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December 27, 2019

**BY FEDERAL EXPRESS
AND E-MAIL**

Hon. John Gunn, Chairman
& Members of the Planning Board
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: AK Property Holding, LLC – Request for Extension of Final Subdivision Approval
Property: 25 Townsend Street, Beacon, New York

Dear Chairman Gunn and Planning Board Members:

On behalf of AK Property Holding, LLC (the “Applicant”), we are writing to request an additional two (2) 90-day extensions of the July 10, 2018 Final Subdivision Approval Resolution, last extended on February 13th, 2019 and July 9, 2019, for a proposed thirteen (13) lot residential subdivision.¹ This request is timely, as 180 days (six (6) months) have not elapsed since the date of the last extension granted on July 9, 2019, which runs until January 2, 2020.

The Applicant worked diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health (the “County Health Department”) in order to obtain County Health Department sign-off on the Final Subdivision Plat, and the Applicant is still working to satisfy the prerequisite Conditions provided in the 2018 Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk’s Office.

Since the Applicant’s last appearance before this Board, the Applicant has been involved in two (2) purchase and sale agreements with buyers who subsequently defaulted on their contracts. In relevant part, these contracts included the requirement for the purchaser to submit the requisite performance guarantee for the construction of all public improvements (Condition A.8 of the 2018 Approval Resolution). The Applicant is working satisfy this condition and is having difficulty filing this performance guarantee as the Applicant expected to close with buyers who were filing same.

Additionally, we understand that there is a pending site plan application for a townhouse development on the adjoining property (the “Beacon Views Townhouses Development”), which proposes access the Beacon Views Townhouses Development property through the 25 Townsend

¹ A copy of the 2018 Approval Resolution, Adopted July 10, 2018 (the “2018 Approval Resolution”) and the Planning Board Meeting Minutes of February 13, 2019 and July 9, 2019 approving the extension requests, are attached to this letter as **Exhibit A**.



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subdivision. Indeed, there has been no change of circumstances since the original approval – and if anything – there are even more unique circumstances now that support this linkage through the 25 Townsend subdivision to the adjoining Beacon Views Townhouses Development property. Accordingly, given the Applicant’s diligent efforts to see that the Final Subdivision Plat was approved by the County Health Department, as well as the Applicant’s efforts to satisfy the conditions to the 2018 Approval Resolution, we respectfully submit this formal request for two (2) 90-day extensions (180 days) of the Final Subdivision Approval, thus extending to June 30, 2020 the date by which the Applicant must satisfy conditions A.1-A.8 of the 2018 Approval Resolution in order for the Final Subdivision Plat to be signed by the Chairman of the Planning Board.²

We respectfully request that you please place this matter on the next available Planning Board Agenda for consideration of the Applicant’s request for two (2) 90-day extensions. Thank you in advance for your consideration in this matter.

Very truly yours,



Taylor M. Palmer

Enclosures

cc: Jennifer L. Gray, Esq. – Planning Board Attorney

² This Board has the authority to grant the requested extension pursuant to City of Beacon Code Section 195-14(D).

EXHIBIT A

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

FINAL SUBDIVISION PLAT APPROVAL FOR 25 TOWNSEND STREET

WHEREAS, the Beacon Planning Board received an application for Final Subdivision Plat Approval from AK Property Holding LLC (“Applicant”) for a residential subdivision (the “Project” or “Proposed Action”); and

WHEREAS, the property is located within the R1-7.5 One-Family Residence District and is designated as Parcel 6055-03-383149 on the City Tax Map (collectively, the “Subject Property” or “Site”); and

WHEREAS, the Subject Property is owned by AK Property Holding LLC and is comprised of approximately 5 acres which was formerly the site of the Knights of Columbus; and

WHEREAS, the Applicant is proposing to subdivide the parcel to create 13 residential lots for the construction of new single-family residences with an additional common lot for stormwater infiltration and 50’ right-of-way offered for dedication to the City of Beacon for future road purposes and the opportunity to connect the Subject Property to the adjacent parcel upon the development of the adjacent parcel; and

WHEREAS, the new lots would be serviced by a cul-de-sac roadway with sidewalks and a landscaped center island; and

WHEREAS, the subdivision is shown on the drawing, entitled “Preliminary Subdivision Plan,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y.; and

WHEREAS, the plans reviewed by the Planning Board consist of the following:

- Sheet 1 of 8, entitled “Existing Conditions and Demo Plan,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 2 of 8, entitled “Preliminary Subdivision Plan,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y.
- Sheet 3 of 8, entitled “Utility Plan,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 4 of 8, entitled “Utility Plan and Profile,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 5 of 8, entitled “Erosion & Sediment Control Plan,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.

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- Sheet 6 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 7 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 8 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.

WHEREAS, the application also consists of application forms and the Environmental Assessment Form (EAF), and all other submissions by the Applicant; and

WHEREAS, the Planning Board reviewed the application at its meetings on January 12, 2016, June 14, 2016, April 11, 2017, May 9, 2017, August 8, 2017, September 12, 2017, February 14, 2018, March 13, 2018, April 10, 2018, May 8, 2018, June 12, 2018 and July 10, 2018; and

WHEREAS, on March 13, 2018, following a coordinated review pursuant to SEQRA the Planning Board adopted a Negative Declaration after taking a “hard look” at each of the relevant areas of environmental concern through review of the EAF and all associated materials prepared in connection with the Proposed Action; and

WHEREAS, following the adoption of the Negative Declaration pursuant to SEQRA, on March 13, 2018, the Planning Board opened the public hearing on the application for Subdivision Approval, at which time all those interested were given an opportunity to be heard and the public hearing was continued to May 8, 2018 and June 12, 2018, and closed on June 12, 2018; and

WHEREAS, on June 12, 2018 the Planning Board granted Preliminary Subdivision Approval for the Project; and

WHEREAS, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City Code.

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the conditions 1 and 2 in Section “A” of the Preliminary Subdivision Approval Resolution, adopted on June 12, 2018, have been fulfilled to the satisfaction of the Planning Board, except for those conditions that have become conditions of Final Subdivision Approval set forth below, and the Planning Board hereby amends the conditions of the Preliminary Subdivision Approval Resolution to remove condition 4 in Section “A” therein.

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BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval to the Project, as shown on the application materials enumerated above, subject to the following conditions and modifications:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

1. The comments contained in the City Engineer's letter to the Planning Board dated July 5, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
2. The comments contained in the City Planner's letter to the Planning Board dated July 5, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
3. All application review fees shall be paid in full.
4. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project, including but not necessarily limited to approval from the Dutchess County Department of Health for the extension of water distribution and sewer collection systems, and shall meet all conditions contained in such approvals, as required therein.
5. The Applicant shall submit all necessary easements in recordable form satisfactory to the City Attorney, which shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat and prior to the transfer of any subdivision lot, with a copy of the recorded documents submitted to the City Clerk for filing. Such easements include but may not be limited to the following:
 - a. 20' wide Conservation and Landscape Easement
 - b. 10' wide Drainage Easement
 - c. 15' wide Drainage Easement with diversion berm
 - d. Stormwater Management Maintenance Agreement & Access Easement in accordance with Section 190-9 of the City Code

Thereafter, the Applicant shall submit written evidence certifying that such easements have been duly recorded in the Dutchess County Clerk's Office.

6. The Applicant shall submit appropriate Homeowner's Association documentation for review as to form by the City Attorney, which shall include maintenance obligations for the landscaped cul-de-sac island and all stormwater facilities, including the infiltration basin and all pipes, swales and structures that convey stormwater through the Subject Property. The "HOA Lot" containing the infiltration basin shall be owned and maintained by the HOA. Unless and until the City of Beacon accepts the

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offer of dedication of the 50' right of way spur off of the cul-de-sac, such right-of-way shall be owned and maintained by the HOA.

7. Pursuant to Section 195-15 of the City Code, the Applicant shall submit a performance guarantee for the construction of all public improvements in an amount to be determined by the City Engineer and in a form acceptable to the City Attorney.
8. Sheet 2 of 8, entitled "Preliminary Subdivision Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y. shall be re-labeled as "Final Subdivision Plan."

B. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. The Applicant shall submit a Construction Management Plan for review and approval of the Building Inspector, Highway Superintendent and City Engineer.
2. The Applicant shall fund an escrow account with the City of Beacon for the monthly stormwater inspections in an amount as determined by the City Engineer.

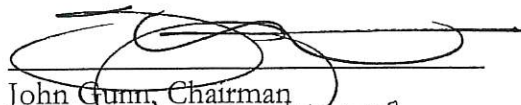
C. The following are general conditions which shall be fulfilled:

1. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Section 195-25.A(4) of the City Code. The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy, the Applicant shall pay a Recreation Fee as per the City's Fee Schedule in effect at the time of payment.
2. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
3. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this Resolution may be inconsistent with the EAF, the terms of this Resolution shall be controlling.

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4. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicants within thirty (30) days of each written notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this Resolution shall be rendered null and void if the Final Plat has not yet been filed in the Dutchess County Clerk's Office.
5. As used herein, the term "Applicant" shall include their heirs, successors and assigns, and where applicable its contractors and employees.
6. If any of the conditions enumerated in this Resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this Resolution and the remaining conditions shall remain valid and intact.
7. The approvals granted by this Resolution do not supersede the authority of any other entity.
8. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.
9. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said Plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this Resolution.
10. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this Resolution of approval are subsequently desired.

Resolution Adopted: July 10, 2018
Beacon, New York



John Gunn, Chairman

7/10/2018
Date

Motion by R. Williams, seconded by R. Muscat :

Gary Barrack
David Burke
Jill Reynolds
Patrick Lambert

Voting AYE
Voting EXCUSED
Voting AYE
Voting AYE

Rick Muscat
Randall Williams
John Gunn, Chairman

Voting AYE
Voting AYE
Voting AYE

Received in the Office of the
City Clerk
July 12, 2018

**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.

Miscellaneous Business

City Council request to review changes made to proposed Local Law to amend Section 223-24.5 of City Code concerning Wireless Telecommunication Services Facilities

City Administrator Anthony Ruggiero reported additional updates were made to the Wireless Telecommunication Service Facilities and noted the public hearing will continue at the next City Council meeting. City Attorney Jennifer Gray provided a detailed summary of changes made to the Local Law based on comments from the Planning Board and requirements adopted by the FCC in its Wireless Infrastructure Order. Review of the proposed changes and discussion took place with input from audience member Stosh Yankowski. Members supported changes made to the Local Law and after further discussion recommended the Council consider establishing minimum height limits for both antenna and ancillary equipment.

City Council request to review Tioronda Bridge (*continue discussion*)

As discussed at the onset of the meeting, members will advise the City Council that they feel a new bridge would qualify for review under Chapter 134 for a Certificate of Appropriateness and that a provision in the law be added for delisting sites or structures no longer deemed historical.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Barrack. All voted in favor. Motion carried. The meeting adjourned at 10:02 p.m.

**Planning Board
July 9, 2019**

The Planning Board meeting was held on Tuesday, July 9, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:06 p.m. with Chairman John Gunn, Members Pat Lambert, Gary Barrack, Jill Reynolds, Rick Muscat and Randall Williams. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Member David Burke was excused.

Training Session

City Attorney Jennifer Gray provided members with a form created for Architectural Review Board subcommittee members to use during their review of projects. The document will aid in formalizing recommendations to the planning board, and can be used as a tracking tool for reviews. Members reviewed the form and after careful consideration, Ms. Reynolds made a motion to approve the document subject to changing to provide space to create a bullet list of recommendations for action, a line to indicate the meeting date, and space to list meeting attendees. Mr. Lambert seconded the motion. All voted in favor. Motion carried.

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 June 11, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the June 11, 2019 meeting as presented, seconded by Mr. Barrack. 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 August 13, 2019 meeting.

ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Attorney Neil Alexander of Cuddy & Feder and Chris Mansfield of Tinkelman Architecture were present to continue review of the Ferry Landing project on Beekman Street. Mr. Alexander reported that at the last meeting the Planning Board adopted a Negative SEQRA Declaration and issued a LWRP Determination. Since then, the applicant met with the Architectural Review Board subcommittee and elevations were changed to bring the brick up higher on the third floor of the building.

Mr. Clarke asked that a note be provided on the plan to indicate no mechanical equipment, antennas, chimneys or similar accessory structures will be added to the roof. If any changes are proposed, the applicant would be required to return to the Planning Board for an amendment.

Mr. Alexander reported the patio separations on the third floor are a mix of brick and Hardee Board materials because code requires use of fire rated materials. Discussion took place with regard to trim materials and color, and members approved of the updated elevations that were presented. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked that the applicant guarantee nothing will be added to the building's roof, and believed they are installing cheap windows. She felt the DEC should investigate the property because it was formerly used as a gas station. Ms. Kraft wanted developers to stop building on every inch of land in Beacon. City Attorney Jennifer Gray reported the board reviewed and documented all environmental aspects of the application prior to adopting a Negative SEQRA Declaration.

Laura Bono, 10 Stratford Avenue, expressed concern that this development will lower property values because recently a house sale fell through due to this project. She had concern that future owners would add structures to the roof, and asked if they had any recourse if they did. She asked why renderings from Bayview Avenue side have not been provided and had great concern that view sheds should be protected. Ms. Bono felt visitors will no longer see Beacon for its beauty and that building is inhibiting what the City of Beacon is about.

Arthur Camins, 39 Rombout Avenue, supported concern for the loss of view sheds and felt the overall project falls short in many ways. There are no significant window details and the gray box at the upper level is simply ugly and stands out. He felt it should be an all brick building. Mr. Camins said the project adds nothing in terms of affordability and does nothing for Beacon.

Charlie Kelly, 5 Bayview Avenue, commended the applicant for reducing the number of stories and asked that a condition be placed on the approval to guarantee Bayview Avenue's view shed will not be lost, not only for residents but for the citizens of Beacon as well.

Bradley, Dillon, 8 Bayview Avenue, had concerns for the view shed and asked that language be added to give Bayview Avenue residents protection now and into the future. He asked to see renderings of the building height from the Bayview Avenue and full rear elevations.

Stosh Yankowski, 86 South Chestnut Street, thought the building to be ugly and has no connection to historical Beacon. He called it the "Beast on Beekman". This area provides a view shed for the entire City and the new building will not be a welcome sign to Beacon. He asked that the City Council stop the process by taking the property over by eminent domain.

John Bono, 10 Stratford Avenue, had concern for the building roof and equipment that may be put there in the future therefore asked for assurance that equipment can't be added in the future. The rear elevation of the building has not been presented so they don't know what it will look like. Mr. Bono noted it is a small parcel therefore had concerns that a large portion of the cliff may be removed to create an area for parking.

Mr. Alexander presented the west (rear) elevation and views from Bayview Avenue. He reported the bank will be graded but they are not proposing to cut into the cliff. A lengthy discussion took place with regard to the view from Bayview Avenue. Mr. Alexander explained this proposal meets zoning requirements and no variances or special permits are required. He reported they are awaiting response from Creighton Manning on their comment regarding sight distance. They will work with them and provide a written response.

Mr. Clarke confirmed that this project is consistent with regulations outlined in the City's zoning code. The building does not need to be historically significant in this area as design standards and photo examples show more modern elements to provide variety in this section of the City. He reported Bayview Avenue is not currently a protected view shed however the applicant has made concessions. Mr. Tully noted all engineering comments have been addressed.

Mr. Lambert made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the August meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. There were no further comments and Mr. Muscat made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL (ADD A PARTIAL 4TH FLOOR), RETAIL/RESIDENTIAL, 208 MAIN STREET, SUBMITTED BY 206-208 MAIN STREET, LLC

Architect Aryeh Siegel explained this property received Site Plan Approval for a three story building with 8 apartments and retail space on the ground floor. They want to amend that approval to add a partial fourth story and one more apartment. Mr. Siegel reported the fourth story addition is only visible from the east side of the property and complies with zoning regulations. A shadow study was submitted revealed almost no change from three to four stories, and the roof garden was expanded as requested.

Mr. Williams made a motion to open the public hearing on the applications for Special Use Permit Approval and Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried.

The size of the roof top garden was considered and the applicant agreed to 50% coverage. Discussion took place with regard to Special Use Permit requirements as compared to the proposal and narrative provided by the applicant. Mr. Tully had no further engineering comments but advised that a Performance Bond for drainage improvements and a construction inspection escrow account must be established with the City.

Members reviewed a letter submitted by an adjacent neighbor who expressed concerns that views from their building's third floor will be obstructed by the partial fourth floor. Mr. Clarke explained the conditions of a Special Use Permit have been met in that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or listed in the Comprehensive Plan Update. Private views from a third story are not protected, although some views may be obstructed a partial fourth floor is

permitted by zoning. Discussion took place with regard to the shadow study and dates/times that were part of the report, and the addition does not make that much different than the third story.

Shelita Birchett, 5 Digger Phelps Court, spoke for herself and on behalf of her neighbors, about concerns for shadows that will fall on neighboring houses. She indicated the roof will block views from 5 and 7 Digger Phelps Court which are already blocked by two new developments on Main Street. The new fourth floor will completely obstruct views of the neighborhood which has a small community feel. Ms. Birchett reported she was also speaking on behalf of residents that live on Mattie Cooper Square.

Arthur Camins, 39 Rombout Avenue, felt that asking for one additional apartment is not a good justification for their request for a Special Use Permit. This project provides no advantage for Beacon, it blocks views from buildings on the east side where the fourth story is visible. He felt the addition will be an eyesore in a historic area and a fourth story does not keep with the character of Main Street. Mr. Camins felt the application should be denied.

Theresa Kraft, 315 Liberty Street, echoed sentiments of previous speakers, and asked if the adjacent parking lot was still owned by the City of Beacon. She believed the fourth floor will be a visible eyesore and felt the application should not be approved.

Stosh Yankowski, 86 South Chestnut Street, noted that many people spoke against allowing four story buildings when the CMS district was formulated. He did not support the additional fourth floor and felt it was just too much.

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

Ms. Reynolds was not in favor the fourth story as the building stands alone and the height will be more visible. Mr. Gunn explained it is a permitted use as long as the applicant has met conditions of the Special Use Permit, and opposition must be specific to requirements in the code. Ms. Reynolds felt the building would be out of character because it is a stand-alone building, and it will affect future development around it. A lengthy discussion took place about the CMS district and regulations that allow four stories with Special Permit approval.

Mr. Lambert made a motion to authorize the City Attorney to draft a resolution of Special Use Permit Approval and Site Plan Approval for consideration at the August meeting, seconded by Mr. Muscat. All voted in favor with the exception of Ms. Reynolds who voted against the motion. Motion carried; 5-1.

ITEM NO. 4 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, ADD SECOND STORY, RETAIL/RETAIL, 184 MAIN STREET, SUBMITTED BY 184 MAIN STREET, LLC

Mr. Williams made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Barrack. All voted in favor. Motion carried.

Architect Joe Buglino, Alfandre Architecture, accompanied by building/business owner Mike Arnoff, were present to continue review of the proposal to demolish most of the existing one-story restaurant to create a new two-story building with restaurants on each floor. Mr. Arnoff explained the business is run by a local family and they are excited to expand their operation. Mr. Buglino reported they need a variance to allow a 10 ft. rear yard setback where 25 ft. is required. The existing parapet will be mimicked on the second story to maintain some of the historical value of the building. The wood detail of the first floor will be copied to the second floor with the addition of more glass to take advantage of the views.

A letter was submitted by neighboring property owner Courtney Smith (182 Main Street) indicating the applicant has an easement for ingress and egress over the alley between the two properties; and similarly, they have an easement of the westerly 2.5 ft. of the applicant's property. The letter requested the easement be heeded in final plans as they don't want to lose access to their property.

In addition, members reviewed correspondence from the NYS Office of Parks, Recreation and Historic Preservation which provided comments on the proposal. Mr. Clarke felt they assumed the storefront to be original therefore asked that the building be preserved as much as possible. He pointed out that their comments can be considered however they are advisory only. Mr. Gunn opened the floor for public comment.

Courtney Smith, 182 Main Street, reported she wrote the letter yet wanted to discuss her concerns. In relation to the easement between their properties, she reported the majority of the alley is on her property and is used as a driveway. For that reason, Ms. Smith did not want the curb cut removed and a tree planted because it would block their access. She expressed concerns for kitchen venting due to odors and asked that a new vent be placed on the building's east side. She asked for additional details on the grease trap because current conditions are not sanitary. Lastly, Ms. Smith requested consideration be given to establishing a maintenance agreement for the alley. In response, Mr. Arnoff reported the new building will be more efficient, and a new code compliant grease trap will be installed for both kitchens. New and improved venting equipment will be installed and venting will be from the rooftop.

Mr. Clarke noted his remaining comments can be easily addressed. Mr. Tully had questions about the EAF however City Attorney Jennifer Gray explained this project is a Type 2 category under new SEQRA regulations and requires no environmental review. Mr. Tully reported an I & I study must be done on the existing building to be certain no cross connections exist in the sanitary sewer. The report must be submitted and verified before any approvals can be given. Lastly all existing and proposed utilities need to be located and shown on the Site Plan.

Mr. Buglino reported this parcel is 100 ft. deep therefore they need to go before the Zoning Board of Appeals to seek a variance to allow a 10 ft. rear yard setback where 25 ft. is required. Mr. Clarke explained if the lot were 99.9 ft. deep the required setback would be 10 ft. as proposed. After discussing the variance, members supported their request and a memorandum outlining their support will be sent to the Zoning Board of Appeals for their consideration. The public hearing on the application for Site Plan Approval will continue at the September 10, 2019 meeting.

ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 23-28 CREEK DRIVE, SUBMITTED BY 23-28 CREEK DRIVE, LLC

Attorney Taylor Palmer summarized the proposed project to allow construction of a mixed-use development with eight apartments and 20,000 sq. ft. of commercial space on the former DPW site at 23-28 Creek Drive. Application has been made to the Zoning Board of Appeals for building height, number of stories, apartment size and parking variances.

City Attorney Jennifer Gray circulated Parts 2 and 3 of the EAF and a statement of support for a Negative SEQRA Declaration for members to review prior to the meeting. After careful consideration, Mr. Lambert made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Williams. All voted in favor. Motion carried. Members continued with review of the variances being sought by the applicant.

Building Height and Number of Stories

Members reviewed cross sections of the site to gain perspective on the applicant's request for a four story building where three stories are permitted, and for a building height of 53.4 ft. where 40 ft. maximum is permitted by zoning. Mr. Clarke explained this parcel is owned by the City and was marketed through an RFP process where the applicant was fully transparent with the Council that they would be seeking these variances. Mr. Palmer reported this building would be consistent in that a four story building was constructed on the adjacent parcel which was permitted by a variance granted by the Zoning Board of Appeals. The building is set down near the creek and will not appear to be a four story building from Tioronda Avenue. Members discussed ceiling height, the applicant's goal to maintain an industrial feel, and the size of the property. Mr. Taylor reported that although full engineering is not complete, the portion of the roof with mechanicals and equipment will be fully screened. After careful consideration and discussion about restrictions in the FCD zoning district, members decided to remain neutral with regard to the requested variance.

Apartment Size

A total of eight apartments are proposed, with two out of the three upper units being 2,750 sq. ft. where 2,000 sq. ft. maximum is permitted in the FCD zoning district. Discussion took place with regard to the size of the other six units which are substantially smaller providing an average of 1,698 sq. ft. of apartment space. After careful consideration, members remained neutral with regard to the requested variance.

Parking

The applicant is providing 93 off-street parking spaces where 113 spaces are required for the proposed commercial and residential uses. Members gave thought to the fact that the Fishkill Creek Development zone relies on general parking standards, while the similar mixed-use Linkage and CMS zoning districts would require far fewer spaces. A shared parking situation will exist because some of the employees will live and work on the site, and the commercial operation will not be operating when some residents are at home. Lastly fewer parking spaces would cut down on the amount of impervious surfaces and add more accessible greenspace. After careful consideration of these factors, members were in unanimous support of the parking variance and sent a positive recommendation to the Zoning Board of Appeals.

Discussion took place with regard to the Concept Plan and members were in general support of the project and felt the plan was much more complete than initially proposed. A lengthy comprehensive review of the proposal took place over the last few months and members felt comfortable with the plan as presented. More specific detailed and technical matters will be covered during the subsequent Site Plan review process after Concept Plan Approval is complete.

ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, 9 APARTMENTS IN 3 BUILDINGS, 53 ELIZA STREET, SUBMITTED BY PIE DEVELOPMENT COMPANY

Attorney Taylor Palmer, Engineer Mike Bodendorf, Architect Aryeh Siegel and owner Ed Pietrowski attended the meeting to continue review of the proposal to convert the existing commercial space into nine residential apartments situated in three buildings. They met with the Architectural Review subcommittee and agreed to make the recommended changes. Mr. Siegel explained a couple of the Site Plan sheets erroneously came through with an older version therefore presented the revised drawings that should have been submitted. The brick portions that extend up the building will be replaced with Hardee Board to match the remainder of the structure.

Mr. Clarke noted the applicant provided a front yard setback of 12.2 ft. which is an average of existing structures on the same side of the street. However, he suggested the front setback be adjusted to line up with the building on the north side of the project rather than project beyond that structure.

City Attorney Jennifer Gray circulated Parts 2 and 3 of the EAF and a statement of support for a Negative SEQRA Declaration for members to review prior to the meeting. After careful consideration, Mr. Lambert made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Barrack. All voted in favor. Motion carried. After a brief discussion, Mr. Barrack made a motion to grant Site Plan Approval subject to the applicant fulfilling all consultant comments as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

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 requesting two additional 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, Ms. Reynolds made a motion to grant two 90-day extensions as requested, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 7 REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER

Architect Brad Will of Ashoken Architecture and owner Douglas Ballinger were present to describe the proposal to convert an existing one-story building for a wine bar use with a new

storefront and rear patio. They met with the Building Inspector and received consultant comments. Comments regarding the EAF can be stricken because this is a Type 2 action under new regulations and is not subject to SEQRA review.

Mr. Clarke explained the application includes updating the storefront on the existing building and adding a patio to the rear. The front sidewalk is narrow therefore the storefront should not project out any further than the existing and no planter boxes should be permitted on the sidewalk. Additional details are needed for the patio layout and landscaping, and storefront improvements must comply with standards set forth in the CMS zoning district. Specifically, he had concern for the proposed "vinegar-treated" pine siding which may create an unfinished appearance and is not permitted in the CMS zone. The proposed rear patio fencing can be no higher than 6 feet and the proposed rear planter boxes on the adjoining property cannot be approved by the Board.

Discussion took place regarding a waiver for the parking requirements as permitted by zoning code if there is no space on the site for parking. After careful consideration, Ms. Reynolds made a motion to waive the off-street parking requirements, seconded by Mr. Williams. All voted in favor. Motion carried. City Attorney Jennifer Gray advised the applicant to provide a new disclosure form as there were pages missing from the original submission.

ITEM NO. 8 REVIEW APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, TO ADD APARTMENT, STAIRWELL AND COMMERCIAL SPACE, 162 MAIN STREET, SUBMITTED BY THE HOSE COMPANY, LLC

Engineer Michael Bodendorf, Hudson Land Design, described his client's proposal to construct a rear addition on an existing historic building to include a new three-story stairway, storage space, a one-story shop extension, and access to a new two-bedroom apartment on the existing third floor. This is an amendment to an existing Site Plan Approval that was not undertaken and the parking variance granted by the Zoning Board of Appeals dated May 16, 2017 has since expired. The applicant may qualify for the 1964 parking exemption therefore a parking variance may not be necessary. Discussion took place with regard to an easement with the City for access over the parking lot and a temporary construction easement from the neighboring property owner. City Attorney Jennifer Gray pointed out this a Type 2 action under SEQRA therefore no environmental review is needed. Mr. Clarke advised members to consider the three finish options provided to determine whether the addition should be stucco, thin brick veneer, or Corten metal panels.

There were no further comments and after careful consideration, Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan Approval for the August meeting, seconded by Mr. Williams. All voted in favor. Motion carried.

Ms. Reynolds was excused and departed the meeting at 11:10 p.m.

Miscellaneous Business

Zoning Board of Appeals – July agenda

As discussed earlier, a memorandum outlining member comments will be sent to the Zoning Board of Appeals for the 23-28 Creek Drive project.

Melzingah Tap House – 554 Main Street (discussion)

Kevin and Dana Collins from the Melzingah Tap House were present to discuss their project at 554 Main Street. City Attorney Jennifer Gray reported the Planning Board granted Site Plan Approval in April for the Melzingah Tap House subject to conditions outlined in the resolution of approval. In response to neighbor complaints, the Building Inspector investigated and found the property was used for live music without the required musician's nook and other unfulfilled items outlined in their conditional site plan approval. Their approval to utilize the rear pavilion was based on conditions put into place after a lengthy review process and those conditions were to be completed prior to any operation of the site. Mr. Collins thought they could operate while items of the conditional approval were being worked on. He pointed out conditions outlined in a letter from the Building Inspector conflicted with those outlined in the resolution of approval. A lengthy and somewhat heated discussion and debate took place between board members and the applicant. Ultimately the applicants were advised to discontinue operation of the outdoor pavilion until the Site Plan has been amended, submitted for final approval, and signed by the Chairman. Once that has been done, improvements and the required sound testing can be completed and submitted to the Building Inspector for approval.

Mr. Williams was excused and departed the meeting at 11:35 p.m.

Architectural Review

Certificate of Appropriateness – 1192 North Avenue (add two windows)

Property owner John Coughlin, 1192 North Avenue, described his proposal to add a half-moon window on the front of his house which is located in the Historic District and Landmark Overlay zone. After careful consideration, Mr. Lambert made a motion to approve the installation of new two-over-two windows on the rear and side of the building, and a half moon window in the front (window width to be no wider than the span of the two shutters below), seconded by Mr. Muscat. All voted in favor. Motion carried.

River Ridge – Architectural Amendment

Aryeh Siegel presented his client's proposal to change window mullions on the River Ridge townhouse project from 12-over-12 to 6-over-6 pattern. After reviewing and given consideration to the visual effect the change would have on the project, Mr. Barrack made a motion to approve the change as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

Single Family House – St. Luke's Place

No one was present to review this proposal therefore this item will be added to the August 2019 agenda.

City Council request to review proposed Local Law regarding enactment of a Moratorium on residential and commercial development

City Attorney Jennifer Gray presented the proposed Local Law Regarding Enactment of a Moratorium on Residential and Commercial Development as requested by the City Council. A lengthy discussion took place about the stated legislative intent and purpose of the moratorium, as well as the terms and scope of the moratorium. Planning Board members present did not

support enactment of the moratorium. A lengthy discussion took place with regard to reasons for the moratorium to protect against potential impacts of new development on the City's water supply while Well #2 is under repair, and to allow a measured amount of time to review and revise targeted zoning laws, specifically focusing on the City's use and dimensional tables, Linkage District, and evaluating properties eligible for the Historic District and Landmark Overlay Zone. Members unanimously agreed that whether the moratorium is based upon the stated issues of Well #2, the stated zoning amendments, or both, there does not seem to be a necessity for a moratorium to address these stated objectives, particularly a moratorium extending 4-6 months. They did not see the need to adopt a moratorium for zoning amendments which could be reviewed and adopted in regular due course. They advised that if the City Council decides to adopt the moratorium, the Planning Board recommends consideration that it only be for three months.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Lambert, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 12:02 a.m.