



October 29, 2018  
City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, New York 12508

Re Site Plan for 554 Main Street  
Change of use  
Tax Map # 6054-30-142808

Dear Chairman and Members of the Board:

On behalf of the Dana Collins and Melzingah Tap House we respectfully submit an amended application for Site Plan Approval extending the sites current uses outside to the Pavilion and Patio to be used by the Restaurant. It is located in the CMS Central Main Street District and in the Historic and Landmark Overlay Zone and Parking Overlay Zone.

During the Public Hearing on October 10, 2018 (2) two submission were made to be added to the record by members of the public, one being a petition presented by 31 Davis Street and the other a package on the property history provided by neighbors at 10 Ackerman Street (Also owns 33 Davis (Vacant)).

I will begin by addressing the petition titled "Petition to STOP & DENY Pavilion Usage at 544 Main Street, Beacon NY 12508". The Site Plan Application is for 554 Main Street, Beacon not 544. Further the Petition's Statement is misleading and partially untrue. The Pavilion is located in the CMS Zoning District and is an allowed use as a right per §223-41.18A.(7) "Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages, and are not a bar", . It is **NOT** located in a Residential Zoning District as stated and it is **NOT** a bar. The Smoker is a Commercial Trailer Mounted Smoker and not an "Industrial Smoker" as described, this terminology leads people to believe they are operating a "Factory" for smoked products. Industrial Smokers are typically far larger in scale and installed inside a structure. The petition contains (24) Signatures of individuals from (20) twenty separate individual addresses. Review of the remaining (20) twenty listed addresses show that (6) six of those are 2000+ feet away from the site. One address is a Commercial Warehouse on Main Street and another is a vacant dilapidated dwelling. (12) Twelve signatures represent Individual Residential Property addresses within 500' of the project site (approximately 125 parcels are within 500' of the site per parcel access). Individual concerns outlined in the comments ((8) eight total) follow:

- I oppose use at 544 Main St.
- I oppose Pavilion Music
- I do not like music at 544 Main Street.
- I oppose pavilion use at 544 Main Street
- I oppose late night loud music and Heavy BBQ Smell.
- A Lot of noises bother my family?

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- Too much Smoke.
- I strongly Oppose Pavilion usage.

In response to the above identified public comments, the use as a Restaurant as proposed is a use as a right in the CMS Zoning district.

As to the comments on music, the City Code §149 Noise, governs the sound levels leaving the site at the property line per §149-7 E. "A sound-level reading taken at a residential property line, arising from a commercial property, an industrial property, a public space or a public right-of-way, above 70 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m." We have tested the noise on-site at the property line on numerous occasions and not been in violation during a self-check or by any check preformed and documented by a City Official (that we are aware of currently).

Comments made in reference to Smoke and Smells came from addresses within the City limits that both have either a restaurant with outdoor patio cooking or an establishment nearby that both produce smoke and BBQ smells regularly that are located closer to the given address and probably a more likely suspects. Food Smokers operate throughout the City in both Residential and Commercial zoning districts unregulated. Restaurant Odors can be smelled thorough-out the City and especially on and around Main Street where most restaurants are more densely located.

The package presented to the Board titled "Siteplan Analysis of 554 Main Street" that was entered into the record was also reviewed for public comment. Most of the document is general history of the parcel (loose) and use of the parcel as told by an adjoining parcel owner who purchased their property in September 2004 (per parcel access). This information pertaining to the history as told however has no bearing on this application as this application is for an Amended Site Plan and is in the "Present Day" and not in the past. On page 12 the document begins to review of the current site plan application. I will not review this document in it's entirety here but one comment that is not addressed previously above is the Refuse Containers onsite. An area will be constructed to screen and contain the refuse containers. A lot of the other information included does not apply to this application including Special Permitted Use regulations and the parking standards as identified.

In response to the memo prepared by John Clarke Planning and Design dated September 6, 2018 we offer the following:

1. All of the onsite trees have been shown on the previous plan with the exclusion of some shrubbery that has been identified along the stone wall at the rear of the parcel (west side). These shrubs are now identified on the site plan along with some proposed fencing behind then in order to deflect sound that may want to travel up the slope toward adjoining properties. Topography has been included as required.
2. The large tree is now shown as it exists offsite at the northwest corner of the parcel. No trees or shrubs are proposed at this time for screening however a fence has been included on the site plan.
3. The setback deficiency is noted.
4. Large concrete planters with perennials are proposed to be placed on either side of the parking lot entry from Main Street. They will serve to delineate traffic flow paths and control vehicle ingress and egress to the site. We are hesitant to propose the removal of pavement near the onsite building. The area has been impervious for many years and the removal of pavement near the building may lead to water problems in the crawl space of the building. On the old site plan a brick pipe is identified as running under the parking lot and building, pavement removal could have detrimental effects to this structure if water was able to infiltrate the ground and

found that conduit. Currently the site runoff flows into this existing pipe through the catch basin and manhole in the parking lot in a controlled manner. A refuse enclosure has been added to the plan.

5. The parking lot is existing and is not proposed to be disturbed; the onsite trees buffer the parking area from Verplank Avenue and are greater than 3-inches in diameter.
6. The chain link fencing onsite is located along Verplank Avenue and is existing. It is not proposed to be changed at this time.
7. The parking lot lighting is minimal and shielded down lighting. Most of the lighting for the site comes from offsite sources most notably streetlights. The pole mounted light in the parking lot is not functioning and is proposed to be removed and labeled as such.
8. The note requiring the maintenance of the side walk has been updated to reference § 191-12.1. Regular repair and maintenance of existing sidewalks.
9. Live Outdoor Music and outdoor cooking facilities exist in many locations throughout Beacon and specifically in the CMS district. An outdoor grill area is visible from the site on East Main Street. Outdoor Events are conducted on the other side of the Fishkill Creek regularly which includes Live Music outside as well. The music and cooking facilities are part of the restaurant use and are not uncommon throughout the City Limits. The applicants are aware and educated in Chapter 149 Noise and have been self checking and never knowingly been in violation. They use a Calibrated Sound Meter as required by code to do these checks (not a cell phone app).

In response to the memo prepared by Lanc and Tully Engineering and Surveying, PC dated October 4, 2018 we offer the following:

A project narrative has been included as a separate document with this submission. If it suits the board this narrative can be added to the site plan as a note.

We have enclosed the following for further review of this project.

- (5) Copies of the Site Plan (1 Sheet)
- (5) Copies Cover Letter
- (5) Copies Project narrative
- (5) Copies Public Support Letters
- (1) CD with PDF files

If you have any questions or comments please feel free to give me a call at my office at (845) 546-3310; otherwise I look forward to discussing this matter at the next planning board meeting.

Truly Yours,

Stephen Burns, P.E.  
Professional Engineer  
Burns Engineering Services, P.C.