

**Planning Board
September 11, 2018**

The Planning Board meeting was held on Tuesday, September 11, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:10 p.m. with Chairman John Gunn; Members Pat Lambert, Jill Reynolds, and David Burke (in at 7:31 p.m.). Also in attendance were Building Inspector Tim Dexter, City Attorney Jennifer Gray and City Engineer Art Tully. City Planner John Clarke, and Members Gary Barrack and Rick Muscat were excused.

Chairman John Gunn started the meeting with a moment of silence in remembrance of the 17th anniversary of 9/11 terror attacks.

Training Session

City Attorney Jennifer Gray reviewed the proposed amendment to the public sign notification ordinance to adjust the size of signs and to require that two signs be posted when the property is located on a corner lot. She suggested members consider requiring signs be posted on all street frontages in the case a corner property abuts more than two streets.

City Attorney Jennifer Gray and Mr. Dexter reviewed proposed amendments to the Linkage zoning district for uses that require Special Use Permit approval. The amendments change floor area limits for each establishment within large structures with the intent to circumvent large box stores. A brief discussion took place with regard to how this change could affect the size of food trucks/trailers in the Linkage Zone.

Regular Meeting

The regular meeting started at 7:26 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the August 14, 2018 meeting. Ms. Reynolds made a motion to approve the minutes of the August 14, 2018 meeting as presented, seconded by Mr. Lambert. All voted in favor. Motion carried.

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 October 10, 2018 meeting.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON THE APPLICATION FOR SUBDIVISION APPROVAL, TWO-LOT RESIDENTIAL, 31 MOUNTAIN LANE, SUBMITTED BY PENELOPE HEDGES

Glennon Watson, of Badey & Watson, described 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. (David Burke joined the meeting at 7:31 p.m.) Revisions to the plat include adjustments to the drainage plan to capture more runoff and avoid puddling, correction of the water line location, additional grading, and four trees were added near the septic area. In addition, the number of trees to be removed has been reduced by four. Mr.

Tully asked the applicant to submit additional details on the booster station to increase water pressure and Mr. Gunn asked that more conversation about tree replanting take place.

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

Ms. Reynolds noted that Google Maps still show the existing structure as Base Camp Bed & Breakfast. Mr. Watson reported that use was terminated and will only become active when proper permits can be obtained. A lengthy discussion took place with regard to tree planting and the consensus was that more than four trees should be added since 36 trees are being removed. Additional discussion with regard to the number of trees will take place.

Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of approval which will be subject to submission of more details on the booster pump, determining the number of trees to be planted, and fulfillment of all outstanding consultant comments, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 3 PUBLIC HEARINGS 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

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

Aryeh Siegel described his client's proposal to subdivide the existing parcel with one existing office building into two lots for the construction of a new office building. Plans were revised as requested, trees were moved closer to the parking lot and parking spaces were adjusted as recommended. Mr. Siegel reported a SEQRA Negative Declaration was issued, a variance for lot width was granted by the Zoning Board of Appeals, a Special Use Permit was granted, and SHPPO approved the project. The applicant's attorney is working on easements for submission for the City Attorney's review. Only minor consultant comments remain.

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

City Attorney Jennifer Gray noted the circulated resolution will be corrected to include Site Plan Approval. After careful consideration Mr. Lambert made a motion to approve the resolution as amended, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 4 PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL AND CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATING TO A SPECIAL USE PERMIT, 7 RESIDENTIAL BUILDINGS “EDGEWATER” SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE

Mr. Lambert made a motion to reopen the public hearings for Site Plan Approval and Steep Slopes, and open the public hearing on the application for Subdivision Approval, seconded by Mr. Burke. All voted in favor.

Attorney Taylor Palmer, Cuddy & Feder, reviewed progress on the Edgewater project and introduced Phil Grealey of Maser Consulting to update members on correspondence with New York State Department of Transportation (NYSDOT). Mr. Grealey reported he reviewed comments from the DOT and forwarded related traffic studies and correspondence at the beginning of August as requested. On August 27th he also forwarded the revised traffic report based on the unit reduction. He confirmed that at some point in time the NYSDOT relinquished signal timing and maintenance of the traffic lights along Route 9D that lie within City limits to the City. Recommendations for monitoring certain intersections for possible signalization and potential timing changes based on all projects that are either under construction or in the planning process have been established. Mr. Grealey reported NYSDOT has not completed review of information provided however they acknowledged the reduced unit count for the Edgewater project. He explained initial comments have been addressed and reported no work permits are required from the NYSDOT. Mr. Palmer reported the revised draft resolution of approval was reviewed and had no additional comments.

Mr. Gunn opened the floor for public comment however no one wished to speak.

Ms. Reynolds asked if the Greenway Trail connection had been addressed as discussed. Mr. Taylor confirmed they spoke with the City Attorney and has been addressed accordingly. Discussion took place about how the Below Market Rate (BMR) units will be dispersed throughout the buildings. Mr. Palmer reported they will comply with the City’s provisions and will return to the Planning Board to affirm locations prior to issuance of a Building Permit.

Mr. Dexter reported that just before leaving the office, Greg Bentley from NYSDOT called to explain they were not able to get comments to the Planning Board for this meeting but would have them within the next two weeks. He indicated they will be requesting modems in the traffic controllers and understanding the City has control of timing, expressed willingness to help perfect changes. They are pushing to “adaptive software” upgrades to controllers that learn traffic patterns and have the ability to communicate with each other. Mr. Dexter reported they also want an additional crosswalk at Route 9D (North Avenue) and Main Street. Efforts are being made to piggy back funding of this crosswalk on two NYSDOT projects underway, Main Street Improvements and Pedestrian Signal Development.

A lengthy discussion took place with regard to the amount of traffic the Edgewater project will contribute as well as potential effects of cumulative additions from other developments. After a lengthy debate, the applicant offered to contribute their fair share of the

cost of improvements needed on the two intersections (Beekman Street/Route 9D and Verplanck Avenue/Route 9D) based on the amount of traffic generated from this project.

Mr. Gunn offered a second opportunity for public comment. No one from the public wished to speak and Mr. Gunn made a motion to close the public hearing, seconded by Mr. Williams. All voted in favor. Motion carried.

The applicant was given the opportunity to hold off the vote considering five out of seven members were present and four votes would be needed to pass a resolution. After a straw vote, the applicant agreed to move forward. After careful consideration, Mr. Williams made a motion to approve the resolution of Preliminary and Final Subdivision Approval and Site Plan Approval as amended, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 5 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT APPROVAL AND SITE PLAN APPROVAL, 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 their previously 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 are seeking approval 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. Mr. Siegel submitted a report comparing changes and highlighting changes from the previous approval to this project.

Mr. Tully asked the applicant to prepare a comparative analysis for SEQRA that focuses on site uses, parking, water, sewer and traffic generation to show that they are below the thresholds of the previous approval.

City Attorney Jennifer Gray reported the SEQRA Notice of Intent was circulated on Monday, September 10, 2018 which began the thirty (30) day response period.

Mr. Williams made a motion to open the public hearing on the SEQRA environmental review, seconded by Mr. Lambert. All voted in favor. Motion carried. Members reviewed City Planner comments with regard to landscaping of the land-banked parking area and screening of the parking area along East Main Street. Mr. Tully noted revisions/additions are needed to the Long EAF, as well as additional information on Green Building/LEED certifications and land-banked parking area. Discussion took place with regard to moving the eight parking spaces approved as part of the original plan that are now located on the residential portion of the site to the property at One East Main Street. Mr. Gunn opened the floor for public comment.

Gerard van Kempen, 10 East Main Street Apartment 7, was pleased with the development but asked that the stop signs shown on the site plan be installed to better direct traffic in and out of the site.

There were no further comments and the public hearing will remain open for the October meeting. The City Attorney was authorized to prepare a determination of significance for SEQRA for consideration at the next meeting.

ITEM NO. 6 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 9 APARTMENTS IN 3 BUILDINGS, 53 ELIZA STREET, SUBMITTED BY PIE DEVELOPMENT COMPANY

Aryeh Siegel described his client's proposal for a project at 53 Eliza Street to replace the pre-existing non-conforming commercial buildings and operations on the half-acre parcel at 53 Eliza Street with a nine-unit residential development. A use variance is required because the property lies in the R1-5 single family zoning district which would be more consistent with the character of the neighborhood. The owner will relocate the existing offices, storage and contractor yard to another location in the City.

The existing stone building to rear of property would be converted into two apartments, the office building facing Eliza Street will be replaced with a new three unit building with a gateway entrance into an interior courtyard where a new four unit building will be constructed. New construction will reflect the stone and brick facades of existing buildings.

Owner Ed Pietrowski reported he has been in Beacon for 40 years and cleaned up the property after he purchased it 20 years ago for his business. He presented the proposal to the neighbors who were in general support of his proposal, and a package of support letters were submitted for the record.

Attorney Taylor Palmer explained the property lies in the R1-5 zoning district and the pre-existing non-conforming commercial use is similar to the project at 123 Rombout Avenue. He spoke about similar developments in the area and explained residential use is less intensive and more in character with the neighborhood. The units will be sold and the common areas will be maintained by a Homeowner's Association. Entrance to the development will be through an arched driveway, some units have garages and all parking requirements will be provided.

Discussion took place with regard to environmental review of the project and an uncoordinated SEQRA review will take place at both the Zoning Board of Appeals and the Planning Board levels. Mr. Palmer asked the board to consider making a positive recommendation to the Zoning Board of Appeals on the variance application. He explained that nine units makes the project economically viable to demolish and rebuild the site. Mr. Dexter reported in comparison, this development would be equivalent to an RD-3 zoning district which allows multi-family dwellings requiring 3,000 sq. ft. per dwelling unit. In the R1-5 zoning district which requires 5,000 sq. ft. per dwelling unit would allow six units however it is a single family zone that does not permit multiple dwellings.

Members reviewed the proposal and gave consideration to the applicant's assertion that the proposed residential units will be more consistent with the character of the street and more conforming than the existing offices, storage and contractor's yard. A lengthy discussion took place about the layout of the site, and understanding that if a use variance is granted the applicant would return to the Planning Board for further review of the proposed building layout and other

site elements. After careful consideration, members supported the change of use from commercial to residential with the condition that it not exceed nine residential units.

ITEM NO. 7 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS

Engineer Steve Burns described the proposal amend the existing Site Plan Approval for property at 554 Main Street which is now occupied by his client's establishment known as the "Melzingah Tap House". They are seeking approval to expand the commercial use of the existing site to include use of the existing outdoor pavilion. Mr. Burns explained the property was once in the GB and R1-5 Zoning Districts with the pavilion situated in the residential portion of the property. The property has since been rezoned and lies completely within the CMS Zoning District. He reported the parking requirement will remain the same with the proposed use of the 1,200 sq. ft. pavilion and new gravel pad area.

City Attorney Jennifer Gray reported the pavilion can be used for uses approved in the CMS Zoning District. She explained use of the site increased more than 10% which triggered the need for Site Plan Approval.

A lengthy discussion took place with regard to historical use of the pavilion and its legality. Mr. Dexter reported a Building Permit and Certificate of Occupancy were issued in error sometime in the 1970's. Members reviewed the CMS zoning district regulations with regard to what triggers Site Plan Approval. Mr. Dexter reported use of the pavilion by the former occupant "The Hop" and use by "The Melzingah Tap House" before zoning changed was in violation. Use of the pavilion is now permitted by zoning however based on use of the extra square footage, Site Plan Approval is required.

Mr. Tully reported the Environmental Assessment Form must be amended, the application is incomplete, and a project narrative must be submitted.

Mr. Lambert made a motion to declare and authorize circulation of the Planning Board's intent to act a Lead Agent subject to submission of a complete EAF, seconded by Ms. Reynolds. All voted in favor. Motion carried. Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan for the month of October, seconded by Mr. Burke. All voted in favor. Motion carried.

Miscellaneous Business

Change meeting date – Wednesday, October 10, 2018 (due to Columbus Day Holiday)

Due to the Columbus Day Holiday, the Planning Board meeting will be held on Wednesday, October 10, 2018.

Zoning Board of Appeals – September Agenda

Members reviewed the September Zoning Board of Appeals agenda and had no comment on two of the area variances, had already sent a favorable recommendation for 32 Alice Street, and will forward a recommendation for 53 Eliza Street as previously discussed.

City Council Request to Review Proposed Local Law to amend Chapter 223, Section 61.3 concerning Public Notice Signs

Members reviewed proposed amendments to Chapter 223, Section 61.3 concerning public notice signs as discussed during the training session. Members agreed with posting notification signs on both sides of a property on a corner lot, however recommended signs be posted on all street frontages in the case a corner property abuts more than two streets. In this regard, it is recommended that the amended language read as follows, "...or in the case of a corner lot post a notification sign on all abutting streets..."

City Council Request to Review Proposed Local Law to amend Chapter 223, Article IVE, Section 41.21 regarding Linkage District Regulations for uses that require a Special Use Permit

Members reviewed proposed amendments to Chapter 223, Article IVE Section 41.21 regarding the Linkage District Regulations for uses that require a Special Use Permit as discussed during the training session. After careful consideration of the reasoning behind the proposed amendments, members voted unanimously to recommend the City Council adopt the changes as presented as they make good planning sense.

Architectural Review

Single Family House – 19 Russell Avenue; new single family house

Paula Dowd described her proposal to construct a new single family house at 19 Russell Avenue. Members reviewed elevation drawings, proposed color schemes and compared it to neighboring housing stock. After a lengthy discussion and careful consideration Mr. Williams made a motion to approve the design of the house as proposed, subject to the applicant returning with color swatches for approval, seconded by Mr. Burke. All voted in favor. The following design/materials were approved as submitted: Siding – clapboard and vertical cedar; Roof – three tab asphalt shingles; and Windows – JeldWem aluminum clad. The applicant will return for approval of the color scheme.

Single Family House – 98 Rombout Avenue; new single family house

Contractor Julius White described his client's proposal to replace a house destroyed by fire with a new single family house at 98 Rombout Avenue. Members discussed the proposed design at length and felt it was not appropriate as presented due to lack of details and dimensions on the elevations, building height, the proposed two-story porches on the front façade which is not typical of the neighborhood, and for the large amount of concrete exposed due to the elevated basement height. After a lengthy discussion the applicant was advised to provide a photograph of the existing house before it was damaged by the fire, to reconsider the design and return with more detailed elevation plans providing measurement and building dimensions.

Certificate of Appropriateness – 1228 North Avenue; building improvements

Robin Bajcar presented her proposal to repair the dog house dormer and remove an existing side porch on the house at 1228 North Avenue which is located in the Historic Landmark and Overlay Zone. She requested approval to remove the existing white asphalt shingles on the dormer and replace them with Heritage Blue vinyl siding. Ms. Bajcar reported she cannot afford to replace all the shingles at this time but wants to start with the dormer and soffits. The porch is in such bad condition that it will be removed and missing shingles on the

house will be replaced with those taken from the dormer. Mr. Dexter reported this action is due to a code enforcement issue and Ms. Bajcar is under a court deadline to complete the repairs. A lengthy discussion took place with regard to the appearance of the two-tone colors and after an ardent debate members agreed to allow repair of the dormer with partial replacement of the asphalt shingles with white vinyl siding – not Heritage Blue as proposed. The dormer, soffits and columns will be painted True Value Apple Blossom White. After some consideration, Ms. Reynolds made a motion to issue a Certificate of Appropriateness to remove the porch subject to replacing and patching the missing shingles on the house with those from the dormer, seconded by Mr. Lambert. All voted in favor. Motion carried.

Certificate of Appropriateness – 143 Main Street; change façade colors

Mr. Burke recused himself due to a conflict of interest. Members reviewed the proposal for façade improvements at 143 Main Street. The first floor layout will be reconfigured and windows will be enlarged. After careful review and discussion, Ms. Reynolds made a motion to approve the proposed changes and color scheme as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

Certificate of Appropriateness – 133 Main Street; façade improvements

Mr. Burke rejoined the meeting. Members reviewed the proposal for façade improvements at 133 Main Street. A second entry door will be added to match the existing door. After careful review and discussion, Mr. Williams made a motion to approve the proposed façade changes and color scheme as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Lambert. All voted in favor. Motion carried. The meeting adjourned at 11:16 p.m.