



**CITY OF POUGHKEEPSIE
PLANNING BOARD MINUTES
JANUARY 20, 2021**

Present

Robert S. Levine, Esq, Chairman
Rosaura Andujar-McNeil
Robert Mallory
Anne Saylor
Marjorie Smith

Absent

Sakima McClinton

Staff present:
Natalie Quinn

The meeting was called to order at 7:04pm with the Pledge of Allegiance and reading of the Governor's Executive Order allowing virtual meetings.

On a motion by Marjorie Smith, seconded by Anne Saylor, the minutes from the December 2020 meeting were unanimously approved.

HIGHVIEW AT FALL KILL - MILTON STREET: ENVIRONMENTAL REVIEW

SEQRA environmental review regarding the nine acre vacant parcel on Milton Street, proposed to be rezoned from R-2 to PRD (Planned Residential Development) to allow a multi-residential development consisting of two buildings containing a total of 63 units, with a swimming pool and accessory surface parking. Grid #6162-73-623227; Owner/Applicant: Maselo Realty LLC; Consultant: Chazen Companies; Current Zoning: Medium Low Density (R-2) District. Proposed Zoning: Planned Residential District (PRD); File#2019-116

The proposed project includes a multi-residential development consisting of two buildings, containing a total of 63 units with a proposed unit breakdown of 31 one-bedroom units and 32 two-bedroom units. The development includes an accessory surface parking lot and swimming pool, and will be accessible via two access/egress points off of Milton Street. The Fall Kill runs along the western portion of the property line for approx. 200 linear feet. The new construction is setback 240 feet from Milton Street and 146 feet from the creek, occupying less than half of the property and allowing approx. 57% of the site to remain undisturbed.

The project is determined to be an Unlisted Action under SEQRA. Environmental review in accordance with SEQRA must be conducted prior to any rezoning or site plan approval. As the Planned Residential District (PRD) process inherently links the rezoning process and the site plan review process, a coordinated review of the application is required in order to avoid perceived issues of segmentation.



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Appearing on behalf of the application were Caren LoBrutto and Timothy Lynch.

Rosaura Andujar-McNeil asked who enforces the guidelines for Blanding's Turtle protection. The answer was Ecological Solutions.

On a motion by Marjorie Smith, seconded by Anne Saylor, the Planning Board voted unanimously to receive in print and adopt the Negative Declaration resolution regarding the proposed rezoning and site plan for Highview at the Fallkill Creek

Motion: Marjorie Smith

Second: Anne Saylor

Carried: 5:0:0

141 N WATER STREET – SITE PLAN AMENDMENT FOR RESIDENTIAL

Amended Site Plan and Special Permit for the proposed construction of a 20 unit residential building within the same footprint and massing of the originally approved 15-unit structure. Original site plan approved on 11/27/18 and approvals extended 11/2019; Applicant: Water Street Development Company, LLC (Nicholas J. DeLuccia); Consultants: M. A. Day Engineering, PC (Brian Watts) and LMV Architects (Michael McCormack & Don Petruncola); Grid # 6062-59-771405 & 783401; Zoned W; Previous File#2017-023; Current File#2020-045

The applicant seeks approval of a site plan amendment to allow for the construction of 20 residential units, including 8 one-bedroom units and 12 two-bedroom units. Original site plan approval for 15-units was granted on 11/27/18, and approvals extended 11/2019. The proposed changes require 6 additional off-street parking spaces and an additional 1,200 SF of open space.

The project is classified as an Unlisted Action under SEQR, and the Planning Board adopted a Negative Declaration on November 27, 2018. A memorandum has been issued by the Planning Department stating their findings that the proposed changes are de minimis and do not rise to the level of requiring an amendment to the original Negative Declaration.

Appearing on behalf of the application were Nicholas DeLucia and Thomas Kelly. The Planning Board considered the following. It is recommended that the Board adopt the following resolution:

After the presentation and questions and answers, the Planning Board adopted the following resolution:



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WHEREAS, the Planning Board has received a revised site plan application for the construction of twenty (20) unit apartment building where the original application and approval were for a fifteen (15) unit building, requiring minimal alterations to the plan as approved; and,

WHEREAS, the Board finds that the proposed changes to the project are de minimis and do not rise to the level of requiring an amendment to the original Negative Declaration relative to SEQR, approved on November 27, 2018, for construction of the residential building with accessory off-street parking and open space at 141 North Water Street; and,

WHEREAS, the action is more fully detailed on drawings provided by M.A. Day Engineering revised August 8, 2018, September 25, 2018 and December 8, 2020, and additional materials as submitted;

NOW THEREFORE BE IT FURTHER RESOLVED that the Board grant Site Plan approval regarding the proposed construction of a twenty (20) unit residential building with accessory off-street parking and open space at 141 North Water Street, File #2020-45, with the following conditions:

- All proposed exterior wall pack light fixtures will be full cutoff to reduce glare and a color temperature no higher than 3,000K to create a warmer, more pleasing light
- Brick equal to Glen-Gery Sunset W15 Eastline Thin Brick shall be used on all sides
- All Hardiplank shall receive a be paint finish to match brick
- All comments in the Engineering Department letter of 11/25/18 shall be addressed to the satisfaction of the Engineering Department

Motion: Marjorie Smith

Second: Anne Saylor

Carried: 5:0:0

115 PARKER AVENUE: CONVERSION AND SITE IMPROVEMENTS

Application for site plan review relative to the proposed conversion of the building at 115 Parker Avenue from an auto-repair facility to a mixed use building containing an auto-repair facility at the rear and a bicycle rental facility in the front; Grid #6162-54-225443; Owner: Parker Avenue Realty, LLC; Applicant/Consultant: Kelly Libolt, KARC Planning Consultants; Zoning District: Walkway Gateway District - Mixed Use Commercial (G-CM); File #2020-042

The applicant seeks approval for the conversion of the building at 115 Parker Avenue from an auto-repair facility to a mixed use building containing an auto-repair facility at the rear and a bicycle rental facility in the front. The auto-repair facility is a nonconforming use that predates the



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adoption of the Walkway Gateway District regulations in 2013. The proposal includes improvements to the building and site improvements regarding site circulation and provision of screening from the street of the auto-repair business.

Pursuant to New York State Code CRR-NY 617.5(c)(9), the “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities” is classified as a Type II Action under SEQRA and no further environmental review is required.

Section 19-5.1(3) of the Zoning Ordinance provides that, “Upon a finding by the Planning Board that a proposed remodeling of a nonconforming building, including the improvement of its exterior appearance and of its grounds, would result in enhancing the compatibility of such building with its surroundings, said Board may authorize the issuance of the necessary permits. For purposes of this section, the term "remodeling" may include enlargement of the building to an extent not exceeding 25% of its area on the effective date of this chapter, provided that the Board shall find that such expansion will not diminish the compatibility of said building with the existing or potential use of immediately adjacent properties.”

Appearing on behalf of the application was Kelly Libolt.

The Planning Board provided the following feedback:

- Requested information on colors and materials for façade improvements and fence. Are any improvements proposed for the north (facing DC Rail Trail) and east elevations? Photographs of existing conditions should be provided.
- Existing utilities and connections must be shown. (noted in cover letter but not shown)
- Asked for confirmation whether or not site lighting is proposed at the rear of the property. If not, remove lighting symbol from site plan. Provide photometric details noting foot-candles.
- Requested language for easement to allow access from 119 to the rear of 115 Parker Avenue;
- Asked for confirmation that the square footage of the bicycle sales and rental facility as proposed
- Are bicycle racks proposed to be located in the front yard area?
- All information requested above should be noted on the next submitted site plan, prior to circulation.

Kelly Libolt agreed to provides elevations and a lighting plan, in addition to the above.



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On a motion by Marjorie Smith, seconded by Robert Levine, the Planning Board unanimously set a public hearing for the project for February 17, 2021.

Motion: Marjorie Smith
Second: Robert Levine
Carried 5:0:0

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board authorized circulation of the plans.

Motion: Marjorie Smith
Second: Robert Mallory
Carried 5:0:0

267 MILL STREET: CONVERSION AND FAÇADE ALTERATION

Application for site plan review and façade alterations relative to the proposed conversion of a former office building to a multiple dwelling with six (6) one-bedroom units and one (1) two-bedroom unit, for a total of seven (7) units; Grid #6162-69-073173; Owner: Page Park Associates; Applicant: Kelly Libolt/Page Park Associates; Zoning District: Poughkeepsie Innovation District – Creative Edge (PID-CE); File #2020-044

The applicant seeks approval for the conversion of the office building at 267 Mill Street to a multiple dwelling with six (6) one-bedroom units and one (1) two-bedroom unit. The use is permitted in the Creative Edge Subdistrict of the Poughkeepsie Innovation District.

Pursuant to New York State Code CRR-NY 617.5(c)(18), the “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part” is classified as a Type II Action under SEQRA and no further environmental review is required.

Robert Levine, Esquire, was recused for this application. Anne Saylor assumed the duties of the chair.

Appearing on behalf of the application was Kelly Libolt.

The Planning Board provided the following feedback:



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- Replace section of fence along western property line that allows pass-through of traffic from adjoining parcel until such a connection is applied for and approved.
- Remove the note on the plan referring to a possible future connection between the lots. Such approval would be subject to review not just by the Planning Board, but also by the New York State Department of Transportation. A traffic analysis could be required, and the removal of the driveway along the eastern property line might be indicated;
- Table 3.37-2 requires 15% of the lot be set aside for open space, in this instance, approximately 2,723 square feet. 764 SF of open space is indicated in the front yard of the property, which is currently a landscaped lawn area with a pre-existing monument sign to be removed. As there is an excess of parking spaces in the rear of the property, the Planning Board may wish to encourage the applicant to provide the remaining required 1,959 SF of open space in the rear yard or have the applicant seek an area variance.
- Applicant shall address Dutchess County comments relative to lighting.

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board unanimously voted to waive the public hearing.

The Board adopted the following resolution:

WHEREAS, the Planning Board has received an application for site plan approval relative to the proposed conversion of the former office building at 267 Mill Street to a multiple dwelling containing a total of seven (7) dwelling units; and,

WHEREAS, WHEREAS, this application for site plan is considered a Type II under SEQR, and no further action is required; and,

WHEREAS, the action is more fully detailed on revised drawings dated 12/23/20, prepared by LRC Group, and related materials; and,

WHEREAS, upon completion of the project, prior to the issuance of the final certificate of occupancy, an as-built site plan set shall be submitted to the Planning Department for certification of compliance with Planning Board approval; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Board grant Site Plan approval for the proposed conversion of the former office building at 267 Mill Street to a multiple dwelling containing a total of seven (7) dwelling units, File #2020-044, with the following conditions:



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- All comments from the Engineering Department shall be addressed to the satisfaction of the department;
- Specifications and photometrics for proposed new lighting fixtures shall be provided to the City Planning Department
- All fixtures shall be fully shielded, dark sky compliant, have a color temperature no higher than 3,000K, and bulbs should be fully recessed to ensure there aren't any visible bulbs creating pinpoints of glare for drivers passing by on the arterial.
- Note referring to a possible future connection between 267 Mill Street and 47 Civic Center Plaza shall be removed.
- The section of fence along the western property line, that allows pass-through of traffic from adjoining parcel, shall be replaced until such a connection is applied for and approved.
- An additional 1,959 SF of open space shall be provided or an area variance sought from the Zoning Board of Appeals, or determination by the Zoning Administrator that it is an existing non-compliance that does not require a variance.

Motion: Marjorie Smith
Second: Robert Mallory
Carried: 4:0:0

556 MAIN STREET: SITE PLAN FOR FENCE WITH GATE FOR VACANT LOT

Application for Site Plan review for the proposed installation of a fence with gates on the vacant property at 556 Main Street. Applicant: Stefan Bohdanowycz; Owner: 559 Main Street, LLC; Consultant: Liscum McCormack VanVoorhis (Kimberly Ryan); Grid #6161-24-392943; Zoned: Neighborhood Commercial (C-1) District; File #2020-039

The applicant seeks approval for the placement of a plywood fence, 8 feet in height, along the north, west, south and portion of the east property lines of the vacant parcel at 556 Main Street, with gates on Main Street and on the east. The property is located in the Neighborhood Commercial (C-1) Zoning District. The project is classified as a Type II Action under SEQRA and no further environmental review is required.

Appearing on behalf of the application were Stefan Bohdanowycz and Kimberly Ryan.

The Planning Board provided the following feedback to the applicant:

- Confirm that no use of the parcel is permitted at this time, including off-street parking or location of dumpsters, and that the purpose of the fence is for security and prevention of dumping only: the placement of the storage container noted on the plan is not permitted
- Consideration of material other than plywood and limiting the number of gates to one



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On a motion by Marjorie Smith, seconded by Robert Mallory, the Board unanimously adjourned application to February 17, 2021 meeting, but authorized circulation of the plans, particularly requesting that the Police Department provide input from a public safety standpoint. Also requested was input from the Arts Commission on a possible mural.

299 MAIN STREET: SITE PLAN FOR RESIDENTIAL CONVERSION/ADDITION AND FAÇADE ALTERATION

Application for Site Plan review for the proposed conversion of the building at 299 Main Street from commercial/office use with vacant floors to a mixed use building containing a commercial component facing Main Street and a total of nine (9) units, with a fifth story addition. Applicant: Stephan Bohanowycz; Owner: JMS 299 Main Street LLC; Consultant: Liscum McCormack VanVoorhis (Kimberly Ryan); Grid #6 162-77-088091; Zoned: Poughkeepsie Innovation District Historic Core Subdistrict (PID-HC); File #2021-001

The applicant seeks approval for the conversion of the office building at 299 Main Street to a mixed use building containing a commercial component facing Main Street, and conversion of the rear “courtyard” facing portion of the first floor to residential use, the conversion of the vacant second, third and fourth floors to residential use, and construction of a fifth story addition for residential uses, for a total of nine (9) dwelling units. The use is permitted in the Historic Core Subdistrict of the Poughkeepsie Innovation District (PID).

Pursuant to New York State Code CRR-NY 617.5(c)(18), the “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part” is classified as a Type II Action under SEQRA and no further environmental review is required.

Appearing on behalf of the application were Stefan Bohdanowycz and Kimberly Ryan.

The Planning Board provided the following feedback to the applicant:

- Consider site improvements in the rear yard area noted as a courtyard, including removing portions of any existing pavement and creating greenspace;
- Require applicant to address site plan deficiencies noted to exist on the Site Plan Check Sheet;
- Provide a structural analysis to insure support for the fifth floor addition;
- Details on party wall agreement



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- Sprinkler and sewer review
- Historical photos

The Board declined to set a public hearing.

It is recommended that the Board waive or set the public hearing for February 17, 2021.

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board voted unanimously to circulate the plans.

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board voted unanimously to request that an escrow account of \$2,000 be established by the applicant for architectural review services by MASS Design Group or another architectural consulting firm.

7 SOUTH CLINTON STREET: RESIDENTIAL CONVERSION

Application for Site Plan and Special Permit review for the proposed conversion of the former bar/restaurant and detached garage to a total of four (4) dwelling units, two (2) in each structure. Applicant: Eric Baxter; Owner: Seven South Clinton LLC; Consultant: Berger Engineering; Grid #6161-23-258990; Zoned: General Commercial (C-3) District; File #2021-002

The applicant seeks approval for the conversion of the former tavern and detached garage at 7 South Clinton Street to a multifamily property with each building containing two (2) dwelling units, for a total of four (4) units. The property is located in the General Commercial (C-3) District, and the use is permitted by Special Permit/Site Plan approval pursuant to the provisions of Section 19-3.24(2)(b)(9) of the Zoning Ordinance. A public hearing is required.

Pursuant to New York State Code CRR-NY 617.5(c)(18), the “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part” is classified as a Type II Action under SEQRA and no further environmental review is required.

Appearing on behalf of the application was Eric Baxter.

The Planning Board provided the following feedback to the applicant:

- Consideration of site improvements, such as removal of portions of pavement to create green space



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- Require applicant to address site plan deficiencies noted to exist on the Site Plan Check Sheet
- Request the provision of additional details on all elevation changes, including labeling all submissions with cardinal directions
- What is the utility structure in the front lawn
- Provide green space
- Was the garage commercial?
- Add details on windows and doors

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board voted unanimously to set the required public hearing for February 17, 2021

On a motion by Marjorie Smith, seconded by Robert Mallory, the Board voted unanimously to authorize circulation of the plans to City Departments and Dutchess County.

The meeting adjourned at 9:09 by a unanimous vote.