

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on September 3, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/357733181>

Council Members Present:

Lee Kyriacou, At Large
George Mansfield, At Large
Terry Nelson, Ward One
John Rembert, Ward Two
Jodi McCredo, Ward Three
Amber Grant, Ward Four
Randy Casale, Mayor

Council Members Absent:**Also Present:**

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

A moment of silence was observed for those who serve and have served in the US military.

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Speakers:

Stosh Yankowski

Mr. Yankowski is concerned that non-water related issues have been removed from the moratorium resolution. He questioned whether it is necessary to hold another public hearing regarding the moratorium. He urged the city to pass a law banning four-story buildings. He said that the noise from Billy Joe's Rib Works was very loud on Friday night.

Theresa Kraft

Ms. Kraft said the city needs to consider adopting a policy of issuing a positive declaration of significance before the SEQR process and be willing to accept, if necessary, to reverse it to a negative declaration. This would protect the city from an Article 78 down the road.

Community Segment

Gwenno James and Deborah Bigelow gave a presentation about the upcoming Spirit of Beacon Day festivities. Spirit of Beacon Day will be September 29th from 12 – 4 on Main Street with a rain date of October 6th. The parade starts at 1 pm at City Hall and ends at the Howland Center. The theme this year is "Growing Together." You can find out more at spiritofbeacon.org

Public Hearings**1. Public Hearing Regarding the Addition of a Stop Sign at the Intersection of North Elm Street and Oak Street**

No speakers

Motion to Close Public Hearing
Motion by Council Person Rembert
Second by Council Person McCredo
Motion Passes 7 – 0

2. Public Hearing to Designate 35 Properties as Landmarks Pursuant to City of Beacon Code Chapter 134 Historic Preservation, and Amend the Historic District Landmark Overlay (HDLO) Map and Zoning Map

John Clarke, City Planner

The HDLO zone has been in place for decades. There have been a few additions in the past. The City Council requested that the city look at properties in the Central Main Street Zone (CMS). The process and criteria for historic district nominees can be found in the City Code.

The Council asked Mr. Clark to look at 63 properties in the area. The list was then narrowed to 35 candidates. There are certain benefits to being designated as an historic home which include but are not limited to special zoning privileges with regards to special use permits, and there may be tax advantages. If homeowners would like to opt out of the HDLO, they should make their opinion known to the Council at a meeting or in writing. However, a super-majority vote from the Council would override a homeowner's objections.

Mr. Clarke briefly discussed each of the 35 proposed properties.

1. 1158 North Avenue: This building was a former show room for the North Avenue Garage.
2. 1154 North Avenue: In the past it was used as an out building for the Eagle Hotel. In 1904 it was converted from a hotel to the North Avenue Garage.
3. 152 Main Street: This building is located on the inside of the block between North Avenue and Cross Street. It is a former industrial building. It was a Flower and Feed warehouse initially. It was converted to a carriage repair house and then an auto repair house.
4. 4 Cross Street: Built between 1912 and 1919, this four-story brick building is vernacular in form.

5. 11 Digger Phelps Court: This house was built between 1876 and 1884. It retains a lot of its original architectural character.
6. 9 Mattie Cooper Square: This house has a wood frame and was built between 1876 and 1884.
7. 11 North Elm Street: This is an entirely intact arts and crafts house dated to 1922.
8. 4 North Elm Street: This house is a second empire style home. It is intact and was built between 1876 and 1884.
9. 17 Church Street: This home was built around 1876, it is an odd mixture of gothic and second empire style. It was a hospital in the 19th Century.
10. 27 Church Street: This home was built between 1889 and 1896, it has bay windows.
11. 232 Main Street: This is a three-story building with intricate brickwork, it was built between 1889 and 1896 and was originally a grocery store.
12. 246 Main Street: This building is intact and was built around 1889. It was a former candy manufacturer and a saloon. Around 1919 it became the Bennet Hotel.
13. 250 Main Street: Originally used as a haberdasher, this building has intricate brackets and was built between 1904 and 1912.
14. 257 Main Street: This building was built between 1889 and 1896. It originally housed a barber, grocery store and a candy store.
15. 269 Main Street: Dated to 1929 this is a one-story building that housed the Beacon News Building with a printing plant in the back.
16. 274 Main Street: Originally a liquor store, this building was built between 1889 and 1896. It was originally listed as a liquor store.
17. 284 Main Street: This was built between 1912 and 1919; its upper floors are intact.
18. 288 Main Street: This was built between 1919 and 1927; it was listed as White Garage. It was later converted into the Roosevelt Theater. It has art deco elements indicating a 1930's look.
19. 291 Main Street: This building is the completely intact former Hudson Valley Telephone Company building. It had public phones on the first floor. It also has a cornice line.
20. 315 Main Street: In 1884 this building housed a gunsmith, by 1919 it became a four-story building. The cornice is intact.
21. 314 Main Street: Originally a saloon, this was built in 1889.
22. 372 Main Street: The First Baptist Church in Mattwean was built in 1854. Originally it had a wood belfry and it now has a brick belfry.
23. 378-382 Main Street: This building was built around 1867, it was a sleigh manufacturer. There was a passthrough for carriages in the middle of the building. At one point it became a carriage and automobile works.
24. 403 Main Street: A relatively intact former saloon, this was built between 1880 and 1885.

25. 159 Fishkill Avenue: This is a high style Victorian in a very small package; it was built between 1867 and 1876.
26. 189 Fishkill Avenue: Built around 1889 this was the James Forrestal House. It housed a three-story print workshop in the backyard. It had elaborate bay windows, but around the 1970's the architectural details were removed. It is the birth place of James Forrestal, a great friend of Franklin Roosevelt who served as the Secretary of the Navy and as the nation's first Secretary of Defense.
27. 194 Fishkill Avenue: This home was built around 1900, it has since lost a lot of architectural detail.
28. 331 Verplanck Avenue: The Hebrew Center used to have a stone wall and an elaborate staircase, otherwise it is still intact from 1929.
29. 26 South Chestnut: This was built around 1926, it has brick patterns which are essentially original.
30. 19 Commerce Street: This home has clipped gables and prominent bay windows.
31. 11 Commerce Street: This home was built between 1867 and 1876. It was HH Houstice's house, the former president of Fishkill Landing.
32. 20 South Avenue: This is a second empire home built between 1867 and 1876. It has a wraparound porch and is essentially intact and in great shape.
33. 22 South Avenue: This home was built between around 1876. It has brick and stucco, with a highly decorated wraparound porch.
34. 26 South Avenue: This home was built between 1867 and 1876, its porch has a lot of details.
35. 30 South Avenue: This is a historic brick building built between 1867 and 1876.

Ladania Elecant

372 Main Street

The Salvation Army does not want its building at 372 Main Street to become a historic landmark because they have to make changes within the building and being a landmark would make that restrictive.

Sherish Chichonvis

South Avenue

It would be nice to have a better idea of the proposed tax-abatement. He asked for clarification on the process to make changes to the building and the rules that need to be followed. He also asked for new noise regulations.

Jessica Jeliffe

194 Fishkill Avenue

Ms. Jeliffe thanked the Council for considering their home for designation. She did not receive the letter about the HDLO. She had two concerns, the first was that renovations have to go through the historical committee which adds time and money to the process. Secondly, the purpose of designating these homes is to better the city, if that is the case then there is an expectation that the homeowner will do the work to make these homes stand out and shine. If the homeowner can't do that, designation misses the point.

Karen Mayer

Beacon Hebrew Alliance, 313 Verplanck Avenue

Ms. Mayer said that they salute what the Council is doing. However, they are a large congregation and half of the board hasn't had a chance to consider this with all of the important parties in the organization. She requested until November (due to the Jewish Holidays) to discuss with her board. They are also looking for clarity for what it means to be "open to the public." Will interior renovations be necessary? Where will the money come from if they have to go before different city boards?

Jennifer Vantyle

Ms. Vantyle is an attorney from Cuddy and Fedder she spoke on behalf of the Salvation Army.

The Salvation Army opposes this designation because it operates more harshly on a church than a different property for three reasons.

1. A church is open to the public and therefore needs a certificate of appropriateness before making changes to interior spaces. Intrusive regulations such as these can be costly.
2. How does the law give relief to someone who claims there is an improper denial of a certificate of appropriateness? The law provides an appeal to the Zoning Board of Appeals based on the grounds of economic hardship. That satisfies private property owners but not a church, where the standard is based on "profitable return when considering alternate uses." A church or synagogue is inherently not profitable.
3. Consider the benefits of the designation, a tax exemption does not assist the church because the church is already tax-exempt.

Joe Donovan

Mr. Donovan owns three properties proposed for designation. He has no objection to two of them, the third one he wanted to express concern about the implementation. 152 Main Street is a building in need of repair. The compliance costs represent a slippery slope that can become expensive. Improvements cannot be done in one fell swoop; they get done little-by-little which can be expensive. If he has to come to a Planning Board meeting each time he needs to make a change to the property, the cost of doing so will be absorbed by the tenants. This property is rented to tenants with low incomes.

Theresa Kraft

Historic preservation is too important to be buried under bureaucratic paperwork. She commended the city for their work to designate the properties. She said that the law needs to be fine-tuned to accommodate for churches and synagogues considering the interior regulations. The Howland Cultural Center needs to be protected; the city zoning laws must be changed to remove the grandfather clauses. The city needs an Historic Preservation Commission.

Melissa O.

17 Church Street

She asked how this will affect the resale value? Also, she asked if the lot can be subdivided.

John Clarke and Nick Ward-Willis said that a subdivision will have to go through the planning board as is normally the case.

Mara Equities

257 Main Street

Ms. Equities declined the invitation to become a historically-designated property owner.

Joseph Dartmeco

314 Main Street, "The Duke"

Mr. Detmarko said he was excited about coming to Beacon because of the creative drive. His family would like to have the option of choosing whether or not to make 314 Main Street an historically designated building. Limitations are the enemy of creativity. He said that he would not have purchased the property with a landmark designation. This designation would be a restriction if he tried to sell the property.

He asked the Council if they could make the old fashion lights consistent throughout Main Street.

Donna Shezil

4 North Elm Street

Ms. Shezil said she is excited and welcoming to have her property become a landmark.

June Crilley

19 Commerce Street

She said she does not want her property to be included in the landmark designation. The house will be sold and it will be a hardship to find a buyer.

Mayor Casale

Mayor Casale asked that homeowners who do not wish to be a part of the designation to please send a letter/email to City Hall stating their opinion. However, he advised people to wait until the new law regulating these properties is passed. The Mayor asked that the three letters already submitted to him be entered into the minutes. The attachments listed below can be found at the end of the minutes.

Attachment A: Letter from property owners of 378 -382 Main Street regarding the HDLO

Attachment B: Letter from Joseph Donovan regarding the HDLO

Attachment C: Letter from the Beacon Hebrew Alliance regarding the HDLO

Motion to Adjourn Public Hearing to December 2, 2019

Motion by Council Person Kyriacou

Second by Council Person McCredo

Motion Passes 7-0

Council ReportsCouncil Person Terry Neslon

Mr. Nelson told the public that having a rooster goes against City Code. If a neighbor has a rooster, please call the Building Department.

Council Person Jodi McCredo

Ms. McCredo thanked everyone for coming. She wished all of the students good luck as they head back to school. She also thanked the faculty and staff of the schools.

Council Person Mansfield

Nothing significant to report.

Council Person Kyriacou

Mr. Kyriacou said that public hearings are an opportunity to hear opinions. All five properties that he and his wife have owned in Beacon were in the Historic District. They have renovated all five of them to various degrees. The following projects have been completed on his home without any review whatsoever: he restored the porch, recreated posts and spindles, rebuilt storms with wood, used pressure treated wood instead of regular wood, painted new colors, repaved the driveway, did tree work and electrical work, added extensive plantings and a back screen door, and removed a trellis. He did get permits for interior work, including removing an oil tank, removing more than three trees, and for electrical service.

One project required a review, it was a façade project on the property that now houses Melzingha Tap House. The process was exceedingly bureaucratic. Mr. Kyraicou said that improvements can be made to the process less cumbersome.

The review process needs to be workshopped. The triggers for review have to be correct. He presented several suggestions. Paint should not be included as a trigger. Eliminate all costs associated with the review process; doing so will encourage the city to be efficient if they have to bear the costs. The Council should consider a revolving fund to help finance the review process. Eliminate interior regulations, be cautious about what is considered “opened to the public.” And finally, sides, backs, and roofs on Main Street may not have to be included.

Council Person Rembert

Mr. Rembert commented on the HDLO and said that the interior of a building should not be considered. He said the council should look for incentives for property owners.

He reminded the public that there will be a ceremony of commemoration at Patriot Park on September 11th at 9 am.

Council Person Grant

Ms. Grant reminded the public that Tuesday September, 10th at the Recreation Center anyone can attend the Recreation Committee meeting to view and comment on the plans for Green Street Park and Riverfront Park.

She asked for an update on the noise ordinance.

She asked about the Municipal I.D program, telling people that they can visit the Clerk’s office Monday through Friday 8:00 am to 4:00 pm.

Anthony Ruggiero, City Administrator

The City Administrator gave an update about the water supply in Beacon. He said that Mount Beacon Reservoir is five feet below the spillway. The Cargill Reservoir is four feet below the spillway. And Melzinga is 18 feet down and offline, which is normal for this time of year. Water plant daily production is 2.4 million gallons per day.

Well 2 is down and was silting, the pump will be removed for a test which is scheduled for next week.

The City Administrator updated the public on the paving occurring around town. The Highway Department was out paving Verplank Avenue, Kent Street, North Walnut Street, East Willow Street, and Spring Street. Line striping will start tonight for stop bars and crosswalks on Verplank Avenue.

He provided an update regarding the STAR Program for the 2019 – 2020 school year. Seniors are required to enroll in the state’s income verification program. Failure to enroll will result in a failure to receive benefits.

Mayor Casale

Mayor Casale reminded the public to be cautious around school buses, especially when the school bus stop sign is out.

He said that the Police Department will be dedicating resources to stopping traffic violations on Main Street.

Mayor Casale said that residents can sign up for the No Knock Registry if they don't want solicitors to come to their front door.

Dutchess County will file a Friends of the Court brief with the U.S District Court in support of the New York State lawsuit filed against the United States Environmental Protection Agency. The suit claims that the EPA violated federal law by issuing a certificate of completion to GE for their cleanup project of the Hudson River. Dutchess County requested that the City of Beacon pass a resolution in support of the lawsuit.

Local Laws and Resolutions

1. Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments

Motion by Council Person McCredo
Second by Council Person Mansfield
Resolution Passes 7 – 0

Council Person McCredo said that all of the development issues and concerns may not be included in the moratorium. However, the Council will continue to work on these issues.

2. Resolution Naming the Twilight League Baseball Field at Memorial Park the Jack Dexter Memorial Field

Motion by Council Person Nelson
Second by Council Person Grant
Motion Passes 7 – 0

Council person Grant said that she will send three examples of municipal policies regarding naming entities within town.

Council person Kyriacou said that he would like to adopt a formal policy for this process.

3. Resolution to Adopt Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon Regarding a Stop Sign at the Intersection of North Elm Street and Oak Street

Motion by Council Person Rembert
Second by Council Person McCredo

Motion Passes 7 – 0

4. Resolution Authorizing a Contract with Choice Words for Grant Writing Services

Motion by Council Person Grant
Second by Council Person Nelson
Motion Passes 7 – 0

5. Resolution Accepting an Easement Regarding The View

Motion by Council Person Mansfield
Second by Council Person Nelson
Motion Passes 7 – 0

6. Resolution Setting a Public Hearing for a Special Use Permit Application Regarding 305 Main Street for October 7, 2019

Motion by Council Person Nelson
Second by Council Person Grant
Motion Passes 7 – 0

7. Resolution Regarding the Historic District Landmark Overlay Tax Exemption

Motion by Council Person Kyriacou
Second by Council Person McCredo
Motion Passes 7 – 0

Council Person Kyriacou made a motion to add the Library District to the list of tax exemptions
Second by Council Person Rembert

- It was determined at a later date by the City Attorney that the Library District cannot legally be added to the list of entities from which the Council can request a tax exception for an HDLO properties.

Second Opportunity for Public Comments: Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

Speakers:

No Speakers

Adjournment:

- Motion by Council person Rembert
- Second by Council person Nelson
- Motion passes 7-0

Next Workshop: September 9, 2019

Next Meeting: September 16, 2019

Attachment A: Letter from property owners of 378 -382 Main Street Regarding the HDLO

Mayor and City Council Persons-

We are the owners of 378-382 Main St. We invested in Beacon at a time when a solid return on our investment was a complete unknown. We did quality renovations and, as landlords, invested in many new, small business tenants by helping to provide quality space at reasonable rents.

We do not understand the need for designating our building as a historic designation and part of the city's proposed new Historic District and Landmark Overlay Zone and curious as to what exactly the ultimate goal is. Since we only received this letter a few weeks ago, we have not had a chance to fully review the impact on our building.

However – our initial concerns include the following –

- Has the county and school board agreed to and confirmed the tax break for this proposed designation?
- Given that we are already a commercial, mixed-use building – how does this designation benefit us?
- The added costs to operate a building in Beacon will potentially cause higher rent increases to tenants.
- When we looked to acquire other commercial buildings on Main St. – we purposely avoided purchasing and improving any building in a Historic District – given the red tape involved.

Given the mixed nature of the buildings in our district, we feel the Historic District and Landmark Overlay Zone proposal to be unnecessary and overly burdensome to the building owners.

On a separate note - we are also concerned with the current anti-development sentiment voiced in some parts of our community. Too often, there unintended consequences with anti-development efforts that only drive out small owners that are then replaced with large, corporate type owners/investors who can afford the excessive red tape. This doesn't typically help the smaller communities or small businesses.

Respectfully,

Edward J. Benavente

Elisabeth J. Swanson

Attachment B: Letter from the Joseph Donovan regarding the HDLO

Randy,

The City Council is considering the addition of 35 parcels to the list of historic properties in Beacon. We understand and support the prudent addition of new properties to the protected list. Historic and landmark properties serve a valuable role in our society - and background/contributing buildings (including unremarkable structures without the qualities of a landmark) help define and maintain the quality of neighborhoods and districts.

Scores of such noteworthy and substantial buildings along the Main Street corridor were lost to decay and demolition during the long decades of the 20th C when neither private nor public funds were available to save them. Prudent regulation must be paired with economic vitality and responsible private stewardship to preserve our urban fabric and historic structures. There are real costs and risks associated with regulation and prudence is required ... overreaching can sap strength from our City's resurgence. One very small story (at bottom of this message) provides a sense of these costs.

Three of our properties (1154 North Ave, 152 Main St, 4 Cross St) are included on the list developed by the City. We ask that you consider the following issues before voting on these three designations:

1154 North Ave – We have no objection to its inclusion on a list of buildings contributing to a historic district. We ask that no additional restrictions be imposed re modifications to the interior or the south, east, and north façades, nor re the ability to add a roof terrace in the future. While 1154 does not have the characteristics of a landmark structure, it is an attractive utilitarian building with the sort of checkered history commonly associated with such 19th C urban structures. During the years when it housed an automobile sales+service business, the configuration of exterior doors and windows was changed, and the entire southeast corner of the first floor was cut open to accommodate large showroom windows. We intend to preserve the structure, maintain the historic fabric on the west/street façade, and keep the occupied with 'good citizens', such as the art galleries currently located there.

152 Main St – We do not understand why this building would be included on the list. Designation would seriously handicap our stewardship of the building. 152 is comprised of three sections (four, if the intent is to also include the large vinyl-sided wood-framed shack at the east edge) remaining from a complicated and interesting former industrial site, but there is truly nothing currently on this parcel that contributes substantially to the character and appeal of Main St. Prior to and after our purchase of this building, we have received lots of professional advice – all concluding that the existing structures should be torn down. We did

not tear them down, and we do not intend to do so. We much prefer to retain and improve what we find. This building has been crudely and extensively altered over the decades. This two-story residential building has no sprinkler system, an unprotected combustible structural system and all of the units on the second floor have only one means of egress. It's a fully-occupied building with 15 very affordable units and it needs lots of work. Designation of this property will delay these upgrades and increase their cost.

4 Cross St - We are concerned about its inclusion on a list of buildings contributing to the historic district. While 4 Cross is a very typical Beacon house (we estimate there are several score two-story, red-brick, gable-roofed 19th C structures with nearly identical dimensions and fenestration), it does not have the characteristics of a landmark structure – and we are concerned that designation will negatively impact the quality of the building we intend to construct next door. We like the 4 Cross building and fully intend to keep it, and ask that no additional restrictions be placed on modifications to the interior. We also ask the Council to favorably consider the potential for an addition, in the near future, of a carefully-designed and contextual third floor to this structure.

With thanks,

Joe Donovan and Jinny St. Goar

Hudson Todd LLC, Lindley Todd LLC, The Lindley LLC

A true story:

A simple carpentry exercise (little more than custodial/maintenance on a non-designated building) can require that property owners navigate a complicated, time-consuming and expensive approval process on a designated structure. We recently relocated a vinyl window at the rear of 146 Main Street. We hired an architect, prepared and filed the required application, attended an evening meeting, and executed the work, including carefully matching the crude exterior wood trim that had been placed on other cheap vinyl windows at the back of the building in the 1980's (not 1880's, 1980's). Everyone, including the architect and the Planning Board, could have done something more productive with the time they devoted to this matter. We could have invested the funds devoted to this approval process (a few thousand \$ for what should have been a few hundred \$ exercise) on better stewardship of the building (e.g., energy upgrades, roof repairs, etc. – there is a long list of deferred maintenance on our Beacon properties – requiring several more years of major expense and operating losses while we recover from the decades of neglect prior to our ownership). This story is repeated every time a new bit of work is required on a designated property. The impact can be substantially reduced while fully achieving the public purpose, IF the designation is limited and the rules for implementation are prudently drafted. E.g., it might be reasonable to require a complicated

and expensive approval process for visible work on the public façade (facing Main St) in a historic district, but what public purpose is served by requiring that process for minor work on portions of the building that are not contributing to the historic character of the district? Please, please ensure the rules are written carefully.

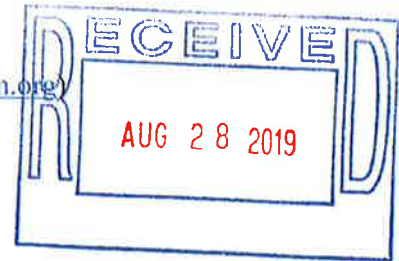
Attachment C: Letter from the Beacon Hebrew Alliance

BEACON HEBREW
ALLIANCE

August 28, 2019

VIA CERTIFIED MAIL AND EMAIL (cityofbeacon@cityofbeacon.org)

Anthony Ruggiero, M.P.A.
City Administrator
1 Municipal Plaza
Beacon, NY 12508



Re: 331 Verplanck Ave – Proposed Historic Designation

Dear Mr. Ruggiero:

On behalf of Beacon Hebrew Alliance, the owner of the property at 331 Verplanck Ave. in Beacon, I am requesting additional time to review the proposed designation of our synagogue as an historic property. We will not be ready to state our position for or against landmark status in time for the public hearing on September 3, 2019 and respectfully request that the City Council give us until mid-November and preferably until the beginning of December to decide whether to support the designation or to object.

Unlike a single-family residence, which typically is owned by one or two people, our synagogue is owned by a congregation of over 100 member families. We have a Board of Directors, various committees, and a cadre of involved and interested members. Many of our key decision makers were away on vacation when your August 15, 2019 letter arrived. Many of them are still away. As people trickle back to town, they will be getting ready for school and – this is key – preparing for and celebrating the Jewish holidays of Rosh Hashana, Yom Kippur and Sukkot, which span September into late October. This is our busiest time of year, with multi-day religious observances and the planning and execution of our annual Open to the Sky events in downtown Beacon from October 13 to October 20. Given the generally frantic sequence of religious and public events, we simply do not have the bandwidth to arrive at consensus about historic designation in time for the September 3 hearing. Realistically, we cannot even begin a meaningful review until after October 20.

We look forward to studying your letter and applicable law in greater detail after October 20 and appreciate anything you can do to grant us additional time to support or object to the proposed designation. Although we will not be able to state our position for or against landmark status at the September 3 hearing, we will arrange for someone from BHA to attend.

Thank you for your consideration.

Sincerely,

Deborah Davidowitz

President, Beacon Hebrew Alliance

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