

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on October 21, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/368026292>

**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

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

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**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.

Theresa Kraft

Ms. Kraft said that the Council is spinning its wheels on issues that are beyond Beacon's jurisdiction. She specifically pointed out the Marijuana de-prioritization issue.

She said the city should protect the historic Main Street viewscape, cultural resources and historic viewsheds. Put a definitive stop to four-story buildings. Beacon has a homelessness issue, an issue with pan-handlers and a lack of low-income and affordable housing.

The City needs more support from developers.

Stosh Yankowski

Mr. Yankowski urged the Council to support the Early Terrible Wine Bar Special Use Permit application. Parking will not be a problem, if there is a parking problem it will come from the monstrosities on Main Street. He is disappointed in everyone on the Council except Council Person Nelson because he was the only one to come out publicly against four-story buildings on Main Street. He said 90 – 95 percent of Beaconites are against four-story buildings on Main Street.

**Public Hearing:**

**Public Hearing Regarding Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street**

Mayor Casale:

This project will cost \$219,786 with \$160,000 from a Community Development Block Grant.

Theresa Kraft

The site plan is hard to see, can the city provide clearer plans in the future? The telephone poles are an impediment in the parking lot, can something be done to improve that section?

- Motion to Close Public Hearing
- Motion by Council Person Rembert
- Second by Council Person McCrede
- Motion Passes 7 - 0

**Public Hearing for a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement**

Nick Ward-Willis

The proposed local law is intended to close a gap and provide the Building Inspector with a greater enforcement tool. The law was forwarded to the City Planning Board and the County Planning Board. The County decided it was a matter for local determination and the City Planning Board decided to unanimously support the legislation.

Theresa Kraft

Ms. Kraft supports the proposed law.

- Motion to Close Public Hearing
- Motion by Council Person Rembert
- Second by Council Person McCrede
- Motion Passes 7 - 0

**Public Hearing for a Proposed Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance**

Council Person Mansfield recused himself from the conversation because of a conflict of interest.

Theresa Kraft

When a venue space abuts residences, they should not have outside amplified sound. The Roundhouse, the Beacon Hotel and Melzingah Tap House will have to comply. Secondly, the amplified background music should be on a short-term permit basis. Permits should be revoked rather than fining businesses for violations. Stop the music.

Scott Lerman

Mr. Lerman thanked the Council for their work. He said that this law allows for a reasonable amount of noise without intruding on homes and streets. It's critical to pass a new law. Beacon can't regulate the content of the DJ's so it has to regulate the intensity of sound. He suggested lowering the allowable DBA by five DBAs during the day and night. Consider revising the background amplified music, perhaps a permit that can be revoked. Penalties for violations need to be more severe for repeat offenders because some businesses may build the fees into their budget.

John Dacey

Mr. Dacey thanked the Council for their efforts and for the opportunity to speak on the matter. The new ordinance needs to be readily enforced. This past summer the noise has far exceeded the regulated noise levels. The new ordinance does not make clear the noise from voices. He asked how it is enforceable and why voices are treated differently. On August 3<sup>rd</sup> the noise was exclusively from voices and it never went below the existing ordinance level. Beacon Police made their own sound measurements and agreed the Hotel should be cited. The Police Department said they couldn't cite the Hotel without citing every single person at the establishments and they were understandably unwilling to do so. The noise ordinance should include voices and crowd noise.

Stosh Yankowski

Mr. Yankowski said that human voices should be included in the ordinance and should be regulated.

Nick Ward-Willis

The law reads "A noise disturbance is prohibited" that would catch loud human voices. Under this law the Police Department would be allowed to cite an establishment without citing all of its patrons.

Sharon Bran

Ms. Bran lives on South Street behind a bar/restaurant. She said the voices can get very loud and it sounds like the people are in her front yard. She suggested that the back door of the bar be closed by 10 pm.

Jessica Ericksom

Ms. Ericksom thanked the Council for their service. She said that people aren't as responsible for themselves as they used to be. Unfortunately, we have to legislate the sound.

John Anthony

Mr. Anthony said that he is the owner of 7 East Main Street. He said that he respects the people who live in Beacon and he understands that people want to be able to relax in their own homes. New businesses need to know about the law before the Public Hearing is closed. He pointed to page 11. Playing music with all of the doors and windows closed is a little extreme. There are a lot of businesses on Main Street that will have amplified sound with their windows open and it is not a nuisance. Not every business in Beacon has air conditioning. Not having drums outside is grasping at straws – yet you can have trumpets or a mariachi band? He said if he is in compliance then allow him to continue operating as he is now. People complaining about noise should be within a specified distance of the perpetrator. Putting 50 feet between a speaker and a property line is going to be very difficult for some businesses in Beacon. Why measure ten feet from the device? His general message was that this proposed law is too extreme.

Council Person Kyriacou

Mr. Kyriacou said that the proposed law is too long and complicated. There should be a noise level standard or there should be permitted and non-permitted acts. The Council should choose. He would like to discuss this in a Workshop meeting. He suggested setting the right limits and measuring correctly.

Ms. Grant agreed with Mr. Kyriacou.

- Motion to Adjourn Public Hearing to November 18, 2019
- Motion by Council Person Grant
- Second by Council Person McCredo
- Motion Passes 7 - 0

### **Continuation of a Public Hearing Regarding 248 Tioronda Avenue Concept Plan from October 7, 2019**

Nick Ward-Willis

This Public Hearing was adjourned because the applicant was interested in taking advantage of an updated jurisdictional determination from the Army Corps of Engineers. Their new proposal would not add to their footprint. They will not proceed with plans to apply for four additional units. This will go back to the Planning Board for Site Plan approval.

Theresa Kraft

After years of resistance from local families, this high-density project is slipping through the cracks. She expressed concern that this old brownfield site is not safe for development. What will the developer find when they start digging? Remaining pollutants will need to be managed over time. There will be a presence of environmental contaminants. We need to think long-term, who will accept the liability if

something goes wrong. Rooftop mechanical buildings should be presented clearly. She wants to see real-life renderings of the proposed ramp and subsequent build-out.

Arthur Camins

Mr. Camins said that people in the United States have lost faith in government and have become cynical. He told the Council that what they do here will be dear to the heart of many in Beacon. The rendering of the proposed building says it is a three-story building. It appears however to be a four-story building. Actually, it's more than a four-story building with the gray stuff on the top. This is an opportunity for the Council to tell Beacon that they actually follow their own laws. Additionally, does Beacon really need another 64 units? We need to take a broader look at the issues in Beacon, particularly infrastructure and affordability in the context of development. Ten percent set-aside for affordable housing is woefully inadequate. He urged the Council to reject the application as it stands right now.

Meg Oaks

Ms. Oaks said that this is a beautiful location and right now there is a beautiful view of the mountain. The size of the building should be minimal, there shouldn't be a lot of clutter on top of the building. The number of units is high, there is already a lot of traffic there plus lots of pedestrian tourists. She is also worried about the volume of water available in the city considering an additional 64 units.

Jessica Eriksom

She said that she and her husband were told that the property could be developed eventually. She lives nearby. They were told that it could be developed as a three-story building. She doesn't understand the grey box on the top of the buildings. The mountain should be everybody's and not blocked by a big box.

- Motion to Close Public Hearing
- Motion by Council Person Rembert
- Second by Council Person Mansfield
- Motion Passes 7 - 0

**Speakers:**

### **Council Reports**

#### Council Person Terry Nelson

Mr. Nelson said that several residents got in touch with him and said that they received anti-LGBTQ hate mail. Each of these residents had a pride flag displayed outside of their homes. Whenever you see or hear hateful acts, call them out on the spot.

Anthony Ruggiero

Mr. Ruggiero said that the Police Chief has forwarded the mailer to the District Attorney and the Post Office. He said the Police Department is taking the matter seriously and that people who receive these letters should file a complaint with the Police Department.

Council Person Jodi McCredo

Ms. McCredo thanked everyone who came to the meeting and sharing their thoughts. She said she wanted to discuss balconies over Main Street. She is looking forward to discussing parking on Main Street and possibly restriping. She reminded people to park as close to the curb as they can. She also remind everyone that early voting is available to voters.

Council Person Mansfield

Council Person Mansfield said that it is important to consider the fact that buildings which are supposed to be three stories but appear to be four are such, in some cases, because the impervious parking is placed underneath the building.

Council Person Kyriacou

Mr. Kyriacou said that it is clearly more expensive to build underground parking than it is to build parking adjacent and it is to our advantage as a community. He thanked Council Person Nelson for bringing up the issue of hate mail to homeowners with LGBTQ flags. He said if you step into the shoes of people who received those letters, you cannot help but to conclude that you are unwelcome and you may well feel threatened. That is not the community we want; we have to figure out how we all live and work together. If it requires an official policy then we should look into it.

Council Person Rembert

Mr. Rembert said he wants to continue to look at affordable housing. People are having a hard time staying and affording this area. He said that there should not be any more four-story buildings.

Council Person Grant

Ms. Grant said that the Traffic Safety Committee has reviewed 248 Tioronda Avenue and they decided that the Police will monitor the situation.

She thanked the city for confirming Beacon's status as an Interested Party in the Danskammer proposal.

She asked about the status of the project on Phillips Street.

She asked that Beacon consider recognizing Indigenous People's Day.

Mayor Casale

Mayor Casale read a certificate of recognition he gave to the family of Leon Cochrane Sr., please see below:

*For his service to this country in the United States Army during the Korean Conflict, and his many outstanding accomplishments. He is a Beacon High School Graduate and was the first African American elected to the City of Beacon Board of Education. He was one of the first African American Engineers hired by IBM, where he worked for 35 years. Mr. Cochranes' dedicated service as a Veteran and community leader is inspiring for all of Beacon's residents. The City of Beacon is proud of Mr. Cochrane.*

Mayor Casale said the Council should have a public hearing regarding balconies and four-story buildings on Main Street. Ms. McCredo, Ms. Grant and Mr. Rembert all agreed.

#### Anthony Ruggiero

Mr. Ruggiero gave an update on the Stage 1 Drought. There will be an update in the next two weeks from the water consultant. Phillips Street should be paved by the end of the month.

#### **Resolutions, Ordinances and Local Laws:**

**1. A Resolution Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street**

- Motion by Council Person McCredo
- Second by Council Person Nelson
- Resolution passes 7 - 0

**2. A Resolution to Approve a Proposed Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon Regarding the Nuisance Policy**

- Motion by Council Person McCredo
- Second by Council Person Rembert
- Resolution passes 5 - 2 (Mayor Casale and Council Person Grant voted against the law)

Council Person McCredo

Ms. McCredo asked if a business consistently violates the noise ordinance, would that fall in the nuisance ordinance?

Nick Ward Willis told her that yes, it would.

**3. A Resolution Approving a Special Use Permit for the Early Terrible Wine Bar at 305 Main Street**

- Motion by Council Person Nelson
- Second by Council Person McCredo
- Resolution passes 7 - 0

**4. A Resolution Referring Proposed Verizon Wireless Co-Location of Cellular Antennae Facility on Existing Telecommunication Tower on the Roof of the Mase Hook and Ladder Building to the Planning Board for Review and Comment**

- Motion by Council Person Mansfield
- Second by Council Person Grant
- Resolution Passes 7 - 0

**5. A Resolution Setting a Public Hearing to Discuss the Proposed 2020 City of Beacon Budget for November 18, 2019**

- Motion by Council Person Nelson
- Second by Council Person Rembert
- Resolution passes 7 - 0

**Approval of Minutes**

Motion to approve council minutes from October 7, 2019

- Motion by Council Person Grant
- Second by Council Person McCredo
- Motion passes 7-0



**Budget Amendment**

- Motion by Council Person McCrede
- Second by Council Person Mansfield
- Motion passes 7-0

**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:**

Louis Amoroso

Mr. Amoroso said that a few years ago the Mayor nominated him to be on the Planning Board. He was not appointed by the Council because the people on the Council didn't want him since he holds anti-development views. If developers do it right, the ceilings won't be so high. The trees are blocking the views of the river. There are houses without numbers near the road for emergency services. People don't care about their neighbors anymore.

**Adjournment:**

- Motion by Council Person Rembert
- Second by Council Person McCrede
- Motion passes 7-0

Next Workshop: October 28, 2019

Next Meeting: November 4, 2019