

Hudson Todd LLC

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28-Oct-2019

Hon. John Gunn, Chairman
And Member of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: 2 Cross Street (Hudson Todd) – Response to comments from John Clarke, and Lanc & Tully

Dear Chairman Gunn and Members of the Planning Board:

This letter is submitted to respond to the comments submitted to the Planning Board on September 4, 2019 from Lanc & Tully, and September 6, 2019 from John Clarke:

LANC & TULLY COMMENT MEMO DATED SEPTEMBER 4, 2019:

General Comments:

1. **Comment:** The applicant's consultant should conduct an Inflow & Infiltration study of the existing site and buildings and provide certification to the City of Beacon that the site currently has no illegal cross-connections between the existing site and the City's sanitary sewer system. Possible cross-connections that should be looked at would be roof-leaders, sump pumps, existing site drains, etc. if any cross-connections are found, a report should be submitted as to the findings, the volume of I&I being introduced into the sanitary sewer collection system, and the proposed remediation for the cross-connection(s) found. The plans should also clearly show the proposed remediation as outlined in the report. A note should also be added to the plans granting the City of Beacon Building Department access to verify where the existing roof leaders and sump pump(s), if present, drain to.

Response: An I & I study for both existing buildings has been provided with this submittal. Required disconnections have also been noted on the plans.

2. **Comment:** The EAF notes a usage of 3,000 gallons of water per day. We would ask that a breakdown for this water usage be provided.

Response: A breakdown of the water usage has been provided as an appendix to the Environmental Assessment Form.

3. **Comment:** A survey of all parcels involved should be provided that shows the metes and bounds for each parcel.

Response: The existing conditions and removals plans show the metes and bounds of the parcels involved with this application.

4. **Comment:** Sheet 2 of the plans should note the size of each of the parcels involved.

Response: The project information table on the existing conditions and removal plan shows the parcels involved, and their respective lot sizes.

5. **Comment:** The existing condition survey on Sheet 2 should be updated to reflect the size and material of each of the existing utilities, such as water, sewer, etc.

Response: The grading and utility plan shows the sizes and reputed materials of all known nearby utilities.

6. **Comment:** The existing condition survey should show the location of the existing water and sewer services that service parcels 798971 and 799966.

Response: the existing conditions and removals plan shows the location of water and sewer services to both existing buildings.

7. **Comment:** We would recommend that a drainage pre and post drainage analysis be prepared for the project.

Response: A plan to provide conveyance of the stormwater from the site has been provide on the grading and utility plan. The details of the drainage analysis will be refined as the project layout plan is finalized with the planning board. We request guidance from the City Engineer's office on the parameters of the requested analysis, so that we can provide appropriate information in future submittals.

8. **Comment:** The plans should show how the project will be serviced by water and sewer.

Response: Water and sewer service laterals are provided on the grading and utility plan.

9. **Comment:** The project shall show how they will handle stormwater runoff from the project site.

Response: A plan to provide conveyance of the stormwater from the site has been provide on the grading and utility plan.

10. **Comment:** The proposed site plan should show the property lines for the site, along with the metes and bounds of the lines.

Response: The site plan sheet (A-2 Existing conditions) provides metes and bounds for the project site.

11. **Comment:** A site lighting plan shall be provided for the project.

Response: We acknowledge and agree that a lighting plan will be a required element within the site plan set, and will provide said lighting plan in future submittals as the plan set is advanced.

12. **Comment:** The access aisle between the ADA compliant parking stalls shall be 8-feet in width in accordance with the NYS 2017 Supplement to the building code.

Response: The access aisle width has been increased to 8 feet, and the accessible parking space widths are also shown at 8 feet per ADA standards.

13. **Comment:** The plan shall all proposed signage, include signage for the ADA parking.

Response: We acknowledge that signage is an important element of the site plan. The architectural plans show building signage, and the site plan will show other required signage such as accessible parking space signage as the site plan is advanced.

14. **Comment:** The plans shall include all pertinent construction details necessary for the project.

Response: Site construction related details have been provided on the construction details sheets within the plan set (3 sheets provided).

JOHN CLARKE COMMENT LETTER DATED SEPTEMBER 6, 2019:

Comments and Recommendations

1. **Comment:** The 4 Cross Street parcel is the PB district, which currently does not permit businesses, offices, or more than single family residential uses for this property. The City Council is considering a revised use table that would permit offices and more flexibility for business and residential uses in this area, but there is no guarantee or timetable for its adoption. The Council is also in the process of nominating 4 Cross Street to be included the HDLO district, which could affect this proposal.

Response: Comment acknowledged. The City Council has introduced and is holding hearings on a proposal to place 4 Cross Street (the PB zoned area of the property) in the HDLO district, which would allow the proposed uses. We expect 4 Cross Street to be included in the HDLO district prior to conclusion of the Site Plan review process. However, the project is not dependent on that enactment. If 4 Cross Street is not designated HDLO, or otherwise allowed to be used for office and mixed use, the use of this building will be adjusted to comply with the permitted uses. Note: the three tax parcels known as 4 Cross Street, 2 Cross Street, and 172 Main Street were merged into a single parcel in August 2019 (and may not be reflected in City records or on the County website until 2020).

2. **Comment:** The two Main Street parcels are in the Lower Main Street National Register Historic District. They are also in the HDLO and subject to the Certificate of Appropriateness approval process in the Historic Preservation chapter, the criteria in 134-7, and the design standards in 223-41.18 J. Of particular concern is any exterior changes to 172 Main Street, which the 1979 Historic Survey cited as particularly intact with a completely original storefront. Adding another floor to this building without a setback and removing the cornice pediment should be reconsidered.

Response: The historic status of the parcels is acknowledged, and the owners have reviewed the 1979 Historic Survey re: 172 Main, which notes that “the structure is intact and has received no modern alterations.” Nonetheless, the Survey also notes that the building is in a “densely built-up” and “commercial” area; that the condition of the building is only “fair;” and that the main threat to the building is “deterioration.” The picture shown in the survey shows the condition of the building in 1979. The condition of the building has improved significantly during our ownership.

We believe it is premature to make a prejudgment on acceptable design, prior to open discussion of the design issues and possible means of addressing concerns. The members of the owner/designer team have substantial experience in working with historic structures, having spent decades sensitively designing restorations, renovations and alterations in historic buildings, including numerous major civic landmarks. We intend to preserve and enhance these structures for future generations of residents of and visitors to Beacon. We expect specifics of the design to evolve during the Site Plan and Certificate of Appropriateness review process.

3. **Comment:** The proposal considers both 3- and 4-story options. The PB district has a 2½-story and 35-foot height limit. The CMS permits 3-story buildings 38 feet in height, but a 4th story requires a Special Permit from the City Council and a 15-foot setback for the top floor along any street frontage and within 40 feet of another zoning district. The 4-story proposal would also need variances for a top floor without a setback and for the 4 Cross Street building. I suggest that the applicant consider a more code-compliant 3-story option or a 4-story alternative with the required setbacks.

Response: The proposed Project, as set forth in the August 27 submission and this submission, proposes that the buildings in the CMS District be 4 stories, and 42 feet, in height. The building height at 4 Cross Street is proposed to be 35 feet and three stories. The applicant acknowledges that the proposed 3-story height of 3 Cross Street would require a ½ story area variance from the ZBA. The proposed building is compliant as to height (in feet) but requires a variance for half a story.

We understand that the City Council is presently reviewing, and may amend, the procedures for granting special permits for fourth stories in the CMS district. As with the issues relating to incorporation of 172 Main Street in the design, we look forward to discussing the issues and concerns relating to the proposed 4th story with the Planning Board. We note that the height of our proposed building, in addition to matching the height of the Dondero building, is no taller than a permitted three story building with an as-of-right cornice.

4. **Comment:** In the Sheet 2 Zoning Summary the 4 Cross Street parcel should not be listed in the CMS district. The Zoning Summary should also show required and proposed setbacks, frontage occupancy, building heights, and landscaped area.

Response: Comment acknowledged. The Zoning Summary has been updated to provide the requested information. As noted above, the three tax parcels known as 4 Cross Street, 2 Cross Street, and 172 Main Street were merged into a single parcel in August 2019 (and may not be reflected in City records or on the County website until 2020).

5. **Comment:** The Existing Conditions and Site Plan maps, floor plans, elevations, and Parking Plan should all be printed at a size that can be accurately measured with engineer's or architect's scale.

Response: Comment acknowledged. All drawings in the present submission have been printed at 24 x 36 size with graphic and written scale indicated.

6. **Comment:** From the square foot numbers provided and considering that 223-26 F requires only 2 spaces for each 3 senior citizen dwelling units, the required parking should be 46 total spaces. The applicant may request a lower parking count under the provisions in 223-41.18 G(3). If the project will have off-site dedicated parking on the 152 Main Street parcel, an analysis of the required 152 Main Street parking should be provided and a pedestrian path should be shown connecting the parking spaces to the proposed building. The municipal lot on Cross Street is already heavily used and only has 18 public spaces (two are dedicated to 162 Main Street).

Response: Comment acknowledged. Parking calculation has been revised on the zoning sheet. The project will include four on-site parking spaces at the driveway-accessed north (Cross Street) entry to the property. Please note that the 152 Main Street property has a City-approved Site Plan establishing a requirement for 23 on-site spaces (and 23 spaces remain dedicated to the 152 Main project). The pedestrian path is shown on Parking Plan (C-2) from parking area to Main Street sidewalk. Path will continue to proposed building on sidewalk.

7. **Comment:** Future submittals will need a full landscaping plan, lighting plan with fixture specifications, trash disposal methods, and elevations with materials and colors noted.

Response: Comment acknowledged. Full details (including landscape, lighting, service access and trash disposal, building materials and colors, etc) will be included and developed further as the review progresses.

8. **Comment:** The following EAF questions should be revised:

- B.e should include a referral to Dutchess County Planning because the parcel is within 500 feet of the County Center on Main Street;

Response: Comment acknowledged. County Planning added to B(e).

- B.i.ii should be answered yes;

Response: Comment acknowledged, and answer changed to Yes.

- C.3.a should include that the 4 Cross Street parcel is in the PB district;

Response: Comment acknowledged, and PB district included in response.

- D.1.c should be answered yes because the site has existing residential and commercial uses;

Response: Comment acknowledged, and answer changed to Yes.

- D.1.g should be answered yes;

Response: Comment acknowledged, and answer changed to Yes.

- D1.h should be answered no;

Response: Comment acknowledged, and answer changed to No.

- D.2.j should be answered yes with the subsequent information provided;

Response: Comment has been reconsidered, and answer remains No. According to EAF workbook, the Project does not meet the thresholds for ‘substantial’ increase. (See attached chart)

- D.2.r should be answered yes;

Response: Comment acknowledged, and answer changed to Yes.

- E.1.c should be answered yes;

Response: Comment considered, and answer remains No. Property is not used for public recreation and members of the community are not invited to use it as such. Hudson Todd has extended limited, short term, and explicitly temporary, permissions to two local organizations (one, Nature Landscaping, under the stewardship of Brian Quinn, and Green Teen, under the stewardship of Helena Brattman) to cultivate a garden and yard on this property. Such limited permissions to these organizations have been granted only for the then-current growing season, with the explicit understanding that the permission is for only a temporary use by those organizations, and not the public. The property is not a public recreation area, but private land.

- E.3.e should be answered yes; and

Response: Comment acknowledged and answered Yes.

- The NYS DEC Mapper should be attached to confirm or supplement some of the answers.

Response: Comment acknowledged. NYS DEC Mapper attached.

With thanks,

Joseph Donovan