

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board finds that it is in the best interest of the Town of Poughkeepsie to amend the Town Code, Chapter 210, “Zoning,” to establish regulations for Wireless Telecommunications Facilities, and to amend the title of Chapter 185; and so therefore the Town Board does hereby set the 2nd day of July, 2025 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law, to Amend Chapter 210 of the Code Entitled ‘Zoning’ to establish regulations for wireless telecommunications facilities, and to amend the title of Chapter 185 (the “Local Law”) annexed hereto inclusive of “Attachment 1: Town of Poughkeepsie Small Wireless Facility Design Standards”

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
June 6th, 2025

RESOLUTION 6:4 # 7 OF 2025

WHEREAS, the Town Board finds that it is in the best interest of the Town of Poughkeepsie to amend the Town Code, Chapter 210, "Zoning," to establish regulations for Wireless Telecommunications Facilities, and to amend the title of Chapter 185; now therefore

BE IT RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby set the 2nd day of July, 2025 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY, as the time, date and place of a public hearing at which all parties in interest and citizens may be heard as to whether or not the Town Board of the Town of Poughkeepsie should adopt the proposed Local Law, to Amend Chapter 210 of the Code Entitled 'Zoning' to establish regulations for wireless telecommunications facilities, and to amend the title of Chapter 185 (the "Local Law") annexed hereto inclusive of "Attachment 1: Town of Poughkeepsie Small Wireless Facility Design Standards"; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Poughkeepsie does hereby waive the verbatim reading of said proposed Local Law and does hereby direct the Town Clerk to spread the proposed Local Law across the record as if it had been read aloud; and

BE IT FURTHER RESOLVED, that pursuant to the provisions of SEQRA, the Town Board determines that the adoption of the proposed Local Law is a Type I action (see, 6 NYCRR 617.4[b][2]), and determines that the Town Board is the only involved agency, and therefore designates itself Lead Agency for the environmental review of the proposed Local Law; and

BE IT FURTHER RESOLVED, that the Town Board accepts the attached Full Environmental Assessment Form (FEAF) Part 1 to commence the SEQRA process; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to post a Notice of Public Hearing in the Town's official newspaper, the Poughkeepsie Journal, and on the bulletin board maintained by the Town Clerk in the Town Hall not less than ten (10) days prior to said public hearing; and

BE IT FURTHER RESOLVED, to refer a copy of this resolution, the annexed proposed Local Law, inclusive of "Attachment 1: Town of Poughkeepsie Small Wireless Facility Design Standards", the Notice of Public Hearing, and the FEAF Part 1 to the municipal clerk of each abutting municipality not less than ten (10) days prior to the public hearing and to refer a copy of these same documents to the Dutchess County Department of Planning and Economic Development for advisory review in accordance with §239-m of the General Municipal Law, and to the Town of Poughkeepsie Planning Board for its review and recommendation pursuant to Town Code §210-154.

Dated: June 4th 2025

Moved: Rebecca Edwards

Seconded: Barbara Laird

Motion passes/ fails: Ayes 7 Nays 0

ES/mem
t-5/28/2025
m-6/4/2025

	AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT Councilman Reuter	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Laird	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Burger	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilman Cifone	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilman Sharpe	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Councilwoman Shershin	<input checked="" type="checkbox"/>	___	___
<u>PRESENT</u> /ABSENT Supervisor Edwards	<input checked="" type="checkbox"/>	___	___

<i>Local Law Filing</i>	NEW YORK STATE DEPARTMENT OF STATE Division of Corporations, State Records and Uniform Commercial Code One Commerce Plaza 99 Washington Avenue Albany, NY 12231-0001 dos.ny.gov
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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

TOWN OF POUGHKEEPSIE

LOCAL LAW NO. __ (PROPOSED) OF THE YEAR 2025

A LOCAL LAW AMENDING CHAPTER 210 OF THE CODE OF THE TOWN OF POUGHKEEPSIE ENTITLED "ZONING" TO ESTABLISH REGULATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES, AND AMENDING THE TITLE OF CHAPTER 185 OF THE CODE

BE IT ENACTED by the Town Board of the Town of Poughkeepsie as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Zoning Law of the Town of Poughkeepsie to establish uniform regulations for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities within the Town. The regulations are intended to protect the public health, safety, and general welfare, and to bring the Town's Zoning Law into conformance with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to Chapter 18 of the Town Code. The proposed regulations are consistent with the recommendations of the Town's 2021 *Comprehensive Plan* to update the Town's land use regulations to address emerging land uses, "specifically including telecommunications facilities including 5G technology," to ensure they are "properly regulated based on the needs of the Town." In addition, this local law amends the title of Chapter 185 of the Town Code to improve clarity and to distinguish it from proposed § 210-115.1 of the Zoning Law.

SECTION 2. APPLICATION

This local law shall apply within the Town of Poughkeepsie.

SECTION 3. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such part or parts.

SECTION 4. AMENDMENTS TO CHAPTER 185 OF THE TOWN CODE ENTITLED TELECOMMUNICATIONS

The current title of Chapter 185 shall be deleted and replaced with the following new title: "Telecommunications Franchises and Licenses in Public Rights-of-Way."

**SECTION 5. AMENDMENTS TO ARTICLE VIII OF THE ZONING LAW ENTITLED
“SUPPLEMENTARY REGULATIONS”**

***§ 5.1. Article VIII is hereby amended by the addition of the following § 210-115.1 entitled
“Wireless Telecommunications Facilities.”***

§ 210-115.1 Wireless Telecommunications Facilities.

A. Purpose and intent.

- (1) The purpose of this section is to establish uniform policies and procedures for the siting, design, permitting, maintenance, and use of wireless telecommunications (WT) facilities in the Town of Poughkeepsie. While the Town recognizes the importance of WT facilities in providing high-quality communications services to residents and businesses, it also has an obligation to protect public safety and to minimize the potential adverse effects of such facilities.
- (2) By enacting this chapter, the Town intends to:
 - (a) Provide for the orderly development of WT facilities in a manner that enhances the benefits of wireless communications and meets the needs of Town residents, consistent with federal, state and local laws and regulations;
 - (b) Establish fair, objective, and efficient procedures for the review of WT facility applications;
 - (c) Establish clear standards for the design, siting, construction, installation, maintenance, operation, and removal of WT facilities in the Town;
 - (d) Address and provide for new wireless technologies, including, but not limited to, small wireless facilities;
 - (e) Promote the co-location of WT facilities on existing structures to reduce the need for new towers;
 - (f) Protect residents, businesses, and the general public from potential adverse impacts of WT facilities, to the extent permitted under law, and preserve the visual quality and natural beauty of the community, while permitting an adequate supply of WT facilities in the Town;
 - (g) Minimize safety hazards and prevent damage to adjacent properties through appropriate locational, engineering, and operational requirements;
 - (h) Minimize adverse visual and aesthetic impacts of WT facilities through careful design, siting, landscaping, screening and camouflaging techniques;
 - (i) Reduce the impact of WT facilities on residential properties;
 - (j) Prioritize siting of WT facilities in nonresidential areas, rather than areas which are used exclusively for residential purposes; and
 - (k) Protect, to the maximum extent practicable, the Town’s physical appearance, scenic and natural beauty, open space character and aesthetic values; promote the public health, safety, and welfare; and each resident’s ability to receive communication signals without interference from other providers, while ensuring that competition among providers is not unreasonably limited.
- (l) The provisions of this section are not intended to, and shall not be interpreted to, prohibit or to have the effect of prohibiting personal wireless services. This section

shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESSORY EQUIPMENT OR ANTENNA EQUIPMENT

Any equipment used in conjunction with a WT facility and located on the same lot as the WT facility including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, buildings and similar structures, including when the same is co-located on a structure with an antenna.

ANTENNA

An apparatus designed for the purpose of emitting radio frequency (RF) radiation, operating at a fixed location, intended for transmitting and/or receiving communications as part of a wireless telecommunications facility. For the purpose of this chapter, the term “antenna” does not include unintentional radiators, mobile stations, or devices authorized under Part 15 of Title 47 of the United States Code.

BASE STATION

A structure or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower.

CAMOUFLAGING TECHNOLOGY

Camouflaging methods applied to WT facilities which render them more visually appealing or which serve to blend the facility into the existing structure or visual backdrop to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted facilities, building-mounted antennas painted to match the existing structure, and facilities constructed to resemble trees, shrubs, light poles, silos, church steeples and the like.

CO-LOCATION

The mounting or installation of an antenna on an existing support structure, whether or not there is an existing antenna on the support structure, and/or the modification of an existing support structure for the purpose of such mounting or installation.

ELIGIBLE FACILITIES REQUEST

Any request for modification of an existing WT facility involving co-location of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not substantially change the physical dimensions of such facility.

FAA

The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC

The Federal Communications Commission, or its duly designated and authorized successor agency.

HEIGHT

When referring to a structure, the distance measured from the preexisting grade level to the highest point on the structure, including the antenna and any other appurtenances.

MODIFICATION

Any improvement, alteration, upgrade or expansion of existing WT facilities.

MONOPOLE

A type of WT facility support structure which consists of a single pole erected on the ground or on top of a structure, used to support a WT antenna and any accessory equipment.

NIER

Nonionizing electromagnetic radiation.

PUBLIC RIGHT-OF-WAY

Any publicly owned land adjacent to and abutting any public street, road, highway or other way, however designated, to which the public has access.

REPLACEMENT

The replacement of an existing WT antenna on any existing support structure or on existing accessory equipment, for maintenance, repair or technological advancement, with equipment that has the same wind loading and structural loading impact and is substantially similar in size, weight, height, and RF emissions as the existing WT antenna, and which does not substantially change the physical dimensions of any existing support structure, as defined herein.

SUBSTANTIAL CHANGE

A modification or co-location constitutes a substantial change of a support structure if it meets any of the following criteria:

- (1) For towers other than towers in the public rights-of-ways, it would increase the overall height of a macro cell WT facility support structure, antenna and/or antenna array by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater. For other eligible support structures, it would increase the height of the structure by more than 10 percent or more than ten feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of 47 U.S.C. §1455.
- (2) Co-location on an existing macro cell WT support structure that would protrude from the edge of the tower more than 20 feet or more than the width of the structure at the elevation of the co-location, whichever is greater. For other eligible support structures, adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
- (3) The modification of an existing support structure that fails to meet current New York State Uniform Fire Prevention and Building Code requirements (including windloading).

- (4) For any eligible support structure, the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four additional equipment cabinets; or for towers in the public rights-of-way and base stations, the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or the installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.
- (5) Any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- (6) It would defeat any existing concealment and/or camouflaging elements of the support structure.
- (7) The co-location fails to comply with all conditions associated with the prior approval of the support structure except for modification of parameters as permitted in this definition.

SUPPORT STRUCTURE

A structure, whether or not supporting an existing antenna, used or intended to be used to support antenna(s) and any accessory equipment for the provision of WT services. It includes, without limit, towers, guyed towers, monopoles, whether located on the ground or on a building; utility poles in the right-of-way or on property of the Town or within the Town; and other structures intended to mitigate the visual impact of WT facilities such as steeples, silos, water towers, signs or other similar structures.

TOWER

Any structure built for the sole or primary purpose of supporting any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

UTILITY POLE

A pole or similar structure used to carry lines, cables or wires for telecommunications, cable or electric service, or for lighting, traffic control, signage, or a similar function, and that is owned or operated by a utility company or a government entity.

WIRELESS TELECOMMUNICATIONS (WT) FACILITY

A facility consisting of a support structure along with antenna(s) located on such structure and any accessory equipment that is used or is intended to be used for WT services. The term includes any antennas and accessory equipment intended for transmitting and/or receiving personal telecommunications services, cellular, paging, 911, commercial satellite services, microwave telecommunications or other cellular communications technologies, but excludes those used exclusively for the Town's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio towers less than 65 feet in height, small satellite dishes less than one meter in diameter, cells on wheels (COWs) employed on a site for less than 30 days, and other similar telecommunications.

(1) WIRELESS TELECOMMUNICATIONS FACILITY, MACRO CELL

Any wireless telecommunications facility that is not a small wireless facility.

(2) WIRELESS TELECOMMUNICATIONS FACILITY, SMALL

A WT facility that meets each of the following conditions:

(a) The antenna facilities:

(i) Are mounted on a structure which, together with the antenna, is 50 feet or less in height; or

(ii) Are mounted on a structure no more than 10 percent taller than adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and

(b) Each antenna (excluding associated antenna equipment) is no more than three (3) cubic feet in volume; and

(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume; and

(d) The facility does not require antenna structure registration under 47 CFR Part 17; and

(e) The facility does not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR. § 1.1307(b).

WIRELESS TELECOMMUNICATIONS PROVIDER

A WT infrastructure provider or a WT services provider.

C. Required approvals.

(1) Except as otherwise provided in this section, no WT facility shall be located, constructed, or maintained on any lot, building, structure, or land within the Town, without first obtaining the following approvals:

(a) All new WT facilities require a WT permit from the Town Planning Department, and in addition:

(i) All new macro cell WT facilities require a special use permit and site plan approval from the Planning Board.

(ii) All new small WT facilities located outside the public right-of-way require site plan approval from the Planning Board.

(2) An eligible facilities request that does not involve a substantial change, as defined in this section, to an existing, permitted WT facility, shall not require a new or amended WT permit, but shall require a building permit from the Town Building Inspector. In such cases:

(a) The applicant shall submit a complete eligible facilities request application specifically requesting streamlined processing, accompanied by documentation showing that the existing facility proposed to be replaced or modified was previously permitted by the Town, and demonstrating that the proposed replacement or modification does not create a substantial change as defined herein.

- (b) The Town shall notify the applicant within thirty (30) days of submission (or within another mutually agreed-upon timeframe) if the application is incomplete. The notice shall identify the specific deficiencies that must be addressed for the application to be deemed complete.
- (c) Upon issuance of a notice of deficiency, the timeline for a decision shall be tolled until the applicant re-submits a corrected application. The Town shall notify the applicant within ten (10) days of re-submission whether the application remains deficient or is deemed complete. If additional deficiencies remain, the timeline for a decision shall be likewise tolled until the second resubmission. The process outlined above shall be repeated as necessary until all identified deficiencies have been cured and the application is deemed complete.

D. General standards.

- (1) Macro cell WT facilities are not permitted in the Residence, Single-Family 20,000 Square Foot (R-20,000) District, unless located on a site owned by the Town. In all other cases, WT facilities may be located in any zoning district, subject to the requirements of this section and the applicable zoning district.
 - (2) The Planning Board or Planning Department may attach such conditions and safeguards to any site plan approval or permit as are, in its opinion, necessary to ensure initial and ongoing conformance with all applicable standards and requirements. This may include the use of camouflaging technologies or other measures to mitigate visual impacts.
 - (3) All applications for a small WT facility shall comply with the Town of Poughkeepsie Small Wireless Facility Design Standards,¹ to the maximum extent feasible.
 - (4) In addition to the requirements of this section, any telecommunications provider seeking to place a WT facility in the public right-of-way shall also comply with the procedures and requirements set forth in Chapter 174 and Chapter 185 of the Town Code relating to construction activities within, and use of, the public right-of-way. In the event of a conflict between this section and Chapters 174 or 185, the provisions in this section shall govern.
 - (5) In the event of a conflict between this section and any federal or state law or regulation, the most recently adopted federal or state law or regulation shall control.
- E. Prohibited on certain structures. No WT facility shall be located on any structure that contains a dwelling unit, except for multifamily buildings (excluding townhouses) and mixed-use buildings.
- F. Application requirements. An application for approval of a WT facility shall be submitted jointly by the WT provider and the property lessee, if applicable. Applications must be submitted in both hard copy and electronic file format, and shall include the following information:
- (1) Applicant's name, address, telephone number, and email address.
 - (2) Property owner's name, address, telephone number, and email address.
 - (3) Names and contact information (address, telephone number, and email) of any consultants acting on behalf of the applicant.

¹ The Town of Poughkeepsie Small Wireless Facility Design Standards may be found as Attachment 1 at the end of this chapter, and is on file in the Town offices and available on the Town website.

- (4) The postal address and Tax Parcel ID number of the subject property.
- (5) The zoning district in which the property is located.
- (6) If the WT facility is to be located on property not owned by the applicant or the Town, written consent from the property owner and any lessees of the site.
- (7) A site plan meeting the requirements of Article XIII of this chapter, as required by § 210-115.1C.
- (8) Location, size, height, materials, color, and lighting details of existing and proposed structures on which any antenna or accessory equipment are proposed to be located.
- (9) Location of all existing and proposed equipment shelters, cables, electrical distribution panels, electric meters, electrical conduits, and cabling.
- (10) Type, location, and dimensions of all proposed and existing landscaping and fencing, if the proposed WT facility is located outside the public right-of-way.
- (11) Proposed emergency power supply location, decibel levels during testing and operation, and distance to the nearest residential property boundary.
- (12) Design and specifications for all equipment and proposed structure(s), including:
 - (a) Antenna types, location, number, model(s) and manufacturer specification sheets;
 - (b) Transmission frequency, modulation, and class of service of radio or other transmitting equipment;
 - (c) Actual intended transmission power of the antenna(s) stated as the maximum effective radiated power (ERP) in watts;
 - (d) Direction of maximum lobes and associated radiation of the antenna(s);
 - (e) Make, model, type, and manufacturer of the support structure on which any antenna or accessory equipment is to be located, and a design plan stating the structure's capacity to accommodate multiple users;
 - (f) Certification that a topographic and geomorphologic study and analysis has been conducted and that, taking into account the subsurface and substrate and the proposed drainage plan, the site is adequate to assure the stability of the proposed WT facilities on the proposed site;
 - (g) Structural and mount analysis to determine current capacity of the support structure expressed as a percentage of the maximum allowable load permitted by the New York State Uniform Fire Prevention and Building Code. If the analysis determines the structure requires reinforcement in order to accommodate the attachment of the proposed WT facility, the design documents shall include the proposed structure modification; and
 - (h) Information relating to the applicant's intended future co-locations on the structure that may result in a further increase in the size or height of the structure.
- (13) A description of the facility's purpose including, but not limited to, a need such as coverage and/or capacity requirements, densifying a wireless network, introducing new services or otherwise improving service capabilities.
- (14) A map that identifies the number and locations of all WT facilities the applicant has installed in the Town.

- (15) If a new structure is proposed, a map and, in the case of a macro cell WT facility, an AutoCAD® or compatible drawing exchange file, which shows the applicant's existing and proposed area of coverage. Such map shall show all existing WT facility sites within one (1) mile of the proposed WT facility.
- (16) Documentation supporting the need for the new WT facility, including, but not limited to:
 - (a) Search ring;
 - (b) Propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or a capacity need, including an analysis of current and projected usage; and
 - (c) For small WT facilities, information relating to all other WT facilities or antennas associated with such WT facilities that are to be deployed in the Town in conjunction with the proposed small WT facility.
- (17) Documentation justifying the total height of any proposed structure and antenna and the basis therefor. Such justification shall be to provide service within the Town to the extent practicable, unless good cause is shown.
- (18) A visual impact assessment, using modeling, photographic simulations, and other pertinent analytical techniques as required by the Planning Board or Planning Department, taking into account worst-case seasonal conditions. Such assessment shall demonstrate that the proposed WT facility will be sited so as to minimize visual intrusion to the maximum extent possible given the facts and circumstances involved with the proposed site and facility; will employ camouflaging technologies as directed by the Planning Board or Planning Department, where appropriate; and will thereby have the least-adverse visual effect on the environment, the character of the community, surrounding properties, and on the residences in the area of the WT facility.
- (19) A description of anticipated maintenance needs of the WT facility, including the frequency of service, equipment and personnel needs, and associated traffic, safety and noise impacts.
- (20) Certification, including submission of an RF Emissions Report, by a licensed professional electrical engineer with expertise in radio communication facilities that NIER levels at the proposed site will be, and will remain, within the current threshold levels adopted by the FCC. Such certification shall acknowledge whether any nearby commercial WT radio transmitters could affect the aggregate maximum permissible exposure (MPE) of the proposed equipment, and if so, what percentage the proposed equipment will contribute to an aggregate MPE.
- (21) A signed sworn statement from the provider's engineer that the proposed installation will not cause physical or RF interference with other telecommunications devices.
- (22) A copy of applicable FCC license(s).
- (23) Information relating to the expected useful life of the facility.
- (24) If applicable, a FAA No Hazard Determination (Form 7460-1).
- (25) A completed Part 1 Environmental Assessment Form.
- (26) Either a statement of categorical exemption from § 106 NEPA/SHPO federal regulations or a copy of the Environmental Assessment (EA) electronically filed with

the FCC for § 106 consideration. If an EA is filed, the applicant shall furnish a copy of the FCC's Finding of No Significant Impact (FONSI) prior to issuance of a building permit.

- (27) For small WT facilities, the applicant may request a waiver from the Planning Board or Planning Department of any of the above requirements that the applicant believes are unnecessary to determine compliance with this section.
- (28) If proposing a new support structure for a macro cell WT facility, the applicant must submit a written report demonstrating its meaningful efforts to secure shared use of existing WT support structure(s) or the use of alternative existing buildings or other structures within a one (1) mile radius of the proposed site. Copies of written requests and responses for shared use shall be provided to the Planning Board with the application, along with any letters of rejection, stating the reason for rejection. Acceptable reasons for rejection include:
- (a) The proposed antenna and accessory equipment would exceed the structural capacity of the existing building or other structure, and its reinforcement cannot be accomplished at a reasonable cost.
 - (b) The proposed antenna and accessory equipment would cause radio frequency interference with other existing equipment for that existing building or other structure, and the interference cannot be prevented at a reasonable cost.
 - (c) Such existing buildings or other structures do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) Inability to reach a commercially reasonable agreement with the structure owner.
- (29) A sworn written certification from a NYS-licensed professional engineer stating that:
- (a) The WT facility is designed and will be constructed in accordance with all applicable local, county, state, and federal structural requirements for loads, including wind and ice loading standards. If the WT facility is subsequently approved and constructed, as-built certification indicating that the facility has been constructed in accordance with all standards shall be furnished to the Town prior to issuance of any certificate of completion.
 - (b) The WT facility shall be maintained in a safe condition and in compliance with all permit conditions and applicable federal, state and local laws, statutes, codes, rules and regulations; and
- (30) The application must be signed on behalf of the applicant by the person preparing the same who has knowledge of the contents and representations made therein and is attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Planning Board or Planning Department, false or misleading information in the application may result in denial of the application.
- G. Application fees. A nonrefundable application fee, as set forth in Town Fee Schedule, shall be submitted with the application, in addition to any other fees required by law.
- H. Reimbursement for use of the public right-of-way. WT facilities located in the public right-of-way are subject to the Town's fee for use and occupancy as established in the Town Fee Schedule.

- I. Escrow for review costs. In accordance with Chapter 106 of the Town Code and to the extent permitted under federal law, the applicant shall fund an escrow account to allow the Planning Board or Planning Department to retain such technical experts and other consultants as they deem necessary to review a proposal for a WT facility. This may include, but is not limited to, review of technical, legal, financial, or engineering aspects of the application, as well as analysis of practical alternatives which may be available to the applicant.
- J. Approval procedures for small WT facilities.
 - (1) Public hearing. The Planning Board may, at its sole discretion, hold a public hearing on a site plan application for a small WT facility. If held, the hearing shall occur within 60 days of submission of a complete application. Notice of any required public hearing shall be provided in accordance with § 210-151D of this chapter.
 - (2) All decisions of the Planning Board or Planning Department on small WT facility applications shall be made in compliance with applicable federal time frames for approval.
- K. Approval procedures for macro cell WT facilities.
 - (1) Public hearing.
 - (a) The Planning Board shall hold a public hearing on an application for a macro cell WT facility within 62 days after submission of a complete application, including such technical information from the applicant as may be required by the Planning Board under the provisions of this section.
 - (b) Notice of the public hearing shall be published in the Town's official newspaper at least 10 days prior to the hearing. The notice shall indicate where the application may be examined by the public and that further information is available at the Planning Department during regular business hours. Notice shall also be mailed to owners of property within 200 feet of the subject property, and proof of such mailing must be filed with the Planning Board on or before the date of the hearing.
 - (2) All decisions on macro cell WT facility applications shall comply with applicable federal timeframes, unless tolled by mutual agreement between the applicant and the Planning Board.
- L. General and specific requirements for WT facilities.
 - (1) Design. All WT facilities shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all applicable technical and safety codes, including, but not limited to the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code.
 - (2) Safety setbacks. WT facilities not located in the public right-of-way or in a utility easement shall be designed and erected to ensure that, in the event of structural failure, all components of the facility shall fall within required setback areas and, to the maximum extent practicable, away from adjacent development.
 - (3) Security provisions. WT facilities shall incorporate security measures to prevent unauthorized access, which may include fencing, anti-climbing devices, elevating ladders and/or staff or electronic monitoring.
 - (4) Pedestrian and vehicular traffic. WT facilities shall not obstruct pedestrian or vehicular traffic, or otherwise create safety hazards for road users or pedestrians.

- (5) Maintenance. All WT facilities shall be maintained in good working order and safe condition at all times.
- (6) Graffiti removal. Any graffiti on a WT facility support structure, base station, accessory equipment, or screening shall be removed or covered within 30 days of notification by the Town, at the expense of the property owner, lease holder, and/or WT permit holder.
- (7) Wind and ice loads. All WT structures shall be designed to withstand wind gusts and ice loads consistent with ANSI standards, as applied in Dutchess County, New York, as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- (8) Aviation safety. WT facilities shall comply with federal and state aviation safety requirements.
- (9) Interference. In the event a WT facility causes interference with public safety communications or with radio, television, or broadband reception in or near the Town, the applicant shall, at their sole expense, promptly correct the issues in accordance with the FCC's "The Enhanced Best Practices Guide," as set forth in Appendix D of FCC 04-168 (released August 6, 2004).
- (10) Standby power. The owner or operator of a WT facility shall maintain standby propane power generators for 33 percent of each provider's connected facilities in the Town capable of powering the WT facility for a minimum of 24 hours without public utility power, and indefinitely with continuous or replenished fuel supply. Such standby power shall activate automatically upon the failure of public utility power to the site. The Planning Board or Planning Department may waive this requirement in appropriate cases, such as for small WT facilities not located in a densely populated area or along a major thoroughfare.
- (11) Noise control. WT facility equipment shall be sited and shielded to minimize noise impacts on adjacent residences or businesses. Equipment shall incorporate ambient noise suppression measures to reduce sound levels to a maximum of 40 dBA measured at the nearest residential property boundary during standby power operation, and 20 dBA under normal operating conditions (excluding backup power).
- (12) Radio frequency emissions. A WT facility shall not, by itself or in conjunction with other WT facilities, exceed maximum permitted FCC radio frequency emissions, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65, entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. Upon completion of a WT facility installation, and prior to the issuance of any certificate of completion, the applicant shall submit as-built RF emissions readings to the Town. Such readings shall be taken using a Narda spectrum analyzer (any model) by an engineer who is trained and certified in obtaining and interpreting results as against OET 65 standards.

M. Location.

- (1) Subject to the Planning Board's or Planning Department's review and evaluation of technological, structural, safety, and financial considerations associated with alternative locations for the siting of WT facilities, the following locational priorities shall apply to WT facilities, listed from highest to lowest priority, consistent with the Town's obligation to minimize aesthetic impacts and preserve scenic values:
 - (a) Co-location on existing buildings or structures on land owned or controlled by the Town, excluding the public right-of-way;

- (b) Co-location on sites with existing WT facilities or on other tall buildings or structures in the Town;
 - (c) On other Town-owned or Town-controlled lands including, but not limited to, the Town public right-of-way;
 - (d) On lands owned or controlled by other government entities within the Town, where permitted by the entity;
 - (e) On properties located in non-residential zoning districts;
 - (f) On properties in residential zoning districts, only if permitted by § 210-115.1D(1); and
 - (g) No WT facilities shall be located in the Main Street Historic District, Stone Street Historic District, or on or adjacent to any property listed or designated as eligible for listing on the State or the National Registers of Historic Places, or designated as a local landmark by the Town under Chapter 126 of the Town Code, unless the applicant demonstrates to the satisfaction of the Town that the site is necessary to remedy a significant gap in coverage and/or a capacity need, and that no feasible alternative location exists. In such cases, approval from the Town's Historic Preservation Commission shall be required prior to any approval from the Planning Board or Planning Department.
- (2) If a WT facility is proposed for a lower locational priority of those listed in subsections (a) to (g) above, the applicant must provide a detailed explanation justifying why a site of a higher priority was not selected. This shall include written documentation of efforts to locate the facility at a higher priority site, including copies of written requests and responses for alternative sites, and letters of rejection and their stated reasons. The applicant seeking such an exception must satisfactorily demonstrate why approval of the proposed site is warranted, and identify the hardship that would result if the request were denied.
- (3) An applicant may not justify a lower-priority site solely by stating that it is the only site leased or selected.
- (4) All applications shall address co-location opportunities. If co-location is not proposed, the applicant must provide a written explanation demonstrating to the satisfaction of the Planning Board or Planning Department why co-location is commercially or otherwise impracticable.
- (5) Notwithstanding the above, the Planning Board or Planning Department may approve a WT facility at any site within the Town if it determines that the proposed site meets the requirements set forth in this section, is in the best interest of the safety, public welfare, character, and environment of the Town, and will not negatively impact the surrounding neighborhood or community character.
- N. Setbacks. Except when located within the public right-of-way, all WT support structures, equipment, and enclosures shall comply with the minimum setback requirements of the zoning district in which the facility is located.
- O. Height limitations. The height of a macro cell wireless facility shall not exceed 150 feet and shall be limited to the height reasonably necessary to achieve its intended purpose. In determining the appropriate height, the Planning Board or Planning Department may consider coverage needs, safety requirements, visual and aesthetic impacts, and proximity

to occupied buildings. The proposed height may exceed the maximum height permitted for other structures in the applicable zoning district.

P. Visual mitigation.

- (1) All WT facilities shall be sited to minimize adverse visual impacts on nearby residential uses and the surrounding neighborhood.
- (2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, camouflaging design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares and surrounding properties to the maximum extent practicable as determined by the Planning Board or Planning Department.
- (3) All equipment enclosures and storage buildings associated with the WT facility shall be consistent or compatible with the design, materials, and colors of adjacent buildings and shall be appropriately landscaped. Accessory equipment shall be designed using materials, colors, and textures that blend with the structure to which it will be affixed and/or to harmonize with the natural surroundings.
- (4) The Planning Board or Planning Department may require alternative locations for equipment to further reduce visual impacts where technically feasible.
- (5) Equipment facilities for antennas on rooftops or attached to buildings shall be placed inside the building or structure. If the applicant demonstrates that such internal placement is not feasible, the equipment facility may be located at grade, provided all other applicable regulations of this section are met. Approval of rooftop or building-mounted antennas or equipment facilities does not exempt the structure from compliance with the Uniform Fire Prevention and Building Code.
- (6) No signage shall be erected on any WT facility except as required by the FCC or another governmental agency with jurisdiction.
- (7) The Planning Board or Planning Department shall evaluate all impacts to scenic or aesthetic resources as part of its review.
- (8) Applications for small WT facilities shall comply with the Town of Poughkeepsie Small Wireless Facility Design Standards pursuant to subsection D(3) herein to the maximum extent feasible. However, the Planning Board or Planning Department may waive specific requirements of those Design Standards or this subsection where appropriate in the context of a small WT facility permit.

Q. Materials.

- (1) Mountings for WT antennas shall be non-reflective and finished in colors that blend with the background to minimize visual impact.
- (2) Support structures for macro cell wireless facilities shall be either galvanized finish or painted black or another neutral or compatible color, as determined by the Planning Board, to harmonize with the surroundings.

R. Lighting. WT facilities shall not be artificially lighted unless required by the FAA or FCC. Any required lighting shall not exceed the minimum FAA standards and shall use the minimum intensity and number of flashes per minute allowed by the FAA, or shall employ a dual lighting system. If lighting is required, the applicant shall submit a detailed lighting plan.

- S. Utility service. All electrical and landline telephone lines extended to serve WT facility sites shall be installed underground, unless the Planning Board or Planning Department determines that underground installation is not feasible. For WT facilities attached to buildings, and if deemed practical and feasible by the Planning Board or Planning Department, all wiring from ground level to the facility shall be located within the building. If external wiring is permitted, it shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.
- T. Requirements applicable to WT facilities in the public right-of-way.
- (1) Macro cell WT facilities are prohibited in the public right-of-way.
 - (2) In addition to the applicable requirements set forth in this section, all small WT facilities located in the public right-of-way shall comply with the Town of Poughkeepsie Small Wireless Facility Design Standards, pursuant to subsection D(3), to the maximum extent feasible, and shall also meet the following:
 - (a) Small WT facilities and any accessory equipment shall be sited so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards, or to interfere with public use of the right-of-way as determined by the Town.
 - (b) In no case shall ground-mounted accessory equipment, walls, or landscaping be located within 18 inches of the face of a curb or within four feet of the edge of the paved roadway.
 - (c) Concealment measures, including camouflaging or shrouding, shall be incorporated into the design. All accessory equipment, excluding the electric meter and disconnect switch, shall be shrouded or housed within an equipment cabinet.
 - (d) When equipment cannot be placed underground or concealed within the pole or in an equipment cabinet designed as a decorative pole base, no more than two equipment shrouds shall be permitted per utility pole.
 - (e) Prior to installation, the applicant shall confirm that the proposed facility will not impair the operation of any streetlight, if applicable.
 - (3) Relocation or removal of small WT facilities in the public right-of-way. In addition to the removal provisions set forth in § 210-115.1BB below, within 90 days following written notice from the Town, or such longer period as the Town determines is reasonably necessary, or such shorter period in the case of an emergency, owners of small WT facilities and any accessory equipment in the public right-of-way shall, at their own expense, temporarily or permanently, remove, relocate, or change the position of any wireless facility or accessory equipment when the Town, consistent with its police powers and any applicable Public Service Commission regulations, determines that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (a) To construct, repair, maintain or install any public improvement in the right-of-way;
 - (b) To prevent interference with the operations of the Town or other governmental entity in the right-of-way;
 - (c) Abandonment of a street or road or the release of a utility easement; or
 - (d) An emergency as determined by the Town.

- U. Operational characteristics. The design and use of the proposed WT facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the then-current maximum NIER exposure standards promulgated by the FCC. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities acceptable to the Planning Board or Planning Department. A copy of such certification report shall be submitted to Planning Department prior to commencing operation of such facility, and a copy shall be filed with the Building Inspector. The Planning Board or Planning Department shall require recertification of conformance with the applicable emission standards as outlined in subsection V below. Additionally, copies of certification reports shall be submitted to the Planning Board or Planning Department whenever they are required to be submitted to the FCC. The Planning Board or Planning Department may hire a qualified professional to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the Town for the reimbursement of professional review fees pursuant to Chapter 106 of the Town Code. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.
- V. Recertification of permit for WT facilities.
- (1) At any time between 12 months and six months prior to the five-year anniversary date of the effective date for the WT permit and for all subsequent fifth anniversaries of the effective date of the original permit for WT facilities, the holder of the WT permit shall submit a signed, written document to the Planning Department confirming the compliance of the facility with the permit and requesting recertification. Such submission shall include the following information:
 - (a) Name of the holder of the WT permit for the WT facilities.
 - (b) Date the original permit was issued.
 - (c) Description of any modifications to the facility since the permit was issued.
 - (d) Any requests for waivers or relief from the requirements of the WT permit or of this section.
 - (e) Certification of compliance with the original WT permit and all applicable codes, laws, rules, regulations and federal certification requirements, including, but not limited to, this section.
 - (f) Certification from a New York State licensed professional engineer confirming the WT support structure, attachments, base station, and accessory equipment have been designed and constructed (as built) and continue to meet all local, county, state and federal structural requirements for loads, including wind and ice loads.
 - (2) If, after such review, the Town determines the permitted WT facility is in compliance with the permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, it may re-certify the permit for the WT facility, which may include any new provisions or conditions that are mutually agreed upon or required by applicable statutes, laws, local laws, ordinances, codes, rules and regulations. If the Town determines that the WT facility is not in compliance, the Town may deny recertification, and the facility shall cease operation unless and until any deficiencies as determined by the Town are corrected.

- (3) If all required information was timely submitted but the Town has not completed its review before a permit's five-year anniversary, the permit shall be automatically extended for three months.
 - (4) If no recertification request is submitted within the required time frame, the permit shall expire on the fifth anniversary of the most recent approval, unless the permit holder demonstrates extenuating circumstances to the satisfaction of the Town, in which case the Town may accept a late request or require a new application.
- W. Performance security. The applicant of any proposed macro WT facility, at their cost and expense, shall be jointly required to execute and file with the Town a bond, or other form of security, acceptable to the Town as to the type and form of security, in an amount to be determined by the Town Engineer, based on estimates supplied by the applicant, ensuring removal of the facility upon expiration or termination of the WT permit or cessation of facility; and with such sureties as are deemed sufficient by the Town to assure the faithful performance of the terms and conditions of this section and of the WT permit issued pursuant to this section. The full amount of the bond or security shall remain in full force and effect throughout the term of the WT permit and/or until any necessary site restoration is completed. Upon written application by the applicant, the Town may, at its sole option, permit the amount of the bond to be reduced or waive the bond requirement.
- X. Authority to inspect. To verify that the holder of a WT permit, and any and all lessees, renters, and/or licensees of the WT facilities, construct and locate such facilities, including supporting structures, accessory equipment and antennas, in accordance with all applicable technical, safety, fire, building, and zoning laws, statutes, codes, rules, regulations and other applicable requirements, the Town may inspect, at any time, upon reasonable notice, all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, WT support structures, antennas, accessory equipment, and electromagnetic output.
- Y. Indemnification. As a condition of any approval for a WT facility proposed on Town property or in a public right-of-way pursuant to this section, the applicant and the owner shall agree, to the extent permitted by law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town and its elected officials, officers, board members, employees, committee members, attorneys, agents and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, product performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility; excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.
- Z. Independent NIER testing. The Town may, at its own expense and with or without notice to the WT provider, conduct an independent certification test of the NIER levels of any WT facility site.
- AA. Revocation of WT permit.
- (1) If any WT facility is constructed, repaired, rebuilt, placed, moved, relocated, modified, operated or maintained in a way that is inconsistent or not in compliance with the

provisions of this section, the approvals, or the WT permit conditions and requirements, or it is determined conclusively that the applicant made materially false or misleading statements during the application process, then the Building Inspector or their designee shall notify the holder of the permit in writing of such violation. Such notice shall specify the nature of the violation or noncompliance. Any violation must be corrected within seven (7) days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this section or any other provision of this section, if the violation or noncompliance causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Building Inspector or Zoning Administrator may, at their sole discretion, order the violation remedied within 24 hours.

- (2) If, within the period set forth in the preceding paragraph, the WT facility is not brought into compliance with the provisions of this section, the approvals, or the WT permit, or substantial steps are not taken in order to bring the affected WT facility into compliance, then the Building Inspector or Zoning Administrator may revoke such WT permit and require removal of such WT facility pursuant to Subsection BB below.

BB. Removal.

- (1) The Town may determine that the safety, public welfare, character and environment of the Town warrant, and Town may require, the removal of WT facilities under the following circumstances:
 - (a) The WT facility has been abandoned (*i.e.*, not used as WT facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365-day period, except for periods caused by force majeure or acts of God, in which case repair or removal shall commence within 30 days of such force majeure or acts of God;
 - (b) A permitted WT facility falls into such a state of disrepair that it creates a safety hazard;
 - (c) The WT facility has been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required WT permit, or any other necessary authorization; or
 - (d) Any WT facility is determined to be in violation of this section and such violation is not cured within the time set forth herein.
- (2) If the Town makes a determination pursuant to the preceding paragraph, then it shall notify the holder of the WT permit and the owner of the property in writing that said WT facility is to be removed.
- (3) The holder of the WT permit or the owner of the property shall be required to dismantle and remove such WT facilities, and all accessory equipment and associated structures from the site and return the site to its original condition, and certify through soils or other testing that no contamination has been created by the facility, such restoration to be completed, limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Town to remove such WT facilities. However, if the owner of the property upon which the WT facility is located wishes to retain any access roadway to the WT facilities, the owner may do so upon receiving approval from the Town.
- (4) If the WT facility is not removed within 90 days after the WT permit holder has received such written notice of removal, then the Town Board may order the removal

of the WT facility at the expense of the property owner, lease holder, and/or WT permit holder.

- (5) If the Town removes or causes to be removed the WT facility, and the owner of the WT facility does not claim and remove them to a lawful location within 10 days, then the Town may take steps to declare the WT facility abandoned and dispose of or sell it and its components and retain any proceeds therefrom. The Town may also cause the costs associated with the removal and disposal of the WT facility to be assessed on the property in the same manner as a tax or assessment.

CC. Enforcement, administration and penalties for offenses.

- (1) The requirements established by this chapter shall be administered and enforced by any law enforcement agency that has jurisdiction in the Town of Poughkeepsie, the Town Zoning Administrator, the Building Inspector, or their duly authorized representatives.
- (2) The individuals identified in subsection (1) above are authorized to issue appearance tickets as defined in § 150.10 of the Criminal Procedure Law, and to prosecute the violation in Court, and are authorized to issue orders to remedy and notices of violation, to enforce the provisions of this Chapter.
- (3) Any violation of this chapter shall be deemed an offense, and each occurrence or incident shall constitute a separate offense. If a violation continues for more than a 24-hour period, each day shall constitute a separate offense.
- (4) If the offense occurs on the premises of a property that is occupied by someone other than the owner, the issuer of the appearance ticket must also notify the owner in writing of the violation within five business days of said violation. Failure to provide such notice shall not affect the prosecution of the person or persons charged with said offense.
- (5) A violation of this chapter or any part thereof shall constitute an offense punishable as follows:
 - (a) By a civil penalty
 - (i) not to exceed \$5,000 for a first offense;
 - (ii) not to exceed \$7,500 for a second offense; and
 - (iii) not to exceed \$10,000 for any subsequent offense; and/or
 - (b) By a fine
 - (i) not to exceed \$10,000 for a first offense;
 - (ii) not to exceed \$15,000 for a second offense; and
 - (iii) not to exceed \$20,000 for any subsequent offense; and/or
 - (c) By imprisonment for a term of not more than fifteen (15) days; and/or
 - (d) By any combination thereof.

DD. Adherence to state and/or federal rules and regulations.

- (1) The holder of a WT permit issued pursuant to this section shall adhere to and comply with all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

- (2) If the rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security, are amended or are modified during the duration of a WT permit, then the holder of such permit shall conform the permitted WT facilities to the applicable amended and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.

ZONING
210 Attachment 1
Town of Poughkeepsie
Small Wireless Facility Design Standards

I. BACKGROUND AND PURPOSE

The Town of Poughkeepsie has adopted these design standards to facilitate the orderly installation of small wireless telecommunications (WT) facilities in the Town. These standards apply to all requests to locate small WT facilities throughout the Town and within the public rights-of-way (“ROW”) pursuant to § 210-115.1 of the Poughkeepsie Town Code. The Town requires WT providers to locate and design small WT facilities in a responsible fashion. These networks of low-powered micro antennas provide cellular and data coverage to supplement the providers’ macro-cellular networks. New small cell installations will improve the providers’ ability to meet current and future consumer cellular and data needs.

The following design standards have been developed by the Town of Poughkeepsie to maintain an aesthetically pleasing community environment, protect the safety and welfare of Town residents, protect the integrity of historic, cultural, and scenic resources in the Town, minimize degradation of the residential character of neighborhoods, and require the best available design to eliminate visual impacts while ensuring that adequate public services and facilities are constructed to accommodate the needs of Town residents.

These design standards supplement the requirements in § 210-115.1 of the Town Code, particularly the standards on Visual Mitigation:

“Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, camouflaging design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, and surrounding properties to the maximum extent practicable as determined by the Planning Board or Planning Department.”

This document establishes design and aesthetic requirements and specifications that all small WT facilities must meet prior to installation within the Town’s boundaries. In this document, the term “shall” indicates a mandatory requirement unless the Town finds a strong justification for an alternative solution in an unusual and specific circumstance; the terms “should” and “may” indicate that the standard is an optional guideline that is encouraged but not required.

II. AESTHETIC STANDARDS

- A. General.** All small WT facilities shall utilize the smallest, least visually intrusive antennas, components, and other necessary equipment available at the time of installation, and shall employ screening, concealment, and other camouflage techniques to minimize visual impacts to the greatest extent practicable.
- B. Location.** The Town encourages roof-mounted small WT facilities and location on an existing or replacement pole, over installation of a new freestanding small cell pole whenever feasible. Roof-mounted facilities shall be screened and be located so as to be substantially hidden from view at eye level from street rights-of-way and any adjacent residential properties. Roof-mounted equipment shall be compatible with, or painted the same color as, the building.

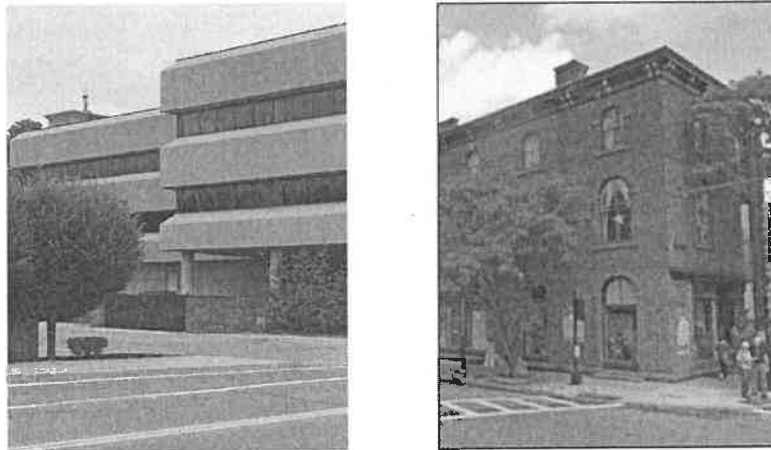


Figure 1: Examples of Roof-Mounted Small Wireless Installations

- C. Internal Installs.** Equipment shall be installed within an existing pole when technically feasible, and always on a new pole. Any equipment installed within a pole may not protrude from the pole except to the extent reasonably necessary to connect to power or a wireline.
- D. External Shrouding.** The antenna shall be contained entirely within a cantenna (i.e., antenna enclosure), and any other equipment that cannot be installed within a pole shall be concealed within an equipment cabinet or shroud, with the exception of equipment required by the electric utility.
- E. Antennas.**
- (1) A cantenna shall be mounted directly on top of the pole, unless a side arm installation is required by a pole owner. Top-mounted cantennas shall be aligned with the centerline of the pole, shall not exceed the diameter of the pole at the level of the antenna attachment whenever possible, and shall appear as a seamless vertical extension of the pole. Where the maximum cantenna diameter exceeds the diameter of the top of the pole, a tapered transition between the upper pole and cantenna is required.
 - (2) Side-mounted antennas shall be, as nearly as possible, flush-mounted to the pole and in no case shall the furthest point of the enclosure extend more than 18 inches from the pole.

F. Equipment Enclosures Generally. Mechanical equipment and devices shall be concealed underground; within the pole or an equipment cabinet designed as a decorative pole base; or in the case of wood poles only, within an unobtrusive equipment shroud mounted directly to the pole. Strand-mounted equipment shrouds attached to utility lines are prohibited. Equipment enclosures, including electric meters, shall be as small as possible.

G. Ground-Mounted Equipment.

- (1) Ground-mounted equipment in the right-of-way is prohibited, unless the applicant can demonstrate that all other options outlined in § F. above are technically infeasible, or the electric utility requires placement of equipment on the ground (such as an electric meter). Examples of conditions that would constitute technical infeasibility include shallow groundwater and the presence of existing underground utilities that would preclude underground installation.
- (2) If ground-mounted equipment is necessary, the applicant shall conceal the equipment. Concealment shall include landscaping (with a planting quantity and size such that 100% screening is achieved within two years of installation), strategic placement in less obtrusive locations, and placement within existing or replacement street furniture, as shown in Figure 2. Alternative measures for concealment may be approved if the Town determines they are at least as effective in concealing the small wireless facilities as the measures required.

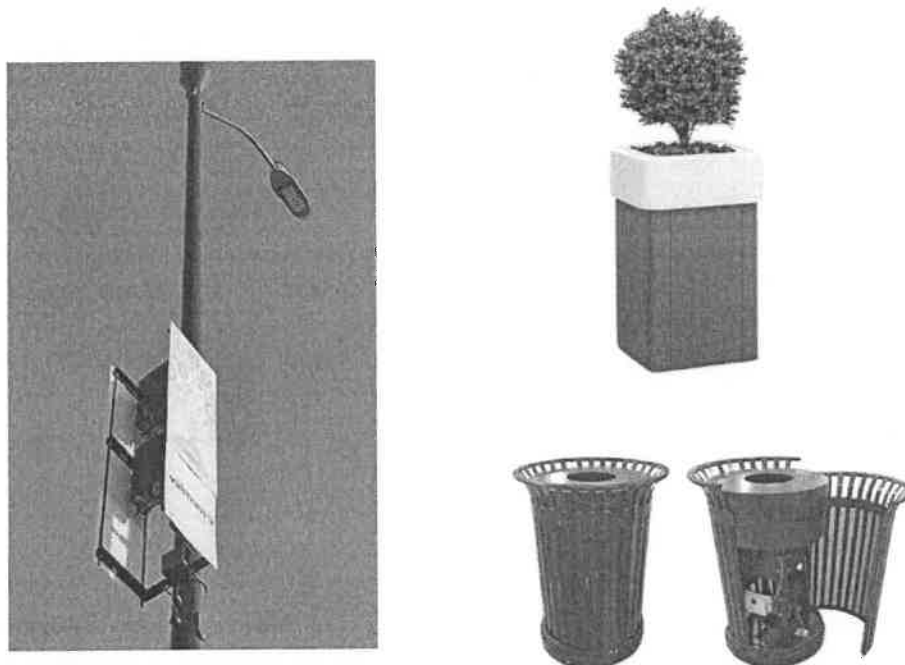


Figure 2: Examples of Concealed Equipment

- (3) All ground-mounted equipment within the right-of-way shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of traffic signals, public transportation, signage, streetlights, street furniture, fire hydrants, underground infrastructure, or business district maintenance.

- H. Exterior Pole-Mounted Equipment.** All exterior pole-mounted equipment other than the electric meter and disconnect switch shall be concealed within an equipment shroud. The lowest point of the equipment shroud shall be a minimum of eight (8) feet above ground level below the pole. The equipment shroud shall match the pole aesthetics and shall be securely strapped to the pole. Wires and cabling shall be hidden from view. Where possible, equipment shrouds shall be concealed behind decorative banners, as shown in Figure 2.
- I. Cables and Wires.** All cables and wires related to the small wireless facility shall be concealed within the hollow interior of the pole, or if concealment is not technically feasible, flush-mounted to the pole in conduit painted to match the color of the pole. There shall be no external cables or wires hanging off or otherwise exposed on the wireless support structure.
- J. Color.** All equipment, antennas, shrouds, straps, etc. shall be painted to match the color of the pole in order to make it as unobtrusive as possible. Paint shall be powder coated over zinc paint. If the pole is wood, the visible attachments and hardware shall be colored gray.
- K. Stickers/Signs.** Any on-pole shroud and ground-mounted utility box shall be labeled with one (1) RF warning sticker, with a background to match the pole color, no larger than 4 inches by 6 inches, unless otherwise required by the FCC. Facing to the street near the elevation of the antennae, there shall be a 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number. No other advertising, logos or decals shall be permitted.
- L. Replacement Poles.** Replacement poles shall be located as near as possible to the existing pole. The abandoned pole shall be removed within 15 days of installing the replacement pole, and no small wireless facility certificate of compliance shall be issued until the abandoned pole is removed. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous ROW unless a different design is required by the Town.
- M. Consideration of Alternative Locations.** The Town reserves the right to propose an alternative location for a small wireless facility and/or wireless support structure to the one proposed in the application, which the operator shall use if it can obtain permission to use the alternative location on comparable terms and conditions, and the alternative location provides comparable projected service to the proposed location.

III. ATTACHMENTS TO LIGHT POLES

- A. Purpose.** This section of the design standards provides additional requirements for small wireless facility attachments to a light pole. No small wireless facility shall be allowed as an attachment on an existing ornamental light pole, as determined by the Town. Three different types of small wireless facility installations are permitted on light poles, which are:
- (1) Locating small wireless facility equipment on plain (non-ornamental) wood light poles.
 - (2) Locating small wireless facility equipment on plain (non-ornamental) metal light poles.
 - (3) Replacing an existing plain wood or plain metal streetlight pole so that small wireless facility equipment can be attached. This would be applied in instances when an existing wood or metal streetlight pole is approved to be removed and replaced.

B. Standards.

- (1) Only one (1) small wireless facility shall be allowed per light pole.
- (2) All pole components shall be shaped to be visually pleasing and proportional to each other, as shown in Figure 3-B. Each pole component shall be architecturally compatible to create a cohesive aesthetic. There shall be a smooth transition from the upper pole to the antenna. Examples of unacceptable and acceptable small cell installations can be found in Figures 3-A and 3-B.
- (3) On an existing or replacement wood light pole, all equipment excluding the antenna shall be housed in an equipment shroud on the pole, or in a new or existing ground-mounted utility box, as shown in Figure 4-A.
- (4) On an existing or replacement metal light pole, all equipment excluding the antenna shall be housed within the pole or an equipment cabinet designed as a decorative pole base (as shown in Figure 4-B), or contained in an existing underground vault (required unless technically infeasible). No equipment shall be strapped to the outside of the pole.
- (5) A base equipment cabinet shall be round with a preferred diameter up to 16 inches and a maximum 20-inch diameter.
- (6) A decorative transition shall be installed over the upper bolts on the base equipment cabinet, or a decorative base cover shall be installed to match the equipment cabinet size. Horizontal flat spaces shall be no more than 1.5 inches to prevent trash and other objects from being paced on the pole components
- (7) Equipment shall be oriented away from the street. If an exception is made allowing the small cell equipment to orient toward the street, the attachment shall be installed no less than 16 feet above the ground.
- (8) Equipment shall not block visibility of streetlight banners.



Conduit mounting bracket, and other hardware must be hidden from view

Antenna must include a smooth transition between upper pole and antenna attachment

Upper pole shall be smooth and straight, with 1.5 inch (max.) of flat surface where mounted to the equipment cabinet

Equipment cabinet must be round. 16-inch diameter is preferred, 20-inch diameter max.

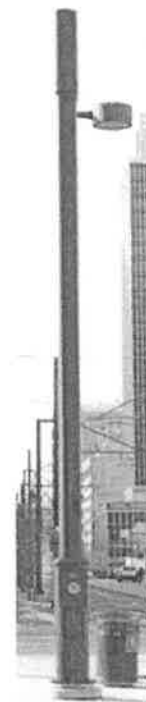


Figure 3-A: Unacceptable Installation

Figure 3-B: Acceptable Installation

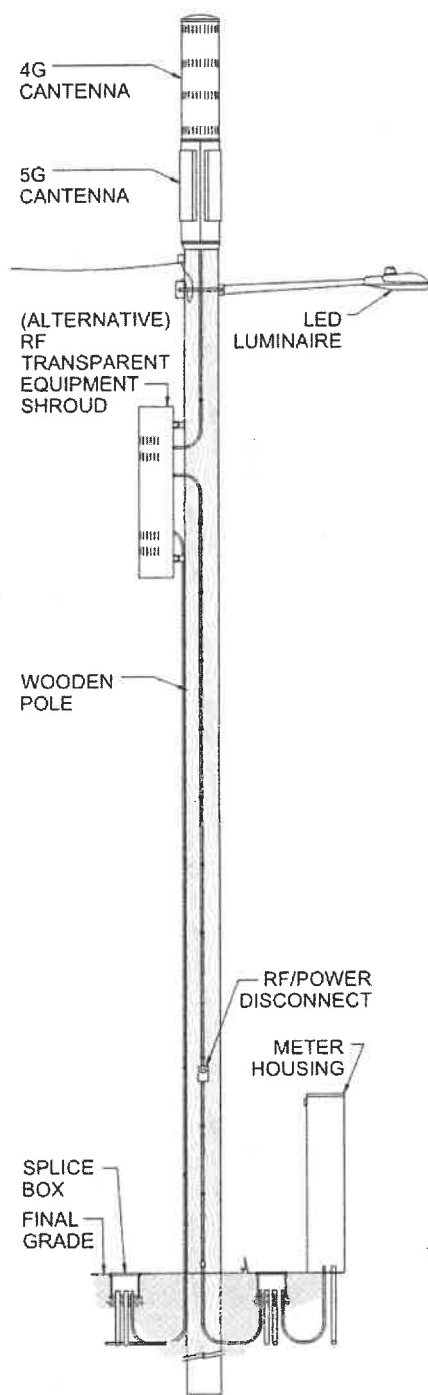


Figure 4-A: Installation on Wood Light Pole

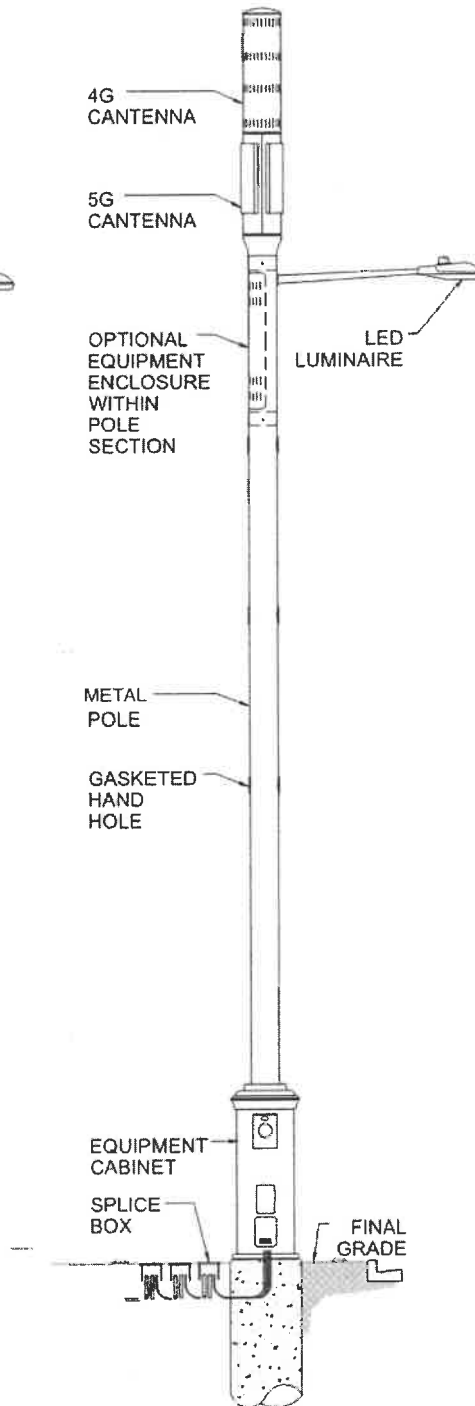


Figure 4-B: Installation on Metal Light Pole

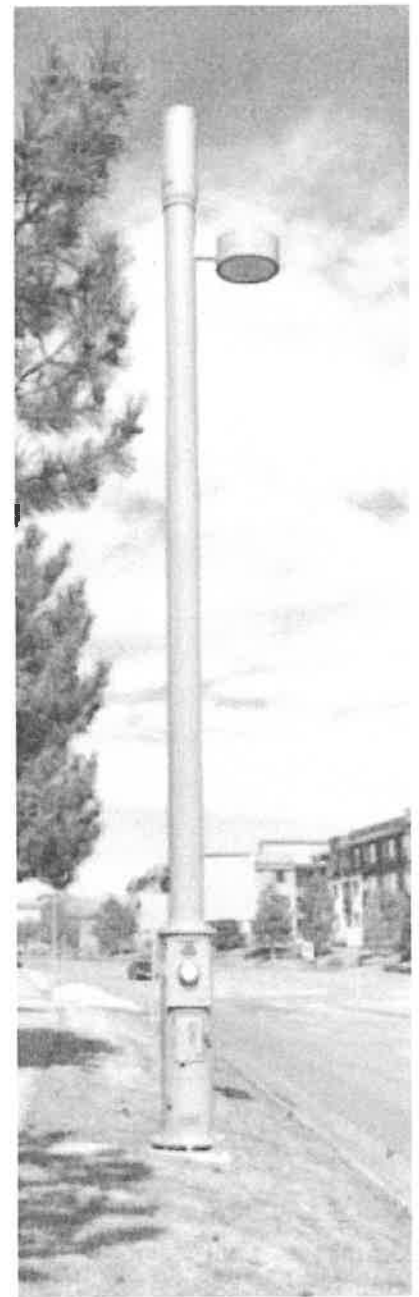


Figure 4-C: Light Pole Installation

IV. ATTACHMENTS TO UTILITY POLES

A. Purpose. This section of the design standards provides additional requirements for the attachment of a small wireless facility to an existing utility pole.

B. Standards.

- (1) Only two (2) equipment shrouds shall be allowed per utility pole.
- (2) Any attachment to a utility pole shall first be approved by the owner of the utility pole.
- (3) A small wireless facility attachment shall conform to the pole owner's attachment standards.
- (4) All associated equipment shall be mounted on the pole if allowed by the pole owner and the pole is capable of supporting it. Otherwise, equipment shall be located as permitted in § IIF herein.
- (5) A new utility pole installed for the purpose of attaching a small cell is not permitted but would be treated as a freestanding small cell pole.

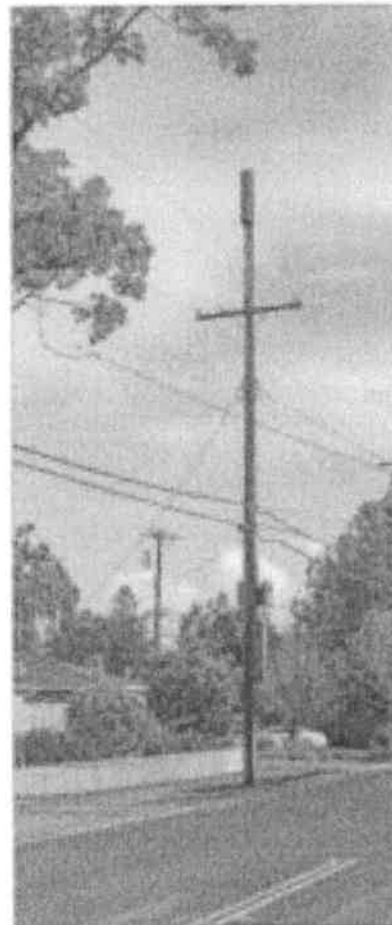
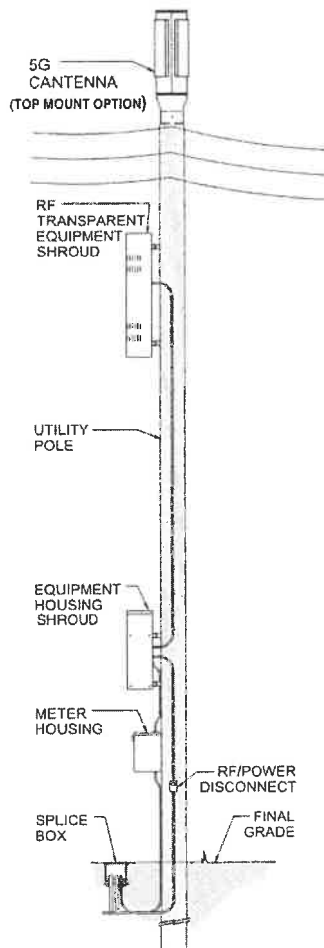


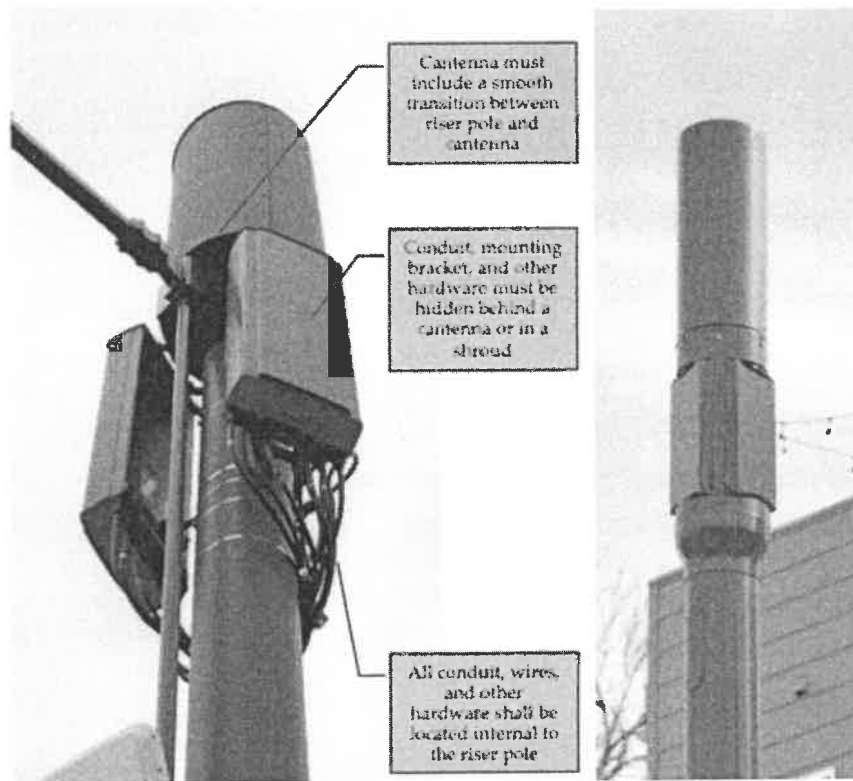
Figure 5: Installation on a Utility Pole

V. INSTALLATION OF FREESTANDING SMALL CELL POLE

A. Purpose. This section of the design standards provides additional standards for a freestanding small cell pole.

B. Standards.

- (1) New poles shall be of monopole design; lattice structures shall not be permitted.
- (2) Poles, equipment cabinets, and bolts shall be galvanized steel. Paint shall be powder coated over zinc paint.
- (3) All pole components shall be shaped to be visually pleasing and proportional to each other, as shown in Figure 6-B. Each pole component shall be architecturally compatible to create a cohesive aesthetic. Examples of unacceptable and acceptable small cell installations can be found in Figures 6-A and 6-B.



- (4) All equipment excluding the antenna shall be housed within the pole or an equipment cabinet designed as a decorative pole base. No equipment shall be strapped or banded to the outside of the pole.
- (5) A base equipment cabinet shall be round with a preferred diameter of up to 18 inches and a maximum 24-inch diameter.

- (6) A decorative transition shall be installed over the upper bolts on the base equipment cabinet, or a decorative base cover shall be installed to match the equipment cabinet size. Horizontal flat spaces shall be no more than 1.5 inches to prevent trash and other objects from being paced on the pole components.
- (7) Small cell poles shall have a smooth transition from the upper pole to the antenna.
- (8) All hardware connections shall be hidden from view.
- (9) Small cell poles shall coordinate with neighborhood pole style, color, and material type, matching aesthetics of adjacent poles, except where directed otherwise by the Town, but may have larger diameter to internally conceal equipment.
- (10) Ownership of small cell poles is to remain with the provider.
- (11) At least 15% of the pole design structural capacity should be reserved for future municipal installations.
- (12) All new poles shall have appropriate clearance from existing utilities.

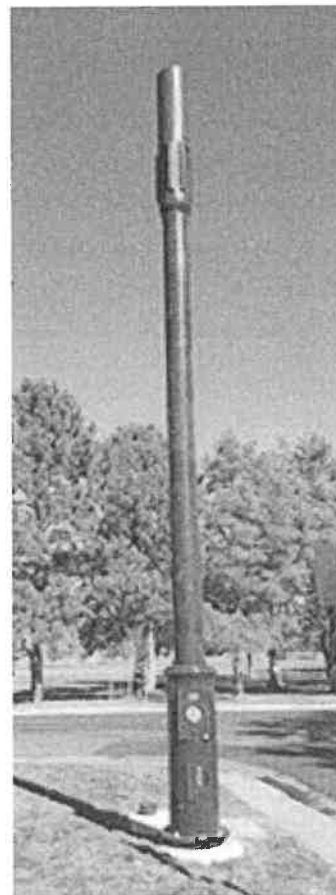
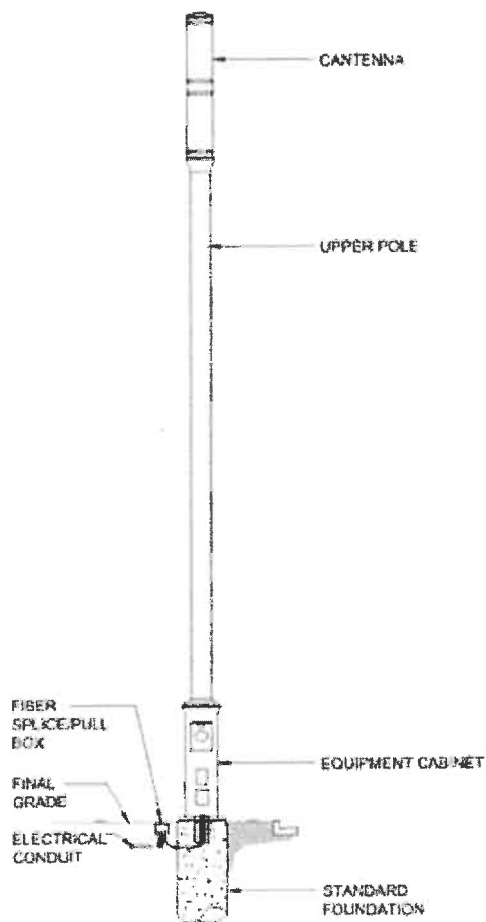


Figure 7: Freestanding Small Cell Pole

C. Placement Requirements. All small cell poles placed in the ROW shall be located:

- (1) In a manner that does not impede, obstruct, or hinder operation of any emergency service, nor the usual pedestrian or vehicular access or travel including to or from private properties and of legally parked vehicles or permitted items in the public ROW.
- (2) In alignment with existing trees, utility poles, and streetlights.
- (3) Within the street amenity zone whenever possible, as shown in Figure 8.



Figure 8: Freestanding Small Cell Pole in Amenity Zone of ROW

- (4) At an equal distance between other poles when possible.
- (5) Equal distance between trees when possible, with a minimum of 15-25 feet of separation to the tree trunk such that no proposed disturbance shall occur within 5 feet of the critical root zone (drip-line) of any tree. Small cell poles shall not be placed on sites that are prime locations for tree planting due to soil quality, tree lawn width, and importance of tree canopy at this location to the community.
- (6) With appropriate clearance from existing utilities.
- (7) Outside clear sight triangle at intersections, driveways, and alleys as shown in Figure 9.

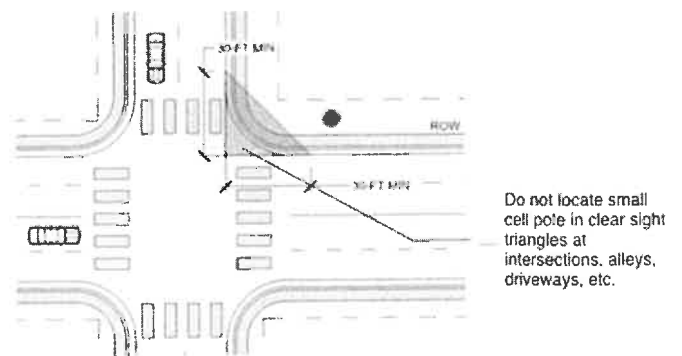


Figure 9: Small Cell Pole Sight-Line Requirements

- (8) So as not to be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.
- (9) At least 5' from driveways, entrances or private walks to buildings, and bus shelters.
- (10) At the intersection of property lines as much as possible to avoid interference with the building face, views, business signage, pedestrian flow, etc., as shown in Figure 10.

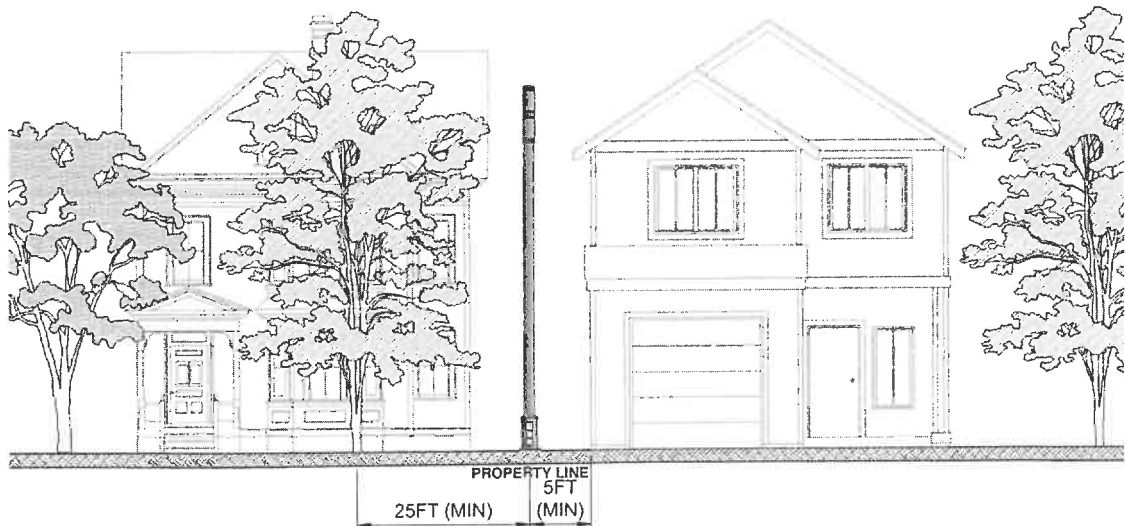


Figure 10: Preferred Pole Location

- (11) So as not to be located along the frontage of a building that is a contributing feature to the Main Street and Stone Street Historic District designations, is listed on or eligible for listing on the State or National Registers of Historic Places, or is designated by the Town as a landmark pursuant to Chapter 126 of the Town Code
- (12) So as not to significantly create a new obstruction to property sight lines as shown in Figure 12.
- (13) When located adjacent to a commercial establishment, such as an office, store, or restaurant, or a multi-family or mixed use structure, care shall be taken to locate the small cell pole such that it does not negatively impact the adjacent business. Poles shall not be located in front of storefront windows, primary walkways, primary entrances or exits, or in such a way that would impede a delivery to the building. Poles shall be located between buildings/properties as much as possible, as shown in Figure 11.

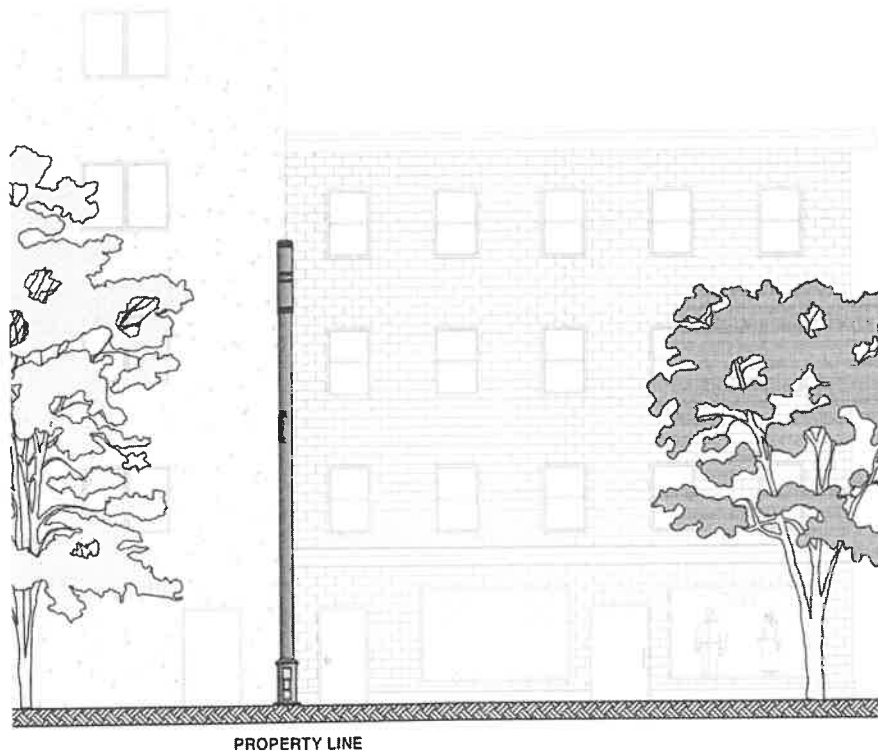


Figure 11: Preferred Pole Location

(14) The small cells shall not be installed within the perpendicular extension of the primary street-facing wall plane of any single or two-family residence as shown in Figure 12. The primary street-facing wall plane is recognized as the plane(s) with a front door.

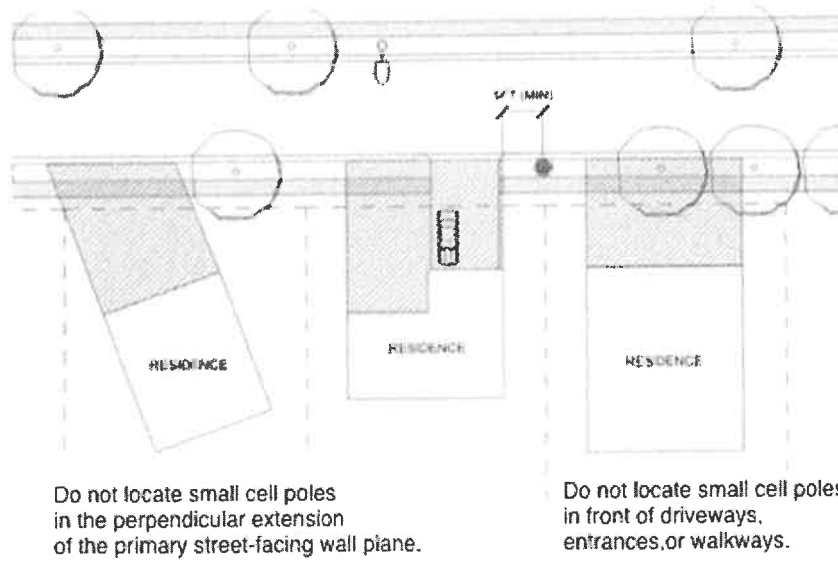


Figure 12: Preferred Pole Location

VI. INSTALLATION OF NEW SMALL CELL AND PEDESTRIAN LIGHT

A. Purpose. This section of the design standards provides additional standards for installation of a new combination small cell and pedestrian light.

B. Standards.

- (1) Poles shall be round, straight, a maximum of 10-inch round.
- (2) Poles, equipment cabinets, and bolts shall be galvanized steel. Paint shall be powder coated over zinc paint.
- (3) The antenna shall be housed internal to the pole.
- (4) All equipment shall be housed internal to the pole or in an equipment cabinet designed as a decorative pole base. No equipment shall be strapped or banded to the outside of the pole.
- (5) A base equipment cabinet shall have a maximum 14-inch diameter.
- (6) All pole components shall be shaped to be visually pleasing and proportional to each other, as shown in Figure 13. Each pole component shall be architecturally compatible to create a cohesive aesthetic.
- (7) A decorative transition shall be installed over the upper bolts on the base equipment cabinet, or a decorative base cover shall be installed to match the equipment cabinet size. Horizontal flat spaces shall be no more than 1.5 inches to prevent trash and other objects from being paced on the pole components.
- (8) A small cell and pedestrian light pole should only be located where an existing pedestrian light can be removed and replaced, or at a new location where it has been identified that a pedestrian light is necessary.
- (9) Small cell and pedestrian light poles shall be owned by the applicant.
- (10) Luminaires shall comply with § 210-81 of the Town Code.

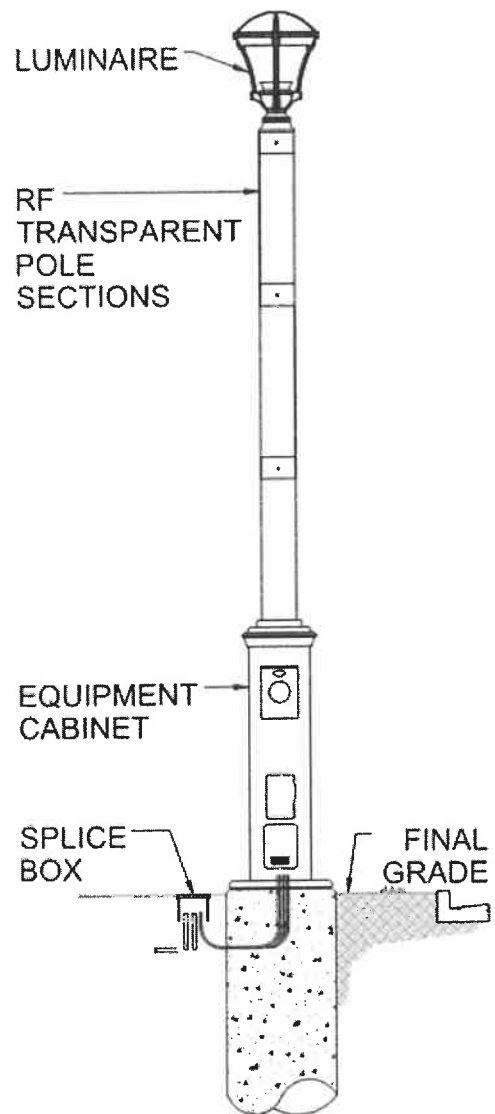


Figure 13: Combination New Small Cell and Pedestrian Light

**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: A Local Law to amend Chapter 210 "Zoning" to establish regulations for Wireless Telecommunications Facilities, and amending the title of Chapter 185		
Project Location (describe, and attach a general location map): Town of Poughkeepsie, New York		
Brief Description of Proposed Action (include purpose or need): This local law amends the Zoning Law of the Town of Poughkeepsie to establish uniform regulations for the siting, design, permitting, maintenance, and use of wireless telecommunications facilities within the Town. The regulations are intended to protect the public health, safety, and general welfare, and to bring the Town's Zoning Law into conformance with "Greenway Connections: Greenway Compact Program and Guides for Dutchess County Communities" pursuant to Chapter 18 of the Town Code. The proposed regulations are consistent with the recommendations of the Town's 2021 Comprehensive Plan to update the Town's land use regulations to address emerging land uses, "specifically including telecommunications facilities including 5G technology," to ensure they are "properly regulated based on the needs of the Town." In addition, this local law amends the title of Chapter 185 of the Town Code to improve clarity and to distinguish it from proposed § 210-115.1 of the Zoning Law.		
Name of Applicant/Sponsor: Town of Poughkeepsie Town Board	Telephone: (845) 485-3600	E-Mail: redwards@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: New York	Zip Code: 12603
Project Contact (if not same as sponsor; give name and title/role): Michael Welti, AICP - Director of Municipal Development - Town of Poughkeepsie	Telephone: (845) 485-3657	E-Mail: mwelti@townofpoughkeepsie-ny.gov
Address: 1 Overocker Road		
City/PO: Poughkeepsie	State: NY	Zip Code: 12603
Property Owner (if not same as sponsor): N/A	Telephone: N/A	E-Mail: N/A
Address: N/A		
City/PO: N/A	State: N/A	Zip Code: N/A

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, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Code Amendment	Proposed June 2025. Projected adoption in July 2025
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Zoning Text Amendment Recommendation	Projected recommendation by the Planning Board at June 2025 meeting
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Planning (DCP) - GML 239	Projected response from the County Planning Department in June 2025
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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):
 The Town of Poughkeepsie is a Hudson River Valley Greenway Compact Community and is within the Hudson River Valley National Heritage Area. _____

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):
 The Town Board adopted the Natural Resource Inventory (NRI) and Open Space Plan on April 12, 2023. _____

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 <u>proposed zoning</u> text amendment would apply throughout the Town	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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>Zoning text amendment related to Wireless Telecommunications Facilities</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Arlington CSD, Wappingers CSD, Spackenkill CSD, and Hyde Park CSD</u>	
b. What police or other public protection forces serve the project site? <u>Town of Poughkeepsie Police Department</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Arlington Fire District, Fairview Fire District, and New Hamburg Fire District</u>	
d. What parks serve the project site? <u>Town and County Parks</u>	

D. Project Details

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? 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: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Will the proposed action be constructed in multiple phases? 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: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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?

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

Yes No
 Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____
 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • 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? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
 N/A _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Poughkeepsie Date May 28, 2025

Signature Michael A. Welti, AICP Title Dir./Municipal Development - Town of Poughkeepsie