



**THE CITY OF POUGHKEEPSIE  
NEW YORK**

**PUBLIC HEARING**

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**(REGARDING PROPOSED  
AMENDMENTS TO THE ICE HOUSE'S  
LIQUOR LICENSE)  
MINUTES**

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**Monday, May 20, 2013 5:45 pm**

**City Hall**

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**Chairman Mallory** called the meeting to order at 5:45 p.m.

**Sean Harden - 36 Glenwood Avenue** – I came here tonight again after the last meeting, supporting the Ice House in obtaining their liquor license, which is kind of funny, because tomorrow is my 21<sup>st</sup> Birthday. Just a little joke there. Personally, I've heard numerous concerns in the community. I believe that building is more of an adult crowd. We have other businesses, like the River Station and Mahoney's that have full liquor license and cater to the Marist Crowd. That's why we have so many problems at those places, but they still have their full liquor license. I don't think the same thing is going to happen here because the adult people know how to behave...things like that. Heard at other meetings that other properties do not have a liquor license; one being Benny's [10<sup>th</sup> Inning]. His is more of a carry in/carry out establishment. That's not a full restaurant. He does not want a liquor license. The Mayor said that he didn't want a liquor license, but if he did, the City would help him obtain one, if he really wanted one because at the McCann Golf Course, there are numerous golfers who drink alcohol on the golf course and even upstairs in Christo's, again, in a City park they have a liquor license there. Parking is the only problem since the building opened. The complaint is that there's not enough. That field used to be parking years ago between the Skate park and current lot. May be possible to open that back up or something? It's Summertime now – you may have issues with that. People now want to go to the Waterfront area because we have a restaurant. For years and years, it was an empty building. This is the first time in my life that something useful has been in that building. I see... "Why do they get their garbage picked up for free?" That's what has to be negotiated into a lease, and it is. That's why their garbage is picked up. These people put hundreds of thousands of dollars into this building. Then I hear, "Why is DPW sandbagging during hurricane Sandy, and that's because again, it's a City building. Being a business in a City building, they're paying

the City to be there. They deserve at every opportunity to do well. The Common Council has voted to extend the park hours to 11:00 p.m. to help establish a business. I've seen other Council members thank them over that clean up day. They provided lunch for everybody at no cost. So, why not? Give them their liquor license – it has to be renewed every few years; if it doesn't work out, either limit or revoke it. Right now, so far that park is greatly improved. People never wanted to go there after dark. Now it's a very lively place. There's always cars down there almost every single night. I just have to say, please support this. It's not a political issue, it's bringing tax dollars into the City. I never knew what Poughkeepsie had down here. Let's just give them a full chance. Vote "Yes" and provide them with a full liquor license, please.

**Roger Christenfeld - 103 South Hamilton Street** – I am here to sense the growth of wonderment of the Ice House, which started out as a simple hot dog stand, in people's minds and over time, has grown to be a grown up restaurant. I'm not quite sure if this is evolution or intelligent design, but it is now a restaurant with first rate food. I have eaten in there with beer and wine, which was not originally contemplated. It is a larger restaurant than one originally had in mind. It has a patio and parking. There is rumor of moving the children's playground to provide yet, more parking for it. The only thing that has not changed is the lease. It is still at a price of \$1,200 per month which is a wonderful price for a hot dog stand. So, it seems to me, that we might bring this thing up to date. We are talking about prime property and we are talking about an amount for City, which, rumor has it, is not in first rate financial condition. It has this magnificent restaurant is the price of a one bedroom apartment without a river view. What is this prime land worth? It is beyond my capabilities to estimate, but I would reckon it in the thousands. Let them serve liquor, but if you are reopening this contract, reopen it with an open mind. Thanks.

**John Mylod - 101 Beechwood Avenue** – I've spent the better part of the last 50 years in, on and around the river as the last of the Poughkeepsie shed fishermen, as a rowing coach, as a supporter of rowing, as an environmentalist. My shed partner, Buddy (Shudin?) and I spent 30 years in a row, on the second Saturday of every May, setting stake boats for High School rowers for men and women. So, I know a little bit about the Waterfront, the river and Waryas Park. It gets a bit of a "bum rap," sometimes when people talk about how the conditions are so bad down there and now the restaurant is supplying safety. I have never had a problem in Waryas Park. I have seen some issues from time to time, but I have never been concerned about being there in any hour of the day or night. I oppose the sale of hard liquor at the Ice House at Waryas Park. To put the issue in a larger context, the request of the Ice House to sell hard liquor is just one more incremental intrusion into the day to day public use of a public park. It is part of a tale of "Bait and Switch." The City, in 2010 published a request for the proposed use in Waryas Park, commonly known as the Ice House, and without the use of alcohol, since it was park land. Surprisingly, the Administration announced that the building would become a full service deli – on the Waterfront – in a public park. Then it was to become a low impact eatery offering wine and beer that could be open during park hours. Then it morphed into a destination restaurant that required a new ordinance to extend the park hours for Waryas Park to allow the restaurant to stay open until 11:00 p.m. Then it wanted tents to enhance the outdoor use of patios, that during most of last year had signs

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that discouraged all but the patrons of the Ice House from using the park assets. Now, there's a request for hard liquor. Next, they will want weddings and other non-park uses. Quite simply, the Ice House is a restaurant in the park, but not of the park. The exclusive use on the patio might come down, but the result is the same. However, the issue of alcohol in the park at hand, should not be approved. A liquor license cannot be issued to an establishment located within 100 feet of a school. Here, the situation should be treated the same way. The building is not 100 feet of a playground, it is in the playground. It is also a neighborhood playground and a park for all to enjoy the river. Plus, within 500 feet of the Ice House there are three other bars offering alcohol, and no need for the Ice House to do the same. The Ice House differs too, from the example often cited, that Christo's is in a park, but the realities are quite apparent. The Ice House is in the middle of an active park and playground. Whereas, Christo's is separated from Spratt Park, and far from a play area. The Ice House has the potential to drive more decisions on Waryas Park to put further uses of the park in jeopardy. Already, there is a plan to move the playground equipment from behind the restaurant, and out into the hot sun, rather than leave it in its current shaded area. Some have suggested using other grassy areas in the park for more parking, and the County Planning Department has suggested mixed use, commercial development in Waryas Park along Water Street to enhance the current commercial use of the park by the private for-profit business. Parking is a nightmare, boat launch trailer parking has been reduced to 4 spaces and overflow trailer parking on Water Street is often eliminated by Ice House patrons and staff. Signage for boat parking suddenly this Spring – without public input has a start and end date in mid-May and October, even though boat launch is actively used from March to November. Moreover, the focus on the Ice House as a full service restaurant-bar, is an unfortunate result of zero planning that went into use for public park building in its role in the overall park experience. The building was let stand during the development in Waryas Park in the 1970's so it could be used as a concession stand for the park and so that families could buy a hot dog or an ice cream and sit under the trees under the patio. Oh yes, they cut the trees down on the patio, also. Many festivals and public performances took place on the patio and surrounding park areas. The legacy for genuine park uses was eliminated, washed away by the aggressive uses of marketing of a public park facility by the license holders. Not only is it an issue in terms of the building in its current location, but we are in a flood plain. The kinds of storms that happen in 2012, 2011 and 2013 will happen again. It is a mistake to continue to let it grow like top seed. Thank you.

**Ken Stickle - 118 Catherine Street** – Is in favor of the Ice House getting their liquor license. Finds Waryas Park safer, not in the Poughkeepsie Journal...the Police have never been called to the Ice House. They have a, “No Tolerance” policy down there. How many times have the Police been called to the River Station, the Brown Derby, Noah's, so on and so forth. The only other bar is “Andy's” because they close their restaurant up at 9:00 p.m. To grant this establishment that gives to the City, when we have special events going on (Poughkeepsie Shine) – gave free lunches to volunteers, supported Dutchess County Armed Forces Day out of their pocket. I went down to the park over the weekend and it was a little messy, but because of them, but because of overflowing trash cans. These people go out and pick up the litter around the Ice House, around the park. The park is safer, cleaner...I talk to the owners. I have eaten down there. It's not that expensive. Some people say they can't go there every day. Well, I

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can't afford to go there every day either. But, it's a nice place to go 3 or 4 times a year. Maybe go and have a drink while I'm looking at the river. These people do more for the City than any of the other restaurants in that area. I don't understand why the Council wouldn't want to give them a full liquor license. They pay for their garbage pick-up and water/sewer bill and they're willing to pay \$100 more per month. Some say that it's prime real estate, but it wasn't prime real estate before they put hundreds and hundreds of thousands of dollars into that building. That building sat empty for 20 years. There wasn't a hot dog vendor down there. Nobody could make that thing work. It was neglected by the City, not being able to keep up with the property. You couldn't go down there to enjoy the park, because you had people panhandling and trying to mug you. Now, I can be in that park until 11:00 p.m. and not have to fear being shot. I think the City would be doing a grave injustice to the taxpayers as well as yourselves, if you do not vote for a full liquor license for this establishment. This establishment deserves whatever it can get to be prosperous. You can always write up a new lease down the road. You can be gentle. You don't have to be greedy. The City can see how the economy does in the next couple of years and, if the City thinks that it should receive more money at that time, then they can negotiate. Give them a chance and be fair. The Council passed an ordinance for sidewalk cafés. People talk about alcohol abuse. When I walk past Bull and Buddha, or any place on Market Street that's got a 10 foot wide sidewalk, does that mean that the person walking down the street is going to have to walk on the other side of the street to stay away from the alcohol? We all have to deal with our own demons, and alcohol is only a demon if you let it be your demon. Thank you, very much.

**Randall Johnson, II - 52 Manitou Avenue** – I'm here tonight to make a comment about the proposed full liquor license for the Ice House. It is time to put the controversy about the Ice House on ice. This small business is on land that the City struggled to get investors to make productive. Thanks to people who had a vision of what to do, and the City's willingness to make the property available in exchange for a lower tax rate, the deal was struck. That is reality, in a world where small businesses has to be encouraged in order to help (revive?) our shrinking tax base. Now the Ice House owners want to have a full liquor license. It is common sense that they have the opportunity to as long as: One, according to law, and two, there is not a decrease in the quality of life. At a time when our City desires to have an economic revival, we have to apply good, common sense instead of partisan, political posturing. That contributes to more small businesses running out of...and/or sidestepping our City. It is not fair to tell investors who are making their investment grow, that they are not entitled to the same courtesies as our other small businesses that follow the law. We are not talking about making it legal for park goers to go and consume open alcoholic containers in our park. Given the quality of the ownership and the clientele of the Ice House, it is in the best interest of our local economy to help encourage that small business' development. Thank you for your time.

**Donna Levinson - 24 Garfield Place** - I am very pro-business. We have a business in the City of Poughkeepsie, and want the best for the business and the vitality for the Waterfront. I personally participated in the workshop that was given. It was designed to talk about the best use of the property on the Waterfront, and why, at this point we're ignoring that is beyond me. The Ice House from the start, has been evolving in a way

that is not...(inaudible). For example, the original contract that was signed by the Mayor, was made with a corporation that didn't exist and eliminated one of the founders. The original RFP did not allow a liquor license at all, so those who participated in the beginning, who were asked to participate, were only people who would not allow liquor license. The RFP did not allow going into the park – the use of the park, taking it away from residents. The RFP did not provide for free garbage pick-up, free electric, free water and sewer, etc. The problem with the Ice House is not what they have evolved into, but rather that they are paying so far below market rent, which is really a disservice to the City, especially for all the amenities that they've continued to receive. The City is currently in a \$12.4 Million deficit, cited by the State of New York and it's been cited for its' horrible bookkeeping. One reason why the City is in such dire financial straits, is because they give away real estate and business opportunities for far less than market value. The Common Council in the past have been neglectful in not reviewing the financials of the City. Therefore, allowing the City to get into such a deep financial hole. Will the Common Council continue this poor stewardship to the City and give away valuable restaurant locations for a pittance? It is a sad state of affairs when the Ice House gives away free food to Common Council members as mentioned early for the, "Make Poughkeepsie Shine," to sway their votes. I think it's...

**Chairman Mallory:** OK, stop, please.

**Councilmember Johnson:** Really? Nobody gave me free food...

**Chairman Mallory:** Alright, alright...please.

**Ms. Levinson:** It is about time we held the Common Councilmembers and the Mayor accountable for bad decision making, which will only cost all of us increased taxes. No further free concessions should be afforded the Ice House. They really should be paying market value rent before any further expansion of the liquor license is granted. If anyone has ever had an affair, what is asked for, for three hours? It is at least five times more than what they're going to pay per month. Market rent is at least three to four times the current rent, not a mere \$500 per month...(inaudible).

**Frank Clark - 50 Rinaldi Blvd** – Every speaker before me only mentioned a liquor license. The wording is really a "Non-premise liquor license," which allows them to serve liquor on the patio, which I do not agree with. Give them a liquor license for in-house serving only. Just like this Council passed last week, I'm not in favor of serving liquor on the street either. Most of these restaurants have private patio areas in the back, that they could serve the liquor. It's an old saying, "Give a person an inch, and they will take a mile." It's unfortunate when it comes to the Ice House, that is true. I'll give you three examples. As a member of the Waterfront Advisory Committee, when it first came before the committee, they assured the Waterfront Advisory Committee that there would be a 4 foot wide pedestrian walkway inside the railing on the patio, because they knew as well as the Waterfront Advisory Committee, that there are floods when there is high tide. So they did, they guaranteed us that they would leave a 4 foot wide section for people to walk through. As you know, they did not keep their word. It is not there now, and it wasn't there last year. The second thing I'd like to say is, extending the hours. Even

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before they met before the Waterfront Advisory Committee, the Ice House ran an ad in the paper about being open for New Year's Eve. The third thing – when I was still a member of the Waterfront Advisory Committee, they asked for approval to put up temporary tents. We asked them when they would be taken down, and they told us, “Immediately after the event.” We asked them if it would infringe upon the entrance to the concession area. They said, “No.” If you go down there today, there are two huge tents that have been erected that have been up there two weeks solid. The area that used to have small wooden tables and benches, for parents to have their kids to get an ice cream cone and sit. That joy no longer exists. That whole area is taken over by large tables and chairs for special events. The tents are still up. The concession stand is not open, as yet. That's three things. I'm not in favor of the non-premise liquor license as much as the new ordinance that you passed. I don't think liquor should be on a City street or in a City park. Inside the restaurants, I have no problem with. If I was a business owner on Main or Market Street, I would fight this new ordinance in court, because as far as I know, from the property line of the building to the curb is City property. It was noted last week by Corporation Counsel, that possibly, the Ice House would be exempt from this ordinance because they are on City property. As I said, sidewalks are also City property. So I would want an exemption too. Therefore, I don't think the ordinance is worth the paper that it's printed on. If the Ice House adheres to everything in the ordinance, I don't think anybody else should complain. The ordinance clearly states, “The restaurant shall not serve food or beverages to a patron at the café area, unless a patron is seated at a table.” The Councilmember who questioned me last week, already knows the first thing is that, once this non-premise liquor license is approved, the Ice House is planning on putting a bar out on the patio area, making, serving and selling alcoholic beverages and people who are sitting at barstools, clearly against the new ordinance. Section C (5) also states, “No outdoor live or mechanical music on or for the café area should be allowed. Again, the Ice House has to adhere to this new ordinance, and if you give them an exemption, then the ordinance is not good for anybody. Thank you for your time.

**Constantine Kazolias - 47 Noxon Street** - I had to write my notes because my computer is down. I think I have about 10 points. I requested a FOIL for the proposal and it says, “No alcohol,” on the original one. Secondly, the Republican Mayor and the Republican Common Council and then they changed the lease from beer to alcohol. Then they changed the lease. To me, this is a full-blown restaurant extending from the Ice House building to the boat landing, which is park land. We know you're not supposed to drink alcohol in park land, or even smoke. Benny's (Pizza) pays \$30,000 per year plus \$2,500 for Royal Carting, and he doesn't serve alcohol and this person is paying \$12,000 per year - three times less than what Benny's is paying, without alcohol, supposedly. Comparative rents – there's no comparison. If the previous Council and Aldermen tried to equate Christo's, which is on the McCann Foundation grounds and not City-owned property, so we understand one another...when we speak, we should speak what is truthful. You're extending the seating and serving alcohol and you're violating the City Ordinances, regarding alcohol in the parks. That property is on park land. Why the duplicity? I'd be remiss if I did not defend keeping the skateboard park, because the plans are to remove it to make parking and I'd like to get along with my son, who

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skateboards... so that we understand one another. I heard they're going to place it somewhere else; until I see it, that's something else. I'm come from Missouri – show me. I heard other places are planning on putting it...that's conjecture and in the future. The City gave the Planning Department to the County, and I'll say this,

**Chairman Mallory:** Could we stick to the Public Hearing on the liquor license?

**Mr. Kazolias:** Well, I want to state to the park.

**Chairman Mallory:** Well, we're talking about the liquor license itself, not necessarily what the City is doing with the County. Your first seven points were fine, so if you have any other points regarding the liquor license, but you're more than welcome to share the City's involvement with the County at Public Participation.

**Mr. Kazolias:** Another point: Another developer spent \$100,000 for the Ice House and he walked away. Why? There's no liquor license...I don't want to name the person, but you know who it is...they came in, looked at the RFP – no alcohol. For some reason or another, like the previous speaker said, they bait and switched. It seemed to me, that once they got their foot in the door, it suddenly changed. Politically, I'll say this, the Council is controlled by the Republican Mayor, and they got the alcohol. I'll say this without reservation. Don't let this Council become Republican because Waryas Park will get rezoned and you'll see a Power Point presentation, just like at the Grandview. You don't have to worry about alcohol being served at the Ice House. I appreciated your time. If I ever extended your courtesy, I appreciate it, but I feel very strongly about it, and I'll say this about the park – the City should just put some of the money, instead of privatizing to clean up the park on a weekend...

**Chairman Mallory:** You can share that at the Public Participation, what you're feeling now. Thank you.

**Holly Wahlberg - 35 Garfield Place** – I do not support extending the Ice House liquor license to include hard liquor, unless that liquor is served inside the building only. I don't believe that open air, hard liquor sales are necessary or appropriate inside a public park. At a previous Council meeting, those who questioned the appropriateness of a hard liquor license for the Ice House were accused of being, "Against Poughkeepsie." There have been some inappropriate ads placed in the newspaper, trying to control the outcome of this process. That kind of tactic and language trivializes just how complex this whole private partnership undertaking really is. The bottom line is this: The presence of private, for profit businesses inside public parks sets up a very uneasy alliance and is a very tricky thing to do well under any circumstances. In this case, to make matters even more difficult, the Ice House is trying to become a full-blown destination restaurant, crammed into a small spot of land, inside a small building, inside a small park. To put it into perspective, Central Park has two full service restaurants in a space that is almost 100 times the size of Poughkeepsie's little Waryas Park. I think the best path would be arriving at a compromise to allow hard liquor sales inside the building. Patrons who simply cannot survive without their "Jack," can take a nice inside table. That way we can

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continue to preserve our emphasis on the Hudson and the whole family atmosphere of the park, yet still provide these higher alcohol content beverages to those who want them inside the building. In the discussion so far, what I find most disturbing are references of how this restaurant is not being allowed to, "Achieve its full potential." Please let us all remember one thing, this is a public park land. It has a much higher and more significant purpose than making sure that a private business can achieve the highest profit possible. The Ice House does not own this building or this land. They are a tenant, and if the tenant suddenly cannot live within the rules that quite rightfully come along with this special setting on public land, the tenant can find another location to operate. Poughkeepsie has a number of wonderful commercial spaces that have none of the restrictions that come with trying to run a for-profit business on park land. My understanding is that the original RFP the Ice House responded to said no liquor at all, so I feel these tenants should be very pleased, indeed to end this matter with such a generous compromise. And, with this generous compromise, I believe there should be a renegotiation of this contract to make sure the public is receiving fair compensation for this adjustment in the original agreement. I am truly hopeful that you will be able to resolve this issue this time, so we can turn our attention to far more important issues – like decaying neighborhoods and neighborhood parks, vanishing historic resources, vacant housing stock, fiscal mismanagement, underperforming schools and Main Street dis-investment. This is my hope, since we have so much to do together as a community. Thank you.

**William Dykus - 96 South Hamilton Street** - I'm going to make this short and sweet, but I'm a little upset too, so bear with me. I don't like our Common Council or Mayor being attacked. I have a problem with that. I won't go on that right now. I'll address that with the person. The thing I want to say is, I've been to a place in Beacon that the Ice House owns. I'm impressed with those people. I think they're very nice, decent people. I also go along with constituents as far as alcohol. My personal opinion is that alcohol in any establishment, should be kept inside if you're going to drink. If you want to drink outside do it at home, not at a bar. That's just going to cause problems. I've seen it many times before. I've seen it in Poughkeepsie. Some people are drinking on Main Street without...some are drinking outside whether it's a restaurant or not...drugging too, by the way. So, alcohol is a drug too and is the number one problem. I would like to see them get their liquor license, but I think it should stay inside. Even the ones that you passed on Main Street – they should stay inside, too. Thank you.

**Dated:**

I hereby certify that this a true and correct copy of the Minutes of the Public Hearing held on Monday, June 3, 2013 at 5:45 p.m.

Respectfully submitted,

City Chamberlain