

**Planning Board
December 11, 2018**

The Planning Board meeting was held on Tuesday, December 11, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Randall Williams, Rick Muscat, Jill Reynolds, and David Burke (in at 7:27 p.m.). Also in attendance were Building Inspector Tim Dexter, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Member Pat Lambert was excused.

Training Session

John Clarke continued review of proposed local law for signs currently under consideration by the City Council. Discussion took place about residential, commercial, sandwich, and wind generated signs.

Regular Meeting

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the November 14, 2018 meeting. A typographical error was noted in that Rick Muscat was listed twice in the attendance roster. Mr. Muscat made a motion to approve the minutes of the November 14, 2018 meeting, seconded by Mr. Barrack. All voted in favor. Motion carried.

Mr. Gunn announced and acknowledged Tim Dexter's retirement as Building Inspector from the City of Beacon. He thanked him for his many years of dedicated service and recognized the City will be losing a great resource. His depth of knowledge, expertise and true professionalism will be greatly missed. Mr. Gunn welcomed George Kolb as the new Building Inspector.

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 January 8, 2019 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

Applicant Kevin Collins introduced sound engineer Ian Hatton who has been in the industry for nearly 20 years and a sound consultant with Bose for six years. He assessed the sound situation and recommended acoustic blankets on the rear, side, and ceiling of the property to absorb sound. City Attorney Jennifer Gray explained the City would want to retain a sound engineer to review the applicant's plans once submitted. A lengthy discussion took place about decibel levels and days and hours the smoker would be utilized.

There were no further comments from the board and Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, felt the expanded area and increase in customers will create parking problems in an already congested area. It will further affect adjacent neighbors and residents in the area.

Roger Goodhill, 10 Ackerman Street, reported he has also reached out to noise and sound consultants. He felt established written documentation of the decibel levels should be submitted.

There were no further comments and the public hearing will be continued at the January 8, 2019 meeting.

ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL IN CONJUNCTION WITH AN AMENDED SPECIAL USE PERMIT 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

Mr. Williams 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.

Aryeh Siegel described his client's proposal to amend their existing Site Plan Approval by eliminating the proposed private dining area in the Roundhouse building to create hotel office space and replace the proposed spa in the mill building with 10 hotel rooms. The City Council issued an amended Special Use Permit for the proposed use. Mr. Siegel reviewed consultant comments with regard to parking along the entrance and extending the sidewalk to meet the crosswalk.

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

After careful consideration, Mr. Williams made a motion to adopt the draft resolution of Site Plan Approval and Certificate of Appropriateness subject to adding a note that only minor exterior changes will be made to the building, fulfillment of all consultant comments and standard site plan requirements, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 4 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL (RELATING TO AMENDED SPECIAL USE PERMIT), ARTIST LIVE WORK/SELF STORAGE, 39 FRONT STREET, SUBMITTED BY BEACON LOFTS & STORAGE

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

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. She presented a slide show of existing site conditions, buildings, nearby uses as well as the newly proposed building. Lengthy discussions took place with regard to the new building design and elevations, and specific greenway trail details. Ms. VanTuyl reported they met on site with the greenway committee to work out details and debate took place about the type, height and aesthetics of the proposed fencing. She reported the applicant agreed owners will complete reconfiguration of the trail by October 2019. After careful consideration, members agreed that the building elevation should include vertical piers to incorporate significant breaks in the façade. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked that the trail be located along the creek bed rather than through a parking lot. The remainder of the trail goes along the creek where water can be seen and heard to enhance the experience.

Resident Barry Wells submitted a letter outlining among other things, specific concerns about the poor condition of the private road (Mill Street) entering the site. The applicant does not own the private road and it was noted that in 2014 an easement agreement was drafted but not signed by the owner John Milano. Ms. VanTuyl reported it appears the owner is aware of the road condition and may be taking steps to make improvements. City Attorney Jennifer VanTuyl reported the condition of the road be addressed prior to the issuance of a Certificate of Occupancy.

There were no additional comments from the public, and the public hearing was closed on a motion made by Mr. Gunn, seconded by Mr. Muscat. All voted in favor. Motion carried.

After a summary of concerns over the trail fencing, safety and aesthetics, Mr. Muscat made a motion to adopt the draft resolution of Site Plan Approval and Certificate of Appropriateness subject to all revisions presented and outlined by the City Attorney, and fulfillment of all consultant comments, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 5 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 2ND FLOOR ADDITION, RETAIL/OFFICE USE, 234 MAIN STREET, SUBMITTED BY 234 MAIN STREET, LLC

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

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. Revised drawings were submitted with a change in the rear yard setback so a variance is not needed. A report on the Inflow and Infiltration will be forthcoming. The application was referred to Dutchess County Planning and Development who deemed it to be a matter of local concern.

Only minor consultant comments remain. A letter was submitted by the adjacent property owner in support of the application and proposed second story. Mr. Gunn opened the floor for public comment.

Colin Cheyne, 5 North Walnut Street, explained their driveway is shared and the previous tenant of Vogels' Pharmacy only had a verbal agreement to allow use of a space in the parking lot. He reported tenants of the building should not be parking there as outlined in the easement. Mr. Cheyne expressed concern for the construction phase because the driveway is narrow and not equipped to handle commercial traffic.

Jessica Reisman, operator of the adjacent restaurant, Homespun, had concern for the construction process and containment of the dirt and debris. She has spoken to the building owner who was aware that they share a wall where her customers eat. In addition, Central Hudson informed them that due to the construction of the building on the other side of the store, their electric will be shut off for a four-hour period during their busiest time. Mr. Gunn explained the Planning Board has no purview over that situation.

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 careful consideration, Mr. Williams made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the January meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., DENNINGS AVENUE

Michael Morgante, with Arden Consulting Engineers, described his client's proposal to subdivide a parcel of land located on Dennings Avenue. This application was put on hold pending approval from the Dutchess County Board of Health Department for separation distances of water and sewer service lines. They reviewed consultant comments and will address items in preparation of the next Planning Board meeting.

City Attorney Jennifer Gray reported SEQRA must be addressed before any approvals can be made and the City previously circulated their Notice of Intent to act as Lead Agent. After some consideration, Ms. Reynolds made a motion to schedule a public hearing on the SEQRA environmental review, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Clarke noted that any trees over six-inches in diameter in the area of disturbance that may need to be removed must be shown on the plat. Mr. Tully asked for construction details for the proposed retaining wall and additional details on grading.

ITEM NO. 7 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK

Architect Tomasz Mlynarski of Barry Donaldson Architects described the church's proposal to renovate an existing abandoned building to create three residential apartments at 21 South Avenue. He reported the City Council issued a Special Use Permit for the project and is now before the board for Site Plan Approval. Mr. Mlynarski responded to various comments received from board consultants and explained a new plan has been developed but was not circulated.

After some consideration, Mr. Muscat made a motion to schedule a public hearing for the January meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 8 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O'NEIL, 511 FISHKILL AVENUE

Aryeh Siegel described his client's proposal to amend the existing Site Plan Approval to convert the large vacant industrial building at 511 Fishkill Avenue into a multi-use facility. The largest portion will be to expand the Industrial Arts Brewing Company currently located in Garnerville, New York to set up a brewery and warehouse storage space on the first floor and entertainment space on the second floor. The property owner also has plans to utilize warehouse space and a commercial recreation arcade use. Mr. Siegel reported the City Council is currently working on legislation to permit arcades in this zoning district. No major changes to the building will be needed and the applicant will build out parking spaces currently land-banked. The total parking required is 300 spaces however the brewery production only has 12 employees. They are proposing shared parking arrangement since the arcade/event space and brewing uses will not operate at the same time. Discussion took place with regard to shared parking and more information will be provided to reinforce their proposal. Mr. Clarke asked if the chain link fence in front could be removed and noted the draft law under consideration will allow an amusement center in this zoning district without a Special Use Permit. Mr. Tully asked that the applicant reach out to the NYS Department of Transportation, and to coordinate a traffic study to include an analysis of the shared parking.

After some consideration, Ms. Reynolds made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process and authorize circulation of a Notice of Intent to act as Lead Agency, seconded by Mr. Williams. All voted in favor. Motion carried. City Attorney Jennifer Gray suggested that since legislation to allow the amusement center use will likely be passed soon, the notice of intent can be delayed until a decision is made by the City Council. Mr. Muscat made a motion to schedule a SEQRA public hearing for January, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 9 REVIEW APPLICATION FOR SITE PLAN APPROVAL, CONVERT EXISTING RETAIL AND GARAGE TO RESTAURANT, SUBMITTED BY RIVER VALLEY RESTAURANT GROUP, 296 MAIN STREET

Aryeh Siegel described his client’s proposal to convert an existing two-story retail building (and connecting one-story garage facing North Cedar Street) at 296 Main Street into a restaurant on the first floor and office space for the building owner on the second floor. There will be two separate dining areas and a kitchen in the garage space. The entrance will remain on Main Street with a secondary entrance from the adjacent vacant lot and proposed garden area.

Discussion took place with regard to the history of the building and exemption from providing off-street parking based on the 1964 parking regulations. Mr. Tully asked for an Inflow & Infiltration report and requested maintenance information for the permeable pavers to be used in the garden area. Property boundaries must be certified by a licensed professional land surveyor. Discussion took place with regard to the existing and proposed fencing, entrance from North Cedar Street, and the proposed trellis and walkway.

City Attorney Jennifer Gray reported this is a Type 2 action therefore SEQRA review is not required. After some consideration, Ms. Reynolds made a motion to schedule a public hearing for the January meeting, seconded by Mr. Burke. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – December Agenda

Members reviewed the December Zoning Board of Appeals agenda. The only item on the agenda was 53 Eliza Street which a recommendation had already been made.

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

As requested members reviewed the proposed Local Law to delete Chapter 183 “Signs” and Amend Chapter 223 Sections 15 & 63 of City Code. A comprehensive review of the local law took place including provisions regarding nonconforming signs, sandwich boards, the permitted time period for temporary signs, and wind animated and inflated signs. Based on that discussion the Planning Board has the following comments for the City Council. The 6-month time period during which a “lawn sign” and a “temporary sign” may be displayed is too long to be considered “temporary”. The time period should be shortened to 3-4 months. (Section 223-15.F(10) & Section 223-15.K(2)(c)). Members did not support Section 223-15.L(1) which requires nonconforming residential signs to come into compliance within 3 years of the adoption of the local law. They felt the requirement to come into compliance is too burdensome for residential properties and that such burdens should not be placed on residential signs when the same burdens are not placed on commercial signs.

City Council request to review proposed Local Law to repeal Chapter 183, Article III, Section 24.8 of the City Code concerning amusement centers

As requested, members reviewed the Local Law to repeal Chapter 183, Article III, Section 24.8 of the City Code concerning amusement centers. A comprehensive review and discussion of the proposed amendment took place. After considering the purpose of repealing Chapter 183, Article III, Section 24.8 of the City Code concerning Amusement Centers,

members voted unanimously to send a positive recommendation to pass the local law as presented. If you have any questions, please feel free to contact me.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Burke. All voted in favor. Motion carried. The meeting adjourned at 10:35 p.m.