



**CITY OF POUGHKEEPSIE
PLANNING BOARD
MINUTES OF MAY 19, 2020 MEETING**

Present

Robert S. Levine, Esq.
Rosaura Andujar-McNeil
Robert Mallory
Daniel McCabe
Sakima McClinton
Anne Saylor
Marjorie Smith

Excused

Absent

Also present:

Natalie Quinn, Planning Director
Paul Ackermann, Corporation Counsel
Judith Knauss, Deputy Zoning Administrator

Meeting began at 7:06pm with the Pledge of Allegiance with Daniel McCabe, Vice-Chair.

Natalie Quinn explained the executive order allowing video meetings, including public hearings, and further explained how to access materials.

A motion was made by Anne Saylor and seconded by Robert Mallory to approve the minutes of February 26, 2020. The motion carried 5:0:0 (Marjorie Smith and Daniel McCabe recusing themselves from voting as they were not present at the meeting in question).

PUBLIC HEARINGS

100 SOUTH HAMILTON STREET – RESIDENTIAL CONDOMINIUMS

Site plan application for the proposed construction of twenty-four (24), two-bedroom townhouse-style condominium units on a vacant parcel of land located at 100 South Hamilton Street. Owner/Applicant: Steven Reifler; Consultant: KARC Planning Consultants (Kelly Libolt); Grid #:6161-30-151783; Zoned: Medium High-Density Residential (R-4); File #2019-052

Robert S. Levine was recused relative to this application.

Daniel McCabe explained that the public hearing was opened on November 17, 2019, and adjourned to subsequent meetings, last in January. The item was adjourned from the February

meeting of the Board. The March and April meetings of the Planning Board were cancelled. There have been some alterations to the project.

Appearing on behalf of the applicant was Kelly Libolt, who summarized previous actions of the Board, particularly a negative declaration relative to SEQR. She referenced the summary letter she had provided relative to the project and how all of the comments received to date had been addressed. She provided a project overview, and discussed the comparative SEQR analysis, specifically with identified areas of concern, as well as responses to City of Poughkeepsie Engineering Department comments.

Daniel McCabe asked if any Planning Board members had questions. Rosaura Anjudjar-McNeil expressed a desire for some clarity to the timeline of the project, not just for newer Board members, but for everyone, understanding that many issues have been addressed. Marjorie Smith asked a question about the landscaping, and why the sizes/impacts were given for ten years. Kelly Libolt indicated that 10 years is the standard usually utilized by landscape architects.

Daniel McCabe asked for clarification about the latest developments in the project. He mentioned that Kelly Libolt referred to “tasks” and asked for clarification as to what those tasks were and how the project got to where it is now. Daniel McCabe asked about clarification as to how and why the conclusion was reached that the character of the community and zoning/planning had not changed since last approval. Kelly Libolt explained the process of trying to update the application, even though the project has not changed that much. She explained that the summary statement she provided explains in detail the history and process.

Paul Ackermann explained that the project is a little complex because it has some history, including an approval in 2014. As the previous approvals expired, the application must be considered anew. However, there is still that previous decision. Therefore, it makes sense for the applicant to provide a comparative analysis that there are no issues that have changed the project or the project impacts that would alter anything relative to the previous approval, which the Planning Board could otherwise rely on.

Daniel McCabe asked about the applicant’s position with respect to the issues of substantial changes that have or have not occurred since the approval in 2014. Kelly Libolt responded that there are very few changes to the project that have been made, all as a result of City requests/requirements. Also, Kelly Libolt indicated that there have been no changes to the character of the neighborhood, and no changes to the underlying zoning in the area.

Natalie Quinn clarified that due to changes in the SEQR regulations, the project is no longer classified as a Type 1 action, but as an unlisted action.

Daniel McCabe asked about traffic impacts, which have been raised as an area of concern by area residents. Kelly Libolt indicated that a traffic analysis indicated there would be no significant traffic impacts. Also, impacts of construction traffic will be managed.

Daniel McCabe asked about the bald eagle habitat.

The Board reopened the Public Hearing adjourned from January 22, 2020.

Motion: Marjorie Smith

Second: Anne Saylor

Carried: 6:0:0

Public Comment:

- Roger Christenfeld, 103 South Hamilton Street. Lived there for 49 years, working to maintain the neighborhood, which is vibrant. He indicated that the 2014 approval was vacated by the courts, which required that an EIS be filed.
- Daniel McCabe requested that Paul Ackermann speak to the 2014 approval being vacated.
- Paul Ackermann indicated that the 2014 negative declaration was not challenged and was not overturned. It was a previous approval and negative declaration that were overturned.
- Ann Harmuth, 57 Hooker Avenue. Asked why there are glaring errors and omissions in the new submission:
 - Update the property to the current address, in accordance with 911 changes.
 - Update the current property owner lists
 - Any references to the Town of Poughkeepsie should be removed
 - Who is actually the developer of the property or isn't there one
 - Any reference to a former developer, Tom LePerch, should be removed
 - Who is the target audience for the project? What is the price point?
 - Two most important: Why the removal of the drywells? Also, runoff onto adjacent properties is a problem. The soil type was erroneously labeled 100% the soil type as Type B soil. This is not accurate. It is only 25%. This changes the infiltration rate. The SWPP needs to be redone.
- Mike Harmuth, 57 Hooker Avenue. Errors in the SWPP documents. The SWPP should be considered null and void. The NYS standards have been changed. It is true that the 2014 plan was not challenged, but that is because the earlier plan was still in the process of being litigated, and that litigation was not complete until 2016. Parts of the EAF which have been completed by the applicant were supposed to be completed by the Board. The Board needs to look at the EAF and make determinations itself. That was one of the findings of the court.
- Shirley Adams, 100 South Hamilton Street. With the appellate decision in her hand, she asked the Board to consider putting the matter on hold to clarify the issue of the litigation, which remanded the application back to the Planning Board on July 5, 2018, with all due respect to Corporation Counsel.
- Paul Ackermann: There was no challenge to the 2014 approval, though an earlier approval was challenged and vacated. 2012 decision had no impact on the 2014 approval. The two projects were not, in fact, identical. The 2014 application did address some of the issues raised relative to the earlier application.
- Richard Cantor, attorney for the applicant. The 2014 approval is not impacted by the court action relative to the earlier approval. There was no stay. This is a new application in the year 2019 requesting site plan approval, which is substantially the same as the unchallenged 2014 approval. The two issues raised by the Court in the earlier approval was discrepancy in landscaping, and that the Board had accepted a letter from SHPO that there was no historical impacts instead of doing their own analysis. Those issues have been addressed in the current application, which is substantially the same as the unchallenged

- Colby Creedon: I think City code requires a statement of financial capability, which is not included. Also, the supporting documentation is old, especially with regard to hydrological information. The climate has changed: how can the applicant rely on old information.
- Christiane Mckenna, 73 Hooker Avenue. Have lived in the neighborhood in 2019. Drainage is currently not handled well. Also, she is zoned R-1, while the project is zoned R-4. How can you plop townhouses in the middle of an R-1 district and not say it works in the neighborhood. Cedes the rest of her time to Roger Christenfeld.
- Roger Christenfeld has spoken with the lawyer, who will send a more detailed response. He said the 2004 and 2014 applications are the same application. The judgement from the appellate division was from 2018. It will be clarified.
- Kimberly Nissen-Foley, lived in the City for 30 plus years. Issues with traffic and drainage are significant problems. The site is 75% shale: drainage has not been properly considered. Also, relative to the new hospital addition, that is creating traffic problems in this neighborhood. Consider the people who have been investing in this City for years, not the people who are trying to shove projects through.

Marjorie Smith made a motion to close the public hearing but hold the record open for additional written comments.

Second: Anne Saylor

Carried: 6:0:0

The item is adjourned to June 16, 2020.

47-49 CIVIC CENTER PLAZA - NEW CONSTRUCTION

Construction of a new 22,000 (+/-) square foot four (4) story office building and façade renovations to existing single story commercial building. Owner/Applicant: Journal Plaza, LLC/Taconic Realty/Page Park Associates (Darin Page); Consultant: LRC Group (Kelly Libolt); Grid #6162-69-061166 and 065177; Zoning Districts: PID-Civic Corridor and Central Commercial (C-2) District. File#2020-001

Robert S. Levine was recused.

Kelly Libolt presented the application on behalf of the applicant. This application was last before the Board for consideration and public hearing on February 26, 2020. She provided a summary of the application, including changes made to the plan based on feedback to date.

Daniel McCabe asked if the Board members had any specific questions.

Rosaura Andujar-McNeil asked for clarification relative to the changes in the elevations, not just materials but also massing. Kelly Libolt indicated that the materials were more closely aligned to the Journal building. The massing concerns were addressed by the addition of cornices and the reduction of the square footage (mass) of the fourth floor.

Kelly Libolt also indicated that the addition of public space is a modification, which relocation of a proposed fence.

Rosaura Andujar-McNeil felt that the building still looks substantially the same, with slight tweaks. Also, likes the addition of the public space and connection to the parking lot. She asked about the obstruction of views of the Journal building. Kelly Libolt acknowledged that there would be some obstruction of the view, but in an urban setting this happens. However, the building complies with zoning regulations, and could in fact be taller.

Rosaura Andujar-McNeil asked what other changes might the applicant be willing to consider to soften the massing of the building. Kelly Libolt indicated that as many as 18 versions of the elevations were considered. The applicant would not be able to eliminate a floor at this point as it has already been leased. Also, the design has reviewed and commented on the elevations.

Natalie Quinn indicated that Item F in the letter from MASS addresses the massing and height of the building.

Anne Saylor indicated that the changes make the building look less massive, it is still massive. The bell tower view will still be obstructed. The Journal is a critical building in our community, even if the proposal meets zoning.

Marjorie Smith agreed with Anne Saylor. The zoning may allow it, but the Board needs to think very hard about the views of the Journal building.

Daniel McCabe remarked that he has seen enormous changes in the project over time, and acknowledged the willingness to work with sensitivity relative to the Journal building.

Sakima McClinton appreciated the changes made to address her concerns.

A motion was made by Marjorie Smith that the Board reopen the Public Hearing adjourned from February 26, 2020.

Second: Sakima McClinton

Carried: 6:0:0

There was no public comment.

Motion: Marjorie Smith, to close the public hearing but hold the record open for additional written comments.

Second: Anne Saylor

Carried: 6:0:0

Natalie Quinn asked Kelly Libolt if the applicant wanted to adjourn the meeting until June, or whether they preferred that the Board to make a decision this evening. Kelly Libolt indicated that a decision this evening was preferred.

The matter was adjourned for a second call while a resolution could be sent to the Board members.

SITE PLANS

375 AND 379 MAIN STREET - ADAPTIVE REUSE / BOUTIQUE HOTEL

Site Plan application for the proposed adaptive re-use of a furniture store and warehouse to a 79 unit boutique hotel in the buildings at 375 and 379 Main Street, which will involve combining those two lots into a single lot of record. Grid #6161-78-160058 and 6162-78-163057; Owner: Steven and Thomas Chickery; Applicant: Urban Green Foods, LLC (Eric Anderson); Consultant: Matthew Cordone, PLLC; Zoned Poughkeepsie Innovation District - Historic Core (PID-HC); File #2019-060

Daniel McCabe was recused for this application.

Matthew Cordone presented for the applicant, and provided a summary of the project, including changes made. The most recent change was the addition of a northern elevation, visible from Mill Street. Clarification was made that any approval given this evening would not include the wall sign, which is shown on the northern elevation.

Robert S. Levine asked where the applicant was in the process of applying for NYS historic tax credits. Matthew Cordone indicated that they were early in the process.

WHEREAS, the Planning Board has received an application for Site Plan Review relative to the proposed conversion of the existing buildings at 375 and 379 Main Street to a mixed use building with a hotel (with guest amenities such as a business center, gym and roof top lounge) and a bakery; and,

WHEREAS, the use is one which is permitted in the Poughkeepsie Innovation District Urban Historic Core (PID-HC); and,

WHEREAS, at the January 22, 2020 meeting the Board determined that the proposed use shall require thirty (30) off-street parking spaces to be provided; and

WHEREAS, the required thirty (30) parking spaces will be provided via fee in lieu of off-street parking as outlined in Section 19-3.37(13)(e) of the Zoning Ordinance; and,

WHEREAS, the project is classified as a Type II action under SEQRA and is not subject to further environmental review; and

WHEREAS, the action is more fully detailed on the application form and revised plans dated 3/9/20, and revised elevations dated 3/6/20, prepared by Matthew Cordone, Architect; and,

WHEREAS, upon completion of the project, prior to the issuance of the final certificate of occupancy, an as-built site plan set shall be submitted to the Planning Department for certification of compliance with Planning Board approval; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Board grant site plan approval for the proposed conversion with the following conditions:

- The lots be combined into a single lot of record;
- All signage, whether shown on this plan or not, will require the filing of an application for sign permit for review and approval.

Motion: Marjorie Smith
Second: Sakima McClinton
Roll call vote was unanimous
Carried: 6:0:0

81 MARKET STREET: CONVERSION OF AN OFFICE TO STUDIO UNITS

Site Plan/Special Permit application for the conversion of a mixed use building containing an office space and six dwelling units to an eight unit multiple dwelling. Grid #6162-77-006004; Owner: JMS 81 Market LLC; Applicant: Joseph Goldzal; Consultant: Liscum McCormack VanVoorhis (Kimberly Ryan); Zoned: Central Commercial (C-2) District; File #2020-006

Kimberly Ryan of Liscum McCormack VanVoorhis represented the application. She provided an overview of the application. Robert S. Levine asked who the principals were (for purposes of determining whether or not there are conflicts of interest).

Rosaura Andujar-McNeil asked if there was any information relative to radon levels since this is a basement conversion, where there are often higher levels of radon. Kimberly Ryan indicated that if they receive approvals, they will do the necessary testing.

Project Description

The application is for conversion of an office space in the basement level of the building into two studio apartments, resulting in the change of use of the building from a mixed use structure with an office and six dwelling units to an eight unit multiple dwelling. No changes to the site are proposed, and there are no zoning impacts to the site as the change of use of the space from office use to dwellings units does not affect lot and bulk requirements. Minor changes to windows are proposed and the handrails on the front entrance are proposed to become code-compliant. This use is allowed in the C-2 District by special permit in accordance with Section 19-3.23(2)(b)(10) of the Zoning Ordinance.

Marjorie Smith made a motion that the Planning Board set a public hearing for June 16, 2020 (required for Special Permit) and that the application and plans be circulated and the building posted.

Second: Daniel McCabe
Roll call vote was unanimous
Carried: 6:0:0

30-36 COLUMBIA STREET: AMENDED SITE PLAN FOR OFF-STREET PARKING

Amended Site Plan/Special Permit application for the proposed construction of an off-street parking facility for 71 vehicles for Care Mount Medical. Owner: 36 Columbia Street LLC; Applicant: CareMount Medical (Elmer Gudiel); Consultant: The Chazen Companies (Caren LoBrutto); Grid #6062-35-845844/866826 and 6061-36-876845; Zoned Hospital-Medical (H-M) District; File #2020-007

Caren LoBrutto represented the applicant and described the changes in the plan to allow addition of two retaining walls.

Natalie Quinn brought up concerns voiced by neighbors that tree removal resulted in damage to goal posts at Lincoln Park.

Rosaura Andujar-McNeil and Robert Levine ascertained that the only difference would be the change in grade of two feet, but would not impact the handicapped spaces.

Marjorie Smith made a motion that the Board waive a public hearing.

Second: Anne Saylor

Carried: Roll call vote was unanimous.

WHEREAS, the Planning Board has received an amended application for Site Plan Review relative to the proposed construction of off-street surface parking facility for 70 vehicles on a vacant parcel known as “Columbia Street” and 30-36 Columbia Street; and,

WHEREAS, the action is more fully detailed on drawings bearing a revision date of 2/25/20, prepared by The Chazen Companies; and,

WHEREAS, this development is considered an unlisted action under SEQR and the Planning Board issued a negative declaration on SEQR on June 18, 2019 as part of the initial approval; and

WHEREAS, the applicant submitted a Memorandum dated February 25, 2020 to the Board outlining the project changes specifically as those changes related to the negative declaration, concluding that the changes would not impact the original SEQR review; and,

WHEREAS, the Planning Board concurs with that conclusion and agrees that no further action under SEQR is required; and,

NOW THEREFORE BE IT FURTHER RESOLVED that the Board grant amended site plan approval for the proposed construction of an off-street surface parking facility on Columbia Street, as outlined herein.

Motion: Marjorie Smith

Second: Daniel McCabe

Roll call vote was unanimous

Carried: 6:0:0

128 WASHINGTON STREET: FREESTANDING EMD SIGN

Sign permit application for the conversion of an existing freestanding sign to a freestanding sign with an electronic message display component on the property at 128 Washington Street (Gulf to Sunoco Station); Grid #6162-69-020138; Owner/Applicant: Parminder Kanwal; Zoned: GRM (Gateway Mixed Use Commercial) File #2020-004

Daniel McCabe was recused.

Frank Hessari represented the applicant, and provided a brief overview of the sign.

Project Description

The application is for conversion of an existing freestanding sign to a freestanding sign containing an electronic message display. A name change (Gulf to Sunoco) is also proposed, as is the addition of a new panel “Deli & Food Mart.”

Electronic message display signs require review and approval by the Planning Board. In this instance, the EMD portion of the sign is limited to gas prices.

The existing freestanding sign is nonconforming for placement, height and area. It is closer than 5 feet to the property line. It is seventeen (17) feet high where 8 feet is now the maximum permitted. The square footage of the existing sign is 46.17 square feet, and the replacement is 43.81 square feet. The existing placement and height were first approved by the Planning Board in 1995. At that time, the sign face was approved at 70 square feet. A 45 square foot sign face was approved in 2009, although the actual existing sign is 46.17 square feet. Therefore, there is no change in placement and height of the sign, and the square footage is a reduction from the existing and previously approved square footage.

Section 19-4.9(10), which governs nonconforming signs, prohibits the structural alteration or substantive change of such signs, while allowing their re-lettering or painting. The replacement of the “Gulf” sign with a “Sunoco” sign could be considered re-lettering. The question is whether or not the Board considers the replacement of the of the changeable copy gas pricing portion of the sign with an EMD component is a substantive change, and whether the inclusion of “Deli & Food Mart” is also a substantive change.

The project is classified as an Unlisted Action under SEQRA and not subject to coordinated review.

Marjorie Smith asked if it was possible to reduce the height. Frank Hessari indicated that it would be costly, and could present dangers in term of visibility for vehicular and predestrian traffic at the intersection, increase potential for vandalism.

Robert Levine asked about the height from the bottom of the sign to the sidewalk, which Frank Hessari indicated was 8 feet.

Robert Levine also asked if there was any way to lower the level of luminosity.

General discussion of luminosity. It should be shielded. Such a well lit area already.

Anne Saylor asked that we leave ascertaining that the sign is dark skies compliant to Natalie Quinn.

Anne asked if there would be changing from cash to credit pricing. The answer was in the negative

WHEREAS, the Planning Board has received an application for a sign permit relative to the renovation of a freestanding sign, including installation of an electronic message display component within said sign, on the property 128 Washington Street; and,

WHEREAS, the action is more fully detailed on revised drawings dated 3/30/20, prepared by Everbrite for Sunoco, and further dimensioned on 5/4/20; and,

WHEREAS, the applicant submitted a Short EAF (Environmental Assessment Form) which adequately describes the proposed action; and

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse environmental impacts and therefore, a draft environmental impact statement will not be prepared.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby adopts a Negative Declaration for the sign permit as more fully detailed in the application and the above referenced project.

Motion: Marjorie Smith
Second: Sakima McClinton
Roll call vote was unanimous
Carried: 6:0:0

NOW THEREFORE BE IT FURTHER RESOLVED, the Board approves File #2020-004 for a freestanding sign with an electronic message display component at 128 Washington Street, subject to the following conditions (if any):

- Between sunset and sunrise, the sign shall emit 250 nits or less and otherwise comply with dark skies requirements.

Motion: Marjorie Smith
Second: Sakima McClinton
Roll call vote was unanimous
Carried: 6:0:0

47-49 CIVIC CENTER PLAZA - NEW CONSTRUCTION

Construction of a new 22,000 (+/-) square foot four (4) story office building and façade renovations to existing single story commercial building. Owner/Applicant: Journal Plaza, LLC/Taconic Realty/Page Park Associates (Darin Page); Consultant: LRC Group (Kelly Libolt); Grid #6162-69-061166 and 065177; Zoning Districts: PID-Civic Corridor and Central Commercial (C-2) District. File#2020-001

WHEREAS, the Planning Board has received an application for Site Plan Review relative to the proposed construction of a new 22,000 (+/-) square foot four (4) story office building and façade renovations to existing single story commercial building at 47-49 Civic Center Plaza, including a lot line adjustment with 85 Civic Center Plaza; and,

WHEREAS, the action is more fully detailed on site plans prepared by LRC Group bearing a revision date of 4/10/20, and elevations prepared by QPK, bearing a revision date of 4/8/20; and,

WHEREAS, this development is considered an unlisted action for the purposes of SEQR; and,

WHEREAS, the applicant submitted a Short EAF (Environmental Assessment Form) which adequately describes the proposed action; and,

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse environmental impacts that cannot be adequately mitigated, and therefore, a draft environmental impact statement will not be prepared.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby adopts a Negative Declaration for the site development plan for the above referenced project as more fully detailed in the application and related materials:

Motion: Marjorie Smith

Second: Sakima McClinto

Roll call vote all aye except Rosaura Andujar-McNeil, who abstained

Carried: 5:0:1

WHEREAS, there is a parking requirement of 74 spaces for the new structure, while 49 spaces are provided on site, necessitating a waiver for the remaining 25 spaces; and,

WHEREAS, Daniel Vonknoblauch, the Parking System Administrator for the City of Poughkeepsie, has provided certification that 25 spaces are available in the Municipal Parking Garage located at 41 Civic Center Plaza; and,

WHEREAS, the Planning Board is empowered by Section 19-4.3(9) of the Zoning Ordinance to waive the requirement for those 25 spaces based on the availability of municipal parking within 600 feet:

NOW THEREFORE BE IT FURTHER RESOLVED that the Board grant site plan approval for Construction of a new 22,000 (+/-) square foot four (4) story office building and façade renovations to an existing single story commercial building on the property at 47-49 Civic Center Plaza, as outlined herein, with the following conditions:

1. Area of disturbance is shown as 0.94 acres. To ensure 1 acre of disturbance is not exceeded provide construction fence or silt fence at perimeter of area of disturbance.
2. Indicate tapping valve is to be right open on UT-1. Provide additional curb valve in sidewalk adjacent to curb. Indicate curb valve is to be right open.
3. Include note on site plan indicating any curbs or sidewalks within City ROW damaged by construction shall be replaced per City standards. In addition to the areas shown on OP-1 it will be necessary to replace the sidewalk behind new curb sections. An existing curb cut exists south of 47 Civic Center Plaza. The granite curb will need to be reset to 6" reveal and sidewalk behind curb replaced. Please add this repair area to OP-1. Concrete is broken south of existing northern curb cut around sign and north of existing southern curb cut. Replace affected sidewalk panels. A mark-up of OP-1 is attached

Motion: Marjorie Smith

Second: Sakima McClinton

Roll call vote all aye except Rosaura Andujar-McNeil, who abstained

Carried: 5:0:1

The meeting adjourned at 10:20pm on a motion by Marjorie Smith and seconded by Sakima McClinton, which passed unanimously.