

PUBLIC HEARING MEETING AGENDA

City of Poughkeepsie Common Council Public Hearing Cont'd: for the purpose of receiving comments on the proposed introductory Local Law, entitled “Local Law Amending Section 18 1/2 of the Code of Ordinances of the City of Poughkeepsie, New York”; Local Waterfront Redevelopment Program.

Virtual:

https://us02web.zoom.us/webinar/register/WN_O14E9rDvTTaT3ZjJFnJlJQ

Tuesday, February 22, 2022
5:45 p.m.

- I.** Welcome
- II.** Public Participation:
- III.** Adjournment:



**THE CITY OF POUGHKEEPSIE
NEW YORK
PLANNING DEPARTMENT
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4055 Fax: (845) 451-4006**

MEMORANDUM OF TRANSMITTAL

To: Common Council of the City of Poughkeepsie
From: Natalie Quinn, Acting Development Director
Date: January 12, 2022
Re: **LWRP Public Hearing Materials**

The draft Local Waterfront Redevelopment Plan can be found on the city's website at the following location:

Local Waterfront Redevelopment Program draft December 10, 2021
<https://www.cityofpoughkeepsie.com/392/Project-Documents>

The following materials are included in this packet for posting prior to the January 18, 2022 public hearing:

1. Memorandum from BFJ Planning regarding "Poughkeepsie LWRP – Summary of Revisions," dated 1/11/2022
2. Email correspondence from Jaime Either, DOS Mid-Hudson Unit Supervisor, dated 12/23/2021
3. Local Law Amending Chapter 18 ½ of the City of Poughkeepsie Code of Ordinances Entitled "Waterfront Consistency Review"
4. R-21-94 Resolution Introducing Local law and Providing for Public Notice and Hearing
5. R-19-50 Resolution Declaring Common Council as Lead Agency
6. Full Environmental Assessment Form Part 1, dated May 1, 2019
7. Referral 19-164 Response from Dutchess County Planning

Date: January 11, 2021

To: City of Poughkeepsie Common Council

Cc: Natalie Quinn, Planning Director
Paul Hesse, Community Development Coordinator

From: Simon Kates, AICP, LEED AP, Associate Principal, BFJ Planning
(212) 353-7657
s.kates@bfjplanning.com

Subject: Poughkeepsie LWRP – Summary of Revisions

Introduction

LWRP Process

The process of creating Poughkeepsie's Local Waterfront Revitalization Program (LWRP) began in October 2018. During the planning process, we held 10 Working Group meetings, four Common Council briefings (plus an additional meeting with some Common Council members), four briefings of the Waterfront Advisory Committee (WAC), and one joint meeting of the WAC and Common Council. There were two public workshops (December 5, 2018 and March 7, 2019). A public survey, issued online and with hard copies, received over 600 responses. We also held four Stakeholder Meetings with representatives of key groups in the waterfront area. The four meetings included: environmental groups, Fall Kill stakeholders, the Northside Collaborative, and major property owners near the train station. At the request of the Common Council, we conducted additional public outreach during the summer of 2019, which included attendance by City staff and some councilmembers at a number of community events to further publicize the process, get feedback, and make sure community members were aware of the draft documents which have been posted on the City's website. Documentation of the public outreach process is included in the Appendix of the December 10, 2021 draft of the LWRP, which is posted on the City's website.

During the course of this planning process, comments were received and changes made to the document from a wide range of local and regional stakeholders, including:

- New York State Department of State (NYS DOS)
- Poughkeepsie Common Council members
- Waterfront Advisory Committee members
- Historic District and Landmarks Preservation Commission
- Dutchess County Planning Department
- Scenic Hudson
- Cary Institute

Drafts of the LWRP were posted on the City of Poughkeepsie website at key junctures throughout the planning process. Preliminary drafts were posted online on May 1, 2019 and July 1, 2019. The preliminary draft LWRP was also sent to NYS DOS during the summer of 2019. We received a final set of comments

from NYS DOS on November 7, 2019. These included comments from the NYS DOS planner and legal counsel. Based on those comments, a complete draft of the LWRP was produced that responded to all of the NYS DOS comments. This full draft was posted online on November 26, 2019.

A minor series of additional revisions have been made since that November 26, 2019 draft was posted online. None of these new revisions are substantive—rather, they amount to fixing typos, revising word choice to improve clarity, and improving some transitions between sections for readability. This last set of revisions is included in the December 10, 2021 draft, which is also posted on the City website.

BFJ Planning and City of Poughkeepsie staff have been coordinating closely and extensively with NYS DOS throughout the process. The process to date, despite delays along the way, is quite typical. NYS DOS often provides extensive comments on a draft LWRP. This is by design—this rigorous review of the draft helps to minimize future changes once the document is sent to 60-day review by other New York State and Federal agencies. The revisions that appear in the November 26, 2021 draft were made in direct response to each of the comments that we received from NYS DOS. If the City were to retain another consultant to review and revise the document, such revisions should be made in close consultation with NYS DOS—otherwise the City risks prolonging the process with further rounds of review.

The next step in the process is for the City to hold a public hearing on the Waterfront Consistency Review law. Following the public hearing, the City can conclude the SEQRA process with a negative declaration (indicating that adoption of the Waterfront Consistency Review Law and the LWRP will not result in any significant adverse impacts on the environment). Once the SEQRA process has concluded, the Common Council may adopt the revised Waterfront Consistency Review Law and the LWRP and adopt a resolution stating that the LWRP is ready to be sent to NYS DOS for 60-day review.

60-day review is a process by which the NY Secretary of State circulates a draft LWRP to State and Federal agencies for comment. Agencies have 60-days to respond. NYS DOS circulates letters to interested agencies, posts the draft document on the NYS DOS website, and sends any comments to the municipality. Following 60-day review, the City will be able to prepare a final version of the document. If there are any changes required at this point, the Common Council will adopt the LWRP as revised by comments received during 60-day review.

Benefits of an approved LWRP

An LWRP is a locally prepared planning and policy document with three key objectives:

1. Tool for the Waterfront Advisory Committee (WAC) to conduct consistency review of proposed actions in the Waterfront Revitalization Area.
2. An LWRP that has been approved by NYS DOS revises the NYS Coastal Management Program; therefore, local, State, and Federal actions must be consistent with the local LWRP.
3. Increases the likelihood of receiving grant funding from NYS for projects identified in the plan.

Summary of Comments from NYSDOS Legal Review

If any councilmember or member of the public is concerned that BFJ Planning and City staff have not adequately responded to the comments from NYSDOS, I would encourage them to review the comments in the margin of the December 10, 2021 draft and/or the tracked changes in the November 26, 2019 draft of the document. While there are, in fact, extensive comments from NYSDOS, this is a normal step in the process of development a highly technical document that attempts to balance both local priorities and

state and federal criteria. In responding to the comments and revising the document, we retained all comments in the document so that these changes can be easily tracked and reviewed.

In working closely with City staff and the NYSDOS Project Manager and legal counsel, we have already revised the LWRP to respond to all of these comments. We believe that all of the comments from NYSDOS—both minor revisions for clarification and substantive comments—have been responded to. To give one example that was discussed during the December 20, 2021 Common Council meeting: in response to the NYSDOS concerns about the WRA boundary, we revised the boundary to match the New York State Coastal Boundary (with the exception of the Fall Kill expansion). We received the comment, revised the document, and therefore the concern from NYSDOS has been resolved.

However, if there are specific substantive concerns—either from councilmembers or members of the public—we would encourage those comments to be made during the public hearing. If there is a need to further revise the document before sending it to NYSDOS for 60-day review, those revisions can be made following the public hearing. Some of the most common or substantive comments from NYS DOS are summarized below.

Amendments to the Waterfront Revitalization Area (WRA)

Early on in the process, we discussed changes to the WRA from the New York State Coastal Boundary. The general feedback that we received from the NYSDOS Project Manager at the time was that we should show the proposed changes and justify those changes in the document. In the draft LWRP that was submitted to NYSDOS for legal review, one major change was approved—expanding the WRA beyond the NYS Coastal Boundary to include the Fall Kill. NYSDOS objected to the other change, which was shrinking the WRA so that it focused on properties that directly affect the Hudson River.

The reason we sought this change was to make it easier for property owners to make improvements to their properties. Any property that is located within the WRA is subject to Waterfront Consistency Review. For a property located on Market Street, for example, that has no physical or visual connection to the Hudson River, this seemed like an unnecessary additional regulatory hurdle. However, the comment from NYSDOS legal review was quite clear that reducing the geographic scope of the boundary is not an option. As a result, we revised the boundary to match the NYS Coastal Boundary, with the expansion to include the Fall Kill. This comment from NYSDOS has therefore been addressed.

Section III Policies included too many revisions, sub-policies, and analysis

Section III has been revised to respond to NYSDOS concerns and we believe this section will receive very few additional comments, if any. The principal reasons for the degree of comments in this section was our collective interest in trying to make the new LWRP as consistent with the 1998 LWRP as possible. Because the City has a locally adopted LWRP from 1998, we decided, along with the LWRP Working Group, to attempt to maintain as much of the relevant content from that prior document. Even though the 1998 document was not approved by NYSDOS (and therefore NYSDOS does not accept that the City has an LWRP on the books), the Waterfront Advisory Committee has been using the 1998 LWRP for consistency review for two decades.

Despite our attempt to preserve as much from that plan as possible, NYSDOS required more substantial changes to bring the document to a point where it can clear 60-day review. The State policies in Section III were written by NYSDOS in coordination with NOAA as part of the Coastal Management Program. They have been approved at the State and Federal level. That is the reason that NYSDOS insists on minimal changes to this section. The State policy language cannot be amended. NYSDOS will allow the addition of

select locally-specific sub-policies. The 1998 LWRP included extensive sub-policies, but NYSDOS objected to many of them in the draft LWRP. Based on several discussions with the NYSDOS Project Manager and legal counsel, we believe that we have produced a Section III Policies that is consistent with NYSDOS guidance.

We would encourage anyone concerned about the revisions to Section III Policies to review the series of comments in the margin of the document. These are all of the in-text comments that we received from NYSDOS legal review, as well as our response about how the document was revised to respond to these comments. In many cases, we have referenced discussions or calls with NYSDOS. I hope that this helps to expose the extensive process that we have gone through with NYSDOS and provides some transparency about where we have made changes—and where we have left text unchanged, per direction from NYSDOS. We have tried to find a balance between reflecting the priorities of the City (through discussions with City staff and the Waterfront Advisory Committee) while also responding to comments from NYSDOS. We have attempted to create an LWRP document that achieves two critical objectives: 1) it is a strong tool for the WAC to conduct waterfront consistency review, and 2) it complies with guidance from NYSDOS so that it can be approved by the State after 60-day review.

Some content in Section III Policies and Section IV Projects was more appropriate in Section II Inventory and Analysis

One general comment in Section II was that the section required greater analysis. There were also several comments in Sections III and IV that content in those sections amounted to analysis that would be more appropriate in Section II. We revised Section II to expand the analysis and, where appropriate, moved content from Sections III and IV to more appropriate locations in Section II.

Add Executive Summary with Vision Statement and Statement of Goals

We created a new Executive Summary section of the document to respond to these comments. The guidance to include an Executive Summary was included in the March 2019 *Local Waterfront Revitalization Programs in the Coastal Area: Guidance Manual for Preparing Local Programs*. By the time we received this document, we had already drafted a full LWRP document. Therefore, we added the Executive Summary in response to these comments from NYSDOS.

Questions requiring context, clarification, and explanation

Throughout Section II Inventory and Analysis, there are comments asking for additional explanation. Further detail has been added to respond to each of these comments. Further, reference to all of the projects in Section IV Projects have been added to Section II. This helps to build the narrative—Section II provides the inventory and description of improvements that are needed; then, Section IV describes the projects that will implement those improvements.

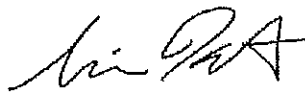
Lastly, at the December 20, 2021 Common Council meeting it was discussed that the City consider hiring another consultant to review the LWRP. We have no objection to the City hiring another consultant to review our work. We would simply suggest that the City be mindful of the process that the LWRP document has already undergone, including extensive coordination with NYSDOS and response to all of the comments from NYSDOS legal review. If another consultant is hired, I would urge that consultant to begin their work by meeting with the NYSDOS Project Manager before initiating a new round of revisions. Because the document has already been through NYSDOS legal review, any substantive changes could result in further delay and an additional round of legal review. In particular, I would like to remind the

council of two key points that we have raised throughout the process of creating the draft document that is before you:

1. NYSDOS expects very limited revisions or additions to Section III Policies. The State policy language cannot be changed in any way. In some cases, we have added locally-specific sub-policies. Although sub-policies are permitted by NYSDOS, the sub-policies in the current draft have undergone extensive review by NYSDOS. We have made revisions to the sub-policies based on comments from NYSDOS and would expect only limited additional changes from 60-day review. Any change at all to the State policies will receive further comments from NYSDOS. Further changes to the sub-policies may be met with objection and further delay as well.
2. NYSDOS views the LWRP as a program to help implement existing local laws, not a planning document that recommends or proposes future adoption or revision of local laws. The LWRP is different in this way from other long range plans (such as a comprehensive plan). In a comprehensive plan, the objective is to propose forward-thinking policy initiatives (including local laws). That is not how an LWRP operates—the LWRP cannot introduce or recommend a new local law, unless that new law is adopted in coordination with the LWRP. If any new revision were to recommend adoption of a new local law (e.g., revision to the zoning code) NYSDOS will send the document back for further revisions.

We look forward to the Public Hearing on January 18, 2022 and continuing to work with the City of Poughkeepsie to complete the important program for the future of the City's waterfront.

Regards,



Simon Kates, AICP, LEED AP
Associate Principal
BFJ Planning

Quinn, Natalie

From: Ethier, Jaime (DOS) <Jaime.Ethier@dos.ny.gov>
Sent: Thursday, December 23, 2021 12:30 PM
To: Quinn, Natalie
Cc: Hesse, Paul; s.yackel@bfjplanning.com; Simon Kates
Subject: RE: Poughkeepsie LWRP

Thank you Natalie for the update on the status of the draft LWRP. We are in the process of reviewing the draft LWRP dated 12/10/21 which addresses the comments that I and our legal counsel provided to you in 2019. This is the continuation of our ongoing dialog concerning the draft LWRP in our collective effort to make the draft LWRP ready for 60-day review by potentially affected agencies.

The City's adoption of the LWRP provides us with the assurance that the City feels the draft LWRP is ready for 60-day review which will be confirmed by our legal counsel before we provide it to potentially affected agencies and organizations. As I mentioned in our previous conversation, the City Council may need to readopt the draft LWRP and potentially the local waterfront consistency review law depending on how substantial the comments are that we receive during the 60-day review period.

We appreciate the City's continued efforts to work with the Department to prepare this draft LWRP to go through the state and federal review and approval processes. When approved by the Secretary of State and NOAA's Office of Coastal Management these locally adopted LWRPs will refine the state's coastal management program and we appreciate the City's ongoing efforts to make the draft LWRP ready.

Once we have had an opportunity to fully review the updated draft, we will be in touch.

Thank you and I wish you happy holidays.

Kind Regards,
Jaime

Jaime Ethier
North Country, Mid-Hudson, and NYC Regional Unit Supervisor
Local Waterfront Revitalization Program
NYS Department of State
Office of Planning, Development and Community Infrastructure
99 Washington Avenue, Suite 1010
Albany, NY 12231
O: 518-473-3656 | Jaime.Ethier@dos.ny.gov
www.dos.ny.gov

**LOCAL LAW AMENDING CHAPTER 18 ½ , OF
THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED "WATERFRONT CONSISTENCY REVIEW"**

(L-22-XX)

INTRODUCED BY COUNCILMEMBER _____:

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

Section 1. LEGISLATIVE INTENT

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

Section 2. AUTHORITY

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

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

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

Section 18 1/2-2 Authority and purpose.
[L.L. No. 10-1999, § 1]

- (a) This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- (b) This chapter is intended to provide a framework for agencies of the City of Poughkeepsie to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located in the coastal area; and to assure that such actions and direct actions are consistent with the [said] LWRP policies and purposes.
- (c) It is the intention of the City of Poughkeepsie that the preservation, enhancement and utilization of the unique coastal area of the City of Poughkeepsie ~~[natural and manmade resources and water-dependent uses of the city's unique coastal area take place]~~ occur in a coordinated and comprehensive manner to ~~[accommodate population growth and economic development and to]~~ ensure a proper balance between protection of natural resources and the need to accommodate growth. Accordingly, it is the purpose of this chapter to achieve such a balance, permitting the beneficial use of coastal resources

while preventing degradation or loss of living [~~estuarine~~] coastal resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes [~~erosion of shoreline~~]; impairment of scenic or historical resources [~~beauty~~]; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

- (d) The substantive provisions of this chapter shall apply only while there is in existence a City of Poughkeepsie local waterfront revitalization program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

Section 18 1/2-3 Applicability.

[L.L. No. 10-1999, § 1]

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

Section 18 1/2-4 Definitions.

[L.L. No. 10-1999, § 1]

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

ACTIONS

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

- (a) Projects or physical activities, such as construction or other activities that may affect natural, manmade, or other resources in the coastal area, or the environment by changing the use, appearance or condition of any [~~natural~~] resource or structure, that:
- (1) Are directly undertaken by an agency; or
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals, permits, or review from an agency or agencies[~~;~~];
- (b) Agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions[~~;~~];
- (c) Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect coastal resources or the environment[~~;~~]; and
- (d) Any combinations of the above.

AGENCY

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

COASTAL AREA

The portion of New York State Coastal waters and adjacent shorelines as defined in

Article 42 of the Executive Law which is located within the boundaries of the City of Poughkeepsie as shown on the coastal area map on file in the office of the Secretary of State and as delineated and described in the City of Poughkeepsie Local Waterfront Revitalization Program (LWRP).

COASTAL ASSESSMENT FORM (CA)

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

CONSISTENT

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

DIRECT ACTIONS

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

[LOCAL WATERFRONT AREA]

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

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

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

MINOR ACTIONS

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

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
- (3) repaving of existing paved highways not involving the addition of new travel lanes;
- (4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
- (5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, and in Nature Preserves or within the Harbor Protection Overlay District (HPOD);
- (6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;

(7) minor temporary uses of land having negligible or no permanent impact on coastal resources or the environment;

(8) installation of traffic control devices on existing streets, roads and highways;

(9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(11) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

(13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

(14) collective bargaining activities;

(15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;

(16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;

(17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;

(18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;

(19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;

(20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

(21) adoption of a moratorium on land development or construction;

(22) interpreting an existing code, rule or regulation;

(23) designation of local landmarks or their inclusion within historic districts;

(24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to coastal resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

(25) local legislative decisions such as rezoning where the City determines the action will not be

approved.

WATERFRONT ADVISORY COMMITTEE

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

Section 18 1/2-5 Waterfront Advisory Committee.

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

- (a) A Committee is created and shall be hereafter known as the "Waterfront Advisory Committee of the City of Poughkeepsie" (hereafter "Committee"). The Committee is charged with the functions, powers and duties set forth in this chapter and may also perform other functions regarding the coastal area as the Common Council may assign to it from time to time.
- (b) The Committee shall consist of seven members who are City of Poughkeepsie residents and who have a longstanding interest in the waterfront. Three committee members shall be appointed by a majority vote of the Common Council. The Mayor shall appoint the four other committee members.
- (1) Committee members shall serve for terms of two years with the exception of the original appointed members of the Committee who shall serve as follows:
 - a. Three members appointed by the Council shall hold office for a term of two years.
 - b. Two members appointed by the Mayor shall hold office for a term of one year.
 - c. Two members appointed by the Mayor shall hold office for a term of two years.
- (2) Vacancies shall be filled by the Mayor for mayoral appointees and Common Council for Council appointees by appointment for the unexpired term.
- (3) Members may be removed by the Mayor for mayoral appointees and by the Common Council for Council appointees, for cause.
- (c) Members of the Committee shall serve without compensation but shall be entitled to reimbursement for necessary expenditures in the performance of their work, subject to budget limitations established by the City.
- (d) The Common Council shall annually appoint one Committee member to serve as Chairperson of the Committee. Upon failure of the Common Council to appoint a Chairperson, the members of the Committee shall elect a Chairperson.
- (e) The Committee may employ such persons as may be needed as authorized by the resolution of the Common Council and pursuant to law. This Committee shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction. Such rules shall become effective upon approval of the Common Council.
- (f) The Committee will make its own rules of procedure subject to applicable law.

- (g) The Committee shall appoint a Secretary who shall be responsible for keeping the minutes of the committee's meetings as required by the Opening Meetings Law of New York State. The Secretary shall file a copy of such minutes to ~~[the Building Inspector and]~~ the City Clerk's office ~~[Chamberlain]~~. No less than quarterly, the Committee shall provide a report of its activity to the Common Council.
- (h) The Committee shall meet~~ing~~ as needed but in any event, no less frequently than ~~[at least]~~ quarterly.

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

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

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

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

- (a) Whenever a proposed action is located in the ~~[Local Waterfront]~~ Coastal Area, ~~[an]~~ each City agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP ~~[policies]~~ policy standards summarized in section I. below ~~[set forth in Subsection (g) herein]~~. No action in the ~~[Local Waterfront]~~ Coastal Area shall be approved, funded or undertaken without such a determination.
- (b) The Committee shall be responsible for coordinating review of actions in the City's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other City agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Committee will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies. ~~[Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Local Waterfront Area, the applicant, or in the case of a direct action, the agency, shall prepare a coastal assessment (CA) to assist with the consistency review.]~~
- (c) The Committee will assist each agency with preliminary evaluation of actions in the Coastal Area, and with preparation of a CAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the Coastal Area, the agency shall refer, within 10 days of receipt, to the Committee for preparation of a CAF, a sample of which is appended to this local law. The Committee will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action. ~~[Prior to making its determination of environmental significance under SEQRA, the agency shall solicit and consider the recommendation of the Waterfront Advisory Committee with reference to the consistency of the proposed action by referring a copy of the completed application, CA, environmental assessment form (EAF) and all other relevant information to the Committee within 10 days of its receipt.]~~
- (d) The Committee shall require the applicant to submit all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The Committee shall render a written recommendation to the appropriate agency within 30 days following referral of the CAF, unless extended by mutual agreement of the Committee and the applicant or, in the case of direct action, the agency, or if further information is needed that has not been submitted. The recommendation shall indicate whether, in the opinion of the Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them. ~~[After referral from an agency, the Committee shall consider whether the proposed action is consistent with the LWRP policies set forth in Subsection (g) herein to the maximum extent practicable. The Committee shall require the applicant to submit all completed applications, CA's, EAF's and any other information deemed to be necessary to its consistency recommendations.]~~
- (e) If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that

agency will thereafter act as designated consistency review agency. Only one CAF per action will be prepared. If the agencies cannot agree, the Planning Director shall designate the consistency review agency.

- (f) Upon recommendation of the Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section I. herein. Prior to making its determination of consistency, the agency shall consider the consistency recommendation of the Committee. The agency shall render a written determination of consistency based on the CAF, the Committee recommendation and such other information as is deemed necessary to its determination. No approval or decision shall be rendered for an action in the Coastal Area without a determination of consistency. The designated agency will make the final determination of consistency. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Committee in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- (g) Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the Coastal Area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.
- (h) In the event the Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.

~~[(e) Recommendation.]~~

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

~~[(f) Determination.]~~

~~[(1) The agency shall make the determination of consistency based on the CA, the EAF, the recommendation of the Committee and such other information as is deemed to be necessary in its determination. Where it is determined that the action may have a significant effect upon the environment, the draft environmental impact statement (DEIS) and the environmental impact statement (EIS) each must contain a discussion of the effects of the action on and its consistency with the LWRP policies identified as applicable.]~~

~~(2) Where it is determined that the action will not have a significant effect upon the environment, the agency shall nonetheless make a written determination of consistency within 14 days of receipt of the Committee's recommendation or, if none is received, within 30 days.]~~

~~(3) If the Committee's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must provide a written account describing why its determination disagrees with the recommendation.]~~

~~(4) The agency shall issue its determination within 30 days following receipt of the Committee's recommendation and submission by the applicant of any additional information. No determination shall be made before the end of the time period permitted the Committee for recommendations unless the Committee recommendation is received prior to the expiration of the permitted time period. The agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with this chapter.]~~

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

(1) ~~[Restore,]~~ Revitalize ~~[and redevelop]~~ deteriorated and underutilized waterfront areas ~~[for commercial, cultural, recreational and other compatible uses]~~ (Policy 1).

(2) Develop city-owned waterfront properties, including ~~[Northern Waryas,]~~ the former DeLaval property ~~[and the former sewage treatment plant]~~, for mixed uses, including recreational, cultural, tourism, commercial and/or residential ~~[and compatible commercial]~~ use that facilitate public water dependent and water enhanced uses (Policy 1A).

(3) Retain and promote recreational water dependent uses ~~[Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters]~~ (Policies 2 and 2A).

(4) Strengthen the economic base of small harbor areas by encouraging traditional uses and activities ~~[which develop and enhance traditional uses and activities which have provided such areas with their unique maritime identity]~~ (Policy 4).

(5) Encourage ~~[the location of]~~ development in areas where adequate public infrastructure is available to reduce health and pollution hazards ~~[services and facilities essential to such development are]~~

18B)).

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

[(20)]**14**) Encourage the use of public transportation to link Waryas Park and the former DeLaval site to each
other and to the [Central Business] **Poughkeepsie Innovation** District (Policy 19B).

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

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

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

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

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

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

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

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

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

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

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

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

40).

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

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

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

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

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

~~([36]26)~~ Protect the quality and quantity of surface and groundwater supplies (Policies 38 and 38A).

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

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

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

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

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

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

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

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

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

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

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

Section 18 1/2-9 Enforcement.

[L.L. No. 10-1999, § 1]

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

Section 18 1/2-10 Penalties for offenses.

[L.L. No. 10-1999, § 1]

- (a) A person who violates any of the provisions of, or who fails to comply with any conditions imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- (b) The Corporation Counsel is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any prosecution and penalty.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION INTRODUCING LOCAL LAW
AND PROVIDING FOR PUBLIC
NOTICE AND HEARING
(R-21-94)**

**INTRODUCED BY COUNCILMEMBERS: MCCLINTON, FLOWERS, PETSAS,
RANDALL JOHNSON, Jr. AND LORRAINE JOHNSON:**

BE IT RESOLVED, that an introductory Local Law, entitled "Local Law Amending Section 18 1/2 of the Code of Ordinances of the City of Poughkeepsie, New York"; 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 a draft Local Waterfront Redevelopment Program dated December 10, 2021, which further enumerates policies identified within the introduced Local Law, is also introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

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

BE IT FURTHER RESOLVED that the aforesaid proposed Local Waterfront Redevelopment Program is available to the Council and public on the city's website; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said proposed local law at 6:00 o'clock P.M., on January 18, 2022, and such hearing will be held via videoconferencing (as permitted by the NYS Open Meetings Law); and

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

SECONDED BY COUNCILMEMBER _____

Submitted to Council: December 20, 2021
Council Action: Approved
Roll call vote taken: Yes X No _____
Ayes 5 Nays 3 Abstain 0 Absent 1

Approved by Mayor on 12/28/21
Mayor's Signature R. B. Nelson

I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held December 20, 2021.

Jermaine Nicole D.
City Chamberlain

RESOLUTION

R19-50

INTRODUCED BY COUNCILMEMBER SALEM

WHEREAS, the City of Poughkeepsie Common Council is considering action on a proposed update to the city's Local Waterfront Revitalization Program (LWRP); and

WHEREAS, the City of Poughkeepsie been engaged with consultants BFJ Planning to revise its 1999 LWRP document and has completed a preliminary draft document; and

WHEREAS, a Full Environmental Assessment Form (EAF) Part 1, dated 5/1/19, has been prepared to address the potential environmental impacts of the action; and

WHEREAS, after comparing the thresholds contained in 6 NYCRR 617.4, the Common Council has determined that the proposed action is a Type 1 action; and

WHEREAS, after examining the EAF, the Common Council has determined that the only other involved agencies on this matter are the New York State Department of State and Dutchess County; however, interested agencies include but are not limited to the City Planning Board and Waterfront Advisory Committee under SEQR because of their non-binding review responsibilities; and

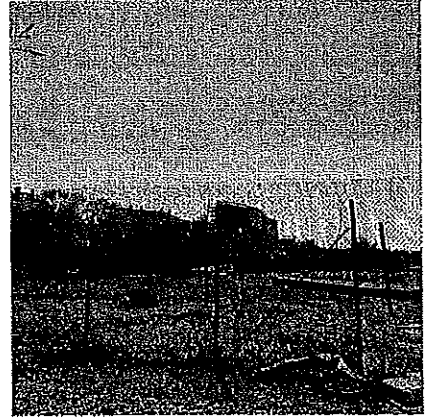
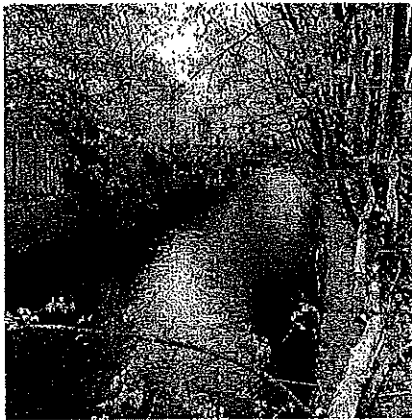
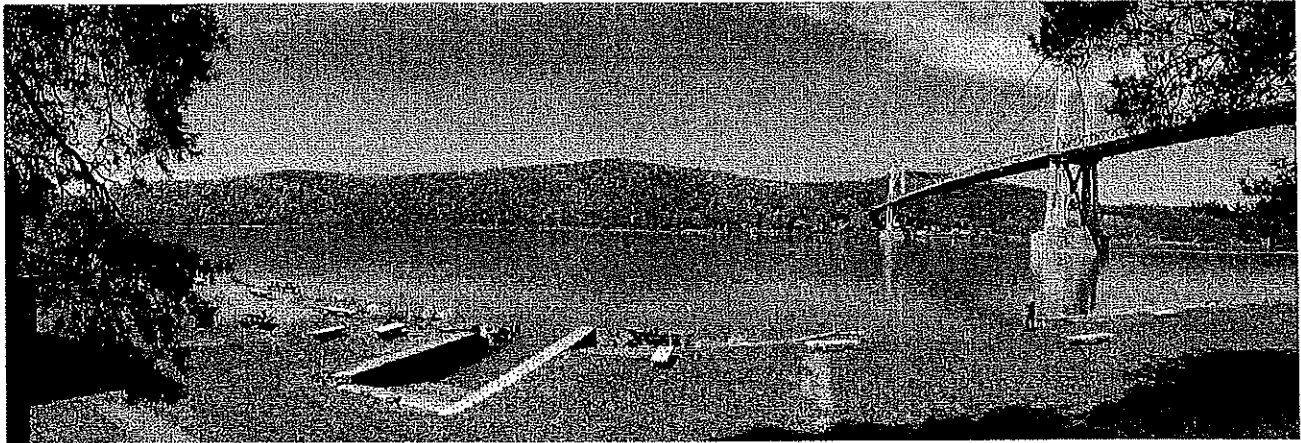
NOW THEREFORE,

BE IT RESOLVED, that the Common Council hereby declares its intent to act as Lead Agency for the environmental review of this action and directs the City Chamberlain to circulate said declaration to other involved and interested agencies; and

BE IT FURTHER RESOLVED, that a Determination of Significance will be made at such time as all information has been reviewed by the Common Council to enable it to determine whether the action will or will not have significant effect on the environment.

SECONDED BY COUNCILMEMBER RANDALL JOHNSON

Submitted to Council: May 6, 2019 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 7 Nays 1 Abstain 0 Absent 1 Approved by Mayor on <u>5/17/19</u> Mayor's Signature <u>Rob Velisa</u>	I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>May 6, 2019</u> <u>[Signature]</u> City Chamberlain
--	--



Local Waterfront Revitalization Program

City of Poughkeepsie, New York

Full Environmental Assessment Form Part 1

May 1, 2019

Poughkeepsie Local Waterfront Revitalization Program

CITY OF POUGHKEEPSIE, NEW YORK

ENVIRONMENTAL ASSESSMENT FORM

Lead Agency

City of Poughkeepsie Common Council
City Hall
62 Civic Center Plaza
Poughkeepsie, NY 12601
Contact: Paul Hesse, Community Development Coordinator
(845) 451-4106

Prepared by

BFJ Planning
115 Fifth Avenue
New York, NY 10003
Contact: Simon Kates, AICP, LEED AP, Senior Associate
(212) 353-7657

City of Poughkeepsie
Local Waterfront Revitalization Program

Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed action discussed in this Full Environmental Assessment Form (EAF) is the adoption of an update to the City of Poughkeepsie's Local Waterfront Revitalization Program (LWRP), which was locally adopted 1999. In considering adoption of the LWRP Update, the City of Poughkeepsie Common Council is proposing to modify certain existing policies to reflect changed conditions and priorities since the 1999 LWRP, and to propose specific projects to implement those policies.

Project Description

As the New York State Department of State (NYS DOS) describes, an LWRP is "both a land and water use plan prepared by a community, as well as the strategy to implement the plan." An approved LWRP reflects community consensus and provides a clear direction for appropriate future development. In addition, State permitting, funding and direct actions must be consistent, to the maximum extent practicable, with an approved LWRP. Within the Federally defined coastal area, Federal agency activities are also required to be consistent with an approved LWRP.

Poughkeepsie's original LWRP was adopted in 1999. The City's Waterfront Revitalization Area (WRA) is revised in the updated document, primarily to extend inland along the Fall Kill, recognizing the importance of the creek as an inland waterway and providing opportunities for funding to support expanded public access on the creek (Figure 1). Some key focus areas of the 1999 LWRP have been implemented, such as construction of a Parking Deck at the Railroad Station and extension of some portions of the Greenway Trail Linking Public Shoreline Lands. With updated priorities for the Hudson River waterfront and addition of the Fall Kill within the WRA, there are several new ideas that have been included in the proposed update to the City's LWRP.

The LWRP document includes seven sections that are created during the LWRP planning process:

- Section 1: Waterfront Revitalization Area
- Section 2: Inventory and Analysis
- Section 3: State and Local Policies
- Section 4: Proposed Land and Water Uses and Proposed Projects
- Section 5: Techniques for Local Implementation
- Section 6: Federal and state actions and programs likely to affect implementation of the LWRP
- Section 7: Local Commitment and Consultation

The Common Council, through the adoption of the proposed action, seeks to update the 1999 LWRP as needed to reflect the fact that many goals of the existing LWRP have been met, that changes in the regulatory environment should be addressed, and that an update of community policies and projects is needed.

Under Chapter 18-1/2 of the City Code (Waterfront Consistency Review), any Type 1 or Unlisted action under the State Environmental Quality Review Act (SEQRA) is required to be reviewed by the City agency with approval authority over the action (typically the Common Council, Planning Board, or Zoning Board

City of Poughkeepsie
Local Waterfront Revitalization Program

of Appeals) for consistency with the statewide and local land- and water-use policies set forth in the LWRP and with the projects contained within the LWRP.

Proposed LWRP Policies

The LWRP Working Group, City staff, and the Waterfront Advisory Committee conducted a thorough review of the policies contained in the 1999 LWRP. Changes to local policies were proposed to reflect current conditions and priorities, as well as to streamline and clarify the intent of the policies. Per NYS DOS requirements, the policies are divided into 10 categories:

- Development Policies
- Fish and Wildlife Policies
- Flooding and Erosion Policies
- General Policy
- Public Access Policies
- Recreation Policies
- Historic and Scenic Quality Policies
- Energy and Ice Management Policies
- Water and Air Resource Policies
- Wetlands Policy

Proposed LWRP Projects

Based on discussions with the LWRP Working Group, site visits, and input from City staff and the public, the LWRP proposes a set of site-specific and programmatic projects to be undertaken in order to implement the LWRP. The projects are organized by project type as follows:

- Hudson River Projects
- Harbor Management Projects
- Fall Kill Projects
- Area-wide Projects

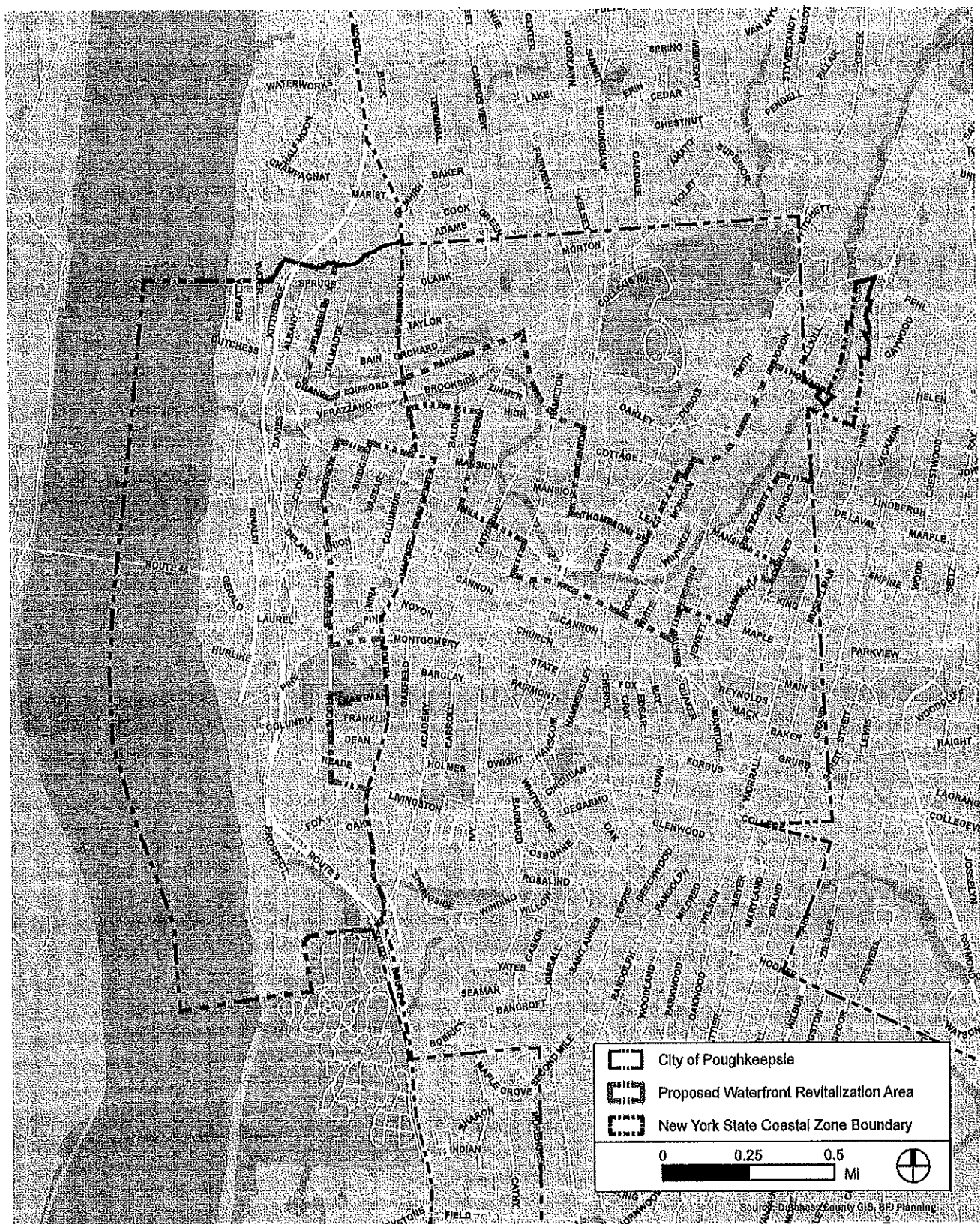


Figure 1: Proposed Waterfront Revitalization Area

Full Environmental Assessment Form

Part 1 of the Full Environmental Assessment Form (EAF) evaluates the potential for environmental impacts to be created by the approval of the LWRP Update by the City of Poughkeepsie Common Council. This legislative action is generic in nature, not site-specific, and does not directly result in physical changes to the environment.

The form that follows is published by the New York State Department of Environmental Conservation (NYS DEC), and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections G and E on pages 3-13 of the form) are not completed.

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: City of Poughkeepsie Local Waterfront Revitalization Program		
Project Location (describe, and attach a general location map): The proposed LWRP update applies to the Waterfront Revitalization Area shown in Figure 1		
Brief Description of Proposed Action (include purpose or need): The City of Poughkeepsie Common Council propose to update the City's existing locally adopted 1999 LWRP, including revisions of the inventory and analysis, modifications of existing policies, and recommendations of projects to implement the LWRP. These revisions reflect changing conditions and priorities since the 1999 LWRP was adopted. See Introductory narrative for details of the proposed LWRP update.		
Name of Applicant/Sponsor: City of Poughkeepsie Common Council		Telephone: (845) 451-4225
		E-Mail:
Address: 62 Civic Center Plaza		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Project Contact (if not same as sponsor; give name and title/role): Paul Hesse, Community Development Coordinator		Telephone: (845) 451-4106
		E-Mail: PHesse@cityofpoughkeepsie.com
Address: 62 Civic Center Plaza		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
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	Adoption of LWRP	October 2019 (projected)
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	Dutchess County Planning Department - Review and Recommendation	October 2019 (projected)
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYS Department of State Approval	October 2019 (projected)
h. Federal agencies ☒ Yes ☐ No	U.S. Office of Ocean and Coastal Resource Management - Concurrence	October 2019 (projected)
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): City of Poughkeepsie Comprehensive Plan; Hudson River Valley National Heritage Area; Historic Hudson River Towns; Active NYS DEC remediation sites: C314070 (CH - Water St. - Poughkeepsie MGP), C314081A (Off-Site Former AC Dutton Lumber Yard)	
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 WRA includes 20 of the City's 24 zoning districts (C-1, C-2, C-3, H-M, I-1, I-2, O-R, R-2, R-3, R-4, R-4A, R-5, R-6, R-D, W, WTOD, G-OM, G-CM, G-RM). There are no proposed zoning modifications in the LWRP update.

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

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? N/A

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

c. Which fire protection and emergency medical services serve the project site?

City of Poughkeepsie Fire Department

d. What parks serve the project site?

Upper Landing Park, Waryas Park, Eastman Park, Wheaton Park, Malcolm X Park, Kaal Rock Park, Kaal Rock Point

D. Project Details

The following Sections D and E are intended for site-specific, not generic actions; consistent with the above directions, these sections are left blank. Please proceed to Section F.

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)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

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: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase I (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	_____	_____	_____	_____
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: _____ 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: _____
- 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: _____ 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): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- 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? _____	
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 _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ 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)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
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) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
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 _____ 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 ½ 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. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

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: _____	
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
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: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
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): _____

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			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• 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 ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ 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? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site ☐ Moderately Well Drained: _____ % of site ☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site ☐ 10-15%: _____ % of site ☐ 15% or greater: _____ % of site	
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 _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • 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: _____	
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: _____ _____ _____	
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): _____ _____ _____	
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: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
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 Paul Hesse Date _____

Signature _____ Title Community Development Coordinator

PRINT FORM

MARCUS J. MOLINARO
COUNTY EXECUTIVE



Eoin Wrafter, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

June 25, 2019

To: Common Council, City of Poughkeepsie
Re: Referral 19-164 — LWRP Update
Parcels: various parcels in waterfront area and along Fall Kill Creek

The Dutchess County Department of Planning and Development has reviewed the submitted referral for countywide and intermunicipal impacts as required in General Municipal Law (Article 12B, §239-l/m).

ACTION

The City is seeking to update its Local Waterfront Revitalization Program (LWRP).

COMMENTS

We commend the City for undertaking this effort to update the original LWRP, which was locally adopted 20 years ago. Much has changed over the last two decades, reflecting a need to update the current conditions, policies, and priority projects within the LWRP. The proposed expansion of the boundary to include the Fall Kill recognizes the potential of the creek to expand access to waterfront resources in the City.

Upon review of the preliminary draft LWRP, we offer the following minor comments:

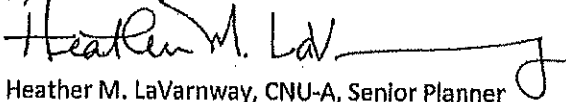
- In several sections of the preliminary draft, reference is made to repairing sections of deteriorated wall along the Fall Kill. While repairs are certainly necessary, the use of walls for bank stabilization can also contribute to some of the problems associated with the creek, in particular increasing the volume and velocity of water during storm events. Has there been any discussion about exploring opportunities to create targeted areas along the Fall Kill that could accommodate natural flooding during storm events, to reduce stress on the sections of the creek that must include structured bank stabilization?
- In the *Explanation of Policy* section under Policy 1, guideline 1(b) includes as an example new highway construction to serve industrial development. We question whether this language is a holdover from the 1999 LWRP, and perhaps is not relevant for the update.
- Also in the *Explanation of Policy* section under Policy 1, guideline 5 refers to important views being identified on Map 9. No such map was included in the materials sent to our office. Maps included in the 1999 LWRP were difficult to read; any maps included in the update should be legible and clearly convey their information.
- The first project listed in the *Proposed Area Wide Projects* section, regarding implementing Complete Streets, could benefit from a map showing known areas for improvement.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By


Heather M. LaVarnway, CNU-A, Senior Planner

**Dutchess County Department of
Planning and Development**

FAX INFO ONLY

To Common Council
Co./Dept.
Fax #

Date 6/25/19 # pgs 2
From DC Planning
Phone #

239 Planning/Zoning Referral - Standard Form

Municipality: City of Poughkeepsie

Referring Agency: ☐ Planning Board ☐ Zoning Board of Appeals ☒ Municipal Board

Tax Parcel Number(s): See map in SEQRA document attached list.

Project Name: City of Poughkeepsie LWRP Update

Applicant: City of Poughkeepsie Common Council

Address of Property: Various; see map in SEQRA document

Type of Action:

- ☒ Local Law / Text Amendment
☐ Rezoning
☐ Site Plan
☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other: _____

Parcels within 500 feet of:

- ☒ State Road _____
☐ County Road _____
☐ State Property (with recreation area or public building)
☒ County Property (with recreation area or public building)
☒ Municipal Boundary
☐ Farm operation in an Agricultural District

Date Response Requested (if less than 30 days): _____

If subject of a previous referral, please note County referral number(s): _____

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- ☐ Matter of Local Concern
☐ No Jurisdiction
☐ No Authority
☐ Withdrawn

Comments Attached:

- ☒ Local Concern with Comments
☐ Conditional
☐ Denial
☐ Incomplete — municipality must resubmit to County
☐ Incomplete with Comments — municipality must resubmit to County

Date Submitted: 5/29/19

Date Received: 5/29/19

Date Requested: _____

Date Required: 6/27/19

Date Response Faxed: 6/25/19

Notes:

☐ Major Project

Referral #: 2019-164

☒ Also mailed
hard copy

Reviewer: Heather M. LaV