

**Planning Board
November 13, 2019**

The Planning Board meeting was held on Wednesday, November 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Acting Chairman Randall Williams, Members Jill Reynolds, Rick Muscat, Patrick Lambert and David Burke (in at 7:24 p.m.). Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Chairman John Gunn and Member Gary Barrack were excused.

Training

Mr. Clarke explained Verizon is deactivating their wireless tower on Mount Beacon and will be adding smaller local towers in different areas in the City. One tower is currently located on Rombout Avenue and they want to add another on the east end of Main Street. They studied eleven sites and narrowed it down to two – build a new tower on the building they own on Main Street or co-locate on the existing tower on Mase Hook & Ladder. The antenna will be no higher than the existing one but will be thicker with a cable leading to fenced-in equipment area behind the building. Mr. Clarke explained that based on case law the facility is exempt from land use review however the Planning Board has the jurisdiction to review the request as an “eligible facility” because it will be co-located on an existing telecommunications tower. The New York State Office for Historic Preservation reviewed the proposal and found no adverse impact from an historical analysis perspective. Representatives from Verizon were in attendance to answer questions. Members gave careful consideration to the location of the generator, including the wooden enclosure, maintenance responsibility and times that it will exercise, longevity of the antenna’s reflective material, the structural integrity and chosen location on the roof, and duration of the lease. Members agreed with the City Council that the proposed location is preferred above the alternative new 80 ft. monopole on the Verizon building and concurred that the proposal is properly classified as an Eligible Facilities Request.

Mr. Clark summarized proposed changes to the Waterfront Development Zone, Central Main Street District and Linkage District for porches and balconies currently under consideration by the City Council. Concerns were raised about overhanging open porches and balconies therefore Council determined that they should be removed from design standards established to encourage elements of architectural interest (David Burke joined the meeting). In addition, the Council reduced the distance for which an encroachment is permitted over municipal property from 2 to 4 ft. and that encroaching building elements must be at least 12 feet above grade.

Regular Meeting

The regular meeting started at 7:30 p.m. with Mr. Williams calling for corrections/additions or a motion to approve minutes of the October 8, 2019 meeting. Mr. Burke made a motion to approve the minutes of the October 8, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

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 December 10, 2019 meeting at the applicant’s request.

ITEM NO. 2 CONTINUE REVIEW OF 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

Applicant Joe Donovan introduced his design team: Design Consultant Austin Harris, Architect Joseph Torhan, Engineer Eric Rogge of Hudson Land Design, and Attorney Jennifer VanTuyl of Cuddy & Feder, PC. Mr. Donovan provided a detailed history of the area formerly known as “Bank Square” showing buildings and building heights that existed and were removed over the years. This development was designed to honor current buildings as well as those from the past. The proposal is to integrate two existing buildings at 172 Main Street and 4 Cross Street with new construction on the now vacant lot at the corner of Main and Cross Streets. This will create a single mixed-use structure with retail uses on the first floor, affordable senior housing on the second floor, and office uses on the third floor. The portion of the building that is located within the CMS District will have a fourth floor for flexible office use. The proposal includes a public plaza featuring landscaping and decorative hardscape; parking is proposed on site as well as off-site locations.

Architect Austin Harris explained this project will encourage private and public use with a small public park to create community space. They look forward to working with the Planning Board, the Architectural Review Board Subcommittee, and City Council to maintain the neighborhood character and building heights. The proposed buildings will be four stories but will not exceed the height of existing three-story buildings by internally creating 11 ft. high retail space ceilings, 8 ft. high residential space and 10 ft. high office space. Mr. Donovan explained they need a four story building to draw businesses and make this project work. He understood there are several hurdles to overcome and held hope that zoning changes could be made to eliminate the number of variances needed. Mr. Clarke reviewed zoning regulations, as well as actions or approvals that would be needed from each board, and City Attorney Jennifer Gray advised that a subdivision to combine the lots will be necessary. Mr. Donovan reported they will be attending a City Council workshop to present their proposal and discuss options. He said they have a few potential tenants and are working with Hudson Valley Housing on the nine affordable supported-senior housing units. Members suggested they work with local artists to create features for the open public park space. A lengthy discussion took place with regard to the approval process, specifically to the sequence of steps that must take place.

A lengthy discussion took place with regard to the proposed four-story building and setback requirements that exist in today’s zoning regulations. Concerns were raised for proposed off-street parking being in two separate off-site locations, one of which is in a residential district. Among several items outlined in Mr. Tully’s engineer review letter, he noted the Inflow & Infiltration study revealed interconnections to the sanitary sewer system and advised they be addressed with the Building Inspector as soon as possible.

City Attorney Jennifer Gray advised members that they could authorize circulation of the Board’s intent to act as Lead Agent in the SEQRA review process and advised the applicant to revise their EAF to include the subdivision to combine the lots. She noted that this application is covered under the current moratorium and no approvals can be granted until the moratorium is lifted.

After some consideration, 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. Burke. All voted in favor. Motion carried.

Architectural Review

Certificate of Appropriateness – 17 East Main Street, sign

Frank Martinez presented his proposal for a 24" x 18" perpendicular hanging sign at 17 East Main Street advertising "Solstad House". The double-sided sign will be made from high-density PVC with vinyl lettering hung from a 30" black iron sign bracket. After some discussion, Mr. Lambert made a motion to approve the sign subject to the applicant providing color swatches for the file, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE REVIEW OF APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, "BEACON VIEWS TOWNHOUSES" 42 UNITS, CONKLIN STREET, SUBMITTED BY BEACON VIEWS, LLC

Attorney Richard Olson of McCabe & Mack, LLP (in for project attorney Richard Cantor who was recovering from surgery), introduced design team Project Manager Greg Kamedulski, Architect Aryeh Siegel, Phil Grealey of Maser Consulting, and Adam Thyberg of Insite Engineering. Mr. Olson described the proposal to subdivide and develop an 8.55-acre site to create a 39-unit townhouse development. Since their initial presentation they met with City consultants to discuss how access would be provided to the project and modified plans were submitted for review.

Adam Thyberg reviewed the proposed road configuration and explained the main access will be from the Townsend Avenue subdivision with emergency access over the easement on Hastings Drive. The applicant is seeking relief from the front yard setback and building separation requirements which can be done with a conservation subdivision. Mr. Thyberg explained there will be four points of pedestrian access to the site: a crushed stone walkway will lead to Conklin Street and to a passive recreation area near Meadow Ridge II, and sidewalks will be extended to Delavan Avenue and the Townsend Street subdivision. Aryeh Siegel presented the revised building design and layout showing garages to the rear with a variety of elevation styles, colors and roof shapes.

Mr. Clarke explained the applicant is seeking a conservation subdivision which allows the board to modify lots sizes, setbacks, streets, and other requirements in order to preserve natural features of the site. He advised the applicant that they must obtain a federal wetland permit and submit a wetland report to the City of Beacon. He suggested the Hastings Drive connection be shifted to the north as far as possible to minimize encroachment into the federal wetlands. Mr. Clarke explained the side and rear driving lanes must be a minimum of 20 feet wide for fire access. He suggested the two townhouse rows on the easternmost portion of the parcel be shifted to allow two more units to provide one more below-market-rate unit.

Mr. Tully reviewed his engineering comments and noted this is not an easy site to access. The Townsend Street subdivision has not been filed so the easement for access is not yet secured. Although access is a major factor, it won't likely have a large effect on the proposed

layout. Discussion took place with regard to the easement over Hastings Drive which was previously granted for an age-restricted development.

Traffic Engineer Phil Grealey spoke to the Delavan Avenue (Hastings Drive) access which was addressed when they did the traffic study for the 25 Townsend Street subdivision. In terms of traffic generation, he reported an age restricted development would generate slightly less traffic however this development maintains similar levels of traffic generation. The traffic study will be updated based on the City traffic consultant's review letter.

Member concerns included comments that the buildings appear too tall, seemed off-scale, had unappealing colors, and had no stoops or overhead protection. The applicant was advised to remove the high dormers to make the buildings appear to be three stories, add front porches, and improve the landscaping plan.

After careful consideration, Mr. Lambert made a motion to refer the application to the architectural review subcommittee, seconded by Mr. Burke. All voted in favor. Motion carried.

ITEM NO. 4 REVIEW APPLICATIONS FOR SPECIAL USE PERMIT, SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, NEW SINGLE FAMILY HOUSE WITH ACCESSORY APARTMENT AND ARTIST STUDIO SPACE, 1182 NORTH AVENUE, SUBMITTED BY ANDREW MACDONALD

Engineer Dan Koehler of Hudson Land Design, described his client's proposal to reconfigure two existing lots with a lot line realignment (subdivision) to build a new single-family house, including an attached accessory apartment and attached for-rent artist studio at 1182 North Avenue. The property is located in the R1-7.5 zoning district and the Historic District and Landmark Overlay zone. Special Use Permits are needed from the City Council for the accessory apartment and artist studio, and Site Plan and Subdivision Approvals are needed from the Planning Board. The accessory uses will be located on the ground floor entering into a common foyer; the single-family house will be on the second floor of the structure. The driveway will be relocated.

Mr. Clarke confirmed Special Use Permits are required from the City Council for the for-rent artist studio and accessory apartment. He expressed concern that the floor plan for the artist studio had all elements of a studio apartment therefore asked that it be made clear the space is not to be used as a residential apartment. Mr. Clarke asked for additional screening around the parking area and more information is needed on the building elevations.

Mr. Tully reviewed his engineering comments and advised only six parking spaces are required but a total of eight are proposed. He asked that sight distance measurements be provided for each driveway. Discussion took place with regard to hours of operation for the artist studio.

After some consideration, Mr. Muscat made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process if needed and authorize circulation of a Notice of Intent to act as Lead Agency, seconded by Mr. Lambert. All voted in favor. Motion carried.

Mr. Lambert made a motion to schedule a public hearing for SEQRA environmental review for the December meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 5 REVIEW APPLICATIONS FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, 3 WATER STREET, SUBMITTED BY POK BEACON, LLC

Aryeh Siegel described his client's proposal to create an accessory apartment at 3 Water Street. The property was originally two lots – one located in the CMS zoning district and one in the R1-5 zoning district. The lots were consolidated and a portion still lies in the CMS district. City Attorney Jennifer Gray explained that when a property is split between two zoning districts, Section 223-6 regulates that use of the least restricted portion of the lot cannot extend into the more restricted portion but conversely can go the other way. Property owner Peter O'Kennedy explained he combined the lots through Dutchess County and City Attorney Jennifer Gray explained the City's local code requires applicants to go through the Subdivision Approval process to make the merge legal. Zoning changes under consideration include this property and the portion situated in the CMS district will eventually be rezoned to the R1-5 zoning district.

Mr. Clarke reviewed his comments and advised the applicant to show dimensional calculations for the accessory apartment. A lengthy discussion took place regarding the parking layout which doesn't meet standards because parking is not permitted in the front yard. Mr. Tully explained the geometry of the parking lot does not work and recommended parking be put on the south side of the property. Mr. O'Kennedy did not want to relocate parking because his wife wants a garden area in that space. The applicant will return for further review.

ITEM NO. 6 REVIEW APPLICATION FOR SITE PLAN APPROVAL, MULTI-FAMILY RESIDENTIAL (62 UNITS), 16 WEST MAIN STREET, SUBMITTED BY FARRELL BUILDING COMPANY

Aryeh Siegel, with Stephen Spina of JMS Planning and applicant representative Stephen Zagoren, described his client's proposal to construct a new building with a fourth story setback to create a 62-unit residential multifamily development at 16 West Main Street. There will be a mix of one-and two-bedroom units, six of which will be below market rate. The building exterior is brick and board and batten Hardee board with balconies overhanging solely on their property. The project is located two blocks away from the train station and is located in the Linkage District which allows the Planning Board to make exceptions with regard to the number of parking spaces required. The applicant will add bicycle racks and in-building bicycle storage space.

Engineer Stephen Spina explained access to the site would be from Bank Street and West Main Street. A total of 62 off-street parking spaces are required and they will be seeking a parking waiver to provide only 49 spaces. The site will be improved with landscaping, lighting, a small patio, a rain garden, a garbage enclosure, sidewalks, snow storage space and a bridge connecting portions of the building. He described changes to drainage and noted the City drainage easement that runs through the property would be relocated. They intend to use existing utilities connections from West Main Street.

Members expressed concern for parking, the walkway entrance, overall building design, peaked roofs, window definition, balcony design, and the bridge connecting the two buildings.

Mr. Tully asked that the Inflow and Infiltration study of the site be done as soon as possible. His comments included the need for a traffic study, sewage study, soil testing, and clarification on the site which involves three separate tax parcels. Mr. Tully had concern for encroachments on the northern portion of the site and the existing City easement which will need to be addressed.

Mr. Clarke asked that a narrative of the proposal be done to justify consistency with the LWRP, Linkage District and Comprehensive Plan. He reviewed his comment letter and discussed lighting, landscaping, parking and building architecture.

ITEM NO. 7 REVIEW REQUEST TO SET PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL (RELATIVE TO A SPECIAL USE PERMIT), WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER

Brad Will of Ashokan Architecture sent e-mail correspondence respectfully requesting members consider setting a public hearing on the application for Site Plan Approval for December 10th meeting. The City Council granted a Special Use Permit for the Wine and Tapas Bar however the applicant was not prepared to submit materials for the November meeting. After careful consideration, Ms. Reynolds made a motion to set a public hearing on the application for Site Plan Approval relative to the Special Use Permit for the December meeting, seconded by Mr. Burke. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – November agenda

Members reviewed the Zoning Board of Appeals' agenda which had two applications for area variances – one for a 6 ft. fence in the front yard and one for a 5 ft. fence in the side yard of a corner lot that is within 100 feet of the intersection. Mr. Clarke explained that in zoning changes under consideration, the City Council is likely to reduce the 100 ft. restriction to 30 feet. Members had concern for the 6 ft. high fence in the front yard because they felt it unnecessary, inappropriate, and setting precedent. A memorandum will be sent to the Zoning Board of Appeals.

Review Street Name Proposal – River Ridge

City Attorney Jennifer Gray explained that pursuant to Section 195-21.G of the Code of the City of Beacon, the Planning Board must approve the proposed street name for the private road which is part of the River Ridge Views Subdivision off Wolcott Avenue. The Dutchess County Real Property Tax Department also reviewed the two proposed names – “River Ridge Court” and “Ridge Court”. After careful review, Mr. Muscat made a motion to recommend the private street be named “River Ridge Court”, seconded by Mr. Burke. All voted in favor. Motion carried.

City Council request for report and recommendation on co-location of cellular antenna facility, 423-425 Main Street (Mase Hook & Ladder)

As discussed during the training session City Attorney Jennifer Gray summarized the items that were reviewed with regard to the proposed co-location of a cellular antenna facility at 423-425 Main Street (Mase Hook & Ladder). After careful consideration, Mr. Muscat made a motion to authorize a memorandum be drafted advising the City Council of the board's discussion, seconded by Mr. Lambert. All voted in favor. Motion carried.

City Council request to review Local Law amending Chapter 149 and Chapter 223, Section 29 of City Code concerning noise regulations

Mr. Clarke and City Attorney Jennifer Gray reviewed the proposed Local Law to amend Chapter 149 and Chapter 223, Section 29 of the City Code concerning noise regulations. The noise regulations contained within Chapter 223 performance standards are proposed to be repealed and Chapter 149 will encompass all noise regulations. Review included modifications to the proposed local law discussed by the City Council at its October 28, 2019 workshop meeting, including an administrative permitting program for sound production from certain commercial establishments. After careful review Mr. Muscat made a motion to recommend the City Council adopt the proposed Local Law as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

City Council request to review Local Law amending Chapter 223, Section 14 of City Code concerning exterior lighting

Mr. Clarke reviewed the proposed Local Law to amend Chapter 223, Section 14, Subsection B of the City Code concerning exterior lighting. He explained the intent of the law and provided a detailed overview for members' consideration. After reviewing the proposal, Ms. Reynolds made a motion to recommend the City Council adopt the Local Law as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

City Council request to review Local Law amending Chapter 223, Sections 41.4, 41.18, and 41.21 concerning balconies in the WD, CMS & Linkage Districts

As discussed during the training session, members continued review of the proposed Local Law to amend Chapter 223, Sections 41.4, 41.18, and 41.21 concerning Balconies in the Waterfront Development Zone, Central Main Street District, and Linkage District. After reviewing the proposal, Mr. Muscat made a motion to recommend the City Council adopt the proposed Local Law as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Muscat, seconded by Ms. Reynolds. All voted in favor. Motion carried. The meeting adjourned at 10:40 p.m.