

**Planning Board**  
**February 13, 2019**

The Planning Board meeting was held on Wednesday, February 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Rick Muscat, David Burke, Jill Reynolds and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Administrator Anthony Ruggiero, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Randall Williams was absent.

**Training Session**

Mr. Gunn explained the City Council is undertaking plans to replace the former Tioronda Bridge, once listed in the National Register of Historic Places and situated in the City's Historical Landmark and Overlay District on South Avenue. During the Council's review of the project, discussion of whether Chapter 134 of the City Code regarding Historic Preservation and the requirement to obtain a Certificate of Appropriateness would apply to the design of a new bridge. City Administrator Anthony Ruggiero reported the bridge will be designed as one-lane with a pedestrian walkway. He explained a study done to determine whether historic spans of the bridge could be reused for structural purposes revealed that their condition would only allow use as a demonstrative feature. A lengthy discussion took place with regard to the existing abutments, location of the bridge relative to the historic nature of buildings on either side of the creek, and whether the new design should come before the Board for review and comment. Consideration was given to establishing a provision in the City's law to remove parcels or items from the historic individual list of structures. After reviewing the matter, members felt a new bridge would qualify for review under Chapter 134, that it should be reviewed for a Certificate of Appropriateness, and recommended a provision be added to the law for delisting items or areas no longer deemed historical.

**Regular Meeting**

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the January 8, 2019 meeting. Mr. Muscat made a motion to approve the minutes of the January 8, 2019 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.**

This item was adjourned to the March 12, 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**

This item was adjourned to the March 12, 2019 meeting.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the March 12, 2019 meeting.

**Miscellaneous Business**

Consider request for two 90-day extensions of Subdivision Approval – 25 Townsend Street, submitted by AK Property Holding, LLC

On behalf of AK Property Holding, LLC, a letter was submitted by Attorney Taylor Palmer of Cuddy & Feder requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

Consider request for two 90-day extensions of Subdivision Approval – 22 Edgewater Place, submitted by Scenic Beacon Developments, LLC

On behalf of Scenic Beacon Developments, LLC, a letter was submitted by Engineer Michael Bodendorf of Hudson Land Design requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Consider request for one 90-day extension of Subdivision Approval – 1181 North Avenue, submitted by Normington Schofield (North Avenue Properties, LLC

On behalf of Normington Schofield, a letter was submitted by Engineer Daniel Koehler of Hudson Land Design requesting one 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Barrack made a motion to grant one 90-day extension as requested, seconded by Mr. Burke. All voted in favor. Motion carried. City Attorney Jennifer Gray noted they also requested an administrative amendment to the resolution, specifically General Condition B(4) to change the individual “Normington Schofield” to the entity “North Avenue Properties, LLC”. After some consideration, Mr. Lambert made a motion to include the name change with the extension as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O’NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel described his client’s proposal to amend the existing Site Plan Approval for Industrial Arts Brewery and event space, warehouse space, and commercial recreation/arcade space. Site Plan drawings were revised to include a new sidewalk connection to the parking lot and removal of the chain link fence along Fishkill Avenue. Discussion took place with regard to shared parking and Mr. Siegel explained zoning requirements for the warehouse and brewery parking are higher than what they will actually need. He reported work has begun on the traffic study which will include response to NYS Department of Transportation’s comment letter.

Mr. Clarke summarized his review comments and asked for a clearer explanation on the use of the mezzanine and office area, and to include those in the Shared Parking Report. He recommended the ramp and landing area in front of the entrance include a handrail for ADA compliance. Mr. Russo reviewed his comments and advised the applicant to utilize components from standard parking manuals to provide more accurate parking data. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked how parking, water use, and sewer use for the brewery would be handled. She expressed concern that hours of operation may change or an increase in use could occur in the future which would affect the parking requirements.

Discussion took place with regard to parking and how water use estimates were determined. Mr. Siegel reminded members that the laundry facility on Front Street is no longer operational so water use should balance. He reported snow will be stored on the grass so as not to affect or reduce the number of parking spaces available. The traffic study will be prepared in time for the March meeting. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting.

**ITEM NO. 5 PUBLIC HEARING ON 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 (two one-bedroom on first floor and one three-bedroom on the second floor) at 21 South Avenue. The plan was reviewed to show the number of new shrubs, the caliper of trees, and six over six windows with exterior dividing muntins. The building will be restored to its original character with restored windows and soffits, and clapboard siding.

Discussion took place with regard to the location of the sewer lateral which may run over neighboring property because it is unclearly noted on the site plan. The location of the sewer lateral must be shown on the plan to determine if an easement is needed, or if it should be re-routed altogether. Mr. Gunn opened the floor for public comment.

Gary Simmons, 226 Liberty Street and financial secretary of Tompkins Hose Firehouse, reported they own the lot behind the church and spoke about parking spaces that were set aside for use by the Historical Society. He felt traffic should be directed out to Beacon Street. Mr. Simmons explained they are having difficulty securing the parking lot so will be fencing it in which will block access for the Historical Society. Lastly, he asked that signage be put into place to direct people to the Historical Society's parking spaces so no one parks in their lot.

A lengthy discussion took place with regard to parking for the Historical Society, location of the sewer line, and the need for an easement or relocation of the sewer lateral. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration if the sanitary sewer location is finalized, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, CONVERT EXISTING RETAIL AND GARAGE TO RESTAURANT, 296 MAIN STREET, SUBMITTED BY RIVER VALLEY RESTAURANT GROUP**

Aryeh Siegel described his client's proposal to convert an existing retail storefront and one-story rear garage into a restaurant at 296 Main Street at the corner of North Cedar Street. He noted the City Attorney's office was authorized to draft a resolution of approval for consideration.

Mr. Clarke advised the applicant that the window between the garage doors on North Cedar Street should have the same vertical proportions as the existing window. Mr. Russo said the plans have been revised to correct the illegal connection to the sanitary sewer system, and advised a performance bond for the public improvements and escrow for construction observation must be posted. Discussion took place with regard to the style of the rounded gate which accesses the outdoor garden area and it was suggested it be changed to an arch.

Members reviewed the draft resolution and City Attorney Jennifer Gray explained the resolution was updated to require a performance bond and construction observation escrow for corrections needed to address the I & I condition. After careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval as amended, seconded by Mr. Lambert. All voted in favor. Motion carried. The applicant agreed to create an arched, rather than circular, gateway to the garden area.

**ITEM NO. 7 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, EMPLOYEE PARKING LOT, 3 BEEKMAN STREET, SUBMITTED BY DIA CENTER FOR THE ARTS**

Engineer Tom DePuy, of T.M. DePuy Engineering and Land Surveying, introduced Tom Shannon representing Dia Center for the Arts at 3 Beekman Street. He described their proposal to construct a 28-space employee parking lot off the secondary road near the rear portion of the bus entrance. They are starting to have a problem with parking due to the art center's popularity therefore this lot will be for employees only.

Mr. Clarke summarized his review comments, advising the applicant to show species and label all trees over 6-inches in diameter within the area of disturbance. He reported the property is located in the LWRP area therefore LWRP consistency justification is required. A sidewalk or gravel path from the new parking lot to the building should be provided. Mr. Russo summarized his review comments, pointing out photometrics of the proposed lighting should be provided on the plan. Discussion took place with regard to parking lot material, the degree of stone removal needed, lighting, and hours of operation.

Mr. Muscat made a motion to authorize the circulation of the Planning Board's notice of intent to act as Lead Agent in the SEQRA environmental review process if any other interested agencies are discovered, seconded by Mr. Barrack. All voted in favor. Motion carried.

There were no further comments and Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Burke.

All voted in favor. Motion carried. Mr. Gunn made a motion to authorize the City Attorney to draft a resolution of approval for consideration if appropriate, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 2 ART GALLERIES, 1154 NORTH AVENUE, SUBMITTED BY PAOLA OCHOA**

Engineer Dan Koehler of Hudson Land Design, described his client's proposal to convert an existing two-story building previously used for storage into two art galleries. The .11 acre parcel is located in the CMS zoning district which allows galleries as a permitted use. Mr. Koehler reported the galleries will be open mainly on weekends. A total of nine parking spaces are required however the site lacks space for parking. Mr. Koehler requested the board consider exercising their right to waive the required parking as the lot is under 8,000 sq. ft. and the building is under 5,000 sq. ft. This is a Type II action under new SEQRA regulations therefore environmental review is not necessary. Mr. Koehler explained they will be upgrading the mechanical system to provide heat to the second floor however no other interior work will be done until Site Plan Approval is granted. He respectfully asked members to consider scheduling a public hearing and authorize the City Attorney to draft a resolution of Site Plan Approval for the next meeting.

Discussion took place with regard to an easement that exists over 1156 North Avenue which provides access to the rear of 1154 North Avenue. A gravel walk will be provided to the rear access which will also serve as a loading area for artwork. A removable barricade to delineate the easement line was considered, and hours/days of operation were reviewed.

Mr. Clarke summarized his review comments and explained that although the property is not currently located in the Historic District and Landmark Overlay zone, it is on a list of parcels being considered for inclusion. He suggested opening up the large scale window areas that were sealed up to bring the building back to its original architecture when used as a car dealership. Mr. Koehler explained the owners have a larger grand scheme for the entire corner of North Avenue and Main Street so they are hesitant to make changes at this time. He noted the office space within the building is specific to the art galleries.

Discussion took place with regard to parking, loading and unloading artwork from the second floor rear access, the parcel's proximity to Main Street, and available municipal parking. Gallery owner Paola Ochoa said they don't anticipate displaying any large artwork. After careful consideration of the applicant's request, members were generally in favor of waiving the parking requirement as requested.

Mr. Lambert made a motion to set a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Barrack. 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. 9 REVIEW CONCEPT PLAN, UNDERTAKE SEQRA AND LWRP REVIEW AS REQUESTED BY CITY COUNCIL, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Owner/Applicant Berry Kohn, Engineers Larry Boudreau and Chris LaPorta of Chazen Companies, and Architect Alexander Blakely of AB Architekten were in attendance to present the revised proposal for 248 Tioronda Avenue. Mr. Boudreau reported the applicant was before the Board 13 months ago with a model of the site's buildings and layout to introduce the project. He provided members with a paper handout to go along with a Power Point presentation of the project. Mr. Boudreau reported that after several meetings with the City Council on the concept plan, the application was referred to the Planning Board for a report and recommendation, as well as for SEQRA and LWRP review. Mr. Boudreau explained that once the SEQRA and LWRP process is completed, the applicant will return to the City Council for Concept Plan Approval before returning to the Planning Board for Site Plan review.

Mr. Boudreau described his client's proposal to construct two multi-family buildings with a total of 64 units and a separate non-residential office building on the 9.18 acre parcel at 248 Tioronda Avenue. Although there are no view sheds, the LWRP extends into the development site thus requiring an LWRP consistency review. The development features parking under each of the three buildings and a Greenway Trail traversing the site.

The City Council tentatively approved the concept plan, however architectural aspects of the building will be reviewed as the approval process continues. Architect Alexander Blakely of AB Architekten summarized the site layout which includes three brick clad buildings, three stories in height facing Tioronda Avenue and four stories facing the Fishkill Creek.

After some consideration, Mr. Muscat 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. Lambert. All voted in favor. Motion carried. Mr. Barrack made a motion to schedule a SEQRA environmental review public hearing for the March 12, 2019 meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**Architectural Review**

Single Family House – 19 Russell Avenue; elevations approved 9/11/18; colors/materials only

Paula Dowd reported elevations for the new house under construction at 19 Russell Avenue were approved at the September 11, 2018 meeting subject to returning for approval of colors and materials. Members reviewed proposed color schemes and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Muscat, to approve the color and material scheme as presented with the following: Siding – Hardi Plank Clapboard in Benjamin Moore Iron Gray; Roof Shingles – GAF SG Timberland Architectural Charcoal; Windows – Jeld Wen Aluminum Clad with Black Exterior; Trim – Benjamin Moore Iron Gray Satin. All voted in favor. Motion carried.

### **Miscellaneous Business**

#### City Council request to review changes made to proposed Local Law to amend Section 223-24.5 of City Code concerning Wireless Telecommunication Services Facilities

City Administrator Anthony Ruggiero reported additional updates were made to the Wireless Telecommunication Service Facilities and noted the public hearing will continue at the next City Council meeting. City Attorney Jennifer Gray provided a detailed summary of changes made to the Local Law based on comments from the Planning Board and requirements adopted by the FCC in its Wireless Infrastructure Order. Review of the proposed changes and discussion took place with input from audience member Stosh Yankowski. Members supported changes made to the Local Law and after further discussion recommended the Council consider establishing minimum height limits for both antenna and ancillary equipment.

#### City Council request to review Tioronda Bridge (*continue discussion*)

As discussed at the onset of the meeting, members will advise the City Council that they feel a new bridge would qualify for review under Chapter 134 for a Certificate of Appropriateness and that a provision in the law be added for delisting sites or structures no longer deemed historical.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Barrack. All voted in favor. Motion carried. The meeting adjourned at 10:02 p.m.