

**Planning Board  
November 14, 2017**

The Planning Board meeting was held on Tuesday, November 14, 2017, in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Randall Williams (in at 7:25 p.m.), Rick Muscat, Gary Barrack, and Jill Reynolds. Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner John Clarke, and Building Inspector Tim Dexter. Members Patrick Lambert and David Burke were excused.

**Training Session**

John Clarke provided a detailed review of proposed changes to the Central Main Street (CMS), Fishkill Creek Development (FCD), Zoning Map and Comprehensive Plan. These changes also include adding design standards and changes to the approval process in some districts. Mr. Williams joined the meeting at 7:25 p.m.

**Regular Meeting**

The regular meeting started at 7:35 with Mr. Sheers calling for corrections/additions or a motion to approve minutes of the October 11, 2017 meeting. Ms. Reynolds made a motion to approve the minutes of the October 11, 2017 meeting as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

Mr. Sheers made a general announcement to applicants that increasingly materials are submitted after the deadline which does not allow time for proper review. He asked that applicants remain timely with submissions and general comments from the public be submitted within an appropriate time for consideration.

Mr. Sheers announced the following people submitted correspondence relative to items on the agenda which were circulated to board members and will remain on file:

- Michal Mart
- Adrienne Haynes
- E. Lucata
- Beacon City School District
- Dan Goldman – Elder Reformed Church of Beacon

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, AND CONTINUE PUBLIC HEARING FOR SITE PLAN APPROVAL, 7 RESIDENTIAL BUILDINGS - 307 UNITS, "EDGEWATER" SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE**

Mr. Williams made a motion to reopen the public hearings for SEQRA environmental review and Site Plan Approval on the Edgewater project, seconded by Mr. Barrack. All voted in favor. Motion carried.

Aryeh Siegel reported revisions were made to their plans per consultant comments and school district comments were being addressed. Mr. Tully explained the number of engineering comments will be deferred until SEQRA and required variances have been addressed. Mr.

Clarke analyzed information provided from the school district and applicant, and concluded the impact is marginal and should not significantly affect the capital and administrative budgets. Mr. Sheers opened the floor to public comment.

Clark Gebman, 2 Wilson Street, questioned the environmental review in light of potential impact on the City's rent/owner ratio because it will increase the transient nature of the community. He believed the estimated number of students was inaccurate and that the City's Police Department will be adversely affected. Mr. Gebman felt documents before the board should be available at the library.

Ronna Lichtenburg, 11 Creek Drive, felt consideration should be given to creating future jobs in Beacon.

Joan Unterweger, 5 Hanna Lane Unit 1, believed developers should consider limits before engaging in a project and urged the Board to protect Beacon rather than coddle developers. She said traffic is already congested at the intersection of Beekman and Route 9D.

Judith Crelin Mayle, attorney representing the Beacon City School District, disagreed with Mr. Clark's conclusions and felt estimates on market value and cost to educate students were incorrect. Mr. Sheers reported the City Assessor estimated the project would be valued between \$34-40 million. Ms. Mayle questioned calculations used to estimate education costs because administrative costs should be included.

Lee Kyriacou, 1076 Wolcott Avenue, explained apartments and condominiums are assessed differently which ultimately affects the end value of projects. Developers are constructing projects as apartments and then converting to condos later to save money. Mr. Kyriacou urged the City Council and Planning Board to look at legislative ways to solve the indifference.

Michal Mart, 49 Sycamore Drive, believed the letter from the school district letter should have been posted online. She felt better planning should be done to accommodate increases in the number of students.

Samantha Britain, 36 Vine Street, feels the project is too dense and read a statement found on Facebook regarding the loss of state aid and increased taxes.

Theresa Kraft, 315 Liberty Street, believed the project will have negative impact on the community and that smart growth measures should be used. She felt land should be protected and read a lengthy statement against development.

A lengthy discussion took place about impacts to schools, which calculator instructional costs should be based on, project density, project value, and apartment to condo conversions. Mr. Clarke explained he looked at the cumulative impact of all projects and estimated the number of new students would be far less than peak enrollment in 2004-2005; currently there are approximately 735 less students since 2004-2005, and 128 students less than the previous year. He concluded the additional 42 students would not significantly impact the school's capital and

administrative budget. City Attorney Jennifer Gray clarified that the applicant can't be held responsible for capital improvements that are needed now. Discussion took place about the process that would ensue if a positive SEQRA impact is determined.

Lisa Demartinez, Hammond Plaza, said ample funds are not available now to educate and feed our children. She had concern that units will not be allocated to working families which would make Beacon appear more affluent and affect the level of aid; and that South Avenue School would be adversely affected by the additional students.

Patrick Cleary, author of the applicant's school impact study reported no additional information would come forth if a Draft Environmental Impact Statement is required. Figures on the cost of educating students were taken from the State Education Department.

Judith Crelin Mayle advised the board that consideration must also be given what is happening on a local level. Capital improvements are needed and teachers continue to purchase student supplies from their own pockets. She felt all factors must be considered beyond those provided by the state.

Katie O'Hagen, 122 Washington Avenue, had two children attend South Avenue School and she felt the condition of the building is not as scrappy as being portrayed.

Debbie Brennan, 68 Dennings Avenue, reported Sargent Avenue School is at its capacity. Her daughter is in a very large class which does not provide an appropriate environment for learning. She felt consideration should be given to the importance of children's education and future. The school buildings are old and need many capital improvements.

Samantha Britain, 36 Vine Street, reported the infrastructure at South Avenue School is not good and urged the board to issue a positive environmental impact.

Clark Gebman, 2 Wilson Street, believed the project has already had a negative affect because the property has been under assessed for several years.

A lengthy discussion about mitigation measures, the process, capital improvements and the school budget, possible reduction in the number of units, and consideration of studio apartments that won't likely generate students took place. Members were reminded that they must consider impacts and design of the project, not density which is determined by the Zoning Code.

Joan Unterweger, 5 Hanna Lane Unit 1, believed concern should be given to increased traffic and density, as well as the school system.

Clare Reed, 13 Hammond Plaza, believed other factors should be considered when determining the impact to schools.

Ronna Lichtenburg, 11 Creek Drive, supported the current school board and superintendent who are in a position to appropriately direct the school system.

Mr. Sheers explained considering only five members of a seven member board were present, the applicant has the choice to ask members present to vote, or request a straw vote and return when a full board is seated. After some debate, Ms. Reynolds made a motion to continue the public hearings for SEQRA environmental review and Site Plan Approval on the Edgewater project at the December meeting, seconded by Mr. Williams. All voted in favor. Motion carried.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL, 2 RESIDENTIAL LOTS, 17 WILSON STREET, SUBMITTED BY JON MOSS**

Mr. Williams made a motion to open the public hearing on the application for Subdivision Approval at 17 Wilson Street, seconded by Mr. Barrack. All voted in favor. Motion carried.

Jon Moss described his proposal for a two-lot subdivision of property located at 17 Wilson Street to construct a single family house on the newly created lot. The force main will be repaired and a larger holding tank installed. Mr. Tully reported there are a number of engineering details that need to be addressed – a portion of the Wilson Street cul de sac is located on the property and the driveway for Lot #2 encroaches onto Lot #2. Mr. Sheers opened the floor for public comment.

Clark Gebman, 2 Wilson Street, objected to the depiction of the environmental condition of his land. He believed the EAF to be incorrect and Stone Street does not provide code conforming street frontage.

Theresa Kraft, 315 Liberty Street, an immediate neighbor expressed her opposition to construction of the new house, and had concerns about the shared driveway, water runoff, and the need for fill. She feels the new house will decrease the quality of life and negatively impact the neighborhood. Ms. Kraft asked the City to stop allowing development on every inch of land and protect the scenic vistas and wetlands.

Engineer Mike Bodendorf clarified that the new house is not located in a wetland, the pump station will be privately owned and maintained, and the house will be built at grade therefore no fill is needed. A lengthy discussion took place about the sewer pump station, size of holding tank, and the related maintenance agreement.

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

After some consideration, Mr. Muscat made a motion to grant Subdivision Approval subject to the applicant fulfilling all consultant comments, and to authorize the City Attorney to draft a written resolution of approval for the Chairman's signature, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 3 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, PUBLIC HEARINGS ON APPLICATIONS FOR SITE PLAN APPROVAL, WOLCOTT AVENUE AKA “PARCEL L”, SUBMITTED BY RIVER RIDGE VIEWS, LLC**

Mr. Williams made a motion to open the public hearing for SEQRA Environmental review for the proposed development on property known as “Parcel L”, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Williams made a motion to open public hearings on the applications for Subdivision Approval and Site Plan Approval, seconded by Mr. Barrack. All voted in favor. Motion carried.

Attorney Jennifer VanTuyl summarized planning considerations that were given to the proposed design of the townhouse development on property known as “Parcel L” which has frontage on Wolcott Avenue and Beekman Street. A review of the proposed layout, neighborhood map, design of townhouses, property grades, and the historic adjacent church took place. Ms. VanTuyl reported they will be seeking a variance for the height of the decorative tower intended to hid a stairwell and protect views of the interior of the site from the church.

Mr. Siegel presented simulated elevation photos of the proposed architectural aspects of the project showing viewpoints from surrounding properties. A meeting with the architectural subcommittee is scheduled.

Mr. Clarke provided an alternate layout that complies with zoning standards, wouldn't require variances, and would frame the green space now surrounded by asphalt and parking lots. He believed the tower feature to be unnecessary and asked that the view of the river from the access to be better depicted. Lastly he recommended the addition of a crosswalk over Route 9D. Mr. Tully had a number of engineering comments that will be addressed once a SEQRA determination has been made.

Mr. Williams made a motion to declare the Planning Board act as Lead Agent in the SEQRA process, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Sheers reported Elder Dan Goldman submitted a letter from the Reformed Church in support of the proposed layout.

Lisa Alvarez, 23 Hammond Plaza, met with the applicant and supported the design with the following comments:

- We do not want a pocket park or trail behind Units 20-30. We want native trees and shrubs planted, replacing those removed or dead for privacy
- We want substantial bushes/trees planted behind Units 9-12 to create privacy from the new stairway
- Removal of dead trees hanging over our property or trees removed for construction should be replaced with native trees/grasses
- The lighting on Parcel L is away from Hammond Plaza
- The steep slope plantings and walls behind Units 9-20 are done with care creating privacy and safety from erosion
- Where ever possible use porous materials on walkways or parking to help drainage
- We support the variance required to connect the two buildings if the tower element is eliminated. It should not be built as the steeple is a part of the nautical river view, nothing should obstruct it.

- We think an archway/walkway reflecting the architecture and containing storage for maintenance is appropriate. The Reformed Church of Beacon was designed by Frederick Clark Withers who also designed Hudson River State Hospital, St. Lukes Episcopal Church, President's House Gallaudet College, Trinity Church in NYC, Chapel of the Good Shepard and The Tombs prison in NYC.
- Finally, no removal of trees in the cemetery unless a plan to retrofit, document, and clean occurs in conjunction with the Beacon Historical Society and National Cemetery Administration.

Dawn Powell, 19 Hammond Plaza, indicated the developer has been informative and agreed with their proposal as presented.

Clark Gebman, 2 Wilson Street, reported this region is the only one in New York without a university, believing this property could be better utilized.

Lee Kyriacou, 1076 Wolcott Avenue, supported the project, yet felt a reduction in the width of the buildings would improve the view of the river. As currently shown he believed the buildings do not match the mass of historical homes across the street. He supported the installation of stairs to Ferry Street and believed they should be dedicated to the city. Mr. Kyriacou encouraged the applicant not to seek variances and asked that the portion of property along Beekman Street be revisited for other than private uses.

Wavell Hodge, 6 Hammond Plaza, supported the project as it shows appreciation for Hammond Plaza, yet had concern for access to the pocket park proposed on Beekman Street.

Theresa Kraft, 315 Liberty Street, asked that real bricks be used in construction and expressed concern for injuries that may occur on the trail and the pocket park.

Mr. Williams made a motion to continue the public hearings for SEQRA environmental review, and for applications for Subdivision and Site Plan Approval at the December meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 4 PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, MT. BEACON TRAILHEAD PARKING IMPROVEMENTS, 788 WOLCOTT AVENUE, SUBMITTED BY THE SCENIC HUDSON LAND TRUST, INC.**

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

Meg Rasmussen described their proposal to expand the parking lot at the Mt. Beacon trailhead to address the increase in demand. The number of parking spaces will increase from 44 to 77 spaces; they will be delineated with grassy whiskers and a bike rack will be added. Mr. Tully and Mr. Clarke had no outstanding comments, and Mr. Sheers opened the floor for public comment.

Clark Gebman, 2 Wilson Street, spoke about the historical nature of Mt. Beacon and suggested an alternate walkway be made from Fishkill Avenue to provide another access near Wilson Street or Jessen Pond.

Eric Ortner, 90 Madison Avenue, felt the green space should be eliminated to provide even more parking spaces. He is a member of a hiking group and believed these additional spaces would not be adequate.

Theresa Kraft, 315 Liberty Street, did not think a larger parking lot would ease the congestion considering the new Fjord Trail and potential restoration of the Incline Railway. She believed more parking is needed at the train station with a shuttle to bring visitors to the trailhead.

Sam Akiwumi-Assani, 19 Exeter Circle, explained the neighborhood is impacted due to the increase in hikers. Parking had to be limited on Exeter Circle however parking is still permitted on both sides of Howland Avenue. He was in favor of the current plan however did not believe it will solve problems in the future.

Steve Burns, 58 Teller Avenue, expressed concern for parking on Howland Avenue as they park on both sides of the street. He feels it unsafe and suggested people go to another trailhead if no parking is available in the lot.

There were no further comments and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried. Members discussed the parking lot's location, visibility, and problems that may arise in the future.

After some consideration Ms. Reynolds made a motion to grant a Negative Declaration for SEQRA environmental review, seconded by Mr. Muscat. All voted in favor. Motion carried. Ms. Reynolds made a motion to grant Site Plan Approval and authorize the City Attorney to draft a resolution of approval, seconded by Mr. Muscat. All voted in favor with the exception of Mr. Barrack who voted against the motion. Motion carried; 4-1.

**ITEM NO. 5 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL; PUBLIC HEARING FOR SITE PLAN APPROVAL; AND PUBLIC HEARING ON AMENDED APPLICATION FOR SUBDIVISION APPROVAL (2 RESIDENTIAL LOTS), SUBMITTED BY BEACON RESIDENTIAL, LLC, 40 NORTH STREET**

Mr. Barrack made a motion to declare the Planning Board as Lead Agency in the SEQRA environmental review process, seconded by Mr. Williams. All voted in favor. Motion carried. Mr. Muscat made a motion to open the public hearing for SEQRA review, seconded by Mr. Barrack. All voted in favor. Motion carried.

Engineer Steve Burns explained the existing four-family house will be reduced to a two-family house, and one lot (fronting South Street) will be subdivided from the main parcel. Screening was provided between the new lot and neighboring properties. There were no outstanding consultant comments.

Clark Gebman, 2 Wilson Street, said a four-family house is the most economically affordable way to own a house. He believed the board should discuss the regional opportunity for a transportation hub.

Matt Sorrell, 32 North Street, was originally against the subdivision but preferred two lots rather than three. He remain opposed to the construction of a house on the newly created lot.

There were no further public comments and Mr. Muscat made a motion to close the SEQRA public hearing, seconded by Mr. Barrack. All voted in favor. Mr. Williams made a motion to grant a Negative Declaration for SEQRA environmental review, seconded by Mr. Muscat. All voted in favor. Motion carried.

Ms. Reynolds made a motion to open the public hearings on the applications for Site Plan Approval and Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried. There were no comments from the public and the hearings were closed on a motion made by Mr. Barrack, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Barrack made a motion to grant Site Plan Approval subject to any outstanding conditions, and authorize the City Attorney to draft a resolution of approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT, ARTIST LIVE WORK/SELF STORAGE, 39 FRONT STREET, SUBMITTED BY BEACON LOFTS & STORAGE**

Mr. Sheers reported the traffic study needs more work and the archeological study was just submitted, therefore recommended review continue at the next meeting. Aryeh Siegel reported they responded to comments about the parking lot and will return next month for further review.

**ITEM NO. 7 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

Tom Elias reported they just received comments from the board consultants and will address confusion that exists with the survey. Mr. Tully explained the topographic survey presented with the plan is not consistent with the filed subdivision plat. In addition, easements and offers of dedication shown on the filed subdivision plat are not shown on the current plan. Mr. Elias was advised to meet with the consultants and return for further review next month.

**ITEM NO. 8 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET**

This item was adjourned to the December 12, 2017 meeting.

**Miscellaneous Business**

Zoning Board of Appeals – November Agenda

Members reviewed the ZBA’s November agenda and had no comments.

Dellaportas Subdivision (Dennings Avenue) update for DC DOH

Attorney Jordan Haug explained his client is furthering work on their subdivision application that was before the board last year. The Dutchess County Department of Health is



requesting a referral letter from the Planning Board for a separation distance waiver between water and sewer service lines. After considering the request, Mr. Williams made a motion to authorize the referral letter as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

Request for additional 90-day extension of Subdivision Approval; 135-137 Spring Valley Street

Engineer Mike Bodendorf requested one additional 90-day extension in order to finish an easement agreement for an existing City sewer line that runs through the site. After some consideration, Mr. Williams made a motion to grant a 90-day extension as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**Architectural Review**

Certificate of Appropriateness – 176 Main Street; sign “Infinite Global”

No one was present for this item; it will be added to the December meeting agenda.

Certificate of Appropriateness – One East Main Street sign; “Trax Coffee Roaster”

No one was present for this item; it will be added to the December meeting agenda.

Certificate of Appropriateness – One East Main Street sign; “Sallyeander”

Sallye Ander presented her proposal for a building sign to advertise “SallyeAnder” storefront at One East Main Street. The sign will consist of Cedar wood lettering on a black background. After careful consideration, Mr. Muscat made a motion to approve the proposal as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Single Family House – 65 Dennings Avenue; amend rear elevation only

Engineer Steve Burns and owner Tim Owen presented the proposal to amend an approved new single family house at 65 Dennings Avenue (Lot #3) with the addition of a rear dormer. The color scheme approved at the April 11, 2017 meeting will not be changed. After careful consideration, Mr. Williams made a motion to approve the proposal as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

Single Family House – North Elm Street (Lot #2 of Church Street Subdivision)

Gianni DiLello described his proposal to construct a new single family house on Lot #2 of the recent subdivision at 16 Church Street. Members reviewed elevation drawings, proposed color schemes and compared it to neighboring housing stock. After careful consideration, Mr. Williams made a motion, seconded by Mr. Muscat, to approve the plan as presented with the following color scheme: Siding – Mastic Harbor Grey; Roof – GAF Charcoal; Windows – White; Trim – White; Garage Door – White; Brick around front door. All voted in favor. Motion carried.

**Miscellaneous Business**

Due to the absence of two members and length of the meeting, discussion of zoning amendments will continue at the December meeting.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Williams. All voted in favor. Motion carried. The meeting adjourned at 11:08 p.m.