



February 26, 2019  
City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, New York 12508

Re Site Plan for 554 Main Street  
Change of use  
Tax Map # 6054-30-142808

Dear Chairman and Members of the Board:

On behalf of the Dana Collins and Melzingah Tap House we respectfully submit an amended application for Site Plan Approval extending the sites current uses outside to the Pavilion and Patio to be used by the Restaurant. It is located in the CMS Central Main Street District and in the Historic and Landmark Overlay Zone and Parking Overlay Zone.

Included with the revised Site Plan we have submitted a Sound Control Plan for Melzingah Tap House by "Audio Video Forensic Lab" which identifies the proposed methods to control the sound generated onsite. We proposed to control the Sound Generated onsite by music using a combination of source control using the Bose L1 and the Creation of a "Musician's Nook" using "Bass Trap Panels" in the corner of the pavilion behind the musicians and speaker.

Documentation provided by the Beacon Police Department on any complaint have also been included showing that the site as it currently exists generally complies with the existing Noise Ordinance.

The following is the outstanding review comments from the Boards Professionals. There comments have been reprinted with our response following in **Bold**.

In response to the memo prepared by John Clarke Planning and Design dated November 9, 2018 we offer the following:

1. The rear portion of the property is now included in the CMS district, which permits commercial uses and has separate parking requirements. However, the new CMS district also includes more specific standards than the previous CB district, which should be applied whenever possible in new site plan approvals. As examples:
  - a. Parking shall be screened from street views by architectural or landscaping elements. An evergreen hedge next to the sidewalk along space #18 should be provided in the Site Plan. A 3' X 3' planter does not adequately screen the side yard parking adjacent to the street. ***§223-41.18 G (1) states" All off-street parking shall be located behind, under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street***

[Sburns@BurnsEngineeringServices.com](mailto:Sburns@BurnsEngineeringServices.com)

(845) 546-3310  
58 Teller Ave.  
Beacon, NY 12508

*or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street.” However our parking exists within this 40 feet setback and providing a solid wall or hedge along the property line would create conflicts with sight distance at the parking lot entrance. Removing the parking from the setback would require us to reduce our space count by (7) spaces. Main Street and the frontage of the project parcel are not perpendicular making the parking lot entrance sight distance to the Left a concern. A solid fence or hedge along the Road line would screen the parked vehicles but would decrease the overall safety of the Sites Access for both pedestrians and vehicular traffic. In new construction parking could have been located differently and the 40’ setback been provided along with screening located an appropriate distance from the sidewalk and street to allow for adequate sight distance.*

- b. Chain link fencing is not permitted in the CMS district, so the six-foot solid wood fencing should replace the chain link fencing on both the side and rear yards to better contain noise and other impacts on neighboring residential properties. *§223-41.18 H (1) states, “Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited.” At this time we ask the planning board to discuss this issue as we believe that replacing existing fencing with a solid wood fence would be in violation of the regulations along Verplank Avenue and most of the neighbors have wood fencing or other means of screening (ie. Garages, elevation, etc.). Solid wood fencing along the side walk would create a location for graffiti to be displayed and become a maintenance headache. Snow would have to be dealt with along the limited sidewalk width or removed as it cannot be placed back in the roadway. The highway plows would also damage the fencing by the force of the snow beating against the solid fence.*
- c. All exterior lighting fixtures above 500 lumens should be full cut-off to prevent light projection above the horizontal level into the night sky. *A note has been added to the site plan.*

- 2. Parking spaces #13-18 cannot encroach beyond the property lines or onto the sidewalk. If the two 8-foot-wide ADA spaces were switched back to this eastern corner, 20 total spaces could be accommodated on the site, as well as a 3- to 5-foot-wide evergreen hedge along the sidewalk. The ADA sign should not be placed on the neighbor’s tree. *The*

***overall parking count has been reduced at this time by two spaces in order to provide sufficient space to access all of the parking spaces without conflict. The evergreen hedge would be a conflict with the sight distance at the entrance to the site. The sign will be removed from the tree.***

3. Live outdoor music with speakers and outdoor smokers are not listed as specifically permitted or accessory uses in the CMS district. To be permitted, they must be considered uses customarily incidental to the permitted use. The Planning Board may impose restrictions on such uses, especially if they could conflict with the Noise Chapter 149 or the Zoning Performance Standards in Article IV. Conditions might include relocation of the smoker, noise attenuating fences, not permitting outdoor speakers or amplified music, partial enclosure of the pavilion to contain the noise sources, or limiting hours of outdoor activities. ***Along with the limits on the Hours of outdoor live music and smoking that we have noted on the site plan we have prepared a "Sound Control Plan" to address noise concerns.***
4. Any exterior alteration of a landmark structure or property in the HDLO district needs a Certificate of Appropriateness under Chapter 134, Historic Preservation. ***Noted***

In response to the memo prepared by Lanc and Tully Engineering and Surveying, PC dated November 6, 2018 we offer the following:

1. Parking stall No. 18 is shown to encroach on to the City's right of way for Main Street. Parking stalls 12 through 18 should be shifted to the north-west so that parking does not encroach on to the City's right-of-way. ***I have removed a parking space along both sections of parking on the north side of the parcel. This was done in order to provide space for adequate site circulation. In the Northeast parking area the refuse enclosure limited backing and turning movements along space 12. The spaces are now centered to allow additional space on each side of the parking row to move the cars away from the refuse enclosure and sidewalk. A space was also removed from the rear parking areas north side. The space as it exists has conflicts with the normal turning movements required to access the space so it has been removed and hatched off.***
2. As the proposed dumpster enclosure is directly to the rear and side of parking stall No. 12, the plan should show the turning movements for a vehicle entering and exiting parking stall to ensure that there will be no conflict between the proposed enclosure and the required movements of the vehicle in and out of this parking stall. ***As noted above the movement along space 12 was very tight as previously proposed and posed a risk to the corner of the refuse enclosure being a large conflict. The space now numbered 11 has been shifted away from the enclosure to allow for conflict free movement as displayed on the site plan.***
3. As 3-foot high concrete planters are proposed at the entrance/exit to the parking lot, the engineer should confirm that sight distance will not be impeded by these planters, or the plants that will be growing within them. The engineer should also confirm that

movements in and out of parking stall No. 18 will not be impeded by the planter to be located behind it. ***Main Street along the frontage of the parcel curves with the site entrance on the outside of the curve. As vehicles approach from the north any improvement along the sidewalk will conflict with the sight lines of a vehicle leaving the site. The improvements will also create conflict with the vehicle leaving the site and oncoming pedestrian and vehicular traffic.***

4. Details of the proposed planters should be provided on the plans and should include the appearance of facing (stone, brick, etc.) on the planter, along with the type of plantings that will be present within the planters. ***Due to sight distance concerns the planters have been removed from the site plan.***

We have enclosed the following documentation for further review of this project.

- (5) Copies of the Site Plan (1 Sheet)
- (5) Copies Cover Letter
- (5) Copies Sound Control Plan
- (5) Copies Beacon Police Blotter Entries
- (1) CD with PDF files

If you have any questions or comments please feel free to give me a call at my office at (845) 546-3310; otherwise I look forward to discussing this matter at the next planning board meeting.

Truly Yours,

Stephen Burns, P.E.  
Professional Engineer  
Burns Engineering Services, P.C.