

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board, Town of Poughkeepsie does hereby set **October 16, 2024 at 7:00pm** as the time date and place of a public hearing to afford all interested parties an opportunity to be heard and seek public comment, in regard to the following:

“To Adopt by Local Law of Amendments to Town Code Chapter 144, Article II, entitled “Nuisance Vehicles””

AND PLEASE ALSO TAKE FURTHER NOTICE that said proposed local law is available in full with Exhibit to preview on our website:
<https://ny-poughkeepsietown.civicplus.com/300/Public-Hearings>
Or in person @ the Town Clerk’s Office, Monday – Friday, 8AM – 4PM.

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
September 19, 2024

RESOLUTION 9:18 - # 10 OF 2024

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 16th day of October, 2024 at 7:00 pm at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, New York, as and for the time, date and place of a public hearing to consider the adoption by local law of amendments to Town Code Chapter 144, Article II, entitled "Nuisance Vehicles", and

BE IT FURTHER RESOLVED, that the proposed amendments are attached hereto and incorporated herein at Exhibit A, with the additions underscored and deletions ~~stricken~~, and the Town Board does hereby waive a verbatim reading of said amendments and does direct that they be spread across the record as if they, in fact, had been read verbatim; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby determine, after reviewing the annexed Short Form Environmental Assessment Form Part 1, that the adoption of this local law is an Unlisted Action under SEQRA, that there are no other Involved Agencies, and that it will serve as the Lead Agency for the environmental review of this local law; and

BE IT FURTHER RESOLVED, that said local law, if adopted, shall take effect immediately upon filing with the Secretary of State.

Dated: September 18th 2024

Moved: Barbara Laird

Seconded: Rebecca Edwards

Motion passes/ fails: Ayes 7 Nays 0

JEN/mem
t-9/11/2024
m-9/18/2024

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Councilwoman Laird	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Councilwoman Burger	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Councilman Cifone	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Councilman Sharpe	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<u>✓</u>	—	—
<u>PRESENT</u> /ABSENT Supervisor Edwards	<u>✓</u>	—	—

Chapter 144. Nuisances

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Article II. Nuisance Vehicles

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§ 144-10. Operation of nuisance vehicles prohibited.

No person shall operate any nuisance vehicle in the Town of Poughkeepsie upon private real property within ~~700~~ 500 feet of a residence at any time, regardless of whether such vehicle is licensed, unlicensed, registered or unregistered by the New York State Department of Motor Vehicles, unless such use is exempt.

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§ 144-13. Exemptions.

The following uses of nuisance vehicles are exempt from the provisions of this Article II:

A. The operation of publically owned and emergency vehicles, ATVs, motorcycles, limited-use motorcycles, and off-highway motorcycles by public officers, public officials or emergency personnel in the course and scope of their duties.

B. The operation of any ATV, motorcycle, limited-use motorcycle or off highway motorcycle for the purpose of repairing or servicing it, or for the otherwise lawful maintenance, construction, repair, remodeling or grading of any structure or real property.

C. The operation of ATVs, motorcycles, limited use motorcycles or off highway motorcycles which are powered exclusively by electricity.

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Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Adoption of amendments to Nuisance Vehicle Local Law			
Project Location (describe, and attach a location map): Town Wide, within 500 feet of Town of Poughkeepsie residences			
Brief Description of Proposed Action: Town Code Chapter 144, Article II, prohibits the operations of Nuisance Vehicles (ATVs, motorcycles, limited use motorcycles, and off highway motorcycles) on private property within 700 feet of a residence, subject to exemptions. These amendments will reduce the prohibited operating area to 500 feet and classify electric powered vehicles as exempt.			
Name of Applicant or Sponsor: Town of Poughkeepsie Town Board		Telephone: 845-485-3633 E-Mail: mmcaliney@townofpoughkeepsie-ny.gov	
Address: 1 Overocker Road			
City/PO: Poughkeepsie		State: NY	Zip Code: 12603
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. 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			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	<input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	<input type="checkbox"/>
			<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	<input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	<input type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	<input type="checkbox"/>
			<input type="checkbox"/>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Town of Poughkeepsie by Rebecca Edwards</u> Date: <u>September __, 2024</u>		
Signature: _____ Title: <u>Supervisor</u>		

Narrative Description

The operation of recreational and other motorized vehicles on residential property in the Town has been found to create excessive noise which deprived residents of the quiet enjoyment of their homes. To remedy this, Town Code Chapter 144, Article II (Nuisance Vehicles) was adopted on November 4, 2015 to prohibit the operation of them (ATVs, Motorcycles, Off Road Motorcycles, and Special Use Motorcycles) within 700 feet of a residence, subject to exemptions.

The here proposed amendments will add electrically powered vehicles to the list of those which are exempt under Article II. In addition, the prohibited operating area is being reduced to 500 feet based on local municipal experience at 500 feet, which was adopted following a noise dissipation study.

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM