



THE CITY OF POUGHKEEPSIE
NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 15, 2023, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is Monday, May 15, 2023, and the time is 7:15 pm.

- I. **ROLL CALL: 7 Present, 2 Absent (Councilmembers Long and Grant)**
- II. **REVIEW OF MINUTES:**

Public Hearing – May 1, 2023
Public Hearing – May 1, 2023
Common Council Meeting – May 1, 2023

Motion to accept the minutes: Councilmember Shook, Seconded by Councilmember Johnson.

PH & CCM Minutes of MAY 1, 2023 - VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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	☒	☐	☐	☐

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

ADD:

IX. CONSENT AGENDA: MOTIONS AND RESOLUTIONS:

1. **R-23-49**, SEQRA Resolution Approving the Amending of The City of Poughkeepsie Code Entitled “Main Street Commercial (C-2A)”

X. CONSENT AGENDA: ORDINANCES AND LOCAL LAWS:

1. **LL-23-05**, Local Law Amending The City of Poughkeepsie Code Entitled “Main Street Commercial (C-2A)”

IV. PUBLIC PARTICIPATION

1. **Marta Knapp – 10 S. Clinton St**
2. **Jamar Cummings – 5th Ward**
3. **Robert Phillips – 4th Ward**
4. **Mark Villanti – 408 Waterview**
5. **Daniel Atonna – 16 College Ave (For the Many)**
6. **Constantine Kazolias – 47 Noxon St**
7. **Vincent Pedi – 127 South Ave**
8. **Nicholas Kalogris – 14 Maryland Ave**
9. **Laurie Sandow – S. Grand Ave. ***
10. **June Nemon – 197 Union (For the Many)**
11. **Doug Nobiletti – 145 Academy St**
12. **Peter Van Aken – 94 Wilbur Blvd**
13. **Darrett Roberts – 146 Franklin St**
14. **Naomi Brooks – S. Grand Ave**
15. **Tonisha Kelly – 16 Mansion St**

*** Submitted Written Comments**

V. CHAIRWOMAN’S COMMENTS AND PRESENTATIONS:

Chairwoman Brown: That concludes public comment. That leads to Chairwoman comments. I only have two, it’s a late hour so I’m not going to talk long. The first is at the last council meeting I did commit to providing feedback of the citizens concerns revolving around the HDLPC meeting because this council is still a party to a legal matter and I am not going to put my opinion on the record at this time. I don’t think it is advisable for me to do so, but I do owe it to the members of the public to explain why I’m not to publicly comment. And I would encourage my colleagues not to publicly comment at this time. May 20th, which is this Saturday,

I have plenty to say, but I'll skip through most of my comments. But I will say that it's now ten weeks since the March 6th Special Informational meeting, and I still have no written replies from unelected Mayor Marc Nelson, Chairwoman Brown, Chamberlain Davis, and others. How many weeks and months will I have to waste my first sentences at Council meetings keeping count of their refusal to reply to questions they swore they'd answer?

And in the meantime, Nelson and Corporation Counsel Valk have put false and/or misleading statements on the record. Both Nelson and Valk continue to violate the spirit and intent of Freedom of Information Law, introducing lengthy delays in producing documents that should be readily accessible. One example is the resumés of those now sitting as Commissioners of the City of Poughkeepsie Historic District and Landmarks Preservation Commission (HDLPC), with Nelson's assistant Allyson Smith claiming that the delay is due to Rolison and Nelson appointments being kept in separate files. So, I have to ask: how poorly is this City being administered by Nelson that one can say "sorry, it's in two separate files, I just can't produce that stuff" when some of these Commissioners have just been appointed and their documents newly filed and accessible and the earlier documents should be readily accessible as well.

Another example is Valk's claim of the need for 90 days to produce communications sent by Tinkelman, Nussbickel and their associates to various City representatives. Valk's default reply to most FOIL (Freedom of Information Law) requests is that nearly anything and everything from her office is protected by attorney-client privilege, as well as resorting to that old attorney trick of issuing verbal instructions in order to avoid creating a paper trail for the record or for court proceedings.

The RFEI (Request for Expressions of Interest) that was issued for the Southern Waterfront was written in such a way as to actually prevent most visionary applications from being submitted by extraordinary firms that have created notable projects elsewhere, up and down the East Coast as well as internationally, which could bring tremendous revenue, and visitors, and enjoyment to City residents—but not with the terms of the RFEI that was issued.

Having been told that I'm running out of time, I'll close by saying that at the last Council meeting we had councilmembers with pensions and Cadillac health coverage boasting about their hard work, which struck me as seemingly clueless about the hard work, hard lives and limited health coverage of their constituents. If you want more people to show up at these meetings and be involved, hold ward meetings. Ward meeting where you, the Councilmember, talks from your own knowledge about Council and City issues. Not ward meetings where some proxy talks about some issue that's not a Council issue. I don't need to see more of those ward meetings where Hudson River Housing and their offshoots show up and talk; or where no ward meetings are held whatsoever.

Laslty, I sent a letter to Megan Deichler five days ago, asking about Central Hudson trenching in the 8th Ward that's going to rip up newly paved streets. Did I get an answer? No, of course not. This is typical of what the 8th Ward councilmember doesn't do for 8th Ward constituents and also doesn't hold Ward meetings.

is our Family Unity Festival for the School District right on the high school track field. Please come out. Bring your children, bring your grandchildren. There's about 62 community-based organizations providing free resources. We have free food. We have fun games. Everything is free. This is a way for the school district to really celebrate and partner with our community. So, I hope you all can join us. Last year we had over 1500 people and we had Councilmember Thompson there. Councilmember Johnson always comes, Councilmember Flowers, Councilmember Menist, Councilmember Long and Councilmember Shook. I hope all my colleagues can at least stop by. It is from 12 to 3, and please, I encourage all of you to attend this event. I'm going to turn over to Mayor's comments, but I would ask him to try to limit it to about 10 minutes, if you don't mind, Mr. Mayor?

VI. MAYOR'S COMMENTS

Mayor Nelson: Thank you, Madam Chair. I'll go fast. I know we had a lot of things that we wanted to address.

Chairwoman Brown: The first – I want you to be able to answer..

Mayor Nelson: Yeah, I will try my best just with, I'll do my prepared remarks first. I just want to thank Greg Charter and everybody else, including many of our council colleagues that made Friday's pep rally over at Eastman, such a great success and thank you all for those that showed up. But, you know, there's a lot going on in the city. You know, I have to resist the temptation to respond to all the negativity at these meetings twice a month, because what will happen is we'll be forced away from all the good things that are really going on. I want to also thank the organizers, but also for this past weekend for the Stand Against Racism Event that took place at the Family Partnership. What an incredible turnout. Specifically, shout out to Isis and Talent Davis and others that were there that made that a really uplifting event. I've got to say that those are the types of things that make me really enjoy my job as mayor of the City of Poughkeepsie. When I see a community coming together and I wish I could spend a few minutes on that. I want to, before I get to the police and all the other things I've been asked to comment about today, I just want to go back to my mentor and good friend Rob Rolison's commitment to spend over \$6 million on city parks and \$2 million - now \$3 million- on city pools. Let's be absolutely clear – no one was changing in the Pulaski pool house as long as I can remember, and people were using port-a-potties going back before COVID. So, we are investing almost \$3 million to rebuild and it's already been demolished. Go up to Pulaski pool and park and take a look, the fence is up, that thing came down within, you know, 5 minutes of the ground frost, you know what, fine, and work is underway. And let me be clear about one other thing. That pool will not open this year because the project will extend through the season. And that was the case no matter when we did it. There was no point during the calendar year that you could get this building demolished and rebuilt and still have a pool open for a season. The only issue was whether we, you know, had the pool closed last year or this year, and the decision was to do it this year. We're also investing millions of dollars in all our parks. And somebody mentioned Kaal Rock and Bartlett. Let me be clear about that as well – there is public engagement. There are two public meetings. One is for the specific property owners contiguous to the park and the other is for the wider public. Talk to John Penney in Communications, go on the city website, please participate. It's been a long time.

Our Chairwoman Brown will tell you, that it's been years since we first promised to do work at Bartlett Park. She was the Sixth Ward Councilperson and Bartlett was in her ward. She came to me years ago and said, "what are we going to do about Bartlett Park?". If there's anybody that can complain about anything in this room today, it's Councilmember Brown, who's been more patient than anybody else. While we put millions of dollars into Pershing Park, Malcolm X Park and so on. So, we are keeping the commitment that Mayor Rolison made to this community – almost \$9 million. And I can't wait to see the improvements at Spratt, which are also coming Mr. Van Aken. You've got *my* commitment on that. And this investment is the biggest single investment in parks, pools and city infrastructure in our city history. And still, we have people complaining about it. Now, those were my comments. Now, we'll go on to thank our police department. And let me just catch my breath, because when people are getting shot in the City of Poughkeepsie, that's what we care about. That's what my colleagues up here care about. That's what I care about. I haven't heard on commenter in the public talk about it. Not one. While we're talking about Airbnb's and we're talking about parks and why people can't wash their hands in a restroom, people are getting killed in the City of Poughkeepsie. I've got three police officers in here right now. Why? I would challenge every one of you to ask me *that* question, Mr. Pedi. Why I have three paid officers? I've only got ten minutes. Why do I have three paid officers in a room full of public commenters when they should be on the street? I'll tell you what, if the Chair will agree, I will dismiss them right now because I think it's a waste of time to have three armed police officers in our Council Chambers when they could be doing other work. But they're here because of the type of angst that we have in this community right now because of the commenters. And let's talk about the HDLPC for a minute. I am appalled, absolutely appalled by the behavior of public, members of the public, and particularly members – past members of the commission who now go in there and harass the current members because they don't like the decisions that are being made. If you want more proof that the former commissioners had a bias against a project all you have to do is watch the videotape of what's going on in the public. And that's why there's no public comment, because if my Corporation Counsel says there doesn't have to be, there isn't going to be until we can start having public discourse without three armed cops in the building. You think it can't get worse in Poughkeepsie? It can. You think these elections don't matter? They do. You want somebody that's going to tell you like it is? Well, that's Marc Nelson. So let me finish my comments. I want to get to Delaval and I know I only have three minutes. We're in a public comment period right now. We put out an RFEI to ask the development community what they think is possible. We've spent eight years asking ourselves what we would like to have there as, as we've said, one visioning session after another. And I quote our own RFEI, there have been multiple visioning centers while the city has sought to find out what it wants. We can't get out of our own way. How about for the first time in ten years, we have asked the developers, the ones that invest the money in this city, "what do you think is possible in today's environment with interest rates as high as they are? What do you think is possible?" So let me answer Mr. Pedi, who wants to know why we only got two instead of five proposals. Well, I can't conjure up another three for you, Mr. Pedi, but I can tell you that if I was investing hundreds of millions of dollars, I'm not sure I would invest it in the City of Poughkeepsie right now. Taking a look at what's going on in this room tonight. I think that will just about do it for my comments for this evening.

Madam Chair, I'm going to turn it back over to you and I encourage, one more word, members of the public, please check our website for community engagement about Bartlett Park and about

Kaal Rock Park. And one other thing that the volleyball and the sandball or whatever it is, is at the top. It's not down by the river. So everybody who said on Facebook that the sand is going to get washed out the Hudson River, whatever, that's not going to happen. Thank you.

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 Deichler and seconded by Councilmember Johnson.

- 1. R-23-43, Resolution to Approve Agreement with PCSD for Pool Use**

R E S O L U T I O N
(R-23-43)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the pool-house at the Pulaski Park Pool has been closed and unusable for a number of years, having fallen into a state of disrepair during the years 2009 – 2015; and

WHEREAS, the City has budgeted funds to demolish and rebuild the pool-house using funding received from the American Rescue Plan Act of 2021 (Public Law 117-2); and

WHEREAS, due to this construction period the Pulaski Pool will not be open and will therefore be unavailable during the 2023 summer season; and

WHEREAS, the City will be partnering with the Poughkeepsie City School District to enable City residents, and particularly our city's youth, to use the School District's indoor swimming pool located in the Middle School during this time; and

WHEREAS, the Poughkeepsie City School District's Board of Education welcomes and encourages the use of school facilities within the limits as may be set by law in accordance with District Policies No. 1500-1500-R.1.

WHEREAS, the City of Poughkeepsie has requested the District's permission to use the swimming pool and related equipment at the District's middle school for the purpose of conducting a swimming program for the benefit of the residents of the District.

WHEREAS, the District has agreed to this request upon the terms and conditions as set forth in Exhibit A, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute an Agreement with the Poughkeepsie City School District for use of the swimming pool and related equipment at the District's middle school in the form attached hereto as Exhibit "A."

SECONDED BY COUNCILMEMBER SHOOK

R-23-43- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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-23-44, Resolution to Approve Agreement with PCSD for School Resource Officer

RESOLUTION

(R-23-44)

INTRODUCED BY CHAIRWOMAN BROWN:

WHEREAS, the City of Poughkeepsie has and maintains a Police Department (hereinafter referred to as the "Department"); and

WHEREAS, among its purposes and obligations, part of the Department's mission is to protect and to serve the health, safety and welfare of the community and to create and maintain a feeling of security within the community of the City of Poughkeepsie; and

WHEREAS, the School District desires the presence of a police officer at its schools for the purpose of providing security for the benefit of its administration, employees, students and the community at large; and

WHEREAS, the City and the School District are authorized to enter into intermunicipal agreements per Article 5-G of the General Municipal Law for the performance between themselves, or one for the other, of their respective functions, powers and duties on a cooperative contract basis; and

WHEREAS, the School District desires to enter into such an agreement for such services to be provided by the Department as set forth on Exhibit "A," attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to execute a proposed Agreement with the Poughkeepsie City School District for a School Resource Officer in the form attached hereto as Exhibit "A."

SECONDED BY COUNCILMEMBER SHOOK

R-23-44- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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-23-47, SEQRA Resolution Approving the Amending of the Zoning Map for North Clinton St

RESOLUTION (R-23-47)

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CONCERNING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PERTAINING TO THE PROPOSED LOCAL LAW AMENDING THE ZONING MAP TO CHANGE THE ZONING OF TWO PARCELS ON NORTH CLINTON STREET

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie Common Council is considering a local law to amend the City's zoning map to change the zoning of two parcels on North Clinton Street; and

WHEREAS, a public hearing on the proposed local law was held on April 17, 2023; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached Negative Declaration dated May 15, 2023 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)(2) 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 SHOOK

R-23-47- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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-23-48, Resolution Calling Upon the NYS Legislature to Pass A.4454/S.305 regarding Prohibiting Eviction without Good Cause**

R E S O L U T I O N
(R-23-48)

**RESOLUTION CALLING UPON THE NEW YORK STATE LEGISLATURE TO PASS,
AND GOVERNOR KATHY HOCHUL TO SIGN, A.4454/S.305, IN RELATION TO
PROHIBITING EVICTION WITHOUT GOOD CAUSE**

**INTRODUCED BY COUNCILMEMBERS DEICHLER, MENIST, THOMPSON,
GRANT, LONG, FLOWERS AND CHAIRWOMAN BROWN:**

WHEREAS, the housing affordability crisis and homelessness crisis are immediate and pressing problems both in the City of Poughkeepsie and across the State of New York; and

WHEREAS, increased numbers of evictions threaten to impact the most vulnerable Poughkeepsie residents and would put enormous pressure on Dutchess County's homeless services; and

WHEREAS, A.4454, also known as Good Cause Eviction, sponsored by Assemblymember Pamela Hunter in the New York State Assembly and companion bill S.305, sponsored by State Senator Julia Salazar in the New York State Senate, would prohibit landlords from taking any action to evict, fail to renew a lease, or to remove a tenant from a housing accommodation unless it was done for a good cause; and

WHEREAS, a study by the Community Service Society found that 68% of renter households in Dutchess County would be protected from arbitrary evictions by Good Cause Eviction; and

WHEREAS, in November 2021 the City of Poughkeepsie Common Council passed a local Good Cause Eviction law based on the statewide Good Cause Eviction bill; and

WHEREAS, the City's local Good Cause Eviction law was held to be preempted by state law which made Poughkeepsie's local law unenforceable per two decisions issued by the Honorable Frank Mora, City of Poughkeepsie City Court, dated March 7, 2023; and

WHEREAS, in order for City of Poughkeepsie residents to be protected from evictions without good cause, thus allowing more tenants to stay housed, the statewide Good Cause Eviction law must be passed; now, therefore,

NOW, THEREFORE, BE IT RESOLVED, That the City of Poughkeepsie Common Council calls upon the New York State Legislature to swiftly pass, and the Governor to sign, A.4454/S.305, in relation to prohibiting eviction without good cause.

SECONDED BY COUNCILMEMBER SHOOK

R-23-48- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		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-23-49, SEQRA Resolution Approving the Amending of The City of Poughkeepsie Code Entitled “Main Street Commercial (C-2A)”

**RESOLUTION
(R-23-49)**

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL CONCERNING A DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE PERTAINING TO THE PROPOSED LOCAL LAW AMENDING CHAPTER 19, SECTION 19-3.23.1 OF THE CITY OF POUGHKEEPSIE CODE ENTITLED “Main Street Commercial (C-2A)”

INTRODUCED BY COUNCILMEMBER FLOWERS:

WHEREAS, the City of Poughkeepsie Common Council is considering a local law to amend Chapter 19, Section 19-3.23.1 of the City of Poughkeepsie Code entitled “Main Street Commercial (C-2A); and

WHEREAS, a public hearing on the proposed local law was held on May 1, 2023; and

WHEREAS, in consideration of issuing this negative declaration the Common Council of the City of Poughkeepsie the Common Council considered the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the attached Negative Declaration dated May 15, 2023 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)(2) 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 SHOOK

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:

Rebecca A. Valk, Corporation Counsel
62 Civic Center Plaza
Poughkeepsie, NY 12601
(845) 451-4065

R-23-49- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled		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	☒	☐	☐

XI. ORDINANCES AND LOCAL LAWS:

1. LL-23-04, Local Law Amending the Zoning Map for North Clinton St.

**LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF POUGHKEEPSIE
(LL-23-04)**

INTRODUCED BY COUNCILMEMBER FLOWERS:

SECTION 1. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending the City of Poughkeepsie Zoning Map to change the zoning of the following two parcels from Walkway-Gateway (W-G), **sub-district Gateway Commercial Mixed Use (G-CM)** to Walkway-Gateway (W-G), **sub-district Gateway Residential Mixed Use (G-RM)**.

1. 219 North Clinton Street – currently identified as Tax Grid #6162-55-340485 comprising .07 +/- acres.
2. 221 North Clinton Street – currently identified as Tax Grid #6162-55-340488 comprising .07 +/- acres.

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER SHOOK

LL-23-04- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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-23-05, Local Law Amending The City of Poughkeepsie Code Entitled “Main Street Commercial (C-2A)”

**LOCAL LAW AMENDING CHAPTER 19, SECTION 19-3.23.1 OF THE CITY OF
POUGHKEEPSIE CODE ENTITLED “Main Street Commercial (C-2A)”**

(LL 23-05)

INTRODUCED BY COUNCILMEMBER FLOWERS:

SECTION 1: BE IT ENACTED, by the Common Council of the City of Poughkeepsie, a local law amending Section 19-3.23.1 of the Code of the City of Poughkeepsie to read in pertinent part as follows:

~~STRIKETHROUGH INDICATES DELETION~~

BOLD and UNDERLINE INDICATES ADDED LANGUAGE

Section 19-3.23.1 **Main Street Commercial (C-2A)**.

[Ord. of 2-21-1989, § 1; Ord. of 5-6-1991, § 3]

(1) Purpose of district. The purpose of this district is to provide for a wide range of commercial uses which would normally be located on roadways that experience high traffic volumes and that are located adjacent to or in close proximity to residential uses.

(2) Permitted uses. No building or premises shall be used, in whole or in part for any purpose except those listed below:

(a) Uses permitted by right:

1. Retail stores and service businesses.
2. Wholesale businesses, warehouses and building material sales, provided that all storage is fully enclosed by a permanent structure, but excluding storage of coal, coke, fuel oil or junk.
3. Building, plumbing and electrical contractors.
4. Cold storage plant, beverage distributor, baking and other food processing plant that is not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluent.
5. Motor vehicle sales, including the sale of recreation vehicles and trailers and boat sales, with accessory repair facilities, subject to the following requirements:
 - (i) Sale of used vehicles or boats shall be conducted only as accessory to the sale of new vehicles or boats.
 - (ii) Outdoor area lighting shall be that generally required for security purposes.
 - (iii) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), shall not be located closer than 10 feet to any property line and shall be so laid out as to avoid the necessity of any vehicle backing out into any public right-of-way.
 - (iv) Vehicle lifts or pits, dismantled vehicles and all parts and supplies shall be located within a building enclosed on all sides.

(v) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(vi) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any lot line.

(vii) No commercial sale of gasoline shall be permitted, nor shall any pump be located in a front or side yard.

6. Standard restaurants.

7. Dry-cleaning establishments.

8. Funeral parlors.

9. Retail sale and accessory storage and display of garden materials, supplies and plants, including nursery operations, provided that the outdoor storage or display of plants and material does not obstruct pedestrian flow or vehicular traffic and does not occur within three feet of a property line.

10. Municipal parks and recreational facilities, including refreshment and service buildings accessory thereto and any other governmental uses and structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof:

11. Public utility installations.

12. Places of worship.

13. Printing plants.

14. Taxi station.

15. Auto rental.

16. Radio, television and recording studio.

17. Arts and crafts studios or studios for teaching the performing arts.

18. Buildings with mixed uses, subject to the following requirements:

(i) All lot and bulk requirements for each use are satisfied.

(ii) Separate entrances and exits shall be provided for residential and nonresidential portions of the building.

(b) Uses, subject to issuance of special permit by the Planning Board in accordance with Section 19-6.2 of this Chapter.

1. Research and development uses, provided that any manufacturing shall be limited to prototypes and products for testing.

2. Institutions for higher learning, business, vocational and training schools, including colleges, universities, junior colleges, business, banking, business management, secretarial and office service schools, computer and data processing schools, art and drafting schools, barber, beauty and cosmetology schools, commercial or noncommercial food preparation schools, photography schools, schools for training in the martial arts, dancing, gymnastics and music, schools for fashion design; under the following conditions:

(i) The curriculum shall satisfy the requirements of the New York State Department of Education.

(ii) No accommodations for resident students shall be permitted.

(iii) No music or noise shall be audible in any R-1 through R-6 District.

3. Motor vehicle service stations or gasoline pumps as part of another use, provided that:

(i) No traffic hazard affecting the public safety will be present.

(ii) No sale of gasoline shall be permitted to be established on any lot within a distance of 500 feet of an existing gasoline or filling station or of any lot for which a building permit has been issued for the erection of such a station or any use which includes gasoline pumps.

(iii) No such establishment shall be within a distance of 200 feet of any school, public or private; religious institution, hospital, library, park, nursing home, extended care facility or any similar institution or other place of public assembly; said distance to be measured in a straight line along or across a street between the nearest points of each of the lots or premises, regardless of the district where either premises is located.

(iv) No such establishment shall be within a distance of 30 feet of any R-1 through R-6, O-R or PRD District or a property on or eligible for a federal, state or local historic register.

(v) Entrance and exit driveways shall have an unrestricted width of not less than 12 feet (one-way), nor more than 24 feet (two-ways); shall not be located nearer than 10 feet to any lot line; and shall be so laid out as to avoid the necessity of any vehicle backing into any public right-of-way.

(vi) Vehicle lifts or pits, dismantled automobiles, all parts or supplies, goods, equipment, materials, refuse, garbage or debris shall be located within a building enclosed on all sides.

(vii) All service or repair of motor vehicles shall be conducted in a building enclosed on all sides. The requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

(viii) Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than 10 feet to any other lot line and the top of the tank shall be not less than two feet below the surface of the ground.

(ix) Gasoline pumps or lubricating or other devices shall be located not nearer than 20 feet from any street or other lot line.

4. Membership clubs catering exclusively to members and their guests and private playgrounds, swimming pools, tennis courts and recreational buildings, except the following are prohibited:

(i) Exterior lighting other than that which is essential for the safety of users of the premises.

(ii) Location of any part of the building nearer than 30 feet to any street or property line unless the property adjoins a nonresidential district in which case the yard requirements of that district shall apply.

5. Fast-food restaurants, provided that eating on the premises of the fast-food restaurant shall be permitted only inside the structure or in areas specifically designated and properly maintained outside of the structure, and provided that the premises is not adjacent to or abutting a property on or eligible for a federal, state or local historic register.

6. Off-street parking, as the principal use of a lot, subject to the following requirements:

(i) The parking facility shall be designed and maintained in accordance with provisions of Section 19-4.3 of this Chapter entitled "Off-street parking and loading."

(ii) Said facility shall be utilized solely for parking registered and operable motor vehicles.

(iii) The lot and bulk requirements of this section do not pertain to any paved or resurfaced parking area; however, if a building or structure is proposed to be erected on the lot, said structure must conform to the lot and bulk requirements herein.

7. Mini-marts, subject to the following requirements:

- (i) Mini-marts shall not exceed 400 square feet in improved interior floor area, including but not limited to areas devoted to sales, coolers, storage of goods sold in the mini-mart, office space and any other facilities related to the operation of the mini-mart.
- (ii) Drive-up windows shall not be permitted.
- (iii) Arcade, game machines or any other coin-operated electronic games are prohibited.
- (iv) At least two trash receptacles shall be located next to the walkway for customer use.
- (v) An enclosed dumpster area shall be provided.
- (vi) Special consideration will be given to the impact of noise, litter, lighting and traffic on adjacent properties.
- (vii) Off-street parking shall be provided at a rate of one space for each 300 square feet of gross floor area. Said parking spaces shall be in addition to those required for the service station.
- (viii) The sale of alcoholic beverages is prohibited.
- (ix) The physical boundaries of the mini-mart must be clearly delineated on the site plan.

8. Multiple dwellings in new structures at urban density (R-6), provided that the first floor is devoted to commercial use; and further provided that the usable open space requirements of Section 19-3.15(4)(i) are satisfied.

9. As a means of preserving existing sound buildings, especially historically or architecturally significant structures, as well as to encourage population in the central business area and provide an additional housing resource, conversion of existing buildings that do not meet minimum lot size requirements to residential use or additional residential units, provided that:

- (i) A building is in existence on the effective date of this Chapter.**
- (ii) All Main Street-facing ground floor uses shall be limited to nonresidential uses.**
- (iii) No dwelling unit shall contain more than two bedrooms.**
- (iv) The minimum floor area of a dwelling unit not containing a separate bedroom shall be 400 square feet.**
- (v) The minimum floor area of a one-bedroom dwelling unit shall be 600 square feet.**
- (vi) The minimum floor area of a two-bedroom dwelling unit shall be 750 square feet.**
- (vii) Off-street parking space shall be provided in accordance with the requirements of Section 19-4.3 of this chapter, and such space shall be located within 600 feet of the premises.**

(3) Accessory uses. Accessory uses shall be as follows:

- (a)** Off-street parking.
- (b)** Buildings for housing pets; playhouses.
- (c)** Garden houses, greenhouses.
- (d)** Signs, subject to the requirement of Section 19-4.9 of this Chapter.
- (e)** Swimming pool and/or tennis court and related recreational facilities, subject to the requirements of Sections 19-4.7 and/or 19-4.9 of this chapter.
- (f)** Fully enclosed storage.
- (g)** Cafeteria and recreational facility for employees or clientele.

(4) Lot and bulk requirements. Lot and bulk requirements shall be as follows:

(a) Minimum lot area required: none.

(b) Minimum required frontage: 40 feet.

(c) Minimum required yards:

1. Front: 10 feet.

2. Side: 10 feet.

3. Rear: 20 feet.

Except as otherwise specified, where a use in a C-2A District is within 50 feet of an R-1 through R-6 District or property on or eligible for a federal, state or local historic register, a landscaped buffer of at least 20 feet shall be provided along the property line.

(d) Maximum FAR: 2.0.

(e) Maximum lot coverage: 60%.

(5) *Parking and loading.* Off-street parking and loading spaces shall be provided in accordance with Section 19-4.3 of this chapter.

(6) *Landscaping and screening.* Landscaping and screening shall be provided, subject to the requirements of Section 19-4.11 of this chapter.

SECTION 2. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

SECONDED BY COUNCILMEMBER SHOOK

LL-23-05- VOICE VOTE			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	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:

X. MOTIONS AND RESOLUTIONS:

A motion was made to **TABLE** Resolution R-23-45 and Resolution R-23-46 until June 5, 2023 by Councilmember Flowers and seconded by Councilmember Shook

1. **R-23-45**, Resolution Approving Consent to One Dutchess Sewer Trans, Corp

MUNICIPAL CONSENT TO FORMATION OF SEWER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a sewer works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Sewage-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a sewer system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Sewer-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the sewer works system from One Dutchess Sewer-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

Rebecca Valk, Corporation Counsel

2. R-23-46, Resolution Approving Consent to One Dutchess Water Works, Corp

MUNICIPAL CONSENT TO FORMATION OF WATER WORKS CORPORATION

The City Council of the City of Poughkeepsie, Dutchess County, New York hereby consents to the formation of a water works corporation under the provisions of the Consolidated Laws of New York, Chapter 63, Article 10, Water-Works Corporations for the purpose of supplying the City and Town of Poughkeepsie with a water system; and we consent to the filing of the annexed certificate of incorporation for One Dutchess Water-Works Corporation upon the condition that the City or the Town shall have the irrevocable option to purchase or acquire by condemnation the water works system from One Dutchess Water-Works Corporation.

Executed on _____, 2023 at Poughkeepsie, New York

Natasha Brown, Chairwoman

I hereby certify that the Consent herein was passed by the Poughkeepsie City Council on _____, 2023

Jasmin Davis, City Chamberlain

I hereby certify that the foregoing Consent contains the correct text and proper procedures were followed for the Consent above referenced passed by the Poughkeepsie City Council on _____, 2023

Rebecca Valk, Corporation Counsel

XI. ORDINANCES AND LOCAL LAWS:

1. **FIRST READ: O-23-XX**, Ordinance Amending §13-269 of Chapter 13 of The City of Poughkeepsie Code of Ordinances Entitled “Motor Vehicles and Traffic” - Handicapped Parking on Thompson St

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

(O-23-##)

INTRODUCED BY COUNCILMEMBER FLOWERS:

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:

THOMPSON ST., North side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

THOMPSON ST., South side, beginning 95 feet East of its intersection with Smith St., and continuing East for a distance of 30 feet, for two parking spaces.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by **Underlining and Bold**

XII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

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

- 1. FROM JESSICA Z. SEGAL**, a notice of property damage sustained on or around April 20, 2023.

XIII. ADJOURNMENT:

A motion was made by Councilmember Deichler and seconded by Councilmember Johnson to adjourn the meeting at 8:53 PM.

Dated: May 18, 2023

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 15, 2023.

Respectfully submitted,

Donna M. DeLuca
Deputy City Chamberlain