

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 18, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/374161030>

Council Members Present:

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

Council Members Absent:**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.

Therisa Kraft

Under the current moratorium the overdevelopment is not ending anytime soon. She compared the new buildings to urban renewal. Wild habitats are being destroyed. Four and five story buildings were the anomalies. They should not serve as the standard today. She is concerned that the project proposed will forever change the west end of the historic district. The developer would not heed the Planning Board's advice of scaling back. The city must object to this project because it will tear down a great historic brick building and it will serve as a precedent going forward.

Arthur Camins

Mr. Camins said that Beacon is becoming an attractive place where people want to live. We are however, still stuck in the frame of reference that we need to provide incentives to developers. He thinks this is the wrong frame of reference. Providing variances may not be necessary. He hopes that the council is not simply reactive to what developers want to build in order to be profitable.

Stosh Yankowski

Mr. Yankowski recommended testing the supposed gaps in cellular coverage on Howland Avenue. He also recommended a background check on the current radiation. He quoted Ronald Reagan and said "Trust, but verify."

Mr. Yankowski read a selection from a recent issue of the Beacon Free Press in which in the incoming mayor, Lee Kyriacou, said that he *ran on better controlled zoning and quality of life issues. Recent construction and development has been bigger and bulkier than residents expected. His number one priority is 'how do we control development?'*. Mr. Yankowski asked if a four-story building is bulkier?

The developer of the Cross Street project said he will bring back the historical character of Beacon but Mr. Yankowski said he doubts it.

Scott Lerman

Mr. Lerman said that Main Street is the heart and soul as well as the economic engine of Beacon. We have to be careful because the tradeoffs we are making for development are potentially hurting our feeling of the city and our tourism business. It is his hope that new developers would come in with the understanding that demolishing existing buildings would not be approved by the city without an extraordinary benefit to the city. He was really surprised that the developer even proposed the project at Cross Street and Main Street. We are undermining the sense of community. Main Street is extraordinary. There aren't many places that have a mile-long Main Street. There are places that are open to build new buildings. Do not use the shell of an existing building. He asked why the city would even consider that.

Public Hearing:

Public Hearing Regarding the Proposed Noise Ordinance

George Mansfield

Councilperson Mansfield recused himself from discussing the Noise Ordinance due to his conflict of interest as a business owner.

Nick Ward-Willis, City Attorney

Mr. Ward-Willis said that the latest version of the law includes changes based upon comments from the public, the Council, the Planning Board, the Beacon Police Department and a noise consultant. He identified updates to the proposed local law.

Eric Zwerling, President of The Noise Consultancy LLC

There will be a permitting process required for outdoor amplified and unamplified sound from a commercial establishment that serves alcohol or food. There will be no outdoor sound production allowed between November 30th and March 1st. The maximum permissible sound limit will be 55 decibels for amplified or nonamplified sound. Outdoor music will require a permit. At nighttime the permissible limit is defined as plainly audibility as determined from inside an affected person's home with the windows closed.

This law has been simplified greatly. Daytime is 7 am – 9 pm. There is no distinction between weekdays and weekends.

He said that establishments with just a few patrons and without any music, will be out of compliance with the law as it is written. There are other ways to go about this. Section 149.5 states that if an individual is determined to be in violation, they as an individual can be prosecuted as such. This is probably a better way to go.

Dennis Pavlock

Mr. Pavlock asked why this can't be done on a case by case basis. He asked how the measurements will be taken when the perpetrators are actually being loud and are unaware that they are being monitored. He said that boom cars should be included in the law. He thanked the Council for listening.

Theresa Kraft

Ms. Kraft said she supports the revised noise ordinance. This can be revisited and tweaked if necessary. Quality of life is a huge issue for the City of Beacon. She asked if there is enough staff in the Building Department and Police Department for proper enforcement. Take away permits for repeat offenders and do not give it back for a fee.

Scott Lerman

Beacon's challenge is to maintain a healthy balance. This noise ordinance allows for a balance. This protects the rights of residents. It also seems like it will allow the City to reign in unruly neighbors. He thanked the Mayor and Council for working diligently on this law. He strongly supports the proposed ordinance. He suggested reviewing the law in 9 months to determine any unintended effects.

Edward Lopez

Mr. Lopez said that he moved back to Beacon four years ago. He said he is a bartender. He understands that there need to be revisions to the noise ordinance. He believes that businesses want to make it work. This is a beautiful place; it is an exciting city. If the Council ruins Main Street, a lot of the businesses aren't going to make money. There are a lot of variations of music bands in this city. He asked that the Council not ruin that, otherwise people may as well go to Peekskill.

John Anthony Gargulo

Mr. Gargulo is the owner of Hudson Valley Brewery. He said that the old version of the proposed local law is on the website, not the new version. He asked why people can't play holiday music in the winter? He said that the permits need to be clearer. It is troubling that 55 decibels may not be enough based upon what the noise ordinance expert said.

Pam Weatherbee

Ms. Weatherbee said that she has had issues with commercial establishments and the noise they produce. She is disappointed that the state liquor authority is not mentioned in the law. One of the pieces of the application should be a copy of the applicant's liquor license. She recommends that the outdoor noise permit be displayed at the establishments. She said she was troubled that the reading level would be at the property line and yet the property owner has to have their windows and doors closed. What do the two have to do with each other?

She asked, what the difference is between an establishment with open doors and windows versus an establishment with outdoor music?

Mayor Casale said that both establishments would have to meet the 55 DBA limit. Ms. Weatherbee suggested that the neighbors to the noise, particularly the complainant, be notified that a noise issue exists with a commercial establishment.

Lieutenant Figlia

Mr. Figlia said that this ordinance makes it easier for the Police Department to measure the noise under review. The state liquor authority is a separate issue from this. The Police Department can however make reports to the liquor authority. It is not necessary for an establishment to have a liquor license in order to have outdoor music.

Eric Zwerling

Mr. Zwerling said that a benefit of having a decibel limit allows businesses to measure their own levels. This is an objective, content-neutral standard. Plainly audible regulations after 9 pm are very restrictive and may have the unintended consequence of negatively impacting the perpetrating facilities. He addressed the revocation of the permit, saying that if there are three violations of the code there is then a hearing where the permit can be revoked. Further, any commercial establishment with a revoked permit may be considered disorderly. Longer permits will make denial of a permit easier rather than revocation of a permit. A third violation could result in a revoked permit and an SLA revocation of the establishment's liquor license.

Stosh Yankowski

Mr. Yankowski said that he has neighbors who are very loud. He hopes that this would be covered under the proposed regulations. He also doesn't understand why the windows have to be closed in order to violate the perpetrators.

Katy Benney

She is a business owner that hosts outdoor open mics. She is afraid that her open mics would not be permitted under this new law.

Mayor Casale said that the open mics can still happen, they just have to be within the decibel limit.

Council Person McCredo

The Police Department will not be looking for noise violations. However, if the Police Department receives complaints they will investigate.

- Motion to Close Public Hearing
- Motion by Council Person Nelson
- Second by Council Person McCredo
- Motion Passes 7 - 0

Public Hearing to Discuss the Proposed Capital Plan

Mr. Ruggiero highlighted several items within the Capital Plan. To view the Capital Plan, please see this link <http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=7351&MeetingID=501>

Pam Weatherbee

Ms. Weatherbee said she is excited to see that Fishkill Avenue, and the Wilkes Street path are included in the Capital Plan.

Arthur Camins

Mr. Camins said that he would like to see the purchase of some of the remaining green space on Main Street included in future capital plans.

- Motion to Close Public Hearing
- Motion by Council Person Rembert
- Second by Council Person McCredo
- Motion Passes 7 - 0

Public Hearing to Discuss the Proposed 2020 City of Beacon Budget

Anthony Ruggiero

Mr. Ruggiero provided an overview of the proposed budget which can be found here <http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=7352&MeetingID=501>

There were no speakers from the public for this hearing.

- Motion to Close Public Hearing
- Motion by Council Person Rembert

- Second by Council Person McCredo
- Motion Passes 7 - 0

Council Reports

Council Person Terry Nelson

Mr. Nelson congratulated the Beacon Players for their recent success in their play Rock of Ages. He also thanked and congratulated Carly Franklin Fuse for her commitment to the community.

Council Person McCredo

Ms. McCredo congratulated the Beacon Players. She told the public that Rombout Middle School will be putting on a show this weekend. She suggested using the Swift 911 service to notify the public of all public hearings. She also suggested calling residents with explicit instructions on how to sign up for their preferred method of contact. She concluded by wishing everyone a Happy Thanksgiving.

Council Person Mansfield

Nothing to report.

Council Person Kyriacou

Mr. Kyriacou said he appreciates the comments from the public.

Council Person Rembert

Mr. Rembert wished everyone a Happy Thanksgiving.

Council Person Grant

Ms. Grant said that people are using Green Street Park as an area for dogs.

Mayor Casale

Mayor Casale read a letter from the Beacon Hebrew Alliance requesting the public hearing for the 35 HDLO designated properties be postponed from December 2, 2019.

Resolutions, Ordinances and Local Laws:

1. A Resolution Appointing Ryan Murphy as a City of Beacon Police Officer

Police Chief Junjulas

Mr. Junjulas said that Ryan Murphy is 25 years old, he lives in Red Hook. He is a SUNY Cortland graduate.

- Motion by Council Person Grant
- Second by Council Person Mansfield
- Resolution passes 7 - 0

2. A Resolution to Certify Base Percentages and Proportions for the 2019 Assessment Roll Pursuant to Article 19 of the Real Property Tax Law

Council Person Kyriacou

Mr. Kyriacou verified that the base percentages were approved by New York State.

- Motion by Council Person Mansfield
- Second by Council Person Rembert
- Resolution passes 7 - 0

3. A Resolution Authorizing a Task Order for the Upper Fishkill Avenue Sewer Study

- Motion by Council Person Grant
- Second by Council Person Nelson
- Resolution passes 7 - 0

4. A Resolution Approving the Concept Plan for 23-28 Creek Drive Parcel No. 6054-37-037625

Council Person McCredo

Ms. McCredo explained why she was voting “No”. She said she is a fan of job creation. However, this vote is not on Docuware, it is on the building itself. The building requires many variances, including height and parking variances. These are areas of concern for the public.

Council Person Kyriacou

Mr. Kyriacou explained why he voted “Yes.” He said that the directly adjacent parcel gave up a significant number of units which was a good tradeoff. There is a significant amount of parkland being developed. Sixty percent of the lot is going to be commercial which is a home run.

- Motion by Council Person Grant
- Second by Council Person Mansfield
- Resolution Passes 5 – 2 (Council Person McCredo and Council Person Rembert voted “No”)

5. A Resolution Approving the Concept Plan for 248 Tioronda Avenue Parcel Nos. 5954-16-993482 and 6054-45-012574

Council Person Grant

Ms. Grant asked for clarification on a letter regarding the SEQRA process for 248 Tioronda Avenue. She also asked if she can request additional information.

Anthony Ruggiero

Remediation has been satisfactorily completed. It has been removed from the New York State Registry of Hazardous Waste Disposal.

Nick Ward Willis

Mr. Ward Willis said the Council can request more information but it would have to be specific to the criteria within the Fishkill Creek Development District. The existence or nonexistence of contamination on the site during development would not fit into the criteria before the Council.

Council Person Kyriacou

Mr. Kyriacou said that the Council saw a proposal for the project four years ago that imposed a requirement of 25% commercial space. It was one large, long building. This project has come a long way in part due to the rezoning on Fishkill Creek.

Council Person Mansifeld

This project has come a long way. It was previously proposed to look like several Victorian homes squished together.

Council Peron Nelson

He said he has an issue with the bulkhead. He urges the Planning Board to look at that particular issue. The proposal meets the requirements for the Council so he reluctantly voted "Yes".

Council Person McCredo

Ms. McCredo said she appreciates that the parking is beneath the building. She also appreciates that it's better than what it was. However, as it stands now, she voted "No".

Council Person Kyriacou

The is for a conceptual plan, it goes back to the Planning Board and the Council is sending their input to the Planning Board. He said he would assume that if the Planning Board had any concerns with SEQRA that they would be taken into account. He voted "Yes".

Council Person Grant

Ms. Grant said that she hopes the applicant protects and enhances the views and corridors. She appreciates that the Planning Board has the final approval. The proposal meets the Council's requirements of Concept Plan Approval. She reluctantly voted "Yes".

- Motion by Council Person Grant
- Second by Council Person Rembert
- Resolution passes 5 – 2 (Council Person McCredo and Council Person Rembert voted "No")

6. Resolution Setting a Public Hearing to Discuss Various Traffic Safety Signage for December 2, 2019

Mayor Casale asked that the Highway Superintendent measure where the parking spaces were lost on Main Street. He requested a measurement from the side of the road to the center to determine if changing the center line would allow the city to retain some of the parking spots.

- Motion by Council Person Rembert
- Second by Council Person Nelson

- Resolution passes 7 - 0

7. Resolution Authorizing a Lease Agreement for Co-Location of Verizon Wireless Cellular Antennae Facility on Existing Telecommunication Tower

Mayor Casale

If another company collocates on the tower, will the City receive additional revenue?

Nick Ward-Willis

Yes.

- Motion by Council Person Grant
- Second by Council Person Mansfield
- Resolution passes 7 - 0

8. Resolution Authorizing the Consideration of a Waiver from the City's Land Use Regulations for the Construction of a Communications Facility on Existing City Owned Tower

- Motion by Council Person Nelson
- Second by Council Person Rembert
- Resolution passes 7 - 0

Approval of Minutes

Motion to approve council minutes from October 21, 2019

- Motion by Council Person Grant
- Second by Council Person McCredo
- Motion passes 7-0

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:

Monica Mara

She thanked all of the public servants. She said that there are a lot of fireworks in the parking lot across the street from the West End Lofts. Are there plans for the former Martin Luther King property?

She referred Beacon Street and Wolcott Avenue intersection to the Traffic Safety Committee for the following reasons.

- Line of sight for people going south is poor because of the hill
- School bus routes have increased traffic
- New development will increase traffic
- Going down Wolcott around the corner by Beekman St. there are some jersey barriers that are full of graffiti and look awful

She requested a traffic light to mitigate some of these issues, she also said it is very noisy at the intersection.

Adjournment:

- Motion by Council Person Rembert
- Second by Council Person Nelson
- Motion passes 7-0

Next Workshop: November 25, 2019

Next Meeting: December 2, 2019