

## **Planning Board September 10, 2019**

The Planning Board meeting was held on Tuesday, September 10, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Gary Barrack, Patrick Lambert, Jill Reynolds, Rick Muscat, Randall Williams (in at 7:20 p.m.), and David Burke (in at 7:33 p.m.). Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke.

### **Training Session**

John Clarke provided a detailed review of 35 properties the City Council is considering to add to the Historic District and Landmark Overlay (HDLO) zone. Property owners and the public have expressed concerns about the restrictions it places on the property therefore the Council is working on modifications to the historic overlay regulations and definitions. Discussion took place with regard to how inclusion would affect the average owner of a single family house once added to the HDLO zone, and it was noted that any significant changes or demolitions would need a Certificate of Appropriateness from the Planning Board. Further discussion will take place.

### **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 August 13, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the August 13, 2019 meeting as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

Mr. Gunn noted that the applicant for 162 Main Street requested to postpone their public hearing until the October 8, 2019 meeting, and the applicant for Two Cross Street requested their item be postponed. Mr. Gunn read a memorandum regarding the moratorium recently enacted by the City Council:

On September 3rd, the City Council adopted a moratorium. According to the local law that enacted the moratorium, the purpose of the moratorium is to “protect the City and its residents, businesses and visitors from the potential impacts of new development on the City’s water supply given the condition of Well #2.” Well #2 is one of six (6) sources of the City’s water supply and it has been taken offline for repairs. The moratorium applies to land use applications filed after June 11, 2019, **except** the following:

1. Building Permit application for single family home
2. Modification or extension of an existing approval that does not increase density
3. Residential application that involves less than 330 gallons per day of water usage
4. Non-residential application that involves less than 2,000 gallons per day of water usage
5. Reuse of any existing non-residential building for industrial or manufacturing uses where the use does not increase the existing building footprint or otherwise increase the building square footage.

The moratorium is scheduled to expire in March 2020, or thirty (30) days after the repairs to Well #2 are completed. The moratorium does not preclude the Planning Board from reviewing and otherwise processing applications that are subject to the moratorium. However, while the

moratorium is in place the Planning Board cannot vote to approve an application. The full details of the moratorium can be found in the local law available from the City Clerk's Office or the Building Department.

It was noted that the last two items on this agenda are subject to the moratorium. Mr. Burke joined the meeting at 7:33 p.m.

**ITEM NO. 1 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, TO ADD APARTMENT, STAIRWELL AND COMMERCIAL SPACE, 162 MAIN STREET, SUBMITTED BY THE HOSE COMPANY, LLC**

This item was postponed to the October 8, 2019 meeting at the applicant's request.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, ONE STORY EXTENSION, RETAIL, 184 MAIN STREET, SUBMITTED BY 184 MAIN STREET, LLC**

Building/business owner Mike Arnoff reported they went before the Zoning Board of Appeals and were granted a variance to allow a 10 ft. rear yard setback where 25 ft. is required. They are no longer adding a second story due to easement issues but will continue with the rear kitchen expansion. The only change to the building façade will be shifting the entrance door to the left side in keeping with the historic nature of the building.

Mr. Clarke noted that although a second story will not be added, the proposal continues to be architecturally consistent with the previous plan. He advised the applicant to change the plan which erroneously shows the structure extending beyond the adjacent storefront. Mr. Clarke felt a street tree could be added in the brick paver area in front of the store. The owner explained he met with the DPW and will collaborate with planting a tree similar to those along that area of Main Street. Mr. Clarke explained the grease trap and venting should not encroach into the alleyway and must be located on the site plan.

Mr. Russo asked that the scale noted for the "Vacinity Map" be revised to reflect the actual scale for the map, and that existing utilities be shown on the plan. The applicant will provide a copy of the Inflow & Infiltration study that was done for their Zoning Board of Appeals' application. There were no further comments and Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, this is a positive example for making building design fit in with the historic nature of the area.

After some consideration, Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the next meeting, seconded by Mr. Williams. All voted in favor. Motion carried. No further comments. The public hearing will remain open for the month of October.

**ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, 27 FOWLER STREET, SUBMITTED BY MARIANNE HUGHES-JOINER**

Mr. Barrack made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried. Architect Stephen Whalen reported changes were made to the plans for an accessory apartment at 27 Fowler Street to address comments from board consultants. He explained water and sewer connections were added, the floor plan was revised, and materials and colors were provided as requested.

Mr. Clarke reported his comments had been adequately addressed however Mr. Russo advised the applicant that a number of comments with regard to utilities remain. The plan should show the lowest sewer elevation for the new studio apartment to make certain it has proper slope, and construction details for water and sewer utilities are needed.

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

After careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval subject to fulfilling consultant comments, and changing the date of the Engineer's review letter and the last Site Plan revision date, seconded by Mr. Barrack. All voted in favor. Motion carried.

**ITEM NO. 4 REVIEW REQUEST TO SET PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 23-28 CREEK DRIVE, MIXED USE DEVELOPMENT, SUBMITTED BY 23-28 CREEK DRIVE, LLC**

Attorney Taylor Palmer, Cuddy & Feder, respectfully requested members consider setting a public hearing on the application for Site Plan Approval for a date not specific. They are currently before the Zoning Board of Appeals and are working to reappear before the City Council for Concept Plan Approval. Mr. Palmer explained they will work the City Attorney and board secretary to coordinate scheduling of the public hearing once they have completed the ZBA and City Council approval process. After careful consideration, Mr. Williams made a motion to set a public hearing on the application for Site Plan Approval for the first meeting the applicant returns to the Planning Board after appearance before the ZBA and City Council, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 5 REVIEW APPLICATIONS FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, BAR AND ARCADE, 296 MAIN STREET, SUBMITTED BY HAPPY VALLEY ARCADE, LLC**

Aryeh Siegel described his client's proposal to convert an existing one-story rear garage into a bar and arcade with an outdoor patio. The front of the building's first floor retail use and second story office use will continue unchanged. This proposal includes use of the garden space on the Main Street side of the property. The garage will be fitted with new doors, a new entry door will be added on the Main Street side of the garage, and the chain link fence along Main Street will be replaced with a new painted metal fence and gate.

Mr. Clarke summarized his review comments and had concern for noise that may be generated from the arcade and bar. He suggested the main access be through the garden from the Main Street entrance and that the garage doors remain closed to contain any noise from the bar and arcade space. He raised concern that hours of operation are listed as 9:00 a.m. to 2:00 a.m., and questioned if outdoor music was planned. Mr. Clarke explained inclusion of a bar use requires a Special Use Permit from the City Council and asked the applicant for a written summary outlining details of the operation.

Applicant John Coughlin explained game machines will be vintage in nature and they also intend to have a small food preparation area with a small convection oven behind the bar. Hours of operation would be Wednesday and Thursday 4:00 p.m. to 12:00 a.m., Friday 3:00 p.m. to 1:00 a.m., Saturday 12:00 p.m. to 1:00 a.m., and Sunday 11:00 a.m. to 10:00 p.m. He reported the arcade machines will be kept at a very low volume with low music in the background, and if at all, there would be low volume acoustic music in the outdoor seating area. Discussion took place with regard to noise that may affect the adjacent neighbor, for opening the garage door, and that the rear window is right up against a single family house. Mr. Coughlin reported there will be 25 arcade games that will be kept at a very low volume and he had no intention to open the garage door. A lengthy discussion took place about the garage doors and style of proposed replacements. Members asked for more information on the overall operation, including fencing and screening. City Attorney Jennifer Gray reported this is a Type 2 action under SEQRA therefore environmental review is not required. She advised the applicant that revisions are needed on the entity form, and a disclosure form is needed for both the applicant and property owner.

#### **ITEM NO. 6 REVIEW APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, "BEACON VIEWS TOWNHOUSES" 42 UNITS, CONKLIN STREET**

Attorney Taylor Palmer, Cuddy & Feder introduced members of the project design team: Architect Aryeh Siegel; Jeff Contelmo, Insite Engineering; Beth Selig, Cultural Resource Consultants, Ltd.; Richard D'Andrea, Maser Consulting; Ashley Ley, AKRF Engineering; and Contract Vendee's representative Greg Kamedulski. He described his client's proposal to subdivide an 8.55-acre site into a 42-unit for-sale townhouse development, which includes four below market rate (BMR) units. The property is located in the RD-5 zoning district with frontage on Conklin Street and is bordered by Highland Meadows, Meadow Ridge and the recently approved 13-lot residential subdivision off Townsend Avenue. Mr. Palmer explained this project requires no variances, is much smaller than the 72-unit multi-family development previously proposed, and provides 20% less density than permitted by zoning. Access to the project is proposed to be over an extension of Hastings Drive utilizing an existing Access Easement and Maintenance Agreement over the Highland Meadows property with emergency access through an access easement over the 25 Townsend Street subdivision. The plan provides 157 off-street parking spaces where 84 spaces are required. The proposed project is an Unlisted Action under SEQRA which requires a coordinated environmental review.

Aryeh Siegel reported the townhouses will have minimal views from public streets and has natural buffers to nearby properties, including a large wetland area. They will create an additional buffer for the Townsend Street development. Mr. Russo expressed concern for the water transmission main on the property which is where additional buffering is shown. Mr. Siegel presented a preliminary massing model of the townhouses which will be arranged in

groups of four and five units – nine buildings total. The end units are set forward to add depth, fitted with a second story projection, and have double width front garages with side entrances. Building exteriors will be a mix of brick and siding, and double-hung windows with shutters on the front facade. Mr. Siegel reported the design is consistent and compatible with other developments in the area. He explained the garage doors are in front because site is tight and there is not ample space to allow for rear loading garages. There is not a fourth story as the peaks are only decorative in nature.

Engineer Jeff Contelmo provided more detail on site access extending from Hastings Drive via an easement across Highland Meadows property. A 20 ft. wide two-lane roadway will serve the project with emergency access either through Townsend Street or Conklin Avenue. An area of federal wetlands exists on site therefore they will be seeking permits from the Army Corps of Engineers. Mr. Contelmo reported they intend to tap into the existing 12” water main.

Traffic consultant Richard D’Andrea looked at potential traffic impacts at the Delavan Avenue intersection, and explained his firm was also involved with the Townsend Avenue subdivision and 511 Fishkill Avenue development. After careful review of all factors Mr. D’Andrea reported similar Levels of Service (LOS) and delays will be experienced with the addition of this development, and the added traffic is not expected to cause any significant impact in overall operation. He indicated that the LOS will go from a D rating to an E rating.

Ashley Ley reviewed the School Impact Analysis prepared for the project to determine the potential for public school-age children in this development. Each of the 42 townhouses have three bedrooms and based on Rutgers’ 0.28 multiplier per unit, the project will generate 12 public school age children. Ms. Ley reported they submitted a Freedom of Information request to the school district to determine actual enrollments for similar projects and are awaiting a response. The study determined the project would generate approximately \$248,535 to \$265,104 in taxes for the school district. Mr. Clarke advised the applicant to use a higher multiplier for the affordable units as they typically have larger families.

Beth Selig reported on the Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archeological Field Reconnaissance Survey that was done for the project. This review of archeological resources and overview of the history of the project site will be sent to the Office of Parks and Recreation for their review. Ms. Selig described their method of investigation which included a physical shovel test of the site. The site was formerly farm land related to Matteawan Hospital and HVCRC was of the opinion that no additional cultural resources investigations are warranted for the project.

Mr. Clarke noted that a 50-foot right-of-way was reserved for connecting this parcel to the 25 Townsend Street subdivision therefore this plan should include a proposed street extension of that right-of-way to show connection. He advised the applicant that a 10-foot wide emergency access lane wedged between two of the buildings is not sufficient. Mr. Clark felt the site plan layout is not typical of traditional urban-type developments in Beacon. The townhouses are arranged so that building fronts are dominated by driveways and garage doors with no sidewalks which is not consistent with other developments in the City. He advised the applicant to consider a different unit type or fewer units to maintain a street scape that is typical in Beacon.

A lengthy discussion took place with regard to delineation of the wetlands on site and Mr. Clarke summarized his remaining comments about landscaping, architectural review, floor plans and the shape of proposed drainage basins.

Mr. Russo advised the applicant that future pedestrian connections to adjacent parcels and pedestrian linkages to other locations must be shown. He had concern for access to the site due to the excessive length of the extension from Hastings Drive. It is a significantly long dead end/cul-de-sac serving 42 townhouses which poses a concern for emergency vehicle access. He advised the applicant to consider all access possibilities, including Conklin Street. Mr. Russo pointed out that when the hospital provided this access it was for a senior housing development. A lengthy discussion about easements and emergency access took place. The 12" water main is a transmission main carrying water to the Town of Fishkill and is not suitable for tapping. The City does not want to take on sewer pump stations so there will need to be a Homeowner's Association for maintenance. Mr. Russo reviewed the remainder of his comments which included stormwater mitigation measures, grading and construction phasing.

Discussion took place with regard to the connection between Townsend Street and this property. Contract vendee Greg Kamedulski spoke about the emergency access and advised members of his experience with several developments throughout his career. Mr. Clarke emphasized on the importance that the two developments connect aesthetically and environmentally. Members expressed concern about school impact, busses for children, pedestrian access, continuity between areas and connecting neighborhoods, garage doors, building materials that fit in with the local architectural style, the traffic study which should include Sundays, and packing too much on the parcel.

Due to the October holiday, the applicant requested review of the item continue at the November meeting. After some consideration Mr. Williams made a motion to refer the application to the City's traffic consultant, seconded by Mr. Lambert. All voted in favor. Motion carried. 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. Muscat. All voted in favor. Motion carried.

**ITEM NO. 7 REVIEW APPLICATIONS FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, "TWO CROSS STREET" 4 CROSS STREET/172 MAIN STREET, FOUR-STORY MIXED USE BUILDING, SUBMITTED BY HUDSON TODD, LLC**

This item was postponed at the applicant's request.

**Miscellaneous Business**

Zoning Board of Appeals – September agenda

Members reviewed the agenda for the Zoning Board of Appeals' August meeting and had no comments.

City Council request to review proposed Local Law amending the Historic District and Landmark Overlay Map (HDLO) and Zoning Map by the addition of 36 landmarked properties

Discussion about the proposed nominated additions to the HDLO zone continued. Mr. Clarke explained the City Council is considering removing the restriction about interior changes,

creating tax incentives, not charging or paying for architectural review fees, or generating a list of specific features that must be preserved on a given site. It was noted that if a property owner is opposed to being added to the HDLO zone, a super majority vote will be needed to remove the property. The City Council public hearing has been postponed until December which allows the Planning Board time to discuss the matter further before making any recommendations.

Request for extension of Site Plan Approval – 249 Main Street

Property owner and developer Hugh Lewis submitted a request for a six month extension of Special Use Permit Approval for his project at 249 Main Street. Mr. Lewis cited delays which occurred in the construction process when they were working with a computer tech company (Docuware) that was considering to move into both the retail space and second floor of the building. City Attorney Jennifer Gray explained the board has the authority to issue one or more six month extensions. Mr. Buckley reported the owner indicated they would need six months beyond the November approval date of their Special Use Permit to complete construction. After a lengthy discussion about the slow progress of the project, Mr. Gunn made a motion to grant a two month extension, seconded by Mr. Lambert. All voted in favor. Motion carried.

**Architectural Review**

Single Family House – St. Luke’s Place

This item was postponed to the October 8, 2019 meeting at the applicant’s request.

Certificate of Appropriateness – 7 East Main Street Hudson Valley Brewery, change façade material

Property owner Johnanthony Gargiulo presented his proposal to change the previously approved siding and railing materials on the outdoor seating area for the brewery at 7 East Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed material and color change (black) and after careful consideration, Mr. Williams made a motion to approve the change as presented subject to the applicant providing a color swatch for the file, seconded by Mr. Burke. All voted in favor. Motion carried.

Certificate of Appropriateness – 193-195 Main Street; change façade color

Property owner Kamal Jamal described his proposal to repaint the storefronts at 193-195 Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration, Ms. Reynolds made a motion to approve the change trim color to Benjamin Moore Hamilton Blue (HC-191) and storefront Montgomery White (HC-33), seconded by Mr. Barrack. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Williams, seconded by Mr. Lambert. All voted in favor. Motion carried. The meeting adjourned at 10:15 p.m.