

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on September 18, 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:

Tom DiCastro, 8 Wilkin St.: The intersection of Main and East Main is getting more and more dangerous. Believes that the Tioronda Bridge should be able to accommodate two lanes of automotive traffic and should be strong enough to hold emergency vehicles.

Cecelia Rittman: Thanked the council members who offered an apology for the way the bike day incident was handled. The woman who moved the barricades should be fined.

Dennis Pavelock: Is in favor of a police officer being placed in Beacon High School.

John Gilvey: Has concerns about the 40' pole installed by Verizon on Main Street. Would like to know about the formula used for calculating the sales tax. Would like to know how much we collect and how much do we get back from the County.

Priscilla Kelly, 29 Tompkins Ave.: Met with the Police Chief, the City Administrator, Mayor and Council Member Muhammad. Did not receive an apology from the City for the way the bike day incident was handled.

Arthurs Kamins, 39 Rombout Ave.: Would like Beacon and the County to make a statement relating to the Federal government's stance on DACA.

April Farley: Asks that people take part in stocking the community pantry. Families who are struggling financially utilize the community pantry. Invited the council to the next NAACP meeting. Would like council to discuss affordable housing and rent stabilization.

Ariel Espinoza: Is upset about the bike day incident. Is concerned that a person in power felt like she could move the barrier.

Michal Mart: With regard to the PILOT agreement with Mr. Kearney, would like to know how the \$170,000 figure was determined. Requests transparency as this agreement will likely be the template for future PILOT agreements.

Anna Joannas: Spoke against the notion of having a police officer stationed in the high school. Believes that there are other ways to ensure student safety.

Community Segment:

The organizers of the Youth Police Academy gave a presentation. The students were presented with certificates of completion.

Presentation:

Thomas Wright, Chairman of the Beacon Hudson River Trail Committee gave a presentation about the Trail Master Plan. (the entire plan can be viewed on the City's website) .

Mayor Casale thanked the Greenway/Trail Committee for all of their work on this project.

Dennis Pavelock gave a brief history of the Pumpkin Carving Contest origins and details about the upcoming event.

Public Hearings:

No. 1 Local Law Concerning Water Cross Connections:

Water Superintendent, Ed Balicki gave an overview of the intent of the local law. This amendment would assist the city in preventing water contamination issues.

Council discussed the details of the local law.

Motion to Close the Public Hearing: Council Member Mansfield, second by Council Member Harper.

No. 2 Local Law Concerning the Installation of Water and Sewer Utilities:

City Administrator Ruggiero explained the intent of the local law.

John Furst, Attorney at Catania, Mahon, Milligram, ...: Advised that he has been hired by the DeDominicus family. This law has been on the books for 13 years. Hopes that council will review the consequences. The family feels like they are being signed out. (see full comments attached)

The Council and the City Attorney Nick Ward-Willis discussed the specifics of the impact of the local law. Mr. Ward-Willis opined that for the City to pay 10% of the costs of the installation would not be an appropriate use of public funds.

Art DeDominicus: Thinks that back in the 1900s water and sewer was put through all the streets in Beacon but his road was not included. Only asking that his street be treated like all the other streets in Beacon. George Mansfield asked a few questions of Mr. DeDominicus.

Motion to Close the Public Hearing: Council Member Mansfield, second by Council Member Wetherbee 7-0

No. 3 Local Law to Amend the City Charter

Nick Ward-Willis explained the amendments.

Lou Amoroso: Does not feel that the City should be providing health insurance to its council members.

Justin Riccobono: Was a council member 10 years ago. Believes that health insurance should be budgeted not included in the charter. Feels that council members giving themselves a raise on top of healthcare is ridiculous.

Motion to Close the Public Hearing: Council Member Muhammad, second by Council Member Harper 7-0

No. 4 Local Law to Enact a Residential Building Moratorium:

Nick Ward-Willis explained the intent of the local law. Added that the Planning Board accepted the City's local law and that the DC Planning Department viewed it as a local issue.

Council discussed the many aspects and implication of the local law. Mayor Casale advised that we are having a water study performed by LBG. Ed Balicki added that they will be conducting the bathymetric and leak detection projects.

Nick Ward Willis explained the effective date of the moratorium and which property would be affected.

Lou Amoroso: Asked about the formula for calculating water users; why don't we factor in the visitors to Dia:Beacon and the Breweries. Feels that underground parking garages are unsafe. Mentioned the plastic factory explosion in Texas. We have more stop and yield signs than NYC. Stated that he is pro Smart Growth.

Theresa Kraft: Support the moratorium. Does not want to see this extra burden on our services and water supply.

Melissa Dunne: Supports the expanded moratorium. The Main Street experience is changing due to development. Residential growth is a drain on a community. Traffic is increasing but jobs are not. Feels we should be skeptical of studies conducted for developers. The City should perform independent research. Would like to see incentives for light industrial development.

Dan _____ (read on behalf of Paulette Meyers): Supports a moratorium not only for the water issue but to review our current zoning laws. More work on the Comp Plan needs to be done. We should integrate thoughtful planning for our future. Our natural resources are things you cannot buy. The

needs of current businesses and residents should be met. Opposed to 4 stories in the historic district. Would also like to see additional training for Planning and Zoning Board members.

Julie Shiroshi, East Willow St.: Thanked the Mayor and Council for considering the moratorium. Asked about the timing of the moratorium. Feels that the residents are concerned about transparency. Feels that this is a tremendous opportunity to re-look at the comprehensive plan. Is concerned about some of the ideas of extending the commercial business district in some already dangerous intersections.

Jeff Domanski, 125 Catherine St.: Has worked for 30 years for smart development. This moratorium needs to be more than just a water issue. Feels that growth does not often pay for itself. In order to close the funding gap, cities cut services or raise taxes or both. When the population increases, services decrease. Gave examples to support his claim.

Bob Rogers: Resident of Glenham. Gave an analogy about a laundromat and its impact on water usage.

Elaine Muchacho: Supports the moratorium. Is very concerned about the water availability. Referred to the Comprehensive Plan where it said that we could sustain a population of \$17,000. If the current search for water is not successful, what will the people who currently live in Beacon going to do? We will have higher taxes, worse road conditions and higher costs of water. When there is a drought for a couple of years, it affects the water. We really need to decide if this push for higher density is worth it.

Darren Saragen: Grew up in Woodstock where in 50 years, not much has changed. Feels that Beacon is a real gem of a city. If you look at all of the development projects that are already approved, we need to take a serious look and protect what we have like they did in Woodstock.

Michal Mart: Supports the moratorium and agrees with the other speakers. Commented about the transparency issue. Does not feel that the explanation about the moratorium cut-off date is clear. It is very confusing. Would like council to explain what is actually happening.

Jodi McCredo: Asks that Council look at more than just the water issue. Feels that the community has made it clear that this would be a drain on our infrastructure. She grew up in the Bronx where she did not know her neighbors. Here she sees people caring enough about their community that they pick up trash that they did not even leave. Is proud of the way her kids view the world and feels that it is because of the Beacon community.

Maggie Yarnis: Is in favor of a moratorium. Asked if there are protections in place for the main building of Craig House. Asked if Beacon would take into consideration a privately funded environmental impact study. Mayor Casale answered that if a study was conducted, the City would review it.

Arthur Kamins: Asked about the next steps.

Michael Wolf, Architect and Engineer: Feels that there is adequate water around Beacon. Explained about the Fishkill strata. If we go a little north of our wells, we will find water. Feels that the newcomers are the ones who want to stop people from coming here. Old timers know where the water is.

Kathleen Mazza: Feels that even more careful management is needed now. We need a historical review board. We have enough residential units, we need commercial. We need to find out the impact the approved residential units will have on our infrastructure. The City should pay for its own studies.

Roxanne Meyer: Feels that most of what's been done so far is good. Does not want to see the old timers pushed out.

Mayor Casale explained what Beacon was like years ago. Many of the open spaces we have now are a result of urban renewal-those lots were meant to be redeveloped. We just completed an update to our comprehensive plan. Mentioned that the Comp Plan says that our current water resources can sustain 17,800 residents it does not say users.

No. 5 Ward Boundaries:

Randy explained the intent of the local law.

There were not comments.

Motion to close public hearing: Council Member Wetherbee, second by Council Member Harper 7-0

Council Member Reports:

Ali Muhammad: Thanked everyone for coming.

Omar Harper: Thanked everyone for coming.

Lee Kyriacou: (See attached)

George Mansfield: The Beacon Independent Film Festival was held this past weekend. Change is inevitable, but the important thing is how we deal with it. Appreciate those who come to meetings and watch at home.

Pam Wetherbee: Thanked George for his comments and agrees.

Peggy Ross: The Howland Center will host Jonathan Rose and Dar Williams to discuss their recent books. Thanked Lee for his comments and looks forward to discussing them more fully.

Mayor Randy Casale: Thanked everyone their comments. Assured the public that the council does listen and makes the best decisions for our City. Mentioned that the Fishkill cadet program is a great program for kids. Sunday is Spirit of Beacon Day and will be the last time Rose Story and Roy Ciancanelli will be the organizers. Pattern for Progress hosted an event with Jonathan Rose who gave a great presentation about change. He spoke about China and their plans for density. Is looking forward to meeting with the public in the Sukkah on Oct. 5 at 4pm.

Resolutions, Ordinances and Local Laws:

1. Resolution to Adopt the Local Law Regarding Water Cross Connections:
Council and Water Superintendent discussed different aspects of the local law.
 - Motion by Council Member Muhammad, second by Council Member Harper
7-0
2. Resolution to Adopt the Local Law Regarding the Installation of Water and Sewer Utilities.
Council and Water Superintendent discussed different aspects of the local law.
 - Motion by Council Member Wetherbee, second by Council Member Mansfield
7-0
3. Resolution to Adopt a Local Law Regarding the City Charter and the Resolution to Adopt a Local Law Regarding the Ward Boundaries.
Council will discuss these again at the next workshop.
4. Resolution to Adopt the Local Law Enacting a Residential Building Moratorium
Discussion to amend the language on the moratorium. Council Member Kyriacou read the sentence that would be amended. A lengthy discussion ensued with all members, the City Attorney and City Planner. The City Planner explained process of revising the comp plan to be consistent with the other areas of concern. Two issues to look at in terms of moratorium: water and zoning. City Planner suggested that Council work on zoning while engineers are looking into the water issue.
 - Motion to Amend – Council Member Kyriacou second by Council Member Mansfield
7-0
 - Motion to Adopt as Amended: Council Member Mansfield, second by Council Member Ross
7-0
5. Resolution Authorizing a PILOT Agreement with the Kearny Group
 - Motion by Council Member Mansfield, second by Council Member Harper
7-0
6. Resolution to Schedule a Public Hearing for October 2, 2017 to Receive Comments on the 2018 CDBG Grant Program
 - Motion by Council Member Wetherbee, second by Council Member Harper
7-0
7. Resolution to Express the City of Beacon's Opposition to the Elimination of the Deductibility of State and Local Taxes.
Council Member Kyriacou asked that it be amended to include all representatives not just Rep. Maloney.
 - Motion by Council Member Wetherbee, second by Council Member Ross
7-0

Approval of Minutes: September 5, 2017

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

Second Opportunity for Public Comments:

Lou Amoroso: Has noticed political signs in inappropriate places. Saw the firetrucks confirming that they can reach the top floors of the new building. Years ago, he was denied a seat on the Planning Board.

Michal Mert: Wants to make sure we are selling City-owned property to those who are intending to get zoning variances and hopes that the City is selling at market rate prices.

Kathleen Mazza: Is in favor of the skateboard park proposal. Believes that BMX bikes are not safe.

Maria, 502 Main Street: Stated that East Main does not get the attention that the rest of Main Street gets. There are no flowers, no holiday lights, etc. Hopes that E. Main will become integrated into Main Street.

Adjournment:

11:05 PM - Motion by Council Member Mansfield, second by Council Member Muhammad

Next Workshop: September 25, 2017

Next Meeting: October 2, 2017

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September 18, 2017

Via Hand Delivery & E-mail

City of Beacon, City Council
1 Municipal Plaza
Beacon, New York 12508

Attn: City Clerk

RE: Comments on Possible Repeal of §191-22 of the City Code
Our File No.: 14495-64494

Dear Mayor Casale and Members of the City Council:

We represent property owners Arthur and Michael De Dominicis as well as their corporation, Prospect Realty Syndicate, Inc., (hereinafter "De Dominicis"). We submit these comments on their behalf in connection with the City's public hearing concerning the repeal of §191-22 of the City Code. Section 191-22 was enacted on or about September 20, 2004 and essentially governs the installation of water and/or sewer utility services on existing City streets where no such services exist. Under §191-22, the City must apply certain criteria when a property owner petitions the City Council for the installation of water and/or sewer utilities on an existing City street. This includes, but is not limited to, working with the City's engineer and assessor to determine the City's share of the installation cost, and any bond amount the property owner must post; as well as the most cost effective means for providing City water and/or sewer. This law has been on the books for exactly thirteen (13) years, but the City Council is now considering repealing this important piece of legislation.

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The De Dominicis own approximately 1.6 acres of vacant land located along Judson Street and Howland Avenue identified as tax parcels 6054-17-265505, 6054-14-260488 and 6054-14-250984 (the "Property"). The family has owned two of the parcels constituting the Property since July of 1991. The third parcel was obtained in September of 2014.

The Property is located within the City's R1-7.5 Single Family Residence District, which permits single family homes, as of right, on lots with a minimum lot size of 7,500 square feet. There are already three (3) existing tax parcels and the De Dominicis merely propose to create two (2) additional parcels. The proposed parcels would range in size from approximately 9,500 square feet to 24,000 square feet. Four (4) lots would have frontage and access on Judson Street; and one (1) lot would have frontage and access on Howland Avenue. A subdivision application was submitted to the Planning Board on or about May 30, 2017; and the De Dominicis' engineer appeared before the Planning Board on June 13, 2017. The De Dominicis are currently in the process of responding to comments from the Planning Board and its consultants.

One of the comments concerned the need to extend the City's existing water and sewer infrastructure pursuant to §191-22 of the City Code. The area of the project that fronts Howland Avenue does not have any City sewer infrastructure. Although, it does currently contain City water infrastructure. The area of the project with frontage on Judson Street contains neither City water nor City sewer infrastructure. As per Section 191-22 of the City's Code, the De Dominicis recently submitted a petition to extend the necessary City utilities on Howland Avenue and Judson Streets in order to service this project.

Thus, the De Dominicis have already expended large amounts of time and money to create the two (2) additional lots. Besides the initial preparation of the proposed subdivision plans, the De Dominicis' engineer has been diligently working on addressing the comments from the City's engineer, planner and Planning Board. The De Dominicis were not aware of the City's recent decision to repeal §191-22 until August of 2017, wherein they were well into the subdivision application process. This proposed subdivision relied upon the existence of §191-22 and the City making a contribution to extend its water and/or sewer infrastructure to the entire Property. Given the above, the De Dominicis respectfully request that their subdivision application currently pending before the Planning Board (which merely creates two additional lots) be grandfathered, if the City Council does indeed determine to repeal §191-22.

The pending subdivision will provide a benefit to the community by taking land that is currently vacant and adding five (5) large lots, for single family homes, to the City's tax roll. In addition, the law in question better ensures that any new homes built within the City will be serviced by municipal water and sewer, as opposed to private water and/or a private septic system.

It appears the City's only basis for repealing §191-22 is to avoid any contribution with respect to the De Dominicis' subdivision. We are not aware of any other pending subdivision

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applications that adjoin a City street where water and/or sewer utility services are not currently available. In the interest of fairness and to avoid singling out my client, we respectfully request that the De Dominicis' pending subdivision application be "grandfathered", if the City Council decides to repeal this thirteen (13) year old law.

At a minimum, the City Council should refrain from any action tonight so that it may study the unintended consequences of repealing this law. Without this law, there may be numerous lots within the City essentially deemed unbuildable; and these lots will now most likely remain vacant. If you have any questions or comments, feel free to contact me.

Thank you.

Very truly yours,



JOHN W. FURST

JWF/1399600

cc: Prospect Realty Syndicate, Inc.
City Attorney, Nicholas Ward-Willis, Esq.
City Manager

Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.



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September 18, 2017

Hon. Randy Casale, Mayor
and Members of City Council
1 Municipal Square
Beacon, NY 12508

Re: Proposed Moratorium Law—written comment

Dear Mayor and Members of the City Council:

The Council has undertaken a thoughtful and deliberative process involving ample opportunity for public input in its considering the wisdom of the moratorium law, and I have no further comments on the merits.

On the technical side, I simply wish to confirm the intent and meaning of Section 3, paragraph 2, which covers exemptions from the moratorium for projects filed on or before July 25, 2017. I understand, based on my conversation with Nick Ward-Willis on Friday, that if an application for a project has been duly submitted to the Planning Board on or before July 25, 2017, the exemption authorizes the project to proceed through its Planning Board approvals and to obtain any other related land use approvals required by the development plans, including, for example, building permits or area variances.

I request that this letter be made part of the public record of the public hearing of tonight's proceedings.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Van Tuyl', with a stylized, flowing script.

Jennifer L. Van Tuyl

cc: Nicholas Ward-Willis, Esq.
Lt. Timothy Dexter

To: Mayor and City Council **CC:** Administrator, Attorney, Planner, Bldg. Dept.
From: Lee Kyriacou, Councilman At Large
Date: 18 September 2017
Subject: Comments Regarding Draft Proposal for Changes to Central Main Street (CMS) Zoning

Thank You. First, I want to thank John Clarke and Tim Dexter for offering a draft starting-point for changes to our Central Main Street (CMS) zoning. Having provided draft proposals on Main Street and other zoning last month, I am well aware how concrete proposals can focus a discussion, even though they are just a starting point. Let's keep up the pace – but more importantly, let's get this right.

Maximum Build-Out Analysis. Second, we are taking a look at our zoning at a critical time – when new development proposals are numerous and accelerating – as opposed to our recent past when they were few and far between. For me that means we must reconsider the premises of our zoning decisions – which I believe rest on the assumption that Beacon had to go out of its way to encourage development. Far from it today – if anything we must manage development much more firmly.

As a result, looking at how a zoning proposal would affect a single lot, or even some average impact, won't work now. Rather, we should be looking at the maximum build-out impact of a zoning change, assuming it will result in the maximum number of permitted units for every single lot. A maximum build-out is much closer to the reality of what Beacon is facing. Recent development proposals in Beacon have wanted the maximum unit count or even more – and we have in general approved it.

So I am asking for a maximum build-out analysis in order to assess proposed zoning changes. For Main Street, that means looking parcel-by-parcel at what's currently there, what could be built under zoning, and what total we could end up with. Let's get a maximum build-out analysis started ASAP. Once we see that maximum build-out analysis, we need to connect it to parking and transit as well. I intend to be exceedingly cautious about zoning until we see and get comfortable with maximum build-out analysis.

Specific Reactions to Main Street CMS Proposal. While I support the extension of CMS design concepts to all of Main Street, I do not support other key changes in the proposal, beginning with height and number of allowed units. These are my initial reactions, based on what I have seen to date.

- 1. Stories/Height.** I support density on Main Street. However, I believe the four- and five-story heights in the CMS zoning were premised on the assumption that we needed an incentive for developers to build in the not-so-attractive middle portion of our Main Street. It seems clear to me that Beacon is so attractive that we no longer have to provide any incentive – or certainly not a blanket incentive covering every parcel on Main Street. For height, I would start at three stories – certainly not five, and also not four. Maybe we can consider four under unusual circumstances, or with the right public benefits. But that should be by special permit for enumerated public benefits in the statute. And until we see a maximum build-out analysis of what four and five stories could add to Main Street, I don't see how I can budge off three stories. As for height, I agree we need a height and a story maximum.
- 2. Design Standards:** I support extending CMS form-based design standards to all of Main Street. However, I think we now need to review how have those design standards worked in practice on recent developments – in particular to compare the pocket hotel at Bank Square to the

development at Eliza and Main. We should learn lessons from actual development to tighten our form-based design standards. If the issue is not the statute, but rather its application by the Planning Board or the granting of variances by the Zoning Board of Appeals, then we should sit down in joint sessions with those boards and find ways to reach the outcomes we desire.

3. **Fishkill Avenue:** I do not support extending our Main Street zoning one block up Fishkill Avenue, at least not without analysis and revision. First, as I pointed out at workshop, this block has at least two historic homes – including the Forrestal homestead. Those homes should be added to our Historic Overlay zoning, and not be subject to CMS zoning. Second, we should understand what a maximum build-out under CMS zoning would mean on this block – are we talking an additional 100 or 200 units? Once we fully grasp this, we can set a maximum we think appropriate – which seems to me to be nowhere near an additional three-digit number.
4. **Back of Main Street Parcels.** I do not support extending our CMS zone to the rear portion of Main Street parcels backing up onto Van Nydeck, Dewindt or South Street. There are residences on these blocks, and extending the CMS zoning would result in having Main Street density buildings directly across the street – which would in effect tear apart these residential blocks. Current PB zoning allows either parking or residential construction that matches the zoning of what's across the street. That seems right.
5. **Historic Zoning.** Both ends of Main Street – west of Elm Street and east of Fishkill/Teller Ave – are largely in our Historic Overlay zone. These are historic districts, not just isolated structures. They merit our stewardship – even at the expense of stricter zoning on nearby parcels. I support the extension of design standards – appropriately tightened – to historic overlay lots. My current view is that we should set height in Historic Overlay zoning based on what best preserves and enhances existing historic structures. I want us to make sure that our Main Street zoning, as it applies to Historic Overlay buildings, does not in any way harm the ability for all to enjoy the views of the Howland Center and other historic structures.
6. **Rear Setback.** I do not support a blanket reduction of the rear lot setback from 25 feet to 10 feet. Yes, some lots are not very deep, such that it may be hard to build with a 25-foot setback. But that's not a reason to give away 15 feet of multi-story building potential to every other lot on Main Street. We can write the zoning narrowly – e.g., keep the rear setback at 25 feet, except for lots with less than a certain depth.