

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on August 21, 2017. Please note that the video recording of this meeting is available at <http://vimeo.com/channels/40154>.

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Peggy Ross, Ward One
Omar Harper, Ward Two
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:**Also Present:**

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

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

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

Speakers:

Lori Dick: Recently learned that the DOE Fund's proposal for the Camp Beacon site was rejected. Gave overview of the Doe Funds' mission. Asks that Council discuss this issue in a workshop. Hopes the community can have a say in this issue.

Jackie Bucelot Mills: Gave details about the success of this year's Summer Food Program. Thanked the Fire Department and the Police Department. Would like to expand the program at the Community Center next year to operate 5 days a week.

Justin Riccobono: Announced the opening of the Republican Headquarters at 293 Main Street.

Pricilla Kelly: Gave details about a problem on Bike Day. She advised that a neighbor created an unsafe situation and feels that the police did not do enough in response.

Samantha Britton: Thanked the Mayor for his Aug. 7 comments about racism. Believes that as the Rec Dept. is expanding their program, it would benefit from expanding the part time position to full time.

Theresa Kraft: Thanked the council for starting the process for a moratorium.

Council Member Reports:

Ali Muhammad: Feels that the Eliza Street project has not met the conditions of the plan. Asked Nick Ward-Willis to look into the parking that is associated with the project. Would like to discuss the Recreation Department budget at an upcoming meeting.

Omar Harper: Had no comments.

Lee Kyriacou: Full comments are attached.

George Mansfield: In general agrees with Lee's comments. Since we are on the road to a moratorium, it is definitely time to review our current planning and zoning. Added that our challenges today are due to our successes and our good decision-making in the past. We are in a period of accelerated growth many years in the making. Where we are today is the result of all the hard work of people in our past. Wants to chart a path toward a truly sustainable future. Must be diligent in our oversight of zoning and planning so Beacon can grow but also maintain its charm. Healthy and vibrant.

Pam Wetherbee: Agrees with Lee especially about the 4 and 5 story buildings. Would like to discuss street use for events. Would like a Churchill Street parking lot update and review signage.

Peggy Ross: Thanked her colleagues for so eloquently articulating the things that we have been talking about. Asked if there is any possibility of moving forward with providing broadband/fiber optics service to Beacon. Would like a report on that issue.

Mayor Randy Casale: Advised that he met with Ms. Kelly regarding the Bike Day incident. He handled the situation based on the facts that were given to him. He agrees that if someone is planning to close a street, the neighbors should be advised ahead of time. Went to the I AM Beacon Back to School event. Thanked the organizers and the new School Superintendent for being there.

Resolutions, Ordinances and Local Laws:

1. Resolution to Approve the Dedication of the Memorial Park Pavilion as Paul S. Eraca Pavilion
 - Motion by Council Member Muhammad, second by Council Member Mansfield
7-0
2. Resolution Appointing Hollis Bogdanffy as a Member of the Conservation Advisory Committee
 - Motion by Council Member Ross, second by Council Member Muhammad
7-0
3. Resolution Authorizing the Implementation of Funding of the Federal Aid and State Marchiselli Program Aid Eligible Costs of Transportation Federal Aid Project and Appropriating Funds Therefor
 - Motion by Council Member Muhammad, second by Council Member Harper
7-0
4. Resolution Confirming the Award of a Contract for the Rehab of the Septage Receiving Station at the City of Beacon Wastewater Treatment Facility
 - Motion by Council Member Mansfield, second by Council Member Muhammad
7-0

5. Resolution to Schedule a Public Hearing for September 18, 2017 to Receive Comment on a Proposed Local Law Regarding Water Cross Connections
 - Motion by Council Member Wetherbee, second by Council Member Ross
7-0
6. Resolution to Schedule a Public Hearing for September 18, 2017 to Receive Comment on a Proposed Local Law Regarding Water and Sewer Utilities
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
7-0
7. Resolution to Schedule a Public Hearing for September 5, 2017 to Receive Comment on a Proposed Local Law Regarding the Disclosure of Information from City Applicants
 - Motion by Council Member Ross, second by Council Member Muhammad
7-0
8. Resolution to Schedule a Public Hearing for September 5, 2017 to Receive Comment on a Proposed Local Law to Amend Chapter 163 of the City Code as it Relates to Peddling and Soliciting
 - Motion by Council Member Muhammad, second by Council Member Ross
7-0
9. Resolution Regarding the License Agreement for 344 Main Street
 - Motion on the Amendment - Council Member Mansfield, second by Council Member Muhammad

Approval of Minutes: July 17, 2017

- Motion by Council Member Muhammad, second by Council Member Mansfield
7-0

Budget Amendments: August 21, 2017

- Motion by Council Member Muhammad, second by Council Member Wetherbee

Second Opportunity for Public Comments:

Andrew Gazza, 42 Maple: Is concerned about the development in Beacon. We are nearing our water capacity. Need to stop running on autopilot.

Giovann Kelly: Spoke about the Bike Day incident. Showed pictures of the car and the children on their bikes. Said that they have been holding this event for the past 6 years. Said that he spoke with the City Administrator who seemed deeply concerned with the issue. Added that the resident was not block in, she could have just gone around Katherine Street.

Meredith Heuer, 24 Grove Street: Asked about the 1964 parking loophole. The loophole needs to be closed because it is creating many parking spaces that the developers do not have to provide. Mentioned the 2014 Parking Report. Thinks it is important to get more recent data on parking. There has been a lot of talk about the tax cap and where we are with all this development. Would like the City and the BCSD to come up with a common answer.

Michal Mart, Sycamore Dr.: Agrees with Lee and George about the development. Looking forward to the City's response to her detailed questions regarding oversight.

Executive Session:

Matters pertaining to the sale of real property:

- Motion by Council Member Kyriacou, second by Council Member Muhammad
7-0

Adjournment:

Next Workshop: August 28, 2017

Next Meeting: September 5, 2017

To: Mayor and City Council **CC:** Administrator, Attorney, Planner, Bldg. Dept.

From: Lee Kyriacou, Councilman At Large

Date: 21 August 2017

Subject: Draft Proposals for Zoning and Planning Changes in Next Six Months

As I have expressed several times, I believe the development moratorium should not be limited to water, but must also include other critical development issues – especially in light of the actual community experience of observing new construction. The mayor has expressed a preference to limit the language of the moratorium to water only, and the city attorney did not include my requested additions into the proposal resolution. While the council has agreed to discuss at the next workshop whether to include these additional issues in the moratorium, in my view the clock is ticking if we want to get things done in six months. So regardless of how the resolution reads, let me review tonight the areas I believe are critical for the city to address, and make specific proposals for discussion that can help focus our deliberations. Please take these proposals as starting points of discussion, which may not be complete or correct. The sooner we begin the work, the better.

1. Central Main Street (CMS) Zone: Our stated purpose is “to increase the vitality, attractiveness and marketability of Main Street and the Central Business District.” A key component of the CMS – which we did not review in our Comprehensive Plan update – allows four- and five-story buildings. My current view is that additional height is not necessary to attract sustainable development to Main Street – which was a fundamental predicate of the legislation. Rather, we have been so successful that I believe Beacon is “in the driver’s seat” with respect to development, and that we do not have to “give away” additional development to get what we want. While density is absolutely desired on Main Street, it is not clear to me, having observed recent construction, that 4-5 story buildings that immediately drop off to adjacent single-story shops and homes are appropriate.

- **Proposal:** Remove the fifth story (and possibly the fourth story in some areas) from CMS zoning. If a fourth story is permitted, the special use permit restrictions that currently apply to the fifth story should be required for a fourth. Any fourth story should not be a matter of right; rather, the granting of a special use permit should require public benefits (TBD, e.g., setbacks, public space, public parking) in return for the additional story. An explicit finding of those public benefits should be required for the issuing of a special use permit by the council. The overall height of the building should also be limited regardless of the number of stories. Separately, we need to accelerate our work on a parking/transit district, and get funding to start it.

2. Job Creation: Most of our thinking on redevelopment has focused on repurposing derelict factories to other uses – in most cases residential. Beacon has come so far that we should now plan for job-creating uses as opposed to residential ones. The Comprehensive Plan in the Commercial, Office and Industrial Development Section has a good set of objectives and recommendations on “Business Development and Employment Opportunities.” We should start there and look to see how we can make Beacon not only a fine residential community but a thriving employer locale with a broader tax base.

- **Proposals:**
 - **Job Creation Goals:** Beginning with the current Comp Plan language, make more explicit goals and recommendations regarding local employment creation.

- **Potential Rezoning:** Identify and rezone select residential areas for job-creation activities. The largest areas I can think of at first glance are (a) Beacon Correctional Facility (which the State is looking for economic development but is still zoned residential), and (b) the areas around Dennings Point / Craig House (which I understand was looked at for a possible university campus). I am not saying these are the sites to rezone – rather we should look at all possibilities. We should look to adjust certain zoning that currently permits commercial/industrial to requiring them in some circumstances – e.g., for portions of FCD zone within a few blocks of Main Street. We should consider special zoning for uses such as medical/dental offices, which require specialized construction, or other professional offices for small and medium size firms.
- **Road Access:** Plan out a specific connection for a non-residential road from Route 52 to the Beacon Correctional Facility site, and as well from that site to Route 9D or I-84. Good access plans will help attract the best proposals for economic development, and could find funding sources.

3. Fishkill Creek Development (FCD) Zone: Our stated purposes for the FCD zone are to encourage redevelopment of industrial properties and to establish greenways/trails along the creek. We did not cover the FCD in our recent Comprehensive Plan update, and there are certain aspects we should consider updating in light of changes and experience since enactment. We should look to expand our greenway trails, encourage employment-generating uses, and limit development to industrial sites.

- **Proposal:** Review the predicates and main components of our FCD zone to confirm whether they still are appropriate and/or make any changes. This review should include addressing:
 - How density is determined and whether explicit density limits or ranges are appropriate.
 - How the special permit criteria should be applied to determine whether a development concept plan “will fulfill the purposes of FCD District” and “will be in harmony with the appropriate and orderly development of the City.”
 - How FCD design standards have worked in practice – including that proposals “must attain high standards of design,” provide view corridors, use high quality architecture and materials, avoid long uninterrupted walls, and be convertible to non-residential use – and consider whether stronger language is required to achieve the desired purposes.
 - Whether job-generating uses should be required as opposed to being optional, especially for portions of the FCD zone within a couple blocks of Main Street.
 - How greenway trails and open space have in practice fit in FCD zone and whether changes are appropriate – especially if a greenway/open space expansion is desired.

4. Greenway Expansion and Tioronda Bridge: The Greenway is a huge asset for our community, and we should expand it. The Comprehensive Plan has a good description of progress on Greenway and other trails. We should work with Greenway representatives to brainstorm how we can expand our trail network, integrate into it our the Tioronda (South Avenue) and Bridge Street bridges, and translate our expanded plans into zoning and funding.

- **Proposal:** Create a Greenway/trail expansion visioning effort. Look specifically at creating a parallel Greenway trail on the other side of Fishkill Creek (from the Tioronda Bridge to Wolcott Avenue), and linking it to other trails and the rest of the Hudson Highlands. Engage resources to search for funding of a bridge at South Avenue that does not require a two-lane vehicular “thoroughfare” bridge. If a two-lane bridge is built at South Avenue, identify an alternative site on Fishkill Creek between South Avenue and Wolcott to build a restoration (or near-restoration)

of the Tioronda Bridge, and integrate it into the Greenway trail network. Plan out how to integrate and fund the Bridge Street span in the trail network.

5. Historic District & Landmark Overlay (HDLO) Zone: We explicitly agreed when adopting our Comprehensive Plan update to revisit our Historic Overlay zoning for additional properties and a review of its mechanics. There are a number of sites where our Historic Overlay zone protections should be extended. I am also concerned with whether our protections work in practice for some situations. As a single example, we have observed development proposals in the HDLO zone that could adversely affect the setting of the Howland Center, one of Beacon's historic jewels.

- **Proposals:**

- **Additions:** Direct the Building Dept, Planner & Historical Society to quickly review properties for addition to the HDLO zone. The review should include (but is not limited to): North Ave, Lafayette, Edgewater, Bayview, South Ave, Wolcott, Rombout, Beacon, Cliff, Dewindt, W Center, Main, Dutchess Terrace, Church, Willow, Oak, Fishkill, Tioronda, the entire Fishkill Creek Development zone, Churchill, Union, Robinson, Howland, E Main, Schenck, Davis, Falconer, Wodell, Liberty, Washington and Depuyster.
- **Nearby Impacts:** Require a proposed HDLO exterior alteration or special use permit to review the impact on other HDLO properties; require a finding that the proposal does not adversely affect the historic character of HDLO properties and neighborhood.
- **Approvals:** Expand the special use permit criteria of "maintaining the architectural and historical integrity" to include not only the structure, but also the historic landscaping, nearby historic properties and any historic district. Direct our Planner to review all certificate of appropriateness criteria for any strengthening suggestions.
- **Planning Fees/Assessment:** Exempt "small" projects (e.g., five or fewer residential units) from any planning/building fees, where the sole purpose is to obtain a certificate of appropriateness to comply with HDLO zoning law. Request that our Planner and Assessor review the assessment abatement section, to determine whether it has been applied and how best to provide this benefit to HDLO property owners.

6. Planning/ZBA Support: Finally, we need to examine how our zoning and planning laws are executed in practice by our Planning Board, Zoning Board of Appeals and City Council (the latter for special use permits). I have personally attended recent PB/ZBA meetings, and find them overwhelmed at the one extreme, and ignoring legal and professional advice at the other extreme. It must be especially daunting when faced with proposals supported by extensive legal and professional staff. Some combination of training, communication, staffing and legal "teeth" seems clearly in order.

- **Proposal:** Task our Planner or other professional to provide a review with recommendations of the execution of our planning and zoning laws, with a focus on the details of execution and outcome, and on the workings of our boards.
- **Legislation:** Based on those recommendations, enact more specific "teeth" in our planning and zoning laws, and consider turning items that some might argue are a "matter of right" into items based solely on the discretion of the relevant board and in return for provided public benefits.
- **ZBA:** Consider requiring a City Council recommendation (after the Planning Board recommendation) for ZBA actions involving larger (e.g., greater than 10 units) proposals.
- **Studies:** Consider how to objectively review supporting studies (traffic, school impacts), e.g., by developing our own studies, using our own experts or getting appropriate training.

