

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on November 4, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/371125581>

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Terry Nelson, Ward One
John Rembert, Ward Two
Jodi McCredo, Ward Three
Randy Casale, Mayor

Council Members Absent:

Amber Grant, Ward Four (Excused)

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

A moment of silence was observed for those who serve and have served in the US military.

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Stosh Yankowski

Mr. Yankowski asked if the Council was serious about trading green space for a monstrosity building on Main Street. He apologized to the Mayor for saying that he wavered on allowing four-story buildings. If a height limitation is set, don't make it too huge.

Theresa Kraft

Ms. Kraft said don't allow the buildings to be too large. She said that last week's Workshop was an orchestrated coup as the Council members decided not to support a stop to four story building developments. Since when can the Comprehensive Plan not be altered, when did it get set in stone?

Public Hearings:**Public Hearing Regarding Concept Plan for 23-28 Creek Drive**

Nick Ward Willis reminded the Council that they received comment from the Dutchess County Planning Board saying this was a matter of local concern. The City of Beacon Planning Board also provided comments.

Taylor Palmer, Attorney representing the project from the law firm of Cuddy and Feder

The project is located in the Fishkill Creek Development District and it has 20,000 square feet of commercial space, (which represents 60% of the entire project), and 8 residential units. The project includes an expansion of the Greenway Trail and the creation of a large creek-front park.

Aryeh Siegal

Mr. Siegal took the Council through a presentation of the proposed development. To view the concept plan documents, please visit

<http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=7324&MeetingID=499>. Highlights of the project include an addition to the Greenway Trail, a large public park, and underground parking. The character of the building is consistent with the historic character of surrounding buildings. The project will be constructed using green building practices.

Jim Roberts, President of Docuware

Mr. Roberts introduced Docuware as a company that produces software with over 300 global employees. He said that Docuware will bring 70 full time jobs and provide an economic stimulus to the community. They will be responsible for 800 – 1000 hotel room bookings per year along with significant catering services. They are engaged with Beacon High School to create an I.T workshop for students. They are growing at 33 % per year. In order to support that growth, they've added ten new employees. They expect to add fifty new positions in the next five years.

Juan Tenemaza, Docuware Employee

Mr. Tenemaza is a professional services engineer. He is a Beacon resident and said it would be nice if Docuware moved to Beacon so he could have a shorter commute.

Paul Remington, Chief Financial Officer of Docuware

Mr. Remington said that Docuware will bring in a lot of businesses for the hospitality industry. He will consider relocating to Beacon if the building is constructed.

Arthur Camins

Mr. Camins said that the proposal should go back to the drawing board for a plan that would not require any variances. He has several issues (1) the building is too tall (2) the circumstances are not extraordinary (3) the green space they are providing isn't out of charity, it's required (4) the Planning or Zoning Board did not know the rationale for limiting apartment size and therefore dismissed said requirement (4) he does not trust the traffic study, it's inconceivable that this will not result in a traffic problem (5) adequate parking is not available on their own property (6) this project will not help provide affordable housing.

Theresa Kraft

Ms. Kraft opposes the project. It will result in neighbors living with increased traffic from employees and deliveries. Almost all of the employees will be commuting via vehicle. The natural

environmental will be adversely impacted due to all of the extra motorists near the Fishkill Creek. The trail is not a gift but a requirement. The public has not yet seen what this project will look from Spring Valley Street. No more four floors.

Michael O’Leary, Docuware Employee

Mr. O’Leary is a Beacon resident and Docuware employee. He said commuting via a bicycle or the Free Loop Bus. Today, every employee must drive to work. That will not be the case if Docuware moves to Beacon. Docuware is committed to hiring locally and they provide high paying jobs. Docuware’s move to Beacon is a rare chance to bring in a partner who is here for the long haul and wants to help continue to diversify Beacon.

Kevin Byrne

Mr. Byrne reminded the Council that they are deciding about the size of the building. The zoning currently in place were well-thought out. He called Docuware a great company. The proposed permits are specific to the building, not to the occupant. There are five reasons to approve a variance, he said none of the reasons are applicable. “What’s wrong with people making more money” is not sufficient. Focus on the impacts and whether or not they are a good thing for the City.

Michal Mart

Ms. Mart said she is excited that Docuware wants to come to Beacon. She agreed with Kevin Byrne. She said that the Council built the variances into the deal with the developer. That is really a problem. It is disturbing to know that employees will be parking in the lot on Churchill Street, which the city recently paid \$500,000 for.

Steven Mahechy

Mr. Mahechy said that Rodney Webber is “The Guy” in town. Mr. Webber lives here, he wants to do what’s best for Beacon. People who are against this are afraid of change. Mr. Mahechy said that he wants to stay raise his family here and he wants someone who will build something that is thought-out and not just for a quick buck. We want something that will be here for a while. During the week Beacon needs the foot traffic. Parking is not a big deal; we can all find parking after this meeting.

Diane Dee

She said that she moved her business to Beacon. The developer is a great person. She is excited about the parking in the new area he’s building. She’s teacher and all of her students can park in the new development rather than park in the Brewery.

Montos Vakirtzis

Mr. Vakirtzis is a 52-year resident of Beacon and a former Zoning Board member. He does not find the plans to be intrusive, he sees them as pleasant. He is familiar with Docuware, they are very reputable.

Stosh Yankowski

Mr. Yankowski suggested that Docuware pay the rent for the apartment on the top floor instead of actually building the top floor and renting it out.

Frank Castella Jr., President and CEO of the Dutchess County Regional Chamber of Commerce

Mr. Castella commended the Council for their leadership and developing a community that is ripe for sustainable growth. Many businesses in Beacon complain that there is not enough foot traffic mid-week. This project will bring people to Beacon. Docuware has a track record of supporting their hometown community. They are currently providing internships and helping young people where they are currently located. You won't find a better corporate citizen than Docuware.

Taylor Palmer

The applicant has submitted complete documentation and all municipal procedures have been followed. The applicant is working with various boards so this is a functional project. The applicant has been responsive to the City boards. This will have a significant public benefit.

Council Person Mansfield

When this RFP went out, the Fishkill Creek area was not required to have any commercial space. One of the considerations was that there was a pre-approved trade-off on another property owned by the applicant. When the Council decided to give this property to the applicant it was understood that the applicant would not build residential units on the other property. He asked if it was mandatory that the applicant provide commercial space?

Nick Ward Willis

The commercial space was not originally proposed or required; it then became required because of a Council decision. They did not obtain any vested rights to the non-commercial plan they had originally proposed. Once the zoning was changed, they had to then respond and provide commercial space. This now exceeds the commercial space minimum requirement.

Council Person Mansfield

Our job is to look at how this project complies with the current zoning?

Nick Ward Willis

Correct. The Planning Board looked at the traffic issues. The Council needs to look at the criteria before it, which is the Fishkill Creek design criteria.

Council Person McCredo

Ms. McCredo asked if they are too far along in the process to ask the applicant for plans that would not require variances.

Nick Ward Willis

Mr. Ward-Willis said that that decision would be up to the Council.

Council Person Kyriacou

Mr. Kyriacou asked Taylor Palmer if the votes approving the variances were unanimous. He asked how many units on the adjacent site were originally proposed but are not being built. He also asked the attorney to comment on the use of the Churchill Street parking lot and on the existence of weekend parking. He then asked Nick Ward-Willis to summarize the criteria that the Council is considering for this project.

Taylor Palmer

Originally the adjacent property was proposed to be a four-story development with 16 residential units. Two of the variances were approved unanimously, parking and a 250 square foot variance for two of the apartments. One of the variance votes was passed 3 – 2. The applicant is not proposing to use the Churchill Street parking lot. The applicant will hold weekend training programs which will use some of the parking.

Nick Ward-Willis

Mr. Ward-Willis said that the Concept Plan may be approved by the Council when the eight separate conditions are met. He read each condition. They can be found here in section 223-41.13 of the Code of the City of Beacon <https://www.ecode360.com/15154785>.

George Mansfield

How much commercial space is required? And are they required to stay forever at their current proposal?

Taylor Palmer

25 percent is required and 60 percent is being provided.

Nick Ward-Willis

It can be adjusted in the future with approvals.

- Motion to Close Public Hearing
- Motion by Council Person Mansfield
- Second by Council Person Nelson
- Motion Passes 6 - 0

Council Reports

Council Person Terry Nelson

Nothing to report.

Council Person McCredo

Ms. McCredo thanked everyone for coming and said that people can call, email or speak in person to their Council person.

Council Person Mansfield

Tomorrow is election day and voting is a great way of communicating.

Council Person Kyriacou

Mr. Kyriacou said he is interested to hear what the public has to say.

Council Person Rembert

Mr. Rembert said that there will be a Veteran's Day Ceremony at the Memorial Building at 11 am on Veteran's Day.

Anthony Ruggiero

There has been no change to the water levels of the reservoirs. The city will apply for a tree grant to look at the trees in Memorial Park for trimming or replacement. The city applied to for a grant from State Farm to work with the Dutchess County Workforce Investment Board. The city also applied for a grant from the Robert Wood Johnson Foundation to continue to work on food security, and expansion of and continuation of the free bus program.

Mayor Casale

The Mayor said that the Phillips Street project, weather permitting, should be wrapping up at the end of next week. He read an announcement for Veteran's Day, saying that at 11 am on Veteran's Day there will be a ceremony at the Memorial Building. He said that the city has put a lot of work into the Memorial Building and it now stands as a nice monument to our city and our veterans.

Mayor Casale reminded residents to call the Water Department at 845 838 5004 if they have an estimated water bill.

Resolutions, Ordinances and Local Laws:

1. A Resolution Adopting a Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement

Mayor Casale read a memo from the City Attorney regarding site plan enforcement which can be found below.

Currently, enforcement of an approved Site Plan and/or Approval Resolution is predicated on the fact that a building permit and certificate of occupancy would be issued prior to the enforcement action. (See, Section 223-51 of the City of Beacon Zoning Code). Such enforcement reflects the typical case whereby approval for construction is issued, the applicant satisfies certain conditions, obtains a building permit, constructs the improvement, and receives a certificate of occupancy to close out the building permit.

However, in some cases, implementation of an approved Site Plan does not require the issuance of a building permit or certificate of occupancy. In these cases, the Building Inspector does not have a clear and unequivocal enforcement tool upon which to issue violations returnable in the Beacon City Court. The proposed local law to amend Section 223-7 of the City of Beacon Zoning Code is intended to provide a broad tool for use by the Building Inspector where a property is not in conformance with an approved Site Plan or Approval Resolution, regardless of whether a building permit or certificate of occupancy is required for the approved improvements or uses.

To move forward with the local law, the City Council is required to refer the local law to the Beacon Planning Board and to the Dutchess County Planning Department. A public hearing on the local law will also be required.

- Motion by Council Person Mansfield
- Second by Council Person Rembert
- Resolution passes 6 - 0

2. A Resolution Appointing Montos Vakirtzis to the Board of Ethics

- Motion by Council Person Kyriacou
 - Second by Council Person Rembert
 - Resolution passes 6 - 0
3. **A Resolution Setting a Public Hearing to Discuss the Proposed Capital Plan for November 18, 2019**
- Motion by Council Person McCredo
 - Second by Council Person Mansfield
 - Resolution passes 6 - 0
4. **A Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Sections 41.4, 41.18 and 41.21 of the Code of the City of Beacon Regarding Balconies for December 2, 2019**
- Motion by Council Person McCredo
 - Second by Council Person Rembert
 - Resolution Passes 6 - 0
5. A Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Section 14, Subsection B of the Code of the City of Beacon Regarding Exterior Lighting for December 2, 2019
- Motion by Council Person McCredo
 - Second by Council Person Mansfield
 - Resolution passes 6 - 0
6. Resolution Setting a Public Hearing to Discuss a Special Use Permit Application at 296 Main Street for December 2, 2019
- Motion by Council Person Mansfield
 - Second by Council Person McCredo
 - Resolution passes 6 - 0
7. Resolution Granting Concept Plan Approval for 248 Tioronda Avenue

This resolution has been pulled and moved to November 18, 2019

Approval of Minutes

Motion to approve council minutes from October 21, 2019

- Motion by Council Person Rembert
- Second by Council Person McCredo
- Motion passes 6 - 0

Second Opportunity for Public Comments: Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

Speakers:

Kelly Ellenwood

Ms. Ellenwood spoke on behalf of Beacon Arts which just published its quarterly Beacon Guide. The Beacon Free Loop Map is included. The new art in the bus shelters has been installed. A little over two years ago this program began. The artwork is incredible.

Michal Mart

Ms. Mart thanked those running for office for their hard work even if she doesn't agree with them.

Kevin Byrne

Mr. Byrne asked if the Council could ask for additional plans from the applicant for the Creek Drive project. He also asked if the Council could require variance applications to include a project proposal without the variances?

Nick Ward-Willis

Mr. Ward-Willis said the Council can ask for more information but they need to understand the parameters of reviewing the plans. Requiring an applicant to submit a proposal that does not require variances may be cost prohibitive.

Arthur Camins

Mr. Camins, referring the project at 23-28 Creek Drive, asked if the approval under the prior zoning law is relevant under the new code and the new RFP?

Nick Ward Willis

Zoning variances run with the land regardless of zoning changes.

Pierce Johnson

Mr. Johnson asked for an update on the project for 248 Tioronda Avenue. He is not a fan of the project.

Mayor Casale

The project will be workshopped at the next meeting.

Adjournment:

- Motion by Council Person Mansfield
- Second by Council Person Rembert
- Motion passes 6-0

Next Workshop: November 12, 2019

Next Meeting: November 18 2019