

## LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **Wednesday, June 17, 2020 at 7:00 p.m.** as the time date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, being mindful of the health and economic impacts of the COVID 19,

1. Local Law amendments to Chapter 210, “Zoning” of the Town Code, specifically relating to the issuance by the Development Director of *temporary* permits to allow the use and occupancy of public and private premises for outdoor dining facilities and sidewalk seating; and
2. Authorizing the temporary closure by the Highway Superintendent of one lane or portions of Collegeview Avenue, pursuant to Town Law §64(10-b), and the licensing of certain food service establishments to operate outdoor dining facilities thereon; and
3. The creation, pursuant to Town Law §64(2), of common public dining areas on Collegeview Avenue and elsewhere on Town properties as determined by the Supervisor or his designee

Given the global COVID-19 pandemic, Town Hall is currently closed to the public. The Town Board meeting, inclusive of this public hearing, will be accessible to the public through a media platform called Zoom in order to proceed with Town business and maintain social distancing requirements. Members of the community can access the Town Board meeting through Zoom by entering the meeting ID: 927 5844 8687 and the meeting password: 117702; or by following this link:

<https://zoom.us/j/92758448687?pwd=R05ZdEJoRmc5ODZ0cVAwZEFCVityUT09>

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 will also be broadcast live on Cablevision Channel 22 and Verizon Fios Channel 38.

AND PLEASE ALSO TAKE FURTHER NOTICE that said amendments are available in full with Exhibit A to preview on our website @ [www.townofpoughkeepsie.com](http://www.townofpoughkeepsie.com) : Look for the public hearing page

Likewise, if you wish to provide comments, but cannot attend the webinar-based Zoom meeting, please provide written comments to [fsalvatore@townofpoughkeepsie-ny.gov](mailto:fsalvatore@townofpoughkeepsie-ny.gov) marked Temporary Changes to Chapter 210 –“Zoning” due to COVID 19 by Monday, June 15, 2020 for distribution to members of the Town Board in advance of the meeting. During the public hearing, all persons in interest may appear through Zoom, by agent, or by attorney, and all will be heard.

Felicia Salvatore, Town Clerk  
Town of Poughkeepsie  
May 21, 2020

## RESOLUTION 5:20 - #SC 1 of 2020

WHEREAS, the Town of Poughkeepsie Town Board, being mindful of the health and economic impacts of the COVID-19 crisis, has determined to consider:

1. Local Law amendments to Chapter 210, "Zoning" of the Town Code, specifically relating to the issuance by the Development Director of temporary permits to allow the use and occupancy of public and private premises for outdoor dining facilities and sidewalk seating; and
2. Authorizing the temporary closure by the Highway Superintendent of one lane or portions of Collegeview Avenue, pursuant to Town Law §64(10-b), and the licensing of certain food service establishments to operate outdoor dining facilities thereon; and
3. The creation, pursuant to Town Law §64(2), of common public dining areas on Collegeview Avenue and elsewhere on Town properties as determined by the Supervisor or his designee; and

WHEREAS, the proposed Zoning Code amendments are attached at Exhibit A and incorporated herein, and the Town Board waives a verbatim reading of them and directs that they be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, the proposed temporary amendments of the Zoning Code, the temporary lane closure and the property licensing and public use authorizations are Actions under the New York State Environmental Quality Review Act; and

WHEREAS, the proposed Zoning Code amendments must be referred to the Dutchess County Department of Planning and Economic Development and to the Town Planning Board, for their review and recommendation; and

WHEREAS, the temporary Zoning Code amendments and lane closure require public hearings,

NOW, THEREFORE BE IT RESOLVED THAT:

1. Because only the Town Board can adopt changes to the Town Code, it is the only involved agency, and hereby declares that it is the Lead Agency for purposes of conducting the environmental review of this matter pursuant to Article 8 of the Environmental Conservation Law, and notes its receipt and consideration of the annexed Environmental Assessment Form; and
2. The Town Board hereby sets a public hearing on the proposed Zoning amendments and lane closure for June 17, 2020, at 7:00 PM, or as soon thereafter as the matter may come to be heard, at the Town Hall, One Overocker Road, Poughkeepsie, New York, which hearing shall be conducted remotely and so noticed; and
3. The Town Board refers these matters to the Dutchess County Department of Planning and Economic Development for its recommendation pursuant to GML §239-m; and
4. The Town Board refers these matters to the Town of Poughkeepsie Planning Board for an advisory report pursuant to Town Code Section 210-154; and
5. Given the emergent nature of the circumstances, the Town Board respectfully requests that the Town Planning Board and the County Department of Planning and Economic Development attempt to respond on or before the scheduled Public Hearing date; and
6. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn.

Dated: May 20<sup>th</sup> 2020

Moved: Jessica Lopez

Seconded: Matt Woolever

Motion passes/ fails: Ayes 7 Nays 0

\* Via Zoom

JEN/mem  
t-5/18/2020  
m-5/20/2020

Amendment to Date 2020 to 2021  
in Attachment 3  
Amendment to change Public Hearing  
Date to June 17<sup>th</sup> 2020  
M / J. Baisley S / Ann Shershin  
7-0

		AYE	NAY	ABSTAIN
<input checked="" type="checkbox"/> <u>PRESENT/ABSENT</u>	Councilman Renihan	<input checked="" type="checkbox"/>	___	___
<input checked="" type="checkbox"/> <u>PRESENT/ABSENT</u>	Councilman Carlos	<input checked="" type="checkbox"/>	___	___
<input checked="" type="checkbox"/> <u>PRESENT/ABSENT</u>	Councilwoman Lopez	<input checked="" type="checkbox"/>	___	___
<u>PRESENT/ABSENT</u>	Councilman Cifone	<input checked="" type="checkbox"/>	___	___
<input checked="" type="checkbox"/> <u>PRESENT/ABSENT</u>	Councilman Woolever	<input checked="" type="checkbox"/>	___	___
<u>PRESENT/ABSENT</u>	Councilwoman Shershin	<input checked="" type="checkbox"/>	___	___
<u>PRESENT/ABSENT</u>	Supervisor Baisley	___	___	___

Exhibit A

BE IT ENACTED, by the Town Board of the Town of Poughkeepsie as follows:

§210-109.1 is hereby added to Article VIII of Chapter 210 (Zoning) of the Town of Poughkeepsie Code as follows:

210-109.1. Temporary outdoor dining facilities and sidewalk seating.

A. Purpose: These temporary use and occupancy regulations have been adopted by the Town of Poughkeepsie Town Board in response to the COVID 19 crisis in an effort to reduce the health and economic impacts of the crisis on Town residents, visitors, food service employees and food service establishments by encouraging social distancing, walking and the support of local businesses. Temporary outdoor dining and sidewalk seating, as permitted pursuant to these regulations, is intended to provide additional seating space for restaurants whose internal seating capacity has been reduced by social distancing requirements associated with the COVID 19 pandemic. Temporary outdoor dining and sidewalk seating applications are hereby exempt from Site Plan or Special Use Permit review as required elsewhere in this Chapter. Instead, such permits shall be reviewed by the Director of Municipal Development pursuant to the requirements below.

B. These regulations apply to:

1. All Town of Poughkeepsie food service establishments in all zoning districts offering onsite customer seating for food consumption which on the date of adoption of

these regulations held all required site plan, special use and other permits, certificates and approvals required for their operation.

2. Property owners and landlords who temporarily lease, sub-lease, license or otherwise authorize the use of their property by food service establishments having temporary outdoor dining and/or sidewalk seating permits issued hereunder.

C. Issuance and Conditions: Temporary outdoor dining permits, and temporary sidewalk seating and table permits may be issued hereunder by the Town's Director of Municipal Development, with no fee temporary certificates of occupancy to be issued by the Building Department after an inspection of the facility. All permits will be effective through April 30, 2021, or such other date as the Town Board may hereafter designate. The Director may issue permits after consideration of the Criteria in Town Code Sections 210-102(B) and 210-104.1(B) and compliance by the applicant with such Criteria and other conditions as the Director determines to be reasonably necessary at the applicant's site to further the stated goals of advancing public health, welfare, safety and economic restoration. Outdoor music, live performances, and amplified sound (whether from the interior of the main establishment or the temporarily permitted area) shall not be allowed, except to the extent previously permitted at the establishment. The outside time limits of permitted operations shall be 7:00 a.m. to 11:00 p.m., provided that the Director may determine that more compressed hours are necessary to avoid neighborhood disturbance.

D. Submissions:

Applicants shall submit:

1. An application on Town forms with such data and information as the Development Director determines to be necessary, including a scale drawing of the area proposed to be permitted, the interior and exterior of the existing food service facility including pedestrian routing, and the internal layout of the area to be permitted with details showing seating, service areas, spacing, lighting, ingress and egress, enclosure, landscaping, waste disposal, light and noise mitigation, electrical, sanitary and other utility services, and any proposed cover or weather protection.
2. Written consent from the owner or landlord of the private and public property on which the temporarily permitted facility will be located.
3. If the facility is to be located on a Town property or right-of-way, an agreement to indemnify, defend and hold the Town of Poughkeepsie harmless from all claims and expense relating to the use and occupancy of the temporarily permitted area together with proof of general liability insurance (\$1,000,000 per occurrence and aggregate) naming the Town of Poughkeepsie as additional insured.
4. An application fee of \$150.00, and if the effective date of a permit is extended, a fee of \$50 for each permit renewal.

E. Consultation: In determining the Criteria and conditions required for the issuance of each temporary permit the Development Director may consult with involved Town departments and staff, including but not limited to the Highway Department, Police Department, Town Fire Inspector, Building Inspector, Engineering Department and Zoning Administrator, as well as County, State and Federal agencies.

F. Violations: The failure to cure a violation of any permit condition or requirement of this section within 10 days of the issuance of a Notice to Cure shall subject the permittee, after a

hearing to be held within 15 days of the issuance of the Notice before the Director of Municipal Development if demanded, to the suspension or revocation of its permit and temporary certificate of occupancy, provided however that if the violation is one which may imminently endanger the public health, safety, or welfare ten days Notice to Cure shall not be required.

G. Other requirements: The holders of temporary outside dining and sidewalk seating permits are subject to and responsible for compliance with all local, County, State and Federal codes, laws, rules, regulations, and Executive Orders and Guidance, including but not limited to those of the Governor, the New York State Liquor Authority, the Dutchess County Department of Behavioral and Community Health, and the New York State Department of State.

H. Supersession: In adopting this Local Law, particularly as it relates to the authority of the Development Director to issue temporary outdoor dining and sidewalk seating permits, the Town of Poughkeepsie hereby supersedes any inconsistent provision of New York Town Law §§274-a(2)(a) and 274-b(2).

I. This Local Law shall take effect immediately on filing with the Secretary of State.



# Short Environmental Assessment Form

## Part 1 - Project Information

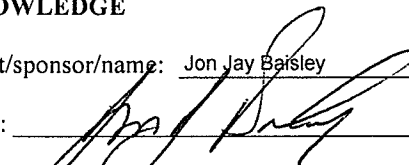
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Town of Poughkeepsie Town Board			
Name of Action or Project: Adoption of temporary COVID-based outdoor dining and sidewalk seating local law			
Project Location (describe, and attach a location map): Townwide, see local law annexed			
Brief Description of Proposed Action: Town businesses, including restaurants and their employees, have been hard hit by COVID necessitated restrictions. On reopening, customer social distancing will be required. This law will allow restaurants and the public to have additional service and seating area.			
Name of Applicant or Sponsor: Town of Poughkeepsie Town Board		Telephone: (845) 485-3607	
Address: 1 Overocker Road		E-Mail: <a href="mailto:jbaisley@townofpoughkeepsie-ny.gov">jbaisley@townofpoughkeepsie-ny.gov</a>	
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. <i>See Exh. A</i>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Jon Jay Baisley</u> Date: <u>5/27/2020</u>		
Signature: <u></u> Title: <u>Supervisor</u>		

**PRINT FORM**

## Exhibit A

This Local Law is designed to allow the use of additional space, potentially including public lands and rights-of-way, to be used for expanded seating areas for restaurants whose patrons must be social distanced when the COVID-based operational limitations are lifted or reduced.