portion of the recreational need created by the Raymond Avenue School Property Redevelopment project and therefore, that an offset of the recreation fee in the amount of 50% or \$172,500 is warranted. The Planning Board's agreement is conditioned upon Town Board approval of the proposed amount of the offset and the remaining recreation fee.

Moved: Nicole Gemmati
Seconded: Ahmad Katnani
Carried: 4-0

In addition, the Planning Board and the applicant agreed that the applicant would clarify, in his upcoming proposal to the Town Board, the timing of completion of construction of the public space improvements (prior to issuance of a TCO or CO for the 2nd building in Phase 1), and the timing for payment of the unpaid balance of the recreation fees to the Town (prior to issuance of a TCO or CO for the first building with residential units after Phase 1).

Very truly yours,

Carl Whitehead

Carl Whitehead
Planning Board Chairman

PRESENT	ABSENT
Chairman Whitehead	
Member Fanelli (recused)	
Member Gemmati	
Member Katnani, Alt.	
Member Paganelli	Member Nasser
	Member Quinn
	Member Romeo

CW:aml

cc: Felicia Salvatore, Town Clerk, via email
Lisa Cobb, Esq., Wallace & Wallace, LLP, Planning Board Attorneys, via email
Kyle Bardwell, Chazen Companies, via email
Richard Cantor, Esq., Teahan & Constantino LLP, via email