

**Planning Board
August 14, 2018**

The Planning Board meeting was held on Tuesday, August 14, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Gary Barrack, Pat Lambert, Jill Reynolds, and Member David Burke (in at 7:30 p.m.). 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 provided a detailed review of the proposed Local Law to create Chapter 97 and amend Chapters 192, 195 and 223 concerning driveway permits. In addition, she reviewed amendments to existing SEQRA regulations that were adopted by New York State Department of Environmental Conservation in June and will go into effect on January 1, 2019.

Regular Meeting

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the July 10, 2018 meeting. Mr. Muscat made a motion to approve the minutes of the July 10, 2018 meeting as presented, seconded by Mr. Lambert. All voted in favor.

ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.

This item was adjourned to the September meeting.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON THE APPLICATION FOR SUBDIVISION APPROVAL, THREE-LOT RESIDENTIAL, 38 ST. LUKE’S PLACE, SUBMITTED BY BEACON 226 MAIN STREET, LLC

The public hearing on the application for Subdivision Approval continued with Engineer Adam Gasparre of Hudson Land Design describing items completed since the last meeting. To address the main concern of drainage they met with the City Engineer to test infiltration rates and soil testing which revealed the need for a small area of rock removal that will impact one of the foundations. No blasting is needed as the rock will be hammered out mechanically and a note will be added indicating operations will take place weekdays between 8:00 a.m. and 4:00 p.m. and no work will be done on weekends or holidays. A note will also be added to plan restricting the height of trees on the eastern edge of Lot #3. Front setbacks were reduced to be consistent with nearby houses on the street. A sight easement will be provided for the corner lot and a description of areas to be dedicated to the City must be provided to the City Engineer and City Attorney for approval.

Mr. Gunn opened the floor for public comment. No one from the public wished to speak and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

After careful consideration Mr. Gunn made a motion to grant Preliminary and Final Subdivision Approval subject to the applicant fulfilling all consultant comments, listing restrictions on hours of rock removal, and typical City conditions, seconded by Ms. Reynolds. All voted in favor. Motion carried. Mr. Barrack made a motion to authorize the City Attorney to memorialize approvals with a resolution to be signed by the Chairman, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION APPROVAL, AND HOLD PUBLIC HEARING ON THE APPLICATION FOR SUBDIVISION APPROVAL, TWO-LOT RESIDENTIAL, 31 MOUNTAIN LANE, SUBMITTED BY PENELOPE HEDGES

The SEQRA public hearing continued with Glennon Watson presenting his client's proposal to subdivide a parcel with an existing house into two lots for the construction of one new house. The two parcels will share the existing driveway, steep slopes law calculations were completed, drainage testing was done, and the driveway grade was changed as recommended.

Mr. Clarke noted a minor labeling issue on the plan set must be corrected. Mr. Tully had comments with regard to sight distance, water pressure comments, grading, and drainage. Discussion took place with regard to landscaping and planting of trees to replace the significant number that will be removed. Members favored planting a naturalistic group of trees and landscaping between the street and septic field.

Mr. Gunn opened the floor for public comment. No one from the public wished to speak and Mr. Barrack made a motion to close the public hearing, seconded by Mr. Burke. All voted in favor. Motion carried.

City Attorney Jennifer Gray drafted and circulated Parts 2 and 3 of the EAF and a statement outlining reasons based on supporting information, documents, public comments, and reports for environmental review of the project. After careful consideration, Mr. Lambert made a motion to issue a SEQRA Negative Declaration, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Muscat made a motion to open the public hearing on the application for Subdivision Approval, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Gunn opened the floor for public comment. No one from the public wished to speak however the public hearing will remain open to the September meeting to address outstanding consultant comments.

ITEM NO. 4 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 7 RESIDENTIAL BUILDINGS "EDGEWATER" SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE

Attorney Taylor Palmer provided an update on the Edgewater project and reported a SEQRA Negative Declaration was issued and LWRP Consistency Determination was made by the Planning Board, and the City Council issued a Special Use Permit for the project. A significant reduction in the number of units resulted in additional green space, fewer school children, and less water use; the project includes added public access point, bike trails walking

paths, electric cars for tenant use, green roof and sustainable construction measures, and on-site stormwater collection. Overall building coverage is 12%, well below the 25% maximum permitted, unit count was reduced from 307 units to 246 units, and bedroom counts were reduced from 413 to 350 bedrooms.

Engineer Mike Bodendorf reviewed their analysis of steep slopes showing a map of areas and details that were changed. A comparison from the original to the amended plan was presented.

Attorney Taylor Palmer discussed conditions outlined in the Special Use Permit and Greenway Trail connections were reviewed. The City Council asked that an easement be located on the plan to allow for future connection of a Greenway Trail on the northern portion of the Hudson Trail that is currently in the planning stages. The City Council also imposed the requirement that at any time the bedroom count increases above the approved 350 count or unit counts increase beyond the approved 246 count the applicant must seek approval from the City Council and Planning Board. Discussion took place with regard to maintenance of Branch Street.

Traffic consultant Phil Grealey of Maser Consulting reported the original report was done based on the 307 units and thereafter modified to reflect the reduction to 246 units. A conservative approach was taken even though it is a TOD based development. Intersections in the area were reviewed and other developments under review and under construction were taken into consideration. Timing of traffic signals may be needed at Route 9D and Verplanck Avenue as well Route 9D and Beekman. Potential new traffic lights may be needed at Route 9D and Tompkins Avenue/Ralph Street and West Main Street and Beekman Street. These areas will be monitored with traffic and pedestrian counts, and review accident reports after the project is under construction and occupied. A report would be presented to the City and NYS DOT will have review authority of any new signals or time adjustments. The NYSDOT is still reviewing the revised traffic study and may require additional pedestrian crossings.

Mr. Clarke asked for a copy of the steep slope analysis map, detailed plans for the proposed pavilion, and that a possible location for the Greenway Trail connection be located on the plan.

Ms. Reynolds made a motion to reopen the public hearing on the application for Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried. The Planning Board can opt to hold a public hearing under Section 223-16(b) to hear comments on steep slopes relating to the project therefore the hearing for Section 223-16(b) was also publicly noticed. Ms. Reynolds made a motion to open the public hearing for comments on steep slopes, seconded by Mr. Muscat. All voted in favor. Motion carried.

Theresa Kraft, 315 Liberty Street, was not pleased that the applicant was allowed to keep the same building plans even though the unit count was reduced. Overall she felt the site appears to be more buildings than green space, and waterfront views and view sheds will be forever changed.

No further public comments were offered and Mr. Burke made a motion to keep the public hearing on the application for Site Plan Approval open and schedule a public hearing on the application for Subdivision Approval for the September meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

Discussion took place with regard to maintenance of Branch Street and Attorney Taylor Palmer reported the applicant intends to maintain the entire street. He respectfully asked the board to consider drafting resolutions of approval for consideration. After considering the request, Mr. Muscat made a motion to authorize the City Attorney to draft resolutions of approval, seconded by Mr. Burke. All voted in favor. Motion carried.

ITEM NO. 5 PUBLIC HEARING ON APPLICATION FOR SITE PLAN AND SUBDIVISION APPROVAL RELATIVE TO SPECIAL USE PERMIT APPROVAL, PRIVATE SCHOOL (HUDSON HILLS ACADEMY), 850 WOLCOTT AVENUE, SUBMITTED BY ST. LUKE'S EPISCOPAL CHURCH

Aryeh Siegel explained the applicant is proposing to subdivide the church parcel into two lots so the school building can be leased by Hudson Hills Academy for use as a private school. There are no exterior changes proposed other than additional site landscaping. Mr. Siegel reported the City Council granted a Special Use Permit for the school use, plans have been revised and an updated traffic narrative has been completed. Easements and descriptions were submitted to the City Attorney's office for review and an inspection revealed no illegal connections to the sanitary sewer system. Mr. Siegel reported the school is scheduled to open in September.

Mr. Clark reported the main issue is over whether a sidewalk should be installed on the east side of Rector Street or whether a crosswalk over Rector Street is needed. The City Council's Special Use Permit resolution recommended the Planning Board refer to the Traffic Safety Committee the question of whether a crosswalk is needed at the Rector Street entrance of the site. A lengthy debate took place about the cost of a new sidewalk and necessary removal of trees which are considered part of the historic character of the neighborhood. After much discussion members believed the crosswalk was necessary for pedestrians walking to and from the school using the existing sidewalk on the west side of Rector Street.

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

Brienne Cliadakis, a resident of Newburgh, former president for Wee Play in Beacon and Hudson Hills parent, sees details standing in the way of a school that will be positive addition to the community. The teachers and staff will support retailers on Main Street and the community. She supported the school and felt the project should be approved.

Ori Brachfeld, 19 VanNess Road and Hudson Hill parent, reported the school has been a good neighbor in Newburgh and felt the project should be approved.

Theresa Kraft, 315 Liberty Street, was not opposed to the school but did not understand why a subdivision was required as other facilities have shared operations. She felt a subdivision would not be necessary unless they have long term goals of selling the property.

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

Members reviewed the draft resolution for Preliminary and Final Subdivision Approvals, Site Plan Approval and Certificate of Appropriateness that were previously circulated and after careful consideration, Ms. Reynolds made a motion to approve the resolution subject to a condition requiring the Applicant to obtain approval from the City Highway Department for installation of the crosswalk subject to recommendations from the Traffic Safety Committee and in the event a crosswalk at this location is not approved the applicant return to the Planning Board for further review. The motion was seconded by Mr. Burke. All voted in favor. Motion carried.

ITEM NO. 6 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, STORAGE ADDITION, 242 MAIN STREET, SUBMITTED BY ELBERT GAITHER, JR.

Aryeh Siegel described his client's proposal to construct a one-story storage addition to the rear of the existing building at 242 Main Street. Plans were revised as requested, elevations of the proposed addition and a dumpster enclosure were provided. Mr. Siegel reported this applicant was before the Planning Board for another approval and the former City Planner confirmed that the 11 ft. right-of-way is an easement to access the property. Mr. Clarke explained the access aisle can be 8 ft. wide by with a slight adjustment of the parking space lines.

Mr. Burke made a motion to open the public hearing on the application for Site Plan Approval, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Theresa Kraft, 315 Liberty Street, is a frequent customer and confirmed the company needs additional space and this addition is a feasible solution.

There were no further comments from the public and Mr. Barrack made a motion to close the public hearing, seconded by Ms. Reynolds. All voted in favor. Motion carried. After some consideration Mr. Gunn made a motion to grant Site Plan Approval subject to memorializing the approval with a resolution to be signed by the Chairman, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 7 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION APPROVAL, 2-LOT RESIDENTIAL, 32 ALICE STREET, SUBMITTED BY BRENT SPODEK

Mr. Burke made a motion to open the public hearing for SEQRA environmental review, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Engineer Dan Koehler of Hudson Land Design described his client's proposal to subdivide a parcel with an existing house into two lots for the construction of an additional house. Owner Rabbi Brent Spodek introduced himself and explained he and his family currently

lives in the neighborhood but they are outgrowing the small house and would like to construct a larger more energy efficient house. Mr. Koehler explained the new house will be served with municipal water and sewer services and an infiltration basin will be installed to handle stormwater from the site. Due to the geometry of the existing house and lot, variances will be needed for the average lot width and lot width where the house will be located.

Mr. Clarke explained the setback for the proposed house is less than required however it is appropriately located an average distance (9.8 ft.) between the two adjacent houses to be consistent with the neighborhood. He suggested the proposed street tree be larger than 2-inch caliper and located in front of the house. Mr. Tully had only minor engineering comments.

Mr. Gunn reported a letter of support was submitted from adjoining neighbors and opened the floor to public comment. No one from the public wished to speak and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

Discussion took place about the required variances. The average lot width of the new lot is less than the required 75 ft. outlined in Section 223-17(C) and the proposed house is located on a portion of the lot that does not meet the minimum 75-foot lot width standard outlined in Section 223-12. After some discussion and considering all affected neighbors supported the proposal, members felt a memorandum should be drafted and sent to the Zoning Board of Appeals recommending the variances be granted.

City Attorney Jennifer Gray drafted and circulated Parts 2 and 3 of the EAF and a statement outlining reasons based on supporting information, documents and public comments for environmental review of the project. After careful consideration, Mr. Gunn made a motion to issue a SEQRA Negative Declaration, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Koehler requested the board consider scheduling a public hearing for October subject to the applicant obtaining the necessary variances and to draft a resolution of approval for consideration. After some discussion Mr. Gunn made a motion to schedule a public hearing on the application for Subdivision Approval for the October meeting subject to granting the variances, seconded by Ms. Reynolds. All voted in favor. Motion carried. Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of approval for consideration, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 8 CONTINUE REVIEW ON APPLICATIONS FOR SITE PLAN APPROVAL AND SUBDIVISION APPROVAL RELATING TO A SPECIAL USE PERMIT, PROFESSIONAL BUILDING EXPANSION, 1181 NORTH AVENUE, SUBMITTED BY NORM SCHOFIELD

Aryeh Siegel described his client's proposal to subdivide his property with one existing office building into two lots for the construction of a new office building at 1181 North Avenue. The Planning Board adopted a SEQRA Negative Declaration, the Zoning Board of Appeals granted variances for lot width, and the City Council issued a Special Use Permit for the new office use, and they are now returning to finalize the Site Plan and Subdivision Approvals.

Revised plans were submitted showing a walkway from Route 9D to the new building and to access the existing building, two handicap spaces were added in the parking lot, a new sign panel is proposed in front of the new building, building elevations were updated, and site lighting was added as recommended.

Mr. Clarke explained at least one tree is required within the commercial parking area and the two holly trees may qualify if moved closer, and they should be larger in caliper or a different species. The property is located in the Historical District and Landmark Overlay Zone therefore a Certificate of Appropriateness will be required for the new building. Considering the proposal was supported by SHPO and the City Council, Mr. Clarke did not feel the need to refer the application to the architectural review subcommittee. Mr. Tully asked that cross easements for utilities and a maintenance agreement for the shared access be provided for review and approval.

After careful consideration, Mr. Lambert made a motion to schedule public hearings on applications for Subdivision Approval and Site Plan Approval for September, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Gunn made a motion to authorize the City Attorney to draft resolutions of approval for consideration, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 9 REVIEW APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT APPROVAL AND SITE PLAN APPROVAL, TO REPLACE PROPOSED SPA WITH 10 ADDITIONAL HOTEL ROOMS IN THE MILL BUILDING (TOTAL 51 ROOMS) AND REPLACE PRIVATE DINING ROOM IN ROUNDHOUSE BUILDING WITH HOTEL ADMINISTRATION OFFICE, 2 EAST MAIN STREET, SUBMITTED BY 10 BOULEVARD, LLC

Aryeh Siegel described his client's proposal to amend the approved Special Use Permit and Site Plan Approvals for property known as the "Roundhouse" at 2 East Main Street. The original project was approved in 2012 and they now want to change the private dining room into an office for the hotel, and eliminate the spa on the second floor of the mill building to add 10 additional hotel rooms. The overall action changes parking requirement with a surplus of two spaces. In addition, they are reconfiguring the laundry space in the lowest level of the mill building. Mr. Siegel will prepare a summary description of changes to parking, traffic, sewer, etc. and provide a comparison to the current proposal. There are minor changes proposed to the exterior building and a Certificate of Appropriateness is needed as the property is located in the Historic District and Landmark Overlay Zone.

Mr. Clarke explained the front parking lot along East Main Street and Roundhouse building are now located in the CMS zoning district therefore the lot must be screened from the street. Discussion took place with regard to the area designated for 46 land-bank parking spaces and a parking analysis will be done to see if those spaces remain necessary. Lastly an old form of the EAF was submitted therefore it must be updated before a Notice of Intent can be circulated. A comparative analysis of the previous SEQRA Negative Declaration must be submitted.

After some consideration, Mr. Lambert made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process and authorize letters of intent to interested parties subject to submission of a new EAF, seconded by Mr. Burke. All voted in favor. Motion carried. Mr. Burke made a motion to schedule a SEQRA public hearing for September, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Discussion took place about the power house and pedestrian bridge that were part of the original approval. The Site Plan will be reviewed to see what remains incomplete so that it can be made part of this application.

Architectural Review

Certificate of Appropriateness – 183 Main Street; change façade colors

After careful consideration and review of the proposed color changes, Mr. Burke made a motion to issue a Certificate of Appropriateness as presented, seconded by Mr. Lambert. All voted in favor. Motion carried.

Certificate of Appropriateness – 451 Main Street; building façade improvements

After careful consideration and review of the proposed building façade improvements, Mr. Burke made a motion to issue a Certificate of Appropriateness for the upgrades as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Certificate of Appropriateness – 1198 North Avenue

Owner Gordan Woodhall returned for review of renovations to his recently purchased house at 1198 North Avenue. After careful review, Mr. Gunn made a motion to issue a Certificate of Appropriateness for the railings, replacement of asphalt shingles with restoration of the existing wood siding, and replacement of the balustrade to match the existing balustrade. The motion was seconded by Mr. Burke. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – August Agenda

No applications were submitted for August therefore no meeting was scheduled.

River Ridge Views (Parcel L) – Consider request for two 90-day extensions of Subdivision Approval

Attorney Taylor Palmer requested two 90-day extensions of subdivision approval for the River Ridge Views (Parcel L) project which was granted on March 13, 2018. He explained the applicant has been working diligently on the conditions outlined in the approval, specifically easement documentation, homeowners' association documents, and NYSDOT requested changes. After careful consideration, Ms. Reynolds made a motion to grant two 90-day extensions, seconded by Mr. Burke. All voted in favor. Motion carried.

226 Main Street – Request for Modification of Resolution of Approval

City Attorney Jennifer Gray described the applicant's to amend certain conditions of the Zoning Board of Appeals' resolution dated November 21, 2017. The Planning Board had waived the parking requirement for the commercial space and a variance was granted for the residential portion of the required parking. The variance was conditioned upon the applicant

constructing new parking spaces in the County-owned parking lot. The County has indicated they don't want new parking spaces but agreed to lease eight (8) parking spaces for overnight parking. In addition, they applicant has agreed to seal coat and re-stripe the municipal parking lot next to 208 Main Street to gain 1-2 additional spaces, re-stripe parallel spaces on Main Street where the large curb cut existed for the garage, and stripe three (3) parallel spaces on the east side of North Elm Street. Because the conditions imposed by the Zoning Board of Appeals cannot be fulfilled, the applicant is requesting the board consider modifying the parking requirement as outlined in Section 223-41.18(F)(3). After much discussion and consideration, Mr. Gunn made a motion to approve the applicant's request, seconded by Mr. Muscat. All voted in favor. Motion carried.

City Council Request to Review Proposed Local Law to create Chapter 97 and amend Chapters 192 and 223 concerning Driveway Permits

Members reviewed the proposed Local Law to create Chapter 97 and amend Chapters 192 and 223 concerning driveway permits and discussed sidewalk continuity over new driveways. Mr. Clarke suggested that sidewalks should continue across driveways to make pedestrian movement consistent. After a brief discussion, Ms. Reynolds made a motion to support the legislation and Mr. Clarke's recommendation for sidewalk continuity, 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. Burke, seconded by Ms. Reynolds. All voted in favor. Motion carried. The meeting adjourned at 10:23 p.m.