



COMMON COUNCIL MEETING

Monday, July 11, 2022
Common Council Chambers

6:30 p.m.

- I. ROLL CALL**
- II. REVIEW OF MINUTES:**
- 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:

- 1. **R-22-48** Resolution Amending the 2022 Budget to add certain full time positions
- 2. **R-22-49**, Resolution approving the Annual Adjusted Base Proportion
- 3. **R-22-50**, Resolution supporting CFA applications made by local not-for-profits
- 4. **R-22-51**, Resolution approving the acceptance of a donation from the US Soccer Foundation.

X. ORDINANCES AND LOCAL LAWS:

ACTION AGENDA:

XI. MOTIONS AND RESOLUTIONS:

- 1. **R-22-52**, Resolution setting a public hearing regarding a proposed Local Law amending Chapters 2 and 19 of the Code of the City of Poughkeepsie.
- 2. **R-22-53**, Resolution Approving the Memorandum of Agreement between the City of Poughkeepsie and the City of Poughkeepsie PBA

XII. ORDINANCES AND LOCAL LAWS:

XIII. PRESENTATIONS OF PETITIONS AND COMMUNICATIONS:

- 1. FROM EMILY SVENSON AND DEVELOPMENT DIRECTOR QUINN,** a communication regarding revised draft of LWRP update.
- 2. FROM KENDRA SMITH,** a Notice of Claim for personal injury sustained on April 6, 2022

XIV. ANNOUNCEMENTS:

XV. ADJOURNMENT:

RESOLUTION
(R-22-48)

A Resolution Amending the 2022 Budget to Add New Full-Time Positions to the Fire Department, the Building Division and to Section 8 Administration.

INTRODUCED BY CHAIR SALEM:

WHEREAS, The City Administrator and Human Resources Director, in consultation with the department heads, have identified the need to amend certain budgeted positions in the various departments to make City Government more efficient and ensure necessary functions of government continue; and

WHEREAS, the administration is requesting that the Common Council amend the 2022 budget as proposed in the attached Schedule "A", to wit:

Creating two new full time firefighter positions within the Fire Department; and

Adding a position of Deputy Zoning Administrator in the Building Division; and

Adding a position of Section 8 Housing Account Specialist; and

WHEREAS, the Common Council of the City of Poughkeepsie has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality review Act and 6 NYCRR Part 617; and

BE IT RESOLVED, that the 2022 budget is hereby amended as provided in Schedule "A", and be it further

RESOLVED, that the Commissioner of Finance be, and he hereby is, authorized to make such technical adjustments and corrections he deems necessary to this resolution to carry out the intent of this Council.

SECONDED BY COUNCILMEMBER _____.

2022 Budget Amendments
Schedule A
July 5, 2022 CC Meeting

Department/Division	Current Title/Grade	Amended Title/Grade	GL Account	Budget Impact Increase	Budget Impact Decrease	Comment
Fire	N/A	(2) Fire Fighters	01.10.3410 7105 (Salaries-Fire) 01.10.3410 7145 (Uniform) 01.10.3410 7155.002 (Wash up) 01.10.3410 7803 (Social Security Tax) 01.10.3410 7803.M (Medicare Tax) 01.21.9000 7802 (Police & Fire Retirement) 01.21.9000 7808 (Health Insurance)	\$47,902.40 \$2,000.00 \$600.00 \$3,131.15 \$732.28 \$9,999.48 \$12,200.44 \$76,565.75		1/2 yr base salary
Development/Building Dept/Safety Insp	Code Enforcement Officer/Gr. 9	Deputy Zoning Administrator/Gr.15	01.11.3620 7103 (Salaries-CSEA) 01.10.3620 7803 (Social Security Tax) 01.10.3620 7803.M (Medicare Tax) 01.21.9000 7801 (State Retirement)	\$9,063.60 \$661.94 \$131.42 \$951.68 \$10,708.64		1/2 yr salary difference
General Non Departmental			01.20.1900 7498 (Contingency)		\$87,274.39	
Development/Section 8 Program	Housing Program Assistant/Gr. 8	Section 8 Housing Account Specialist/Gr. 10	08.11.8610 7103 (Salaries-CSEA) 08.11.8610 7803 (Social Security Tax) 08.11.8610 7803.M (Medicare Tax) 08.21.9000 7801 (State Retirement)	\$2,065.70 \$128.07 \$29.95 \$309.86 \$2,533.58		1/2 yr salary difference
Development/Section 8 Program			08.11.8610 7463 (Contract Ser- Accounting)		\$2,533.58	

**RESOLUTION
(R 22-49)**

INTRODUCED BY CHAIR SALEM

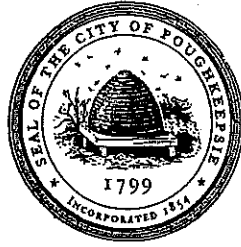
BE IT RESOLVED, that the attached certificates of Base Percentages, Current Percentage, Base proportions and Certificate of Adjusted Base Proportions for the levy of taxes on the 2022 Assessment roll are hereby approved in accordance with Article 19 of the Real Property Tax Law.

SECONDED BY COUNCILMEMBER_____.

The City of Poughkeepsie

New York

John Taylor
Assessor
jtaylor@cityofpoughkeepsie.com



62 Civic Center Plaza
Poughkeepsie, N. Y. 12601
845-451-4039

July 5, 2022

COMMON COUNCIL
City of Poughkeepsie

CC Meeting: July 5, 2022
Resolution: R22-XX

Re: Adjusted Base Proportions

Chairperson Salem and Councilmembers,

Annexed hereto please find proposed Resolution: R22-XX regarding the above referenced Adjusted Base Proportions. The base Homestead and Non-Homestead proportions for 2022 are required for City of Poughkeepsie tax preparation and I respectfully request that you approve the attached Certificate pursuant to Article 19 of Real Property Tax Law.

Article 19 established as part of Real Property Tax Law in 1981 for the purpose of mitigating the shift of taxes to residential property as a result of reassessment. A proportional ratio is established between the two classes and annual adjustments to the base proportion are required in order to account for changes during the assessment year due to construction, demolition, change in exempt status and/or change in NYS Classification Code. The method of calculating adjustments are prescribed in RPTL 1803-a, and overseen by NYS Office of Tax and Finance.

This Certificate, prepared by the Assessor in conjunction with the NYS Office of Real Property Service, pursuant to the Real Property Tax Law and the Rules and Regulations of the Office of Real Property Tax Service.

I will present myself at your Council Meeting of July 5, 2022 to provide detail and answer questions.

Respectfully,

John Taylor
Assessor
City of Poughkeepsie

06/23/22

CERTIFICATION

City of Poughkeepsie, 131300
City of Poughkeepsie, 131300

(B) 2006 Class Equalization Rate	(C) Estimated Market Value A/(B)/100
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100.00	1,663,289,662
100.00	685,416,541
	2,348,705,203

- * I, the clerk of the legislative body of the approved
- * assessing unit identified above, hereby certify
- * that the legislative body determined on _____
- * base percentages, current percentages, and
- * current base proportions as set forth herein for the
- * assessment roll and portion as identified above.

(F) 2021 Class Equalization Rate	(G) Estimated Market Value E/(F*100)
100.00	1,311,026,760
100.00	664,335,673
	1,975,362,433

signature

(M)	(N)
% difference between prior Adjusted	Maximum Current
Base Proportion and Prospective and Prospective	Base Proportion
Current	
Base Proportion	

$((K/L)^{-1*100})$	$(L^{*1.05})$
3.15	
-4.44	

100.000000

RP-6703

NEW YORK STATE OFFICE OF REAL PROPERTY TAX SERVICES

Bldg 8A - WA Harfiman Campus Albany, NY 12227

06/23/22

CERTIFICATE OF ADJUSTED BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL

FOR THE 2022 ASSESSMENT ROLL

Approved Assessing Unit

City of Poughkeepsie, 131300

Name of Portion

City of Poughkeepsie, 131300

Reference Roll

2021

Levy Roll

2022

Section I

DETERMINATION OF PORTION CLASS NET CHANGE IN ASSESSED VALUE DUE TO PHYSICAL AND QUANTITY CHANG

EQUALIZATION CHANGES AND COMPUTATION OF CLASS CHANGE IN LEVEL OF ASSESSMENT FACTOR

Class

Homestead

Nonhomestead

(A)

Total Assessed Value on the Reference Roll excluding (Special/Franchise)

1,326,451,686

601,038,591

(B)

Total Assessed Value of Physical and Quantity Increases between the Reference Roll and Levy Roll

2,002,200

19,201,550

(C)

Total Assessed Value of Physical and Quantity Decreases between the Reference Roll and Levy Roll

1,716,185

9,413,000

(D)

Net Assessed Value of Physical and Quantity Changes (B-C)

286,015

9,788,550

(E)

Total Assessed Value on the Reference Roll

1,324,735,501

591,625,591

(A-C)

Class

Homestead

Nonhomestead

(F)

Total Assessed Value of Equalization Increases between the Reference Roll and Levy Roll

210,256,571

52,638,779

(G)

Total Assessed Value of Equalization Decreases between the Reference Roll and Levy Roll

882,237

10,714,947

(H)

Net Equalization Changes

209,374,334

41,923,932

(I)

Change in Level of Assessment Factor

1.15805

1.07066

(HIE)+1

Class

Homestead

Nonhomestead

(J)

Taxable Assessed Value on the Levy Roll excluding Special Franchise

1,314,796,384

595,264,538

(K)

Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (J/I)

1,314,796,384

702,032,575

(L)

Assessed Value of Special Franchise on the Levy Roll at the Reference Roll Level of Assmnt (J/I)

108,768,037

(M)

Total Taxable Assessed Value on the Levy Roll at the Reference Roll Level of Assessment (K+L)

1,311,028,760

864,395,673

(N)

Taxable Assessed Value on the Reference Roll

(O)

Class Adjustment Factor

1.00288

1.05674

(M/N)

Section III

COMPUTATION OF ADJUSTED BASE PROPORTIONS

Class

Homestead

Nonhomestead

Total

(P)

Current Base Proportions

60.39353

39.61647

100.00000

(Q)

Current Base Proportions adjusted for Physical and Quantity Changes (P*O)

60.55715

41.86446

102.42161

(R)

Adjusted Base Proportions

100.00000

(Q/R)

Signature

Title

I, the clerk of the legislative body of the approved assessing unit identified above, hereby certify that the legislative body determined on _____ base percentages, current percentages, and current base proportions as set forth herein for the assessment roll and portion as identified above.

signature

title

Local Adjustments to the Adjusted Base Proportions

The municipality may make certain adjustments to the ABPs.
See Subsection 1903-4(c) of the Real Property Tax Law.

City of Poughkeepsie

2022

STEP 1 - Subtract the Adjusted Base Proportion for the Homestead Class from the
Current Percentage for the Homestead Class

Current Percentage for Homestead Class (part H of form RP-6701)	66.36892
Adjusted Base Proportion for Homestead Class (part R of form RP-6703)	- 59.12537
Difference	7.24356

STEP 2 - Take the Difference computed in STEP 1 and multiply it by
10%, 20%, 25%, 30%, 40%, 50%, 60%, 70%, 75%, 80%, and 90%.
Add this amount to the Homestead Adjusted Base Proportion.

			POSSIBLE TAX SHARES WHICH MAY BE ADOPTED	
Select a Percentage	Amount to be added to Homestead ABP		Homestead	NonHomestead
			59.12537	40.87463
10%	0.72436		59.84972	40.15028
20%	1.44871		60.57408	39.42592
25%	1.81089		60.93626	39.06374
30%	2.17307		61.29843	38.70157
40%	2.89742		62.02279	37.97721
50%	3.62178		62.74714	37.25286
60%	4.34613		63.47150	36.52850
70%	5.07049		64.19586	35.80414
75%	5.43267		64.55803	35.44197
80%	5.79484		64.92021	35.07979
90%	6.51920		65.64457	34.35543
100%	7.24356		66.36892	33.63108

R-E-S-O-L-U-T-I-O-N
(R-22-50)

INTRODUCED BY CHAIR SALEM:

WHEREAS, the City of Poughkeepsie has received several requests to support and endorse applications of several Not-for-Profit organization under the Consolidated Funding Application (CFA) ; and

WHEREAS, the City of Poughkeepsie has reviewed these request in conjunction with its overall goal of advancing its Comprehensive Plan, Main Street Economic Development Strategy, Waterfront Revitalization Strategy and increasing the sustainability of its community resources needed to support such strategies; and

WHEREAS, the City of Poughkeepsie is committed to advancing its economic development strategy through ongoing collaboration with other governmental units and private partners; and

WHEREAS, an important component of any economic development strategy is the simultaneous strengthening of the City's Not-for-Profit organizations that provide the local economy with public goods that generate positive externalities; and

WHEREAS, the Common Council of the City of Poughkeepsie is desirous of lending its support and endorsement to applicants that have been deemed to support its underlying mission; and

NOW, THEREFORE,

BE IT RESOLVED, that the Mayor and the Common Council of the City of Poughkeepsie wholeheartedly support and endorse the following applications under the Consolidated Funding Application (CFA) and make a finding that such applications advance the city's approved economic development strategies:

1. Hudson River Housing and The Art Effect – New York State Homes and Community Renewal NY Main Street Anchor Program for the continued renovation of Poughkeepsie's historic Trolley Barn into an arts and community hub.
2. Nubian Directions II, Inc. and Kirchner Realty, Inc.– New York State Homes and Community Renewal NY Main Street Anchor Program for renovation of 278 Main Street (former Up To Date department store) into a mixed use building with 11,000 sq. feet of commercial space and 24 residential units.
3. 47 Cannon Street, LLC – New York State Homes and Community Renewal NY Main Street Anchor Program for renovation of 47 Cannon Street (former Board of

Elections) into a mixed use building with 10,000 sq. feet of commercial space for a restaurant with distillery / brewery and 66 residential units.

4. Scenic Hudson - New York State Homes and Community Renewal NY Main Street Anchor Program for adaptive reuse of 58 Parker Avenue into the organization's offices, workspace for local businesses, meeting and community events, and publically accessible outdoor open space.

BE IT FURTHER RESOLVED, that the Mayor is and hereby shall do all things necessary to give effect to the resolution including but not limited signing any document needed for submission or acceptance.

SECONDED BY: _____.



**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: July 5, 2022
Re: 2022 Consolidated Funding Application Resolution of Support

Every year since 2011, New York State accepts grant applications through a "one stop shop" portal created to consolidate nearly all state funding opportunities. Depending on the funding program, public, private and/or non-profit entities are eligible to apply.

Some of the funding programs in the Consolidated Funding Application (CFA) require a municipal resolution of support from the host community. In years past, the City of Poughkeepsie has done a joint resolution of support for all applications being submitted within the city. This memo outlines all applications, to the best of our knowledge, being submitted within the City of Poughkeepsie that require a resolution of support.

CFA applications are due at 4pm on July 29th, 2022. Our hope is to have a resolution approved by the Council at the June 11th, 2022 meeting.

As always, thank you for your attention, and please let me know if there are any questions.

Respectfully,
Natalie Quinn
Development Director

Applicant: Hudson River Housing

Grant Program(s): New York Main Street Program; Empire State Development Grant Funds

Funding Agency(s): New York State Department of Homes and Community Renewal; Empire State Development

Funding Request: New York Main Street Program - \$500,000; Empire State Development Grant Funds - \$1,300,000

Project Description: The Poughkeepsie Trolley Barn (PTB) is the adaptive reuse of a formerly vacant and blighted building located at 489 Main Street in the City of Poughkeepsie into an arts-based community hub. Beginning in 2018, the building has undergone multiple phases of development resulting in the completion of a 3,000 sq ft. art gallery, office space, and performance studio. Additional structural improvements have been made to the remaining 11,000 sq ft of unrenovated space including partial reframing of the roof, new skylights, windows, structural columns, and accessibility ramp. This next phase of development would completely fit-out the unrenovated 11,000 sq ft as arts programming space and office space including, painting and sculpting studios and sound and video production and editing space.

Since 2020, the PTB has been occupied by The Art Effect, a City of Poughkeepsie based non-profit which offers a variety of arts and youth programs. The Art Effect is slated to be a long-term tenant of the Trolley Barn and will be moving their entire organization staff and programming to the Trolley Barn when the final phase of construction is complete in mid to late 2024.

Applicant: Nubian Directions II, Inc. and Kirchner Realty, Inc.

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: Nubian Directions II Inc., in construction and/or property management with Kirchner Realty, Inc., requests NYMS Anchor Project funding in the amount of \$500,000 to renovate a 30,000 sq. foot building located at 278 Main St. in Poughkeepsie, NY adding a mezzanine level to the 4th floor apartments and constructing a new 5th floor and an 800 square foot addition to the first floor. Another 1,000 square foot building on Wood Lane, a portion of the former Royal Tuxedo building, will be renovated and used for commercial purposes. In addition to the renovation of over 11,000 sq. feet of commercial space on the building's first floor, the project will include a total of 24 new apartments, including: (2) studios; (8) 1 bedroom/1bath; (6) 1 bedroom/2 baths, with mezzanine; (1) 2 bedroom/2 baths with mezzanine; (5) 2 bedroom/1 bath; and (2) 2 bedroom/2 baths.

The property owner will make available and maintain the affordability of six residential housing units supported by NYMS funds to persons of 90% AMI for five years. The building's iconic façade will be restored with the removal of the 1970's-era brown pebble aggregate first floor façade and the installation of 30+ new 9' windows on Main St. to replace the existing ones. Sixty new openings will be created on the east and west walls to accommodate new windows for the upper floor residential units.

Two new fire-rated stair towers (one with an elevator) will be constructed in compliance with current fire/safety codes.

Applicant: 47 Cannon Street, LLC

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: The 47 Cannon St project was recently approved by the City of Poughkeepsie Planning Board for a change of use and an expansion of the building to a mixed-use development. The project was designed to closely follow the stated purpose of the new Poughkeepsie Innovation District ordinance. The existing 10,000 sq ft space will be converted into a restaurant with a distillery/brewery which will stimulate the creative economy, create permanent jobs and draw patrons to downtown Poughkeepsie. Additionally, we are expanding above and behind the existing building to create 66 new units of housing while providing 10% of the units as affordable housing units using the "bonus heights" clause of the ordinance.

Applicant: Scenic Hudson

Grant Program(s): New York Main Street Program

Funding Agency(s): New York State Department of Homes and Community Renewal

Funding Request: New York Main Street Program - \$500,000

Project Description: Scenic Hudson has embarked on a major adaptive reuse project, transforming a derelict former manufacturing site in Poughkeepsie into a vibrant community resource. The project deepens Scenic Hudson's roots in its hometown of Poughkeepsie, and builds on the organization's work in revitalizing the city's Northside neighborhoods. Located at the former Standard Gage site at 58 Parker Avenue, the Northside Hub project will house Scenic Hudson offices; workspace for local businesses, meetings and community events; as well as outdoor parkland and public space for community gatherings and educational activities.

Transforming this long underused site into a dynamic, year-round center of activity for local residents and visitors alike, Scenic Hudson's Northside Hub project will be a critical anchor to neighborhood revitalization. As one of the first major projects along the Walkway-Gateway Corridor that will spur economic development as part of Poughkeepsie's continuing revitalization, bringing new activity and new opportunities to the neighborhood.

**RESOLUTION
(R-22-51)**

INTRODUCED BY COUNCILMEMBER LONG:

WHEREAS, the United States Soccer Foundation, Inc. (the "Foundation") wishes to award a Grant to the City of Poughkeepsie in the form of two acrylic mini pitch surfaces with goal and lighting installation ("Mini Pitches") valued at up to \$200,000.00 (the "Grant Project"); and

WHEREAS, the Foundation has requested that the City commit \$100,000.00 in funding for the Grant Project; and

WHEREAS, pursuant to section 2.05(j) of the Administrative Code of the City of Poughkeepsie the Common Council is authorized to accept gifts on behalf of the City of Poughkeepsie; and

WHEREAS, the Common Council is desirous of accepting such Grant Project on behalf of the City of Poughkeepsie and to commit up to \$100,000.00 in funding for the Grant.

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby accepts the Grant Project; and

RESOLVED, that the City's \$100,000.00 funding commitment shall come \$50,000.00 from the County of Dutchess and \$50,000 from ARPA funds; and

RESOLVED, that the Mayor and City Administrator are authorized to execute the attached Donation Agreement in the same or substantially the same form as attached hereto as Exhibit A or other documents necessary to give effect to this resolution and take all steps necessary to process and receive such donation.

SECONDED BY _____.

MINI PITCH PROGRAM
DONATION AGREEMENT – FISCAL YEAR 2023

Pursuant to this Mini Pitch Program Grant Agreement (“Agreement”), dated as of the June 15, 2022 (“Effective Date”), the United States Soccer Foundation, Inc. (“Foundation”) agrees to award the Grant (“Grant”) to the **City of Poughkeepsie**, (“Grantee”) **FY23-715**, and Grantee accepts such Grant, in accordance with the terms and conditions set forth herein.

1. **Foundation:** **U.S. Soccer Foundation**
Attn: Operations Department
1140 Connecticut Ave. NW, Suite 1200
Washington, DC 20036

Grantee: **City of Poughkeepsie**
Attn: Marc Nelson, City Administrator
62 Civic Center Plaza
Poughkeepsie, NY 12601
2. **Grant:** This Grant, awarded in the form of two acrylic mini pitch surfaces with goal and lighting installation (“Mini Pitches”), supplied by Musco Sports Lighting (“Vendor”), which shall be valued by Foundation, in its sole and absolute discretion, in an amount up to **\$200,000**.
3. **Acrylic Mini Pitches:** Consistent with Foundation’s interests in promoting youth soccer, particularly within vulnerable communities, this Grant will provide the Mini Pitches at the **Pulaski Park** (the “Grant Project”).
4. **Execution of the Grant Agreement:** Grantee must return an executed copy of this Agreement to the Foundation by the July 10, 2022.
5. **Grantee Covenants:** In order to induce Foundation to enter into this Agreement, and to award the aforementioned Grant, Grantee covenants as follows:
 - (a) Grantee commits \$100,000 in funding for the Grant Project, representing one of the two Mini Pitches being installed at Pulaski Park. Grantee shall issue payment in one (1) installment, due to the Foundation the first day of installation of the Grant Project, upon invoice received from the Foundation.
 - (b) Foundation will be granted usage of the Mini Pitches for one (1) day per year over the first five (5) years following its completion, including, without limitation, for Special Events (as defined below) that are organized by Foundation. Foundation will make best efforts to schedule such usage for dates and times mutually agreed upon with the Grantee, and Grantee will not unreasonably withhold play space time for such usage. It is recommended that a request for usage be submitted by the Foundation no later than 15 days before the desired date to assist Grantee in accommodating the Foundation. For purposes of this Agreement, “Special Events” shall be defined as tournaments, clinics, events, training sessions, media functions and any other similar event the Foundation so determines.
 - (c) In preparation for the Mini Pitch installation, Grantee will provide necessary access for the Foundation’s Vendor, which includes, but is not limited to: providing an asphalt cap of at least 2 inches in thickness to the tennis court areas of Pulaski Park, identification and communication of underground utilities or other access issues related to the Vendor’s ability to access the Mini Pitch location via forklift, temporary removal of chain link fencing, and providing access for freight truck delivery. Additionally, Grantee will complete electrical work to provide power to the Mini

Pitches within 3 months of the installation completion, if not completed prior to the installation start date.

Should Grantee fail to provide such access and information, especially as it relates to underground utilities, the Foundation and Vendor shall not be responsible for damage caused by Vendor due to lack of such information.

- (d) Upon completion, the Mini Pitches will be maintained in accordance with Vendor's recommendations for user safety. Grantee acknowledges and agrees that it will be responsible for the maintenance and safety of the Mini Pitches following their completion.
- (e) Grantee represents that it presently owns the property on which the Mini Pitches will be installed.
- (f) Prior to commencing installation of the Mini Pitch, Grantee will obtain, or shall assist (where necessary) in obtaining, all permits, authorizations and consents from third parties, including governmental entities, necessary for the installation of the Mini Pitch.

6. Grantee Books and Records: Grantee agrees to maintain sufficient operating and financial books, records and related documentation regarding the activities of Grantee and other evidence sufficient for Foundation to satisfy its fiduciary, public and governmental responsibilities and duties. Foundation shall have reasonable access to the books and records of Grantee for inspection purposes and shall be entitled to copies, as they relate to the Grant Project.

7. Grantee Reports:

- (a) **Impact Reports:** Following completion of the Mini Pitch, Grantee shall submit to Foundation a report, provided by the Foundation, describing the impact of the Mini Pitches. Foundation shall submit the reports to Chris Gent, Commissioner of Public Works, and will identify a representative to whom the reports shall be returned. Such report shall be submitted to Foundation annually, for five (5) years after completion of the Mini Pitches and shall include photographs of the Mini Pitches in use by youth soccer players and provide information on play space usage rates, stories of impact on the community, and any other information reasonably requested by Foundation.
- (b) **Site Visits:** Grantee will use its best efforts to accommodate any representative of Foundation who requests to conduct a site visit, at the sole cost of Foundation, for the purposes of collecting information about the Grant's impact.
- (c) **Photographs/Videos/Stories/Testimonials:** In addition to submitting digital photographs, videos, stories and testimonials relating to the Grant Project in the aforementioned Impact Reports, the Grantee shall submit the same to the Foundation upon request by the Foundation, including before and after photographs, both in daytime and at night, of the Mini Pitches site area.

8. Publicity Material and Recognition:

- (a) Grantee, upon written approval by the Foundation, shall recognize the Foundation and acknowledge the Grant in Grantee's written materials, news releases, website and related marketing or publicity.
- (b) The Foundation shall have the right to publicize, show photographs of, and use the name of the Mini Pitches and otherwise promote its contributions in any and all media, including the Internet.

Grantee authorizes the Foundation to utilize those logo or logos, owned or controlled by Grantee and associated with the Grant Project, for related marketing and/or publicity.

- (c) Grantee agrees to fully assist and cooperate in a mutually acceptable dedication event, should the Foundation request such, which may include appearances by athletes affiliated with the Foundation.

9. **Awareness Opportunities:** Grantee grants to Foundation the right to permanently place Foundation's trademark, trade name or any design/logo owned or controlled by Foundation (each, a "Mark" and together, the "Marks"), and/or that of its funding partners, on the surface of the Mini Pitches. Unless Foundation chooses to forego the right, standard Marks will be included during installation of the Mini Pitch, per the rendering found in Attachment A, in consultation with Grantee. Foundation may change its Marks at any time in its sole discretion and at its sole cost. Each Mark will remain on the surface of the Mini Pitch for as long as the Mini Pitch is operational, unless removed by Foundation or unless Foundation otherwise gives its written consent to the removal of such Mark.

Additionally, Grantee will allow Foundation to install signs/banners on the premises in a location within the sole discretion of Grantee on which the Mini Pitches are installed, per the rendering found in Attachment A, in order to promote and recognize the Foundation and other funders for their contribution to the Mini Pitches.

10. **Grant Not Assignable:** Grant is intended solely for the benefit of Grantee. No benefit of the Grant may be delegated, assigned or otherwise transferred without the advance, written consent of Foundation, which consent shall be in the sole and absolute discretion of Foundation.
11. **Proper Authority:** Each of the parties and its officers represent and warrant that they are authorized to enter into this Agreement and execute the same without further authority.
12. **Absence of Warranties:** FOUNDATION MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, AS TO ANY MATTER INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY OR OTHERWISE RELATING TO THE MINI PITCHES OR ANY COMPONENT PART THEREOF, OR ANY OTHER ENTITIES AND THEIR ASSOCIATED SERVICES. IN NO EVENT WILL FOUNDATION BE LIABLE FOR ANY DAMAGES OF ANY KIND INCLUDING, BUT NOT LIMITED TO, PERSONAL INJURY, LOST PROFITS, OR OTHER CONSEQUENTIAL, EXEMPLARY, INCIDENTAL OR PUNITIVE DAMAGES ARISING OUT OF THIS AGREEMENT OR PERFORMANCE OF THE OBLIGATIONS HEREUNDER.
13. **Assumption of Risk:** Grantee hereby agrees to assume all risks and liabilities associated with the use, operation, maintenance, safety and condition of the Mini Pitches.
14. **Indemnification:** Grantee agrees to indemnify, defend and hold harmless Foundation, its parent, subsidiary and affiliated companies, sponsors, benefactors, donors, officers, directors, employees, accountants, attorneys, agents, successors and assigns ("Foundation Parties") from and against any and all third party claims, demands, losses, damages, liabilities, costs and expenses (including reasonable legal/attorneys' fees and expenses arising out of or related to any legal proceeding and any legal appeal) ("Claim" or "Claims") related to the Grant, the Mini Pitches or this Agreement and liabilities of any kind or nature whatsoever, whether in contract, tort, or otherwise, resulting from any claim (including, without limitation, personal injury, death, or property damage) actually or allegedly arising out of or in connection with the maintenance, location, or condition of the Mini Pitch, or any person's use of the Mini Pitches, whether authorized or unauthorized, proper or improper. This indemnification clause specifically excludes third party claims resulting from any carelessness, negligence or conduct of the Foundation Parties in

installing the Mini Pitch or any work the Foundation Parties may undertake on the Mini Pitch pursuant to paragraph 9. Grantee's indemnification obligation hereunder shall survive the expiration or earlier termination of this Agreement. Without limiting this obligation, Grantee will maintain the insurance described in Section 18 of this Agreement.

Grantee represents to Foundation that the Mini Pitch does not violate any applicable law, regulation, ordinance, lease, or otherwise violate the rights of any person or entity.

15. Insurance Requirements:

- (a) **Insurance Requirements of the Mini Pitches.** At all times while the Mini Pitches are in place, Grantee shall provide and maintain, at its expense, the following insurance, or appropriate self-insurance, which shall protect Grantee and the Foundation on a primary basis from any and all Claims arising out of or in connection with the Grant Project and the Mini Pitch pursuant to this Agreement:
- (i) Commercial General Liability insurance with limits not less than \$1,000,000 each occurrence and \$2,000,000 in the aggregate. Such insurance shall include coverage for contractual liability, premises liability, products-completed operations, personal and advertising injury, property damage and bodily injury liability (including death). Said policy shall be endorsed to name the Foundation and Foundation Parties as Additional Insureds.
 - (ii) Automobile Liability insurance covering liability arising out of the Grantee's use, operation and/or maintenance of any auto (including trucks and other construction vehicles), with limits not less than \$1,000,000 each accident combined single limit for bodily injury and property damage.
 - (iii) Workers' Compensation insurance covering employees of Grantee involved with the use and maintenance of the Mini Pitch, with limits as required by statutory law, including Employer's Liability coverage with limits not less than \$1,000,000 each accident, \$1,000,000 disease-each employee and \$1,000,000 disease-policy limit.
 - (iv) Umbrella and/or Excess Liability insurance with limits not less than \$2,000,000 each occurrence shall apply in excess of the Commercial General Liability, Automobile Liability and Employer's Liability policy limits.
 - (v) Participant Accident insurance covering all Participants and other individuals using the Mini Pitch with limits not less than \$5,000 per participant for Accident Medical coverage and \$1,000 per participant for AD&D coverage.

All such insurance required above shall be (1) considered primary with respect to Claims arising out of the use and maintenance of the Mini Pitches; and (2) shall be written by insurance companies that are licensed to do business in the state in which the Mini Pitches are located. Grantee shall not allow any of the required policies to be materially changed, reduced or cancelled unless Grantee provides thirty (30) days prior written notice thereof to Foundation.

Upon execution of this Agreement, Grantee shall provide Foundation with a certificate of insurance confirming that the appropriate insurance is in place and that the policies have been properly endorsed to meet the insurance requirements as set forth above.

- 16. Participant Waiver and Release Forms:** To the extent that Grantee requires Participants in its programs or others who use the Mini Pitches to sign waiver and release forms, Grantee shall include the Foundation and the Foundation Parties as released parties in the form.

17. **Use of Mark:** Notwithstanding anything in this Agreement to the contrary, in the event Grantee desires to use a Mark owned or controlled by Foundation in a manner consistent with this Agreement, Grantee shall first submit a sample of the concept of the proposed use to Foundation for prior written approval, which approval may be withheld in the sole discretion of Foundation. Any such use by Grantee shall create no rights for Grantee in or to the Mark. Each Mark shall remain at all times the sole and exclusive intellectual property of Foundation, and Foundation shall have the right, from time to time, to request samples of use from which it may determine compliance with these terms and conditions. Notwithstanding any provision of this Agreement to the contrary, Foundation reserves, in its sole and absolute discretion, the right to prohibit use of its Marks.
18. **Applicable Law; Jurisdiction:** This Agreement shall be governed by and construed in accordance with the laws of the state of New York, without regard to principles of conflict of laws. Each party agrees that any action or proceeding with respect to this Agreement may only be brought in a federal or state court situated in the state of New York, and by execution and delivery of this Agreement, such party irrevocably consents to jurisdiction and venue in each such court.
19. **Attorneys' Fees:** Each party shall bear its own respective costs, expenses and attorneys' fees with respect to any litigation between the Foundation and Grantee concerning this Agreement.
20. **Third Party Beneficiaries:** It is expressly agreed and by this statement specifically intended by the parties that nothing within this Agreement shall be construed as indicating any intent by either party to benefit any other entity or person not a party signatory to this Agreement by any provision or to entitle any such third party to any right of action on account hereof.
21. **Notices:** Any notices given under this Agreement must be made in writing (a) if to Foundation, at the address of Foundation as provided or at such other address as Foundation may designate, or (b) if to Grantee, at the address of Grantee provided or at such other address as Grantee may designate with a copy to Office of Corporation Counsel, City of Poughkeepsie, 62 Civic Center Plaza, Poughkeepsie, NY 12601,
22. **Entire Agreement; Modifications:** This Agreement contains the entire agreement between Foundation and Grantee and cannot be changed, modified, amended, waived or canceled except by an agreement in writing and executed by each of the parties hereto.
23. **Counterparts and Facsimile Signatures:** This Agreement may be executed in one or more counterparts each of which shall be deemed an original but all of which together shall constitute the same instrument. This Agreement may be executed by facsimile signature by any party and such signature will be deemed binding for all purposes hereof without delivery of an original signature being thereafter required.

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized signatories as of the date first above written.

U.S. Soccer Foundation

By: _____

Name: Rob Kaler

Title: COO & General Counsel

Date: _____

City of Poughkeepsie

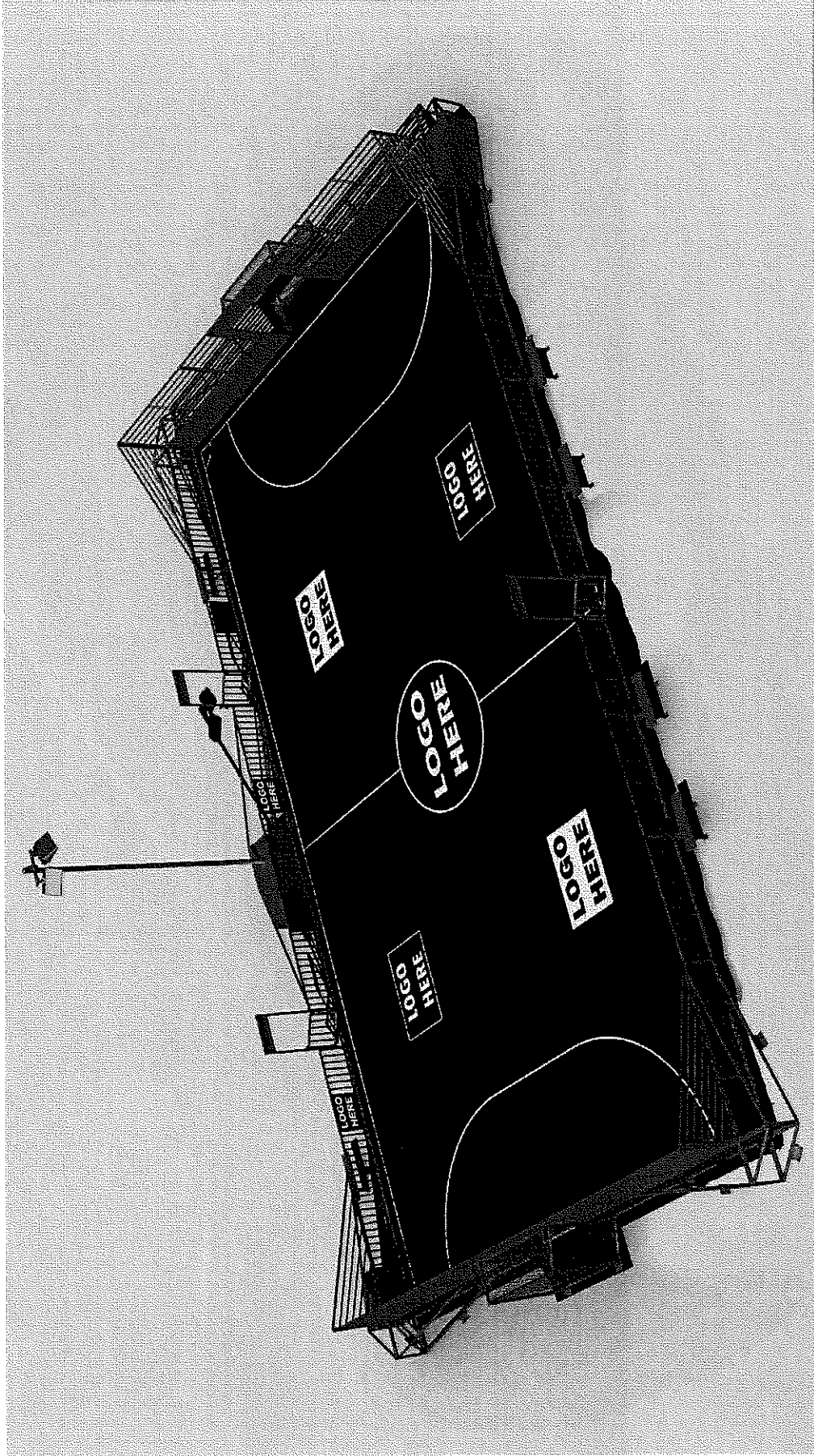
By: _____

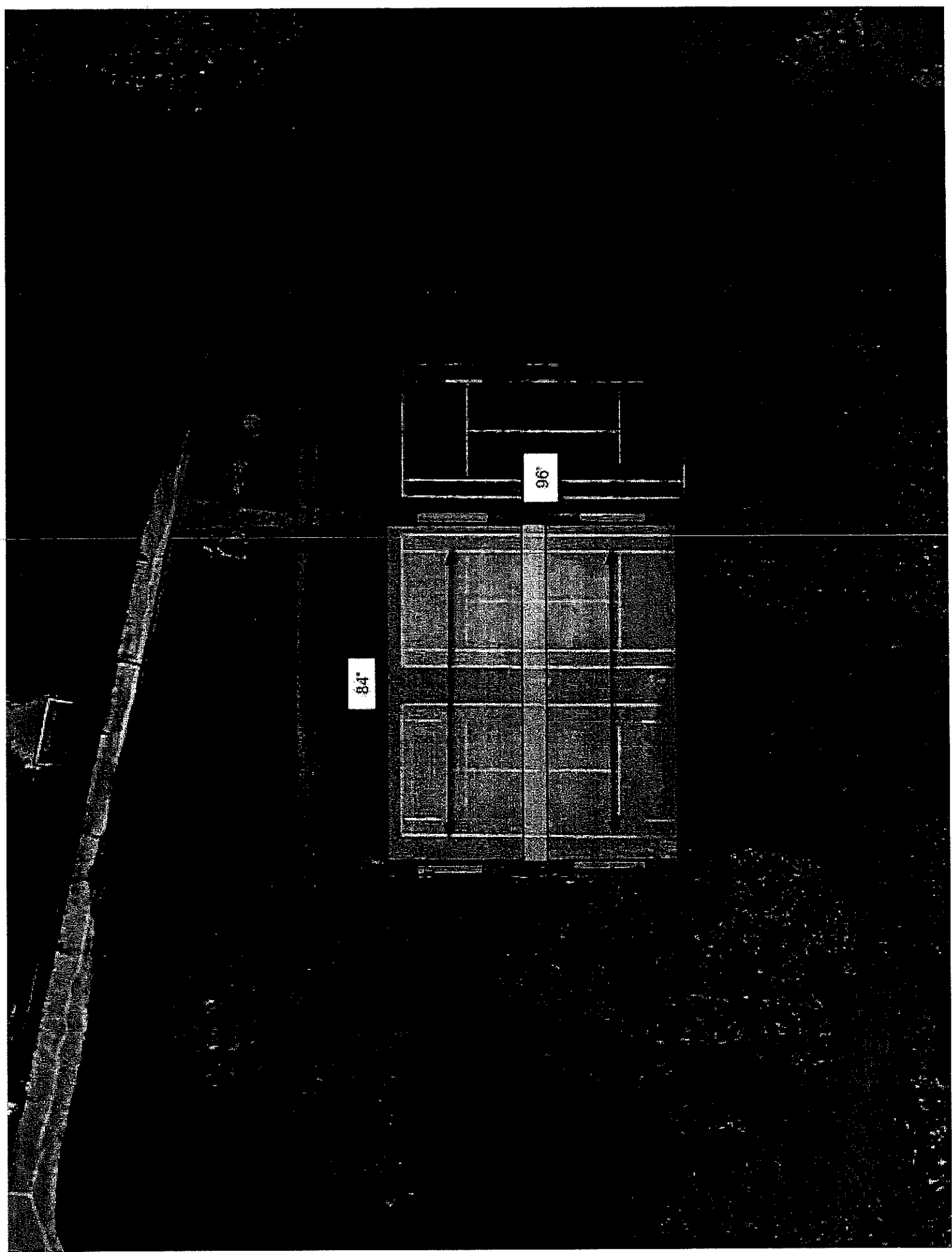
Name: _____

Title: _____

Date: _____

ATTACHMENT A





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**RESOLUTION
R-22-52**

**RESOLUTION OF THE CITY OF POUGHKEEPSIE COMMON COUNCIL SETTING
A PUBLIC HEARING REGARDING THE PROPOSED LOCAL LAW AMENDING
CHAPTERS 2 AND 19 OF THE CODE OF THE CITY OF POUGHKEEPSIE TO
PROVIDE FOR COMMON COUNCIL CONFIRMATION OF APPOINTMENTS TO
THE PLANNING BOARD, ZONING BOARD OF APPEALS AND THE HISTORIC
DISTRICT AND LANDMARK PRESERVATION COMMISSION AND, IN THE EVENT
THE MAYOR FAILS TO FILL A VACANCY WITHIN 6 MONTHS, TO PERMIT THE
COMMON COUNCIL TO FILL SUCH VACANCY BY 2/3 VOTE.**

INTRODUCED BY COUNCILMEMBER MENIST:

WHEREAS, the Common Council is considering amendments to Chapters 2 and 19 of the Code of the City of Poughkeepsie to provide for Common Council confirmation of appointments to the Planning Board, Zoning Board of Appeals and the Historic District and Landmark Preservation Commission and, in the event the Mayor fails to fill a vacancy within 6 months, to permit the Common Council to fill such vacancy by 2/3 vote; and

WHEREAS, the Common Council seeks to hold a public hearing in order to gather public input and comment regarding the proposed local law; and

NOW THEREFORE,

BE IT RESOLVED, that the Common Council shall call a public hearing on the proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at _____ o'clock P.M., on _____, 2022; and

BE IT RESOLVED, that the City Chamberlain is authorized and directed to publish or cause to be published a Notice of Public Hearing in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____.

(LL 22-___)

A LOCAL LAW AMENDING CHAPTERS 2 AND 19 OF THE CODE OF THE CITY OF
POUGHKEEPSIE TO PROVIDE FOR COMMON COUNCIL CONFIRMATION OF
APPOINTMENTS TO THE PLANNING BOARD, ZONING BOARD OF APPEALS AND
THE HISTORIC DISTRICT AND LANDMARK PRESERVATION COMMISSION
AND, IN THE EVENT THE MAYOR FAILS TO FILL A VACANCY WITHIN 6
MONTHS TO PERMIT THE COMMON COUNCIL TO FILL SUCH VACANCY BY 2/3
VOTE.

SPONSOR:

COSPONSORS:

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1. BE IT ENACTED by the Common Council of the City of Poughkeepsie, that Chapter 2, Article II "Planning Board," Section 2-17 of the City Code shall be amended as follows:

Section 2-7 Creation; membership.

Pursuant to Section 27 of Article 3 of the General City Law of the State of New York, except as amended herein, there is hereby created in the City a Planning Board to consist of seven members and two alternates, appointed by the Mayor, and subject to confirmation by a majority of the Common Council. Not more than a minority of the members of such Board shall hold any other public office or position in the City. If the Mayor fails to fill any vacancy within six (6) months, the Common Council may fill the vacancy by a 2/3 vote of its members.

SECTION 2. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, that Chapter 19, Article IV, Section 19-4.5(3) regarding appointment of the "City of Poughkeepsie Historic District and Landmark Preservation Commission" shall be amended as follows:

- (3) *Historic Preservation Commission*. There is hereby created a Commission to be known as the "City of Poughkeepsie Historic District and Landmark Preservation Commission."
- (a) The Commission shall consist of seven members to be appointed, to the extent available in the community, by the Mayor, subject to confirmation by a majority of the Common Council, as follows:

1. At least one shall be an architect experienced in working with historic buildings;
 2. At least one shall be a historian;
 3. At least three members shall reside in historic districts or historic landmarks;
 4. At least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and
 5. All members shall have a known interest in historic preservation and architectural development within the City of Poughkeepsie.
- (b) Commission members shall serve for a term of four (4) years, with the exception of the initial term of one (1) of the members, which shall be one (1) year, one (1) which shall be two (2) years, and one (1) which shall be three (3) years.
1. The Mayor shall act within 60 days to fill a vacancy, including expired terms. A member whose term has expired shall serve until the Mayor appoints a successor;
 2. Any Commission member missing three (3) consecutive meetings shall automatically forfeit his or her appointment, and as such, a vacancy shall automatically be created. Further, any member missing four (4) meetings in a calendar year, except for major illness, shall forfeit his or her appointment, creating a vacancy.
 3. **If the Mayor fails to fill any vacancy within six (6) months, the Common Council may fill the vacancy by a 2/3 vote of its members.**

SECTION 3. BE IT ENACTED, by the Common Council of the City of Poughkeepsie, that Chapter 19, Article VIII "Board of Appeals," Section 19-8.1(1) shall be amended as follows:

Section 19-8.1 Establishment, appointment and organization.

(1) The City of Poughkeepsie Zoning Board of Appeals is hereby continued in accordance with § 81 of the General City Law **except as amended herein**. Such Board shall consist of seven regular members and two alternates, appointed by the Mayor, **subject to confirmation by a majority of the Common Council**, who shall serve initial terms of one year and may be reappointed upon the expiration of such term for subsequent terms of three years. Members shall serve until the appointment and qualification of their successors. The Mayor shall designate one member of the Board to serve as Chairperson, who shall preside at meetings of the Board and

who shall execute the duties normally conferred by parliamentary order, in addition to those prescribed by this article. **If the Mayor fails to fill any vacancy within six (6) months, the Common Council may fill the vacancy by a 2/3 vote of its members.**

SECTION 4. SUPERSESSION OF STATE LAW

To the extent this local law is deemed inconsistent with General City Law Section 27(1) (Added by L. 1993, ch 211 §1, eff. July 1, 1994, last amended eff. January 1, 2007) and General City Law Section 81(1) (Added by L. 1993, ch. 208, §1, eff. July 1, 1994, last amended eff. January 1, 2007) this local law shall supersede those sections of state law as permitted by the New York State Constitution and the City's authority under Municipal Home Rule Law §22.

SECTION 5. This local law is subject to mandatory referendum pursuant to Municipal Home Rule Law §23(2)(f) and the City's Charter, and shall become effective only if approved by a majority of the electors of the City of Poughkeepsie to be held in accordance with Municipal Home Rule Law §23(1). If so approved, this local law shall become effective immediately upon filing with the Secretary of State of the State of New York in accordance with the requirements of the Municipal Home Rule Law.

RESOLUTION
(R-22-53)

INTRODUCED BY COUNCIL MEMBERS JOHNSON, SHOOK & LONG

WHEREAS, the City of Poughkeepsie (the “City”) and the POLICE BENEVOLENT ASSOCIATION (“PBA”) are parties to a Collective Bargaining Agreement for the period ending December 31, 2024; and

WHEREAS, Pursuant to Article 8 Section 5 of the agreement, a member of the bargaining group must reside within the City of Poughkeepsie or within a twenty mile radius thereof; and

WHEREAS, the Police Chief and the City Administrator have informed the Common Council that more than twenty department employees will become newly eligible to retire in the near future;

WHEREAS, the department has demonstrated success at increasing its recruitment efforts and its outreach to city residents, in an effort to increase the number of officers who are City residents; and

WHEREAS, the Administration and the PBA have agreed that the residency radius should be temporarily increased from twenty miles to thirty miles in order to assure an adequate pool of potential new hires sufficient to mitigate the negative impacts of the projected increase in upcoming retirements from duty; and

WHEREAS, the agreement to extend the residency radius shall sunset five years after the adoption of this Resolution; and

WHEREAS, the Common Council has determined that this resolution constitutes a Type II action as defined by the New York State Environmental Quality Review Act and 6 NYCRR Part 617,

NOW THEREFORE,

BE IT RESOLVED, that the Common Council of the City of Poughkeepsie hereby approves and ratifies the Memorandum of Agreement between the City of Poughkeepsie and the City of Poughkeepsie PBA, executed by the parties on July 1st, 2022 and attached hereto; and be it further

RESOLVED, that the Mayor, City Administrator and the Chief of Police are authorized to give effect to the Memorandum of Agreement and that the terms contained in the Memorandum of Agreement shall supersede any inconsistent provisions in the Collective Bargaining Agreement currently in effect between the parties thereto to the extent that there is a conflict.

SECONDED BY _____.

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT IS ENTERED INTO this ____ day of July, 2022, between the City of Poughkeepsie (hereinafter "City") and the City of Poughkeepsie Police Benevolent Association, Inc. (hereinafter "PBA"), hereinafter collectively referred to as the "parties."

WHEREAS, the Employer and the PBA are parties to a collective bargaining agreement ("Agreement") for the period January 1, 2021 through December 31, 2024; and

WHEREAS, pursuant to Article 8, Section 5 of the Agreement, entitled Residency, an employee shall reside in the City, or within a twenty (20) mile radius; and

WHEREAS, the City of Poughkeepsie has engaged in active efforts to recruit and hire police officers and retain police officers currently employed by the City; and

NOW, THEREFORE, IT IS HEREBY AGREED TO as follows:

The parties agree to amend Article 8 (Employees' Rights), Section 5 (Residency), to read as follows: "An employee shall reside in the City, or within a thirty (30) mile radius." Effective August 1, 2027, any employee hired on or after that date shall reside in the City, or within a twenty (20) mile radius.

FOR THE CITY OF POUGHKEEPSIE

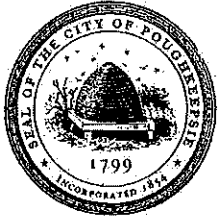
**CITY OF POUGHKEEPSIE POLICE
BENEVOLENT ASSOCIATION, INC.**

Rob Rolison, Mayor

Officer Kevin VanWagner, President

Dated: _____

Dated: _____



**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, Development Director
Date: July 6, 2022
Re: LWRP Final Draft

Dear Common Council,

A revised draft of the Local Waterfront Revitalization Program can be found on the city's website at the following locations:

Local Waterfront Revitalization Program draft July 6, 2022

<https://www.cityofpoughkeepsie.com/DocumentCenter/View/1389/Local-Waterfront-Revitalization-Program---Draft---July-6-2022-track-changes>

<https://www.cityofpoughkeepsie.com/DocumentCenter/View/1388/Local-Waterfront-Revitalization-Program---Draft---July-6-2022-PDF>

This draft has been updated to reflect comments made at the January 18, 2022 public hearing, and follow-up hearing on February 22, 2022. The Common Council and their consultant, Emily Svenson, submitted recommended revisions following the close of the public hearing. All recommended revisions are incorporated as shown via tracked changes in the Word version of the document posted on the city's website.

Attached to this memorandum is an updated draft of Local Law Amending Chapter 18 ½ of the City of Poughkeepsie Code of Ordinances Entitled "Waterfront Consistency Review." Three minor changes have been made to the local law, as indicated via tracked changes.

Also attached for your convenience is the previously submitted EAF Part 1 for your SEQRA review.

Please let this memorandum and attachments serve as a communication of the updated draft and local law. We look forward to moving forward with a SEQRA resolution and adoption at your August 22, 2022 meeting.

CC:
Marc Nelson, City Administrator
Rebecca Valk, Corporation Counsel
Emily Svenson, Consultant to Council

**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~~[a]~~, 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)]~~ 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, residential and compatible commercial]~~ for compatible uses 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]~~

adequate] (Policy 5).

- (6) Evaluate proposed **waterfront developments for the potential to complement downtown Poughkeepsie development, particularly by creating linkages to** ~~[the Poughkeepsie Innovation District in] the downtown area of Main and Market Streets~~ [development within the waterfront area for traffic impact, particularly along North Water Street and Pine Street, and evaluate the possibility of expanding carrying capacity of these roadways, if necessary] (Policy 5A).

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~~[(7) Improve vehicular access to the industrial areas in the northerly and southerly portions of the city's waterfront to enable vehicles to gain access to private industries directly from Route 9 (Policy 5B).]~~

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

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

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

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

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

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

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

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

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

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

~~[(18)]~~ **12** Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken ~~[especially with respect to new or expanded bridges or roads]~~ (Policies 18, **and** 18A [and

18B)).

(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]~~).

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(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).

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

(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).]~~

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

(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).

(21) Site~~[s]~~ 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).

~~((34)~~**22)** Prevent ice management practices which ~~[w]~~ could damage significant fish and wildlife and their habitats (Policy 28).

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

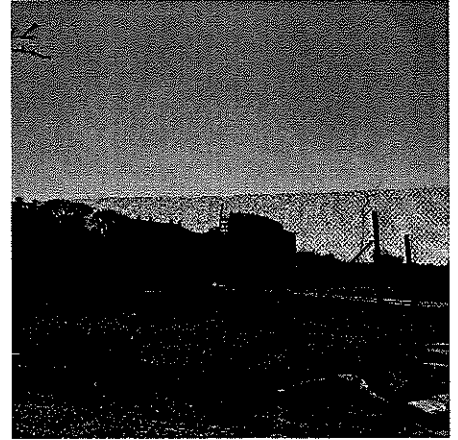
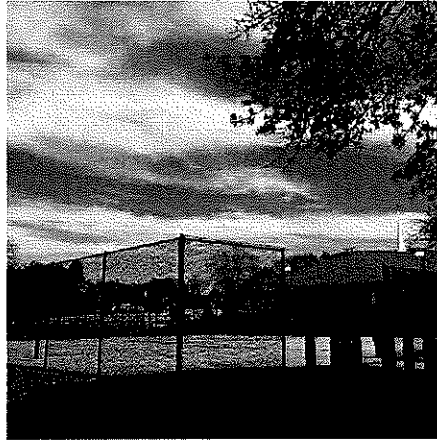
- (a) A person who violates any of the provisions of, or who fails to comply with any conditions imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or 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.



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 (SEQR), 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

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

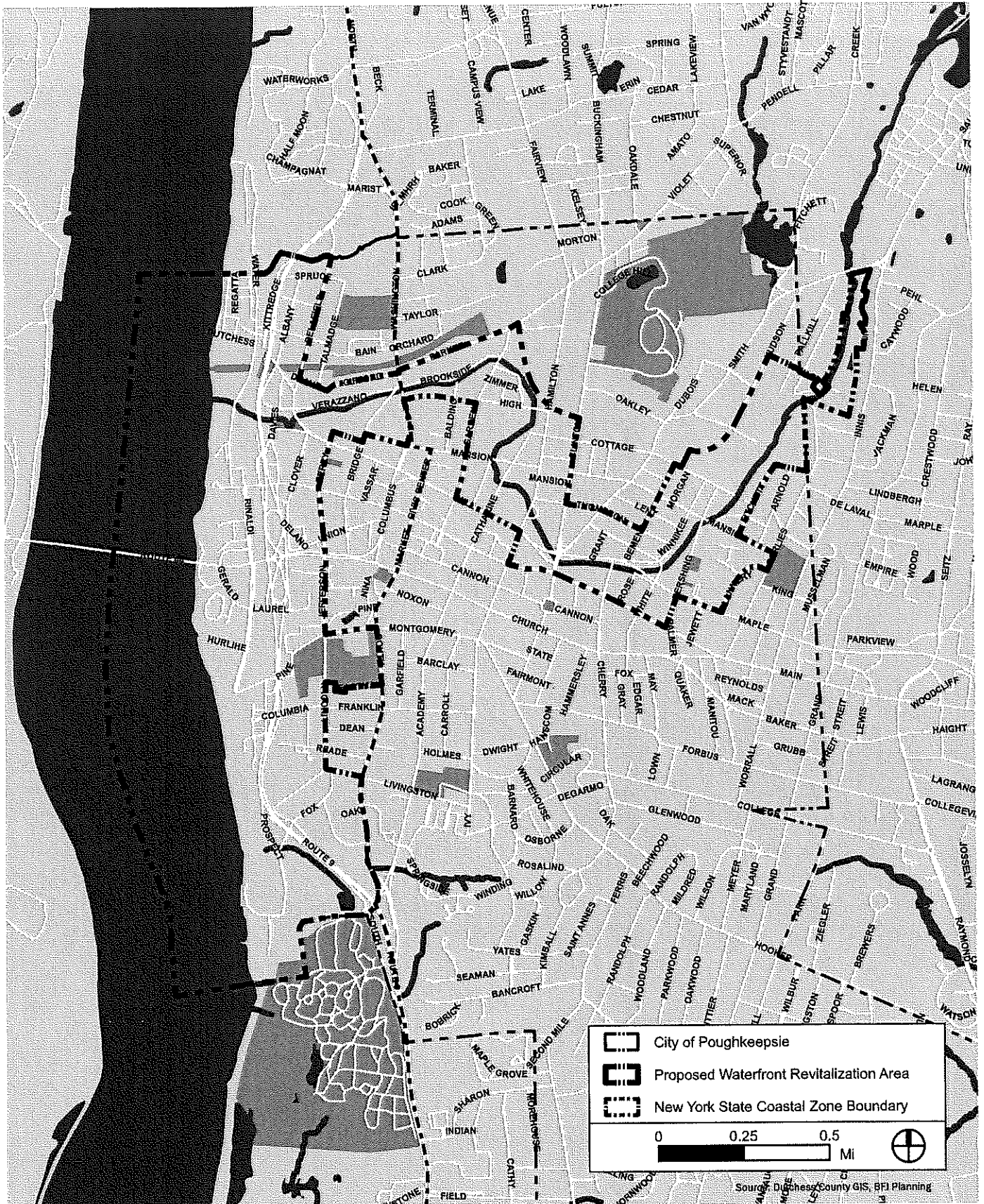


Figure 1: Proposed Waterfront Revitalization Area

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): Natalie Quinn, Development Director		Telephone: (845) 451-4047
		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	November 2019
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	May 2019
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYS Department of State Approval	August 2022 (projected)
h. Federal agencies ☒ Yes ☐ No	U.S. Office of Ocean and Coastal Resource Management - Concurrence	August 2022 (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. 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.	☒ Yes ☐ No
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? If Yes, i. What is the proposed new zoning for the site? <u>N/A</u>	☐ Yes ☒ No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Poughkeepsie City School District</u>	
b. What police or other public protection forces serve the project site? <u>City of Poughkeepsie Police Department</u>	
c. Which fire protection and emergency medical services serve the project site? <u>City of Poughkeepsie Fire Department</u>	
d. What parks serve the project site? <u>Upper Landing Park, Waryas Park, Eastman Park, Wheaton Park, Malcolm X Park, Kaal Rock Park, Kaal Rock Point</u>	

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

f. Does the project include new residential uses? ☐ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
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? ☐ Yes ☐ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
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

Page 6 of 13

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 1/4 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 Covertypes	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? i. If Yes: explain: _____	☐ Yes ☐ No
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? If Yes, i. Identify Facilities: _____ _____	☐ Yes ☐ No
e. Does the project site contain an existing dam? 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: _____ _____	☐ Yes ☐ No
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? If Yes: i. Has the facility been formally closed? • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	☐ Yes ☐ No
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? 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 – 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: _____ _____	☐ Yes ☐ No ☐ Yes ☐ No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	☐ Yes ☐ No

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: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;"></td> <td style="width: 10%; border-bottom: 1px solid black; text-align: right;">%</td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> </tr> </table>			%		%		%										
	%																
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	%																
d. What is the average depth to the water table on the project site? Average: _____ feet																	
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">☐ Well Drained:</td> <td style="width: 30%; border-bottom: 1px solid black;"></td> <td style="width: 10%; text-align: right;">%</td> <td style="width: 30%;"></td> </tr> <tr> <td>☐ Moderately Well Drained:</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">%</td> <td></td> </tr> <tr> <td>☐ Poorly Drained</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		☐ Well Drained:		%		☐ Moderately Well Drained:		%		☐ Poorly Drained		%					
☐ Well Drained:		%															
☐ Moderately Well Drained:		%															
☐ Poorly Drained		%															
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">☐ 0-10%:</td> <td style="width: 30%; border-bottom: 1px solid black;"></td> <td style="width: 10%; text-align: right;">%</td> <td style="width: 30%;"></td> </tr> <tr> <td>☐ 10-15%:</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">%</td> <td></td> </tr> <tr> <td>☐ 15% or greater:</td> <td style="border-bottom: 1px solid black;"></td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		☐ 0-10%:		%		☐ 10-15%:		%		☐ 15% or greater:		%					
☐ 0-10%:		%															
☐ 10-15%:		%															
☐ 15% or greater:		%															
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: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 20%;">Classification _____</td> <td style="width: 30%;"></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> <td></td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> <td></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="3">_____</td> </tr> </table>		• Streams:	Name _____	Classification _____		• Lakes or Ponds:	Name _____	Classification _____		• Wetlands:	Name _____	Approximate Size _____		• Wetland No. (if regulated by DEC)	_____		
• 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: _____	

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

KENDRA SMITH,

CLAIMANT,

NOTICE OF CLAIM

-AGAINST-

CITY OF POUGHKEEPSIE, NEW YORK,

RESPONDENT.

CLAIMANT, THROUGH ATTORNEY, PAMELA GABIGER PROVIDES THE
FOLLOWING NOTICE OF CLAIM TO RESPONDENT:

1. CLAIMANT IS KENDRA SMITH, 796 MAIN STREET, APT. 1,
POUGHKEEPSIE, NEW YORK 12602.
2. THE ATTORNEY FOR CLAIMANT IS PAMELA GABIGER, PO BOX 2952,
POUGHKEEPSIE, NY 12603.
3. THE DATE AND TIME THE CLAIM AROSE WAS APRIL 6, 2022 AT
APPROXIMATELY 8:00 IN THE MORNING.
4. THE PLACE WHERE THE CLAIM AROSE WAS COTTAGE STREET NEAR
THE ISLAND HUT RESTAURANT IN THE CITY OF POUGHKEEPSIE, COUNTY
OF DUTCHESS, STATE OF NEW YORK.
5. THE NATURE OF THE CLAIM IS NEGLIGENCE OF THE RESPONDENT, ITS
OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES IN HAVING

2022 JUL -1 AM 9:44

CITY OF POUGHKEEPSIE
CITY CLERK

THE DRIVERS OF THE SANITATION TRUCK BACK UP INTO CLAIMANT'S 2020 HONDA FIT AND RUN OVER CLAIMANT, IN FAILING TO LOOK WHERE THEY WERE GOING, IN BACKING UP THE SANITATION TRUCK INTO CLAIMANT, IN SMOKING MARIJUANA WHILE OPERATING THE TRUCK, AND IN BEING OTHERWISE NEGLIGENT.

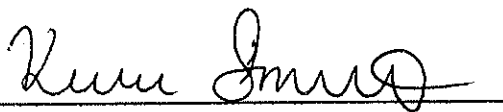
6. AS A RESULT OF THE NEGLIGENCE OF THE RESPONDENT, THEIR OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES, CLAIMANT KENDRA SMITH SUFFERED SERIOUS INJURIES, LOST EARNINGS AND INCURRED EXPENSES FOR MEDICAL TREATMENT INCLUDING INJURIES TO HER CHEST, HEAD, NECK, BACK, SHOULDERS, KNEES AND OTHER INJURIES.

7. THE INJURIES SUSTAINED BY CLAIMANT KENDRA SMITH WERE CAUSED SOLELY AS A RESULT OF RESPONDENTS', THEIR OFFICERS, SERVANTS, DIRECTORS, AGENTS AND EMPLOYEES' NEGLIGENCE WITHOUT ANY NEGLIGENCE OF CLAIMANT KENDRA SMITH CONTRIBUTING THERETO.

8. AS A RESULT OF THE NEGLIGENCE OF RESPONDENT, ITS OFFICERS, DIRECTORS, AGENTS, SERVANTS AND EMPLOYEES, CLAIMANT, KENDRA SMITH HAS BEEN DAMAGED IN THE AMOUNT OF TWENTY MILLION AND NO/100 (\$20,000,000.00) DOLLARS.

9. WHEREFORE, CLAIMANT DEMANDS THAT THE CLAIM BE PAID TOGETHER WITH INTEREST, COSTS AND DISBURSEMENTS TOGETHER WITH SUCH OTHER AND FURTHER RELIEF AS TO THIS COURT MAY SEEM JUST AND PROPER.

DATED: APRIL 11, 2022

A handwritten signature in black ink, appearing to read "Kendra Smith", written over a horizontal line.

KENDRA SMITH

VERIFICATION

STATE OF NEW YORK)

COUNTY OF DUTCHESS) SS.:

KENDRA SMITH, BEING DULY SWORN, DEPOSES AND SAYS THAT SHE IS CLAIMANT IN THE WITHIN PROCEEDING, SHE HAS READ THE FOREGOING NOTICE OF CLAIM, THE SAME IS TRUE TO HER OWN KNOWLEDGE EXCEPT AS TO THE MATTERS THEREIN STATED TO BE UPON INFORMATION AND BELIEF AND AS TO THOSE MATTERS SHE BELIEVES THEM TO BE TRUE.

Kendra Smith

KENDRA SMITH

SWORN TO BEFORE ME THIS 11th DAY

OF APRIL, 2022

Pamela J Gabiger
NOTARY PUBLIC

PAMELA J GABIGER
Qualified in Dutchess County
Commission Expires 5-4-2023
016A4891675