

**Planning Board  
July 9, 2019**

The Planning Board meeting was held on Tuesday, July 9, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:06 p.m. with Chairman John Gunn, Members Pat Lambert, Gary Barrack, Jill Reynolds, Rick Muscat and Randall Williams. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Member David Burke was excused.

**Training Session**

City Attorney Jennifer Gray provided members with a form created for Architectural Review Board subcommittee members to use during their review of projects. The document will aid in formalizing recommendations to the planning board, and can be used as a tracking tool for reviews. Members reviewed the form and after careful consideration, Ms. Reynolds made a motion to approve the document subject to changing to provide space to create a bullet list of recommendations for action, a line to indicate the meeting date, and space to list meeting attendees. Mr. Lambert seconded the motion. All voted in favor. Motion carried.

**Regular Meeting**

The regular meeting started at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the June 11, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the June 11, 2019 meeting as presented, seconded by Mr. Barrack. All voted in favor. Motion carried.

**ITEM NO. 1 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 August 13, 2019 meeting.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

Ms. Reynolds 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.

Attorney Neil Alexander of Cuddy & Feder and Chris Mansfield of Tinkelman Architecture were present to continue review of the Ferry Landing project on Beekman Street. Mr. Alexander reported that at the last meeting the Planning Board adopted a Negative SEQRA Declaration and issued a LWRP Determination. Since then, the applicant met with the Architectural Review Board subcommittee and elevations were changed to bring the brick up higher on the third floor of the building.

Mr. Clarke asked that a note be provided on the plan to indicate no mechanical equipment, antennas, chimneys or similar accessory structures will be added to the roof. If any changes are proposed, the applicant would be required to return to the Planning Board for an amendment.

Mr. Alexander reported the patio separations on the third floor are a mix of brick and Hardee Board materials because code requires use of fire rated materials. Discussion took place with regard to trim materials and color, and members approved of the updated elevations that were presented. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked that the applicant guarantee nothing will be added to the building's roof, and believed they are installing cheap windows. She felt the DEC should investigate the property because it was formerly used as a gas station. Ms. Kraft wanted developers to stop building on every inch of land in Beacon. City Attorney Jennifer Gray reported the board reviewed and documented all environmental aspects of the application prior to adopting a Negative SEQRA Declaration.

Laura Bono, 10 Stratford Avenue, expressed concern that this development will lower property values because recently a house sale fell through due to this project. She had concern that future owners would add structures to the roof, and asked if they had any recourse if they did. She asked why renderings from Bayview Avenue side have not been provided and had great concern that view sheds should be protected. Ms. Bono felt visitors will no longer see Beacon for its beauty and that building is inhibiting what the City of Beacon is about.

Arthur Camins, 39 Rombout Avenue, supported concern for the loss of view sheds and felt the overall project falls short in many ways. There are no significant window details and the gray box at the upper level is simply ugly and stands out. He felt it should be an all brick building. Mr. Camins said the project adds nothing in terms of affordability and does nothing for Beacon.

Charlie Kelly, 5 Bayview Avenue, commended the applicant for reducing the number of stories and asked that a condition be placed on the approval to guarantee Bayview Avenue's view shed will not be lost, not only for residents but for the citizens of Beacon as well.

Bradley, Dillon, 8 Bayview Avenue, had concerns for the view shed and asked that language be added to give Bayview Avenue residents protection now and into the future. He asked to see renderings of the building height from the Bayview Avenue and full rear elevations.

Stosh Yankowski, 86 South Chestnut Street, thought the building to be ugly and has no connection to historical Beacon. He called it the "Beast on Beekman". This area provides a view shed for the entire City and the new building will not be a welcome sign to Beacon. He asked that the City Council stop the process by taking the property over by eminent domain.

John Bono, 10 Stratford Avenue, had concern for the building roof and equipment that may be put there in the future therefore asked for assurance that equipment can't be added in the future. The rear elevation of the building has not been presented so they don't know what it will look like. Mr. Bono noted it is a small parcel therefore had concerns that a large portion of the cliff may be removed to create an area for parking.

Mr. Alexander presented the west (rear) elevation and views from Bayview Avenue. He reported the bank will be graded but they are not proposing to cut into the cliff. A lengthy discussion took place with regard to the view from Bayview Avenue. Mr. Alexander explained this proposal meets zoning requirements and no variances or special permits are required. He reported they are awaiting response from Creighton Manning on their comment regarding sight distance. They will work with them and provide a written response.

Mr. Clarke confirmed that this project is consistent with regulations outlined in the City's zoning code. The building does not need to be historically significant in this area as design standards and photo examples show more modern elements to provide variety in this section of the City. He reported Bayview Avenue is not currently a protected view shed however the applicant has made concessions. Mr. Tully noted all engineering comments have been addressed.

Mr. Lambert made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the August meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. There were no further comments and Mr. Muscat made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL (ADD A PARTIAL 4<sup>TH</sup> FLOOR), RETAIL/RESIDENTIAL, 208 MAIN STREET, SUBMITTED BY 206-208 MAIN STREET, LLC**

Architect Aryeh Siegel explained this property received Site Plan Approval for a three story building with 8 apartments and retail space on the ground floor. They want to amend that approval to add a partial fourth story and one more apartment. Mr. Siegel reported the fourth story addition is only visible from the east side of the property and complies with zoning regulations. A shadow study was submitted revealed almost no change from three to four stories, and the roof garden was expanded as requested.

Mr. Williams made a motion to open the public hearing on the applications for Special Use Permit Approval and Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried.

The size of the roof top garden was considered and the applicant agreed to 50% coverage. Discussion took place with regard to Special Use Permit requirements as compared to the proposal and narrative provided by the applicant. Mr. Tully had no further engineering comments but advised that a Performance Bond for drainage improvements and a construction inspection escrow account must be established with the City.

Members reviewed a letter submitted by an adjacent neighbor who expressed concerns that views from their building's third floor will be obstructed by the partial fourth floor. Mr. Clarke explained the conditions of a Special Use Permit have been met in that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or listed in the Comprehensive Plan Update. Private views from a third story are not protected, although some views may be obstructed a partial fourth floor is

permitted by zoning. Discussion took place with regard to the shadow study and dates/times that were part of the report, and the addition does not make that much different than the third story.

Shelita Birchett, 5 Digger Phelps Court, spoke for herself and on behalf of her neighbors, about concerns for shadows that will fall on neighboring houses. She indicated the roof will block views from 5 and 7 Digger Phelps Court which are already blocked by two new developments on Main Street. The new fourth floor will completely obstruct views of the neighborhood which has a small community feel. Ms. Birchett reported she was also speaking on behalf of residents that live on Mattie Cooper Square.

Arthur Camins, 39 Rombout Avenue, felt that asking for one additional apartment is not a good justification for their request for a Special Use Permit. This project provides no advantage for Beacon, it blocks views from buildings on the east side where the fourth story is visible. He felt the addition will be an eyesore in a historic area and a fourth story does not keep with the character of Main Street. Mr. Camins felt the application should be denied.

Theresa Kraft, 315 Liberty Street, echoed sentiments of previous speakers, and asked if the adjacent parking lot was still owned by the City of Beacon. She believed the fourth floor will be a visible eyesore and felt the application should not be approved.

Stosh Yankowski, 86 South Chestnut Street, noted that many people spoke against allowing four story buildings when the CMS district was formulated. He did not support the additional fourth floor and felt it was just too much.

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

Ms. Reynolds was not in favor the fourth story as the building stands alone and the height will be more visible. Mr. Gunn explained it is a permitted use as long as the applicant has met conditions of the Special Use Permit, and opposition must be specific to requirements in the code. Ms. Reynolds felt the building would be out of character because it is a stand-alone building, and it will affect future development around it. A lengthy discussion took place about the CMS district and regulations that allow four stories with Special Permit approval.

Mr. Lambert made a motion to authorize the City Attorney to draft a resolution of Special Use Permit Approval and Site Plan Approval for consideration at the August meeting, seconded by Mr. Muscat. All voted in favor with the exception of Ms. Reynolds who voted against the motion. Motion carried; 5-1.

**ITEM NO. 4 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, ADD SECOND STORY, RETAIL/RETAIL, 184 MAIN STREET, SUBMITTED BY 184 MAIN STREET, LLC**

Mr. Williams 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.

Architect Joe Buglino, Alfandre Architecture, accompanied by building/business owner Mike Arnoff, were present to continue review of the proposal to demolish most of the existing one-story restaurant to create a new two-story building with restaurants on each floor. Mr. Arnoff explained the business is run by a local family and they are excited to expand their operation. Mr. Buglino reported they need a variance to allow a 10 ft. rear yard setback where 25 ft. is required. The existing parapet will be mimicked on the second story to maintain some of the historical value of the building. The wood detail of the first floor will be copied to the second floor with the addition of more glass to take advantage of the views.

A letter was submitted by neighboring property owner Courtney Smith (182 Main Street) indicating the applicant has an easement for ingress and egress over the alley between the two properties; and similarly, they have an easement of the westerly 2.5 ft. of the applicant's property. The letter requested the easement be heeded in final plans as they don't want to lose access to their property.

In addition, members reviewed correspondence from the NYS Office of Parks, Recreation and Historic Preservation which provided comments on the proposal. Mr. Clarke felt they assumed the storefront to be original therefore asked that the building be preserved as much as possible. He pointed out that their comments can be considered however they are advisory only. Mr. Gunn opened the floor for public comment.

Courtney Smith, 182 Main Street, reported she wrote the letter yet wanted to discuss her concerns. In relation to the easement between their properties, she reported the majority of the alley is on her property and is used as a driveway. For that reason, Ms. Smith did not want the curb cut removed and a tree planted because it would block their access. She expressed concerns for kitchen venting due to odors and asked that a new vent be placed on the building's east side. She asked for additional details on the grease trap because current conditions are not sanitary. Lastly, Ms. Smith requested consideration be given to establishing a maintenance agreement for the alley. In response, Mr. Arnoff reported the new building will be more efficient, and a new code compliant grease trap will be installed for both kitchens. New and improved venting equipment will be installed and venting will be from the rooftop.

Mr. Clarke noted his remaining comments can be easily addressed. Mr. Tully had questions about the EAF however City Attorney Jennifer Gray explained this project is a Type 2 category under new SEQRA regulations and requires no environmental review. Mr. Tully reported an I & I study must be done on the existing building to be certain no cross connections exist in the sanitary sewer. The report must be submitted and verified before any approvals can be given. Lastly all existing and proposed utilities need to be located and shown on the Site Plan.

Mr. Buglino reported this parcel is 100 ft. deep therefore they need to go before the Zoning Board of Appeals to seek a variance to allow a 10 ft. rear yard setback where 25 ft. is required. Mr. Clarke explained if the lot were 99.9 ft. deep the required setback would be 10 ft. as proposed. After discussing the variance, members supported their request and a memorandum outlining their support will be sent to the Zoning Board of Appeals for their consideration. The public hearing on the application for Site Plan Approval will continue at the September 10, 2019 meeting.

**ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 23-28 CREEK DRIVE, SUBMITTED BY 23-28 CREEK DRIVE, LLC**

Attorney Taylor Palmer summarized the proposed project to allow construction of a mixed-use development with eight apartments and 20,000 sq. ft. of commercial space on the former DPW site at 23-28 Creek Drive. Application has been made to the Zoning Board of Appeals for building height, number of stories, apartment size and parking variances.

City Attorney Jennifer Gray circulated Parts 2 and 3 of the EAF and a statement of support for a Negative SEQRA Declaration for members to review prior to the meeting. After careful consideration, Mr. Lambert made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Williams. All voted in favor. Motion carried. Members continued with review of the variances being sought by the applicant.

Building Height and Number of Stories

Members reviewed cross sections of the site to gain perspective on the applicant's request for a four story building where three stories are permitted, and for a building height of 53.4 ft. where 40 ft. maximum is permitted by zoning. Mr. Clarke explained this parcel is owned by the City and was marketed through an RFP process where the applicant was fully transparent with the Council that they would be seeking these variances. Mr. Palmer reported this building would be consistent in that a four story building was constructed on the adjacent parcel which was permitted by a variance granted by the Zoning Board of Appeals. The building is set down near the creek and will not appear to be a four story building from Tioronda Avenue. Members discussed ceiling height, the applicant's goal to maintain an industrial feel, and the size of the property. Mr. Taylor reported that although full engineering is not complete, the portion of the roof with mechanicals and equipment will be fully screened. After careful consideration and discussion about restrictions in the FCD zoning district, members decided to remain neutral with regard to the requested variance.

Apartment Size

A total of eight apartments are proposed, with two out of the three upper units being 2,750 sq. ft. where 2,000 sq. ft. maximum is permitted in the FCD zoning district. Discussion took place with regard to the size of the other six units which are substantially smaller providing an average of 1,698 sq. ft. of apartment space. After careful consideration, members remained neutral with regard to the requested variance.

Parking

The applicant is providing 93 off-street parking spaces where 113 spaces are required for the proposed commercial and residential uses. Members gave thought to the fact that the Fishkill Creek Development zone relies on general parking standards, while the similar mixed-use Linkage and CMS zoning districts would require far fewer spaces. A shared parking situation will exist because some of the employees will live and work on the site, and the commercial operation will not be operating when some residents are at home. Lastly fewer parking spaces would cut down on the amount of impervious surfaces and add more accessible greenspace. After careful consideration of these factors, members were in unanimous support of the parking variance and sent a positive recommendation to the Zoning Board of Appeals.

Discussion took place with regard to the Concept Plan and members were in general support of the project and felt the plan was much more complete than initially proposed. A lengthy comprehensive review of the proposal took place over the last few months and members felt comfortable with the plan as presented. More specific detailed and technical matters will be covered during the subsequent Site Plan review process after Concept Plan Approval is complete.

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

Attorney Taylor Palmer, Engineer Mike Bodendorf, Architect Aryeh Siegel and owner Ed Pietrowski attended the meeting to continue review of the proposal to convert the existing commercial space into nine residential apartments situated in three buildings. They met with the Architectural Review subcommittee and agreed to make the recommended changes. Mr. Siegel explained a couple of the Site Plan sheets erroneously came through with an older version therefore presented the revised drawings that should have been submitted. The brick portions that extend up the building will be replaced with Hardee Board to match the remainder of the structure.

Mr. Clarke noted the applicant provided a front yard setback of 12.2 ft. which is an average of existing structures on the same side of the street. However, he suggested the front setback be adjusted to line up with the building on the north side of the project rather than project beyond that structure.

City Attorney Jennifer Gray circulated Parts 2 and 3 of the EAF and a statement of support for a Negative SEQRA Declaration for members to review prior to the meeting. After careful consideration, Mr. Lambert made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Barrack. All voted in favor. Motion carried. After a brief discussion, Mr. Barrack made a motion to grant Site Plan Approval subject to the applicant fulfilling all consultant comments as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

**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 requesting two additional 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, Ms. Reynolds made a motion to grant two 90-day extensions as requested, seconded by Mr. Williams. All voted in favor. Motion carried.

**ITEM NO. 7 REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER**

Architect Brad Will of Ashoken Architecture and owner Douglas Ballinger were present to describe the proposal to convert an existing one-story building for a wine bar use with a new

storefront and rear patio. They met with the Building Inspector and received consultant comments. Comments regarding the EAF can be stricken because this is a Type 2 action under new regulations and is not subject to SEQRA review.

Mr. Clarke explained the application includes updating the storefront on the existing building and adding a patio to the rear. The front sidewalk is narrow therefore the storefront should not project out any further than the existing and no planter boxes should be permitted on the sidewalk. Additional details are needed for the patio layout and landscaping, and storefront improvements must comply with standards set forth in the CMS zoning district. Specifically, he had concern for the proposed “vinegar-treated” pine siding which may create an unfinished appearance and is not permitted in the CMS zone. The proposed rear patio fencing can be no higher than 6 feet and the proposed rear planter boxes on the adjoining property cannot be approved by the Board.

Discussion took place regarding a waiver for the parking requirements as permitted by zoning code if there is no space on the site for parking. After careful consideration, Ms. Reynolds made a motion to waive the off-street parking requirements, seconded by Mr. Williams. All voted in favor. Motion carried. City Attorney Jennifer Gray advised the applicant to provide a new disclosure form as there were pages missing from the original submission.

**ITEM NO. 8 REVIEW APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, TO ADD APARTMENT, STAIRWELL AND COMMERCIAL SPACE, 162 MAIN STREET, SUBMITTED BY THE HOSE COMPANY, LLC**

Engineer Michael Bodendorf, Hudson Land Design, described his client’s proposal to construct a rear addition on an existing historic building to include a new three-story stairway, storage space, a one-story shop extension, and access to a new two-bedroom apartment on the existing third floor. This is an amendment to an existing Site Plan Approval that was not undertaken and the parking variance granted by the Zoning Board of Appeals dated May 16, 2017 has since expired. The applicant may qualify for the 1964 parking exemption therefore a parking variance may not be necessary. Discussion took place with regard to an easement with the City for access over the parking lot and a temporary construction easement from the neighboring property owner. City Attorney Jennifer Gray pointed out this a Type 2 action under SEQRA therefore no environmental review is needed. Mr. Clarke advised members to consider the three finish options provided to determine whether the addition should be stucco, thin brick veneer, or Corten metal panels.

There were no further comments and after careful consideration, Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan Approval for the August meeting, seconded by Mr. Williams. All voted in favor. Motion carried.

Ms. Reynolds was excused and departed the meeting at 11:10 p.m.

**Miscellaneous Business**

Zoning Board of Appeals – July agenda

As discussed earlier, a memorandum outlining member comments will be sent to the Zoning Board of Appeals for the 23-28 Creek Drive project.

### Melzingah Tap House – 554 Main Street (discussion)

Kevin and Dana Collins from the Melzingah Tap House were present to discuss their project at 554 Main Street. City Attorney Jennifer Gray reported the Planning Board granted Site Plan Approval in April for the Melzingah Tap House subject to conditions outlined in the resolution of approval. In response to neighbor complaints, the Building Inspector investigated and found the property was used for live music without the required musician's nook and other unfulfilled items outlined in their conditional site plan approval. Their approval to utilize the rear pavilion was based on conditions put into place after a lengthy review process and those conditions were to be completed prior to any operation of the site. Mr. Collins thought they could operate while items of the conditional approval were being worked on. He pointed out conditions outlined in a letter from the Building Inspector conflicted with those outlined in the resolution of approval. A lengthy and somewhat heated discussion and debate took place between board members and the applicant. Ultimately the applicants were advised to discontinue operation of the outdoor pavilion until the Site Plan has been amended, submitted for final approval, and signed by the Chairman. Once that has been done, improvements and the required sound testing can be completed and submitted to the Building Inspector for approval.

Mr. Williams was excused and departed the meeting at 11:35 p.m.

### **Architectural Review**

#### Certificate of Appropriateness – 1192 North Avenue (add two windows)

Property owner John Coughlin, 1192 North Avenue, described his proposal to add a half-moon window on the front of his house which is located in the Historic District and Landmark Overlay zone. After careful consideration, Mr. Lambert made a motion to approve the installation of new two-over-two windows on the rear and side of the building, and a half moon window in the front (window width to be no wider than the span of the two shutters below), seconded by Mr. Muscat. All voted in favor. Motion carried.

#### River Ridge – Architectural Amendment

Aryeh Siegel presented his client's proposal to change window mullions on the River Ridge townhouse project from 12-over-12 to 6-over-6 pattern. After reviewing and given consideration to the visual effect the change would have on the project, Mr. Barrack made a motion to approve the change as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

#### Single Family House – St. Luke's Place

No one was present to review this proposal therefore this item will be added to the August 2019 agenda.

#### City Council request to review proposed Local Law regarding enactment of a Moratorium on residential and commercial development

City Attorney Jennifer Gray presented the proposed Local Law Regarding Enactment of a Moratorium on Residential and Commercial Development as requested by the City Council. A lengthy discussion took place about the stated legislative intent and purpose of the moratorium, as well as the terms and scope of the moratorium. Planning Board members present did not

support enactment of the moratorium. A lengthy discussion took place with regard to reasons for the moratorium to protect against potential impacts of new development on the City's water supply while Well #2 is under repair, and to allow a measured amount of time to review and revise targeted zoning laws, specifically focusing on the City's use and dimensional tables, Linkage District, and evaluating properties eligible for the Historic District and Landmark Overlay Zone. Members unanimously agreed that whether the moratorium is based upon the stated issues of Well #2, the stated zoning amendments, or both, there does not seem to be a necessity for a moratorium to address these stated objectives, particularly a moratorium extending 4-6 months. They did not see the need to adopt a moratorium for zoning amendments which could be reviewed and adopted in regular due course. They advised that if the City Council decides to adopt the moratorium, the Planning Board recommends consideration that it only be for three months.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Lambert, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 12:02 a.m.