



COMMON COUNCIL MEETING

Common Council Chambers

Tuesday, February 16, 2021

6:30 p.m.

*5:30 Public Hearing regarding opting into the state
judicial tax enforcement procedure*

I. ROLL CALL:

II. REVIEW OF MINUTES:

Common Council Meeting of February 4, 2021

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

IV. PUBLIC PARTICIPATION:

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

VI. REPORTS OF COMMITTEES AND BOARDS:

VII. MOTIONS AND RESOLUTIONS:

VIII. ORDINANCES AND LOCAL LAWS:

1. Ordinance O-21-01, approving a zoning amendment for the rezoning to a vacant nine-acre parcel on Milton Street from Medium-low Density to Planned Residential Density (PRD).
2. Ordinance O-21-02, amending Section 13-175 of the City of Poughkeepsie Code of Ordinances entitled "Stop Signs; Locations Designated"

IX. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

1. A COMMUNICATION FROM WHEATON PARK BRIDGE
2. A COMMUNICATION FROM COMMISSIONER OF FINANCE BRIAN MARTINEZ, PhD, regarding the Bonding Resolutions for Pershing Park and refinancing the Library Bonds

3. **FROM FARRIX HOLDINGS, LLC**, a notice of intent for Fit Social Studio to obtain a Liquor License
4. **FROM NANCY L. ROSSI**, a notice of property damage sustained on January 7, 2021.

X. EXECUTIVE SESSION:

1. Discussion of a matter that is the subject of pending litigation.

XI. UNFINISHED BUSINESS:

XII. NEW BUSINESS:

XIII. ADJOURNMENT:

**ORDINANCE AMENDING CHAPTER XIX, SECTION 19-3.2 OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED ZONING MAP
(0-21-01)**

INTRODUCED BY COUNCILMEMBER FLOWERS

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

SECTION 1: That the zoning map established pursuant to Chapter 19, §19-3.2, of the Code of Ordinances entitled “**Zoning Map**” of the City of Poughkeepsie be and same hereby is amended to rezone a nine (9) acre vacant parcel of land located on Milton Street known on the tax maps as Grid No. 6162-73-623227 from R-2 (Medium Low r Density Residential District) to Planned Residential Development.

SECTION 2: That the City Chamberlain be and she hereby is directed to amend the official Zoning Map in accordance with this Ordinance.

SECTION 3: That the Planning Board of the City of Poughkeepsie as lead agency and under a coordinated review has determined that there are no other involved agencies, that the action is an unlisted action and upon the short form Environmental Assessment Form and the examination of 6 N.Y.C.R.R §617.7 of the State Environmental Quality Review Act the attached Negative Declaration is adopted because no Negative impacts anticipated will occur by reason of this text amendment.

SECTION 4: That the Planning Board has forwarded this request to the Common Council with a positive recommendation.

SECTION 5: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____ :



MEMORANDUM OF TRANSMITTAL

To: City of Poughkeepsie Common Council
From: Natalie Quinn, Planning Director
Date: October 6, 2020
Re: Rezoning Application PD#2019-116, Highview at Fall Kill Creek

Dear Members of the Common Council:

The attached report is in reference to an application for rezoning submitted to the Planning Department by Maselo Realty on December 3, 2019. The proposed property is currently located in a district classified as Medium Low-Density Residential (R-2), and the applicant is requesting that the property be rezoned to Planned Residential Development (PRD).

Additional materials were requested in order to deem the application complete, and were received on January 10, 2020, February 11, 2020, and July 28, 2020. The Planning Department certifies that the application has been deemed complete in accordance with Section 19-3.18(5)(a). Please refer to the submitted plan set dated July 23, 2020 and letter from applicant dated February 11, 2020. Please note that upon mutual agreement of the applicant and the Planning Board, the 45 day timeframe for review by the Planning Board was extended due to delays and complications associated with COVID19.

In accordance with Section 19-3.18(5)(a)(3), the Planning Board has reviewed the preliminary concept plan and all related documents. At the September 15, 2020 meeting the Board passed a resolution to circulate the attached favorable report to the Common Council based upon the required findings.

As the Common Council is aware, environmental review in accordance with SEQRA must be conducted prior to any rezoning or site plan approval. As the Planned Residential District (PRD) process inherently links the rezoning process and the site plan review process, a coordinated review of the application is required in order to avoid issues of segmentation. The Planning Board respectfully offers their assistance in completing the environmental review, as Lead Agency, while the Common Council begins the outlined process for consideration of the rezoning. If the Common Council consents to the Planning Board acting as Lead Agency, the Board will circulate its determination in regards to SEQRA to the Common Council within the required timeframe outlined in Section 19-3.18 of the Code of Ordinances.

The City of Poughkeepsie Planning Board and planning staff look forward to coordinating with the Common Council on review of this matter.

cc: Deanne Flynn, City Chamberlain
Robert S. Levine, Planning Board Chair
Maselo Realty LLC, Applicant
Paul Ackermann, Corporation Council



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PLANNING BOARD

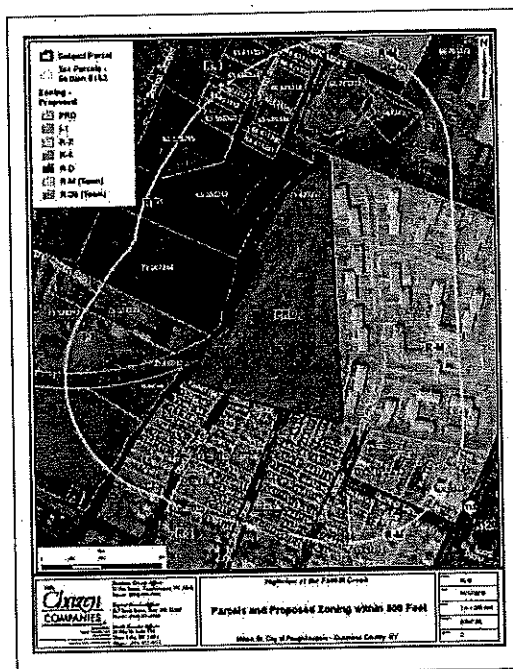
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601

Phone: (845) 451-4055 Fax: (845) 451-4006

Planning Board Report to Common Council
File PD#2019-116

Maselo Realty, LLC, is requesting the rezoning of approximately 8.713 acres at the sole parcel immediately north of Milton Street (tax parcel 6162-73-623227) from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD). The subject property is currently undeveloped.

As noted and illustrated in the rezoning application packet submitted by the applicant, the properties bordering the proposed site to the north and west are zoned as I-1 (Light Industrial) and R&D (Research & Development), which house a mix of uses including multi-family housing, junkyard, a municipal complex, and manufacturing uses. To the east is a district zoned for multifamily residential by the Town of Poughkeepsie. To the south the lot abuts a Medium-Low Density Residential (R-2) district comprised primarily of single-family residences.



In accordance with Section 19-3.18(5)(a)(3) of the Code of Ordinances, the Planning Board has reviewed the preliminary concept plan and all related documents. At the September 15, 2020 meeting the Board passed a resolution to circulate a favorable report to the Common Council based upon the findings discussed herein.

Section 19-3.18(5)(a)(3)(i) – The proposal conforms to the Comprehensive Plan duly adopted by the Poughkeepsie Common Council

The proposed parcel is not included within the any of the three economic development areas identified in the City's 1998 Comprehensive Plan (i.e. Main Street, Poughkeepsie Waterfront Area, and Cottage Street Business Area). However, the following excerpts from the Comprehensive Plan are relevant to the proposed project in that they provide recommendations with regards to housing development in general and the PRD zoning district.

- Goal #2 *Neighborhoods with A Strong Sense of Community* mentions that "high rise [new housing] should be avoided" and that "infill housing should be encouraged, with design standards to ensure that existing housing stock is not devalued" (Page 2-3).

- Planned Residential Development zoning districts are recommended as a modification to traditional zoning that can be used to address current trends. The Comprehensive Plan notes that it was used “to protect the integrity of one of the City’s largest historic properties – Springside.” (Page 4-1)
- According to the zoning map included in Section 4.0 of the Comprehensive Plan, in 1998 this parcel was zoned as Medium- High Density Residence District (R-4).
- Section 4.1.3 recommends the use of performance standards for multi-family uses in residential districts. Key standards include adequate parking, attractive landscaping, screening of off-street parking areas, design review, and buffers of adjacent residential properties.
- Section 3.1.3 of the Comprehensive Plan speaks more generally about recommended housing strategies within the city. The section specifically acknowledges that “new multi-family housing targeted toward the large college student market can create new opportunities for housing, and add to the city’s population base.”

Section 19-3.18(5)(a)(3)(ii) – The proposal meets the intent and objectives of the PRD district as expressed in Section 19-3.18(1)

It is the purpose of this Planned Residential Development (PRD) section to provide performance criteria as the basis for flexible use and design regulations so that self-contained residential neighborhoods, containing both individual building sites and common property, may be planned and developed in a unified manner on those large tracts of vacant or predominantly vacant land that are appropriate for such use.

It is further the intent (1) to encourage innovations in residential development so that the growing demands for housing of different types at all economic levels may be met by greater variety in type, design and siting of dwellings; and (2) to encourage the maximum reasonable conservation and the most efficient possible use of large tracts of land. These objectives cannot be achieved through the use of rigid and uniform traditional bulk and use zoning and subdivision regulations.

The specific objectives of the PRD zoning designation are:

- (a) An increase in choices of housing types (one-family detached, semidetached, attached and multifamily dwellings) available to city residents at various economic levels.
- (b) More usable open space and recreation areas.
- (c) Preservation of trees and outstanding natural topographic and geological features and prevention of soil erosion.
- (d) More convenience in location of accessory commercial and service areas.

(e) A smaller network of utilities and streets which would lower housing and public maintenance costs.

(f) A more desirable environment than would be possible through the strict application of other provisions of this Chapter.

Section 19-3.18(5)(a)(3)(iii) – The proposal meets all the general requirements of Section 19-3.18(3)

Section 19-3.18(3) Standards and general requirements for Planned Residential Developments.

(a) The minimum area to qualify for a PRD District shall be 25 contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this section, plans covering lesser acreage may be considered.

The parcel in question is less than 25 acres. Applicant has demonstrated before the Board that the characteristics of proposal meet the objectives of the PRD zoning designation.

(b) A PRD shall have access to an arterial street, as defined in the City of Poughkeepsie ordinances and regulations.

The proposed site is located on Milton Street, which is not codified by the City of Poughkeepsie as an arterial street. Based on the size and density of the proposed project, the Planning Board believes that the proposed project is a likely candidate for an area variance with regards to this requirement. The applicant will be required to provide additional information regarding traffic and circulation during the SEQR process in order to assess impacts and potential mitigation measures, and will likewise need to apply directly to the Zoning Board of Appeals for an area variance.

(c) The following shall be permitted uses: 1. Dwelling units of all types, subject to the requirements of Subsection (3)(d); 2. Retail, personal service and professional office uses, where such uses are scaled primarily to serve the residents of the PRD; 3. Accessory uses as permitted in Low-Density Residence District (R-1)

The applicant is proposing multi-family residential dwelling units. The proposed concept plan meets this requirement.

(d) Residential density and standards:

1. The gross density, measured over the entire tract shall not exceed the equivalent of the number of units that are permitted in the zoning district in effect for the subject property immediately prior to the designation of the property for PRD.

The existing R-2 zoning designation requires a minimum lot area of 6,000 SF per dwelling unit. As the parcel in question is 8.713 acres, a maximum of 63 dwelling units is permitted under this requirement. (Please note that this number was incorrectly calculated as 65 units in a memo to Y. Flowers dated March 27, 2019). The applicant is proposing 63 dwelling units, reduced from their original proposal of 64 units. The proposed concept plan meets this requirement.

It should be noted that the flexibility of building placement and form permitted by the PRD district would allow the proposed units to be clustered into two multi-family buildings rather than spread out as detached single-family homes. This allows for development that will better conform to the natural conditions and constraints of the site.

2. There shall be off-street parking facilities, subject to the requirements of Section 19-4.3 of this Chapter.

The applicant is proposing 124 off-street parking spaces to accommodate 32 one-bedroom apartments and 32 two-bedroom apartments. Section 19-4.3 requires 1.5 spaces for each one-bedroom apartment, 2.0 spaces for each two-bedroom apartment, and an additional 10% of the total required spaces for visitor parking. Thus, for the proposed unit mix, 123.2 parking spaces are required. The proposed concept plan meets this requirement.

*Note: the applicant has reduced the proposed unit count from 64 to 63 units. Thus, less than 123 parking spaces will be required.

3. Required usable open spaces shall be provided at the same ratio as R-4 District [Section 19-3.15(4)(i)], plus there shall be 1,000 square feet of usable open space for every single-family detached dwelling unit.

The applicant is proposing 22,400 square feet (SF) of usable open space to accommodate 32 one-bedroom apartments and 32 two-bedroom apartments. Section 19-3.15 requires 200 SF for each one-bedroom apartment and 300 SF for each two-bedroom apartment. Thus, for the proposed unit mix, exactly 16,000 SF of open space is required.

*Note: the applicant has reduced the proposed unit count from 64 to 63 units. Thus, less than 16,000 SF of open space will be required.

(e) Commercial density and standards:

Not applicable. The proposed concept plan does not incorporate commercial uses.

(f) Common areas and facilities.

A letter from the applicant, dated February 11, 2020, noted that common areas within the project will be owned and maintained by the applicant. The proposed concept plan meets this requirement.

Section 19-3.18(5)(a)(3)(iv) – The proposal is conceptually sound in that it meets community needs in the layout of the proposed roadway system, in its land use configuration, open space and drainage systems and in the scale of elements. Both absolute and as they relate to one another.

The Planning Board has determined that the proposal is conceptually sound in that it meets a city-wide need for additional housing, while also meeting a need of the immediate community for a greater diversity of housing options. Additionally, the proposal was discussed with

adjacent residents at two informal community meetings, as noted in the letter by Councilmember Flowers, dated August 10, 2020. The proposed roadway system encourages residents of the property to use both Fitchett Street and W. Arnold Street for access and egress, respectively, dividing utilization evenly between the two access roads to avoid negative traffic impacts. The proposed concept plan provides an amount of open space that is in excess of the amount required by the code, makes diligent effort to retain existing trees and canopy where possible, and locates the proposed structures a respectful distance from the Fall Kill Creek while retaining the natural banks of the creek. The Board anticipates that drainage and stormwater management on site will be a primary focus of the forthcoming SEQRA review, and recommends that the Lead Agency ensure all drainage is properly addressed and any identified issues mitigated. The proposed concept plan meets this requirement at this conceptual phase.

Section 19-3.18(5)(a)(3)(v) – There are adequate public facilities, services and utilities available or proposed to be made available to serve the development

The concept plan and application materials have been circulated to the City of Poughkeepsie Engineering Department for review and comment. The Department of Public Works provided comments on February 25, 2020 and the Applicant satisfactorily addressed these comments (and other comments provided by the Planning Board on February 26, 2020) on a letter dated July 28, 2020.

RECOMMENDATION

The Planning Board hereby issues a favorable report to the Common Council with regards to the proposed preliminary site plan dated July 28, 2020 (Sheets C130 and C140) and July 23, 2020 (Sheets C180 and C181). In accordance with Section 19-3.18(5)(a)(3), the Board recommends that the Common Council hold a public hearing for the purposes of considering the desirability of mapping the subject property as a PRD Zoning District.

January 12, 2021

Chairman Robert Levine
Members of the City of Poughkeepsie Planning Board
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: *Highview at the Fallkill Creek Proposed 64-Unit Residential Development (Maselo Realty LLC)*
Milton Street (Tax Parcel 131300-6162-73-623227)
City of Poughkeepsie, Dutchess County, NY
Chazen #PC19-021

Dear Chair Levine and Members of the Planning Board:

Please find enclosed copies of the following:

- Threatened and Endangered Species Habitat Suitability Assessment Report, 10/18/2020
- Encounter and Education Plan
- New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) 12/17/2020 No Impact Finding

We look forward to discussing the project with you again at your January 19, 2021 meeting. Please call 845-486-1458 or email me at clobrutto@chazencompanies.com if you have any questions or need anything further. Thank you.

Sincerely,



Senior Planner, Planning Services

Cc: Larry Boudreau, Chazen Companies
Tim Lynch, Chazen Companies
Maselo Realty, LLC

December 2, 2020

Chairman Robert Levine
Members of the City of Poughkeepsie Planning Board
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, NY 12601

*Re: Highview at the Fallkill Creek Proposed 64-Unit Residential Development (Maselo Realty LLC)
Milton Street (Tax Parcel 131300-6162-73-623227)
City of Poughkeepsie, Dutchess County, NY
Chazen #PC19-021*

Dear Chair Levine and Member of the Planning Board:

The Applicant and Owner, Maselo Realty, LLC, is proposing the rezoning of an 8.713-acre tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD) for the construction of a 63-apartment unit clustered multifamily development within two buildings with two accesses off Milton Street. The parcel is identified as parcel number 131300-6162-73-623227 on the City of Poughkeepsie Tax Map. The Town of Poughkeepsie abuts the eastern edge of the property.

The parcel is currently undeveloped and zoned for Medium Low-Density Residential (R-2) within which multifamily development is not permitted. Therefore, to facilitate the proposed project, the Applicant is petitioning the City for a rezoning of the property from R-2 to PRD by the Common Council. Upon completion of the rezoning, the Applicant will seek site plan approval from the Planning Board.

The Planning Board voted unanimously to recommend a rezoning of the site to PRD on 9/15/2020 and a favorable report was issued to the Common Council on 10/6/2020. The Applicant has attended three meetings with the Common Council, including the public hearing that was held on 11/16/2020 and adjourned.

The enclosed submission includes updated information on wetlands, natural resource information, and traffic conditions. Revisions have been made to indicate 63 dwelling units (a revision from 64 units), and landscaping along Milton Street.

We look forward to discussing the project with you again at your December 15, 2020 meeting. Please call 845-486-1458 or email me at clobrutto@chazencompanies.com if you have any questions or need anything further. Thank you.

Chairman Robert Levine

December 2, 2020

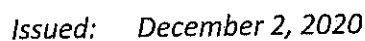
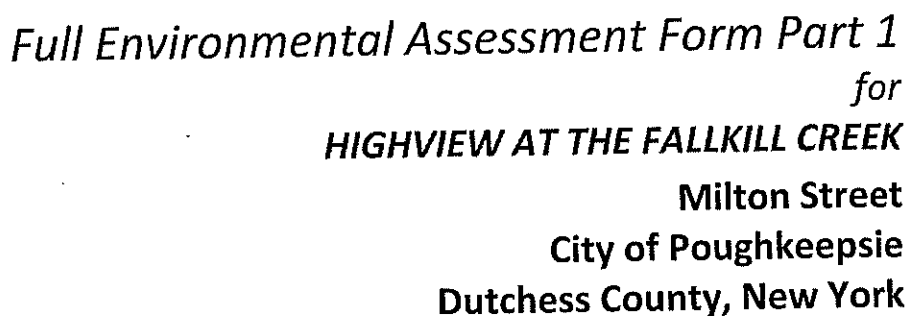
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Boudreau".

Senior Planner, Planning Services

Cc: Larry Boudreau, Chazen Companies
Tim Lynch, Chazen Companies
Maselo Realty, LLC



Prepared for:

Maselo Realty, LLC
18 Eastview Road
Monsey, NY, 10952

Prepared by:

*Chazen Engineering, Land Surveying &
Landscape Architecture Co., D.P.C.*
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-454-3980

Chazen Project No. 81947.00

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FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

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ATTACHMENTS

- Attachment A: Councilwoman Flowers Letter of Support
- Attachment B: Natural Resource Information

Note: Site Plan submitted separately.

PROJECT NARRATIVE

1.0 INTRODUCTION

1.1 Project Summary

The Applicant and Owner, Maselo Realty, LLC, is proposing the rezoning of an 8.713-acre tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD) for the construction of a 63-apartment unit clustered multifamily development within two buildings with two accesses off Milton Street. The parcel is identified as parcel number 131300-6162-73-623227 on the City of Poughkeepsie Tax Map. The Town of Poughkeepsie abuts the eastern edge of the property (see Figures 1 and 2).

The parcel is currently undeveloped and zoned for Medium Low-Density Residential (R-2) within which multifamily development is not permitted. Therefore, to facilitate the proposed project, the Applicant is petitioning the City for a rezoning of the property from R-2 to PRD by the Common Council. Upon completion of the rezoning, the Applicant will seek site plan approval from the Planning Board.

1.2 Background

On April 25, 2006, the City of Poughkeepsie Planning Board granted site plan approval for the construction of a 120-unit condominium complex to be known as Highview at the Fallkill Creek, located on the north side of Milton Street. The Applicant was Phoenix Capital Partners, LLC. The parcel was zoned as Medium High-Density Residential (R-4) at that time, which would have permitted a maximum of 140 dwelling units based on the R-4 requirements and lot size. The original project was never undertaken, and site plan approvals lapsed. The site was subsequently rezoned to Medium Low-Density Residence District (R-2) in October 2010.

1.3 Site Description and Project Details

The project parcel is located in the northeast quadrant of the city, along the city/town border, with access to the site on Milton Street by way of Fitchett Street and West Arnold Road. The project site consists of vacant wooded land. The Fallkill Creek runs along the western property line and within the property for approximately 200 linear feet. The current development proposal, referenced as Highview at the Fallkill Creek – Milton Street, includes 63 multifamily dwelling units clustered within two buildings in the southeast portion of the project parcel. The unit breakdown is anticipated to include approximately 31 one-bedroom and 32 two-bedroom units.

The development will be located away from Milton Street (approximately 240 feet) with a substantial natural buffer. The finished floor of the southern building's (Building 100 on Sheet C130) ground floor will be approximately 18 ft lower than Milton Street. The development will not directly impact wetlands or the Fallkill Creek and is approximately 146 – 160 feet away from the Creek. The development will occupy less than half of the 8.713-acre property allowing for approximately 57% of the site to remain undisturbed including 380 trees or approximately 68% of trees currently found on the site.

1.4 Anticipated Permits/Approvals

Table 1 provides a list of the approvals/permits that are anticipated for the project.

Table 1: Anticipated Approvals/Permits

AGENCY	APPROVAL/PERMIT
City of Poughkeepsie Common Council	Rezoning from R-2 to PRD
City of Poughkeepsie Planning Board	Site plan approval
City of Poughkeepsie Zoning Board of Appeals	Area Variances
City of Poughkeepsie – Engineering Department	Curb cut approval
City of Poughkeepsie – Zoning Administrator	Floodplain development permit
Dutchess County Department of Planning and Development	GML 239m referral
Dutchess County Department of Health	Water and Sewer Connections
New York State Department of Environmental Conservation (NYSDEC)	GP-0-20-001 SPDES General Permit for Discharges during Construction Activities

2.0 LAND USE, ZONING, AND PUBLIC POLICY

2.1 Land Use and Zoning

The parcel is currently undeveloped and zoned for Medium Low-Density Residential (R-2). To the north and west, the property is abutted by Light Industrial (I-1) and Research & Development (R&D) districts, which house a range of uses including multi-family housing (Highridge Garden Apartments), a junkyard, the City's Department of Public Works complex, and manufacturing uses. To the east, in the Town of Poughkeepsie, the property is abutted by a parcel zoned for Multifamily Residence (Town of Poughkeepsie) which contains a large apartment complex, Mountain Brook Apartments. The southern portion of the lot abuts a Medium-Low Density Residential (R-2) district, comprised primarily of single-family residences (Figures 3 and 4).

The purpose of the R-2 District is to provide for areas of relatively open character for single family dwellings on individual lots, as well as for creative cluster development on appropriate sites to provide for facilities and uses which serve residents of those areas and which are benefited by an open residential environment; and to provide opportunity for more intensive use of large older residential structures as a means of assuring neighborhood stability. Table 2 shows the uses that are permitted in this district. Apartments/multifamily dwellings are not permitted in R-2 Districts. Therefore, the Applicant is petitioning the City for a rezoning of the property from R-2 to PRD by the Common Council to facilitate the development of a 63-unit multifamily residential development.

The rezoning of the property to a PRD District, which will permit multifamily residential development, is anticipated to result in a more environmentally sensitive development of the property than that of a traditional single-family home development. The minimum lot area requirement in the R-2 District is 6,000 SF for each single family home; therefore, a maximum of 63 dwellings could theoretically be developed on the site according to the R-2 zoning requirements. Under the existing R-2 zoning, a cluster development allows for flexibility with site design, but the residential uses permitted in a cluster development are

limited to the residential uses permitted in the underlying zoning district. In the R-2 District, the residential use is single family detached dwellings, which would preclude apartment development.

Table 2: Medium Low-Density Residence District (R-2) – Permitted Uses

R-2 Zoning District	Permitted as-of-right
	Single-family detached dwellings
	Home occupations per §19-4.1
	Professional offices per §19-4.2
	Municipal parks and recreational facilities
	Governmental uses
	Public, private and parochial schools per §19-3.12(2)(a)4
	Cemeteries
	Student home per §19-4.22
	Permitted by Planning Board Special Permit
	Places of worship per §19-3.12(2)(b)1
	Cluster developments per §19-4.16
	Nursery or preschool educational establishments or day-care centers per §19-3.12(2)(b)3
	Libraries, museums and/or art galleries on a minimum 20,000 SF lot
	Golf, tennis or swimming clubs per §19-3.12(2)(b)6
	Family day-care homes
	Agency group homes, agency community residences or family care homes per §19-3.12(2)(b)8
	Rented rooms, no greater than two

The Applicant proposes to rezone the property to PRD to allow multifamily development within a development that conforms to the parcel's unique environmental character. The property is identified in the Poughkeepsie's Natural Resource Inventory by Hudsonia Ltd. as one of the last remaining areas within the City of Poughkeepsie where the Fall Kill is not channeled and is permitted to flood naturally. Approximately one-third of the property falls within the City's flood area boundary and contains both upland hardwood forest and upland shrubland habitat. These characteristics make the site ideally suited to the clustering of development away from the creek, which will retain existing habitat. Therefore, rezoning the property to PRD is an appropriate alternative given the PRD's stated purpose and its innate flexibility that is intended to encourage context-specific housing that responds to the characteristics of a site and the character of the surrounding neighborhood.

The purpose of the PRD District Zoning is as follows:

It is the purpose of this Planned Residential Development (PRD) section to provide performance criteria as the basis for flexible use and design regulations so that self-contained residential neighborhoods, containing both individual building sites and common property, may be planned and developed in a unified manner on those large tracts of vacant or predominantly vacant land that are appropriate for such use.

It is further the intent (1) to encourage innovations in residential development so that the growing demands for housing of different types at all economic levels may be met by greater variety in type, design and siting of dwellings; and (2) to encourage the maximum reasonable conservation and the most efficient possible use of large tracts of land. These objectives cannot be achieved through the use of rigid and uniform traditional bulk and use zoning and subdivision regulations.

The rezoning of land to a PRD District by the Common Council replaces the use and dimensional specifications contained elsewhere in the Zoning Ordinance with an approved plan, which becomes the basis for land use controls. The specific objectives of the PRD zoning designation are:

- (a) An increase in choices of housing types (one-family detached, semidetached, attached and multifamily dwellings) available to city residents at various economic levels.

The proposed project includes 63 apartment dwelling units, which are anticipated to be leased at market rate.

- (b) More usable open space and recreation areas.

Approximately 22,100 SF of usable open space will be provided for tenant use as part of the proposed project.

- (c) Preservation of trees and outstanding natural topographic and geological features and prevention of soil erosion.

The rezoning of the property to a PRD District will permit multifamily residential development and is anticipated to result in a more environmentally sensitive development of the property than that of a traditional single-family home development. The development will not directly impact wetlands or the Fallkill Creek and is approximately 146 – 160 feet away from the Creek. The development will occupy less than half of the property allowing for approximately 57% to remain undisturbed including 380 trees or approximately 68% of trees currently found on the site.

The proposed project will require greater than one acre of disturbance and will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. A Stormwater Pollution Prevention Plan will be prepared in conformance with the most current New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control.

- (d) More convenience in location of accessory commercial and service areas.

The proposed project does not include accessory commercial or services areas.

- (e) A smaller network of utilities and streets which would lower housing and public maintenance costs.

The proposed project would utilize internal driveways, drive aisles and parking. No new streets are proposed. The site is currently served by municipal utilities and it is anticipated that connections to these utilities will be sought.

(f) A more desirable environment than would be possible through the strict application of other provisions of this Chapter.

A strict application of the Medium Low-Density Residential (R-2) Zoning District to the project site could theoretically yield 63 single-family homes. The R-2 Zoning District does allow cluster development, but the residential uses permitted in a cluster development are limited to the residential uses permitted in the underlying zoning district. In the R-2 District, the residential use is single family detached dwellings, which would preclude apartment development. The Applicant proposes to rezone the property to PRD to allow multifamily development within a development that conforms to the parcel's unique environmental character.

Under a PRD zoning designation, the development may not exceed the density standards of the current R-2 zoning designation, which has a minimum lot area of 6,000 SF per dwelling unit, for maximum of 63 dwelling units on 8.713 acres. However, due to the PRD District's flexibility the development may be clustered into two multi-family buildings rather than spread out as detached single-family homes. This allows for development that will better conform to the natural conditions and constraints of the site.

A PRD is required to meet the following standards and general requirements per §19-3.18:

(a) The minimum area to qualify for a PRD District shall be 25 contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of this section, plans covering lesser acreage may be considered.

The Applicant is proposing construction of a 63-unit clustered multifamily apartment development within two buildings with access off Milton Street on an approximately 8.713-acre property. The site design includes open space and a pool and pool house. Due to the clustered nature of the site design, the development will occupy less than half of the property allowing for approximately 57% to remain undisturbed including 380 trees or approximately 68% of trees currently found on the site. The proposed project does not include accessory commercial or services areas or internal roadways. The strict application of the R-2 zoning for the provision of single-family homes, whether a clustered or conventional subdivision, would result in greater ground disturbance and loss of natural habitat.

(b) A PRD shall have access to an arterial street, as defined in the City of Poughkeepsie ordinances and regulations.

The project will have two accesses (each one-way) off Milton Street, which is not codified as an arterial street by the City of Poughkeepsie. Therefore, the Applicant will seek an area variance from the Zoning Board of Appeals (ZBA). The appeal to allow access to the proposed PRD from Milton Street versus an arterial road is not anticipated to result in an undesirable change to the character of the neighborhood or detriment to nearby properties because there are not

significant adverse impacts to the traffic system from the project and because the development is well screened from Milton Street.

(c) The following shall be permitted uses:

1. Dwelling units of all types, subject to the requirements of Subsection (3)(d) below.

The proposed multifamily development is a permitted use in the PRD Zone. No accessory commercial development is proposed.

2. Retail, personal service and professional office uses, where such uses are scaled primarily to serve the residents of the PRD.

(d) Residential density and standards:

1. The gross density, measured over the entire tract shall not exceed the equivalent of the number of units that are permitted in the zoning district in effect for the subject property immediately prior to the designation of the property for PRD.

The minimum lot area requirement in the R-2 District is 6,000 SF for each single family home; therefore, a maximum of 63 dwellings could theoretically be developed on the site according to the R-2 zoning requirements. The site plan presents 63 dwelling units.

2. There shall be off-street parking facilities, subject to the requirements of Section 19-4.3 of this Chapter.

The site plan proposes 124 spaces be provided as part of the development, which meets the requirements of Section 19-4.3.

3. Required usable open spaces shall be provided at the same ratio as R-4 District [Section 19-3.15(4)(i)], plus there shall be 1,000 square feet of usable open space for every single-family detached dwelling unit.

The City's Zoning Ordinance stipulates that for residential uses located in R-4 there shall be provided in each multiple dwelling not less than 300 square feet of usable open space for each one-bedroom unit; 400 square feet of usable open space for each two-or-more-bedroom unit. For any development containing more than 15 units, such usable open space shall be devoted to improved and landscaped play and sitting areas for use of residents thereof, and the design and layout of the usable open space shall be subject to approval by the Planning Board.

The 32 one-bedroom units would require 9,300 SF of open space. The 32 two-bedroom units would require 12,800 SF of open space. The total required open space is 22,100 SF.

The site plan includes usable open space and a swimming pool with pool house. Therefore, the project complies with the required 22,100 SF of open space.

(e) Commercial density and standards:

1. Commercial uses may be permitted where such uses are scaled to serve the residents of the PRD. Where a PRD contains less than 250 dwelling units, a maximum of 2,500 square feet of floor area may be provided

for retail commercial and personal service use. Where a PRD contains more than 250 dwelling units, an additional 1,000 square feet of retail commercial or personal service use may be provided for each 100 additional dwelling units.

No accessory commercial uses are proposed as part of the development.

2. Not more than one office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 25 dwelling units or major fraction thereof, on the parcel. If such office(s) is in a residential structure, such office or studio may be located only on the first floor. Access to such office or studio shall be separate from access to residential portions of the structure.

No accessory commercial uses are proposed as part of the development.

3. There shall be off-street parking facilities, subject to the requirements of Section 19-4.3 of this Chapter.

No accessory commercial uses are proposed as part of the development.

(f) Common areas and facilities.

1. "Common areas and facilities" in a PRD is defined as a parcel or parcels of land, together with all improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites or dwelling units. Where common areas or facilities exist, the ownership of such property may be either public or private. Where such areas or facilities are not dedicated to the City of Poughkeepsie or other public agency, the owner shall provide for and establish an organization for the continued ownership and maintenance thereof. Such organization shall not be dissolved nor shall it dispose of any common areas or facilities by sale or otherwise.

There are residential amenity areas and other common spaces, which will be managed by the owner.

(4) Site and structure requirements.

(a) It shall be the city's policy to preserve and incorporate into the landscaping of the development natural features, such as streams, rock outcrops, trees and shrubs. All trees with a diameter of eight inches or more, measured three feet from the base of the tree, shall be preserved to the fullest extent possible consistent with good design, engineering and reasonable development of the site. Permission to remove any such trees shall be subject to approval by the Planning Board.

The trees with a diameter of eight inches or more, measured three feet from the base of the tree, are intended to be preserved to the fullest extent possible consistent with good design, engineering and reasonable development of the site. The site plan retains 380 trees on the site or approximately 68% of trees currently found on the site. Additionally, a rock outcrop located in the south central part of the site is retained. No development of the Fallkill Creek, wetlands, or floodplain area are proposed as part of the project.

(b) Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the City Engineer shall be required.

The proposed project will require greater than one acre of disturbance and will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. A Stormwater Pollution Prevention Plan will be prepared in conformance with the most current New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control and through coordination with the City Engineer. The Grading and Utility Plan (C140) shows the stormwater being conveyed via swales and subsurface piping to an on-site stormwater bioretention basin. The treated water will outflow to the Fallkill Creek.

(c) All electric, telephone, cable television and similar equipment shall be installed underground in accordance with the New York State Public Service Commission regulations.

The Applicant will work with the local utilities to advance underground connections to the site.

(d) Lot sizes and dimensions and structure heights and locations thereon may be freely disposed and arranged in conformance with the overall density standards set forth herein. In reviewing any application for a PRD, the Planning Board shall be guided by standards set elsewhere in this Chapter for comparable uses and by common good planning practice, to the end that the resulting development shall be compatible with the surroundings, and to assure the stability of the uses proposed to be developed on the site.

The site design avoids sensitive natural resources (e.g. Fallkill Creek, wetlands) leaving approximately 57% of the site undisturbed. The design complies with the bulk and dimensional requirements of the PRD, with the exception of the 50-foot buffer along the east side of the site which abuts the Town of Poughkeepsie. Area variances will be sought to allow the refuse enclosure and parking within the buffer strip and for the pool house location within 120 feet of an apartment building located within the Town of Poughkeepsie, if applicable. The design provides a 131-foot buffer to the Fallkill Creek where Zoning Section 19-4-18(2)(a) requires a minimum 30-foot setback. The proposed parking meets the requirements of the Zoning Ordinance. The buildings are proposed to be 3.5 stories, with three stories visible on the east or front façade and four stories visible on the west façade. Note that the finished floor elevation of the ground floor of the southern most building will be approximately 18 feet lower than Milton Street and the same building will be approximately 240 feet north of Milton Street with a substantial buffer in between.

(e) The right-of-way and pavement widths for internal roads serving multifamily dwellings shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles. The pavement of said roads shall be not less than 22 feet wide and shall be subject to all other applicable city ordinances and standards.

The site design includes access-ways of 20 feet wide. A truck turning template will be provided as the design is advanced to demonstrate suitable access for emergency vehicles.

(f) The developer shall provide all necessary on-site water and sewer facilities, including, if necessary, water storage tanks, storm drainage, highway access, paved service streets, sidewalks, parking and loading facilities, lighting, fire alarm system and other necessary facilities, making reasonable provision

for utility service connections with adjoining properties in other ownerships. Such proposed improvements shall be subject to review and approval by the appropriate city authority. Water supply and distribution sewers, storm drains, streets, sidewalks and paved areas shall be approved by the Department of Public Works and the City Engineer; parking area access, layout and lighting shall be approved by the Police Department; all site plans shall be approved by the Fire Department for access, water pressure and supply and hydrant and call box locations.

The site is currently served by municipal utilities and it is anticipated that connections to these utilities will be sought. Detailed site engineering will continue to advance during the site plan review with regard to utilities, lighting, and other necessary facilities.

(g) Any nonresidential uses within the PRD must be located so as to be compatible with nearby residential uses.

No accessory commercial uses are proposed as part of the development.

(h) A buffer strip shall be provided along the property line and along any street line. Said strip shall be at least 50 feet in depth, measured inward from the street line or property line; provided, however, that in no event shall any structure or building be permitted closer than 120 feet from any residence on any property abutting the PRD property and shall be suitably landscaped with grass and shrubs, trees or other ground cover or such screening as the Planning Board may prescribe. No parking shall be permitted in this area.

The site plan includes parking area and the refuse enclosure within the 50-foot required buffer strip and the pool house is located less than 120 feet from the Mountain Brook apartment building located east of the site in the Town of Poughkeepsie. Area variances will be sought to allow the refuse enclosure and parking with the buffer strip and for the pool house location within 120 feet of an apartment building located within the Town of Poughkeepsie, if applicable. The requested area variances will not result in a detriment to the health, safety and welfare of the neighborhood or community because the development will be located away from Milton Street (approximately 240 feet) with a substantial natural buffer. The requested area variances are critical as these allow the site design to be setback away from the natural resources on site so that no direct impacts to the Fallkill Creek or wetlands occurs.

(i) Maximum building coverage of the site shall be 20%.

The site design represents a development comprising approximately 5% building coverage.

In addition to Planning Board meetings, the project underwent two community meetings in 2019 and has received support from Councilwoman Flowers, see Attachment A for a letter of support.

2.2 Public Policy

City of Poughkeepsie Comprehensive Plan, 1998

The City updated its Comprehensive Plan in 1998 with a focus on three areas: Main Street, the Cottage Street Business District, and the Waterfront. These areas were identified as being critically important to

the City's future growth. Other areas of interest updated in the Plan included neighborhood planning issues, the City's Zoning Code, and recreational resources. The Plan outlines the following goals:

- Goal #1: A Traditional Downtown and Main Street;
- Goal #2: Neighborhoods with a Strong Sense of Community;
- Goal #3: A Vibrant Waterfront for Commerce and Recreation;
- Goal #4: Increased Employment Opportunities;
- Goal #5: User-Friendly Transportation Systems;
- Goal #6: A Regional Center for Commerce, Medicine, and Government; and
- Goal #7: Creating New Economic Opportunities.

The Plan states with regard to Goal #2 that, "City government can play a strong role in making the City a safe, healthy place to live. Policies and decisions on zoning issues that define and protect neighborhood character, and capital investment in parks, sidewalks, and streets, should be in keeping with this goal. New housing should maintain a high architectural standard compatible with surrounding buildings; high rises should be avoided. Infill housing should be encouraged, with design standards to ensure that existing housing stock is not devalued. The City should also support renovation and reuse of vacant buildings, and removal and replacement of dilapidated structures."

The proposed rezoning would allow for a PRD that better conforms to the project site's unique characteristics and fits with the community's character. Pending the rezoning, the proposed project would bring infill development to a developed part of the City that is comprised of a diverse mix of land uses. The rezoning is anticipated to be consistent with the City's Comprehensive Plan as it would utilize existing zoning regulations to develop a unique site with a development that is consistent with local land uses and zoning.

Dutchess County Hudson River Valley Greenway Compact Plan, 2000

Dutchess County is one of 13 counties that make up the Hudson River Valley Greenway, which was established by the State by the Hudson River Valley Greenway Act of 1991. In March 2000, the Hudson River Valley Greenway Council approved the Dutchess County Greenway Compact Plan, "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities." The Greenway was created to facilitate the development of a voluntary regional strategy for preserving scenic, natural, historic, cultural and recreational resources while encouraging compatible economic development and maintaining the tradition of home rule for land use decision-making. By Local Law Number 1 of 2002, the City became a participating community in the Greenway Compact, and adopted a statement of land use policies, principles and guides entitled, "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities." The City requires that consideration of the Greenway Compact Plan policies, principles and guides be used to supplement other established land use policies in the City where discretionary decisions are made.

The proposed action to rezone the property from R-2 to PRD to facilitate the construction of a 63-apartment unit clustered multifamily development will bring infill development to an irregularly shaped parcel that is bound by a mix of land uses, including the Fallkill Creek. The proposed development is anticipated to adhere to the purpose of the PRD District as it will provide multifamily housing within a site design that encourages conservation of natural resources. Therefore, the proposed action is consistent

with the Greenway Compact Plan as it is anticipated to comply with zoning and is consistent with the Greenway Guide and Comprehensive Plan.

Fallkill Watershed Management Plan, October 2006

The Fallkill Watershed covers 19.5 square miles, including portions of the City of Poughkeepsie. The Fallkill is approximately 38 miles long, and where it travels through the City it has been channelized and is contained by stone walls before it charges into the Hudson River. The Fallkill has been evaluated and has been found to contain various chemicals and bacteria, with deterioration being most prevalent within the City. The Plan makes several recommendations to improve the Fallkill, including removal of stone walls channelizing the creek and greater oversight on trash dumping. The vision for this section of the creek is articulated as, "The creek and its immediate environs should be transformed into an attractive community resource that is valued for its aesthetic, recreational, and biological attributes as well as its cultural role in the development and history of the City of Poughkeepsie."¹

The project site abuts and includes some portions of the Fallkill Creek. No impacts to the Creek, associated wetlands are proposed to occur as part of the proposed project. Pending the approval of the rezoning, a floodplain development permit would be sought for work within the floodplain area, if applicable. The project would be constructed according to a Stormwater Pollution Prevention Plan and proposes connection to the City's storm sewer and sewer systems; therefore, the proposed action will not negatively impact the objectives of the Management Plan.

3.0 COMMUNITY SERVICES

3.1 Emergency Services

Fire emergency/ambulance service is provided by the City of Poughkeepsie. According to the City website, the Fire Department is a 64-man career-staffed department that protects 31,000 people living in an area of 4.78 square miles. It operates three fire stations that respond to almost 5,000 calls per year. The City's apparatus includes four engines, two ladder trucks, one rescue vehicle and a fire/rescue boat. Water for fire protection is obtained from the City of Poughkeepsie water supply. A truck turning radius plan will be submitted during the site plan review. It is anticipated that there is sufficient firefighting capability to meet the minimal increase in demand related to the proposed 63 new residential units.

Police protection is provided by the City of Poughkeepsie Police Department, with support from Dutchess County Sheriff's Department and NYS Police.

4.0 SOILS AND WATER RESOURCES

4.1 Soils

Figure 5 shows the soil types that are expected to be present on the project site, and Table 3 provides characteristics of these soil types, according to the Dutchess County Soil Survey information available in GIS and the Natural Resource Conservation Service website.

¹ Fall Kill Watershed Management Plan, October 2006, Page 5.

Table 3: Characteristics of Soil Types within Project Area

% of SITE	SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (FEET)	DEPTH TO BEDROCK (INCHES)
	DwC	Dutchess-Cardigan complex, rolling, rocky	5 to 16%	well	>6	
		Dutchess (40%)		well	>6	>60
		Cardigan (30%)		well	>6	20 to 40
	DxC	Dutchess-Cardigan-Urban Land complex, rolling, rocky	5 to 16%			
		Dutchess (25%)		well	>6	>60
		Cardigan (25%)		well	>6	20 to 40
		Urban Land (25%)		well	>2	>10
	Ud	Udorthents, smoothed	mostly 0 to 8% but 8 to 25% on sides of excavations & along highways	somewhat excessively to moderately well	>3.0 Nov-Jun	>60

Most of the site contains the Dutchess-Cardigan complex, rolling, rocky soil series (DwC). An area of the Dutchess-Cardigan-Urban Land complex soil series (DxC) exists along Milton Street, and an area of Udorthents soil series (Ud) exists in the southwest corner of the project parcel. The Dutchess soils and the Cardigan soils are well drained soils. The Udorthents soil series is a somewhat excessively to moderately well drained soil. Urban Land is described as areas covered by buildings, streets, parking lots and other impervious surfaces, which obscure soil identification, so that the actual identification of the soil is not determined for some portions of the site. The Dutchess soil series, the Cardigan soil series, and the Udorthents soil series all have a depth to water table of greater than 6 feet. Urban Land is described as areas covered by buildings, streets, parking lots and other impervious surfaces which obscure soil identification, so that the actual identification of the soil is not determined for some portions of the site. Therefore, the depth to water table for these areas is unknown and is assumed to be greater than 2 feet according to the Soil Survey.

According to the City of Poughkeepsie's Natural Resources Inventory (NRI) Report, the project site's bedrock geology is Graywacke and shale, which is considered less permeable than other types of bedrock found in the City of Poughkeepsie. The surficial geology of the site features bedrock outcrops. These rock outcrop areas are shown on the concept plan.

According to a geotechnical engineering report by Chazen for the previously approved site plan, groundwater was encountered in only one of eight borings.² These borings ranged in depth from 5.5 feet to 15.8 feet due to refusal at bedrock, with the exception of the northernmost boring in which refusal occurred at 2.5 feet. Thus, groundwater was generally deeper than 5.5 feet throughout most of the site. The report states that, "groundwater seepage into open excavations is not anticipated at this time, but that the contractor should be prepared to lower the groundwater table two feet below the base of excavations to provide a stable subgrade for construction activities and to maintain the integrity of the natural bearing soils."

If water is encountered above three feet below the surface, footings and footing drains will be designed in accordance with accepted construction practices to alleviate any problems associated with a high water table. With this practice, no significant impacts due to the presence of water above three feet below the surface are anticipated.

Rock encountered during the construction of the proposed residential development will be removed by mechanical methods (ripping), when possible. If blasting is determined to be necessary, all blasting operations will adhere to New York State and local ordinances governing the use of explosives. Proper program guidelines will be established between New York State, the City of Poughkeepsie and the blasting contractor prior to undertaking this activity. If blasting is required, it will be performed in accordance with New York State Department of Transportation (NYSDOT) Geotechnical Engineering Manual #22 "Procedures for Blasting" latest edition.

Based on this information, the proposed project will not result in any significant adverse impacts related to soils.

4.2 Water Resources

According to NYSDEC wetland and stream information available through GIS (Figure 6), the EAF Mapper, and Environmental Resource Map (Figure 7), there is a NYSDEC Class C stream, Fallkill Creek (Regulation 862-393) that travels along the western edge of the property, with approximately 200 linear feet located within the property boundary. Class C streams are not regulated by the NYSDEC. There are no regulated NYSDEC wetlands located on the property. There is a National Wetland Inventory (NWI) freshwater forested/shrub wetland (PFO1E) located on the western part of the site adjoining the area where the Fallkill Creek flows. The NWI identifies the Fallkill Creek as riverine (R3UBH).

Ecological Solutions conducted a site visit on October 15, 2020 to conduct a wetland delineation and habitat assessment. There are 0.776 acres of wetland (associated with the Fallkill Creek) located along the western site boundary. These wetlands are characterized as forested floodplain.

The Fall Kill is identified in the Natural Resources Inventory for the City of Poughkeepsie (referred to herein as the NRI Report) as a natural resource that supports or contributes to beautification, habitat, flood control, history, recreation and climate resilience. The project site is discussed throughout the document as a parcel, "that is undeveloped and contains streamside forests and wetlands within the floodplain. Due to the lack of channelization, this area floods readily without harming buildings or roads. It is an important

² *Geotechnical Engineering Report*, The Chazen Companies, September 14, 2005.

flood mitigation area as it is the only segment of the creek in the City of Poughkeepsie where flooding can naturally occur.”³ The Fall Kill is identified as a conservation priority in the NRI Report because it, “provides streamside habitats, helps to reduce and filter surface runoff, provides shading vegetation, and provides organic material that supports the food web and habitat structure of the stream.”⁴ Based on this rationale a priority conservation zone of 160 feet from the stream edge is recommended to increase habitat area and improve in-stream conditions.

Per Zoning Section 19-4.18, any structure or use of land for other than parking, recreation or open space shall be located not nearer than 30 feet to the top of the banks of the Fall Kill Creek. In addition, the City's PRD Zoning District (Zoning Section 19-3.18-4(h)), requires a buffer strip of at least 50 feet from the property line. The project complies with these requirements as an approximately 131 FT buffer is provided from the stream edge, which preserves the existing habitat without fragmentation. The proposed project will not impact wetlands and the development area is located approximately 146 – 160 feet away from the Creek. Furthermore, with the implementation of the Stormwater Pollution Prevention Plan (SWPPP) no significant adverse impacts to wetlands or to the NYSDEC Fallkill Creek will occur as part of the proposed action.

4.3 Floodplain

The property is identified in the NRI Report as one of the last remaining areas within the City of Poughkeepsie where the Fall Kill is not channelized and is permitted to flood naturally. This section of the Fall Kill is identified as a significant habitat area that provides important flood retention due to the undeveloped forested riparian buffer. The NRI Report explains that during flood events the Fall Kill may overflow into these wetlands, which are located within the flood hazard area or 100-year floodplain. According to the NRI Report, “flooding helps to slow down water, recharge groundwater and increase water quality by letting particulates settle out instead of being carried downstream.”⁵ According to FEMA Community Panel Number 36027C0358E information (effective 5/12/2012) available through GIS (Figure 6), an area abutting the Fallkill Creek is located within Zone AE (100-year floodplain) or special flood hazard area. The floodplain area is identified on the site plan. Some grading (no construction) may occur within the 100-year floodplain; therefore, a floodplain development permit will be sought. There will be a substantial buffer and distance between the proposed development and the Fall Kill and the implementation of the SWPPP will ensure that no significant adverse impacts to the floodplain will occur.

5.0 UTILITIES

5.1 Water and Wastewater

Municipal water and sewer service currently serve the project site. According to the New York State Department of Environmental Conservation (NYSDEC) *Design Standards for Intermediate Sized Wastewater Treatment Systems*, March 2014, the proposed project is expected to require water usage of

³ The Environmental Cooperative at Vassar Barns. *Natural Resources Inventory for the City of Poughkeepsie*. 2019. Page 10.

⁴ The Environmental Cooperative at Vassar Barns. *Natural Resources Inventory for the City of Poughkeepsie*. 2019. Page 73.

⁵ The Environmental Cooperative at Vassar Barns. *Natural Resources Inventory for the City of Poughkeepsie*. 2019. Page 46.

11,410± gallons per day. It is anticipated that the City's municipal water system has capacity to serve the proposed use. The Grading and Utility plan (C140) shows a proposed water tap at the 8" water main available at Milton Street. The previous analysis, submitted for the previously proposed 120-unit project approved in 2006, indicated that sufficient pressure and capacity exists to serve the proposed 63-unit project. The Engineer's Report for the water system will be updated to identify current system conditions with regards to static and residual pressure. Sprinkler pressures and flow rates will be identified to assess flow capabilities at the proposed hydrants. Consultation with the Fire Chief will be undertaken at that time as well.

The Grading and Utility plan (C140) shows a sanitary sewer connection to the existing sanitary sewer main that passes through the site. The previous analysis, submitted for the previously proposed 120-unit project approved in 2006, indicated that sufficient capacity exists to serve the proposed 63-unit project. The Engineer's Report for the sanitary sewer will be updated to identify the conditions of the existing sewer main and its capacity during peak flow from the proposed connection point downstream along the Fallkill Creek through to Mansion Street.

Table 4: Anticipated Water Usage/Wastewater Generation

Type of Use	Units	Gallons per Day	Anticipated Use/Generation
Apartment	Per bedroom	110	31 one-bedroom = 3,410 gpd 32 two-bedroom units = 7,040 gpd
Pool	Per swimmer ¹	10	Approximately 720 SF pool = 48 swimmers 48 swimmers x 10 = 480 gpd
Pool House	Per swimmer	10	48 swimmers x 10 = 480 gpd
			Total = 11,410 gpd

¹ Based on NYS Sanitary Code Subpart 6-1, which requires a minimum of 15 SF of pool surface area per swimmer for a shallow pool.

5.2 Stormwater

The proposed project will require greater than one acre of disturbance and will require coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. A SWPPP will be prepared in conformance with the most current New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control. The Grading and Utility Plan (C140) shows the stormwater being conveyed via swales and subsurface piping to an on-site stormwater bioretention basin. The treated water will outflow to the Fallkill Creek. Therefore, the proposed project is not expected to result in any adverse impacts in regard to stormwater.

6.0 TRAFFIC AND PARKING

6.1 Traffic

The project would feature two one-way access drives across from Fitchett Street and West Arnold Road. This would distribute traffic between the two access points, rather than concentrating traffic at any one location. Site traffic will then use Mansion Street to disperse travel to the north, south, east, and west. Other local roads likely to be used by site traffic include Corlies Avenue, Pershing Avenue, Innis Avenue, and Smith Street.

Dutchess County's PRL Bus Line is conveniently routed through the neighboring Mountain Brook Apartments. Several routes including the B, E and F travel along the East West Arterial, approximately ½ mile south of the site.

The *Trip Generation Manual, 10th Edition* published by the Institute of Transportation Engineers (ITE) is the industry-standard resource for estimating the traffic generated by various types of land uses and it was used to estimate the site generated trips for this project. Based on data for Multifamily Housing-Mid Rise (Land Use Code 221), the proposed project will generate 22 total trips in the weekday morning and 28 total trips in the evening peak periods, See Table 5. This is a minimum amount of traffic that will be added to the surrounding roadway network, representing about 1 trip every 3 to 10 minutes for the entering and exiting movements.

Table 5: Estimated Traffic Generation

Land Use	AM Peak Hour Trips Entering the Site	AM Peak Hour Trips Exiting the Site	Total AM Peak Trips added to Adjacent Street Traffic	PM Peak Hour Trips Entering the Site	PM Peak Hour Trips Exiting the Site	Total PM Peak Trips added to Adjacent Street Traffic
Multifamily Housing (Mid-Rise) Land Use Code 221	6	16	22	17	11	28

Note: Analysis uses 63 dwelling units and the fitted curve equation in the ITE Manual to determine the AM and PM peak hour trip generation.

A traffic impact study was completed in 2005 for this project. At that time, the project consisted of 163 units and was estimated to generate 76 and 90 total trips for the weekday morning and afternoon peak periods. The traffic study concluded that the project at 163 units would have minimal impact as the studied intersections would continue to operate at acceptable levels of service. Therefore, at the currently proposed 63-units with reduced volumes this project will also have minimal traffic impacts. No improvements are needed.

Additionally, historic traffic volumes collected on roadways in the vicinity of the site were reviewed using NYSDOT's *Traffic Data Viewer*. The data shows that volumes for Mansion Street, Corlies Avenue, Innis Avenue, and Smith Street have decreased between 2012 and 2019 on the order of 1% to 15%. This is further indication that the surrounding roadways expected to serve the proposed project have the capacity available to accommodate the site traffic.

6.2 Parking

The proposed project is required to provide 123 parking spaces per Section 19-4.3 of the City's Zoning Ordinance. As shown in Table 6, the proposed project will provide 124 parking spaces.

Table 6: Multifamily Buildings – Required and Proposed Parking

Required		Proposed
1.5 spaces for each 1-bedroom apartment;	31 one-bedroom units = 47 parking spaces	124 parking spaces
2.0 spaces for each 2-bedroom or larger apartment;	32 two-bedroom units = 64 parking spaces	
Additional 10% of the total required spaces for visitor parking	10% of 111 parking spaces = 11.1 spaces	
Total	Total Required Parking = 123 parking spaces	

7.0 VEGETATION AND WILDLIFE

7.1 Endangered, Threatened, and Rare Species and Significant Habitat

According to the NRI Report, the project site is home to several habitats, including upland shrubland, upland hardwood forest, upland mixed forest and hardwood swamp in addition to wetland and stream areas. Table 7 presents a brief description of these habitats based on information found in the report.

Table 7: Habitat Types on the Project Site

Specific Habitat Type	Brief Description
Upland Shrubland	Open (nonforested) area with shrubs making up >20% of ground cover
Upland Hardwood Forest	Non-wetland forest dominated by hardwood trees (conifers make up 25% of canopy)
Upland Mixed Forest	Non-wetland forest with a mix of hardwoods and conifers (conifers make up 25-75% of canopy)
Hardwood Swamp	Wetland (identified by predominance of hydrophytic vegetation) dominated by trees and/or shrubs

According to the NRI Report, “the Fall Kill is highly impacted by channelization and pollution, nonetheless it continues to serve as an important habitat for migratory fish species such as the American eel and river herring.” The Upland Hardwood Forest, which currently dominates the site, is described as a habitat that is also important for cooling derived from shade, carbon sequestration, reducing stormwater runoff, and improvement of air quality. According to the NYSDEC Environmental Resource Map (Figure 7), there are known occurrences of the Blanding’s Turtle (State listed threatened species) on or in the vicinity of the project site. In a January 21, 2020 letter the NYSDEC stated that they have no records of rare or state-listed animals or plants, or significant natural communities at the project site. The letter also explained that within 0.8 mile of the project site is a documented location of Blanding’s Turtle (*Emydoidea blandingii*, state listed as Threatened). The turtles may travel 0.8 mile or more from documented locations. There is no NYSDEC Significant Natural Community identified on the project site.

According to the US Fish & Wildlife Service (USFWS) Information for Planning and Consultation⁶ (Attachment B), there is potential for the Indiana Bat (endangered) on or in the vicinity of the project site.

The project site is identified in Map 4.4, "Habitat Envelopes and Potential Corridors" within the NRI Report as a Significant Habitat Area. The Report states that, "if new development in these areas cannot be avoided, it should be concentrated near the edges and near existing roads and other development so that as much habitat area as possible is preserved without fragmentation."⁷

Ecological Solutions, LLC completed a threatened and endangered species habitat suitability assessment on October 15, 2020 to assess the existing habitat on site, potential impacts, and possible mitigation for impacts and conservation of the listed species (see Attachment B). Table 8 identifies the habitat that was observed on the site:

Table 8: Habitat Cover Types Identified on the Site

Description	Coverage (acres)	Disturbance (acres)
Fall Kill Creek	1.0	0
Rich Mesophytic Forest	4.7	2.5
Upland Meadow	2.8	0

Rich Mesophytic Forest: The site slopes generally contain rich mesophytic forest upslope of the Fallkill Creek. The dominant trees include a mixture of the following: red maple (*Acer rubrum*), white ash (*Fraxinus americana*), red oak (*Quercus rubra*), and black oak (*Q. velutina*). There is a subcanopy stratum of small trees and tall shrubs dominated by flowering dogwood (*Cornus florida*), red maple, and black cherry (*Prunus serotina*). The overstory trees are generally large in the 12 to 24+ inch range with several larger oaks and other tree species on the site. Debris/trash is located in areas throughout the forest.

Fallkill Creek: The Fallkill Creek and associated wetland fringe is located along and is part of the western site boundary. The wetland fringe associated with the Creek is forested floodplain.

Upland Meadow: Within the forested area are openings or pockets upland meadow.

Blanding's Turtle

Blanding's turtles are a mobile species that utilize a variety of wetland and upland habitats for nesting, foraging, overwintering, and drought refuges. Characteristics that indicate core habitat are: shrubby pools/ponds with permanent or intermittent hydroperiod with little flow through; high water depths of 0.5–4.0 feet; tree canopy open or absent; tree fringe present; and a dense cover of shrubs, forbs, lemnids or nymphaeids, with coarse and fine organic debris. In addition to core wetlands it is known that Blanding's turtles use a complex of habitat types during different periods in their life cycle. According to the NYSDEC it is a semi-aquatic species that uses a variety of wetland and upland habitats. Wetland habitat usage by Blanding's turtles includes different types of freshwater systems such as emergent marshes, woodland pools, red maple swamps, buttonbush kettle-holes, ponds including excavated ponds, lakes, rivers, and streams. Juvenile Blanding's are normally associated with shallower water and more densely

⁶ Note there is no federal action involved so a formal consultation under Section 7 is not required.

⁷ The Environmental Cooperative at Vassar Barns. *Natural Resources Inventory for the City of Poughkeepsie*. 2019. Page 221 or page 85 of Appendix A.

vegetated habitats as compared to that of adults. Open meadows especially with Hoosic gravelly soils are preferred nesting habitats. Upland forest area provides shade during turtle travel and migration.

Based on information gathered during the Habitat Assessment, there is no core habitat on/or immediately adjacent to the site. There are no mapped Hoosic soils on the site. Hoosic soils are associated with turtle nesting when covered by low growing sparsely vegetated upland meadow/agriculture area. The Fallkill Creek may have been utilized in the distant past by this species in some capacity for travel and dispersal but today is unlikely due to the extensive development in this area of the City of Poughkeepsie and lack of potential habitat as a destination. There are no impacts to this species since there is no potential habitat on the site or in the vicinity of the site.

Indiana Bats

The bats typically hibernate in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. The hibernacula - Williams Lake Complex is about 10 miles from the site. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees. Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana Bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover. The rich mesophytic forest described in Table 8 occupies about 4.7 acres of the 8.7 acres site. This forested area contains many large trees in the 24+ inch dbh range with some containing holes and crevices that could provide foraging habitat for this species.

Construction of the project will occur over a 6 month - 1 year period. Activities during construction will include grading and earth-moving, building construction, addition of electric lights, increasing impervious surface area and altering site drainage will occur. The project may result in direct and indirect effects on Indiana bats by altering the quality and quantity of their summer habitat including removing trees, generating noise during construction, and creating visual disturbances. There will be an increase in vehicular traffic, parking, and maintenance activities which are anticipated effects from construction and operation of the project to bats.

Since the USFWS list of species for the site indicated that the site is within the range of the threatened/endangered bat, the Applicant will incorporate the following conservation measures to ensure no impact occurs to this species.

Effects from Tree Clearing: Clearing activities could have an adverse impact on foraging and roosting activities. Such impacts will be avoided by conducting all clearing during winter months when bats will be in hibernation off site. Proposed clearing for the project will remove ± 2.5 acres of forested habitat. The project will avoid impacts by:

- Implementing tree clearing for site activities during timeframes when bats are not resident on the site October 1 – to March 31 or unless approved by the NYSDEC outside this timeframe, and
- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent overclearing of the site since about 2.3 acres of forested habitat will remain.

Effects from Lighting: Site lighting is anticipated after development of the site. To avoid impacts to foraging or roosting bats street lighting on the site will use City of Poughkeepsie Planning Board approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities. These measures will result in minimizing potential adverse effects to Indiana bats so that adverse effects to this species are deemed unlikely.

As explained in earlier sections, a large buffer (131 feet) and distance (146 – 160 feet away) will separate the Fall Kill Creek from the proposed development. Based on the information provided above, no significant adverse impacts will occur to vegetation and wildlife. This information will be provided to NYSDEC.

8.0 HISTORIC AND ARCHEOLOGICAL RESOURCES

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 8), the project site does not contain and is not adjacent to any National or State Historic Register sites or any sites that were determined to be eligible for listing on the National or State Historic Register. The CRIS mapping indicates that the project site is partially located within a known archeologically sensitive area. Consultation will be undertaken with NYSOPRHP and project information and plans will be uploaded to the CRIS system for their review.

FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF)
PART 1 FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Highview at the Fallkill Creek		
Project Location (describe, and attach a general location map): Milton Street, City of Poughkeepsie, Dutchess County, New York		
Brief Description of Proposed Action (include purpose or need): The Applicant and owner, Maselo Realty, LLC, is proposing the rezoning of an 8.713-acre tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD) for the construction of a 63-apartment unit clustered multifamily development within two buildings with two accesses off Milton Street. The parcel is identified as parcel number 131300-6162-73-623227 on the City of Poughkeepsie Tax Map. The Town of Poughkeepsie abuts the eastern edge of the property. The parcel is currently undeveloped and zoned for Medium Low-Density Residential (R-2) within which multifamily development is not permitted. Therefore, to facilitate the proposed project, the Applicant is petitioning the City for a rezoning of the property from R-2 to PRD by the Common Council. Upon completion of the rezoning, the Applicant will seek site plan approval from the Planning Board.		
Name of Applicant/Sponsor: Maselo Realty, LLC (Nate Abikhzer)		Telephone: 845-341-7395
		E-Mail: nateabikhzer@gmail.com
Address: 18 Eastview Road		
City/PO: Monsey	State: NY	Zip Code: 10952
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	City of Poughkeepsie Common Council - Rezoning to PRD	Oct 2019
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	City of Poughkeepsie Planning Board - Site Plan Approval	Oct 2019
c. City, Town or Village Zoning Board of Appeals ☒ Yes ☐ No	City of Poughkeepsie Zoning Board of Appeals - Area Variances	To be determined
d. Other local agencies ☒ Yes ☐ No	City Engineering Dept. - Curb Cut approval; City Zoning Administrator - Floodplain development	To be determined
e. County agencies ☒ Yes ☐ No	Dutchess County Planning Department - GML 239m Referral; Health Department - Utility Conn.	To be determined
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYS Department of Environmental Conservation GP-0-15-002	To be determined
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☒ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

Hudson River National Heritage Area; Fall Kill Watershed Management Plan, October 2006; Dutchess County Hudson River Valley Greenway Compact Plan, 2000

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The site is zoned for medium low-density residential (R-2).

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No
Not applicable. Applicant is seeking a rezoning to Planned Residential Development District.
c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Rezoning to Planned Residential Development District

C.4. Existing community services.

a. In what school district is the project site located? Poughkeepsie City School District

b. What police or other public protection forces serve the project site?
City of Poughkeepsie Police Department with support from Dutchess County Sheriff's Department and NYS Police

c. Which fire protection and emergency medical services serve the project site?
City of Poughkeepsie Fire Department

d. What parks serve the project site?
Mansion Square Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential apartments

b. a. Total acreage of the site of the proposed action? 8.713 acres
b. Total acreage to be physically disturbed? 3.7 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 8.713 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No
i. If No, anticipated period of construction: 12 months
ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☒ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____ 63 Apartments
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☒ No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

- proposed method of plant removal: _____

- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 11,410 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: City of Poughkeepsie

- Does the existing public water supply have capacity to serve the proposal?

☒ Yes ☐ No

- Is the project site in the existing district?

☒ Yes ☐ No

- Is expansion of the district needed?

☐ Yes ☒ No

- Do existing lines serve the project site?

☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: _____

- Date application submitted or anticipated: _____

- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 11,410 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: City of Poughkeepsie Sewage Treatment Plant

- Name of district: City of Poughkeepsie

- Does the existing wastewater treatment plant have capacity to serve the project?

☒ Yes ☐ No

- Is the project site in the existing district?

☒ Yes ☐ No

- Is expansion of the district needed?

☐ Yes ☒ No

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☒ Yes ☐ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>1.82</u> acres (impervious surface) _____ Square feet or <u>8.713</u> acres (parcel size) ii. Describe types of new point sources. <u>Subsurface piping and outflow.</u>	☒ Yes ☐ No
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ <u>Stormwater will be conveyed via swales and subsurface piping to an on-site stormwater bioretention basin. The treated water will outflow to the Fallkill Creek.</u> • If to surface waters, identify receiving water bodies or wetlands: _____ <u>Fallkill Creek</u> • Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	☐ Yes ☒ No ☒ Yes ☐ No
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ <u>Temporary impacts during construction.</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ <u>Natural gas, boilers</u>	☒ Yes ☐ No
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ ☐ Yes ☐ No

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: Approximately 6:30 AM to 9:00 PM
- Saturday: Approximately 6:30 AM to 9:00 PM
- Sunday: None
- Holidays: None

ii. During Operations:

- Monday - Friday: _____ 24 hours
- Saturday: _____ 24 hours
- Sunday: _____ 24 hours
- Holidays: _____ 24 hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:
Temporary noise generated during construction activities will be limited to weekdays 6:30 AM to 9 PM.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☒ Yes ☐ No
 Describe: The majority of the site is undeveloped wooded area. Approximately 2.246 acres will be cleared; Landscaping pursuant to Zoning Ordinance requirements will be implemented.

n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
To be determined

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☒ Yes ☐ No
 Describe: The majority of the site is undeveloped wooded area. Approximately 2.246 acres will be cleared; Lighting pursuant to Zoning Ordinance requirements will be implemented.

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): public services

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0	1.792	+1.792
• Forested	4.727	2.481	-2.246
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.789	3.292	+0.503
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.071	0.071	0.0
• Wetlands (freshwater or tidal)	0.776	0.776	0.0
• Non-vegetated (bare rock, earth or fill)	0.098	0.049	-0.049
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?		☐ Yes ☒ No
i. If Yes; explain: _____		
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?		☐ Yes ☒ No
If Yes,		
i. Identify Facilities: _____		

e. Does the project site contain an existing dam?		☐ Yes ☒ No
If Yes:		
i. Dimensions of the dam and impoundment:		
•	Dam height: _____	feet
•	Dam length: _____	feet
•	Surface area: _____	acres
•	Volume impounded: _____	gallons OR acre-feet
ii. Dam's existing hazard classification: _____		
iii. Provide date and summarize results of last inspection: _____		

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?		☐ Yes ☒ No
If Yes:		
i. Has the facility been formally closed?		☐ Yes ☐ No
• If yes, cite sources/documentation: _____		
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____		

iii. Describe any development constraints due to the prior solid waste activities: _____		

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?		☐ Yes ☒ No
If Yes:		
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____		

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?		☐ Yes ☒ No
If Yes:		
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:		☐ Yes ☒ No
☐ Yes – Spills Incidents database	Provide DEC ID number(s): _____	
☐ Yes – Environmental Site Remediation database	Provide DEC ID number(s): _____	
☐ Neither database		
ii. If site has been subject of RCRA corrective activities, describe control measures: _____		

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?		☐ Yes ☒ No
If yes, provide DEC ID number(s): _____		
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____		

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ <1 ft to > 5 feet

b. Are there bedrock outcroppings on the project site? ☒ Yes ☐ No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ 1 %

c. Predominant soil type(s) present on project site:

Dutchess Cardigan Complex (DwC)	93.6 %
Dutchess Cardigan Urban (DxC)	5.5 %
Udorthents	0.9 %

d. What is the average depth to the water table on the project site? Average: > 2 ft to > 6 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 99 % of site
☒ Moderately Well Drained: _____ 1 % of site
☐ Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ note % of site
☒ 10-15%: _____ note % of site
☒ 15% or greater: _____ note % of site
 Note: See Section 4.

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

• Streams:	Name 862-393	Classification C
• Lakes or Ponds:	Name _____	Classification _____
• Wetlands:	Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size 0.776 acres
• Wetland No. (if regulated by DEC)	_____	

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☒ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
 Name - Pollutants - Uses: Fall Kill and tribs - Nutrients - Recreation; Aquatic Life

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100-year Floodplain? ☒ Yes ☐ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No

If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ Common Dutchess County species _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ Blanding's Turtle (NYSDEC) Indiana Bat (USFWS) _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☒ No	
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☒ Yes ☐ No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☒ No	
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☒ Yes ☐ No	
If Yes: i. Identify resource: <u>See Figure 9.</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>See Figure 9.</u> iii. Distance between project and resource: <u>See Figure 9 miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☒ No	
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

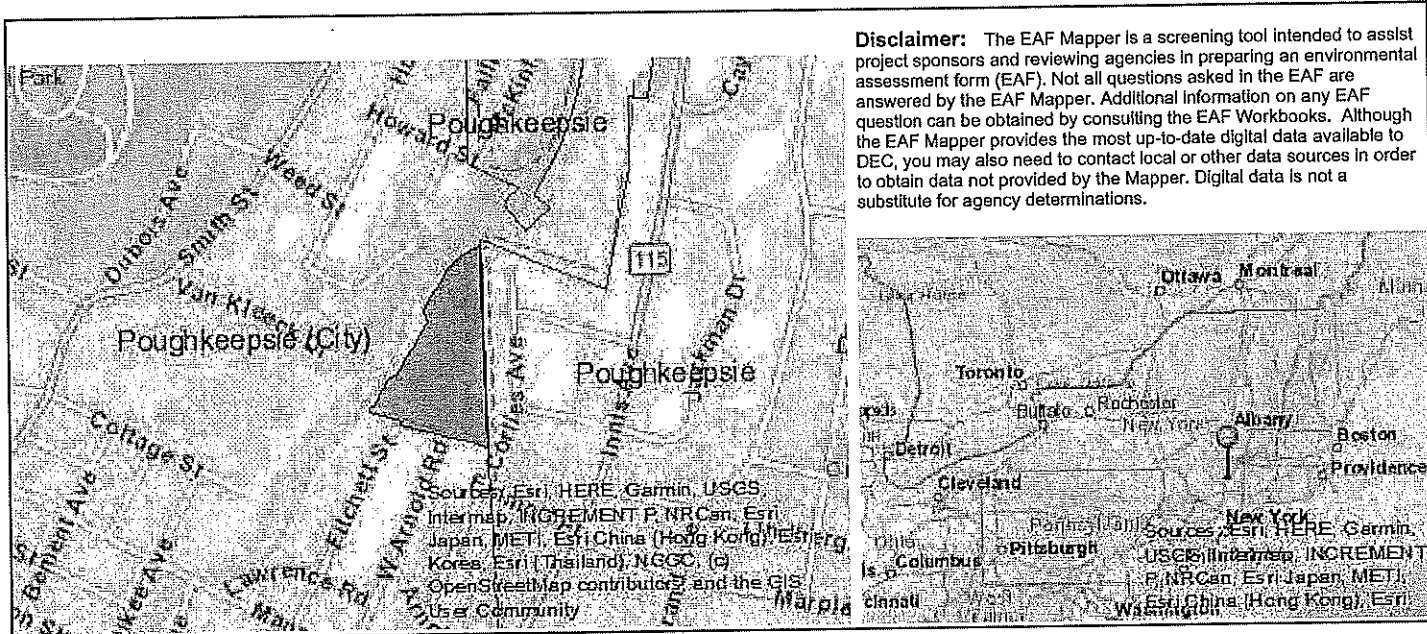
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Maselo Realty, LLC Date December 2, 2020

Signature Caren LoBrutto, Agent for Applicant, Chazen Companies  Title Senior Planner

EAF Mapper Summary Report

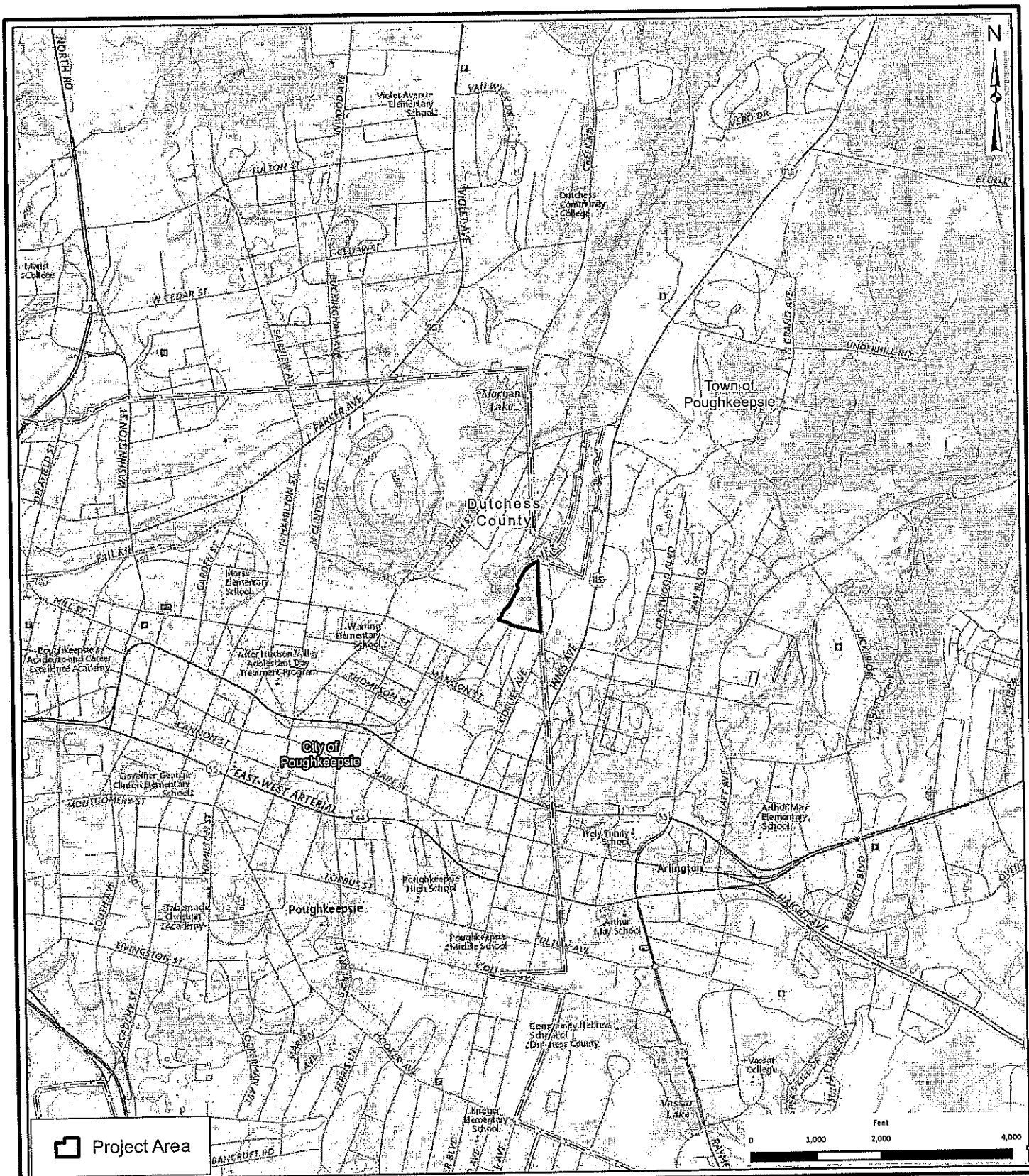
Monday, September 23, 2019 1:55 PM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-393
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Fall Kill and tribs - Nutrients - Recreation; Aquatic Life
E.2.i. [Floodway]	No

E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Blanding's Turtle
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

FIGURES



 Project Area

THE Chazen COMPANIES
 ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

Dutchess County Office:
 21 Fox Street, Poughkeepsie, NY 12601
 Phone: (845) 454-3980

Capital District Office:
 547 River Street, Troy, NY 12180
 Phone: (518) 273-0055

North Country Office:
 20 Elm St, Suite 110
 Glens Falls, NY 12801
 Phone: (518) 812-0513

Highview at the Falkill Creek

USGS Location Map

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 2,000 feet
Project:	81947.00
Figure:	1



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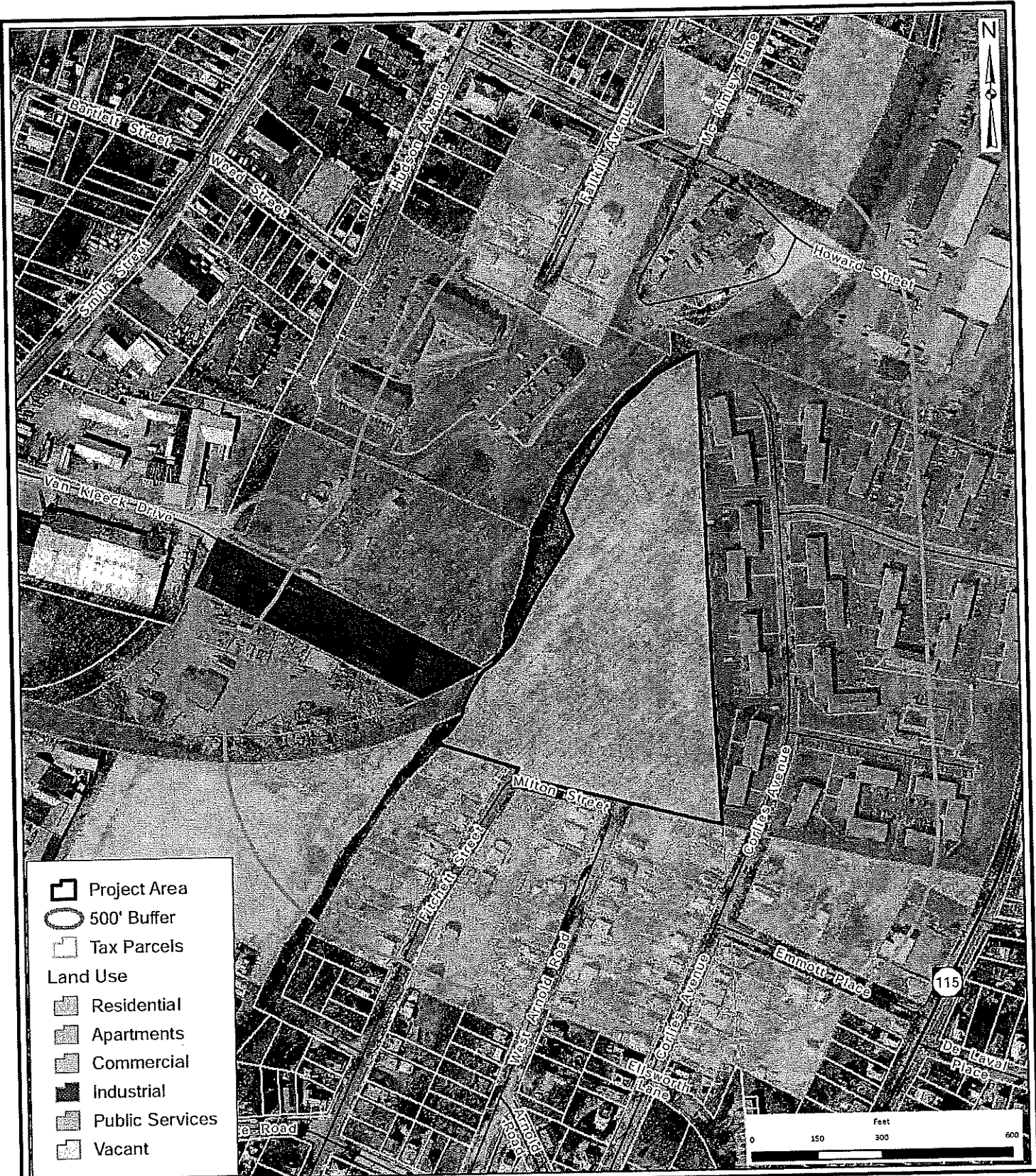
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Highview at the Falkkill Creek

Orthophoto Tax Map

Milton St, City of Poughkeepsie - Dutchess County, NY

DRAWN:	RL-B
DATE:	10/13/2019
SCALE:	1 in = 200 feet
PROJECT:	81947.00
FIGURE:	2



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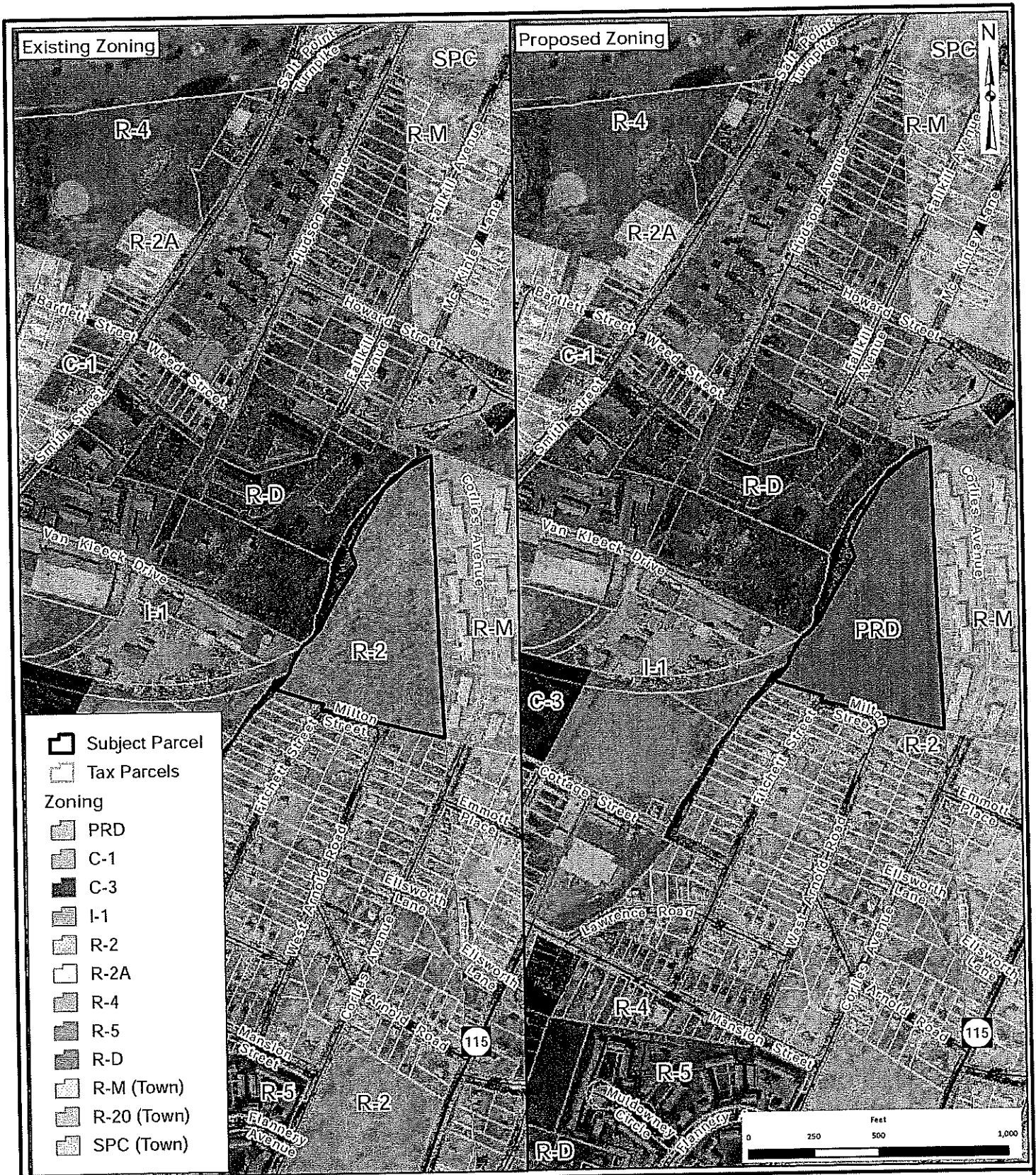
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Highview at the Fallkill Creek

Land Use

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 300 feet
Project:	81947.00
Figure:	3



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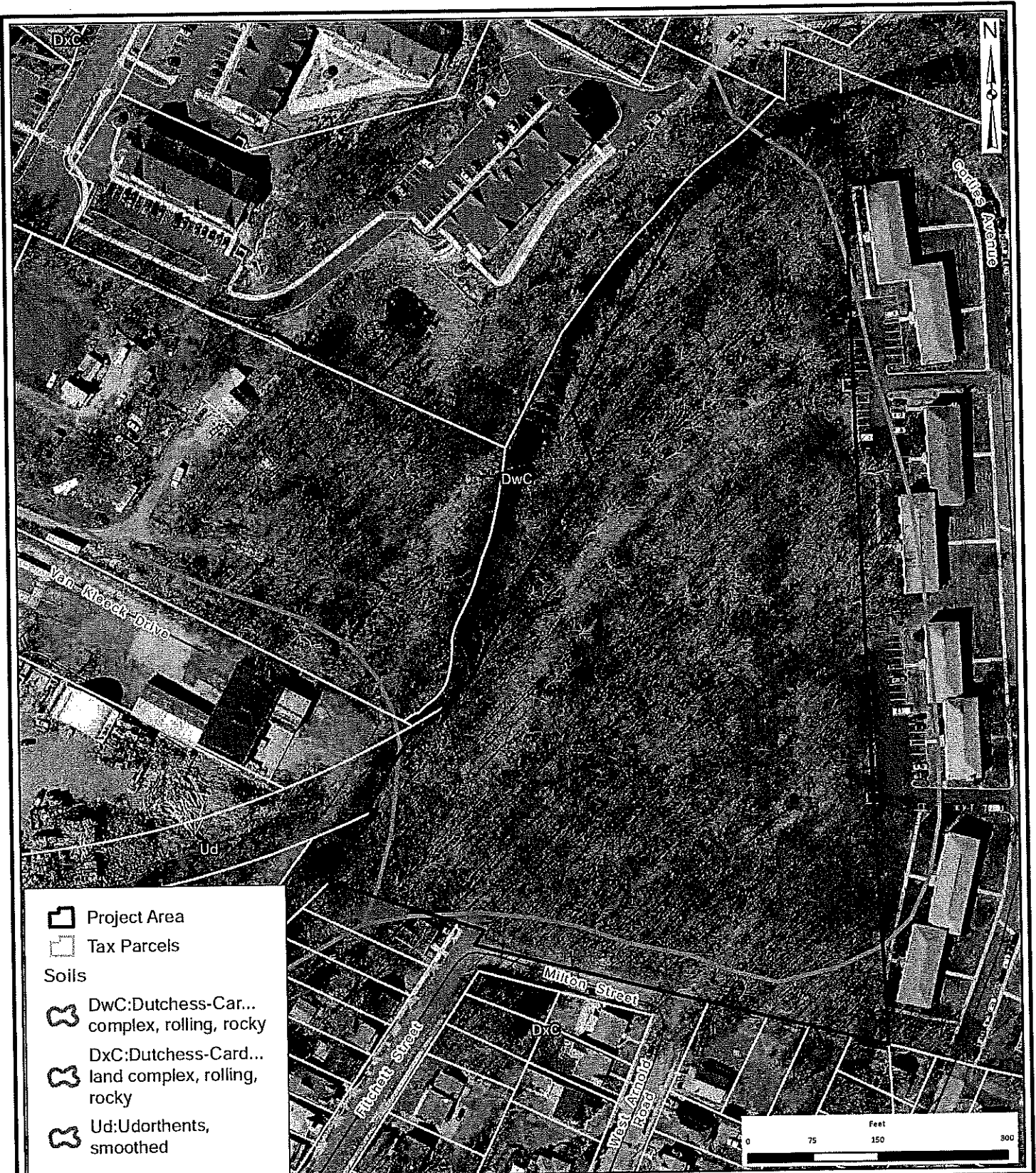
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Highview at the Fallkill Creek

Existing and Proposed Zoning

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 500 feet
Project:	81947.00
Figure:	4



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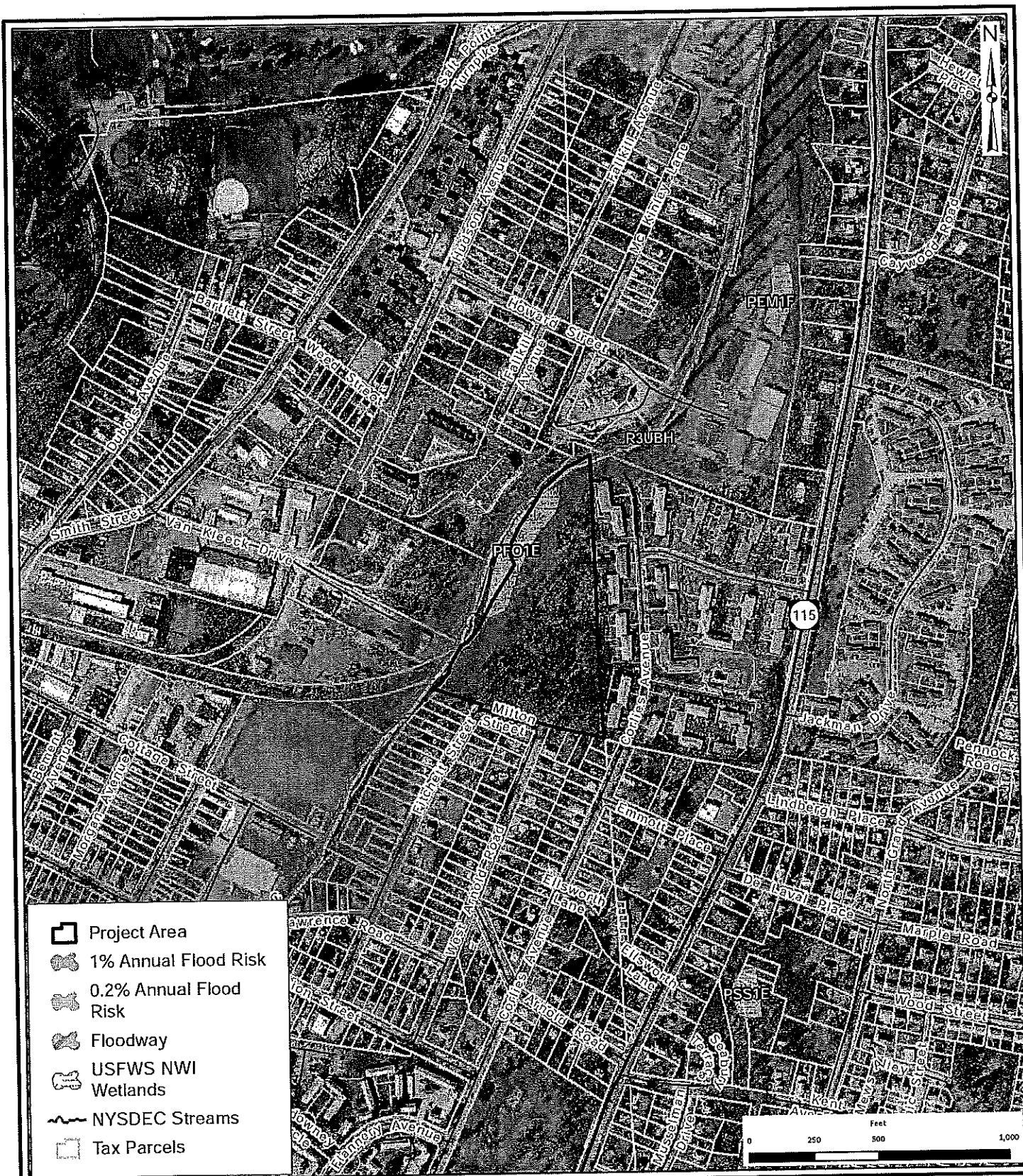
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Highview at the Fallkill Creek

Soils

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 150 feet
Project:	81947.00
Figure:	5



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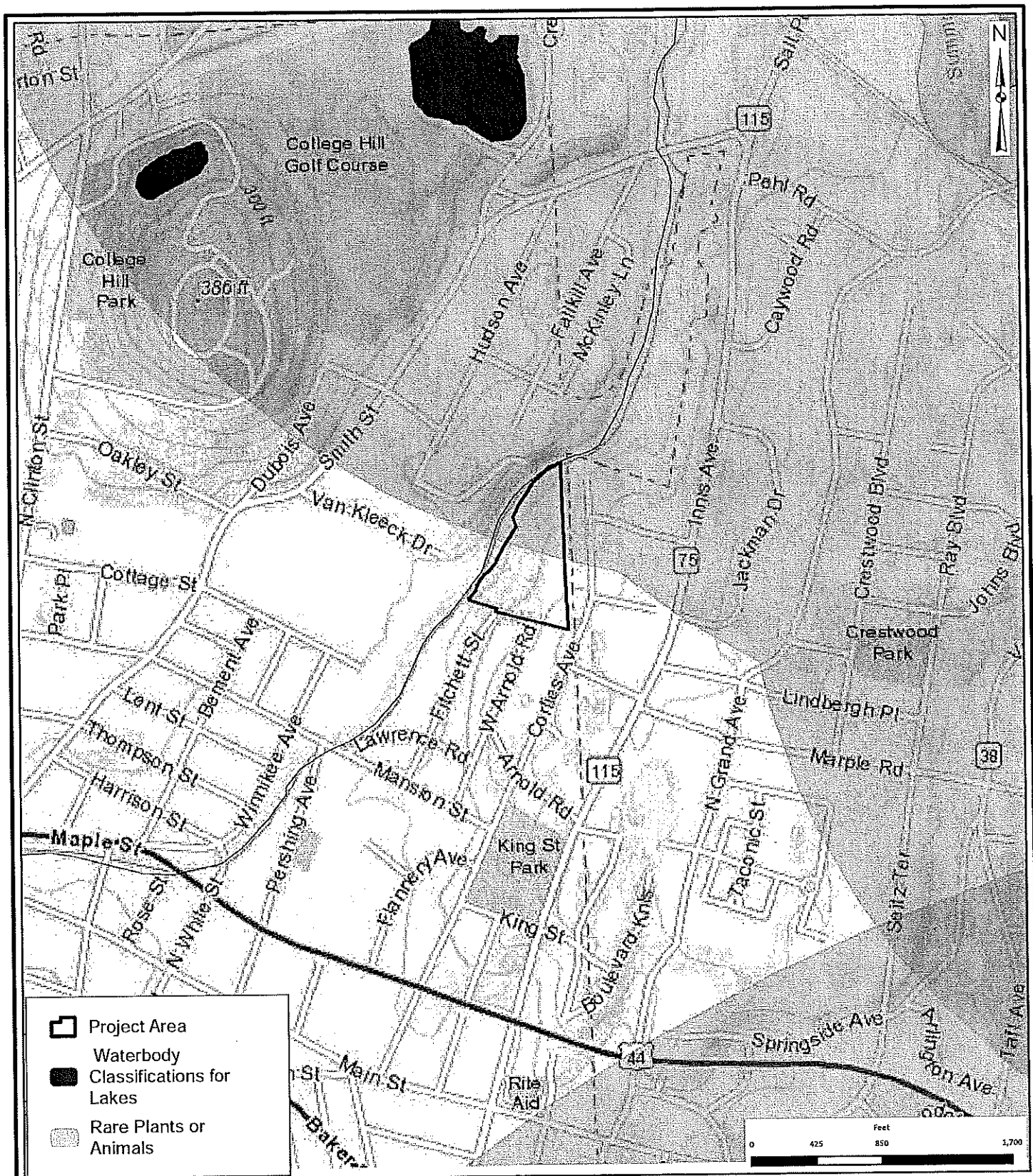
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Highview at the Fallkill Creek

Wetland, Stream and Floodplains

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 500 feet
Project:	81947.00
Figure:	6



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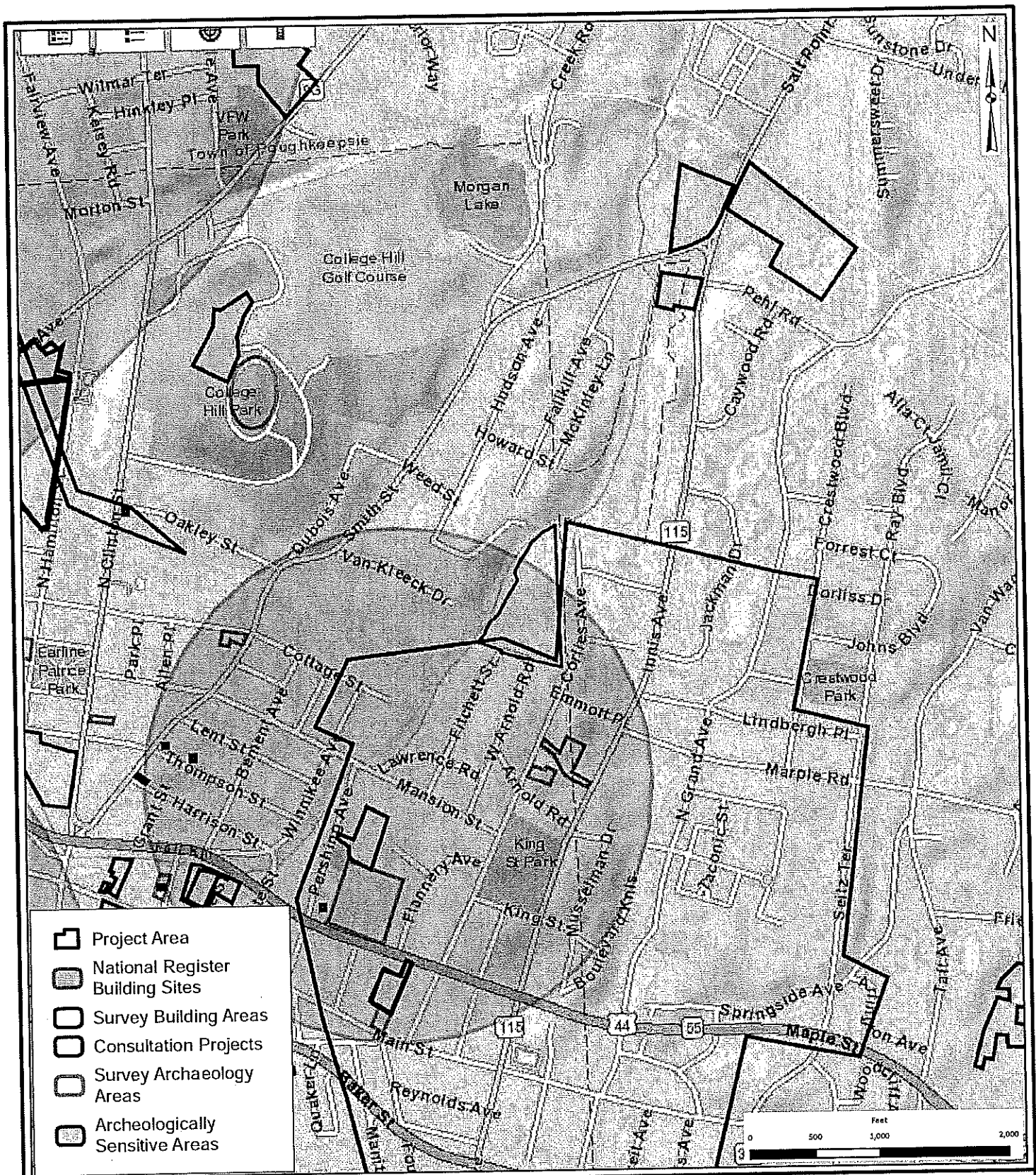
North Country Office:
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Glens Falls, NY 12801
Phone: (518) 812-0513

Highview at the Fallkill Creek

NYSDEC Environmental Resource Map

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 850 feet
Project:	81947.00
Figure:	7



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Glens Falls, NY 12801
Phone: (518) 812-0513

Highview at the Fallkill Creek

NYSOPRHP Cultural Resource Information System (CRIS) Map

Milton St, City of Poughkeepsie - Dutchess County, NY

Drawn:	RL-B
Date:	10/13/2019
Scale:	1 in = 1,000 feet
Project:	81947.00
Figure:	8

ATTACHMENT A
Councilwoman Flowers Letter of Support



THE CITY OF POUGHKEEPSIE NEW YORK

August 10, 2020

Ms. Natalie Quinn, Planning Director
City of Poughkeepsie
62 Civic Center Plaza
Poughkeepsie, New York 12601

*Re: Highview II: Proposed 64-Unit Residential Development (Maselo Realty LLC)
Milton Street (Tax Parcel 131300-6162-73-623227), City of Poughkeepsie*

Dear Ms. Quinn:

I am writing to provide my support for Maselo Realty, LLC's application for a proposed rezoning of the Milton Street property to a Planned Residential Development (PRD) Zoning District to facilitate the construction of a 64-apartment unit clustered multifamily development within two buildings off Milton Street.

The Applicant, represented by Simon and Nate Abikzer, have undertaken community outreach for this project which involved two community meetings that I hosted. One meeting was held at City Hall, Common Council Chambers in which you attended and the other meeting was held at 505 Main Street, Public Safety Bldg. Renderings of the proposed project were shared with the residents who live near the proposed project and many of them asked questions about the project and voiced their concerns.

The meetings were well advertised. I hand delivered flyers to all the residents on Corlies Ave, W. Arnold Road, Fitchett Street and Lawrence Road, explaining the proposed project and inviting them to the meetings. I also sent text messages and call residents who I had contact info, reminding them of the meeting so due diligence was made to inform all residents of the project. Residents of the area who were able to attend were very vocal of what they wanted and not want to see. The exchange of ideas resulted in the current site plan design. The applicant assured the residents that they will be "good neighbors" and ensure that the two buildings will have minimum visibility so it will not infringe on the existing neighborhood.

Based on the fact that the project will be no more than 64 units, the feedback from the residents who attended the meetings and the applicant's genuine efforts in addressing the concerns of the residents in the immediate area, I am in support of the proposed rezoning of the Milton Street property and construction of the 64 apartment unit.

Please feel free to contact me to discuss further if needed.

Thank you

Sincerely,

Councilperson Yvonne Flowers
5th Ward, City of Poughkeepsie
(845) 505-2735/email: yflowers@cityofpoughkeepsie.com

ATTACHMENT B
Natural Resource Information

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

January 21, 2020

Caren LoBrutto
Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

Re: Highview II
County: Dutchess Town/City: City of Poughkeepsie

Dear Ms. LoBrutto:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

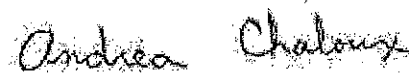
We have no records of rare or state-listed animals or plants, or significant natural communities at the project site.

Within 0.8 mile of the project site is a documented location of **Blanding's turtle** (*Emydoidea blandingii*, state listed as Threatened). The turtles may travel 0.8 mile or more from documented locations. For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the Permits staff at the NYSDEC Region 3 Office as described above.

Sincerely,



Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program

IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

IPaC resource list

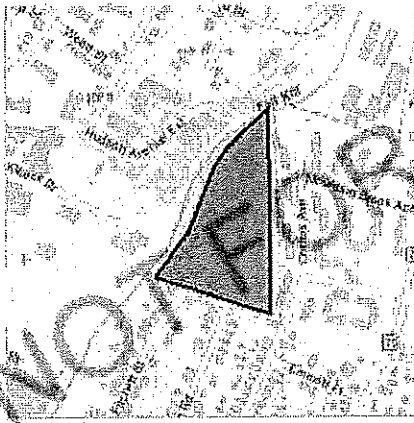
We are experiencing intermittent network issues causing large delays in species lists and letters. This is a known issue and we are working to fix it. Thank you for your patience.

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Dutchess County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

3817 Luker Road

Cortland, NY 13045-9385

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species:

and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

and the Bald and Golden Eagle Protection Act.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the USEWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING
SEASON IS INDICATED FOR A BIRD
ON YOUR LIST, THE BIRD MAY
BREED IN YOUR PROJECT AREA

SOMETIME WITHIN THE
TIMEFRAME SPECIFIED, WHICH IS A
VERY LIBERAL ESTIMATE OF THE
DATES INSIDE WHICH THE BIRD
BREEDS ACROSS ITS ENTIRE
RANGE. "BREEDS ELSEWHERE"
INDICATES THAT THE BIRD DOES
NOT LIKELY BREED IN YOUR
PROJECT AREA.)

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Dec 1 to Aug 31

Bobolink *Dolichonyx oryzivorus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Jul 31

Canada Warbler *Cardellina canadensis*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 20 to Aug 10

Prairie Warbler *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Red-headed Woodpecker *Melanerpes erythrocephalus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

Wood Thrush *Hylocichla mustelina*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (B)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (I)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

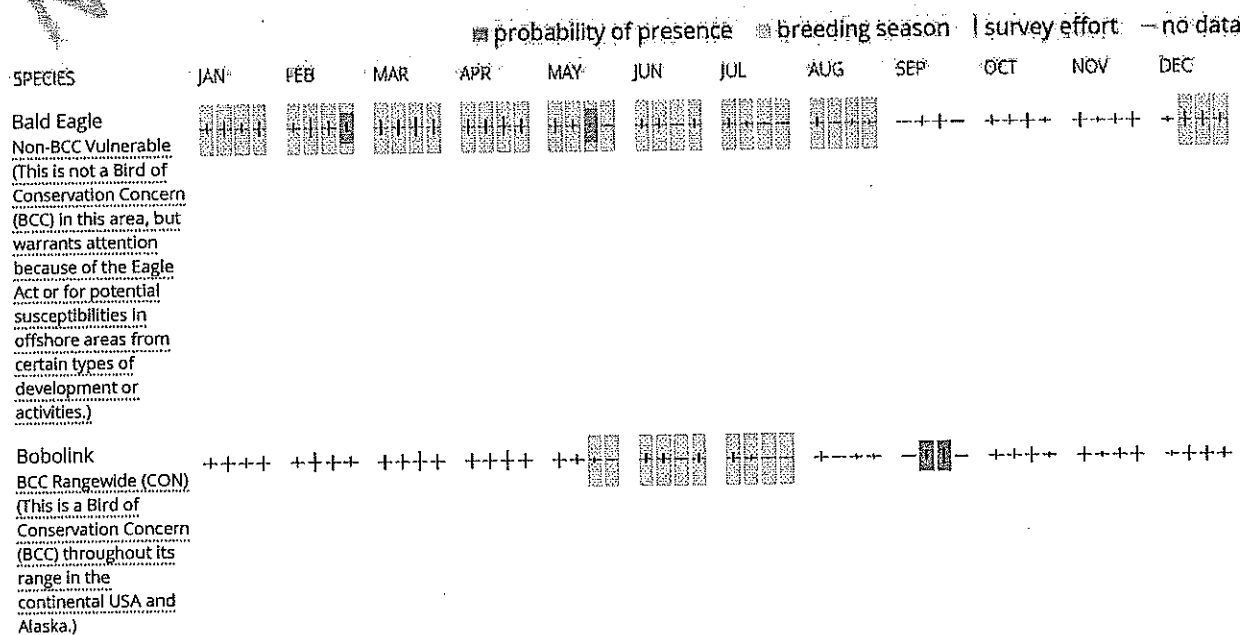
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the [Probability of Presence Summary](#) and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the [FAQs](#) for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high

survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a "Compatibility Determination" conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

PFO1E

RIVERINE

R3UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

*Threatened and Endangered Species
Habitat Suitability Assessment Report*

Highview at the Fallkill Creek
Milton Street
City of Poughkeepsie
Dutchess County, NY

October 18, 2020

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 910-4716

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1.0 INTRODUCTION

Ecological Solutions, LLC completed a threatened and endangered species habitat suitability assessment on a 8.7 acres site located on Milton Street in the City of Poughkeepsie, Dutchess County, New York (*Figure 1*). The site contains wooded slopes, debris, a sewer line and adjacent Fallkill Creek. The proposed project is 64 apartments in two buildings with access from Milton Street.

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper indicates that there is the potential for Blanding's turtle (*Emys blandingii*) to be located on and in the vicinity of the site as per the Environmental Assessment Form and Mapper (*Attachment 1*). The US Fish and Wildlife Service indicates that there is potential for Indiana bats (*Myotis sodalis*) to be located on or in the vicinity of the site (*Attachment 2*). As part of the environmental review for the site an assessment of the existing habitat on the site, potential impacts, and possible mitigation for impacts and conservation of the listed species has been prepared.

The following habitat occurs on the site:

COVER TYPES IDENTIFIED ON THE SITE

HABITAT COVER TYPES			
NO.	DESCRIPTION	COVERAGE (ACRES)	DISTURBANCE (ACRES)
1	Fallkill Creek	1.0	0
2	Rich Mesophytic Forest	4.7	2.5
3	Upland Meadow	2.8	0

Rich Mesophytic Forest - The site slopes generally contain rich mesophytic forest upslope of the Fallkill Creek. The dominant trees include a mixture of the following: red maple (*Acer rubrum*), white ash (*Fraxinus americana*), red oak (*Quercus rubra*), and black oak (*Q. velutina*). There is a subcanopy stratum of small trees and tall shrubs dominated by flowering dogwood (*Cornus florida*), red maple, and black cherry (*Prunus serotina*). The overstory trees are generally large in the 12 to 24+ inch range with several larger oaks and other tree species on the site. Debris/trash is located in areas throughout the forest.

Fallkill Creek - The Fallkill Creek and associated wetland fringe is located along and is part of the western site boundary. The wetland fringe associated with the Creek is forested floodplain.

Upland Meadow - Within the forested area are openings or pockets upland meadow.

2.0 HABITAT SUITABILITY ASSESSMENT/CONCLUSION

2.1 Blanding's turtle

Blanding's turtles are a mobile species that utilize a variety of wetland and upland habitats for nesting, foraging, overwintering, and drought refuges. Characteristics that indicate core habitat are: shrubby pools/ponds with permanent or intermittent hydroperiod with little flow through; high water depths of 0.5–4.0 feet; tree canopy open or absent; tree fringe present; and a dense cover of shrubs, forbs, lemnids or nymphaeids, with coarse and fine organic debris. In addition to core wetlands it is known that Blanding's turtles use a complex of habitat types during different periods in their life cycle. According to the NYSDEC it is a semi-aquatic species that uses a variety of wetland and upland habitats. Wetland habitat usage by Blanding's turtles includes different types of freshwater systems such as emergent marshes, woodland pools, red maple swamps, buttonbush kettle-holes, ponds including excavated ponds, lakes, rivers, and streams. Juvenile Blanding's are normally associated with shallower water and more densely vegetated habitats as compared to that of adults. Open meadows, especially with Hoosic gravelly soils are preferred nesting habitats. Upland forest area provides shade during turtle travel and migration.

Conclusion - There is no core habitat on/or immediately adjacent to the site. There are no mapped Hoosic soils on the site. Hoosic soils are associated with turtle nesting when covered by low growing sparsely vegetated upland meadow/agriculture area (*Figure 2*). The Fallkill Creek may have been utilized in the distant by this species in some capacity for travel and dispersal but today is unlikely due to the extensive development in this area of the City of Poughkeepsie and lack of potential habitat as a destination. There are no impacts to this species since there is no potential habitat on the site or in the vicinity of the site.

2.2 Indiana bats

The bats typically hibernate in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. The hibernacula - Williams Lake Complex is about 10 miles from the site. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields),

along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Conclusion – The rich mesophytic forest described in Table 1 occupies about 4.7 acres of the 8.7 acres site. This forested area contains many large trees in the 24+ inch dbh range with some containing holes and crevices that could provide foraging habitat for this species.

Potential Effects of the Project

Construction of the project will occur over a 6 month - 1 year period. Activities during construction will include grading and earth-moving, building construction, addition of electric lights, increasing impervious surface area and altering site drainage will occur. The project may result in direct and indirect effects on Indiana bats by altering the quality and quantity of their summer habitat including removing trees, generating noise during construction, and creating visual disturbances. There will be an increase in vehicular traffic, parking, and maintenance activities which are anticipated effects from construction and operation of the project to bats.

Since the USFWS list of species for the site indicated that the site is within the range of the threatened/endangered bat, the Applicant will incorporate the following conservation measures to ensure no impact occurs to this species. The Applicant will avoid, minimize, and mitigate impacts to this species by:

Effects from Tree Clearing

Clearing activities could have an adverse impact on foraging and roosting activities. Such impacts will be avoided by conducting all clearing during winter months when bats will be in hibernation off site. Proposed clearing for the project will remove ± 2.5 acres of forested habitat. The project will avoid impacts by

- Implementing tree clearing for site activities during timeframes when bats are not resident on the site October 1 – to March 31 or unless approved by the NYSDEC outside this timeframe, and
- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent overclearing of the site since about 2.3 acres of forested habitat will remain.

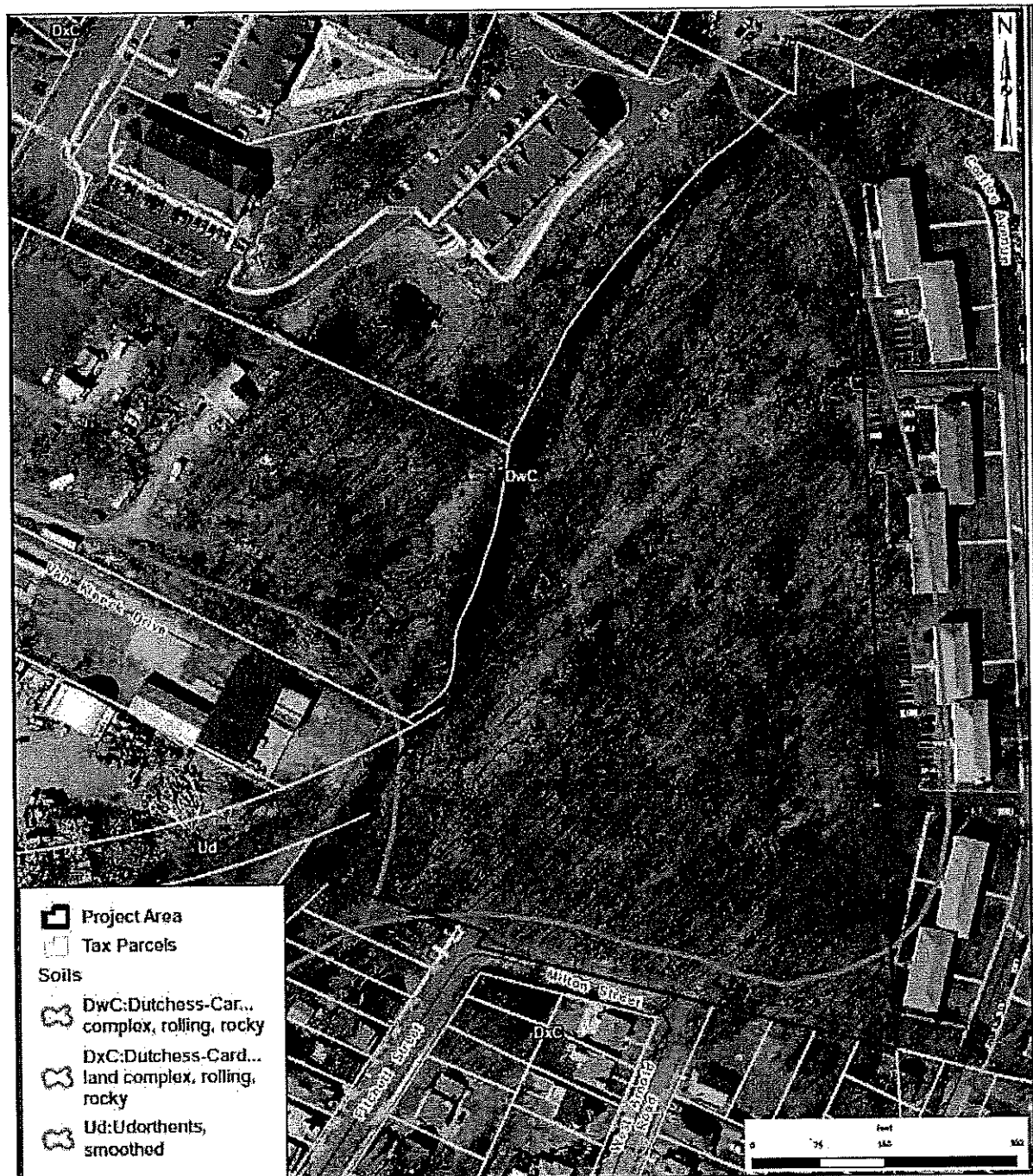
Effects from Lighting

Site lighting is anticipated after development of the site. To avoid impacts to foraging or roosting bats street lighting on the site will use City of Poughkeepsie Planning Board approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities.

These measures will result in minimizing potential adverse effects to Indiana bats so that adverse effects to this species are deemed unlikely.

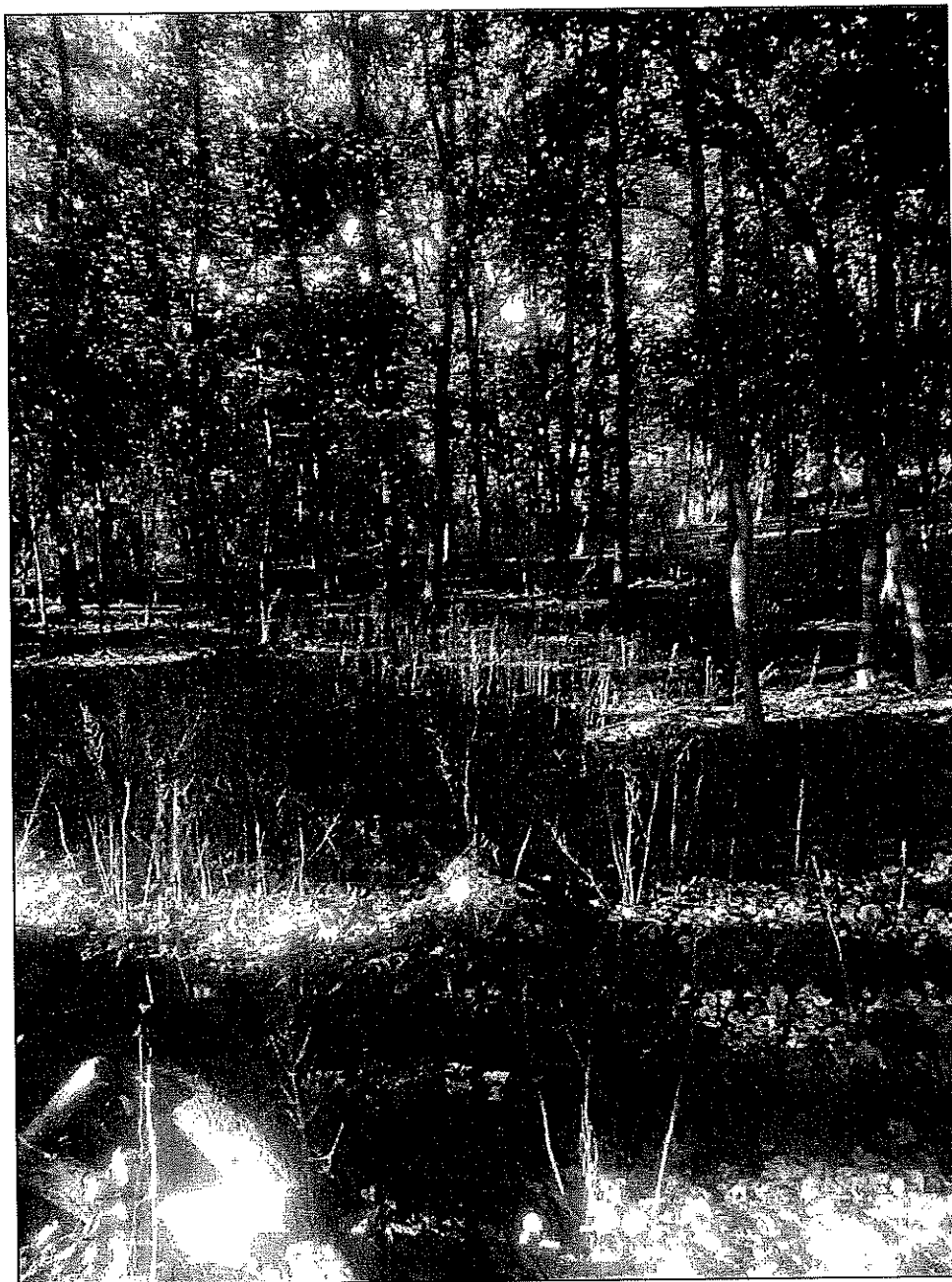
[illegible]

Figure 2 Soil Map

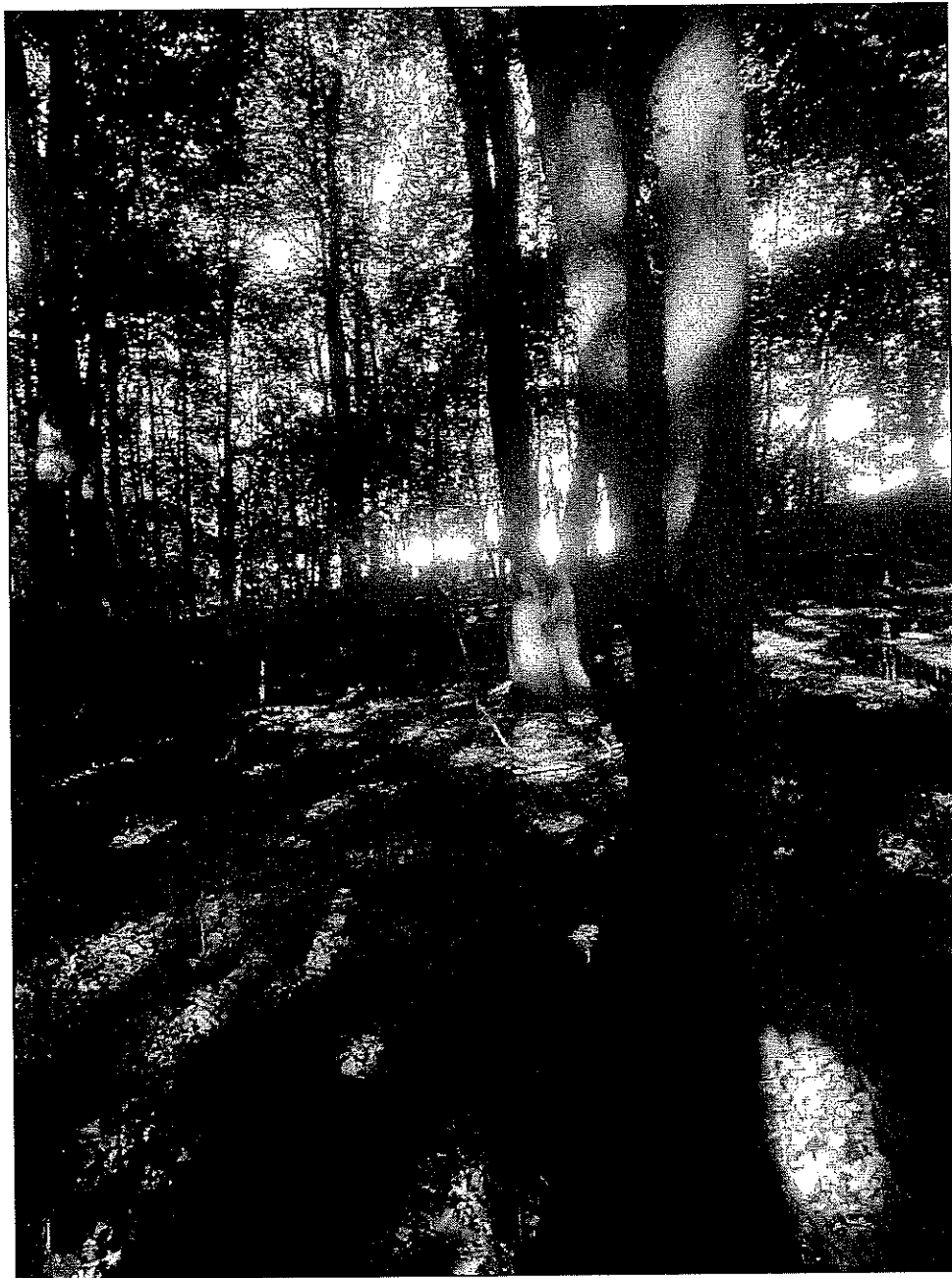


3.0 PHOTOGRAPHS

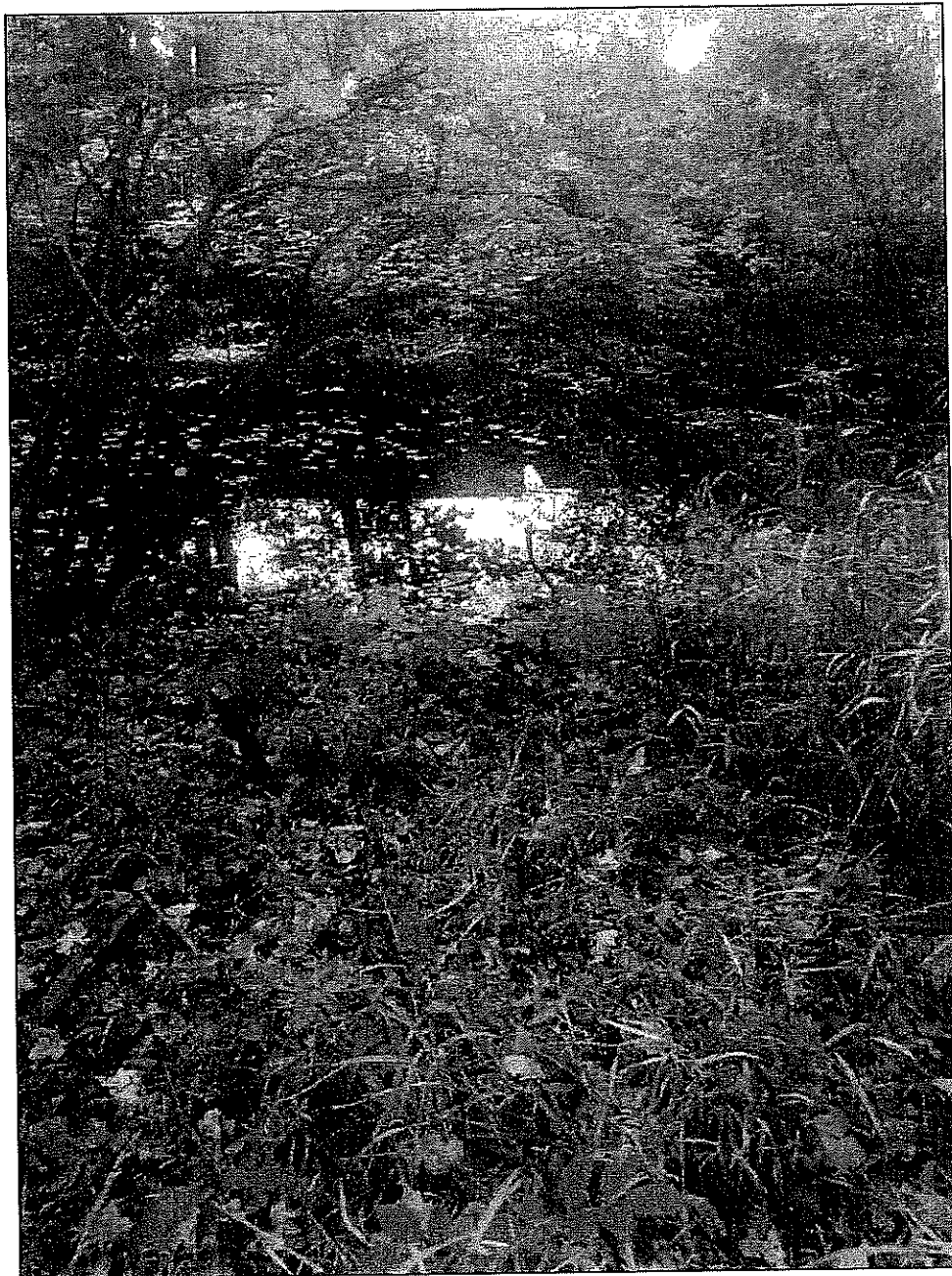
Area of proposed development.



Area of proposed development.



Fallkill Creek and wetland fringe.



Wetland along Fallkill Creek.



4.0 BIBLIOGRAPHY

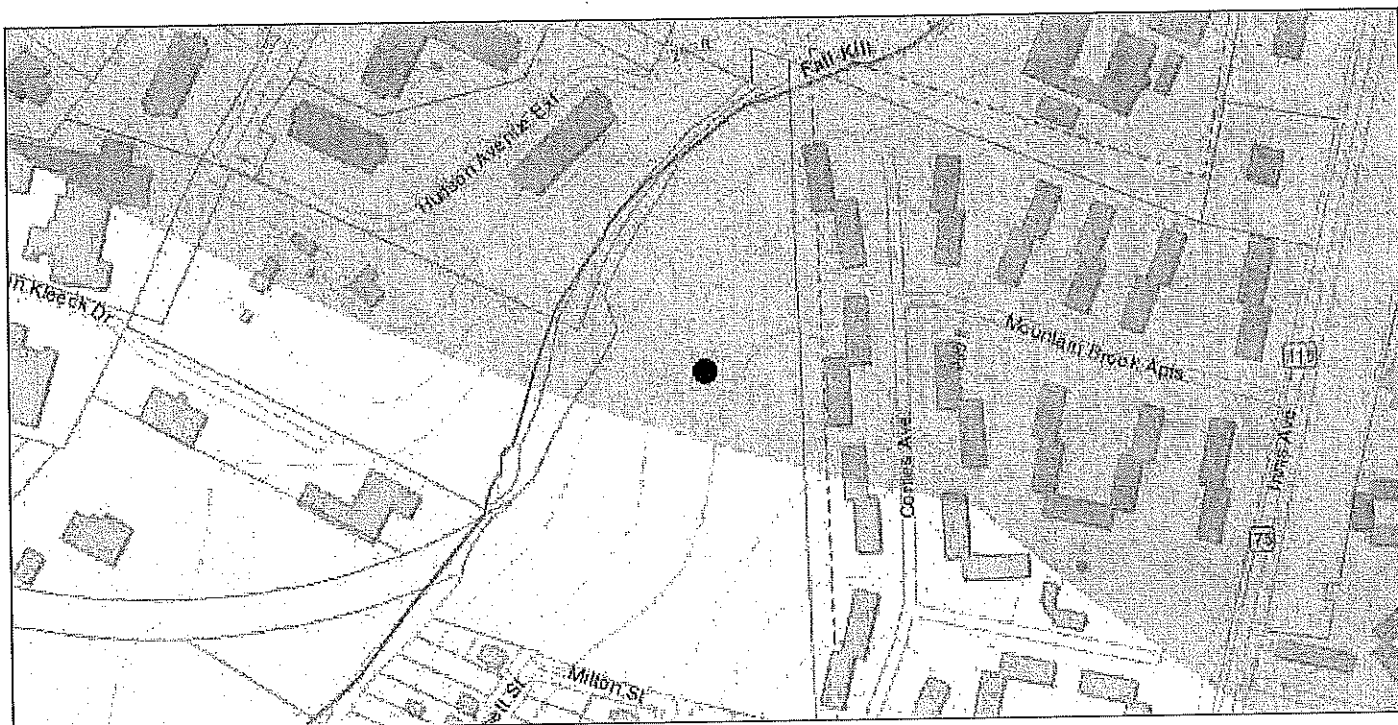
Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, D.M. Hunt, and A.M. Olivero (editors). 2002. Ecological Communities of New York State. Second Edition. A revised and expanded edition of Carol Reschke's Ecological Communities of New York State. (Draft for review). New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY.

Hudsonia, Ltd. Blanding's Turtle Habitats in Southern Dutchess County.

Kiviat, E. 1997. Blanding's turtle habitat requirements and implications for conservation in Dutchess County, New York. Pages 377-382 in Proceedings: conservation, restoration, and management of tortoises and turtles, J.V. Abbema and P.C.H. Pritchard, editors. New York Turtle and Tortoise Society and Wildlife Conservation Society.

Attachment 1 - NYSDEC Mapper

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	Easting:	590925.432323181	Northing:	4617883.691723497
Longitude/Latitude	Longitude:	-73.90709951919713	Latitude:	41.70755865471979

The approximate address of the point you clicked on is:
Poughkeepsie, New York

County: Dutchess
City: Poughkeepsie
USGS Quad: POUGHKEEPSIE

DEC Region

Region 3:
(Lower Hudson Valley) Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester counties. For more information visit <http://www.dec.ny.gov/about/607.html>.

Rare Plants and Rare Animals

This location is in the vicinity of Animals Listed as Endangered or Threatened - Contact NYSDEC Regional Office

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Attachment 2 - USFWS



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

October 16, 2020

Consultation Code: 05E1NY00-2021-SLI-0158

Event Code: 05E1NY00-2021-E-00444

Project Name: Highview II

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2021-SLI-0158

Event Code: 05E1NY00-2021-E-00444

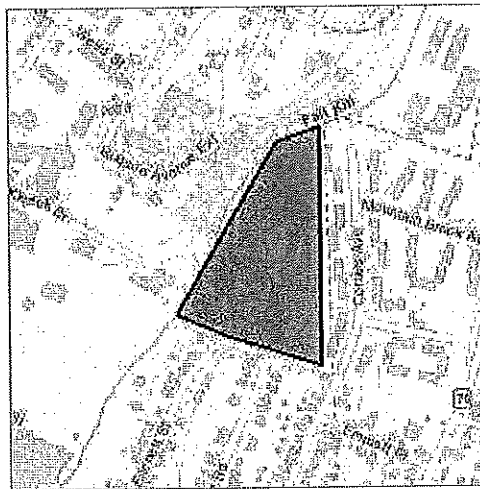
Project Name: Highview II

Project Type: DEVELOPMENT

Project Description: residential development

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.70737850561418N73.9073537026174W>



Counties: Dutchess, NY

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i>	Endangered
There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

A THREATENED SPECIES
IN NEW YORK STATE

Blanding's Turtle

This area of the City of Poughkeepsie near the proposed Highway at the Fallkill Creek Site on Milton Street may contain suitable habitat for the Blanding's Turtle, which is a New York State Listed Threatened Species. This species is an important part of our ecosystem and it is illegal to kill, harm or harass them. It is possible for turtles to travel up to 1 mile overland for migration and nesting purposes. This brochure's intent is to educate the public of their potential presence and provide valuable information should an encounter occur even though sightings are rare.

This Pamphlet is to be distributed to all construction workers, maintenance staff, and residents at the project site by the **Project Engineer/Biologist after initial training by a Knowledgeable Wildlife Biologist**

In case of a sighting, please call Michael Nowicki at 203-910-4716

And

The NYSDEC Wildlife Office to Report the incident within 24

Hours at 845-256-3098 or Wildlife.R3@dec.ny.gov. Please

Provide the location, the project Name, and explanation of incident.



Fact Sheet

- The Blanding's turtle is a medium sized turtle with an average shell length of approximately seven to nine inches and a maximum length of 10 inches. A distinguishing feature of this turtle is the bright yellow chin and throat.
- Mating probably occurs in April and early May with nesting beginning in early June and lasting throughout the month.
- The Blanding's turtle overwinters under or near water, in mud or under vegetation or debris. During the nesting season, a female Blanding's turtle may be found more than a kilometer from where it hibernated.
- Blanding's turtles take 18-22 years to reach sexual maturity and may live to be 70 years old.
- Blanding's turtles move through and/or utilize several habitat types. Aquatic/wetland habitats are used for hibernation, mating, feeding, shelter, aestivating, and basking, while terrestrial habitats are used for nesting and seasonal migrations, as well as aestivating, and basking. Although there is variation throughout the geographic distribution of the Blanding's turtle, terrestrial habitats can often be well over ½ mile from core wetland habitats, and an individual turtle's home range may be 50 acres or more.
- Contact the response number on this brochure to have this species identified and relocated from the work area if necessary. A trained state licensed professional will safely relocate the turtle.

Measure to Take During Encounters

Measures to take during encounters include:

1. All personnel working at the site will be trained to be able to identify, and locate Blanding's turtles by a knowledgeable biologist. Turtles can only be moved by a qualified biologist with knowledge of Blanding's and relocation procedures who is also licensed by the NYSDEC to handle Blanding's turtles.
2. It is illegal to take, import, transport, possess, or sell an animal listed as threatened without a license.
3. If a turtle is seen, stop all work immediately. To restart work, written approval is required from the NYSDEC.
4. Contact the contractor in charge and delay work in the area until the turtle has moved safely from the area. Allow the turtle to continue on its way.
5. If the turtle does not move along on its own or is found in the barrier fence, contact the following response number to have a trained, NYS licensed professional, safely relocate the turtle (Michael Nowicki at 203-910-4716).
6. Contact the NYSDEC wildlife office to report the incident within 24 hours at 845-256-3098 or wildlife.r3@dec.ny.gov. Please provide the location, the project name, and explanation of incident.
7. If the turtle was found within a turtle exclusion fence, work cannot commence until fencing is inspected by and signed off on by a knowledgeable Blanding's turtle consultant (turtle monitor) and the NYSDEC issues written approval that work can commence.
8. The project sponsor will provide educational materials for all contractors and residents to inform of the potential for Blanding's turtle encounters and what to do if a turtle is encountered to ensure the animals are not collected or persecuted.
9. If a turtle is found within the temporary barrier fencing, fencing needs to be inspected, repaired, and the area swept and signed off on by the monitor. To restart work, written approval is required from the department.

Trap Hazard Protection

- i. Water control structures, such as drainpipes, may create a trap hazard to Blanding's turtles. To prevent possible entrapment of Blanding's turtles, the storm drain grates will be designed with the smallest possible grate opening without compromising safety or necessary flow rate.
 - ii. Below-ground swimming pools should be surrounded by fencing to exclude turtles of all age classes. Fine grade wire cloth (1/4 inch square mesh size) at the base of a picket fence or a 10" - 12" high barrier can be used to prevent turtles from traveling into the hazard area.
 - iii. Window wells should have grates (1 inch square mesh size or less) or 10" - 12" high vertical barriers surrounding the well.
 - iv. Any excavation work done between April 14th and October 16th should be backfilled on the same day as excavated or ramps (30 degree angle maximum) should be placed inside the excavation to enable turtles to climb out.
- Additional sources of information:**
- New York Natural Heritage Program. 2015. Online Conservation Guide for Emydoidea blandingii.
- Available from:
<http://www.acris.nynhp.org/guide.php?id=7508>.

New York State Department of Environmental Conservation Blanding's Turtle Fact Sheet

Available from:
<http://www.dec.ny.gov/animals/7166.html>.



**Parks, Recreation,
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

December 17, 2020

Caren LoBrutto
Senior Planner
Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

Re: DEC
Highview-Milton Street
City of Poughkeepsie, Dutchess County, NY
20PR07848

Dear Caren LoBrutto:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink, reading "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **CITY OF POUGHKEEPSIE PLANNING BOARD**, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: **Highview at the Fallkill Creek**

SEQR Status: Type 1 ☐
 Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
 ☒ No

Description of Action:

The project area is the subject of a Rezoning to Planned Residential Development (PRD) by the CITY OF POUGHKEEPSIE COMMON COUNCIL and Site Plan review (Unlisted Action) by the CITY OF POUGHKEEPSIE PLANNING BOARD.

The current project is an application for rezoning of a tax parcel on Milton Street in the City of Poughkeepsie from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD) and Site Plan Approval for the construction of a 63-apartment unit clustered multifamily development within two buildings. The site is currently undeveloped and presently consists of upland hardwood forest, hardwood swamp, and upland shrubland along the Fall Kill Creek. The site is proposed to be served with central water and sewer from the City of Poughkeepsie. Development of the site will also involve the construction of the typical appurtenances associated with residences development such as lighting, asphalt drives, landscaping, sidewalk, pool, and pool house.

The project area is comprised of one parcel being 8.713 acres, Tax ID Number 6162-73-623227.

Access

Access to the proposed project will be from two new driveways off Milton Street.

Parking

The proposed project is required to provide 123 parking spaces per Section 19-4.3 of the City's Zoning Ordinance. As shown in Table 6, the proposed project will provide 124 parking spaces.

The CITY OF POUGHKEEPSIE PLANNING BOARD has been designated Lead Agency for the current project under consideration.

Location:

Milton Street, Tax Parcel Number 6162-73-623227.

Required Permits and Approvals:

1. Rezoning from R-2 to PRD – City of Poughkeepsie Common Council
2. Site Plan – City of Poughkeepsie Planning Board
3. Area Variances – City of Poughkeepsie Zoning Board of Appeals (TBD)
4. Driveway Permit - City of Poughkeepsie Department of Public Works
5. Floodplain Development Permit – City of Poughkeepsie Zoning Administrator
6. Water/Sewer Department approvals - Dutchess County Health Department
7. SPDES General Permit for Discharges during Construction Activities – New York State
Department of Environmental Conservation

Documents and Comments Reviewed and Considered by the Lead Agency:

The applicant submitted application materials to the CITY OF POUGHKEEPSIE PLANNING BOARD including the following:

1. Correspondence from The Chazen Companies, dated February 11, 2020
2. Correspondence from The Chazen Companies, dated July 28, 2020
3. Correspondence from The Chazen Companies, dated December 2, 2020
4. Application for Rezoning dated December 5, 2019
5. Part I Full EAF by The Chazen Companies dated December 3, 2019, updated December 2, 2020
6. Natural Resource Inventory Analysis by Chazen Companies dated January 9, 2020

7. Concept Plan from The Chazen Companies dated February 11, 2020
8. Site Plan by The Chazen Companies last revised December 1, 2020
9. Grading and Utility Plan by The Chazen Companies last revised December 1, 2020
10. Landscape Plan by The Chazen Companies last revised December 1, 2020
11. Tree Removal Plan by The Chazen Companies last revised December 1, 2020
12. Wetlands Map by The Chazen Companies dated November 17, 2020
13. Threatened and Endangered Species Habitat Suitability Assessment Report by Ecological Solutions dated October 18, 2020
14. Correspondence from Office of Parks, Recreation and Historic Preservation (OPRHP), dated December 17, 2020
15. Correspondence from NYS DEC Environmental Engineering Technician, Division of Environmental Permits, dated January 19, 2021

The Planning Board initiated the environmental review of the project on October 20, 2020 by declaring its intent to be Lead Agency in a coordinated SEQR process. Notice of intent to be Lead Agency was then circulated to the City of Poughkeepsie Common Council, City of Poughkeepsie Zoning Board of Appeals, Dutchess County Planning Department and New York State Department of Environmental Conservation in line with Part 617 of Title 6 NYCRR. There was no objection to the designation.

The Planning Board considered the application, materials, comments and discussion at regular meetings on February 26, 2020, September 15, 2020, October 20, 2020, and December 15, 2020.

A duly notice public hearing on the matter was opened by the Common Council on November 16, 2020. At which two members of the public registered to speak. Written and oral comments were received by City Engineering Department; Dutchess County Department of Planning; and members of the public. Public comments received were in regards to visual and noise barriers between the proposed structures and Milton Street, dual access and egress driveways onto Milton Street to avoid one-way traffic, stormwater management, and protection of the Fall Kill Creek.

The Lead Agency has reviewed the proposed action to assess the severity of potential environmental impacts of the Rezoning and Site Plan and has determined that for the reasons set forth herein a Draft Environmental Impact Statement will not be required.

Reasons Supporting This Determination:

1. Impact on Land (Part II EAF # 1)

The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Although the proposed action will disturb more than one acre and create stormwater runoff, paving or construction of other impervious surfaces will be occur only on approximately 20% of the project site and stormwater will be conveyed via swales and subsurface piping to an on-site stormwater bioretention basin. Additionally, the applicant will be required to provide a Grading Plan, Erosion and Sediment Control Plan, and a Stormwater Pollution Prevention Plan to be reviewed and approved by the City of Poughkeepsie Engineer.

Accordingly, any potential adverse impacts to the land associated with the project would be avoided.

2. Impact on Geological Features (Part II EAF # 2)

The project as designed will not result in a negative impact to the Geological Features of the project site as the project does not meet the threshold criteria as listed on the Part II EAF and does not contain any unique or unusual land forms on site. Furthermore, the proposed PRD zoning designation will permit minimal disturbance and protection of natural resources.

3. Impact on Surface Waters (Part II EAF # 3)

The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.

Although the proposed action will involve construction adjoining a freshwater wetland, the natural habitat along the banks of the Fall Kill and immediately adjacent to the wetland will remain. The nearest construction or clearing will occur approximately 120 feet from the nearest boundary of the wetland. Additionally, the applicant will be required to provide a Grading Plan, Erosion and Sediment Control Plan, and a Stormwater Pollution Prevention Plan to ensure that the adjoining Fall Kill Creek and wetland will not be negatively impact by sediment or stormwater runoff.

Accordingly, any potential adverse impacts to the surface waters adjoining the project would be avoided.

4. Impact on Groundwater (Part II EAF # 4)

The project as designed will not result in a negative impact to the Groundwater on or near the project site as the project does not meet the threshold criteria as listed on the Part II EAF and will not result in new or additional use of ground water and is not expected to have potential to introduce contaminants to ground water or an aquifer.

5. Impact on Flooding (Part II EAF # 5)

The proposed action may result in development within a 100 year floodplain.

Although an area of the project site does fall within a 100 year floodplain, no construction will occur within the flood hazard area and minimal clearing and grading may occur. There will be a substantial buffer and distance between the proposed development and Fall Kill and the implementation of a SWPPP will ensure that no significant adverse impacts to the floodplain occur. Furthermore, a floodplain development permit application will be reviewed and approved by the City of Poughkeepsie Building Inspector prior to and grading or construction.

Accordingly, any potential adverse impacts to the floodplain associated with the project would be avoided.

6. Impact on Air (Part II EAF # 6)

The project as designed will not result in a negative impact to the Air Resources on or near the project site as the project does not meet the threshold criteria as listed on the Part II EAF as it does not include a state regulated air emission source.

7. Impact on Plants and Animals (Part II EAF # 7)

The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.

The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.

Although there are known occurrences of the Blanding's Turtle (a threatened species as listed by NYS) on or in the vicinity of the project site, a Habitat Assessment dated October 18, 2020 noted no core habitat on/or immediately adjacent from the site. A January 21, 2020 letter from NYSDEC noted that the project site is within screening distance of a known record. In response, the applicant has created Blanding's Turtle

Education and Encounter Plan for measures to take during construction and operation of this project to minimize impacts to the species and to potential suitable habitat.

Since the USFWS has listed the Indiana Bat as a threatened/endangered species within the area, the applicant has incorporated conservation measures to ensure no impact to the species. The measures include minimal tree clearing (less than 20% of Project Area), scheduling of tree clearing during timeframes when bats are not resident on site, clear demarcation of proposed clearing areas to prevent inadvertent over clearing, and full-shielding of outdoor lights to minimize light pollution and potential adverse effect on bat foraging activities. The Planning Board will require that a note be added to the final site plan prohibiting the cutting of trees between the dates of October 1 and March 31.

Accordingly, any potential adverse impacts to Blanding's Turtles or Indian Bats associated with the project would be avoided.

8. Impact on Agricultural Resources (Part II EAF # 8)

The project is not located within an Agricultural District and therefore will not result in a negative impact to the Agricultural Resources.

9. Impact on Aesthetic Resources (Part II EAF # 9)

The project as designed will not result in a negative impact to the Aesthetic Resources on or near the project site as the project does not meet the threshold criteria as listed on the Part II EAF as it will not create an obvious change or sharp contrast in land use and is not readily visible from or within a scenic resource.

10. Impact on Historic and Archeological Resources (Part II EAF # 10)

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 8), the project site does not contain and is not adjacent to any National or State Historic Register sites or any sites that were determined to be eligible for listing on the National or State Historic Register. The CRIS mapping indicates that the project site is partially located within a known archeologically sensitive area. Consultation was undertaken with NYSOPRHP, which confirmed that "no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of

Historic Places will be impacted by this project.”

See NYSOPRHP Letter dated December 17, 2020 prepared by Roger Daniel Mackay, Deputy Commissioner for Historic Preservation Division for Historic Preservation.

11. Impact to Open Space and Recreation (Part II EAF # 11)

The project as designed will not result in any impact to Open Space or Recreational areas near the Project Area as the project does not meet the threshold criteria as listed on the Part II EAF as it does not include or is immediately adjacent to Open Spaces or Recreational Areas.

12. Impact to Critical Environmental Areas (Part II EAF # 12)

The project is not located within a Critical Environmental Area and therefore will not result in a negative impact to Critical Environmental Areas.

13. Impact to Transportation (Part II EAF # 13)

The project as designed will not result in any significant impact to existing transportation systems near the Project Area as the project does not meet the threshold criteria as listed on the Part II EAF as it will generate fewer than 100 peak hour vehicle trips per hour.

14. Impact to Energy (Part II EAF # 14)

The project will not result in a negative impact to the Energy resources in the area as the project does not meet the threshold criteria as listed on the Part II EAF.

15. Impact to Noise, Odor and Lights (Part II EAF # 15)

The proposed action may result in light shining onto adjoining properties.

The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

Although the proposed action will include outdoor lighting, the city code of ordinances requires that light does not shine onto adjoining properties and that all

lighting be fully-shielded and dark-sky compliant to reduce glare and sky glow impacts.

Accordingly, any potential adverse impacts with regards to outdoor lighting associated with the project would be avoided.

16. Impact to Human Health (Part II EAF # 16)

The project will not result in a negative impact to Human Health as the project does not meet the threshold criteria as listed on the Part II EAF and no impacts to Human Health have therefore been identified.

17. Consistency with Community Plans (Part II EAF # 17)

The proposed action is inconsistent with local land use plans or zoning regulations.

The proposed action includes a rezoning of the Project Area from Medium Low-Density Residential (R-2) to Planned Residential Development (PRD). If the action is successful the proposed action will be consistent with adopted land use plans and zoning regulations. Additionally, the proposed PRD zoning designation requires that the development be kept to the same density standards as the current R-2 zoning designation, which has a minimum lot area of 6,000 SF per dwelling unit, for maximum of 63 dwelling units. Flexibility of building placement and form permitted within the PRD allows units to be clustered into two multi-family buildings rather than spread out as detached single-family homes. This allows for development that will better conform to the natural conditions and constraints of the site, as noted in the City's adopted Natural Resource Inventory.

18. Impact to Community Character (Part II EAF # 18)

The project will not result in a negative impact to Community Character as the project does not meet the threshold criteria as listed on the Part II EAF and no impacts to Community Character have therefore been identified.

For Further Information:

Chairman Robert S. Levine
CITY OF POUGHKEEPSIE PLANNING BOARD
Poughkeepsie NY 12601

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON JANUARY 20, 2021.

Motion:

Seconded:

Roll Call Vote:

Robert Levine, Chair
Sakima A.G. Brown
Robert Mallory
Rosaura Andujar-McNeil
Marjorie Smith
Anne Saylor

A copy of this Type I Negative Declaration must be filed with:

The Clerk of the City of Poughkeepsie

The City of Poughkeepsie Planning Board

The New York State Department of Environmental Conservation

The City of Poughkeepsie Department of Public Works

The Dutchess County Department of Health

Any person who has requested a copy

Applicant

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Highview at the Fallkill Creek
Date : 1/17/2021

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____		☒	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☒ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☒	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☒	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☒	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☒	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☒	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☒	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☒	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☒	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☒	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☒	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☒	☐

I. Other impacts: _____ _____	☒	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
	☐ NO	☒ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☒	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: <u>municipal connection - water source: Hudson River</u>	D2c	☒	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☒	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☒	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☒	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☒	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☒	☐
h. Other impacts: _____ _____		☒	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
	☐ NO	☒ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☒	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☒	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☒	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☒
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☒	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☒	☐

g. Other impacts: _____ _____	☒	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐ NO ☒ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☒	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☒	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☒	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☒	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☒	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☒	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☒	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☒	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☒	☐
j. Other impacts: _____		☒	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		☒ NO ☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		☒ NO ☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☒ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ☒ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☒	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☒	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☒	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☒	☐
e. Other Impacts: _____		☒	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☒ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____		☒	☐

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

Project : Highview at the Fallkill Creek

Date : 1/19/2021

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Analysis of each question presented in Part II of the Full EAF resulted in the Agency responding "no, or small impact may occur" based on the guidance provided within the DEC EAF Workbook. Reasoning supporting the determination of significance is described in the Negative Declaration Notice of Determination of Non-Significance dated January 19, 2021.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Please see Negative Declaration Notice of Determination of Non-Significance dated January 19, 2021.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Poughkeepsie Planning Board _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Highview at the Fallkill Creek

Name of Lead Agency: City of Poughkeepsie Planning Board

Name of Responsible Officer in Lead Agency: Robert S. Levine

Title of Responsible Officer: Planning Board Chair

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Natalie Quinn

Address: 62 Civic Center Plaza, Poughkeepsie, NY 12601

Telephone Number: (845)451-4047

E-mail: nquinn@cityofpoughkeepsie.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**ORDINANCE AMENDING §13-175 OF THE
CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED “STOP SIGNS; LOCATIONS DESIGNATED”
(O-21-02)**

INTRODUCED BY COUNCILMEMBER FLOWERS:

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

SECTION 1: Section 13-175 of the City of Poughkeepsie Code of Ordinances entitled “**Stop Signs; Locations Designated**” is amended by the **ADDITION** of the following language:

On Hudson Avenue, both directions, at its intersection with Howard Street.

SECTION 2: This Ordinance shall take effect immediately upon adoption.

SECONDED BY COUNCILMEMBER _____ .

BOLD and UNDERLINING INDICATE ADDITION
BRACKETS [] AND STRIKETHROUGH INDICATE DELETION



Robert G Rolison
Mayor

Marc S Nelson, MPA
City Administrator

Brian E Martinez, PhD
Commissioner of Finance

MEMORANDUM

Date: February 5, 2021

To: Rob Rolison, Mayor

From: Brian Martinez, PhD., Commissioner of Finance

Cc: Marc Nelson, City Administrator
Common Council, Finance Committee
Common Council, Chair

Re: Fiscal Impact of Pershing Park Bond & Refunding 2020 City and 2009A Library Bonds

FISCAL IMPACT STATEMENT

Pursuant to Section 2.10 of the City Code, I hereby file the following Fiscal Impact Statement relative to borrowing for the Pershing Park Project and refinancing of bonds by the City of Poughkeepsie ("City").

The borrowing will have a significant fiscal impact on the City budget in out-years. Refinancing the 2020 City Bond is expected to cover the costs of borrowing for the Pershing Park Project through 2027, with additional revenue generated in 2021, 2022, 2023, and 2025 offsetting increased expenditures in 2024, 2026, and 2027. Additionally, refinancing the 2009A Library Bond is expected to save \$319,063 over the next ten years. The table below indicates the expected present value impact that each series will have on the budget through 2036. The projected breakeven point for 2020 and 2021A series, where increased expenditures will surpass savings, is illustrated on the table by a dotted blue line in Q2, 2028—however, within the next five years (by 2027), the City will have to refinance the 2021A BAN into a Bond.

Net Present Value Average Savings												
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032-2036
City Bond Series 2020	\$ 4,537	\$ 20,787	\$ 24,850	\$ 20,488	\$ 22,087	\$ 18,952	\$ 21,716	\$ -	\$ -	\$ -	\$ -	\$ -
BAN Series 2021A (Pershing Park)	\$ -	\$ (6,500)	\$ (21,500)	\$ (21,200)	\$ (20,900)	\$ (25,600)	\$ (27,600)	\$ (29,550)	\$ (29,050)	\$ (28,550)	\$ (28,050)	\$ (147,500)
NET SAVINGS	\$ 4,537	\$ 14,287	\$ 3,350	\$ (712)	\$ 1,187	\$ (6,648)	\$ (5,884)	\$ (29,550)	\$ (29,050)	\$ (28,550)	\$ (28,050)	\$ (147,500)
Library Series 2009A	\$ 30,938	\$ 25,278	\$ 26,140	\$ 23,409	\$ 22,091	\$ 25,203	\$ 24,762	\$ 21,240	\$ 21,852	\$ 22,505	\$ -	\$ -

Projections courtesy of Fiscal Advisors & Marketing, Inc.

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice was Sent: _____ 1a. Delivered by: Overnight Mail with Tracking Number 

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

- ☒ New Application
 ☐ Renewal
 ☐ Alteration
 ☐ Corporate Change
 ☐ Removal
 ☐ Class Change
 ☐ Method of Operation Change

For **New** applicants, answer each question below using all information known to date

For **Renewal** applicants, answer all questions

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type

For **Method of Operation Change** applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: City of Poughkeepsie

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): _____ Expiration Date (if applicable): _____

5. Applicant or Licensee Name: Farrix Holdings LLC

6. Trade Name (if any): Fit Social

7. Street Address of Establishment: 188 Main Street

8. City, Town or Village: Poughkeepsie, NY Zip Code: 12601

9. Business Telephone Number of Applicant/Licensee: (845) 233-1031

10. Business E-mail of Applicant/Licensee: steve@fitsocialstudio.com

11. Type(s) of alcohol sold or to be sold:
 ☐ Beer & Cider
 ☒ Wine, Beer & Cider
 ☐ Liquor, Wine, Beer & Cider

12. Extent of Food Service:

- ☒ Full food menu; full kitchen run by a chef or cook
 ☒ Menu meets legal minimum food availability requirements; food prep area at minimum

13. Type of Establishment: Bar/Tavern 

14. Method of Operation:
(check all that apply)

☐ Seasonal Establishment
 ☐ Juke Box
 ☒ Disc Jockey
 ☒ Recorded Music
 ☐ Karaoke

☐ Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

☐ Patron Dancing
 ☐ Employee Dancing
 ☐ Exotic Dancing
 ☐ Topless Entertainment

☐ Video/Arcade Games
 ☐ Third Party Promoters
 ☐ Security Personnel

☒ Other (specify): Fitness studio with bar and food menu

15. Licensed Outdoor Area:
(check all that apply)

☒ None
 ☐ Patio or Deck
 ☐ Rooftop
 ☐ Garden/Grounds
 ☐ Freestanding Covered Structure

☐ Sidewalk Cafe
 ☐ Other (specify): _____

January 16, 2021

LANCE MACMILLAN

NYSDOT Transportation Maintenance

Region 8 | Regional Office

334 VIOLET AVENUE | POUGHKEEPSIE NY 12601

Please find attached the bills I've incurred as a result of faulty road maintenance on a City of Poughkeepsie street.

On the evening of Thursday, January 7, 2021 my daughter was driving south on Smith Street and blew out her tire on a pothole just north of Bartlett/Weed Streets. The damage was so severe that the vehicle was not drivable, and a tow company needed to be called. She initially only replaced the right front tire, on 1/8/2021, but had to bring the vehicle back to the shop on 1/16/2021 to have the other front tire replaced. A check for the need for an alignment was also performed that day, because the vehicle was still shaking so badly.

Actual size of Pothole is 73.5" x 19.5"

The pothole was notably filled very quickly the next day; before 5:00 p.m. on January 8, 2021.

Please find attached:

- | | |
|---|------------------|
| • Countywide Towing & Recovery receipt | \$ 75.00 |
| • Mavis Discount Tire receipt 1/8/2021 | \$ 178.18 |
| • Mavis Discount Tire receipt 1/16/2021 | <u>\$ 190.06</u> |

Please reimburse: Total: \$ 443.24

CITY OF POUGHKEEPSIE
CITY CHAMBERLAIN
2020 FEB -8 AM 11:35

COUNTYWIDE
Towing & Recovery

DIAL
485-1715

1/7/21
2013 Volvo S60 white

Julia Ross,

Towed from Salt Point @ 11th Ave

Towed to 564 Salt Point Tpke

\$75.00

PAID CASH



MAVIS DISCOUNT TIRE

AMERICA'S TIRE DISCOUNTER

If you are not 100% satisfied with the service you have received, please call 1-800-757-4291

Wappinger Falls Mavis
124 Old Post Road
Wappingers Falls, NY 12590
Facility: 7106717, NY 12590
Phone: (845) 297-7000

6/50.00

0514 00059195 00748710

SOLD TO: RUSSI, LOUIE
NY 12590

1/0514
SEND TO:

E-mail: noemail

CUST. P.O.# Src:0008395729	MAKE/MODEL LOOSE NY	TAG LOOSE /NY	MILEAGE In: 111 Out: 111	TELEPHONE (845) 702-0716	RTE. A2	SLM	SHIP VIA	ORDER # 00059195	PG. 1	REMARKS
INVOICE DATE 01/08/2021	INVOICE NUMBER 00748710	PREVIOUS SHIPPED INVOICE NUMBER	TERMS CASH SALE		0514-0008395729 Opened by Operator # 999997 01/08/21 13:50:08 5142					
STOCK NUMBER 1549967000	SIZE 235/45ZR17	DESCRIPTION Conti ExtremeContact DWS06 R2B		QUANTITY ORDERED	QUANTITY SHIPPED	QUANTITY REV SHIP	UNIT PRICE 140.99	T 12	F.E.T. 0.00	EXTENSION 140.99
217	(17" RIM)	COMPUTER BALANCE PACKAGE					18.99	12	0.00	18.99
TEST TPMS SYSTEM & BATTERIES		RESERVATION DATE: 1/8/2021								
DOT Numbers: 65-8F-WC5J-2720		Mavis tire recycling charge					2.50	12	0.00	2.50
METHOD OF PAYMENT: Mastercard/Visa		178.18								
CHANGE:		.00								
Tax Code 12 Summary		Taxable Rate Tax		Labor		NYS Sales Tax		Taxable Rate Tax		
Tires		140.99 8.125% 11.46		Tires		NYS Tire Tax		140.99 \$ 2.50		2.50
Other Parts		2.50 8.125% 0.20								
NYS Waste Tire Management Fee \$2.50 per Tire										
In compliance with federal law, Mavis Tire is providing the tire purchaser's name and address and tire identification number to the manufacturer.										

WARNING: Lug nuts/bolts must be checked and retorqued immediately after the first 25 miles of use. Please return to Mavis immediately after 25 miles of your service so that we can check and retorquer your lug nuts/bolts.

I hereby authorize the repair work set forth to be done along with the necessary material & agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delay caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you & your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection at my risk. An ex-press mechanics Lien is hereby acknowledged on said vehicle to secure the amount of repairs thereto. I hereby waive my rights to a written estimate of the extent nature & cost of the service to be provided. Liability will not hold you responsible for fees on rental cars. Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties either expressed or implied warranty of fitness for a particular purpose & neither assumes any person to assume for it any liability in connection with the sale of said product. These repairs are covered by a limited warranty-labor 30 days or 1,000 miles, whichever comes first by the dealer-parts, 90 days or 4,000 miles, whichever comes first by the manufacturer. The dealer hereby limits any implied warranties to the same period. I will not stop payment on any parts and/or labor.

X
SIGNATURE

PARTS 99 2.50	LABOR 99 0.00	TAX 25%	TAXABLE AMOUNT	SALES TAX	F.E.T. 0.00	STATE WASTE TIRE FEE 0.00	PLEASE PRINT TOTALS AMOUNT 178.18
------------------	------------------	---------	----------------	-----------	----------------	---------------------------------	--------------------------------------

STS-MAVIS TIME 0514
124 OLD POST RD
WAPPINGERS, NY 12590000
11/08/2021 13:49:51

CREDIT CARD

VISA SALE

Card #	XXXXXXXXXXXX8971
Chip Card:	VISA CREDIT
ACD:	A0000000031010
SEQ #:	9
Batch #:	1176
INVOICE	9
Approval Code:	218094
Entry Method:	Chip Read
Mode:	Issuer
Tax Amount:	\$0.00

SALE AMOUNT \$178.18

CUSTOMER COPY



MAVIS DISCOUNT TIRE

AMERICA'S TIRE DISCOUNTER

If you are not 100% satisfied with the service you have received, please call 1-800-757-4291

Poughkeepsie Mavis
619 Dutchess Turnpike
Poughkeepsie, NY 12603
Facility: 7069306, NY 12603
Phone: (845) 471-2515

0402 00063393 00574570

LOU
ROSSI, JULIA

1/0402

LQU

SOLD TO:

PLEASANT VALLEY NY 12569

SEND TO:

E-mail : noemail

CUST. PO # SFC:0008471371	MAKE/MODEL 13 VOLVO S60	TAG ELW6628	MILEAGE In: 70459 (845) 392-4029 Out: 70459 (845) 702-0716	TELEPHONE	RTE 0	SLM 07	SHIP VIA	ORDER # 00063393	PG. 1	REMARKS	
INVOICE DATE 01/16/2021		INVOICE NUMBER 00574570		PREVIOUS SHIPPED INVOICE NUMBER		TERMS CASH SALE		Opened by Operator # 999997 01/16/21 14:25:03 4021			
STOCK NUMBER 2013 VOLVO S60 4 Dr Sedan		SIZE 235/45R17		DESCRIPTION FWD T5 (235/45R17 97 V)		QUANTITY ORDERED SHIPPED REV SHIP		UNIT PRICE T		F.E.T. EXTENSION	
1549967000		235/45R17		Conti ExtremeContact DWS06 R28		3		144.99		12 0.00 434.97	
217		(17" RIM)		COMPUTER BALANCE PACKAGE		3		18.99		12 0.00 56.97	
1100K				TEST TPMS SYSTEM & BATTERIES							
CKA				RESERVATION TIME: 03:00 PM							
				RESERVATION DATE: 1/16/2021							
				TPMS - SERVICE PACK WITH LABOR		3		6.99		12 0.00 20.97	
				CUSTOMER STATES CHECK ALIGNMENT		1		0.00		12 0.00 0.00	
				CALL MOM CELL PHONE 8457020715 FOR ANY ISSUES							
3 DOT Numbers: VY-8P-WC5J-4119/VY-8P-WC5J-4119/VY-8P-WC5J-4119				SUGGEST WHEEL ALIGNMENT---\$129.99							
R0				CUST STATES DECLINE EXTENDED TIRE WARRANTY		3		0.00		12 0.00 0.00	
305				Mavis tire recycling charge		1		7.50		12 0.00 7.50	
METHOD OF PAYMENT: Mastercard/Visa				570.19							
CHANGE:				.00							
CONTINUED....											

WARNING: Lug nuts/bolts must be checked and retorqued immediately after the first 25 miles of use. Please return to Mavis immediately after 25 miles of your service so that we can check and retorquer your lug nuts/bolts.

I hereby authorize the repair work set forth to be done along with the necessary material & agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delay caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you & your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection at my risk. An express Mechanics Lien is hereby acknowledged on said vehicle to secure the amount of repairs thereto. I hereby waive my rights to a written estimate of the extent nature & cost of the service to be provided. Liability will not hold you responsible for fees on rental cars. Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties either expressed or implied warranty of fitness for a particular purpose & neither assumes any person to assume for it any liability in connection with the sale of said product. These repairs are covered: by a limited warranty-labor 30 days or 1,000 miles, whichever comes first by the dealer-parts, 90 days or 4,000 miles, whichever comes first by the manufacturer. The dealer hereby limits any implied warranties to the same period. I will not stop payment on any parts and/or labor.

X
SIGNATURE

PARTS	LABOR	TAX%	TAXABLE AMOUNT	SALES TAX	F.E.T.	STATE WASTE TIRE FEE	INVOICE TOTAL



MAVIS DISCOUNT TIRE

AMERICA'S TIRE DISCOUNTER

If you are not 100% satisfied with the service you have received, please call 1-800-757-4291

Poughkeepsie Mavis
619 Dutchess Turnpike
Poughkeepsie, NY 12603
Facility: 7069306, NY 12603
Phone: (845) 471-2515

0402 00063393 00574570

LOU
ROSSI, JULIA

1/0402

LOU

SOLD TO:

PLEASANT VALLEY NY 12569

SEND TO:

E-mail : noemail

CUST. PO. # SPC:0008471371	MAKE/MODEL 13 VOLVO S60	TAG ELW6628	MILEAGE In: 70459 (845) 392-4029 Out: 70459 (845) 702-0716	TELEPHONE	RTE 0	SLM 07	SHIP VIA	ORDER # 00063393	PG. 2	REMARKS
0402-0008471371										
INVOICE DATE 01/16/2021	INVOICE NUMBER 00574570	PREVIOUS SHIPPED INVOICE NUMBER	TERMS CASH SALE			Opened by Operator # 999997 01/16/21 14:25:03 4021				
STOCK NUMBER Tax Code	SIZE 12 Summary	DESCRIPTION Taxable Rate		QUANTITY ORDERED SHIPPED PREV. SHIP		UNIT PRICE	T	F.E.T.	EXTENSION Taxable	Rate Tax
Tires	NYS Sales Tax	434.97	8.125%	35.34	Labor	NYS	Sales Tax		56.97	8.125% 4.63
Other Parts	NYS Sales Tax	28.47	8.125%	2.31	Tires	NYS	Tire Tax		434.97	2.50 7.50

STIS-MAVIS TIRE 0402
619 DUTCHESS TURNPIKE
POUGHKEEPSIE, NY 12603
01/16/2021
CREDIT CARD
MC SALE
XXXXXXXXXXXX3257
MASTERCARD
A0000000041011
1226
031947
Chip Read
Issue
\$570.19
SALE AMOUNT

CUSTOMER COPY

NYS Waste Tire Management Fee \$2.50 per Tire

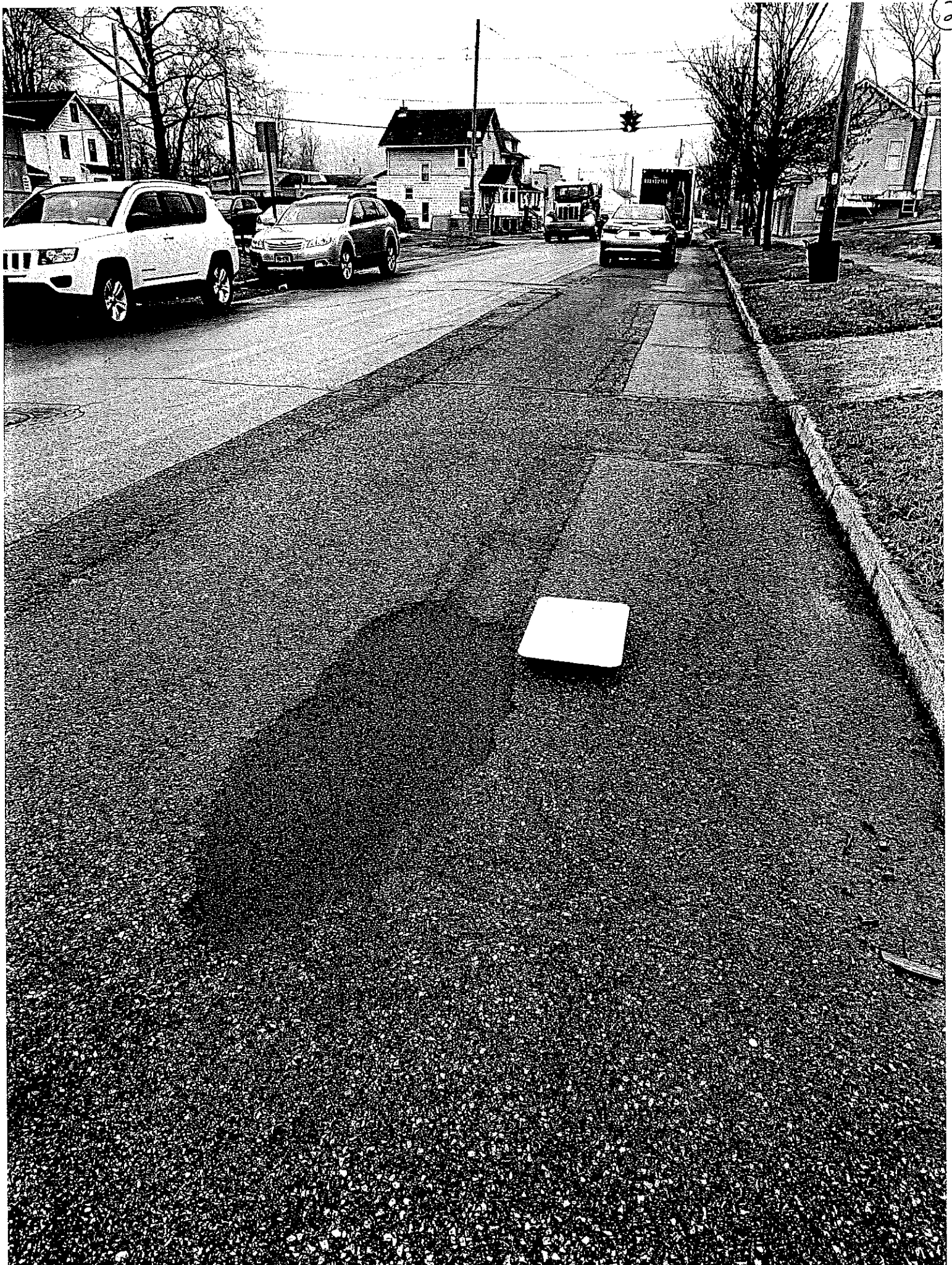
In compliance with federal law, Mavis Tire is providing the tire purchaser's name and address and tire identification number to the manufacturer.

WARNING: Lug nuts/bolts must be checked and retorqued immediately after the first 25 miles of use. Please return to Mavis immediately after 25 miles of your service so that we can check and retorque your lug nuts/bolts.

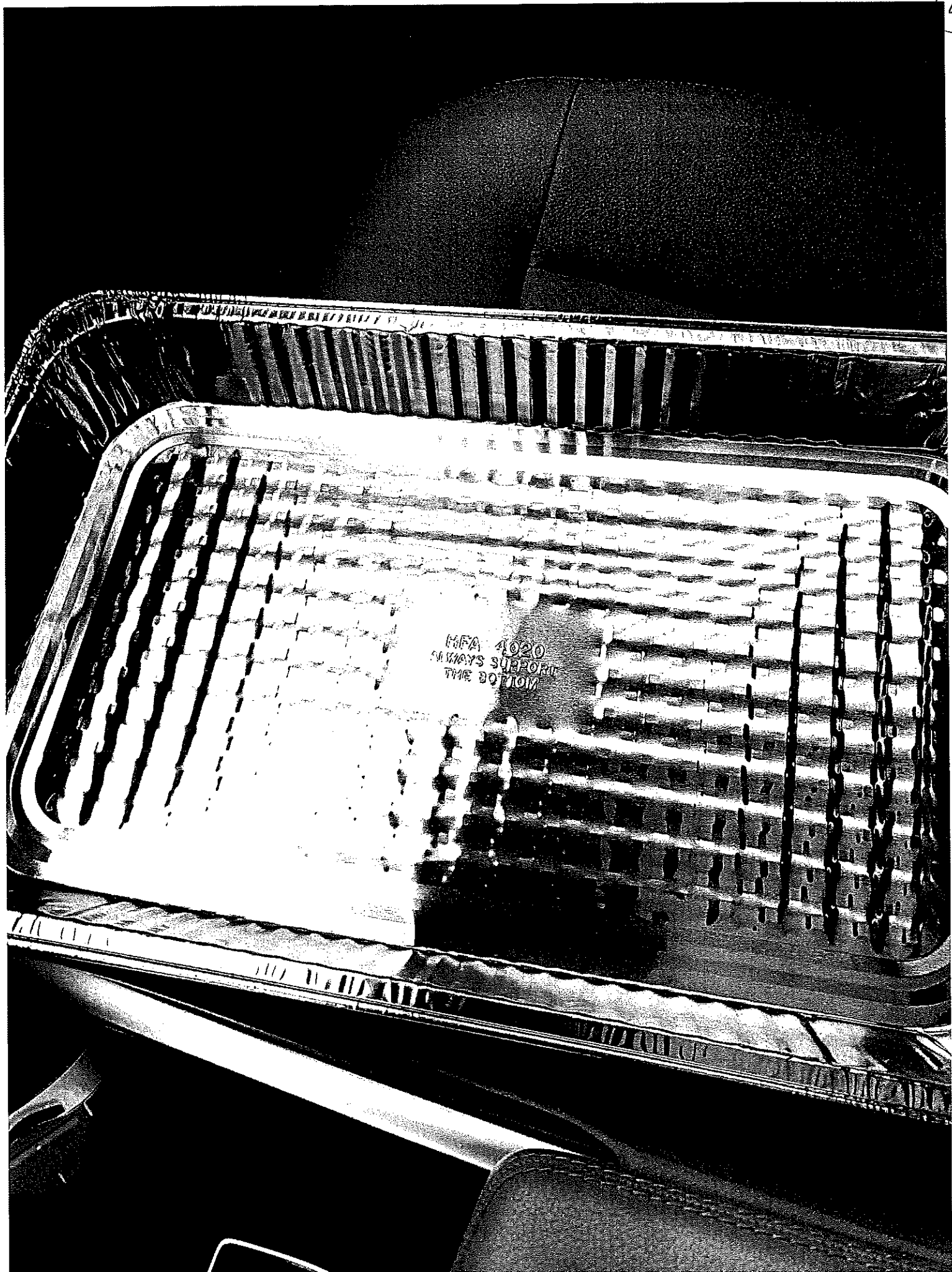
I hereby authorize the repair work set forth to be done along with the necessary material & agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delay caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you & your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection at my risk. An ex-press Mechanics Lien is hereby acknowledged on said vehicle to secure the amount of repairs thereto. I hereby waive my rights to a written estimate of the extent nature & cost of the service to be provided. Liability will not hold you responsible for fees on rental cars. Any warranties on the products sold hereby are those made by the manufacturers. The seller hereby expressly disclaims all warranties either expressed or implied warranty of fitness for a particular purpose & neither assumes any person to assume for it any liability in connection with the sale of said product. These repairs are covered: by a limited warranty-labor 30 days or 1,000 miles, whichever comes first by the dealer-parts, 90 days or 4,000 miles, whichever comes first by the manufacturer. The dealer hereby limits any implied warranties to the same period. I will not stop payment on any parts and/or labor.

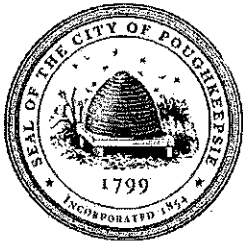
434.97	56.97	8.125%	520.41	SIGNATURE 28	7.50	PLEASE PAY THIS AMOUNT
PARTS	LABOR	TAX	TAXABLE AMOUNT	SALES TAX	F.E.T.	INVOICE TOTAL
28.47	0.00				0.00	570.19
				STATE WASTE TIRE FEE	0.00	











THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Thursday, February 4, 2021 6:30 p.m.

City Hall

The Council Meeting was conducted using videoconferencing, as permitted by the NYS Open Meetings Law.

Welcome to the regularly scheduled meeting of the City of Poughkeepsie Common Council the date is Thursday, February 4, 2021, and the time is 6:30 pm.

Effective immediately and based upon notices and health advisories issued by Federal, State, and Local officials related to the Coronavirus, the City of Poughkeepsie Common Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law.

Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the video conference meeting by using the registration link that was posted with our meeting notice and the meeting will be available for viewing at a later date and available on our website.

I'd like to acknowledge that we are gathered, wherever we are, on the traditional territory of the Lenape people and this territory was a critical resting place along a popular trade route for people of the Lenape Nation and other cultures as is evidenced in the earliest derivation of the name 'Poughkeepsie' with an indigenous string of words, U-puku-ipi-sing, that, when translated, means 'reed-covered lodge by the little water place' or resting place.

Let's all recite the pledge of allegiance.

I. PLEDGE OF ALLEGIANCE:

ROLL CALL- 6 Present 3 Absent (Councilmembers L. Johnson, R. Johnson and Petsas. Councilmember Petsas arrived after "roll call")

II. REVIEW OF MINUTES:

Official Minutes of the Common Council Meeting of February 4, 2021

CCM Minutes 01-19-2021						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☒	☐	☐	☐
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

ADD:

VIII: ORDINANCES AND LOCAL LAWS:

2. Ordinance O-21-02, amending Section 13-175 of the City of Poughkeepsie Code of Ordinances entitled "Stop Signs; Locations Designated"

IV. PUBLIC PARTICIPATION: Three (3) minutes per person up to 45 minutes of public comment on any agenda and non-agenda items.

1. Naomi Brooks
2. Patricia Miller – 26 Vassar St
3. Laurie Sandow – South Grand Ave.

Official Minutes of the Common Council Meeting of February 4, 2021

Laurie Sandow comments, Common Council meeting, February 4, 2021 — Pg. 1 of 3

(Original Common Council meeting date was February 1, 2021, which was cancelled and rescheduled)

I'll open tonight's comments with a quote posted last week by Evan Menist, who said:

"We need to make sure that those who lie to perpetuate their power are held accountable."

I wonder, has Evan Menist ever held Sarah Salem, Sarah Brannen and Ann Finney responsible for lying to the public in order to have me silenced and arrested at a Common Council meeting?

Has Menist held Chris Petsas and Matt McNamara responsible for applauding while the Council's Sergeant-at-Arms—their private police force—escorted me from the room?

Did Evan Menist hold his own self responsible when he, in tandem with Sarah Salem, vouched for and circulated an entirely fabricated and slanderous narrative about why I was arrested?

Has Menist held Chris Petsas responsible for lies that Petsas used to attack this city's Historic District and Landmark Preservation Commission [the "HDLPC"]?

Are there, effectively, lies by omission?—for example, Evan Menist's failure to announce at a Council meeting his new paid position with a Rockland County Senator, a position that may have caused Menist to change his vote from opposition to favorable support of Ken Kearney's 40-year PILOT. Or a conflict of interest by omission from Sarah Brannen who, when this Council voted to hire Gary Beck and scuttled the City's purchase of the Italian Center, never once mentioned that Gary Beck was Brannen's fellow Trustee at the Poughkeepsie Day School.

In January, Sarah Brannen made a virtue-signalling post to Facebook, citing Dr. Martin Luther King Jr.'s quote: **"Our lives begin to end the day we become silent about things that matter."**

Brannen said that quote acted as a guide to her own work in Poughkeepsie. How ironic—

Sarah Brannen, who abuses her power to silence members of the public by making up Council rules; Sarah Brannen who remains silent and non-responsive to Freedom of Information requests; Sarah Brannen who willfully, knowingly, illegally follows Trump's lead, joining certain other councilmembers in silencing the public by blocking access and comments to their own social media posts. I wonder, Evan Menist, do you consider that a lie by omission? by commission? Will you be making sure to hold Brannen accountable for lies and omissions made to perpetuate her power?

Official Minutes of the Common Council Meeting of February 4, 2021

Laurie Sandow comments, Common Council meeting, February 4, 2021 — Pg. 2 of 3

This Common Council is continuously, willfully lawbreaking—at the last Council meeting alone, every councilmember participated in at least three Open Meetings Law violations: the last-minute Resolution R21-21, added to the agenda after the meeting started, and never posted to the public in advance of the meeting; an Executive Session, initiated without a proper motion; and Council Chair Sarah Salem's extensive Facebook post about the PBA contract, composed before the Council meeting even began, posted during the Executive Session, and documenting that the Council's decision to reject the PBA contract was made far in advance of the Council meeting itself. And to those councilmembers saying to themselves or others: "Hey, that wasn't me". Yes, it was you; it was completely you. As with the Republicans and their Q-Anon allies—what you don't repudiate, you enable. Silent councilmembers willfully colluded with and enabled this.

On tonight's agenda there's spot rezoning of yet another City parcel at Milton Street. Where's Natalie Quinn on this issue? Must be out gallivanting with Waldo. How much of this City will be spot rezoned by this Council—all to the benefit of developers and gentrification? How long will Sarah Salem, Sarah Brannen and Evan Menist's lawbreaking LWRP committee continue to jeopardize all our waterways, including the Fall Kill behind the Milton Street project? How much longer will the Council's meets-only-in-private LWRP fail to produce a completed document? And how much longer will the City pretend that it can't produce a Comprehensive Plan as long as the Council's LWRP keeps stalling? How convenient for each party to be pointing fingers at the other.

Lastly, as to the rules-breaking sales of 61 Academy and 204 Church that took place at the recent January 19, 2021, Council meeting, why did not a single Council member mention that the purchaser of 61 Academy was not even a legal NY State entity until late December 2020? Has Sarah Salem ever answered why the sale of 61 Academy was yanked from the Council's agenda before lives were lost in the tragic fire, when Salem was still 2nd Ward councilmember? Who are the anonymous new buyers of 61 Academy? Did the City have to pay to recover 204 Church St. from Nesheiwat, whose \$3,000 purchase of that property was supported and advocated by Chris Petsas? The same building Neshiewat tried to flip for \$149,000, and then let fall to ruin. Did the City ever fine Neshiewat for demolition by neglect of that historic property? And now, at the last Council meeting, 204 Church was sold to Baxter for \$1,000. Due diligence anyone? Or has this "transparency council" made that the public's responsibility, and not the Council's?

Official Minutes of the Common Council Meeting of February 4, 2021

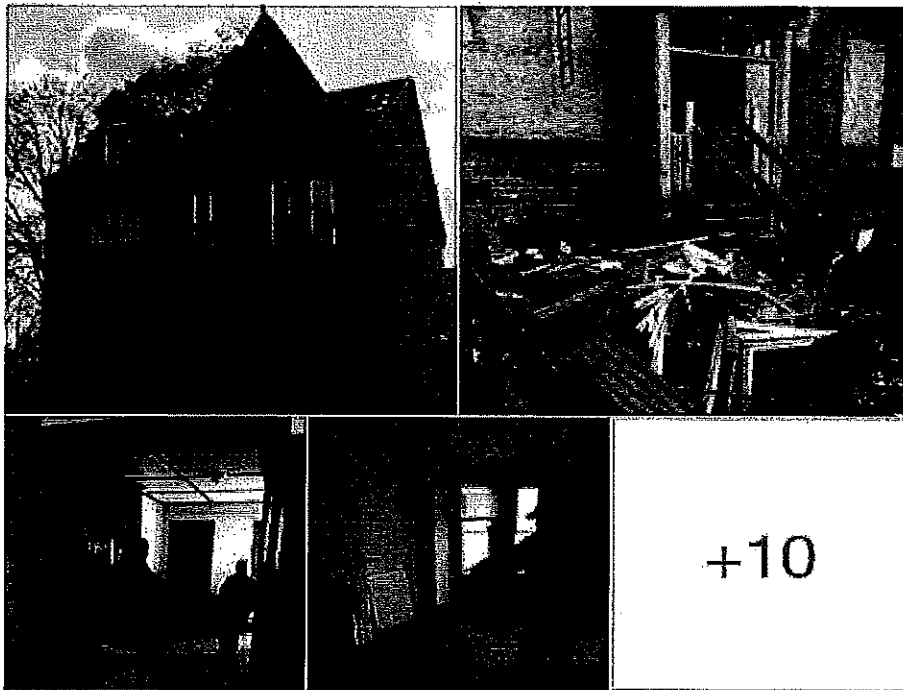
Laurie Sandow comments, Common Council meeting, February 4, 2021 — Pg. 3 of 3



Chris Petsas added 14 new photos.

November 16 at 11:20am · Poughkeepsie, NY ·

Proud to have had my part in saving the historic Arnout Cannon House located at 204 Church Street from the wrecking ball two years ago ... prouder today to walk and tour the property with new owner Issa Nesh who has started renovating the building. He has amazing plans to rehab the building. Thank you to Council President-elect Ann Finney for attending today and learning more about the project !



4. Jeanette Cantwell

5. Ken Stier

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS:

So we're going to kick off chairpersons comment with the fact that yesterday we received an Article 78 from Pelton Partners LLC that seeks to reverse the decision we, the Common Council, made on October 1st to uphold the determination of the historic District Landmarks Preservation Commission's denial of a certificate of appropriateness for Pelton partners, proposed development at thirty six North Clover Street and I on the advice of legal.

We really can't say too much because we will be entering this soon.

I have a few comments: First on the snow - that was quite a storm! It seemed that the snow was never going to end, but it did. And, I think it's safe to say that we saw up to 20 inches in some parts of the city. I know parts of the state received even more snow.

And I want to give a major kudos to the Department of Public Works for their clearing of the snow on the streets through the storm, into the night, through the next day, and as it continued to fall on Tuesday night.

And I was actually incredibly impressed with the detail of the clearing and the plowing on the sidewalks, specifically on Main Street. I understand that there are a number of areas that still need to be cleared for pedestrians and for the safety of car traffic coming around corners and such.

However, I know a number of council members have put their contact information out online. I want to put mine out there, too. If you see a spot that you think needs a better job of being cleared or you think an owner has cleared the sidewalk fully or there's ice left on the ground, take a picture, note the cross street and send that into any of the council members. You can send it to me personally. My email is SSalem@cityofPoughkeepsie.com, and we will pass the information along. But again, I want to say very, very excellent work to the Department of Public Works.

And, I saw a video that was taken by Mayor Rolison on News Channel Four during the storm showing the work of DPW, clearing John Flowers circle down on the end of Main. So that was pretty exciting.

Police reform and Modernization Collaborative report has been released from Mayor Rolison and police chief Pape. It's a preliminary report in response to Governor Andrew Cuomo's executive order 203 on twenty first century police reform. And there is a virtual meeting that's been scheduled for Wednesday, February 10th at six p.m. and that is to access feedback from members of the public on the report. You can access the report and you can register for the virtual meeting by going to www.cityofpoughkeepsie.com/policecollaborativeplan. I think that there's a link on the City of Poughkeepsie.com home page. You can register for the virtual meeting that will be held on February 10th.

And I will personally invite Chief Pape to join us at our upcoming council meeting to formally present the plan with the public feedback that's received after that February 10th meeting date to the Common Council, because the Common Council will have to pass the plan before April of 2021, according to Executive Order 203.

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And I know that that preliminary plan was worked on with committee members, Dutchess County Task Force with the Procedural Justice Committee and other members of the community.

So as a preliminary plan, I am really excited to dig in a little bit deeper and to hear the feedback that we receive from members of the public.

I also want to thank the Dutchess County for recognizing me personally for my work through the pandemic with Dutchess Outreach in food access and distribution of emergency meals and grocery packages. It feels good to be recognized. And I thank Mark Molinaro and the county legislature for sending me a certificate and just feeling recognized.

I do have to say I couldn't have done any of that work alone. And there's a whole team at Dutchess Outreach that worked through the pandemic, changed the way that we operated in order to get meals out to individuals who are food insecure and continue to be food insecure. And we didn't stop one single day, so there was no working from home, everybody right on the front lines. And that was thanks to the collaboration that we felt from the government, members of our community and supporters, other organizations that helped us through that time and continue to help us. So, I really want to give a thanks for that.

Coronavirus cases are still occurring in Dutchess County, and just as a reminder, it's good to wear one mask, if not two, now good to remember not to gather in enclosed spaces with more than 10 people. If you are gathered with more than 10 people, make sure you're abiding by those social distancing measures. And again, wearing a mask.

Resources are available on the City of Poughkeepsie website for contact tracing to figure out how to get a test where you were when you should get a test, what to do if you think you've been in contact with somebody with the coronavirus and information on getting vaccinated as well.

I know that there are a number of pop up clinics that are being instituted in New York State, that there's one here in Poughkeepsie. However, I'm pretty sure that those appointments are already full and designated and appointments are going fast for vaccine. So if you're able to pop on the Dutchess County website, you can figure out how you can get in line to get a vaccine if you're eligible. And on the New York State website, they have the eligibility guide so you can figure out when you're eligible. And again, I would sign up for email alerts, for text alerts so you can keep on top of it, because, again, those appointments go within minutes and folks are getting vaccinations outside of the county. They're going wherever they can in order to get vaccinated, understanding that doses are limited and appointments are filling very, very fast.

So even if you're vaccinated, that doesn't mean you have to stop wearing a mask and stop any of those guidelines issued by the CDC. It's important to remember that that's only one point of protection. And there are a number of other things that we have to do to protect our entire community, to uphold our standards of community care to our highest ability.

February is Black History Month and there are plenty of ways to celebrate and learn about black history and culture in our community and our country. And I would contend that there is things to celebrate every single day. Black history is ongoing because black community members are part of our community and part of this country of our story.

Celebrating the African Spirit is a local organization that is running a number of, a host of virtual events this month. And I would hop on their Facebook page or pop on to their website at celebratingtheafricanspirit.org to find out when you can tune in to these events. I'm very excited about a number of them. I can't wait to tune in myself. And there are other events posted for local organizations over in Kingston, across the country.

And again, I know it's also an excellent time to reflect on the history being made by black Americans or the herstory, I should say, at this very moment with the election of our first black vice president, Kamala Harris, a woman and a graduate of a historically black university. And as Georgia sends its first black senator to the capital.

So, black history, again, is ongoing. And, as we endeavor to correct a racist and oppressive behaviors and actions of the past and continue to work for racial justice and ensure that black history and the story of our black community members does not get lost in the pages that reflect the retelling of our country's experience. Because the American experience is diverse and some parts of our history is gruesome at times hard to swallow. However, it's necessary to recount accurately these points of history in order to reform and to move forward to ensure that every single member of our community feels welcome and feels as if their voice matters in our communities.

So let's continue the hard work together.

VI. REPORTS OF COMMITTEES AND BOARDS:

1. Finance Committee Report– Chair Evan Menist

VII. MOTIONS AND RESOLUTIONS:

1. A motion was made by Councilmember Brannen and seconded by Councilmember Cherry to receive and print.

(R21-22)

RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL INTRODUCING A LOCAL LAW ENTITLED “THE POUGHKEEPSIE EMERGENCY TENANT HOUSING, AND INCLUSIONARY CONSTRUCTION STRATEGY ACT OF 2020” AND PROVIDING FOR PUBLIC NOTICE AND HEARING

INTRODUCED BY COUNCILMEMBER MENIST

***BE IT RESOLVED*, that an introductory Local Law, entitled “THE POUGHKEEPSIE
EMERGENCY TENANT HOUSING, AND INCLUSIONARY CONSTRUCTION**

STRATEGY ACT OF 2020” be and it 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 be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law virtually via videoconferencing, (as permitted by the NYS Open Meetings Law) for the purpose of receiving comment on the proposed Local Law on March 1, 2021 at 5:30 p.m.; and

BE IT FURTHER RESOLVED, that the City 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 ten (10) days prior thereto.

SECONDED BY COUNCILMEMBER BRANNEN

R21-22						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember McNamara	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Councilmember R. Johnson	Voter	☐	☐	☐	☒
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Petsas	Voter	☒	☐	☐	☐
	Councilmember L. Johnson	Voter	☐	☐	☐	☒
	Councilmember Brannen	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

2. A motion was made to suspend the rules by Councilmember Flowers and seconded by Councilmember Brannen.

A motion was made to resume the rules of the regular Common Council Meeting by Councilmember Brannen and seconded by Councilmember Flowers.

VIII. ORDINANCES AND LOCAL LAWS:

1. Ordinance O-21-01, approving a zoning amendment for the rezoning to a vacant nine acre parcel on Milton Street from Medium-Low Density to Planned Residential Density (PRD)

2. Ordinance O-21-02, amending Section 13-175 of the City of Poughkeepsie Code of Ordinances entitled "Stop Signs; Locations Designated"

-NO VOTE TAKEN-

IX. PRESENTATION OF PETITIONS AND COMMUNICATIONS:

1. **FROM COUNCILMEMBER CHERRY AND CITY ADMINISTRATOR NELSON**, a communication regarding the Joint City-School District Shared Employee Communication & Public Outreach: An Inter-Municipal Agreement
2. **FROM COUNCILMEMBER MCNAMARA and CITY ASSESSOR TAYLOR**, a communication on the Senior Citizen Real Property Tax Exemption.
3. **FROM JOSEPH T. GEMMATI**, a notice of intent for JD's Pub & Brew, Inc., to renew its Liquor License.
4. **FROM ANNETTE CREARY**, a notice of property damage sustained on December 20, 2020.
5. **FROM BRANDON J. BRODERICK**, a notice of personal injury sustained by Leslie Dildly on December 31, 2020.
6. **FROM SALEM M. NESHEIWAT, by his parent and Natural Guardian CYNTHIA NESHEIWAT AND CYNTHIA J. NESHEIWAT, Individually**, a notice of personal injury sustained on December 13, 2020.

I. UNFINISHED BUSINESS:

II. NEW BUSINESS:

III. ADJOURNMENT

A motion was made by Councilmember Brannen and seconded by Councilmember Cherry to adjourn the meeting at 8:16 pm.

Dated: February 8, 2021

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Thursday, February 4, 2021

Official Minutes of the Common Council Meeting of February 4, 2021

Respectfully submitted,

Donna M. DeLuca
Acting City Chamberlain