



THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Tuesday, January 3, 2023, 12:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is January 3, 2023, and the time is 12:15 pm.

I. ROLL CALL: 7 present; 2 absent (Councilmembers Flowers & Long)

II. REVIEW OF MINUTES:

Public Hearing on Rise in Crime – December 19, 2022

Public Hearing on LWRP – December 19, 2022

Common Council Meeting – December 19, 2022

Motion to accept the minutes: Councilmember Shook

2nd: Councilmember Menist

III. READING OF ITEMS by the City Chamberlain of any items not listed on the printed agenda.

-NONE-

IV. PUBLIC PARTICIPATION

- **Laurie Sandow, S. Grand Ave.**

V. CHAIRWOMAN'S COMMENTS AND PRESENTATIONS

I would like to respond to some of the things that the Ms. Sandow suggested. As I said in subsequent meetings, I know everything has not been done with fidelity here on this council. I've been here, this is my going into my eighth year. But I can say that collectively we are trying to improve on things. I think as the Presiding Officer I do a good job of allowing everyone to exercise their First Amendment rights.

But in speaking with our corporation council, there was some legal ramifications that the way the rules were written, we needed to change. I'm still the presiding officer. I still determine when a speaker's time is up. I intend to still be gracious with that. But we do need to establish a little more decorum. This you know, I don't feel like this council gets the same respect that other lawmakers get. Sometimes we get personally attacked, which has nothing to do with business, and this is not directed at you, so please don't take it as such. The clapping, the snapping. You know, I just want to bring a little more structure to our council meetings. But again, I am the presiding officer, so I will use discretion when I feel like, you know, if someone needs to continue to speak, I will allow them to do so.

I do feel like collaboration is something that is on the top of all of our list here on this council. And the only thing that I can personally do is my best. You know, I'm not going to sit here and act like I'm the be all, end all, and I'm going to fix everything in city government.

But I can assure you and my track record speaks for itself. I always try. And I will continue to try. And another note, I have some great news to share. In response to many citizen comments and many emails and things that are happening here in the city. Section 2.06 of the charter allows me to establish committees when deemed necessary. So in speaking with my colleagues, we deem it necessary to have a Committee on Housing Solutions. This committee will be comprised. And I'm appointing today, Deborah Long as a chair, considering her background, working in public housing, working in weatherization programs, and working in other public agencies surrounding housing, housing issues.

It will be comprised of three council members, count Councilmember Long as the chair Megan Deichler, who takes particular great interest in helping with this housing crisis, and Councilmember Majority Leader Menist, who also has vested interest into this housing epidemic. We'll be asking for members of the public. Right now, we can seat 4 to 7 members of the public. A member from Ms. Quinn's development office and a member from city administration will comprise this committee.

So I'll be working collectively with our Mayor Nelson, to get this up and running fairly quickly. Other announcements, I would like to welcome and congratulate Councilmember Grant. He's a welcome addition to this council and we look forward to working with you. I'd like to say Happy New Year to all my colleagues. I would like to also say that I am appointing Councilmember Johnson as our majority whip.

She is now in leadership.

I feel like Ms. Johnson being one of the senior representatives on this council. Now, I don't mean age because I'm one of the senior reps, too. I think that she will do a good job of us building camaraderie with each other. So, Ms. Johnson, I look forward to you helping us all get along.

Councilmember Johnson: Thank you chair.

Chairwoman Brown: And work.

Councilmember Johnson: I'm working on it.

Chairwoman Brown: I know you are.

Councilmember Johnson: With myself in order to be able to work with everybody else.

Chairwoman Brown: And a Democratic caucus and all support Councilmember Menist to continue as a majority leader. You have done a great job this year. And, you know, the work is just beginning because we've decided in leadership that we're going to build a council agenda. So you'll see a lot of stuff coming directly from this council. And this next year. I'm really excited about the work and the resolution that's before us. After we go to mayor's comments and you and I finish is that my colleague, council member will be unanimously appointed as vice chair. And aside from him being an attorney, he's also very well versed in public relations. So, you know, I'm ecstatic about this leadership team that we have this year. And it is about collaboration. Right.

And I'm hoping that as we go on through the year, I can tap into other the other skill sets that the other members of the council that are not in leadership at this time have and find a place for you as well. I appointed Councilmember Flowers as a chair of the Finance Committee, and Councilmember Flowers served with me several years on the Finance Committee. She works in finance for a living, and I think she's going to do an awesome job as the chair.

I'm also appointing Councilmember Grant, Councilmember Thompson and Councilmember Shook to the Finance Committee. So they're there ready to get to work. And again, I'm really excited. And I just want the members of the public to know all these decisions that I made. I did not do autonomously. I did consult my colleagues and I really, really tried to identify the areas where people were most passionate and put them there.

So, you know, I think we're off to a great start in that. And I want to congratulate, even though he doesn't get sworn, sworn into later and that does oh, I have to say, it's on a record because I did see some comments and we are having this meeting at this time to accommodate us to attend the mayor's swearing in. I think, you know, we're going to work collaboratively. We should be present. And I did not think it was a good idea for me to have a council meeting at the same time that you were being sworn in.

So and in years past, organizational meetings had been early in the day, as you know, right Ms. Johnson? So and for the members of the public who are wondering, I do want to point out a slight change for January in our meeting calendar and our next regularly scheduled council meeting is not going to be until January 23rd.

The 17th is a Tuesday is a Tuesday after Dr. Martin Luther King Day. So however, we are going to do something different. I'm working with the commissioner of finance, Martinez, and the mayor to come up with a council training. I feel like the Lorman's webinars, they're okay. We're experienced council members, but most of our body here is still very new. So we're going to have a council boot camp, which would be in-person. The members of the public will be versed to that schedule. However, it will be closed. We'll be working on everything from the budget, understanding the budget to legal department, to understanding what the different city departments do to the police, to collective bargaining agreement. So this will be a eight hour boot camp that will be split up within those two weeks between that gap and the meetings.

And that concludes my comments, and I'm happy to turn it over to the first time ever, Mayor Nelson.

VI. MAYOR'S COMMENTS

Well, thank you, Chairwoman Brown, and happy New Year to everybody. And, you know, I couldn't be more thrilled. I the first time I get mayors comments, I probably keep them briefer than ever.

But I congratulations, Chris, and looking forward to working with you. And to all of my colleagues on the council and to you, Chairwoman Brown, I'm looking forward to working with all of you in your new roles.

I think it is, as we all know, an opportunity to reflect, but also an opportunity for us to march forward together. And I'm excited about doing that. I think some of the things that the Chairwoman, Brown and I have spoken about already and we've had a lot of conversations give me great hope that things are going to in order to the benefit of the City of Poughkeepsie and all of our residents.

I just want to thank the council, too, and particularly Chairwoman Brown and Councilmember Menist for helping us push through the LWRP on today's agenda. Finally, and I'm just thrilled about this, I see in the audience our development director, Natalie Quinn, is here. We in city staff have worked together on this with members of the public and members of the Council for several years. I won't belabor the point, but I think it's really a cool thing that here on the first meeting of a new year, we are adopting this.

We've come together, the council and the administration, to craft a document that I think everybody could live with. And the public's had an opportunity to make comments on it more than once.

Just, you know, for those watching at home, the adoption of the LWRP coming as it does at the beginning of the year, will enable the city to issue an RFP for development on our southern waterfront. It is a document that a policy document that will set the city in a

better stead for receiving important grants that will help us over the coming years.

And so, as I promised, I think when I made some comments a couple of months back in mayor's comments, the one change I'm going to make over what you've seen, I think, in the past is I'm going to try to limit my remarks to things that are in front of you, that are on the agenda, or we'd like to see on the agenda. And also just spend a minute of my time informing the public about why it's so important that the Council is taking the action that it is.

So today, again, the passage of the local waterfront revitalization plan is probably and I know it is, this is my seventh year here, probably one of the best ways to start a year. So thank you very much. And happy New Year, everybody.

VII. NEW & UNFINISHED BUSINESS & ANNOUNCEMENTS:

~~VIII. REPORTS OF COMMITTEES AND BOARDS:~~

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

A motion to accept the Consent Agenda was made by Councilmember Shook and seconded by Councilmember Menist.

1. R-23-10, Resolution Appointing a Vice Chair to the Common Council

**RESOLUTION
R-23-10**

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, the Common Council is comprised of nine (9) members, one elected at-large citywide and one elected from each of the eight wards in the city (Charter Section 2.01); and **WHEREAS**, pursuant to Section 2.03 of the Charter, the Common Council, at the annual organization meeting, shall elect a vice-chairperson who shall serve as chairperson and preside at all common council meetings for which the council chair is absent.

NOW THEREFORE,

BE IT RESOLVED, that Common Council hereby appoints the following individual to serve as the vice-chairperson in accordance with Charter Section 2.03.

Nathan Shook

SECONDED BY COUNCILMEMBER _____.

R-23-10– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

2. R-23-11, Resolution Setting a Public Hearing Regarding the Proposed Nomination of 299 Main Street as a Local Historic Landmark

A RESOLUTION OF THE CITY OF POUGHKEEPSIE, SETTING A PUBLIC HEARING REGARDING THE PROPOSED NOMINATION OF 299 MAIN STREET AS A LOCAL HISTORIC LANDMARK

(R-23-11)

INTRODUCED BY CHAIRWOMAN BROWN: _____

WHEREAS, 299 Main Street, City of Poughkeepsie is owned by JMS 299 Main LLC, who is n who is desirous of securing a designation of 299 Main Street as a local historic landmark; and

WHEREAS, the City of Poughkeepsie Historic District and Landmarks Preservation Commission (hereinafter “HDLPC”) held a public hearing on November 10, 2022 regarding the nomination of 299 Main Street as a local historic landmark; and

WHEREAS, the HDLPC voted in favor of the proposed nomination and approved the application on November 10, 2022; and

WHEREAS, pursuant to Section 19-4.5(4)(f) of the Code of Ordinances of the City of Poughkeepsie, the HDLPC's approved application was forwarded to the Common Council for consideration; and

WHEREAS, representatives of JMS 299 Main LLC appeared before the Common Council on December 19, 2022 to make an initial presentation on the application;

WHEREAS, the Common Council is required to hold a public hearing prior to the designation of any historic landmark; and

NOW THEREFORE,

BE IT RESOLVED, that the City Chamberlain be, and she hereby is authorized and directed to publish a Notice of Public Hearing to be held February 6, 2023 at 6:00 p.m. concerning the designation of 299 Main Street as a local historic landmark.

SECONDED BY COUNCILMEMBER _____ .

R-23-11- VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

3. **R-23-12**, Resolution Amending the Public Hearing Date Regarding the Introduction of a Local Law Adopting The City of Poughkeepsie Redistricting Plan Pursuant to Section 2.10 of the City Charter

**AMENDED
RESOLUTION
(R-22-90)**

R-23-12

**RESOLUTION INTRODUCING LOCAL LAW ADOPTING THE CITY OF
POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO SECTION 2.10 OF THE
CITY CHARTER**

INTRODUCED BY COUNCILMEMBER MENIST: _____

BE IT RESOLVED that an introductory Local Law entitled, “**LOCAL LAW ADOPTING THE CITY OF POUGHKEEPSIE REDISTRICTING PLAN PURSUANT TO SECTION 2.10 OF THE CITY CHARTER**”, be and hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law to receive comment from the public on Monday, January 23, 2022 at 5:30 pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER: _____

R-23-12– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

4. **R-23-13**, New York State Environmental Quality Review Act (SEQRA) Resolution Regarding The Adoption Of A Local Law Amending Chapter 18 ½ , of The City of Poughkeepsie Code of Ordinances Entitled “Waterfront Consistency Review” and The Adoption of The Local Waterfront Revitalization Plan (LWRP)

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) RESOLUTION REGARDING THE ADOPTION OF A LOCAL
LAW AMENDING CHAPTER 18 ½ , OF THE CITY OF POUGHKEEPSIE CODE OF
ORDINANCES ENTITLED “WATERFRONT CONSISTENCY REVIEW” AND THE
ADOPTION OF THE LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)**

(R-23-13)

INTRODUCED BY CHAIRWOMAN BROWN _____:

WHEREAS, the Common Council of the City of Poughkeepsie is considering the adoption of a Local Law Amended Chapter 18 ½ of the City of Poughkeepsie Code of Ordinances Entitled “Waterfront Consistency Review” and the adoption of the Local Waterfront Revitalization Plan (LWRP) (together comprising the “action”); and

WHEREAS, the City of Poughkeepsie has updated its Local Waterfront Revitalization Program to reflect changes that have occurred in the Waterfront Revitalization Area since the City last adopted an LWRP in 1999; to incorporate recommendations of recent planning efforts; to address resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City; and

WHEREAS, the Common Council considers action to be a Type I under Title 6 NYCRR, Section 617.2 of the SEQRA regulations; and

WHEREAS, the Common Council considers itself to be the only "involved agency" with respect to this proposed action; and

WHEREAS, the Common Council has reviewed the proposed action in accordance with Title 6 NYCRR, Section 617.11; and

WHEREAS, the Common Council has considered the hereto attached Full Environmental Assessment Form (EAF) parts 1, 2 and 3, including attachments.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached EAF Parts 1, 2 and 3, including attachments, and Negative Declaration, dated December 20, 2022 is hereby accepted and incorporated as part of this resolution.
2. That the Common Council, as lead agency, hereby determines that the proposed action, as previously outlined herein, and for the reasons set forth in the attached determination of non-significance, will not result in a significant adverse impact on the environment and thus declares, authorizes and approves that a negative declaration in the form and substance annexed hereto be authorized and approved.
3. That based upon the determination that the proposed action will not have a significant impact on the environment, the Common Council further determines as lead agency that an Environmental Impact Statement (EIS) is not required for the proposed action.
4. That pursuant to Section 617.12(b)(1) of the New York State Environmental Quality Review Act (SEQRA), the Common Council shall, as lead agency, maintain a file of its determination and supporting reasons that shall be available for public inspection in the Office of the City Chamberlain, First Floor, Municipal Building, 62 Civic Center Plaza, Poughkeepsie, New York 12602; and shall file a copy with the City of Poughkeepsie chief executive officer.

SECONDED BY COUNCILMEMBER _____ .

Information required by 6 NYCRR §617(a)(1):

Name and Address of Lead Agency:

City of Poughkeepsie Common Council

62 Civic Center Plaza

Poughkeepsie, NY 12601

Name, Address and Telephone Number of a person who can provide additional information:

Natalie Quinn, Development Director
 62 Civic Center Plaza
 Poughkeepsie, NY 12601
 (845) 451-4047

R-23-13– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

5. **R-22-14**, Resolution Adopting the Revised Local Waterfront Revitalization Program

RESOLUTION **(R-23-14)**

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the City of Poughkeepsie has presented to the Common Council a revised draft of a proposed Local Waterfront Revitalization Program dated _____, 2022; and

WHEREAS, the City of Poughkeepsie has updated its Local Waterfront Revitalization Program to reflect changes that have occurred in the Waterfront Revitalization Area since the City last adopted an LWRP in 1999; to incorporate recommendations of recent planning efforts; to address resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City; and

WHEREAS, the LWRP program is sponsored by the New York State Department of State (NYS DOS), through which the City of Poughkeepsie received a grant in the amount of \$150,000 to complete the work mentioned herein; and

WHEREAS, the City released a Request for Proposals (“RFP”) on June 18, 2018, to which four planning consulting firms submitted proposals; and

WHEREAS, the firm of Buckhurst Fish & Jacquemart Inc. (“BFJ”) was selected through a competitive review process and was contracted on September 27, 2018 to assist the City with the creation of the proposed LWRP; and

WHEREAS, the City and BFJ utilized a number of community engagement methods and events to collect feedback on the proposed update, including:

- December 5, 2018 – Public Workshop #1 held at the Mid-Hudson Heritage Center
- December 2018 – Series of five stakeholder focus groups
- February 18 – April 15, 2019 – Public Survey (582 total responses)
- March 7, 2019 – Public Workshop #2 held at the Mid-Hudson Children’s Museum
- June 7, 2019 – Pop-up at First Friday @ Earline Patrice Park at Mansion Square
- June 9, 2019 – Pop-up at Poughkeepsie Pride Parade in Waryas Park)
- June 15, 2019 – Pop-up at Malcolm X Park Art Day
- July 13, 2019 – Pop-up at Pershing Avenue Community BBQ
- August 3, 2019 – Pop-up at First Friday @ Walkway Visitors Center

WHEREAS the City and BFJ presented regular briefings to the City of Poughkeepsie Common Council and Waterfront Advisory Committee throughout the project timeline to keep them abreast of the project’s evolution; and

WHEREAS the Common Council held public hearings on the matter on January 18, 2022, February 22, 2022, and December 20, 2022

WHEREAS the city has worked in close coordination with NYS DOS staff to create and review the proposed draft; and

WHEREAS, NYS DOS has advised City staff that the preferred process is for a municipality to adopt the plan and then send to DOS so they can conduct their 60 day review, especially when DOS was kept involved throughout the drafting of the revised plan; and

WHEREAS, the locally adopted Local Waterfront Revitalization Program will be circulated to NYS DOS for a required 60 day review in order to be considered for approval by Secretary of State and federal concurrence from NOAA’s Office of Coastal Management for coastal LWRPs; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves the attached revised draft of the Local Waterfront Revitalization Program; and

BE IT FURTHER RESOLVED, that the Development Director be and hereby is authorized and directed to transmit a copy of the revised draft of the Local Waterfront Revitalization Program, as approved by the Common Council, with any amendments thereto, to the New York State Department of State with a request that the New York State Department of State review the draft at its earliest possible opportunity and provide the City of Poughkeepsie with its comments.

SECONDED BY COUNCILMEMBER _____.

R-23-14– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

- O-23-01**, Ordinance Amending §13-269 Of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles And Traffic”

ORDINANCE AMENDING §13-269 OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES AND TRAFFIC”

(O-23-01)

INTRODUCED BY COUNCILMEMBER MENIST:

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

SECTION 1: §13-269 is hereby amended by the following addition:

Section 13-269 Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Franklin Street, South side, beginning 400 feet East of its intersection with Lincoln Ave and continuing East for a distance of 20 feet, for one-parking space

SECTION 2: §13-269 is hereby amended by the following addition:

Section 13-269 - Handicapped parking areas designated.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as handicapped parking areas and are to be utilized only for the purpose set forth in this Article:

Whinfield Street, South side, beginning 185 feet East of its intersection with Albany St and continuing East for a distance of 20 feet, for one-parking space

Whinfield Street, North side, beginning 185 feet East of its intersection with Albany St and continuing East for a distance of 20 feet, for one-parking space

SECTION 3: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underline and Bold

O-23-01– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

2. **LL-23-01**, Local Law Amending Chapter 18 ½ , Of The City Of Poughkeepsie Code Of Ordinances Entitled “Waterfront Consistency Review”

**LOCAL LAW AMENDING CHAPTER 18 ½ , OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES**

ENTITLED “WATERFRONT CONSISTENCY REVIEW”

(L-23-01)

INTRODUCED BY CHAIRWOMAN

BROWN _____:

~~STRIKETHROUGH INDICATES DELETION~~

BOLD and UNDERLINE INDICATES ADDED LANGUAGE

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to amend Section 18 ½ of the City of Poughkeepsie Code of Ordinances entitled “Waterfront Consistency Review” to provide an update of the Local Waterfront Revitalization Program first enacted in 1999. The proposed amendments reflect changes that have occurred in the Waterfront Revitalization Area since its adoption, incorporates recommendations of recent planning efforts, and addresses resilience to flooding and sea level rise, principles of sustainable planning and smart growth, and strategies to boost economic development for the City.

Section 2. AUTHORITY

This local law is adopted pursuant to provisions of the Municipal Home Rule Law and Title 19 of NYCRR Part 600, 601, 602, and 603.

Section 3. Chapter 18 ½ of the Code of Ordinances of the City of Poughkeepsie entitled “Waterfront Consistency Review” shall be amended as follows:

This chapter will be known as the "City of Poughkeepsie Waterfront Consistency Review Law."

Section 18 1/2-2 Authority and purpose.

[L.L. No. 10-1999, § 1]

- (a) This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- (b) This chapter is intended to provide a framework for agencies of the City of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization

Program (LWRP) when reviewing applications for actions or direct agency actions located in the ~~[coastal]~~ **waterfront revitalization** area; and to assure that such actions and direct actions are consistent with the ~~[said]~~ **LWRP** policies and purposes.

- (c) It is the intention of the City of Poughkeepsie that the preservation, enhancement and utilization of the **city's unique waterfront revitalization area of the** ~~[natural and manmade resources and water-dependent uses of the city's unique coastal area take place]~~ **occur** in a coordinated and comprehensive manner to ~~[accommodate population growth and economic development and to]~~ ensure a proper balance between **protection of** natural resources **and the need to accommodate growth**. Accordingly, it is the purpose of this chapter to achieve such a balance, permitting the beneficial use of coastal resources while preventing **degradation or** loss of living ~~[estuarine]~~ **waterfront** resources and wildlife; diminution of open space areas or public access to the waterfront; **disruption of natural waterfront processes** ~~[erosion of shoreline]~~; impairment of scenic **or historical resources** ~~[beauty]~~; losses due to flooding, erosion and sedimentation; **impairment of water quality;** or permanent adverse changes to ecological systems.
- (d) The substantive provisions of this chapter shall apply only while there is in existence a **City of Poughkeepsie** Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 18 1/2-3 **Applicability.**
[L.L. No. 10-1999, § 1]

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this chapter, to the extent applicable, prior to carrying out, approving or funding any action.

Section 18 1/2-4 **Definitions.**
[L.L. No. 10-1999, § 1]

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS

Include all of the following except minor actions ~~[Either Type I or unlisted actions as defined in the S.E.Q.R.A. regulations (6 N.Y.C.R.R. Part 617) which are undertaken by an agency and which include]:~~

- (a) Projects or physical activities, such as construction or other activities that may affect **natural, manmade, or other resources in the waterfront revitalization area, or** the environment by changing the use, appearance or condition of any ~~[natural]~~ resource or

structure, that:

- (1) Are directly undertaken by an agency; or
- (2) Involve funding by an agency; or
- (3) Require one or more new or modified approvals, **permits, or review** from an agency or agencies[-];
- (b) Agency planning and policy making activities that may affect the environment and commit the agency to a **definite** course of future decisions[-];
- (c) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect **waterfront resources or** the environment[-]; **and**
- (d) Any combinations of the above.

AGENCY

Any board, agency, department, office, other body or officer of the City of Poughkeepsie.

~~[COASTAL ASSESSMENT (CA)]~~

~~[The format used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.]~~

CONSISTENT

That the action will **fully comply** ~~[be in compliance to the maximum extent practicable]~~ with the City of Poughkeepsie's LWRP policy[ies] **standards, conditions and objectives and, whenever practicable, will advance one or more of them.**

DIRECT ACTIONS

Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure making and policy making.

ENVIRONMENT

All conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront revitalization area.

~~[LOCAL WATERFRONT AREA]~~

~~[That portion of New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law which is located within the boundaries of the City of Poughkeepsie, as shown on the Coastal Area Map on file in the office of the Secretary of~~

State and as delineated in the City of Poughkeepsie Local Waterfront Revitalization Program.]

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the City of Poughkeepsie, as approved by the Secretary of State pursuant to the Waterfront Revitalization [and] of Coastal Areas and Inland Waterways [Resources] Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Poughkeepsie.

MINOR ACTIONS

Minor actions include the following actions, which are not subject to review under this law:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;**
- (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;**
- (3) repaving of existing paved highways not involving the addition of new travel lanes;**
- (4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;**
- (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Nature Preserves;**
- (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;**
- (7) minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;**
- (8) installation of traffic control devices on existing streets, roads and highways;**
- (9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;**
- (10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;**
- (11) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);**

- (12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (14) collective bargaining activities;
- (15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (21) adoption of a moratorium on land development or construction;
- (22) interpreting an existing code, rule or regulation;
- (23) designation of local landmarks or their inclusion within historic districts;
- (24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (25) local legislative decisions such as rezoning where the City determines the action will not be approved.

PLANNING BOARD

The Planning Board of the City of Poughkeepsie as created by General City Law

Section 27 and City of Poughkeepsie Code Section 2-17.

WATERFRONT ASSESSMENT FORM (WAF)

The form, a sample of which is appended to this local law, used by an agency to assist [it] in determining the consistency of an action with the City of Poughkeepsie Local Waterfront Revitalization Program

WATERFRONT ADVISORY COMMITTEE

The Waterfront Advisory Committee of the City of Poughkeepsie, as created pursuant to this chapter. The Committee may review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the LWRP policies.

WATERFRONT REVITALIZATION AREA

The portion of the coastal area shown on the coastal area map on file in the office of the Secretary of State, plus the extension inland to include the 100-year floodplain around the Fall Kill, a designated inland waterway pursuant to NYS Executive Law Article 42, Section 911. This combined area is described as the City of Poughkeepsie WRA in Section I of the LWRP, approved pursuant to Article 42 of the Executive Law.

ZONING ADMINISTRATOR

The Zoning Administrator of the City of Poughkeepsie or his/her duly authorized representative.

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the City of Poughkeepsie as created by General City Law Section 81 and City of Poughkeepsie Code Section 19-8.1.

Section 18 1/2-5 Waterfront Advisory Committee.

[L.L. No. 10-1999, § 1; L.L. No. 1-2013, 2-19-2013, § 1]

- (a) A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Poughkeepsie" (hereafter "Committee"). The Committee is charged with the functions, powers and duties set forth in this chapter **and may also perform other functions regarding the waterfront revitalization area as the Common Council may assign to it from time to time.**
- (b) The Committee shall consist of seven members who are City of Poughkeepsie residents and who have a longstanding interest in the waterfront. Three committee members shall be appointed by a majority vote of the Common Council. The Mayor shall appoint the four

other committee members.

- (1) Committee members shall serve for terms of [~~two~~] **three** years with the exception of the original appointed members of the Committee who shall serve as follows:
 - a. Three members appointed by the Council shall hold office for a term of two years.
 - b. Two members appointed by the Mayor shall hold office for a term of one year.
 - c. Two members appointed by the Mayor shall hold office for a term of two years.
- (2) Vacancies shall be filled by the Mayor for mayoral appointees and Common Council for Council appointees by appointment for the unexpired term.
- (3) Members may be removed by the Mayor for mayoral appointees and by the Common Council for Council appointees, for cause.
- (c) Members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budget limitations established by the City.
- (d) The Common Council shall annually appoint one Committee member to serve as Chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a Chairperson.
- (e) The Committee may employ such persons as may be needed as authorized by the resolution of the Common Council and pursuant to law. This Committee shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Common Council.
- (f) The Committee will make its own rules of procedure subject to applicable law.
- (g) The Committee shall appoint a Secretary who shall be responsible for keeping the minutes of the committee's meetings as required by the Opening Meetings Law of New York State. The Secretary shall file a copy of such minutes to [~~the Building Inspector and~~] the City **Clerk's office** [~~Chamberlain~~]. No less than quarterly, the Committee shall provide a report of its activity to the Common Council.
- (h) The Committee shall meet[ing] **as needed but in any event, no less frequently than** [~~at least~~] quarterly.

Section 18 1/2-6 **Functions, powers and duties of Committee.**
[L.L. No. 10-1999, § 1]

The Committee shall be responsible for overall management and coordination of the LWRP and will fully participate with and advise and assist other city agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program. In pursuance of this task the Committee will:

- (a) Advise the Mayor and Common Council on implementation, priorities, work assignments, timetables and budgetary requirements of the LWRP.
- (b) As described in § 18 1/2-8. of this chapter, review direct actions of the city and funding and permitting actions, including applications for site plans, zone changes, subdivisions and public works projects in the [~~Local~~] Waterfront **Revitalization** Area as are referred to it, and advise the appropriate agency as to their consistency with the LWRP.
- (c) Subject to approval by Common Council resolution, make applications for funding from state, federal or other sources to finance projects under the LWRP.
- (d) **Coordinate and oversee** [~~Maintain~~] liaison with related city **agencies and departments** ~~bodies~~, including but not limited to the Planning Board and Zoning Board of Appeals, and with other nongovernmental bodies, in order to further the implementation of the LWRP.
- (e) Upon the request of the Mayor and/or Common Council, evaluate in timely fashion proposed actions of state agencies within the [~~Local~~] Waterfront **Revitalization** Area in order to assure consistency of such actions with the LWRP, advise the Mayor and Common Council of any conflicts and participate in discussion to resolve such conflicts.
- (f) Assist the Mayor and Common Council in the review of proposed federal actions referred by the Department of State and provide an opinion concerning the consistency of the action **within 30 days of receipt of the request from the Mayor and/or Common Council.**
- (g) Prepare an annual report on progress achieved and problems encountered during the year and recommend such actions as the Committee considers necessary for the further implementation of the LWRP to the appropriate body.
- (h) Perform other functions regarding the [~~Local~~] Waterfront **Revitalization** Area as are necessary and as the Mayor and/or Common Council may assign to it from time to time, **to implement the LWRP.**

Section 18 1/2-7 **Review of actions.**
[L.L. No. 10-1999, § 1]

- (a) Whenever a proposed action is located in the [Local] Waterfront **Revitalization** Area, [an] **each City** agency shall, prior to approving, funding or undertaking the action, make a **consistency** determination. **To move forward with such proposed action, that determination should find that the proposed action** [that it] is consistent with the LWRP [policies] **policy standards summarized in section I. below** [set forth in Subsection (g) herein]. No action in the [Local] Waterfront **Revitalization** Area shall be approved, funded or undertaken without such a determination.
- (b) **The Committee shall be responsible for coordinating review of actions in the City's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Committee will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies.** [Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Local Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment (CA) to assist with the consistency review.]
- (c) **The Committee will assist each agency with preliminary evaluation of actions in the Waterfront Revitalization Area, and with preparation of a CAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the Waterfront Revitalization Area, the agency shall refer, within 10 days of receipt, to the Committee for preparation of a CAF, a sample of which is appended to this local law. The Committee will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action.** [Prior to making its determination of environmental significance under SEQR, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CA, environmental assessment form (EAF) and all other relevant information to the Committee within 10 days of its receipt.]
- (d) **The Committee shall require the applicant to submit to the Committee all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The Committee shall render a written recommendation to the appropriate agency within 30 days following referral of the CAF, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency, or if further information is needed that has not been submitted. The**

recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. [After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policies set forth in Subsection (g) herein to the maximum extent practicable. The Committee shall require the applicant to submit all completed applications, CA's, EAF's and any other information deemed to be necessary to its consistency recommendations.]

- (e) If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one CAF per action will be prepared. If the agencies cannot agree, the Planning Director shall designate the consistency review agency.
- (f) Upon recommendation of the Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section I. herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Committee. The agency shall render a written determination of consistency based on the CAF, the Committee recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the Waterfront Revitalization Area without a determination of consistency. The designated agency will make the final determination of consistency. (g) Where an EIS is being prepared or required, the draft and final EIS must identify applicable LWRP policy standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the Waterfront Revitalization Area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.
- (g) In the event the Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.

~~[(e) *Recommendation.*]~~

- ~~[(1) The Committee shall render its written recommendation to the agency within 30 days following referral of the required information from the agency, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent; consistent, with recommended modifications; or inconsistent with the LWRP policies. The recommendation shall elaborate in writing the basis for its opinion and state the manner and extent to which any inconsistency affects the LWRP policies.]~~
- ~~[(2) The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policies or to greater advance them.]~~
- ~~[(3) Failure by the Committee to make a recommendation upon a referral within the thirty-day time period or any agreed-to extension shall not preclude the agency from making its consistency determination for the action.]~~

~~[(f) *Determination.*]~~

- ~~[(1) The agency shall make the determination of consistency based on the CA, the EAF, the recommendation of the Committee and such other information as is deemed to be necessary in its determination. Where it is determined that the action may have a significant effect upon the environment, the draft environmental impact statement (DEIS) and the environmental impact statement (EIS) each must contain a discussion of the effects of the action on and its consistency with the LWRP policies identified as applicable.~~
- ~~[(2) Where it is determined that the action will not have a significant effect upon the environment, the agency shall nonetheless make a written determination of consistency within 14 days of receipt of the Committee's recommendation or, if none is received, within 30 days.~~
- ~~[(3) If the Committee's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must provide a written account describing why its determination disagrees with the recommendation.~~
- ~~[(4) The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional information. No determination shall be made before the end of the time period permitted the Committee for recommendations unless the Committee recommendation is received prior to the expiration of the permitted time period. The agency shall have the authority, in its~~

finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.}

~~[(g)]~~ **h)** Actions to be undertaken within the ~~[Local]~~ Waterfront **Revitalization** Area shall be evaluated for consistency in accordance with the following LWRP policies, which are derived from and further explained and described in ~~[Section III of]~~ the City of Poughkeepsie LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall consult with Section IV: **Proposed Land and Water Uses and Projects** of the LWRP in making their consistency determination. The action shall be consistent with the ~~[policy]~~ **policies** to:

- (1) ~~[Restore,]~~ **Revitalize** ~~[and redevelop]~~ deteriorated and underutilized waterfront areas ~~[for commercial, cultural, recreational and other compatible uses]~~ (Policy 1).
- (2) Develop city-owned waterfront properties, including ~~[Northern Waryas,]~~ the **former** DeLaval property ~~[and the former sewage treatment plant, for mixed uses, including recreational, cultural, tourism, residential and compatible commercial]~~ **for compatible uses that facilitate water dependent and water enhanced uses, with a priority for water dependent uses.** (Policy 1[A]).
- (3) **Retain and promote recreational water dependent uses** ~~[Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters]~~ (Policy~~[ies]~~ 2~~[and 2A]~~).
- (4) Strengthen the economic base of small harbor areas by encouraging **traditional** uses and activities ~~[which develop and enhance traditional uses and activities which have provided such areas with their unique maritime identity]~~ (Policy 4).
- (5) **Ensure** ~~[Encourage the location of]~~ development in areas where **adequate** public **infrastructure is available to reduce health and pollution hazards** ~~[services and facilities essential to such development are adequate]~~ (Policy 5).
- (6) Evaluate proposed **waterfront developments for the potential to complement downtown Poughkeepsie development, particularly by creating linkages to the downtown area of Main and Market Streets** ~~[development within the waterfront area for traffic impact, particularly along North Water Street and Pine Street, and evaluate the possibility of expanding carrying capacity of these roadways, if necessary]~~ (Policy 5[A]).
- ~~[(7)]~~ Improve vehicular access to the industrial areas in the northerly and southerly portions of the city's waterfront to enable vehicles to gain access to private industries directly from Route 9 (Policy 5B).}

~~[(8) Encourage greater utilization of mass transit and evaluate proposed development relative to its need for access to mass transit (Policy 5C).]~~

~~[(9) Evaluate proposed waterfront development for its potential to complement downtown Poughkeepsie development, particularly the Main Mall (Policy 5D).]~~

~~[(10)]~~⁷ [Expedite permit procedures in order to facilitate the siting of development activities at suitable locations] **Streamline development permit procedures** (Policy 6).

~~[(11)]~~⁸ Protect ~~[-, preserve and restore]~~ significant **and locally important** ~~[coastal]~~ fish and wildlife **habitats from human disruption and chemical contamination** ~~[resources including, but not limited to, the Poughkeepsie Deepwater Habitat]~~ (Policies 7, ~~[7A,]~~8, 40).

~~[(12) Perform a risk assessment for any proposed expansion of existing waterfront industries in order to protect, preserve and restore the Poughkeepsie Deepwater Habitat (Policy 7B).]~~

~~[(13) Avoid the introduction of hazardous materials in or near the waterfront area and the Poughkeepsie Deepwater Habitat by, among other measures, prohibiting the introduction of new industries or technologies which would in the presence of hazardous materials and by encouraging existing industries to utilize the most current methods of containment (Policies 8A, 8B).]~~

~~[(14)]~~⁹ **Maintain, promote and expand** [Expand the recreational use of fish and wildlife resources by expanding access to these resources and develop] commercial fishing opportunities (Policies 9 and 10).

~~[(15)]~~¹⁰ Minimize flooding and erosion hazards through nonstructural means; carefully selected, long-term structural measures; and appropriate siting of structures (Policies 11, **12**, 13, ~~[13A,]~~14, 15, **16, and** 17~~[-, 17A and 17B]~~).

~~[(16)]~~¹¹ Protect the Fallkill Creek from encroachment and preserve a linear open space **whenever possible** along the length of the creek for purposes of flood protection, aesthetics and recreation (Policy 11~~[A]~~).

~~[(17) Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).]~~

~~[(18)]~~¹² Safeguard economic, social and environmental interests in the ~~[coastal]~~**waterfront revitalization** area when major actions are undertaken ~~[-, especially with respect to new or expanded bridges or roads]~~ (Policy~~y~~^{ies} 18~~[18A and 18B]~~).

~~[(19)]~~**13**) Maintain and improve public access to the shoreline and **to** water-related recreational ~~[resources and]~~ facilities while protecting the environment (Policies 1, ~~[1A,]~~ 2, ~~[2A, 9,]~~ 19, ~~[19A,]~~20, **21 and 22** ~~[and 34B]~~).

~~[(20)]~~**14**) Encourage the use of public transportation to link ~~[Waryas Park and the DeLaval to each other]~~ **destinations along the waterfront** and to ~~[the Central Business District]~~ **downtown Poughkeepsie** (Policy 19[B]).

~~[(21)]~~**15**) Increase access to the Mid-Hudson Bridge ~~[walkways]~~ **and the Walkway Over the Hudson** (Policy 19[C]).

~~[(22)]~~**16**) Encourage tour boats which bring large groups of people to the Poughkeepsie waterfront (Policy 19[D]).

(17) The City of Poughkeepsie's public water-related recreational facilities should be linked via a linear trail along the waterfront. All new development along the Hudson River shall, where practical and appropriate, provide continuous pedestrian access along the water's edge and/or through the site to the waterfront. Water dependent and water enhanced uses shall be encouraged and the linear trail shall not preclude future construction of such uses (Policy 19).

~~[(23)]~~Encourage, facilitate and prioritize water-dependent and water-enhanced recreational resources and facilities near coastal waters (Policy 21).]

~~[(24)]~~Encourage boating facilities and activity, provided that it does not interfere with other recreational opportunities (Policy 21A).]

~~[(25)]~~Encourage the development of water-related recreational resources and facilities, as multiple uses, in appropriate locations along the shoreline (Policy 22).]

~~[(26)]~~Recreational activities must be part of any use of the DeLaval property, the former sewage treatment plant and Northern Waryas (Policy 22A).]

~~[(27)]~~**18**) Protect ~~[, enhance]~~and restore historic ~~[architectural-cultural]~~ and archeological resources (Policies **23**, 24, ~~[24A,]~~and 25~~[25A and 25B]~~).

~~[(28)]~~**19**) Protect ~~[, restore]~~ and ~~[enhance]~~ **upgrade** scenic ~~[areas of statewide and local significance and viewsheds]~~ **resources** (Policies 24 ~~[24A,]~~and 25~~[, 25A and 25B]~~).

~~[(29)]~~Assure that any new bridge crossing visible from the city's waterfront reflects the quality and motif of the Mid-Hudson Bridge (Policy 25C).]

(20) Protect Poughkeepsie's existing urban agricultural lands and provide new opportunities to expand community gardens, commercial farming, and educational gardens within the City (Policies 26 and 29).

~~((30)~~**21)** Site~~[,]~~ **and** construct ~~[or expand]~~ energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27~~[, 27A]~~ and 40).

~~((31)~~**22)** Prevent ice management practices which ~~[w]~~**could** damage significant fish and wildlife and their habitats (Policy 28).

~~((32)~~**23)** Protect surface and groundwater~~[s]~~ from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, ~~[34A,]~~ 35, 36, 37, 38 and 40).

~~((33)~~**Provide and maintain public access along the waterfront at new marina sites; prohibit on-shore storage of boats on publicly owned waterfront lands; encourage marine toilet pumpout facilities that are hooked into the city's sewage system (Policy 34B).**

~~((34)~~**24) Perform** ~~[Ensure that]~~ dredging and dredge spoil disposal ~~[are undertaken]~~ in a manner protective of **natural** resources (Policies 15 **and** 35~~[and 35A]~~).

~~((35)~~**25) Handle and dispose of hazardous wastes and effluent in a manner which will not adversely affect the environment (Policies 8, 30, 36, and 39).** ~~[Ensure that any transportation, handling or disposal of solid and hazardous wastes and effluents is in a manner which will not adversely affect the environment (Policies 34, 34A, 36, 39 and 40).]~~

~~((36)~~**26)** Protect the quality and quantity of surface and groundwater supplies (Policy 38).

~~((37)~~**27)** Protect air quality (Policies 41, 42 and 43).

(28) Protect tidal and freshwater wetlands (Policy 44)

~~((h)~~**i)** If the agency determines that ~~[the]~~ **an** action **will be** ~~[is not]~~ **in**consistent with **one or more** ~~[the achievement of the]~~ LWRP policy **standards**, such action shall not be ~~[undertaken]~~ **authorized or funded** unless **modified to be consistent with the LWRP policies**. ~~[the agency makes a written finding with respect to the proposed action that:]~~

~~((1)~~**No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policies.**

~~((2)~~**The action taken will minimize all adverse effects on such policies to the maximum extent practicable.**

~~(3) The action will advance one or more of the other LWRP policies.~~

~~(4) The action will result in an overriding city, regional or statewide public benefit.]~~

~~[Such a finding shall constitute a determination that the action is consistent with the LWRP policies.]~~

~~(i)]~~ Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Committee. Such files shall be made available for public inspection upon request.

Section 18 1/2-8 Severability; conflict with other provisions.
[L.L. No. 10-1999, § 1]

- (a) The provisions of this chapter are severable. If any provision is found invalid, such finding shall not affect the validity of any part or provision hereof other than the provision so found to be invalid.
- (b) Where there is a conflict or discrepancy in the application or effect of the provisions of this chapter with any other law, ordinance, rule or regulation of the city, the provisions of this chapter shall govern.

Section 18 1/2-9 Enforcement.
[L.L. No. 10-1999, § 1]

The City Zoning Administrator shall be responsible for enforcing this chapter. No work or activity on a project in the Local Waterfront Area which is subject to review under this chapter shall be commenced or undertaken until the Zoning Administrator has been presented with a written determination from an agency that the action is consistent with the City's LWRP policies. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Zoning Administrator shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

Section 18 1/2-10 Penalties for offenses.
[L.L. No. 10-1999, § 1]

- (a) A person who violates any of the provisions of, or who fails to comply with any conditions imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

- (b) The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any prosecution and penalty.

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

SECONDED BY COUNCILMEMBER _____ .

LL-23-01– VOICE VOTE						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Grant	Voter	☒	☐	☐	☐
	Councilmember Long	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☐	☐	☐	☒
	Councilmember Deichler	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Shook	Voter	☒	☐	☐	☐
	Chairwoman Brown	Voter	☒	☐	☐	☐

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion was made to defer the below communication/petition to Corporation Counsel by Chairwoman Brown and was seconded by Councilmember Menist.

- 1. FROM KENNETH MCNEIL**, a notice of property damage sustained on or around December 17, 2022.
- 2. FROM KEELY A. CRAWFORD**, a notice of property damage and personal injury sustained on or around September 23, 2022.
- 3. FROM ANN M. FULTON**, a notice of property damage and personal injury sustained on or around December 12, 2022.

XIV. ADJOURNMENT:

A motion was made by Councilmember Menist and seconded by Councilmember Johnson to adjourn the meeting at 12:42 PM.

Dated: January 6, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Tuesday, January 3, 2023.

Respectfully submitted,

**Jasmin Nicole Davis
City Chamberlain**

