

**Hudson Valley Office**

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June 21, 2019

Mayor Randy Casale and  
Members of the Beacon City Council  
Beacon City Hall  
1 Municipal Center  
Beacon, NY 12508

VIA EMAIL

*Re: Summary of Concept Plan Changes and Significant Project Advancements  
Chai Builders - Fishkill Creek Development Concept Plan for 248 Tioronda Avenue  
Formerly Beacon 248 Development, LLC, Multifamily Development  
248 Tioronda Avenue, City of Beacon, Dutchess County, NY  
Chazen Project #81056.00*

Dear Mayor Casale and Members of the City Council:

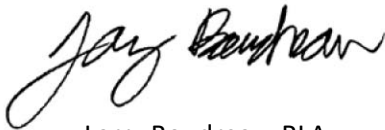
The purpose of this letter is to summarize the most significant enhancements made to the Concept Plan which have been developed through the Planning Board process. Additional detail is outlined in the comment response letters included with today's submittal. All comments, including public, are noted and were responded to. Also attached are all available Planning Board minutes.

- 1) Greenway Trail – The Greenway Trail has been designed iteratively in close coordination with John Clark, City of Beacon Planning Consultant, and Thomas Wright, Chair of the Greenway Trail committee. The most significant change since the last City Council submittal is the addition of a handicapped accessible component to the trail connecting the upper greenspace area to the lower trail.
- 2) Wetlands – The Army Core of Engineers is scheduled to visit in the month of July. The project is designed to the previous more conservative wetland line. The only area that would be impacted if the new line is not accepted is the spurs of the greenway trail, which would be redesigned to avoid any wetland impacts.
- 3) Greenspace – Through modification of the parking layout and land banking of parking spaces, a larger greenspace is provided between the residential and commercial buildings.
- 4) Access to Sister's property – A curb cut, driveway stub and crosswalk has been added to accommodate future access to the Sister's property. The updated concept plan set has been provided to the attorney for the Sister's.

- 5) NYSOPRHP Review - The current plans were submitted to NYSOPRHP, and correspondence from NYSOPRHP dated May 6, 2019, (attached) indicated that it is NYSOPRHP's opinion that the proposed project, as amended, will have "No Adverse Impact" to historic and cultural resources.
- 6) The FEAF was revised to include calculations for public school children anticipated to be generated by the project, and John Clarke indicated that the new students were not expected to result in any significant adverse impacts on the school district.
- 7) The Planning Board held a Public Hearing on March 12, 2019. At its June 11, 2019, Planning Board meeting, the City of Beacon Planning Board issued a SEQR Negative Declaration, LWRP Consistency Determination, and provided a positive recommendation to the City Council for concept plan approval.

In an effort to keep this project moving forward, we respectfully request that this project be placed on the Monday, June 24<sup>th</sup>, City Council workshop meeting to allow us to present an update on the project in person, and perhaps to schedule the public hearing. If you have any questions or need anything further, please call me at 845-486-1510. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Boudreau". The signature is fluid and cursive, with the first name "Larry" being more prominent than the last name "Boudreau".

Larry Boudreau, RLA  
Director of Land Development



## Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

May 6, 2019

Ms. Doborah Hubbard  
The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY 12601

Re: DEC  
Beacon 248 Development LLC; Tioronda Avenue  
248 Tioronda Avenue  
Beacon, NY 12508

Dear Ms. Hubbard:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We understand that the proposed project plan has changed since our last review, and that the current proposal consists of a 64-unit multifamily residential development within two buildings (reduced from 100 units) and a 25,400 SF office building.

Based on this review, it is the opinion of the SHPO that the proposed project, as amended, will have No Adverse Impact to historic and cultural resources.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Weston Davey  
Historic Site Restoration Coordinator  
weston.davey@parks.ny.gov

via e-mail only

**Planning Board  
February 13, 2019**

The Planning Board meeting was held on Wednesday, February 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Rick Muscat, David Burke, Jill Reynolds and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Administrator Anthony Ruggiero, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Randall Williams was absent.

**Training Session**

Mr. Gunn explained the City Council is undertaking plans to replace the former Tioronda Bridge, once listed in the National Register of Historic Places and situated in the City's Historical Landmark and Overlay District on South Avenue. During the Council's review of the project, discussion of whether Chapter 134 of the City Code regarding Historic Preservation and the requirement to obtain a Certificate of Appropriateness would apply to the design of a new bridge. City Administrator Anthony Ruggiero reported the bridge will be designed as one-lane with a pedestrian walkway. He explained a study done to determine whether historic spans of the bridge could be reused for structural purposes revealed that their condition would only allow use as a demonstrative feature. A lengthy discussion took place with regard to the existing abutments, location of the bridge relative to the historic nature of buildings on either side of the creek, and whether the new design should come before the Board for review and comment. Consideration was given to establishing a provision in the City's law to remove parcels or items from the historic individual list of structures. After reviewing the matter, members felt a new bridge would qualify for review under Chapter 134, that it should be reviewed for a Certificate of Appropriateness, and recommended a provision be added to the law for delisting items or areas no longer deemed historical.

**Regular Meeting**

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the January 8, 2019 meeting. Mr. Muscat made a motion to approve the minutes of the January 8, 2019 meeting as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the March 12, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS**

This item was adjourned to the March 12, 2019 meeting.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the March 12, 2019 meeting.

**Miscellaneous Business**

Consider request for two 90-day extensions of Subdivision Approval – 25 Townsend Street, submitted by AK Property Holding, LLC

On behalf of AK Property Holding, LLC, a letter was submitted by Attorney Taylor Palmer of Cuddy & Feder requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

Consider request for two 90-day extensions of Subdivision Approval – 22 Edgewater Place, submitted by Scenic Beacon Developments, LLC

On behalf of Scenic Beacon Developments, LLC, a letter was submitted by Engineer Michael Bodendorf of Hudson Land Design requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Consider request for one 90-day extension of Subdivision Approval – 1181 North Avenue, submitted by Normington Schofield (North Avenue Properties, LLC

On behalf of Normington Schofield, a letter was submitted by Engineer Daniel Koehler of Hudson Land Design requesting one 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Barrack made a motion to grant one 90-day extension as requested, seconded by Mr. Burke. All voted in favor. Motion carried. City Attorney Jennifer Gray noted they also requested an administrative amendment to the resolution, specifically General Condition B(4) to change the individual “Normington Schofield” to the entity “North Avenue Properties, LLC”. After some consideration, Mr. Lambert made a motion to include the name change with the extension as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O’NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel described his client’s proposal to amend the existing Site Plan Approval for Industrial Arts Brewery and event space, warehouse space, and commercial recreation/arcade space. Site Plan drawings were revised to include a new sidewalk connection to the parking lot and removal of the chain link fence along Fishkill Avenue. Discussion took place with regard to shared parking and Mr. Siegel explained zoning requirements for the warehouse and brewery parking are higher than what they will actually need. He reported work has begun on the traffic study which will include response to NYS Department of Transportation’s comment letter.

Mr. Clarke summarized his review comments and asked for a clearer explanation on the use of the mezzanine and office area, and to include those in the Shared Parking Report. He recommended the ramp and landing area in front of the entrance include a handrail for ADA compliance. Mr. Russo reviewed his comments and advised the applicant to utilize components from standard parking manuals to provide more accurate parking data. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked how parking, water use, and sewer use for the brewery would be handled. She expressed concern that hours of operation may change or an increase in use could occur in the future which would affect the parking requirements.

Discussion took place with regard to parking and how water use estimates were determined. Mr. Siegel reminded members that the laundry facility on Front Street is no longer operational so water use should balance. He reported snow will be stored on the grass so as not to affect or reduce the number of parking spaces available. The traffic study will be prepared in time for the March meeting. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting.

**ITEM NO. 5 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

Architect Tomasz Mlynarski of Barry Donaldson Architects described the church's proposal to renovate an existing abandoned building to create three residential apartments (two one-bedroom on first floor and one three-bedroom on the second floor) at 21 South Avenue. The plan was reviewed to show the number of new shrubs, the caliper of trees, and six over six windows with exterior dividing muntins. The building will be restored to its original character with restored windows and soffits, and clapboard siding.

Discussion took place with regard to the location of the sewer lateral which may run over neighboring property because it is unclearly noted on the site plan. The location of the sewer lateral must be shown on the plan to determine if an easement is needed, or if it should be re-routed altogether. Mr. Gunn opened the floor for public comment.

Gary Simmons, 226 Liberty Street and financial secretary of Tompkins Hose Firehouse, reported they own the lot behind the church and spoke about parking spaces that were set aside for use by the Historical Society. He felt traffic should be directed out to Beacon Street. Mr. Simmons explained they are having difficulty securing the parking lot so will be fencing it in which will block access for the Historical Society. Lastly, he asked that signage be put into place to direct people to the Historical Society's parking spaces so no one parks in their lot.

A lengthy discussion took place with regard to parking for the Historical Society, location of the sewer line, and the need for an easement or relocation of the sewer lateral. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration if the sanitary sewer location is finalized, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, CONVERT EXISTING RETAIL AND GARAGE TO RESTAURANT, 296 MAIN STREET, SUBMITTED BY RIVER VALLEY RESTAURANT GROUP**

Aryeh Siegel described his client's proposal to convert an existing retail storefront and one-story rear garage into a restaurant at 296 Main Street at the corner of North Cedar Street. He noted the City Attorney's office was authorized to draft a resolution of approval for consideration.

Mr. Clarke advised the applicant that the window between the garage doors on North Cedar Street should have the same vertical proportions as the existing window. Mr. Russo said the plans have been revised to correct the illegal connection to the sanitary sewer system, and advised a performance bond for the public improvements and escrow for construction observation must be posted. Discussion took place with regard to the style of the rounded gate which accesses the outdoor garden area and it was suggested it be changed to an arch.

Members reviewed the draft resolution and City Attorney Jennifer Gray explained the resolution was updated to require a performance bond and construction observation escrow for corrections needed to address the I & I condition. After careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval as amended, seconded by Mr. Lambert. All voted in favor. Motion carried. The applicant agreed to create an arched, rather than circular, gateway to the garden area.

**ITEM NO. 7 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, EMPLOYEE PARKING LOT, 3 BEEKMAN STREET, SUBMITTED BY DIA CENTER FOR THE ARTS**

Engineer Tom DePuy, of T.M. DePuy Engineering and Land Surveying, introduced Tom Shannon representing Dia Center for the Arts at 3 Beekman Street. He described their proposal to construct a 28-space employee parking lot off the secondary road near the rear portion of the bus entrance. They are starting to have a problem with parking due to the art center's popularity therefore this lot will be for employees only.

Mr. Clarke summarized his review comments, advising the applicant to show species and label all trees over 6-inches in diameter within the area of disturbance. He reported the property is located in the LWRP area therefore LWRP consistency justification is required. A sidewalk or gravel path from the new parking lot to the building should be provided. Mr. Russo summarized his review comments, pointing out photometrics of the proposed lighting should be provided on the plan. Discussion took place with regard to parking lot material, the degree of stone removal needed, lighting, and hours of operation.

Mr. Muscat made a motion to authorize the circulation of the Planning Board's notice of intent to act as Lead Agent in the SEQRA environmental review process if any other interested agencies are discovered, seconded by Mr. Barrack. All voted in favor. Motion carried.

There were no further comments and Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Burke.

All voted in favor. Motion carried. Mr. Gunn made a motion to authorize the City Attorney to draft a resolution of approval for consideration if appropriate, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 2 ART GALLERIES, 1154 NORTH AVENUE, SUBMITTED BY PAOLA OCHOA**

Engineer Dan Koehler of Hudson Land Design, described his client's proposal to convert an existing two-story building previously used for storage into two art galleries. The .11 acre parcel is located in the CMS zoning district which allows galleries as a permitted use. Mr. Koehler reported the galleries will be open mainly on weekends. A total of nine parking spaces are required however the site lacks space for parking. Mr. Koehler requested the board consider exercising their right to waive the required parking as the lot is under 8,000 sq. ft. and the building is under 5,000 sq. ft. This is a Type II action under new SEQRA regulations therefore environmental review is not necessary. Mr. Koehler explained they will be upgrading the mechanical system to provide heat to the second floor however no other interior work will be done until Site Plan Approval is granted. He respectfully asked members to consider scheduling a public hearing and authorize the City Attorney to draft a resolution of Site Plan Approval for the next meeting.

Discussion took place with regard to an easement that exists over 1156 North Avenue which provides access to the rear of 1154 North Avenue. A gravel walk will be provided to the rear access which will also serve as a loading area for artwork. A removable barricade to delineate the easement line was considered, and hours/days of operation were reviewed.

Mr. Clarke summarized his review comments and explained that although the property is not currently located in the Historic District and Landmark Overlay zone, it is on a list of parcels being considered for inclusion. He suggested opening up the large scale window areas that were sealed up to bring the building back to its original architecture when used as a car dealership. Mr. Koehler explained the owners have a larger grand scheme for the entire corner of North Avenue and Main Street so they are hesitant to make changes at this time. He noted the office space within the building is specific to the art galleries.

Discussion took place with regard to parking, loading and unloading artwork from the second floor rear access, the parcel's proximity to Main Street, and available municipal parking. Gallery owner Paola Ochoa said they don't anticipate displaying any large artwork. After careful consideration of the applicant's request, members were generally in favor of waiving the parking requirement as requested.

Mr. Lambert made a motion to set a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 9 REVIEW CONCEPT PLAN, UNDERTAKE SEQRA AND LWRP REVIEW AS REQUESTED BY CITY COUNCIL, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Owner/Applicant Berry Kohn, Engineers Larry Boudreau and Chris LaPorta of Chazen Companies, and Architect Alexander Blakely of AB Architekten were in attendance to present the revised proposal for 248 Tioronda Avenue. Mr. Boudreau reported the applicant was before the Board 13 months ago with a model of the site's buildings and layout to introduce the project. He provided members with a paper handout to go along with a Power Point presentation of the project. Mr. Boudreau reported that after several meetings with the City Council on the concept plan, the application was referred to the Planning Board for a report and recommendation, as well as for SEQRA and LWRP review. Mr. Boudreau explained that once the SEQRA and LWRP process is completed, the applicant will return to the City Council for Concept Plan Approval before returning to the Planning Board for Site Plan review.

Mr. Boudreau described his client's proposal to construct two multi-family buildings with a total of 64 units and a separate non-residential office building on the 9.18 acre parcel at 248 Tioronda Avenue. Although there are no view sheds, the LWRP extends into the development site thus requiring an LWRP consistency review. The development features parking under each of the three buildings and a Greenway Trail traversing the site.

The City Council tentatively approved the concept plan, however architectural aspects of the building will be reviewed as the approval process continues. Architect Alexander Blakely of AB Architekten summarized the site layout which includes three brick clad buildings, three stories in height facing Tioronda Avenue and four stories facing the Fishkill Creek.

After some consideration, Mr. Muscat made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process and authorize circulation of a Notice of Intent to act as Lead Agency, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Barrack made a motion to schedule a SEQRA environmental review public hearing for the March 12, 2019 meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**Architectural Review**

Single Family House – 19 Russell Avenue; elevations approved 9/11/18; colors/materials only

Paula Dowd reported elevations for the new house under construction at 19 Russell Avenue were approved at the September 11, 2018 meeting subject to returning for approval of colors and materials. Members reviewed proposed color schemes and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Muscat, to approve the color and material scheme as presented with the following: Siding – Hardi Plank Clapboard in Benjamin Moore Iron Gray; Roof Shingles – GAF SG Timberland Architectural Charcoal; Windows – Jeld Wen Aluminum Clad with Black Exterior; Trim – Benjamin Moore Iron Gray Satin. All voted in favor. Motion carried.

**Planning Board  
March 12, 2019**

The Planning Board meeting was held on Tuesday, March 12, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Rick Muscat, David Burke (in at 7:05 p.m.), Jill Reynolds, Pat Lambert and Randall Williams (in at 7:30 p.m.). Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke.

**Training Session**

Mr. Clarke reviewed new zoning charts and zoning changes under consideration by the City Council. The new charts will consolidate many changes that have taken place over the years making them much more user friendly. Mr. Clarke explained this is the first step in the process and noted changes to the text of the zoning code will be necessary. Dimensional tables are also being revised and updated to include minimal lot sizes and related setback information. Mr. Williams joined the meeting at 7:30 p.m.

**Regular Meeting**

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the February 13, 2019 meeting. Mr. Gunn made a motion to approve the minutes of the February 13, 2019 meeting as presented, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the April 9, 2019 meeting.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

This item was adjourned to the April 9, 2019 meeting.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

Mr. Williams made a motion to reopen the public hearing (which was re-noticed since it was first opened in June 2018), seconded by Mr. Muscat. All voted in favor. Motion carried. Tom Elias described his client's proposal to construct a six-unit condominium building on property located on Beekman Street. Discussion took place with regard to a paved snow storage area and members advised that it should be a landscaped or grassy area rather than pavement.

Chris Mansfield of Tinkelman Architecture provided a digital virtual reality view of the project which included models of neighboring homes to depict view sheds from all angles of the property. The four story building height is 44 ft. and will be below the view of houses that sit

above the site. The fourth floor is set back as required which also breaks up the building's appearance when approaching from the train station. The building is brick on ground floor and gray Hardee Board on the upper floors. Discussion took place with regard to sight distance and landscaping which will be tucked near the building. Written responses to the City's traffic consultant reported are needed before a SEQRA determination can be made. Mr. Gunn opened the floor for public comment.

Charles Kelly, 5 Bayview Avenue, handed out a copy of Policy 25 of the City's LWRP as it relates to his objections. He felt the size of the building does not maintain the character of the City's intentions because it exceeds standards in terms of height, bulk and scale; and expressed concern that it is located directly behind a steep vertical rock outcropping. Mr. Kelly felt the applicant's proposal was not consistent with LWRP requirements and believed the community's strong dislike for four story buildings is well known. The video simulation of the project appears inaccurate because trees and bushes have been cut back and the presentation shows full, untrimmed trees. Mr. Kelly was not opposed to the development but felt this project is overreaching and will adversely impact the neighborhood. He felt the four-story building was not appropriate for the character of Beacon.

Mr. Clarke reported the height restriction for this zoning district is 48 ft. and permits four stories with a 15 ft. setback on the top floor. This proposal does not exceed the maximum restrictions.

Theresa Kraft, 315 Liberty Street, opined that just because it is permitted, doesn't mean you have to construct a building that large. She felt the building was too big for the lot, that it will impact neighboring properties, and urged the board to save the City's quality of life.

John Bono, 10 Stratford Avenue, announced that they had not received proper notice. He felt the building too tall and one less story would be much more appropriate. He asked where additional cars will park and felt there would be a problem with snow removal and storage.

Stosh Yankowski, 86 South Chestnut Street, had concern that this is an entrance to the City therefore the property should only be used for a Welcome Center. He felt four story buildings to be inappropriate and recommended the City proceed to the property over through eminent domain.

George Mansfield, 5 Churchill Street, supported the project because it meets standards set for in the Linkage District and aligns with the intention of TOD development. It provides higher density near a transit hub and is appropriate for the area. He reported that 10 years ago the owner allowed a "Welcome to Beacon" installation, and has maintained the property and sign ever since. Mr. Mansfield felt the project will still welcome visitors to Beacon.

Bradley, Dillon, 8 Bayview Avenue, felt the architectural presentation and renderings do not appropriately reflect the conditions of houses that sit above the project. He reported the trees have been trimmed and shrubbery sits lower than shown in the presentation. Mr. Dillon believed they will now see at least half a story and full roof of the four story building. He put his life

savings into new windows of this recently purchased house to take advantage of the view which will now be obscured. Mr. Dillon asked that the building be reduced to three stories.

Mr. Clarke asked that the building height (44 ft.) be added to the zoning table and elevation drawings. Discussion took place with regard to the LWRP, height limits, and setback requirements. Mr. Clarke reported this application has met all code conditions in terms of protecting river views, albeit the neighbors may see the roof.

Mr. Gunn explained the Planning Board is an administrative body only, noting City Council establishes laws that the board must follow. The board makes decisions based on those laws and rights of property owners considering nuances of property surroundings with as much care as possible. He pointed out the Planning Board cannot change the law and members understand the importance that this particular property is Beacon's front door. Care will be given about what is there, just as attention is given to every development.

Mr. Clarke explained that property along this corridor was built up before Urban Renewal removed blighted buildings, and thereafter zoning was changed to make key use of the train station. The applicant worked with the architectural review committee on elevations and has been responsive to requests of the board. The project is in compliance and has changed quite a bit from the original design.

Mr. Gunn spoke about the Comprehensive Plan which is updated every ten years and encouraged the public to get involved to steer the direction of development in the City. Being involved in the last update, Mr. Gunn noted public hearings and outreach workshops were held yet lightly attended.

After some consideration Mr. Lambert made a motion to schedule a public hearing on the application Site Plan Approval for the April 3, 2019 meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Williams made a motion to schedule a public hearing on the application for Subdivision Approval for the April 3, 2019 meeting, seconded by Mr. Barrack. All voted in favor. Motion carried.

Mr. Muscat made a motion to authorize the City Attorney to draft a Negative SEQRA Declaration and LWRP Consistency Determination for consideration at the next meeting, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS**

Engineer Steve Burns reported his client hired a sound consultant who prepared a sound mitigation plan, and proposed the creation of a musician's nook in the southwest corner of the pavilion. Sound panels will be added and sound will be controlled with a compact Bose speaker system. Mr. Burns reported they removed two spaces to improve circulation in the parking lot leaving 16 regular spaces and two handicap spaces. He felt the planters recommended for screening will compromise sight distances exiting the site. Mr. Clark explained design standards

must be followed and screening from parking lot is required. He recommended planting a small hedge which would provide adequate sight distance. After some discussion about ownership of fencing surrounding the site, the applicant agreed to remove the chain link fence along Verplanck Avenue and replace it with an alternative approved fence.

Attorney Patrick Moore Hedge felt installation of a hedge or planters to screen the parking area will create a safety concern due to reduced sight distance. Mr. Clarke advised the applicant to the sight distance issue on the site plan.

Ron Sanderson of Audio Video Forensic Lab reviewed the space and believed it more a sound design challenge rather than noise abatement. He believed proper low level high quality equipment and appropriate controls will allow use of the space without loud or projected sound. Mr. Sanderson recommended use of the L1 Bose system which has a small mixer, no monitors, and provides no feedback. They reviewed the City consultant's report and agreed to add the recommended measures. Mr. Sanderson advised that he will be on site for testing and will monitor sound in order to make adjustments that keep levels within the City's noise ordinance. Discussion took place with regard to the location of the musician's nook and protections that will contain the sound.

City Attorney Jennifer Gray summarized comments from the City's consultant Eric Zwerling, of The Noise Consultancy, and advised members that he was also hired to advise the City Council on changes to the outdated noise ordinance. Discussion took place with regard to decibel readings and the applicant agreed to undertake recommendations outlined in Mr. Zwerling's report.

Roger Goodhill, 10 Ackerman Street, felt the applicant should be required to provide data on actual music levels, how many meals will be served, and more information on specifics of the entire operation before approvals are granted. He expressed concern that the operation will have a negative impact on the neighborhood and that all standards of the CMS district should be followed. Mr. Goodhill also asked that the parking situation along Main Street should be considered due to congestion in the area.

Rachel Hutani, 10 Ackerman Street, had concerns about use of the smoker and musician noise levels so near a residential area. She felt more businesses will want to do the same type of operation if this project is approved.

Theresa Kraft, 315 Liberty Street, expressed concerns for pedestrian safety of the music venue because the internal parking lot is mixed with alcohol consumption. She reported the public hearing signage was not properly maintained which is not fair to the public. Ms. Kraft felt the project will adversely affect nearby residents' quality of life.

There were no further comments and the public hearing was closed on a motion made by Mr. Lambert, seconded by Mr. Muscat. All voted in favor. Motion carried.

The applicant was advised to add the hours that the pavilion will be used, and that use of the smoker will be limited to one weekday per week. Mr. Clarke advised the public to provide the City Council with input when public hearings are held for the noise ordinance.

After careful consideration, Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval to include conditions as discussed, submission of a noise findings report, meeting with the City's noise consultant, and returning to the Planning Board after operating for three months for follow-up review. The motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 5 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O'NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel described his client's proposal to amend Site Plan Approval for 511 Fishkill Avenue to include a brewery, warehouse space and arcade use. Response was received from NYSDEC and the tree removal schedule will be coordinated to stay within boundaries established to protect the Indiana Bat species. Response was also received from NYSDOT and a traffic report was submitted. Mr. Siegel reviewed changes that were made to the site plan and a revised shared parking study was submitted. The brewery portion of the project will be approximately a year out with other proposed uses to be completed. A study done by WSP on behalf of the City determined adequate water supply is available for the brewery. A note will be added to the plan indicating the fire access road behind the building will be properly maintained.

Richard D'Andrea, P.E. of Maser Consulting reviewed their traffic study, which included the intersection of Red Schoolhouse Road, and in general found no significant impacts. Timing changes at the intersection of Red Schoolhouse Road were recommended and a stop sign must be added at the flashing light at the Mill Street intersection of Route 52.

Frank Filiciotto, P.E. of Creighton Manning on behalf of the City, reviewed his traffic study comments and in general agreed with findings outlined in Maser Consulting's report. He asked that more information on uses in the event space be provided, additional site control around the tear-shaped island in the entrance area be added, and dimensions of the emergency fire access road should be confirmed. In terms of parking for the event space, Mr. Siegel explained they considered square footage and occupancy limits based on building code standards. Brewery owner Jeff O'Neil reported Saturday afternoons will typically be the highest use of the site.

Mr. Clarke suggested monitoring the shared parking scheme to see if it needs to be reconfigured. He asked that that new fencing match the entire site frontage. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, had concern for water usage and advised the brewery will emit CO<sub>2</sub> gasses which will contribute to global warming. She also expressed concern for odor emissions.

Stosh Yankowski, 86 South Chestnut Street, cautioned that arcade users should be aware that virtual reality games are harmful to eye retinas.

Brewery owner Jeff O'Neil reported he is not new to complying with various regulating entities and explained his operation is not in violation of any regulations. The brewery operation will not be in violation of CO2 emissions as the technology they use does not create any adverse discernable odors outside the property line.

After careful consideration Ms. Reynolds made a motion to authorize the City Attorney to draft a Negative SEQRA Declaration for consideration, seconded by Mr. Muscat. All voted in favor. Motion carried.

There were no further comments from the public and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 6 PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, EMPLOYEE PARKING LOT, 3 BEEKMAN STREET, SUBMITTED BY DIA CENTER FOR THE ARTS**

Mr. Williams made a motion to open the public hearing to amend an existing Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried. Engineer Tom DePuy, of T.M. DePuy Engineering and Land Surveying, described his client's proposal to construct a 28-space employee parking lot off the secondary road near the rear portion of the bus entrance. More people are visiting the art center and this will shift employee parking to a separate parking area. The lot will be lit with low level lighting until 7:00 p.m. and just before 7:00 a.m. as needed. A walkway and stairway will be provided from the new parking lot leading to the main building. Most trees that will be removed are Locust and Ash, the lot will be landscaped, and additional evergreens will be planted toward the residential area. The area to the south near the bleachers because was not chosen for parking because it is used for occasional outdoor exhibition space. Mr. Gunn opened the floor for public comment.

William Wyche, 315 Hudson Avenue, has a view of the site and had concern for the storm drain between his and the neighbors' property. Mr. DePuy reported the water will be channeled appropriately down to the site and all fallen trees and pallets will be removed.

Laura Parker-Bey, 326 Hudson Avenue, reported this is the first certified letter she received to announce a public hearing. She asked if an ordinance exists to allow helicopters landing at the Dia site because she had concern that they would be landing in the new employee parking lot. Tom Shannon representing Dia reported owners and trustees utilize helicopters to access the site occasionally and permission is regulated through federal aviation regulations.

Patricia Lassiter, 328 Hudson Avenue, had concern for the additional parking because they will be encroaching on wildlife open space. She suggested they utilize the bus parking area or that employees could be bussed into the site. Mr. Shannon explained the staff parking lot will be used mostly on the weekends. They have worked on balancing open space by planting additional shrubs and landscaping on other portions of the site. He explained utilizing the bus parking area is not practical because vehicles would need to be stacked.

There were no further comments from the public and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

Members reviewed the SEQRA Parts 2 and 3 drafted by the City Attorney and circulated prior to the meeting. It was noted that approximately 60 trees over 6-inches in diameter will be removed and 42 trees will be planted on various locations on the site. Tree removal must take place before March 31, 2019 as required by the DEC to protect the Indiana Bat population. After careful consideration Ms. Reynolds made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Muscat. All voted in favor. Motion carried.

Members reviewed the draft resolution for LWRP Consistency Determination and after careful consideration Mr. Muscat made a motion to approve the resolution, seconded by Mr. Lambert. All voted in favor. Motion carried.

Members reviewed the draft resolution of Site Plan Approval and after careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval, seconded by Ms. Reynolds. All voted in favor. Motion carried. The applicant was advised to submit a revised Site Plan showing the location of trees that will be planted on the property.

**ITEM NO. 7 PUBLIC HEARING ON THE APPLICATION FOR SITE PLAN APPROVAL, 2 ART GALLERIES, 1154 NORTH AVENUE, SUBMITTED BY PAOLA OCHOA**

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval at 1154 North Avenue, seconded by Mr. Barrack. All voted in favor. Motion carried. Engineer Dan Koehler of Hudson Land Design described his client's proposal to create art galleries (Mother Gallery and Parts & Labor Gallery) in two stories of the building at 1154 North Avenue. A new gravel path, new overhead door, and lighting will be installed as part of the project. The applicant is seeking relief from the parking requirement based on the site size, geometry, and location as permitted by zoning.

Mr. Clarke reported the project qualifies for a parking waiver because the lot is under 8,000 sq. ft. and parking spaces cannot be safely provided on site. Discussion took place with regard to temporary barriers proposed to guide visitors to the rear of the building. The right-of-way documentation with 1156 North Avenue revealed the easement is for ingress and egress therefore the owner's consent to create the gravel walkway must be provided. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked if the application would go through architectural review. She was informed that there are no exterior changes proposed and the property is not located in the historical overlay district at this time.

There were no further public comments and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Burke. All voted in favor. Motion carried.

Members reviewed the draft resolution of Site Plan Approval which was circulated prior to the meeting. After careful consideration, Ms. Reynolds made a motion to approve the resolution of Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN AND SITE PLAN APPROVAL, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Engineers Larry Boudreau, with Chris LaPorta, of Chazen Engineering described the proposal to construct two residential buildings (64 units) and one commercial building on the site at 248 Tioronda Avenue located in the Fishkill Creek Development zoning district. The Planning Board is tasked with the SEQRA environmental review and LWRP consistency determination. A greenway trail will traverse through the property to Wolcott Avenue.

Mr. Clarke summarized his review comments and explained that although they are waiting for a final determination from the Army Corp. of Engineers with regard to wetland delineation, the proposed layout will not change. The only change their determination will make is with regard to the greenway trail spurs. Mr. Clarke advised justification that Section 223-16(B) regarding very steep slopes has been satisfied to the maximum degree feasible before a SEQRA determination can be made. Although response is needed from the NYSDOT regarding impacts to traffic, the thresholds are less than the previously approved plan. Mr. Tully reported the applicant has adequately addressed engineering comments on the concept plan. Mr. Gunn opened the floor for public comment.

Erin Giunta, 9 Knevels Avenue, spoke about traffic speeding above the 15 m.p.h. limits on Wolcott Avenue and had concern about additional traffic considering Sargent Elementary School is nearby. She believed a crossing guard should be posted at the traffic light because it is a dangerous and busy intersection. Ms. Giunta reported the applicant reported no endangered species will be affected however she often sees Bald Eagles near the site. She questioned the steep driveway as it is near the Knevels Avenue intersection and felt sight distance could be compromised. She felt the new private road "Coyne Hill Road" should be noted on the site plan. Lastly Ms. Giunta asked if consideration had been given to the number of students that would be added to the school system.

Attorney Taylor Palmer, Cuddy & Feder, PC representing the neighboring property owner The Sisters Properties, LLC, asked about access space to their property. Mr. Taylor reported his client supports the project but wanted to be certain adequate space for access to their site and emergency access will be maintained. Mr. Clarke asked that the stub driveway access be shown on the site plan. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked the developer to do the right thing by making certain the greenway trail has full ADA compliance with no stairs.

The public hearing will remain open for the April 9, 2019 meeting.

**Planning Board  
April 9, 2019**

The Planning Board meeting was held on Tuesday, April 9, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Rick Muscat, Jill Reynolds, Pat Lambert and David Burke (in at 7:25 p.m.). Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Members Gary Barrack and Randall Williams were excused.

**Training Session**

Mr. Clarke reviewed updates to the City's zoning code and mapping changes under consideration by the City Council. Changes include elimination of the PB and OB zoning districts along Main Street as they will become a new Transitional zoning district permitting low impact uses that blend in with the adjacent residential districts. Discussion took place with regard to additions to the Historical and Landmark Overlay District. Mr. Burke joined the meeting at 7:25 p.m.

**Regular Meeting**

The regular meeting started at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the March 12, 2019 meeting. Mr. Gunn made a motion to approve the minutes of the March 12, 2019 meeting as presented, seconded by Mr. Burke. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the May 14, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

Architect Tomasz Mlynarski of Barry Donaldson Architects returned to finalize approval for renovations to the existing residential church owned building to create three residential apartments at 21 South Avenue. The location of the sewer line was determined to be completely on their property which connects to the sewer main in Beacon Street therefore no easement is needed. Mr. Mlynarski reported revised plans include improved grading lines and adjustment to the accessible parking space as requested.

Mr. Gunn opened the floor for public comment. No one from the public wished to speak and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

Members reviewed the draft resolution of approval prepared by the City Attorney and circulated to members for review prior to the meeting. After careful consideration, Mr. Muscat made a motion to adopt the draft resolution of Site Plan Approval and Certificate of Appropriateness, seconded by Ms. Reynolds. Barrack. All voted in favor. Motion carried.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW AND OPEN PUBLIC HEARINGS ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the May 14, 2019 meeting at the request of the applicant and Mr. Gunn opened the floor for public comment.

Lee Kyriacou, 1076 Wolcott Avenue, thanked Planning Board members for their service. He spoke about zoning changes under consideration by the City Council and explained their review will be thorough and well thought out. Mr. Kyriacou recognized the Planning Board serves as the executor of the zoning code and expressed his appreciation for the board's hard work in administering the zoning code. He looked forward to the joint meeting with members of the City Council, Planning Board, and Zoning Board of Appeals on Monday, April 22, 2019.

Theresa Kraft, 315 Liberty Street, reported at least 10 people were present to talk about this project but left because the agenda listed the item as adjourned. She asked members to visit Bayview Avenue to see the spectacular views that would be compromised by this development, and urged members to protect view sheds.

Arthur Camins, 39 Rombout Avenue, was not in favor of this development. He reported the developer cut down virtually all trees on the property, even on the cliff where no construction is proposed. He felt something amiss in the process because the developer appears to presume approvals will be granted. Mr. Camins understood zoning may permit this development yet felt it should not be built because this property is the first thing one sees when coming from the train station. He believed this parcel should not be developed.

Kevin Byrne, 61 Tioronda Avenue, was pleased the zoning code is being updated because it is not currently user friendly. He requested zoning changes be done in a transparent manner.

Stosh Yankowski, 86 South Chestnut Street, felt nothing should be developed on this property and that the City Council should pay the developer to take it over by eminent domain. He understood a four story structure is permitted however pointed out that mechanical equipment on the roof turns into a fifth story. Mr. Yankowski was amazed that trees were cut and asked that the project be denied.

Theresa Kraft, 315 Liberty Street, reported the site was formerly a gas station and investigation should be done to see if there is underground contamination.

**ITEM NO. 4 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Mr. Gunn summarized progress on the application process, and engineers Larry Boudreau, with Chris LaPorta, of Chazen Engineering were present to continue review of the proposed residential/office project located along Tioronda Avenue. Mr. Boudreau provided an overview of the environmental constraints, described building layouts and elevations, and outlined the proposed greenway trail location. Photo simulations of the project were presented.

Mr. Clarke asked that a detailed explanation of how the City's steep slope legislation is satisfied in regard to the proposal be submitted for review. He compared the applicant's school impact study with Rutgers multipliers and determined the development would potentially add 9-16 students. This would not be a significant impact considering the school district has experienced an enrollment decline. Mr. Clarke explained the ADA compliant section of the greenway trail should be shown on the concept plan with the understanding that more details will be worked out during Site Plan review. He asked that the "no adverse impact" statement issued in 2013 from the Office of Historic Preservation be made part of the EAF narrative.

Mr. Boudreau reported the Army Corp of Engineers has been contacted and the NYS Department of Transportation is currently reviewing their traffic study. In response to public comment about the site entrance, he explained this location was part of the previous approval and was also the MTA approved location for crossing. In addition a guiderail will be installed, signage will be added, and clearing will take place to increase sight distance. Mr. Gunn opened the floor for public comment.

Lisa Alvarez, 23 Hammond Plaza, felt the board should look at the number of apartment units that are currently empty before approving more projects. She felt attention should be given to the impacts the development will have on water usage, flooding, and infrastructure. Ms. Alvarez asked who will clean up creek and dead fish when the water is low. She estimated nearly 300 unoccupied apartment units exist and urged the board wait until there is 80% occupancy before approving another lasting development that will be harmful to Beacon.

Theresa Kraft, 315 Liberty Street, felt attention should be given to stormwater runoff that will cause oil and gas to drain into the creek. The environment should be protected.

Arthur Camins, 39 Rombout Avenue, thought a four story building required a variance and believed the argument that fewer stories would not be economically viable to be an invalid justification for a variance. He felt it should not be the City's responsibility to make a development economically viable for an applicant. Mr. Camins expressed concern for the loss of existing views of the creek and dam.

Kevin Byrne, 61 Tioronda Avenue, had concern for environmental impact mitigations to protect landscaping, steep slopes, and stormwater runoff. He felt the dam should be available and open to the public.

Mr. Tully explained areas on the site are set aside for stormwater mitigation however the design is not finalized yet. He added that if space set aside for mitigation is not adequate the applicant must adjust the site plan to make it comply with all environmental requirements. Ms. Reynolds had concern for proper remediation because in its day the former Tuck Tape site was one of the biggest polluters. Mr. Boudreau explained the previous owner went through complete site remediation and upon completion the DEC decommissioned the property from their list of contaminated sites.

Mr. Clarke explained building height is measured from the side of the building that faces the public street. In this case the side of the building that faces Tioronda Avenue is three stories therefore a variance is not needed for building height. No protected view sheds exist on this site, and one of the two proposed greenway trail spurs extends to the dam located on the creek. Discussion took place with regard to the easement which provides access to the adjacent Sisters' property. Further negotiations will be taking place with them in regard to extending an easement to the Wolcott Avenue emergency access. Mr. Boudreau reported their traffic study considered potential future development of the Sisters' property and 555 South Avenue. The applicant will return to continue review at the May meeting.

**ITEM NO. 5 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 9 APARTMENTS IN 3 BUILDINGS, 53 ELIZA STREET, SUBMITTED BY PIE DEVELOPMENT COMPANY**

Design team Attorney Taylor Palmer, Engineer Mike Bodendorf and Architect Aryeh Siegel were present to review their client's proposal to change the existing commercial operation at 53 Eliza Street into a residential development. Mr. Palmer reported the application was referred to the Architectural Review Subcommittee however work on changes to the elevations had not been completed in time for submission deadline. The public hearing was subject to a meeting with the Subcommittee however it was properly noticed and the applicant was willing to continue review of other site plan aspects. Mr. Muscat made a motion to open the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

Mr. Siegel described his client's proposal to change the commercial contractor yard and offices into nine condominium units within three buildings organized around a landscaped court yard. Work has taken place on adjusting building design and elevations to make certain the height and number of stories are within permitted limits. Floor and landscape plans will be submitted for review at the next meeting, and building elevation renderings will be done next week to meet with the Architectural Review Subcommittee. Discussion took place with regard to the covered driveway entrance, and height of the arch covered drive was reviewed and accepted by the City's Fire Chief.

Mr. Clarke reviewed his comments and advised front yard setbacks must fit in with adjacent houses and porches need to be at least five feet wide. He felt the proposed portico entry into the site would not fit in with the neighborhood. Mr. Tully advised the applicant to be aware that the Health Department has different requirements for a condo development, and explained more information on soil testing is needed. Remaining comments are listed in his review letter. Mr. Gunn opened the floor for public comment.

**Planning Board  
May 14, 2019**

The Planning Board meeting was held on Tuesday, May 14, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:10 p.m. with Acting Chairman Randall Williams (in at 7:35 p.m.), Members Rick Muscat, Jill Reynolds, and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Chairman John Gunn and Member David Burke were excused.

**Training Session**

City Attorney Jennifer Gray reviewed the application process pre-application process – review with city attorney, building inspector, secretary, and board consultants. Reviewed the application procedures outlined in the Code for subdivisions, as well as specifications required for plats and site plans. General provisions for Special Use Permits were reviewed.

**Regular Meeting**

The regular meeting started at 7:38 p.m. with Mr. Williams calling for corrections/additions or a motion to approve minutes of the April 9, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the April 9, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the June 11, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW AND OPEN PUBLIC HEARINGS ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the June 11, 2019 meeting at the request of the applicant.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Engineer Larry Boudreau, with Chris LaPorta, of Chazen Engineering were present to continue review of the proposed residential/office project located along Tioronda Avenue. Mr. Boudreau summarized progress on the project and provided responses to consultant and public comments. The EAF was revised with regard to the number of school children that would be generated from the project, work with the NYS Department of Transportation and Creighton Manning on traffic information took place, and sight line information for the Tioronda Avenue access point was provided. Mr. Williams opened the floor for public comment.

Kevin Byrne, 61 Tioronda Avenue, commended the applicant on the building design. He felt the grade change at the Wolcott Avenue emergency access should be reviewed because it appeared too steep and asked that amenities to greenway trail be improved by working with the Greenway Committee. Mr. Byrne suggested the trail remain by the creek by creating a cantilevered walkway under the bridge to avoid steep grade changes where the trail meets Wolcott Avenue.

Theresa Kraft, 315 Liberty Street, expressed concern that there could be additional contaminants unearthed during construction because it is a former industrial site. She thought materials could still be remaining underground and new contaminants introduced from the development.

Arthur Camins, 39 Rombout Avenue, felt use of permeable pavement and a green roof system would be better for the environment.

Frank Filiciotto with Creighton Manning reported worked with the applicant on updating their traffic study. He confirmed that sufficient capacity exists at the intersection of Wolcott and Tioronda Avenue to accommodate the additional vehicular traffic that will be generated from this project.

Mr. Clarke reported the applicant sufficiently addressed his comments in order to move forward with the LWRP and SEQRA determinations for a recommendation to the City Council on the Concept Plan. The wetland delineation from Army Corps of Engineers remains but the environmental review process is complete and further site plan review will take place once conceptual approval is granted by the City Council. Mr. Clarke reported his environmental review comments have been addressed.

Mr. Boudreau reported the greenway trail follows the emergency access to Wolcott Avenue which is 20 ft. wide with a 10% grade as permitted. They will consider permeable pavement and green roofing as suggested. He reported remediation of the site was completed and the property was delisted. Concern was raised that new standards may be in place since it was delisted however NYSDEC does not require an applicant to revisit a site unless there is indication that more contaminants were introduced to the site. Mr. Boudreau reported each building has their own sanitary sewer pump station with generator back up. He will provide the board with a letter from SHPPO with regard to archeological and historic resources on the site.

Members will advise the City Council that they support the use of permeable pavement and green measures but don't feel it should be mandatory since the applicant agreed to work in good faith during the site plan review. The number of land banked spaces will also be reevaluated during site plan review. Members were comfortable with the conceptual layout knowing that specific site plan issues will be dealt with after conceptual review.

After careful consideration, Mr. Barrack made a motion to close the SEQRA public hearing, and direct the City Attorney to draft SEQRA documents, an LWRP Consistency Determination, and a recommendation to the City Council for consideration at the June meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.