

**Planning Board  
November 15, 2018**

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

**Training Session**

Members reviewed the proposed Local Law to delete Chapter 183 “Signs” and Amend Chapter 223 Sections 15 & 63 of City Code as requested by the City Council. Mr. Clarke provided a detailed review of the local law regarding signs which is currently under consideration by the City Council. Thought was given to whether murals or sculptures should be regulated, the length of time temporary signs should be allowed to remain, and to general sign aesthetics. Further discussion will take place.

**Regular Meeting**

The regular meeting started at 7:35 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the October 10, 2018 meeting. Mr. Muscat made a motion to approve the minutes of the October 10, 2018 meeting as presented, seconded by Ms. Reynolds. 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. (*ADJOURNED UNTIL DECEMBER 11, 2018*)**

This item was adjourned to the December 11, 2018 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON 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 Stephen Burns described his client’s proposal to amend an existing Site Plan Approval for property at 554 Main Street to expand commercial use of the site to include use of the outdoor pavilion for dining and live music. The Site Plan was amended to include a 6 ft. high solid wood fence on the west property line and on the north portion to help deflect sound from residences above. Mr. Burns reported he consulted companies that manufacture sound barriers who advised him of a type of fabric material that could be added to the fence; he did not consult an acoustician. He addressed public comments, submissions, and the petition submitted last month. The pavilion would be used for dining with live and recorded amplified music until 10:00 p.m. on weekends (Friday, Saturday, Sunday) with occasional use other days for special events. The pavilion will be lit with LED strip lights and minimal lighting along the stone wall. Bands do not use extra lighting and set up in the southwest corner facing outward. The smoker

is a trailered unit that can be moved and is only used once every two weeks during the day when children are in school and most people work. Owners Dana and Kevin Collins explained their liquor permit is valid April through October and although they want to extend it to November they have no intent to use the pavilion during the winter.

Mr. Clarke explained the parcel is completely located in the CMS district which permits use of the pavilion as an accessory use to the restaurant. Parking should be screened from street views with an architectural or vegetative element, and planting a hedge was suggested. Mr. Clarke noted chain link fences are not permitted in the CMS district therefore asked that the proposed wood fence be extended along the Verplanck Avenue side of the property. Mr. Burns had concern that a fence along Verplanck Avenue would be difficult to install due to topography and that it would be damaged during snow removal. A lengthy discussion took place about lighting, parking spaces, decibel limits, noise performance standards and whether the live music aspect is incidental to the permitted use of the restaurant. Mr. Clarke explained restrictions can be placed on such uses and suggested a variety of mitigation measures for consideration.

Mr. Russo advised the applicant that parking stalls 12 through 18 should be shifted to eliminate encroachment onto the City's right-of-way. Turning movements for stall 12 must be provided to ensure there is not a conflict with the dumpster enclosure. Discussion took place with regard to sight distance and whether a hedge or planters would be best to conceal the parking lot. Members had concern for noise and the smoker, and a lengthy discussion took place with regard to decibel readings, measurement standards, and sound barrier methods. The applicant was asked to provide a detailed comprehensive statement outlining the proposed use including music, food service, hours of operation, and to present aspects of the site showing how the proposed use complies with zoning performance standards.

Attorney Patrick Moore referred to a letter submitted by Attorney Ken Stenger on behalf of concerned neighbors that requested a written advisory opinion as to whether the proposed use is ancillary to the restaurant use and conveyed concerns for appropriate parking. Mr. Moore reported an advisory opinion was established at the October meeting and they have demonstrated adequate parking. He expressed concern that additional items would be raised beyond this correspondence.

Attorney Ken Stenger, representing owners of 10 Ackerman Street, felt the application did not provide adequate information and wanted more information about the history of previous uses and approval processes. He asked if a parking study was done when "The Hop" occupied the building. Mr. Gunn explained there is not an issue with parking as it meets parking standards of the CMS zoning district. City Attorney Jennifer Gray explained a change of use does not automatically require approval from the Planning Board. If the change in 2014 was in error the remedy would be to send the applicant back to the Planning Board for approval which is what is being done now. Mr. Stenger requested a formal written opinion from the Building Inspector as to whether the proposed use is ancillary to the existing restaurant. City Attorney Jennifer Gray explained the Building Inspector made a determination at the October meeting as outlined in the approved meeting minutes. After some discussion, members determined a written opinion from the Building Inspector was not required as they felt his determination made at the October

meeting was clear and did not need further definition. The public hearing will remain open and continue at the December 11, 2018 meeting.

**ITEM NO. 3 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL (RELATING TO AMENDED SPECIAL USE PERMIT), ARTIST LIVE WORK/SELF STORAGE, 39 FRONT STREET, SUBMITTED BY BEACON LOFTS & STORAGE**

Attorney Jennifer VanTuyl described her client's proposal and history of the application to amend the existing Special Use Permit and Site Plan Approval to construct an additional 29 artist live/work units on the site. The City Council issued a Special Use Permit subject to Site Plan Approval from the Planning Board. Ms. VanTuyl described the project location, nature of the proposal, previous use of the space, previous approved site plan, and explained 172 units is the maximum unit count that will be permitted on this site. The City Council asked the Planning Board to consider whether consistency with Section 134-7(2)(d) should require a change in proposed elevations for the new building. Architect Aryeh Siegel presented two possible elevations and Ms. VanTuyl outlined their justification to create a building with a low key utilitarian appearance which did not include piers/pilasters as recommended. There are a number of different buildings on the complex and not one building has pilasters therefore they believed their design to be more appropriate. Mr. Clarke explained the intent to utilize pier/pilasters in a building design was to break up massive facades which in this case could make the building appear new rather than look original. He believed the building design is distinctive enough without the piers and as proposed more consistent with adjacent Building 10.

Ms. VanTuyl reported the City Council also asked the Planning Board to look at timing of the Greenway Trail construction. The applicant proposes to complete the stairway that accesses the northern portion of the Greenway Trail from inside the property and the public access prior to issuance of the first Certificate of Occupancy for Building 16. After a lengthy discussion about the timing for demolition of the existing building and construction of the new building, members felt the public connection should be made sooner and that the gate access for residents be completed after construction of the building is complete.

Ms. VanTuyl respectfully asked the board to consider scheduling a public hearing for the December meeting and to direct the City Attorney to draft a resolution of approval for consideration. She also acknowledged the Greenway Committee's concerns and said the applicant would meet with them prior to the public hearing. She noted the 6 ft. chain link fence was part of the previous approval which took months of review.

Mr. Dexter explained in the past the Building Inspector determined proportion and locations of the Below Market Rate (BMR) units within a building. He felt it more appropriate to have the Planning Board make those determinations before a building permit is issued. After a brief discussion, it was determined that the resolution of approval will direct the applicant to return to the Planning Board for finalization of the BMR unit locations and proportions prior to issuance of a building permit. Ms. Reynolds made a motion to schedule a public hearing on the application for amended Site Plan Approval for the December meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration, seconded by Ms. Reynolds. All voted in favor. Motion carried.

#### **ITEM NO. 4 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 2<sup>ND</sup> FLOOR ADDITION, RETAIL/OFFICE USE, 234 MAIN STREET, SUBMITTED BY 234 MAIN STREET, LLC**

Architect Aryeh Siegel described his client's proposal to construct a second story on the existing one-story building at 234 Main Street. The retail space on the ground floor would remain and the second floor will be used as office space for the building owner. Three windows exist on the second floor of the adjacent building therefore a large courtyard was created around those windows. The owner of that property reviewed the plan and found it to be an acceptable solution. Mr. Siegel reported it is not intended to be a hangout area and the new windows will be higher to avoid a direct sight into the building. No exterior site work is needed as only a small alley and small area of grass exist to the rear next to a small parking lot. No additional parking is required and there should be little or no impact on parking considering both floors will be commercial uses. The building façade will be redone to make it more traditional. Dutchess County Planning has reviewed the plan and responded that the project is a matter of local significance.

Mr. John Clarke summarized his review comments and determined the rear grass area could satisfy the 10% landscaping requirement. The required 25 ft. rear yard setback for the second floor could be met if the roof deck is slightly enlarged, otherwise a variance will be required. He suggested the courtyard use be limited with no benches and a note added to the plan that the space is not for general use. After some discussion it was determined that the application need not be forwarded to the architectural review subcommittee.

Mr. Russo asked that an Inflow and Infiltration study of the existing site and building be conducted by the applicant's engineer to determine if any cross-connections to the sanitary sewer system exist. Engineer Mike Bodendorf reported they did a preliminary examination and if any connections are found, a plan will be crated to rectify the situation.

City Attorney Jennifer Gray reported this is a Type 2 action therefore no SEQRA review is required. After some consideration, Mr. Gunn made a motion to schedule a public hearing for the December meeting, seconded by Mr. Lambert. All voted in favor. Motion carried.

#### **Miscellaneous Business**

##### **Zoning Board of Appeals – November Agenda**

Members reviewed the November Zoning Board of Appeals agenda and had no comment on the one area variance, and had already sent a recommendation for 53 Eliza Street. There were no additional comments.

##### **Consider request for two additional 90-day extensions of Subdivision Approval – 135-137 Spring Valley Street, submitted by John Milano**

Mike Bodendorf requested two retroactive 90-day extensions of the conditional subdivision approval for 135-137 Spring Valley Street which would extend it to November 20, 2018. Since the approval engineering and planning comments have been satisfactorily fulfilled, adjustments for the sewer easement were done, and legal documents are being drafted. The Health Department rejected the initial plat submission because it showed improvements which is no longer acceptable. As a result, a separate plat without improvements was created and

submitted to the Health Department on November 5<sup>th</sup> for review. Mr. Bodendorf asked for an additional 90-day extension to provide time for final Health Department approval. After some consideration Ms. Reynolds made a motion to grant three 90-day extensions, seconded by Mr. Muscat. All voted in favor. Motion carried.

Consider request for a 90-day extension of Subdivision Approval – Fairview Subdivision, submitted by Lori Joseph Builders and Rina Shuman

Mike Bodendorf explained that similar to the previous request, the applicant's counsel is working on easement agreements and associated legal documents for two water lines that run through the property. They are also awaiting review and approval from the Health Department. After some consideration Mr. Gunn made a motion to grant a 90-day extension of subdivision approval, seconded by Ms. Reynolds. All voted in favor. Motion carried.

City Council request to review proposed Local Law to delete Chapter 183 "Signs" and Amend Chapter 223 Sections 15 & 63 of City Code

Members were advised to review the law and observe the variety of signs throughout the City. Discussion of the proposed law will continue at the December meeting.

**Architectural Review**

Single Family House – West Center Street

Suzanne Timmer described her proposal to construct a new single family house on a vacant lot on West Center Street. Members reviewed elevation drawings and compared it to neighboring housing stock. After a lengthy discussion and careful consideration Ms. Reynolds made a motion to approve the architectural design of the house as proposed, subject to the applicant returning with materials and color swatches for approval, seconded by Mr. Lambert

Single Family House – 98 Rombout Avenue

Although no new materials were submitted for review, contractor Julius White returned with material samples to replace the single family house at 98 Rombout Avenue that was destroyed by fire. He presented 4-inch lap siding (color Wicker), roof shingles (color Wedgewood), Trex decking (color Dark Brown Woodland), brown windows and trim. After a lengthy discussion, the applicant was asked to return with building elevations in a blueprint form because the current elevation submission was not to scale and lacked accurate information.

Single Family House – Maple Street Amendment

The applicant was not in attendance to present the proposed changes. This item will be added to the December agenda.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 10:32 p.m.