

**Planning Board
February 14, 2018**

The Planning Board meeting was held on Wednesday, February 14, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Rick Muscat, Gary Barrack, Pat Lambert, David Burke and Jill Reynolds. Also in attendance were Building Inspector Tim Dexter, City Attorney Jennifer Gray, City Engineer Art Tully and City Planner John Clarke. Member Randall Williams was excused.

Training Session

City Attorney Jennifer Gray reviewed regulations for Special Use Permits (Section 223-18), specifically roles of the Planning Board and City Council, general procedures, and conditions and standards that are considered for issuance of a permit.

Regular Meeting

Mr. Gunn made a motion to open the regular meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried. The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the January 9, 2018 meeting. Mr. Muscat made a motion to approve the minutes of the January 9, 2018 meeting as presented, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 1 REVIEW APPLICATION FOR SPECIAL USE PERMIT, 7 RESIDENTIAL BUILDINGS - 307 UNITS, "EDGEWATER" SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE (*PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL ADJOURNED TO APRIL 10, 2018*)

Mr. Gunn opened this item by explaining the board will review the Special Use Permit to create a report to the City Council, and the public hearing for Site Plan Approval will continue at the April meeting. Attorney Taylor Palmer, Cuddy & Feder, reported the formal application for a Special Use Permit was submitted, and summarized the project's review process to date. He respectfully requested a positive report to the City Council as the multi-family development complies with criteria for a Special Use Permit, provides BMR units, open space, and promotes smart growth strategies outlined in the City's Comprehensive Plan. Once referred, the City Council will hold a public hearing and the applicant will return for public hearings on Site Plan and Subdivision Approval.

Architect Aryeh Siegel submitted elevation drawings to clarify the manner in which building heights were determined. He outlined the three ways building heights are measured: buildings with peaked roofs are measured from the average grade to the mid-point of the gable; buildings with flat roofs are measured from the ground to the top of the flat roof; and buildings with parking underneath (podium parking) are measured from the bottom of the first floor. After a lengthy discussion took place about measurements, podium parking, grading, and ceiling heights, it was determined that the measurements as presented were accurate and no buildings exceed maximum permitted building heights. Mr. Clarke advised the board that the application was complete, and recommended three corrections or clarifications be considered during City Council review: clarification should be made to the comparisons made from Tompkins Terrace and Colonial Springs with regard to lot coverage; parking provided vs. requirements; and

correction of a mathematical error in Table 1 of the School Impact Study. He recommended the plan set be revised before being forwarded to the City Council for their review of the Special Use Permit.

After careful consideration, Mr. Gunn made a motion to send a report as drafted by the Chairman, Secretary and City Attorney to the City Council, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON THE APPLICATION FOR SITE PLAN APPROVAL AND HOLD A PUBLIC HEARING ON THE APPLICATION FOR SUBDIVISION APPROVAL, WOLCOTT AVENUE AKA “PARCEL L”, SUBMITTED BY RIVER RIDGE VIEWS, LLC

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

Jennifer VanTuyl summarized review of this project, reporting the Planning Board issued a Negative SEQRA Declaration, adopted an LWRP Consistency Determination, and the Zoning Board of Appeals unanimously voted to grant a variance to allow a reduced building separation between Building Group 2 and 3 of the project. She reported they propose to eliminate the pocket park along Beekman, as well as the internal pathway because it would lead to nowhere and would require additional land disturbance. Engineer Dan Koehler reported the project involves combining three one-acre parcels to create individual lots for townhouses and one HOA parcel. The lots vary in size and a series of easements for various utilities, water, sewer and drainage will be created.

A lengthy discussion took place with regard to the internal pathway, and Mr. Clarke suggested stairs remain to the lower level of the property whether or not there is a pocket park. He believed new residents will be blocked by a steep wall making it difficult to reach the lower portion of the property near the cemetery. Concerns for the steep slope, preservation of the cemetery which is not part of this project, maintenance and liability for homeowners were discussed. Mr. Clarke recommended the crosswalk over Route 9D be relocated north to Rombout Avenue however Mr. Koehler explained the NYSDOT has authority with regard to the location of the crosswalk and they did not want any cuts in the existing guiderail. After a lengthy discussion, it was determined that a note will be added to the plan indicating the crosswalk location is subject to NYSDOT approval as they have sole discretion. Mr. Gunn opened the floor to public comment.

Theresa Kraft, 315 Liberty Street, supported the project, believed there should not be a pocket park and that new owners should not have exclusive access to the cemetery.

Dawn Powell, 19 Hammond Plaza, supported the project and reported the developer worked diligently with the owners of Hammond Plaza. They don't want a pathway because their privacy will not be protected from foot traffic. Ms. Powell asked that consideration be given to recognizing former uses of properties when sites are redeveloped. In light of Black History Month, she reported first black engineer for IBM lived on this property.

Mr. Tully asked that a detailed calculations report and retaining wall plans be submitted for review. He had concern that retaining walls will be impacted by the infiltration basin and subsurface drainage, and that it may also impact Hammond Plaza. Mr. Koehler provided exhibits of drainage proposal and the wall system which will be reviewed in more detail.

There were no further comments from the public and Mr. Muscat made a motion to close the public hearing on the application for Site Plan Approval, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Gunn made a motion to close the public hearing on the application for Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Burke made a motion to authorize the City Attorney to prepare a draft resolution of approvals for Site Plan, Subdivision, and Architectural Review, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 3 PUBLIC HEARINGS TO AMEND AN EXISTING SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, WEST END LOFTS, SUBMITTED BY KEARNEY REALTY & DEVELOPMENT GROUP, WOLCOTT AVENUE

Engineer Jeff Contelmo of Insite Engineering explained they are returning for a slight amendment of the Site Plan and Subdivision Approval previously granted. The project remains the same however as described last month, a 1,900 s.f. reduction in the eastern corner of the property may be required. Detailed title work revealed a clause that may prevent conveyance from the City therefore that small sliver of property will be excluded from the plan if needed.

City Attorney Jennifer Gray reported the applicant submitted Part 1 of the EAF and Parts 2 and 3 were drafted and provided to members for review prior to the meeting. She explained this amendment is very small with limited impact to the site. After some consideration, Mr. Barrack made a motion to issue a Negative SEQRA Declaration, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Mr. Gunn made a motion to open the public hearing on applications for Site Plan and Subdivision Approvals, seconded by Mr. Muscat. All voted in favor. Motion carried.

Theresa Kraft, 315 Liberty Street, questioned ADA compliance, expressed concern for heavy traffic and the safety of the development's residents.

Mr. Contelmo reported there is more than one ADA compliant access to the site even with elimination of the triangular portion of the site. There are two additional ADA access points – one from the main driveway and one from the sidewalk on the south end of the project. Mr. Contelmo reported they still hope to acquire the triangle portion of property from the City or be granted authority to use that property from the NYSDOT to allow the original site plan layout.

Mr. Kearney reported the City Council granted a waiver for affordable workforce housing because the project meets the primary purpose of the City's Affordable Workforce Housing Code and exceeds the minimum requirements.

There were no further comments from the public and Mr. Burke made a motion to close the public hearing, seconded by Ms. Reynolds. All voted in favor. Motion carried. Members reviewed the draft resolution of Subdivision and Site Plan Approval that had been circulated prior to the meeting with City Attorney Jennifer Gray. After careful consideration, Ms. Reynolds made a motion to approve the resolution as presented, seconded by Mr. Burke. All voted in favor. Motion carried.

ITEM NO. 4 PUBLIC HEARINGS FOR SEQRA ENVIRONMENTAL REVIEW AND ON THE APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET

Mr. Gunn made a motion to open the public hearing for SEQRA environmental review, seconded by Mr. Burke. All voted in favor. Motion carried. Attorney Taylor Palmer, Cuddy & Feder, described his client's proposal to subdivide the former Knights of Columbus property into 13 single-family residential building lots. Development of plans for the project have been ongoing for some time, and two roundtable meetings were held with adjacent neighbors to hear their concerns. As a result, additional buffers were added to further protect the adjacent neighborhood. This is an unlisted action under SEQRA and comments were received from Dutchess County Planning and NYS DEC. A traffic study will be done by Maiser Consulting and an impact analysis of the sewer system flow rates and potential sanitary sewer overflows was completed by HDR (City's sewer consultant). The final report will be submitted for review but in general it indicated that the system as designed is not expected to create sanitary sewer overflows.

Engineer Dan Koehler of Hudson Land Design reported this is a five-acre parcel located in the R1-7.5 zoning district. The existing structure will be demolished and new parcels approximately 1,200 s.f. in size will be created for single family houses. A Homeowners' Association will be created for stormwater management and maintenance of the circle cul de sac. Mr. Koehler reviewed locations of utilities, sewer and water access, and reported a landscape buffer area will be created to protect existing houses along DeSoto Avenue. Mr. Gunn opened the floor for public comment.

Don Schiller, 35 DeSoto Avenue, felt 13 houses are too many for the property and expressed concern for privacy. He believed the water shortage should be considered and more sources for water should be investigated before development continues.

Bridget Giavatto, 19 Townsend Street, agreed with Mr. Schiller in that it is too many houses for the property. She had concerns for increased traffic, adequate buffers between developments and for privacy.

Theresa Kraft, 315 Liberty Street, felt too many houses are proposed for the property and expressed concern for light, traffic and noise pollution. She questioned a monument shown on the site plan.

Engineering items, results from a traffic study, and information from SHPPO remain therefore the public hearing will remain open. City Attorney Jennifer Gray reported HDR's reported indicated the development is not expected to cause sanitary sewer overflows but leaves little leeway for future development to connect to the South Interceptor.

After some discussion, Mr. Burke made a motion to direct the City Attorney to draft a SEQRA resolution in anticipation of the applicant providing outstanding items as outlined, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Burke was excused from the meeting at 9:25 p.m.

CONTINUE REVIEW OF APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT, ARTIST LIVE WORK/SELF STORAGE, 39 FRONT STREET, SUBMITTED BY BEACON LOFTS & STORAGE

Attorney Jennifer VanTuyl reported they requested the board reconsider its recommendation to the Zoning Board of Appeals because they believe certain relevant facts were not available when the original review took place. Ms. VanTuyl went through a Power Point presentation while describing their reasoning behind the variance request. She explained Building 16 is in such poor condition that it cannot be restored, an unanticipated circumstance. The proposal includes the removal two white buildings around Building 16 where a commercial laundry currently operates using 26,000 gallons of water per day. It also eliminates the previously approved construction of a four-story building near the creek. The unit increase remains well under the site's maximum permitted density. Ms. VanTuyl reported the variance has two components: one to rebuild the three story building 52 ft. in height and secondly to add a stepped back fourth floor. The taller building will allow greater ceiling to floor space to create mezzanines within the first three floors. These types of units are in demand and allows an easier conversion back to commercial space if needed in the future. The additional fourth floor would make the building 66 ft. in height and provide space for nine additional units. Ms. VanTuyl spoke to scale of the existing Building 16 and 10 which are joined together and are approximately 450 ft. long, which essentially lessens the visual impact. This is located in an industrial district and industrial setting with other large buildings. Ms. VanTuyl highlighted factors including topography, economics, viewing angles, historic elements, and a report from an architectural historian who reviewed the proposal.

After a lengthy discussion and review of additional documentation submitted for consideration, Mr. Gunn made a motion to rescind the board's initial opinion and made a new recommendation that the Zoning Board support the requested variance with following considerations to mitigate the impacts of the height variance on the adjacent historic building and the historic character of the site if granted: (1) providing a small notched stepback of the new building (#16) from the existing building (#10) at the point where the two buildings join to distinguish the old from the new; (2) minimizing the height of the fourth floor; and (3) increase the setback of the fourth floor. The motion was seconded by Ms. Reynolds. All voted in favor. Motion carried.

Architectural Review

Certificate of Appropriateness – 554 Main Street – Sign

Dana and Kevin Collins presented their proposal for signage “Melzingah Tap House” on the building at 554 Main Street. Members reviewed the proposed signage and color combination. After a lengthy discussion Mr. Gunn made a motion to approve the sign as presented, Pantone (gold) PMS 7501c lettering with Pantone (green) PMS 7493c underline, seconded by Mr. Muscat. All voted in favor with the exception of Ms. Reynolds who abstained. Motion carried.

ITEM NO. 6 REVIEW APPLICATION FOR SUBDIVISION APPROVAL AND LOT LINE REALIGNMENT, 2 RESIDENTIAL LOTS INTO 3 RESIDENTIAL LOTS, SUBMITTED BY LORI JOSEPH BUILDERS, INC. & RINA SHUMAN, 446 WASHINGTON AVENUE

Adam Gasparre of Hudson Land Design, described his client’s proposal to subdivide two parcels on Washington Avenue with one existing house in the R1-10 zoning district to create three lots for the construction of two new single family houses. The existing house is situated on two lots and the realignment will bring the existing house into conformance. The two new houses will have a common driveway, and be served with municipal water and sewer services. A 30 ft. easement is needed for the two 16-inch ductile water transmission lines that run through the property, and cross easements will be created for the common driveway. Stormwater will be handled with grading and a sump directing water to a rain garden. Two retaining walls are proposed, one on the driveway and one along the property line.

Discussion took place with regard to the proximity of the driveway to the existing house. The house currently encroaches on the adjacent lot, and the new layout improves the situation. A lengthy discussion took place about existing house and the lot line arrangement to give the existing house ample space for access.

Mr. Gunn made a motion to authorize circulation of the Planning Board’s intent to act as Lead Agent in the SEQRA environmental review process, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Ms. Reynolds made a motion to authorize the City Attorney to draft SEQRA documentation for consideration if all requested information is provided, seconded by Mr. Lambert. All voted in favor. Motion carried.

Ms. Reynolds made a motion to schedule a public hearing for SEQRA review at the March meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – January Agenda

The only item on the agenda, 39 Front Street (Mason Circle) was discussed earlier and recommendations were made.

City Council request to review proposed Local Law to amend Chapter 223, Bulk Regulations in the Fishkill Creek Development (FCD) District

Members reviewed the proposed Local Law to amend Chapter 223 with regard to bulk regulations in the Fishkill Creek Development (FCD) District. Mr. Clarke provided members with an overview and reasoning behind the proposed revisions. After some consideration, Ms. Reynolds made a motion to recommend the City Council proceed and approve the revisions as proposed, seconded by Mr. Barrack. All voted in favor. Motion carried.

City Council request to review proposed Local Law to amend Chapter 223, "Hearing Notice Requirements"

Members reviewed the proposed Local Law to amend Chapter 223 with regard to public hearing notice requirements for Special Use Permits, Site Plan Approvals, and Variance appeals. City Attorney Jennifer Gray provided members with an overview and reasoning behind the proposed revisions. After some consideration, Ms. Reynolds made a motion to recommend the City Council proceed and approve the revisions as proposed, seconded by Mr. Muscat. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Gunn, seconded by Mr. Lambert. All voted in favor. Motion carried. The meeting adjourned at 11:05 p.m.