



COMMON COUNCIL MEETING

Monday, May 23, 2022

Virtual

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

6:30 p.m.

I. ROLL CALL

II. REVIEW OF MINUTES:

**Public Hearing Meeting – May 2, 2022
Common Council Meeting – May 2, 2022**

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

IV. PUBLIC PARTICIPATION

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

VI. MAYOR'S COMMENTS

VII. NEW & UNFINISHED BUSINESS:

VIII. REPORTS OF COMMITTEES AND BOARDS:

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

X. ORDINANCES AND LOCAL LAWS:

- 1. O-22-03, General Vehicle Loading Zone Amendment**

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. A PRESENTATION FROM DEVELOPMENT DIRECTOR QUINN & CZB, INC., regarding the posted draft of PK4Keeps: A Comprehensive Plan for Poughkeepsie (www.pk4keeps.org)**

2. A COMMUNICATION FROM COMMUNITY DEVELOPMENT COORDINATOR PAUL HESSE AND DUTCHESS COUNTY DIRECTOR OF ENGINEERING MATT DUTCACH, Regarding a Proposed Easement on City-Owned Property on Taylor Avenue.

3. FROM JOSEPH ROBB, notice of personal injury sustained on or around September 20, 2015.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

**ORDINANCE AMENDING §13-211.1
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-22-03)

INTRODUCED BY COUNCILMEMBER MENIST:

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

SECTION 1: §13-211.1 is hereby amended by the following addition:

Section 13-211.1 General Vehicle Loading Zone.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as a General Vehicle Loading Zone and is to be utilized only for the purpose set forth in this Article:

Main Street, South side, beginning 170 feet West of its intersection with Academy St. and continuing West for a distance of 50 feet.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold



**THE CITY OF POUGHKEEPSIE
NEW YORK**

PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601

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

MEMORANDUM

To: Common Council
From: Paul Hesse, Community Development Coordinator
Date: May 6, 2022
Re: Proposed permanent easement on city-owned property on Taylor Avenue

Dutchess County is about to begin Phase 1 construction of a 2.7 mile conversion of the former CSX railroad line in the city and town of Poughkeepsie. The Urban Trail will function simultaneously as a greenway and a transportation facility, offering access to nature for a wide range of activities, while expanding transportation options to residents who live, go to school, and/or work nearby.

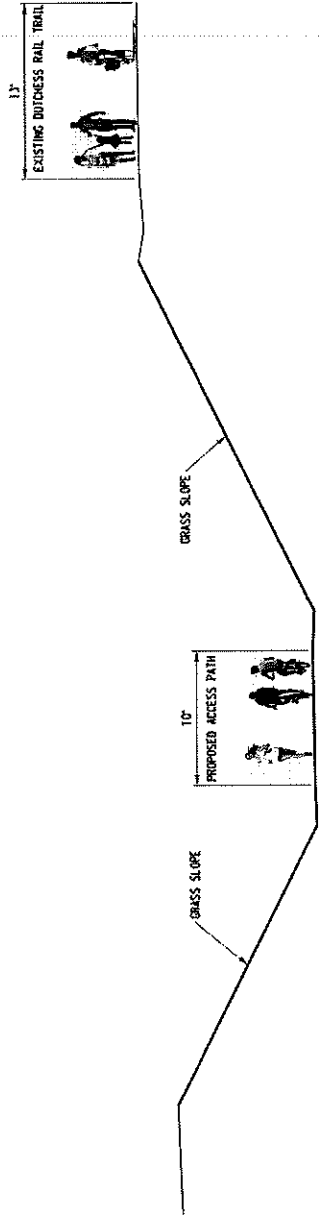
The initial phase is a 1.4 mile section that will run from Parker Avenue in the City of Poughkeepsie to the Hudson Heritage site in the town. The county is proposing a permanent easement along a city-owned property on Taylor Avenue – parcel # 6162-54-176458 – that will allow a connection from the Dutchess Rail Trail (DRT) to the new Urban Trail. Without the easement, in order to stay within the DRT right-of-way, a significant retaining wall would need to be constructed to allow access at an ADA-compliant grade. Bids from contractors on the project have recently priced this retaining wall at more than \$1MM. With an easement, the retaining wall can be avoided, creating a considerable cost savings for the project.

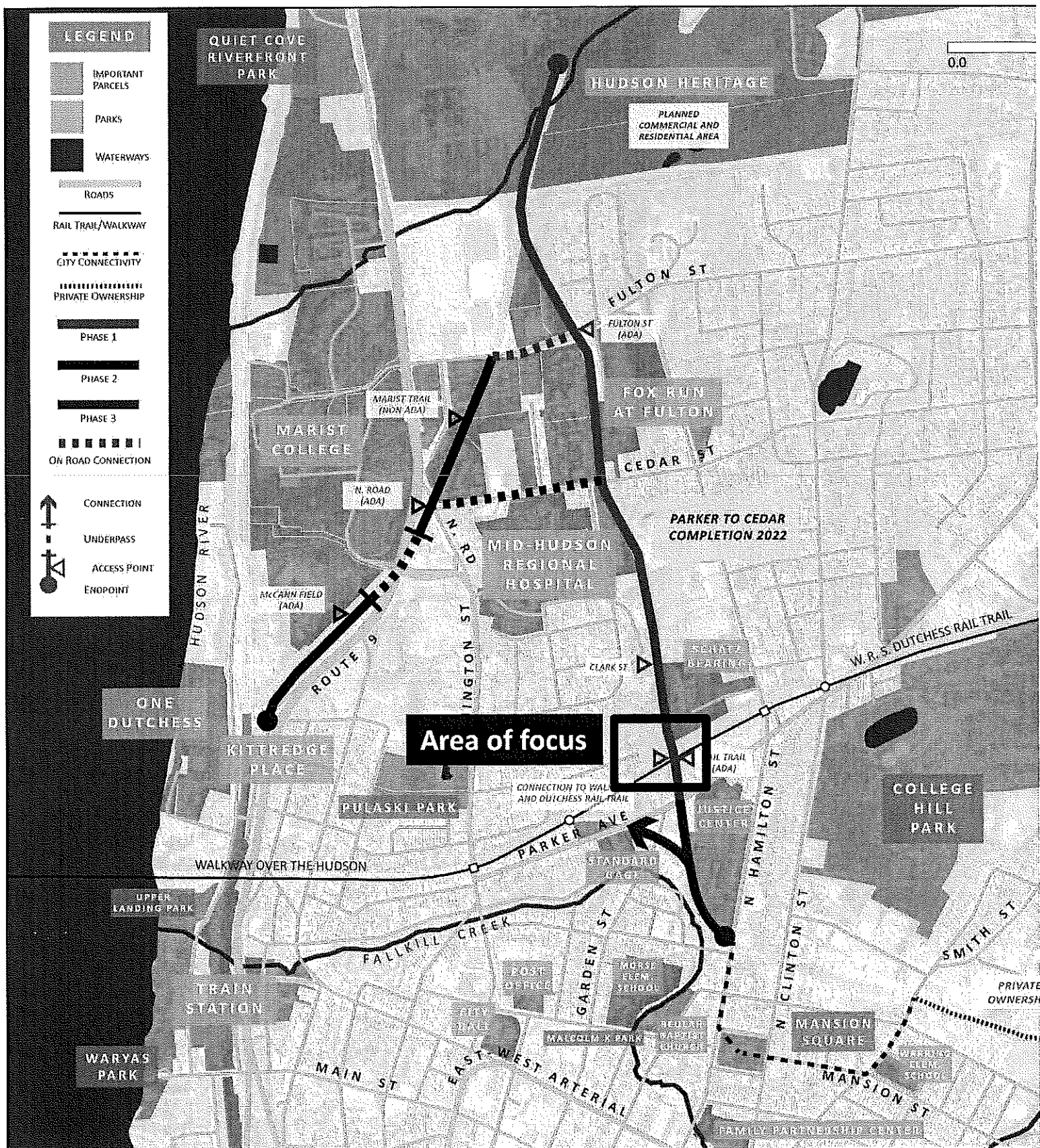
Please see attached materials.

Respectfully,

Paul Hesse

Community Development Coordinator





SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

CITY OF Poughkeepsie
CITY CHAMBERLAIN
2022 MAY -6 PM 1:59

JOSEPH ROBB

Plaintiff/Petitioner,

Index No. 2022 51449

- against -
JOSEPH BREWSTER, CITY OF Poughkeepsie
POLICE DEPARTMENT AND CITY OF Poughkeepsie
Defendant/Respondent.

**NOTICE OF OPT-OUT FROM PARTICIPATION
IN ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

Pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts, I hereby opt out of participation in electronic filing in this mandatory e-filed case.

For Attorneys:

I certify in good faith that I am unable to participate in mandatory electronic filing of documents in this case on behalf of my client, JOSEPH ROBB, because [place your initials in the applicable space]:

 I lack [check off the applicable box]:

☐ the necessary computer hardware

☐ a connection to the internet

☐ a scanner or other device by which documents may be converted to an electronic format

☒ I lack the knowledge regarding operation of computers and/or scanners needed to participate in electronic filing of documents in this case and no employee of mine or of my firm, office or business who is subject to my direction possesses such knowledge.

For Self-Represented Litigants:

I choose not to participate in electronic filing of documents in this case.

Dated: May 6, 2022

[Signature] (Signature)
JOSEPH ROBB (Name)

AMELIA J. GABIGER (Firm Name)

P.O. Box 2952 (Address)

Poughkeepsie NY 12603
845471 2447 (Phone)

867 8815

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

JOSEPH ROBB,

Plaintiff,

-against-

JOSEPH BREWSTER, CITY OF POUGHKEEPSIE

POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE,

Defendants.

Index No.:

Date Summons Filed:

Plaintiff designates

Dutchess

County as the place of
trial

The basis of venue is:

Defendants are situated in the

County of Dutchess

SUMMONS

Plaintiff resides at

2834 ROUTE 17M

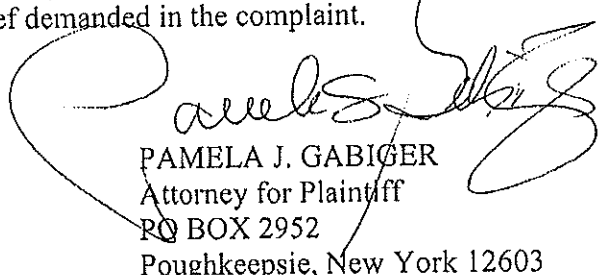
NEW HAMPTON, NY

10958

To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the *Plaintiff's Attorney* within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: MAY 6, 2022


PAMELA J. GABIGER

Attorney for Plaintiff

PO BOX 2952

Poughkeepsie, New York 12603

(845) 471-2447

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

JOSEPH ROBB,

COMPLAINT

PLAINTIFF,

INDEX:

-AGAINST-

JOSEPH BREWSTER, CITY OF POUGHKEEPSIE

POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE,

DEFENDANTS.

PLAINTIFF, THROUGH ATTORNEY, PAMELA GABIGER,

COMPLAINING OF DEFENDANTS, STATES:

THIS 1983 claim MAY be brought in state court SINCE

State courts may also properly hear section 1983 cases pursuant to the SUPREMACY CLAUSE of Article VI of the U.S. Constitution. The Supremacy Clause mandates that states must provide hospitable forums for federal claims and the vindication of federal rights.

1. PLAINTIFF IS A RESIDENT OF NEW HAMPTON, COUNTY OF ORANGE,

STATE OF NEW YORK.

1. DEFENDANT CITY OF POUGHKEEPSIE POLICE DEPARTMENT IS A
MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING
UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF NEW
YORK.
2. DEFENDANT CITY OF POUGHKEEPSIE IS A MUNICIPAL
CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY
VIRTUE OF THE LAWS OF THE STATE OF NEW YORK.
3. ON AND BEFORE SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015
DEFENDANT JOSEPH BREWSTER WAS EMPLOYED AS A POLICE
OFFICER BY THE CITY OF POUGHKEEPSIE POLICE DEPARTMENT
AND BY THE CITY OF POUGHKEEPSIE.
4. ON OR ABOUT SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015,
PLAINTIFF JOSEPH ROBB WAS LAWFULLY NEAR MAIN STREET
NEAR THE CHANCE, CASABLANCA, THE SOCIAL SECURITY
BUILDING AT 332 MAIN STREET, POUGHKEEPSIE, THE DOLLAR
SCOOP AND DOWNTOWN DELI IN THE CITY OF POUGHKEEPSIE,
COUNTY OF DUTCHESS, STATE OF NEW YORK.

5. ON OR ABOUT SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015 WITHOUT PROVOCATION ON THE PART OF PLAINTIFF, JOSEPH ROBB, DEFENDANT JOSEPH BREWSTER USED EXCESSIVE FORCE AGAINST PLAINTIFF, ASSAULTED PLAINTIFF, AND BEAT HIM OVER THE HEAD AND BODY WITH A BILLY CLUB AT LEAST THREE OR FOUR TIMES OR MORE, SPLITTING HIS HEAD OPEN AND CAUSING SERIOUS AND PERMANENT INJURIES TO HIM AND OTHERWISE INJURED PLAINTIFF.

6. PURSUANT TO 42 USC SECTION 1983 DEFENDANTS WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA, SUBJECTED, AND CAUSED TO BE SUBJECTED, JOSEPH ROBB, A CITIZEN OF THE UNITED STATES TO THE DEPRIVATION OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, AND ARE THEREFORE LIABLE TO PLAINTIFF, JOSEPH ROBB

INJURED IN AN ACTION AT LAW, SUIT IN EQUITY, OR
OTHER PROPER PROCEEDING FOR REDRESS.

7. DEFENDANTS ACTED "UNDER COLOR OR STATE LAW"
IN THAT THEY ACTED BEYOND THE BOUNDS OF
LAWFUL AUTHORITY, BUT IN SUCH A MANNER THAT
THE UNLAWFUL ACTS WERE DONE WHILE THE
OFFICIALS WERE PURPORTING OR PRETENDING TO
ACT IN THE PERFORMANCE OF THEIR OFFICIAL
DUTIES.

8. PLAINTIFF IS ABLE TO BRING THIS ACTION AND IT IS PROPER FOR
PLAINTIFF TO BRING THIS ACTION AT THIS TIME BECAUSE
PURSUANT TO "CPLR § 208. Infancy, insanity. (a) If a person entitled
to commence an action is under a disability because of infancy or
insanity at the time the cause of action accrues, and the time
otherwise limited for commencing the action is three years or more
and expires no later than three years after the disability ceases, or the
person under the disability dies, the time within which the action must

be commenced shall be extended to three years after the disability ceases or the person under the disability dies, whichever event first occurs; if the time otherwise limited is less than three years, the time shall be extended by the period of disability."

9. AT THE TIME THIS CAUSE OF ACTION ACCRUED ON EITHER SEPTEMBER 20, 2015 OR SEPTEMBER 21, 2015 TO PRESENT PLAINTIFF WAS DISABLED DUE TO PLAINTIFF BEING INSANE AND UNABLE TO FUNCTION IN SOCIETY. HE WAS UNABLE TO PROTECT HIS LEGAL RIGHTS DUE TO AN OVERALL INABILITY TO FUNCTION IN SOCIETY. MEDICAL RECORDS CAN BE MADE AVAILABLE AND A HEARING CAN BE HELD. A POOR PERSON REQUEST CAN BE MADE TO TRY AND OBTAIN THE MEDICAL RECORDS TO PROVE INSANITY AND INABILITY TO FUNCTION IN SOCIETY. AS A RESULT OF BEING BEAT UP BY DEFENDANT BREWSTER, IT CAUSED JOSEPH ROBB TO BE MORE DISABLED THAN HE WAS AND SINCE THEN HE IS NOT FIT AND TRAUMATIZED AND UNABLE TO FUNCTION IN SOCIETY. HE HAS BEEN IN THE MENTAL HEALTH SYSTEM FOR YEARS SINCE

ABOUT AGE 19 OR 20. HE WAS RECENTLY RETAINED AT A RETENTION HEARING APPROXIMATELY MARCH 3, 2022 AT MID HUDSON FORENSIC PSYCHIATRIC CENTER FOR ANOTHER TWO YEARS. SAID RECORD IS SEALED AND IT WAS REFUSED TO BE PROVIDED WHEN REQUESTED.

10. ON OR ABOUT MARCH 3, 2022 OR MARCH 4, 2022 PLAINTIFF JOSEPH ROBB HAD A RETENTION HEARING UNDER CPLR ARTICLE 30 AND WAS RETAINED AT MIDHUDSON FORENSIC PSYCHIATRIC CENTER FOR AN ADDITIONAL TWO YEARS WHICH CONFINEMENT BEGAN IN APPROXIMATELY 2016.

11. DEFENDANT CITY OF POUGHKEEPSIE WAS THE MOVING FORCE BEHIND JOSEPH ROBB'S INJURIES SUSTAINED.

- 11.THE DEFENDANTS, THEIR DIRECTORS, OFFICERS, AGENTS, SERVANTS AND EMPLOYEES SUBJECTED PLAINTIFF TO CONDUCT THAT OCCURRED UNDER COLOR OF STATE LAW AND IT WAS THE REGULAR MUNICIPAL POLICY, CUSTOM AND PRACTICE OF THE

DEFENDANTS JOSEPH BREWSTER, CITY OF POUGHKEEPSIE POLICE
DEPARTMENT AND CITY OF POUGHKEEPSIE TO BEAT PEOPLE AS
THEY DID PLAINTIFF JOSEPH ROBB ON SEPTEMBER 20, 2015 AND
SEPTEMBER 21, 2015. JOSEPH ROBB WAS DEPRIVED OF HIS
CONSTITUTIONAL RIGHTS, THE CITY OF POUGHKEEPSIE AND CITY
OF POUGHKEEPSIE POLICE HAD A POLICY WHICH AMOUNTED TO
DELIBERATE INDIFFERENCE TO JOSEPH ROBB'S CONSTITUTIONAL
RIGHTS AND THE POLICY WAS THE MOVING FORCE BEHIND THE
CONSTITUTIONAL VIOLATION, CAUSING SERIOUS AND
PERMANENT INJURIES AND SEQUELAE TO HIM WITHOUT JUST
CAUSE OR PROVOCATION ON MAIN STREET, NEAR THE CHANCE,
CASA BLANCA, SOCIAL SECURITY BUILDING AT 332 MAIN STREET,
POUGHKEEPSIE, THE DOLLARS SCOOP AND DOWNTOWN DELI IN
THE CITY OF POUGHKEEPSIE, COUNTY OF DUTCHESS, STATE OF
NEW YORK ON SEPTEMBER 20, 2015 AND SEPTEMBER 21, 2015.
THERE WAS A FAILURE OF DEFENDANT CITY OF POUGHKEEPSIE
TO TRAIN DEFENDANT BREWSTER AND DEFENDANT BREWSTER

FAILED TO HEED DEFENDANTS CITY OF POUGHKEEPSIE AND CITY OF POUGHKEEPSIE POLICE'S TRAINING, BECAUSE HE TASERED JOSEPH ROBB AND BEAT HIM SEVERAL TIMES ABOUT HIS HEAD AND BODY WITHOUT ALLOWING HIM TO JUST GO DOWN WITH THE TASER. WE HAVE PHOTOGRAPHS. HE SHOWED TO THE SCENE WITH NO SIRENS, LIGHTS OR WARNINGS THAT HE WAS GOING TO COME AFTER MR. ROBB THE WAY HE DID. HE HAD IT OUT FOR MR. ROBB AT THE BEGINNING WITHOUT KNOWING WHAT HAPPENED AND BEAT HIM SEVERAL TIMES ABOUT HIS HEAD AND BODY. DEFENDANT BREWSTER VIOLATED JOSEPH ROBB'S CONSTITUTIONAL RIGHTS AND THOSE VIOLATIONS RESULTED FROM AN OFFICIAL MUNICIPAL POLICY, AN UNOFFICIAL CUSTOM OR BECAUSE THE MUNICIPALITY, DEFENDANT CITY OF POUGHKEEPSIE WAS DELIBERATELY INDIFFERENT IN FAILURE TO TRAIN OR SUPERVISE DEFENDANT BREWSTER. DEFENDANT EMPLOYEE BREWSTER WAS ACTING THROUGH AN OFFICIAL GOVERNMENT POLICY OR UNOFFICIAL CUSTOM WHEN HE USED

EXCESSIVE FORCE UPON JOSEPH ROBB. THIS SUIT AGAINST DEFENDANTS IS FOR IMPLEMENTING CUSTOMS AND POLICIES THAT CAUSED THE UNCONSTITUTIONAL BEHAVIOR. THE MISCONDUCT WAS SO REGULAR AS TO BECOME A DE FACTO CITY OF POUGHKEEPSIE POLICY. DEFENDANTS HAD AN UNCONSTITUTIONAL POLICY EITHER BY AN ACTUAL WRITTEN POLICY OR AN UNOFFICIAL CUSTOM OR PRACTICE THAT WAS EXERCISED REPEATEDLY.

- 12.DEFENDANTS WRONGFULLY USED EXCESSIVE FORCE, FALSE ARREST AND ILLEGAL DETENTION AND ILLEGAL SEARCH AND SEIZURE AGAINST JOSEPH ROBB. PLAINTIFF WAS ABUSED BY A PUBLIC OFFICIAL, DEFENDANT JOSEPH BREWSTER AND HE WAS ASSAULTED BY DEFENDANT POLICE OFFICER, JOSEPH BREWSTER, CAUSING SERIOUS AND PERMANENT INJURIES.

13.THROUGH THEIR DELIBERATE CONDUCT, DEFENDANTS JOSEPH BREWSTER, CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND CITY OF POUGHKEEPSIE WERE THE MOVING FORCE BEHIND THE INJURIES TO PLAINTIFF, THEIR FORCE WAS EXCESSIVE AND UNREASONABLE IN THAT SMALL PLAINTIFF JOSEPH ROBB WAS IN THE PROCESS OF

THROWING LEROY JOHNSON'S JACKET INTO THE DUMPSTER
WHEN DEFENDANT JOSEPH BREWSTER SAID "DON'T" BUT
PLAINTIFF JOSEPH ROBB WAS ALREADY IN MOTION. THE DRUG
DEALER, LEROY JOHNSON'S FRIEND SAID "DON'T DO THAT HE'S
GOING TO GET YOU. YOU PISSED HIM OFF".

14. DEFENDANTS CITY OF POUGHKEEPSIE POLICE DEPARTMENT AND CITY
OF POUGHKEEPSIE WERE FURTHER NEGLIGENT IN HIRING DEFENDANT
JOSEPH BREWSTER WITHOUT ADEQUATE SCREENING AND DEFENDANTS
CONSCIOUSLY DISREGARDED A HIGH RISK THAT JOSEPH BREWSTER
WOULD USE EXCESSIVE FORCE IN VIOLATION OF PLAINTIFF JOSEPH
ROBB'S FEDERALLY PROTECTED RIGHTS IN KNOWING THAT DEFENDANT
JOSEPH BREWSTER WOULD FAIL TO HEED DEFENDANT CITY OF
POUGHKEEPSIE'S TRAINING.

15. THE DEFENDANT JOSEPH BREWSTER SAID TO PLAINTIFF, JOSEPH
ROBB, "GET THE JACKET OUT OF THE DUMPSTER" JUST SO THE
DEFENDANT JOSEPH BREWSTER COULD FLING PLAINTIFF, JOSEPH ROBB
AROUND. DEFENDANT JOSEPH BREWSTER WENT FOR HIS TASER.
PLAINTIFF JOSEPH ROBB PUT HIS HANDS IN THE AIR AND SAID,

“PLEASE DON’T”. DEFENDANT JOSEPH BREWSTER TASERED PLAINTIFF JOSEPH ROBB AND THEN DEFENDANT JOSEPH BREWSTER WITHOUT ANY PROVOCATION OR THREAT BY SMALL PLAINTIFF JOSEPH ROBB, HIT PLAINTIFF, JOSEPH ROBB OVER THE HEAD AND BODY WITH A BILLY CLUB 3-4 TIMES AND MORE AND SPLIT PLAINTIFF JOSEPH ROBB’S HEAD OPEN IN 2 DIFFERENT SPOTS. DEFENDANT JOSEPH BREWSTER THREW PLAINTIFF JOSEPH ROBB TO THE GROUND, HANDCUFFED HIM AND THROUGH HIM TO THE GROUND. DEFENDANT JOSEPH BREWSTER THEN GOT AN AMBULANCE BECAUSE PLAINTIFF JOSEPH ROBB WAS BLEEDING. THEN DEFENDANT JOSEPH BREWSTER PUT PLAINTIFF JOSEPH ROBB ON A STRETCHER AND WITH AN AMBULANCE BROUGHT PLAINTIFF JOSEPH ROBB TO THE HOSPITAL. PLAINTIFF JOSEPH ROBB WAS HANDCUFFED TO THE BED, HIS HEAD WAS STAPLED, HE LOST CONSCIOUSNESS AND REGAINED CONSCIOUSNESS IN POUGHKEEPSIE CITY JAIL.

16. THE MUNICIPAL ACTION OF DEFENDANTS WAS TAKEN WITH THE REQUISITE DEGREE OF CULPABILITY AND THERE WAS A DIRECT CAUSAL LINK

BETWEEN THE MUNICIPAL ACTION OF DEFENDANTS AND DEPRIVATION OF PLAINTIFF'S FEDERAL RIGHTS.

17.THE MUNICIPAL ACTION OF DEFENDANTS THEMSELVES VIOLATED FEDERAL LAW AND DIRECTED AND AUTHORIZED THE DEPRIVATION OF FEDERAL RIGHTS.

18.THE MUNICIPAL ACTION TAKEN BY DEFENDANTS WAS NOT SIMPLY NEGLIGENT, BUT WAS TAKEN WITH DELIBERATE INDIFFERENCE AS TO ITS KNOWN AND OBVIOUS CONSEQUENCES.

19.DEFENDANTS VIOLATED PLAINTIFFS FOURTH AMENDMENT RIGHTS AGAINST UNREASONABLE SEIZURE.

20.AS A DIRECT RESULT OF THE NEGLIGENCE, INTENTIONAL AND NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS, VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS AGAINST UNREASONABLE SEIZURE, VIOLATION OF USC SECTION 1983, AND WRONGFUL USE OF EXCESSIVE FORCE PLAINTIFF SUFFERED SERIOUS AND PERMANENT PERSONAL INJURIES, LOST EARNINGS, AND INCURRED EXPENSES FOR MEDICAL TREATMENT.

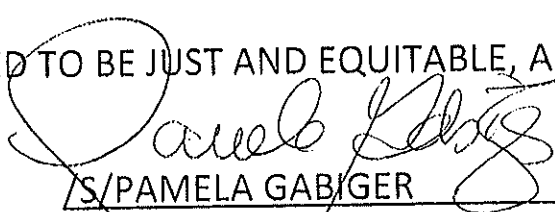
21.THE INJURIES SUSTAINED BY PLAINTIFF WERE CAUSED SOLELY AS
A RESULT OF THE NEGLIGENCE, NEGLIGENT AND INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS, VIOLATION OF PLAINTIFF'S
FOURTH AMENDMENT RIGHT AGAINST UNREASONABLE SEIZURE
AND VIOLATION OF SECTION 1983 AND WRONGFUL USE OF
EXCESSIVE FORCE WITH NO NEGLIGENCE OF PLAINTIFF
CONTRIBUTING THERETO.

22.BY REASON OF THE FOREGOING PLAINTIFF HAS BEEN DAMAGED
IN THE SUM OF TWENTY MILLION AND NO/100 (\$20,000,000.00)
DOLLARS.

23.AS A RESULT OF DEFENDANTS' NEGLIGENCE AND WRONGDOING,
PLAINTIFF HAS BEEN DAMAGED RESULTING FROM THE
DEFENDANTS' CIVIL RIGHTS VIOLATIONS AND PLAINTIFF SEEKS
COMPENSATION FROM ALL DEFENDANTS JOINTLY AND SEVERALLY,
FOR ACTUAL, GENERAL, SPECIAL, COMPENSATORY AND PUNITIVE
DAMAGES.

WHEREFORE, PLAINTIFF DEMANDS JUDGMENT PURSUANT TO CPLR
3017 C PLUS THE INTEREST, COSTS, AND DISBURSEMENTS OF THIS
ACTION, INCLUDING ATTORNEY'S FEES AND SUCH OTHER AND
FURTHER RELIEF DEEMED TO BE JUST AND EQUITABLE, AND PROPER.

DATED: MAY 6, 2022


/S/PAMELA GABIGER

PAMELA GABIGER

ATTORNEY FOR JOSEPH ROBB

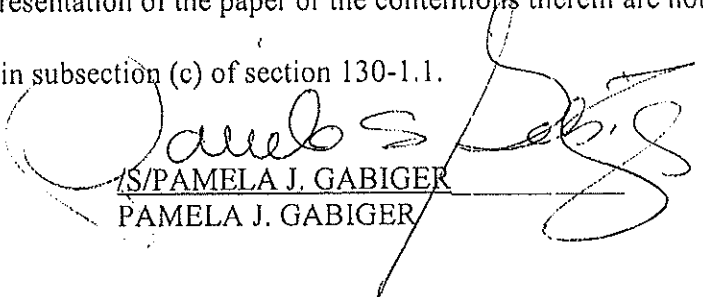
PO BOX 2952, POUGHKEEPSIE, NY 12603

(845) 471-2447

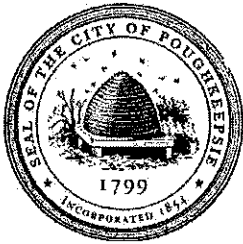
ATTORNEY CERTIFICATION

Pursuant to NYCRR Section 130-1.1-a (b), I certify that to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1.

Dated: MAY 6, 2022


/S/PAMELA J. GABIGER
PAMELA J. GABIGER

Official Minutes of the Public Hearing of May 2, 2022 for the purpose of receiving comments on the proposed introductory ordinance amending Section 19-3.19 of the City of Poughkeepsie Code of Ordinances, entitled "Central Urban Density Residence District (R-4A)"



THE CITY OF POUGHKEEPSIE NEW YORK

PUBLIC HEARING

Monday, May 2, 2022 6:00 p.m.

Common Council Chambers

Welcome to the scheduled meeting of the Public Hearing in the City of Poughkeepsie. The date is May 2, 2022 and the time is 6:04 pm.

THIS HEARING IS FOR THE PURPOSE OF RECEIVING COMMENTS ON THE proposed introductory ordinance amending Section 19-3.19 of the City of Poughkeepsie Code of Ordinances, entitled "Central Urban Density Residence District (R-4A)"

Councilmember-At-Large Salem called the meeting to order at 6:04 p.m.

I. WELCOME

II. PUBLIC PARTICIPATION: Five (5) minutes per person public comment.

1. Laurie Sandow – S. Grand Ave. – submitted written comments

Tonight's Common Council agenda describes this public hearing as (quote): "for the purpose of receiving comments on the proposed introductory ordinance..."

[amending Section 19-3.19 of the City of Poughkeepsie Code of Ordinances, entitled "Central Urban Density Residence District (R-4A)"]

But this is not an introductory ordinance at all. In fact, it was originally introduced in 2019, when Natalie Quinn as City Planner, and Sarah Salem as the Council sponsor, presented nearly the same text amendments to the R-4A zoning district—basically, the Union Street Historic District, a singular district roughly 1/2-mile square.

It is sad that I barely have to modify my comments from 2019 to speak at tonight's public hearing. As I said back then, and repeat tonight, why is this Council contemplating yet another spot rezoning resolution? Especially considering that later on tonight's agenda, there's an item where Quinn tries to sucker the Council into sending the incomplete, draft Comprehensive Plan—a document dominated by splotches of color and disconnected narrative—describing that action as a "ministerial request" by the County Planning Department.

Why has this Council not refused all spot rezoning while the secretive PK4Keeps steering committee meetings are still underway? Why should we accept, for even a fraction of a second, that the then-City Planner, now-Development Director Quinn is not setting out to reshape the future of this City through a stream of supposedly unconnected resolutions, and legislative bits and pieces?

Why would this Council support a text amendment that will displace the tenants who now hold leases to storefront apartments? Or do Councilmembers plan to get up on their high horses and tell those tenants, "gee, too bad" but don't bother us, go to Legal Services if you seek protection under Good Cause Eviction.

When, at the 2019 meeting, members of the public, myself included, and other councilmembers raised objections to the use and weaponization of the word “bodega”, both Quinn and Salem threw another member of the Planning Department under the bus. But, through documents obtained via Freedom of Information requests, it’s clear that others had already sounded the alarm. I quote: “The proposed commercial uses are remarkably limited to a particular niche market—people who use florists and artisanal food vendors, but don't use mini-marts or bodegas. Really?”

As was true in 2019, and remains true today, these zoning text amendments are being proposed, at least in part, in direct response to the interests of developers, as in the text amendment that reads, and I quote: “Rooftop and courtyard seating areas for standard restaurants and coffee shops.”

Among the amendments being proposed? (quote) “Artisanal food providers, such as butchers, cheese shops, fish markets, and candy shops”. The word “artisan” does not exist in the current code. And this attempt to introduce it represents nothing more than millennial self-obsession, so self-glorifying that they believe a handle-bar mustache instantly elevates their product to something far superior to anything that already exists. Millennials think they can just declare themselves artisans, having no concept of the time and energy required by apprenticeship, journeyman and possibly, ultimately, master craftsperson status. I wonder, have the advocates of this text amendment ever worked a double-shift, a night shift, or had a sick baby and needed a quart of milk or a bottle of aspirins in the middle of the night, as opposed to a head of lettuce among the (quote, unquote) “variety of fresh produce” they now seek to write into the code?

I repeat myself from 2019: These proposed amendments are an attempt to spot-rezone and demographically gerrymander certain sections of the City, benefitting one very small and limited class of people, to the detriment of another already existing and much larger class, seeking to make the City even more segregated than already exists.

Official Minutes of the Public Hearing of May 2, 2022 for the purpose of receiving comments on the proposed introductory ordinance amending Section 19-3.19 of the City of Poughkeepsie Code of Ordinances, entitled "Central Urban Density Residence District (R-4A)"

2. Constantine (Gus) Kazolias – Noxon Rd.

III. ADJOURNMENT:

The Public Hearing ended at 6:16pm.

Dated: May 11, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Public Hearing held on May 2, 2022.

Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain

O-R-D-I-N-A-N-C-E
(O-X-X)

**ORDINANCE AMENDING CHAPTER 19, SECTION 19-3.19 OF THE CITY OF
POUGHKEEPSIE CODE OF ORDINANCES ENTITLED “Central Urban Density
Residence District (R-4A)”**

INTRODUCED BY COUNCILMEMBER SALEM:

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

SECTION 1: Section 19-3.19 of the Code of Ordinances of the City of Poughkeepsie is hereby amended by the following additions so as to read in pertinent part as follows:

Section 19-3.19 **Central Urban Density Residence District (R-4A).**

[Ord. of 4-1-1991, § 2; Ord. of 11-21-1996, § 9]

(1) *Purpose of district.* The purpose of this district is to provide areas for a broad range of housing types with opportunity for appropriate nonresidential uses at a fairly high density commensurate with the scale and characteristics of the city's older neighborhoods; these are areas with access to major transportation arteries and a range of community services.

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

(a) Uses permitted by right:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Townhouses.
4. Multifamily dwellings.
5. Home occupations, subject to the requirements of Section **19-4.1** of this Chapter or professional offices, subject to the requirements of Section **19-4.2** of this Chapter.
6. Municipal parks and recreational facilities, including refreshments and service buildings accessory thereto and any other governmental uses and structures of the City of Poughkeepsie, the County of Dutchess or the state or federal governments or agencies thereof.
7. Public, private and parochial schools as regulated in Section 19-3.12(2)(a)4 herein.
8. Cemeteries.
9. Renting of not more than two rooms by the resident family, provided that no sign advertising the availability of such rooms shall be displayed.
10. Student home, subject to the requirements of Section 19-4.22 of this chapter.

11. Standard restaurants, cafes and coffee shops, provided such businesses are located in existing buildings and close by 11pm. Drive-through facilities are prohibited.

12. Retail establishments.

13. Convenience stores, provided that a variety of fresh produce is available for purchase.

14. Personal service establishments.

15. Artisanal uses offering a trade or handcrafted service or product, such as but not limited to butchers, cheese shops, fish markets, and candy shops.

(b) Uses subject to issuance of a special permit by the Planning Board in accordance with the requirements of Section 19-6.2 herein:

1. Places of worship, including parish houses, religious schools, meeting rooms and recreation facilities and customarily accessory thereto, subject to the following requirements:

(i) The site shall have an area of not less than 20,000 square feet.

(ii) Except as set forth hereinafter, no building or part thereof or parking or loading area shall be located nearer than 25 feet to any street line or property line in any R-1 through R-6 District. A parish house, rectory or parsonage shall comply with the requirements for a single-family dwelling. (iii)

Lot coverage shall not exceed 50%.

2. Cluster development, in accordance with the requirements of Section 19-4.16 of this Chapter.

3. Nursery or preschool educational establishments or day-care centers, subject to the requirements of Section 19-3.12(2)(b)3 of this Chapter.

4. Libraries, museums and/or art galleries on lots having an area of not less than 20,000 square feet.

5. Golf, tennis and swimming clubs, subject to the requirements of Section 19-3.12(2)(b)6 of this Chapter.

6. Family day-care homes.

7. Agency group homes, agency community residences or family care homes, subject to the requirements of Section 19-3.12(2)(b)8 of this Chapter.

8. Conversion and remodeling of buildings in existence on the effective date of this Chapter for use by practicing physicians or dentists, either singly or in groups.

9. Membership clubs, catering exclusively to members and their guests, provided that the following are prohibited:

(i) Outdoor entertainment, live or mechanical,

(ii) Use of outdoor public address systems.

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

(iv) Location of any part of the building nearer than 30 feet to any street or property line in an R-1 through R-6 District.

10. Professional or business offices as part of a multifamily dwelling, subject to the following requirements:

- (i) Office uses shall be limited to the first floor.
- (ii) Office uses shall be primarily to serve residents of the immediate neighborhood.
- (iii) Such office space shall be limited to 800 square feet for each 10 dwelling units or major fraction thereof.
- (iv) Entrances and exits to office shall be separate front the residential portion of the building.

11. **Rooftop and courtyard seating areas for standard restaurants and coffee shops.**

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

- (a) Off-street parking.
- (b) Buildings for housing pets; playhouses.
- (c) Garden houses, greenhouses.
- (d) Signs, subject to the requirements of Section 19-4.9 of this Chapter.
- (e) Swimming pools and/or tennis courts and related recreational facilities, subject to the applicable requirements of Sections 19-4.7 and/or 19-4.8 of this Chapter.
- (f) Keeping of not more than three customary household pets over six months old. The commercial breeding or boarding of pets shall be prohibited.

(g) **Sidewalk seating areas for standard restaurants and coffee shops pursuant to** Section 15-14 of the code.

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

- (a) Minimum required lot area for one- and two-family dwellings and townhouses:
 - 1. One-family dwellings, townhouses: 2,000 square feet per DU.
 - 2. Two-family dwellings: 2,250 square feet.
- (b) Minimum required lot area per dwelling unit for multifamily dwellings shall be as follows, except in buildings with offices on the first floor, no additional lot area shall be required specifically for that use:
 - 1. Efficiency or studio unit: 750 square feet.
 - 2. One-bedroom unit: 900 square feet.
 - 3. Two-bedroom unit: 1,050 square feet.
 - 4. Three-or-more-bedroom unit: 1,200 square feet.
- (c) Minimum required lot area for all uses except one-family and two-family dwellings and townhouses: same as R-3 Districts [Section 19-3.14(4)].
- (d) Minimum required lot width:
 - 1. Townhouse: 18 feet.
 - 2. All other uses: 30 feet.
- (e) Minimum required side yards: six feet.

- (f) Minimum required rear yards: 1/2 the height of the principal structure closest to the rear property line or 15 feet, whichever is greater.
- (g) Minimum distance between principal buildings on one site: 2/3 of the height of the taller principal building or 25 feet, whichever is greater.
- (h) Minimum required front yard: none; provided, however, that in cases where the mean front yard setback of residential properties located on the same street line and wholly or partly located within 100 feet of the subject property exceeds 2 1/2 feet, said mean front yard setback shall be the minimum front yard required for the subject property.
- (i) Maximum height: three stories or 40 feet. Maximum F.A.R.: 1.0.
- (j) Maximum lot coverage: 40%.
- (k) Required open space: same as R-4 [Section 19-3.15(4)(i)].

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

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

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____

Submitted to Council: Council Action: Roll call vote taken: Yes_____ No_____ Ayes Nays Abstain Absent Approved by Mayor on _____ Mayor's Signature _____	I hereby certify the foregoing to be a true and correct copy of a Ordinance duly adopted at a regular meeting of the Common Council held _____ _____ City Chamberlain
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THE CITY OF POUGHKEEPSIE NEW YORK

COMMON COUNCIL MEETING MINUTES

Monday, May 2, 2022, 6:30 p.m.

Common Council Chambers

Welcome to the regularly scheduled Meeting of the City of Poughkeepsie Common Council the date is May 2, 2022, and the time is 6:30 pm.

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

Let's all recite the pledge of allegiance.

I. ROLL CALL: (7 present, 2 absent: Councilmember Deichler & Councilmember Thompson absent)

II. REVIEW OF MINUTES:

Common Council Meeting – April 18, 2022

**Motion to accept the minutes: Councilmember Cherry
2nd: Councilmember Menist**

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

-YES-

**Removal of Resolution R-22-37, Resolution Approving a License Agreement For
Operation Of The Ice House Site At Waryas Park**

IV. PUBLIC PARTICIPATION

1. Karen Turner – White St.

Official Minutes of the Common Council Meeting of May 2, 2022

- 2. Laurie Sandow - S. Grand Ave. (submitted comments in writing)**
 - 3. Gus Kazolias – Noxon St. (submitted attachments)**
 - 4. Larry Trepel – S. Bridge St. (submitted comments in writing)**
 - 5. Andres San Millan – Mill St.**
 - 6. Naomi Brooks - S. Grand Ave. (submitted in writing)**
 - 7. Laura Strait – Mill St.**
 - 8. Holly Wahlberg – Garfield Pl.**
 - 9. Ken Stickle**
 - 10. David DeHoff**
-

Before I begin my comments, I'll note that once again, items have been added or deleted from tonight's agenda without prior notice to the public. Among other things, this shows a lack of respect for the members of the public who've taken time to prepare and edit their comments to meet the measly 3-minute limit, including comments they might have made if only the City showed the respect to post agenda alterations in advance.

That aside, I'll start my comments tonight by repeating declarations made at the last two Council meetings:

- 1—Tonight I'd like to talk about lawbreaking, collusion and fake news; and
- 2—As with Wheaton, rather than draw a line in the sand, it seems this City has decided to hang out a banner reading "lawbreaking and secret deals welcomed here". Tonight's Council agenda is jam-packed with such trespasses, more than I can address in three minutes.

I'll also note that I am not the only person in this City who has sent Emails to Mayor Rolison, City Administrator Nelson, and 8th Ward Councilmember Deichler which have gone unacknowledged and unanswered. Is this also true for other City Departments and Councilmembers? How is it that Administrator Nelson expedites certain Freedom of Information requests, while letting others linger to the last, or even beyond the last moment? Or that Appeals Officer Martinez claims that documents which are clearly public realm, are protected by attorney-client privilege? I've repeatedly asked the Chamberlain and the City to post files as readable and searchable text, but now even files that used to be readable and searchable are being posted as image files. Why?—could it be that the posting of graphic image files are all the better in making it hard for City residents to stay informed and involved?

Tonight's agenda doesn't include any follow-up regarding the April 18 Council walk-on resolution about 26 Oakley. Nor did Chamberlain Davis meet her legal obligation to post that resolution, either while the meeting was taking place or afterwards. Why does the public not have knowledge or access to the Council's letter that Yvonne Flowers read into the record at the April 7 County Legislature meeting? Why did the Mayor and City Administrator attend the County's April 7 meeting, but say nothing and still remain silent about the County's intent to create a homeless shelter at 26 Oakley in the 5th Ward?

Moving on, two legitimate businesses appear on tonight's agenda with applications for liquor licenses. Has Flores Taqueria at the Ice House ever applied for a liquor license? Whose license has he been using to sell liquor for the past seven months? Why is Corporation Counsel Valk—

who posed as a stickler concerning the breach-riddled Wheaton Park contract, while opting not to exercise the City's right to terminate the contract, and instead adding, distorting, and rewriting the contract terms to even further favor Pelton Partners, LLC—silent about the hornet's nest of illegalities taking place at the Ice House?

Tonight's agenda Resolution 22-37, approving a License Agreement with Flores is an outright attempt to memorialize a series of fraudulent statements and fiduciary breaches, including a license with a monthly rate that's less than the rent for some 1-bedroom City apartments. Who removed Ice House paperwork from the Building Department files? Who gave Marc Nelson authority to extend an expired lease and communicate that extension only to the Corporation Counsel and not to the Building Department or Common Council? Who on earth signs a proposed agreement with parties that won't be identified until after their license is signed?

And, as I run out of time, on the very same night that Pattern for Progress is making a Housing Needs Assessment presentation, Development Director Quinn is attempting a spot-rezoning of the Union Street Historic District as well as trying to sucker the Council into sending the PK4Keeps draft plan—and I emphasize "draft"—to the County Planning Department, suggesting that sending the draft to the same County Department engineering the shelter at 26 Oakley would be nothing more and nothing other than fulfilling a ministerial request. Please also see Ms. Quinn's replies (attached) to questions posted at the April 4, 2022, Informational Meeting.

Questions to Planning Director Natalie Quinn:

—I have requested, more than once, that a “heat map” of purchasers and the parties behind the curtains of various LLCs, be generated by the Planning Department, so that the public has a clear idea of which parties are buying up properties throughout the City of Poughkeepsie. I now make the same request to you as Development Director.

Response: Regarding your request for a map depicting purchasers and property owners of parcels throughout the city, the City Planning Division does not currently track private property sales, and would not be able to produce such a map. Private property sales transactions are filed at the county level. Furthermore, we do not track LLCs or the entities that make up an LLC. Thus, we would also not be able to create a map regarding LLCs as you've requested. Dutchess County Parcel Access does provide property owner information for every parcel in the city and the platform is publically accessible.

—Your previous position as Planning Director was an administrative position involving responsibility for planning, organizing, and directing the work of the City of Poughkeepsie planning division. However, you participated in many c/PK board and agency meetings, as if acting in a co-chair or some capacity other than consultant. By virtue of this participation you often influenced decision-making, including whether or not a public hearing would be held. I have not seen that authority or function granted in any job description of Planning Director. Please explain and/or provide the document(s) that grant this authority to the Planning Director.

Response: Please see attached to this response the job description for Planning Director. As liaison to the various land use Boards, the Planning Director has the responsibility to provide technical support and procedural guidance to Board members. All decisions to set a public hearing or not are ultimately made by a majority vote of the board.

—When the Planning Board and/or Zoning Board of Appeals sends notices about upcoming public hearings, who are these notices sent to? Property owners only? Never to tenants? Property owners within what distance of the applicant's property? It has been reported that printed notices are posted on the subject buildings. What size is the alleged notice posted to these buildings? Do you have a sample? Is only one piece of paper posted? Or are notices posted to all sides of the subject property? Are the notices readable from a distance?

When are public hearings required?

- All applications to the Zoning Board of Appeals are subject to public hearing. All special permit applications to the Planning Board are subject to public hearing, pursuant to the provisions of Section 19-6.2 of the Zoning Ordinance.

- Site Plan applications to the Planning Board are subject to public hearing at the discretion of the Planning Board when the Board finds the application is of wide public interest, as provided for in Section 19-6.1(2)(f): The Planning Board may hold a public hearing on the site plan if it determines that the matter is of wide public interest.

It is important to note that the City of Poughkeepsie Zoning Board of Appeals and Planning Board exceed the public notice requirements that are mandated by New York State Law. For example, NYS does not require that hearing notice be sent to neighbors, but allows municipalities to require it. Notice being published at least 5 days prior to the meeting is also part of the NYS Law).

Who are the notices sent to? Property owners only? Never to tenants?

- Notices are sent to the property owners, as required by the Zoning Ordinance. Notices are not sent to tenants. This is not a requirement of the Ordinance, nor would it be practical to make it a requirement: there is no database of tenants.
- Relative to the Zoning Board of Appeals, Section 19-8.5(6) requires that “The appellant or applicant shall cause to be published in the official newspaper of the city on at least one occasion not less than five days prior to the hearing date, legal notice of the hearing which shall be conducted by the Board. The appellant or applicant shall also cause notice of the hearing to be mailed by certified mail to the owners of all property within a two-hundred-foot radius of the parcel which is the subject of the hearing before the Board. Such notice shall be mailed not less than five days prior to the hearing date.”
- Relative to Site Plan review if a public hearing is required, Section 19-6.1(2)(f) requires only that notice shall be given at least five days prior to the date of such hearing by publication in the official city newspaper. However, to be consistent and avoid confusion, the mailing requirement outlined in Section 19-6.2(3) is applied here as well.
- Relative to the Special Permits, Section 19-6.2(3) provides that “The procedure for a special permit shall be the same as specified for a site plan review, Section 19-6.1(2), except that a public hearing is mandatory. Further, the applicant shall cause notice of all hearings to be mailed by certified mail to the owners of all property within a two-hundred-foot radius of any parcel which is the subject of a special permit hearing before the Planning Board.”
- Additionally, please note that the Planning Board, in an effort to further inform the public of pending applications, took the extra step of requiring applicants for whom public hearings are held to display a poster announcing the date, time and location of said hearing. This is not a requirement of the Ordinance.

Property owners within what distance of the applicant's property?

- Property owners within 200 feet of the subject parcel receive notice.

It has been reported that printed notices are posted on the subject buildings.

As mentioned above, the Planning Board requires that posters be displayed announcing public hearings.

The requirements for the poster are:

- The public hearing notice poster shall be posted on the proposed site no less than seven (7) days prior to the public hearing.
- One sign must be posted on each street frontage of the proposed site
- The posted sign must be a minimum of 20 x 30 inches in size
- White background with black lettering
- The sign(s) must be protected from the elements, either by placement inside the front window or laminated
- Proof of the placement of the poster in the form of photographs.

Do you have a sample?

- Samples are attached.

Is only one piece of paper posted? Or are notices posted to all sides of the subject property?

- The number of signs posted is a function of the specific nature of the property under review. For example, for the property at 135 Main Street, which is a corner property (Main and North Perry Streets), the applicant posted signs on both Main and North Streets. If, however, a property has only one frontage, only one sign would be posted.

Are the notices readable from a distance?

- The signs are legible for local traffic, both pedestrian and vehicular.

—At some c/PK Board and Agency meetings, people register to watch and speak at public hearings, but the Board and/or Agency determines, without even listening to members of the public, that there will be no public hearing. Please explain how that works.

On more than one occasion, I or others have written comments in the GoToMeeting chat, but you (Natalie Quinn) are the only one who can read their notes, even though it's possible that more than once person has been prevented from speaking, is writing the same comment in the chat, or making the same protest about something that's occurred or been prevented at any given meeting. In does not appear that these chat comments are preserved in the meeting's minutes.

Please see response above regarding when public hearings are required. When a person registers to attend a virtual meeting, that is not the same as registering to speak during a public hearing. Registration is not required in order to provide comments during a scheduled public hearing. If a public hearing has been set

and properly noticed, the Planning Board always opens that hearing and allows residents to speak. Registration is not required for public hearings.

Written commentary submitted outside of a public hearing via the chat function of a virtual meeting is not an avenue in which the Planning Board is required to accept public comments. These types of comments are not required to be preserved or publically posted.

—PK4Keeps insists that it is data driven:

Please provide the correspondence between Natalie Quinn and Paul Ackermann regarding PK4Keeps steering committee meetings and Open Meetings Law;
Department response already provided as part of FOIL POK-2022-118

—A recent conversation with the PK4Keeps consultants suggests that records for PK4Keeps Steering Committee meetings are not kept. Please provide dates and times of EACH meeting, attendance records at each meeting, minutes of each meeting, documents and/or surveys distributed at each meeting and/or in advance or after each meeting;
Department response already provided as part of FOIL POK-2022-118

—A recent conversation with the PK4Keeps consultants suggests that records for Kitchen Table Meetings are not kept. Please provide dates and times of EACH Kitchen Table meeting, host(s) of each meeting, attendance records at each meeting, minutes of each meeting, documents and/or surveys distributed at each meeting and/or in advance or after each meeting.
Department response already provided as part of FOIL POK-2022-118

PLANNING DIRECTOR

DISTINGUISHING FEATURES OF THE CLASS:

This is an administrative position involving responsibility for planning, organizing, and directing the work of the City of Poughkeepsie planning division. An employee in this class will be required to lead and participate in the formulation, periodic analysis, and revision of a comprehensive planning program. The work is performed under the general direction of a higher-level administrator with considerable leeway allowed for the use of independent judgment in carrying out the details of the work. Supervision is exercised over the subordinate staff in the planning division.

TYPICAL WORK ACTIVITIES:

Typical work activities for incumbents in this title include those listed below in addition to those typical work activities performed by lower level titles in the series. They are indicative of the level and types of activities performed by incumbents in this title. It is not meant to be all inclusive and does not preclude a supervisor from assigning activities not listed which could reasonably be expected to be performed by an employee in this title.

1. Directs detailed field and office studies of existing and potential land use, population characteristics, transportation, housing, open space and zoning;
2. Establishes policies and guidelines used in analyzing municipal socioeconomic conditions and needs;
3. Leads and participates in the preparation of reports geared to planning needs and problems;
4. Supervises the maintenance and revision of the data base including census data, planning studies, maps and other publication related to planning;
5. Supervises subordinates in technical planning studies and research;
6. Supervises the administration of the planning division;
7. Interprets Federal, State and/or County regulations regarding planning and development;
8. Determines geographic project areas;
9. Confers with and advises officials, the public and various agencies on planning needs and problems;
10. Acts as liaison to the Planning Board, Zoning Board and other legislative bodies;
11. Attends meetings with other agencies in a technical, advisory or public relations capacity and answers public inquires.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of the general principles, purposes and techniques in the field of municipal planning; ability to visualize and carry out ideas relating to planning; ability to organize, analyze and interpret planning data; ability to analyze planning projects on the basis of physical feasibility; economic soundness and community needs; ability to organize, direct and coordinate the work of others; ability to express oneself clearly and concisely both orally and in writing; ability to get along well with others; initiative; resourcefulness; good judgment; courtesy; tact; physical condition commensurate with the demands of the position.

PLANNING DIRECTOR (Cont'd)

MINIMUM QUALIFICATIONS:

- EITHER: (A) Master's degree in community or regional planning and three (3) years of progressively responsible experience in community or regional planning, one (1) year of which must have been in a supervisory capacity;
- OR: (B) Bachelor's degree in planning, architecture, civil engineering, public administration, or a related field and four (4) years of progressively responsible experience in community or regional planning, one (1) years of which must have been in a supervisory capacity;
- OR: (C) An equivalent combination of training and experience.

NOTE: Your degree or college credit must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education.

SPECIAL REQUIREMENT

Possession of a valid Driver License to operate a motor vehicle in New York State at time of application and to maintain the position.

PL0104

ADOPTED: 03/08/82

REVISED: 01/23/19 02/28/2019

NOTICE

A PUBLIC HEARING FOR SITE PLAN APPROVAL
WILL BE HELD BY THE PLANNING BOARD ON
MARCH 15, 2022 AT 6:00PM

via video conference,

as permitted by the NYS Open Meetings Law.

For further information,
and for links to the video conference,
please call the Planning Department
at 845-451-4047.

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EVERY COIN HAS TWO SIDES

Today, homelessness is an important issue that needs to be solved and I applaud the Legislature for taking on this problem. In reviewing how to solve this problem the County needs to acknowledge this is a County issue not just a City of Poughkeepsie issue and the Legislature needs to be honest, diligent and equitable when asking these two questions:

1. Where is the best location for a homeless shelter regarding the **shelter's impact on the area** selected to house the shelter?
2. What location is the **best location for the homeless?**

As for question one, the selection of the 5th Ward in the City of Poughkeepsie as the best place for the shelter is a bad one.

This Ward is already overwhelmed with poverty, drugs, crime, and unemployment. Why would the Legislature make these issues worse for this Ward by adding another population segment that brings with it drugs, crime, poverty and unemployment?

Let's look at the Data (2022)

	<u>Dutchess County</u>	<u>City of Poughkeepsie</u>	<u>12601</u>	<u>Homeless</u>
Area Median Income	\$82,000	\$47,000		
Area Average Income	\$114,000	\$33,000		
Poverty Level	8.3%	20.2%		
Owner Occupied Households	68%	36%	38%	0%
Race				
White	81%	47%	59%	
Black	12%	37%	27%	40%
Hispanic	13%	16%		13%

The City of Poughkeepsie has 2.5 times as much poverty as the County, half the median income and one quarter of the County's average income. Remember, the County represents the City of Poughkeepsie too and should be doing all it can to support its revitalization. This area with its proximity to the Walkway, the home of the City's most beautiful park, College Hill, and its potential to attract businesses and visitors is critical to the City's moving forward. And just as important, an elementary school is blocks from the proposed site for the homeless shelter, how will this shelter affect our children? The City needs the County's support in raising this Ward out of its troubled socio-economic issues, not decide oh well it's a mess there anyway, so let's stick our problems over there. By making decisions to make these

statistics worse for the City may seem like a good decision to keep problems out of non-City Legislature's areas by manipulating politically correct comments – we care about the homeless, their relatives are in Poughkeepsie etc. to keep this problem segment out of their backyards. But remember supporting the City of Poughkeepsie is good for the overall County because as Poughkeepsie improves so does all the statistics for the County. The City needs the County and the County needs the City.

To make these socio-economic problems in this Ward worse may be a civil rights issue and a good lawyer may make a winning case out of this blatant violation. Do we need one arm of our government suing another? I don't think so

Now to the second question, is this the best location for the homeless?

Why take people with low to no income, with a significant subgroup on drugs with no where to go in a neighborhood where once they leave the "homeless campus", which they will want to do, they walk out the door to drug access and crime. Wouldn't it be better to move them to an area where they will not be preyed upon, can not find drugs on the block in which they live and an area with jobs for them to apply for? You say they need a roof over their heads, well why not a roof over their heads in a location that will encourage and support their need to become drug free, employed and living in private housing. This roof over their head is only one dimension of how to help the homeless and other important barriers to the homeless moving forward are not being discussed. Is that because the County's concern for the homeless is not concern for the homeless but rather concern to keep the homeless away from high homeowner locations elsewhere in the County? Are we being honest in solving these problems dumping the homeless on the northside of in the City of Poughkeepsie justifying the move by cleverly using language to put the homeless in a location that is not good for residents, the City's improvement or the homeless?

Please vote no on the Oakley Street location for the new homeless shelter and go back to the drawing board and find another location. It is not good for the City of Poughkeepsie or the County.

Rolison's deal to develop Wheaton Park raises criticism and questions

by Nicholas Kutbasli April 29, 2022

After a seven-year-long struggle and in opposition to community outcries, City of Poughkeepsie Mayor Rob Rolison signed a closing agreement on March 29, transferring ownership of Wheaton Park to Pelton Partners, the company of Hudson Valley real estate developer, Steven Tinkleman, and business partner, Wayne Nussbickel. Rolison's deal marks a turning point in the battle between the prospective apartment complex developers and local residents' movement to preserve the historic mansion and property for public use.

The controversy stems from Pelton Partners' option to buy Wheaton Park in 2016 from the City of Poughkeepsie, with the contingency that the developers obtain approval from the Historic District and Landmark Preservation Commission (HDLPC). Pelton Partners filed a lawsuit against the Common Council, the City, and HDLPC after repeated failure to obtain HDLPC approval of the apartment complex designs, which the HDLPC concluded did not meet historic preservation standards. After months of litigation, the developers recently requested to purchase the property by waiving the contingency.



Interior view of Pelton manor, the former home of the Poughkeepsie Day Nursery, now vacant. Photo copyright Sean Hammerle 2021

There appear to be several discrepancies between the recent closing agreement and the original purchase contract, none of which seem to have received legislative approval. The original purchase contract of sale, in paragraph 32, states Pelton Partner's contingency for obtaining HDLPC approval lasts for 24 months upon delivery of the 2016 contract, with the option for an additional six-month

extension. Because that contingency expired in 2018, the waiving of the contingency – upon which the closing agreement has been justified by Rolison – casts a shadow over the validity of the closing agreement.

The agreement also states that Pelton Partners has until March of 2023 to obtain an IDA PILOT (Industrial Development Agency, Payment in Lieu of Taxes), a term not approved by the Council. Section 13.01 of the City's Code on the disposition of property states that a contract must be approved by having a two-thirds vote of the elected common council, yet the most recent closing agreement and the substantive changes it contains did not receive legislative approval. The closing agreement has further been billed by the administration as a means to settle the recent lawsuit by Pelton Partners, yet that legal settlement has also not yet been legislatively authorized as has been customary in other cases.

At the April 18 council meeting, Councilmember Evan Menist asked Mayor Rolison his reasoning for signing the closing agreement. Rolison stated, "When it became, you know, known to us that was going to be asked, and we talked about this previously, you know long before the actual official ask was made, what was our legal obligation? And I asked the corporation council for an opinion, and their opinion was if they asked to close, they needed to close."

At the same Common Council Meeting, several residents voiced their frustration with the sale, including City of Poughkeepsie resident Peter van Aken. "Why is the sale of Wheaton Park and Pelton Mansion, which was actually designated a park over one hundred years ago, for the benefit of children, why was it handed over to satisfy a previous administration's favor to a preferred developer?" Mr. van Aken stated. Another city resident, Sean Hemmerle, stated, "You know that this deal is crooked, you know that it benefits very few people and you know that it's at the expense of the children of the City of Poughkeepsie – my children, your children."

Most of the public comments on Wheaton Park noted the low sale price of \$600,000 from the original contract and Mayor's Rolison's lack of transparency. Paragraph 3(6) of the closing agreement states that "In the event any condition is not fulfilled by that deadline as established by this paragraph, then Pelton shall not be bound by its promise and shall have the right to develop or sell the property in any manner consistent with the law." If this clause allows Pelton Partners to sell the property, the developer could sell Wheaton Park at a likely profit. Another prescient point made by residents during public comment is that the future of the site will be determined when Pelton Partners must again appear before the HDLPC, with all of the commissioners being solely appointed by the mayor and no appointments granted to the Common Council as is the case with other city boards and commissions.

Facebook Comments

VASSAR DEER—CITY COUNCIL MEETING 4/25/2022

I spoke a few weeks ago about the impact of Vassar's deer shooting on residents in surrounding neighborhoods. New information has been obtained through a FOIL request regarding this year's deer shooting, so I want to give an update.

In Vassar's application to the DEC last December that we obtained, they stated:

Two dead deer were found in water bodies on campus during our fall surveys. Fever often causes deer that are suffering from EHD (or Epizootic Hemorrhagic Disease) to die in or near water bodies.

This is an indication, hidden from the public, that deer were still dying from this dreadful disease on Vassar's own property. But that didn't stop them from wanting to do their own killing.

Here is a camera trap photo in their report, taken on January 1 this year by the sports field. You don't normally see this many deer in the Preserve, they are there only because Vassar had been baiting them for three weeks with piles of corn, which you can see on the lower left. It takes weeks to lure them in from areas outside of Vassar, where many spend most of their time. Three days after this photo they started killing these deer when they came to feed on the corn. **Twenty deer** were executed on three nights in January, using high-powered rifles and infrared-night scopes. There was no justifiable reason to kill them, but Vassar continues to use manipulated statistics that portrays it as a necessary annual event. At a 2020 Town Board meeting, when most board members learned for the first time **from us** that this was scheduled to take place in 2021, they made these comments:

The Town Supervisor stated:

"As far as the deer population, there has been a huge decrease due to the EHD illness that they got this year, and this was one of the areas that was hit pretty hard. The deer population took a huge hit this year, I know our highway department picked up hundreds."

Another board member stated:

"I didn't realize they had continued to do that year after year. I'm not a big fan of it—when you feed them, and then blow their heads off or whatever you do with a high-powered rifle, it doesn't seem right to me. I'm sort of surprised they're still doing it."

And another board member stated:

"I was under the impression this was a one and done...so I don't quite understand why they're still doing it."

Two of the Board members contacted President Elizabeth Bradley the day after and asked her to cancel the upcoming killing. She refused. But days later it was suddenly suspended because the USDA agent questioned if they could even legally do this without violating the City's firearms ordinance. This year they disregarded that law. Whatever your opinion is on that legal subject, my plea today is that Council Members and Mayor Rolison demand they end these killings, based on the simple truth that they are cruel, unnecessary, and disregard the opinions of Poughkeepsie residents who know about it. Vassar should not have the power to bait these animals into their Preserve and then murder them. Thank you, and I would appreciate hearing comments.

Naomi Brooks, S. Grand Avenue
Common Council public comments May 2, 2022

Public comment at public meetings is a strange and frustrating thing. Citizens who want their concerns voiced in a public meeting have three minutes to outline the topic's background, their analysis, and potential solutions. Three minutes, usually about complicated topics, means much needs to be left out.

I was considering this difficulty when the city administrator addressed public comments about the Pelton Mansion project during the April 18, 2022 Common Council meeting. His complaint - that citizens had not fully portrayed the situation - was absolutely true. We are not given the time to do so in this public forum.

Here are some details that have been left out of previous comments.

One main point that people in favor of this project have made is that delays in land use approvals are causing the parcel to stay undeveloped, off the tax rolls, and with a mansion that is crumbling. Yet the delays are exactly how our development process **should** be working - projects that meet criteria get land use approvals, projects that do not, such as this one, go back to the drawing board. Many other development projects in our city have been proposed and built in the same time period as the Pelton Mansion project has stalled, and that is because this project was inappropriate. If the city administration felt the approvals were taking too long, the purchase agreement had a clause that allowed them to withdraw. The city opted not to use that clause. Our corporation counsel carefully read and upheld another contract clause that allowed the purchasers to proceed without land use approvals, but did not as carefully uphold the clause that allowed the city to halt the sale if it took too long to obtain those approvals. That is a detail that was left out.

Another detail that was left out is that we are on the cusp of creating a new comprehensive plan and with it changes in zoning code; are in process of creating a long range waterfront plan and with it changes in zoning code; and have recently made changes to the historic properties section of our city code. This project would be impacted by all these changes, and the changes are being made to strengthen and align our vision for the city. The haste to transfer ownership of this property could deny our citizens of a project that would meet these updated, better criteria.

Another detail, although I am running close to my three minutes, is that for years, our financially struggling city has made the decision to reduce budgets for park maintenance. Our wonderful Public Works crews are woefully understaffed and under financed, and our parks have suffered terribly. Pelton Mansion at Wheaton Park, a city park, was left to deteriorate, just like the other buildings at the other parks have also deteriorated. City-owned property has been slowly decaying from city neglect.

Common Council members, please continue to stay true to the processes currently in place, consider the processes that are poised to put in place, question and debate decisions that have long-term implications, and continue to represent your constituents. I thank you for your commitment and integrity.

V. CHAIRPERSON'S COMMENTS AND PRESENTATIONS

I do want to call up Adam Bosch, who is president of Pattern for Progress to make his presentation during my comments.

But I do want to quickly say first "Eid Mubarak" to anyone who celebrates.

And secondly, you know, a number of people commented on Wheaton Park Pelton Mansion 36, North Clover, however you refer to it. And I can assure you that and I know we said this last time and Councilmember Menist went into a little bit more detail. We are, you know, considering what our options are in caucus, I hear the public asking us to, you know, consider securing outside representation. We're looking into seeing if we can do that.

And I also hear the public asking for us to have more of a handle on our appointments to the historic mission, understanding that, you know, there are concerns just based off of things that have happened, you know, back as far as 2016 and more recently.

And, you know, we weren't involved in the execution of the sale of that property. And, you know, it was it was something that and it is something that we were looking at, you know, what can we do moving forward, knowing that we're the legislative body and we care about the historic preservation of our community. We understand how important it is. We understand what happens when you don't preserve. And so, you know, that's something I'm sure other council members can expand during their comments on that.

But I do want to now introduce Adam Bosch, president of Pattern for Progress. Pattern for Progress was recently commissioned to conduct a housing assessment on our behalf here in the city of Poughkeepsie. And so tonight, Adam will be doing a presentation on the 2022 housing needs assessment, just giving us some highlights and also getting more in depth on the policy recommendations, the things that the legislative body has more authority to kind of weigh in on. So, Adam.

- 1. FROM PATTERN FOR PROGRESS**, a presentation of the 2022 Housing Needs Assessment.

~~VI. MAYOR'S COMMENTS~~

VII. NEW & UNFINISHED BUSINESS

Councilmember Menist walked on Resolution R-22-37.

A motion was made by Councilmember Menist and seconded by Chair Salem to receive and print.

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RESOLUTION
(R-22-37)

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the Common Council of the City of Poughkeepsie adopted Resolution R-22-34 on April 18, 2022 which resolution sought from Corporation Counsel, or the hiring of outside counsel in the event Corporation Counsel was unable to represent the Common Council, research to prepare for potential adversarial proceedings against Dutchess County and one or more John Doe parties, regarding the proposed campus at 26 Oakley Street; and

WHEREAS, the potential legal issues to be researched by Counsel are set forth in R-22-34, a copy of which is annexed hereto; and

WHEREAS, by a message dated April 28, 2022, the Mayor vetoed said resolution pursuant to the City Charter at §3.02(f); and

WHEREAS, the Common Council is desirous of overriding the Mayor's veto.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council, hereby overrides the Mayor's veto R-22-34 shall be effective upon adoption of this Resolution.

SECONDED BY COUNCILMEMBER _____:

R-22-37						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

VIII. REPORTS OF COMMITTEES AND BOARDS:

-NONE-

CONSENT AGENDA:

IX. MOTIONS AND RESOLUTIONS:

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

- 1. R-22-35, Resolution Granting a Temporary Easement to Dutchess County for the YOU**

**RESOLUTION
(R-22-35)**

INTRODUCED BY CHAIR SALEM:

WHEREAS, the City is the owner of the parkland property located in the City of Poughkeepsie, County of Dutchess, State of New York and more particularly known as “Eastman Park” (the “Premises”); and

WHEREAS, by resolution R-21-41 dated May 17, 2021, the City of Poughkeepsie authorized the transfer of abutting property at 35 Montgomery Street to the County for purposes of developing a multi-purpose youth and community facility for the residents of Dutchess County; and

WHEREAS, pursuant to that resolution, the County shall, within twelve (12) months of the closing of title between the City and the County, demolish the existing structure on the Property; and

WHEREAS, the County is preparing to proceed with the demolition and has advised the City that a temporary easement is necessary on the land of Eastman Park to permit construction fencing as shown on the proposed easement annexed hereto.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached Temporary Easement.

SECONDED BY COUNCILMEMBER _____.

R-22-35						
			Yes/Aye	No/Nay	Abstain	Absent
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

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

2. R-22-36, Resolution Granting an Easement to Central Hudson for Gas Regulator

**RESOLUTION
(R-22-36)**

INTRODUCED BY CHAIR SALEM:

WHEREAS, Central Hudson has requested two (2) easements from the City of Poughkeepsie in order to construct a natural gas regulator station on City-owned property at 505 Main Street, Poughkeepsie, New York; and

WHEREAS, the proposed easements consist of a gas regulator easement with Central Hudson to permit construction of a natural gas regulator station and appurtenances along with a utilities easement with Central Hudson and Verizon New York Inc. for the construction of necessary utilities to the gas regulator station; and

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to execute the attached easements and all other documents necessary to record same with the Dutchess County Clerk.

SECONDED BY COUNCILMEMBER _____.

R-22-36						
☒ Accepted ☐ Defeated ☐ Tabled			Yes/Aye	No/Nay	Abstain	Absent
	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

X. ORDINANCES AND LOCAL LAWS:

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

1. O-22-03, General Vehicle Loading Zone Amendment (FIRST READ)

**ORDINANCE AMENDING §13-211.1
OF CHAPTER 13 OF THE CITY OF POUGHKEEPSIE
CODE OF ORDINANCES ENTITLED “MOTOR VEHICLES
AND TRAFFIC”**

(O-22-03)

INTRODUCED BY COUNCILMEMBER MENIST:

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

SECTION 1: §13-211.1 is hereby amended by the following addition:

Section 13-211.1 General Vehicle Loading Zone.

Upon the erection of signs giving due notice thereof, the following areas shall be designated as a General Vehicle Loading Zone and is to be utilized only for the purpose set forth in this Article:

Main Street, South side, beginning 170 feet West of its intersection with Academy St. and continuing West for a distance of 50 feet.

SECTION 2: This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER _____:

ADDITIONS denoted by Underlining and Bold

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

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

- 1. R-22-38, Resolution To Declare Lead Agency and Granting Referral of Matter to Dutchess County Planning Department - Comprehensive Plan**

RESOLUTION

(R-22-38)

SEQRA NOTICE OF DECLARATION TO SERVE AS LEAD AGENCY FOR THE ADOPTION OF THE CITY OF POUGHKEEPSIE COMPREHENSIVE PLAN AND REFERRING THE MATTER TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT PURSUANT TO GML §239-m.

INTRODUCED BY CHAIR SALEM:

WHEREAS, the City of Poughkeepsie Common Council assigned the task of reviewing and updating the City's Comprehensive Plan to a steering committee that worked, in conjunction with the City of Poughkeepsie's Development Department, czbLLC and Ingalls Planning & Design, to solicit feedback from the broader public and developed a draft document known as *PK4Keeps: A Comprehensive Plan for Poughkeepsie* (the "Comprehensive Plan"); and

WHEREAS, the Steering Committee has submitted the draft Comprehensive Plan to the Common Council for their consideration; and

WHEREAS, the Common Council is initiating the adoption process per General City Law 28-a; and

WHEREAS, the adoption of the Comprehensive Plan is a Type I action pursuant to the State Environmental Quality Review Act (SEQRA) 6 NYCRR 617.4(b)(1) and the proposed plan will not require permits and approval from any other local, regional and State agencies prior to adoption of the plan and a coordinated SEQRA review is not required; and

WHEREAS, the Dutchess County Department of Planning and Development is required to review the draft plan pursuant to GML §239-m and General City Law §28-a(6)(b) and this review is considered to be an advisory opinion under SEQRA; and

WHEREAS, the Common Council wishes to submit the draft Comprehensive Plan to the Dutchess County Department of Planning and Development so that any comments from that Department may be considered by the Common Council during its review of the draft Comprehensive Plan.

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NOW, THEREFORE, BE IT RESOLVED that the City of Poughkeepsie Common Council, as the only involved agency, declares itself lead agency for the SEQRA review of the proposed Comprehensive Plan; and

BE IT FURTHER RESOLVED, that the City of Poughkeepsie Common Council hereby refers the draft Comprehensive Plan to the Dutchess County Department of Planning and Development pursuant to GML §239-m along with the Draft EAF Part I.

SECONDED BY COUNCILMEMBER _____.

R-22-38						
☒ Accepted ☐ Defeated ☐ Tabled	Councilmember Long	Voter	☒	☐	☐	☐
	Councilmember Thompson	Voter	☐	☐	☐	☒
	Councilmember Shook	Voter	☒	☐	☐	☐
	Councilmember Deichler	Voter	☐	☐	☐	☒
	Councilmember Flowers	Voter	☒	☐	☐	☐
	Councilmember Menist	Voter	☒	☐	☐	☐
	Councilmember Johnson	Voter	☒	☐	☐	☐
	Councilmember Cherry	Voter	☒	☐	☐	☐
	Chair Salem	Voter	☒	☐	☐	☐

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

A motion was made to defer the below communications/petitions to Corporation Counsel by Councilmember Cherry and was seconded by Councilmember Long.

2. FROM UNION TAVERN, A Notice of Intent to File a NYS Liquor License.

3. FROM CHRISTIAN'S PP LLC, A Notice of Intent to File a NYS Liquor License.

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

A motion was made by Councilmember Cherry and seconded by Councilmember Long to adjourn the meeting at 8:40pm.

Dated: May 9, 2022

I hereby certify that this true and correct copy of the Minutes of the Common Council Meeting held on Monday, May 2, 2022.

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Respectfully submitted,

Jasmin Nicole Davis
City Chamberlain