

**Planning Board**  
**January 14, 2020**

The Planning Board meeting was held on Tuesday, January 14, 2020 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Randall Williams, Rick Muscat, Karen Quiana, Len Warner, and Kevin Byrne. Also in attendance were City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Jill Reynolds was excused.

**Training**

City Attorney Jennifer Gray summarized the Planning Board's general procedures and standards for existing and new members of the Planning Board. She reviewed open meetings law, executive sessions, Freedom of Information Law (FOIL), and went over the Planning Board's responsibilities. The required four hour training each year is fulfilled with training sessions that take place before each meeting, or educational opportunities offered outside the City. She explained the Planning Board implements zoning laws established by the City Council, where the Zoning Board has the authority to grant relief from those zoning regulations. City Attorney Jennifer Gray emphasized the importance of establishing a rational basis for any decisions or approvals made by the Board. The Planning Board is tasked to review Site Plans, Subdivisions, Special Use Permits (in some cases), SEQRA, acts as the Architectural Review Board, and issues Certificates of Appropriateness for properties located in the Historical Overlay and Landmark Zone. Members were referred to review the Planning Board's rules of procedure for public meetings.

**Regular Meeting**

The regular meeting began at 7:30 p.m. with Mr. Gunn welcoming new members to the board. Four affirmative votes are needed to take action, and because only three members that participated in the December 2019 meeting were present, the minutes of the December 10, 2019 meeting will be voted on at the February 2020 meeting.

**Miscellaneous Business**

Consider adoption of a Resolution appointing Planning Board members to the Architectural Review Subcommittee

Two Planning Board members volunteered to be on the Architectural Review Subcommittee to replace former members David Burke and Gary Barrack. After careful consideration of the commitment for daytime meetings, Mr. Gunn made a motion to make the following appointments to the Architectural Review Subcommittee: Kevin Byrne for a 2-year term expiring January 2022; Len Warner for a 1-year term expiring January 2021; and Jill Reynolds for a 1.5-year term expiring June 2021. The motion was seconded by Mr. Williams. All voted in favor. Motion carried; 6-0

**ITEM NO. 1 CONTINUE PUBLIC HEARING ON APPLICATIONS FOR SUBDIVISION (LOT LINE REALIGNMENT) APPROVAL AND SITE PLAN APPROVAL RELATIVE TO CONCEPT PLAN APPROVAL, 23-28 CREEK DRIVE, MIXED USE DEVELOPMENT, SUBMITTED BY 23-28 CREEK DRIVE, LLC**

Mr. Byrne recused himself from discussion of this item as he had publicly commented on the application prior to his appointment to the Planning Board.

Attorney Taylor Palmer, Contract Vendee Rodney Weber, and Engineer Michael Bodendorf were present to continue review of the proposed mixed-use commercial and residential development at 23-28 Creek Drive. Mr. Palmer summarized the history of the application noting the City Council granted Concept Plan Approval, the Planning Board issued a Negative SEQRA Declaration, necessary variances were granted by the Zoning Board of Appeals, and work with Greenway Committee was done. A public park will be maintained by the property owner and the greenway trail will connect to the trails on either side of the property. Mr. Siegel described site access, property and building layout, and compared the building architecture and materials to others in the area. Mr. Weber explained Creek Drive will only be used as an emergency access because the City did not want two access points so near each other on Churchill Street, and an easement is in place a portion of the road is owned by Metro North. Discussion took place with regard to the Main and Churchill Street intersection, potential impacts to Fishkill Creek, stormwater management, and site remediation.

Mr. Clarke reviewed his planning comments, noting the lighting plan must be in compliance with the City's new regulations. Although the landscaping was improved, trees in the parking area must be a minimum of 3-inches in diameter. Mr. Russo reviewed his engineering comments and reported the applicant submitted information to the Dutchess County Health Department as required. Mr. Gunn opened the floor for public comments.

Thomas Wright, Chairman of the Greenway Committee, submitted a late memorandum based on last minute discussions with members. He reported the applicant has worked with them however he wanted to summarize their comments and concerns. Discussion took place with regard to the trail and the applicant agreed to the following:

- provide trail dimensions
- stake out the trail at the north end of the parcel
- created a planted shoulder between the access drive at the portion of trail between the radius and existing trail
- provide plantings along the wall in the pinch point area
- make a 2 ft. shoulder on each side of the trail where possible
- submit a formal easement agreement with adjacent property owner for the area that extends into the adjacent property
- provide stair detail
- return to the Planning Board for approval if retaining walls are needed  
situate the viewing platform to the lowest set of stairs
- include sign-off from the Greenway Trail Committee
- submit details for proposed benches
- add a note on the plan indicating the trail will not be used for snow storage
- stake out the trail prior to construction

Arthur Camins, 39 Rombout Avenue, felt the proposed exterior building materials were not in line with buildings in the surrounding area. He believed the top three floors should be brick, and that windowsills, lentils and window setbacks should be made part of the design.

James Grigg, 11 Creek Drive, Chief Finance Officer of Orange Regional Medical Center in Middletown, and Beacon's representative on the Dutchess County Board of Health, spoke to the habitat and natural landscaping the applicant provided in the neighboring development along the creek. He indicated wildlife thrives due to the landscaping the developer has chosen and he felt this project will be handled in a similar manner. Docuware is important for Beacon because it's main operation will take place Monday through Friday which will do a lot for businesses during the week. He explained that he avoids the intersection of Churchill and Main Street by exiting the development the other way. Mr. Grigg pointed out that the Creek Drive development is a real community and expressed his support of the project.

Docuware President Thomas Schneck, the company based in Germany who will occupy the commercial space at the 23-25 Creek Drive site, gave a brief overview of their company. The software-based company has over 18,000 customers and 280 employees worldwide that digitizes paper and routes documents throughout a company. Currently they employ 70 people in the space they rent near Stewart Airport in New Windsor and employees are excited to move to a location that offers opportunities to walk to work, lunch and services. Mr. Schneck reported they are passionate about being part of the community and have begun to reach out to schools and engage in local charities. He reported their lease in New Windsor is up at the end of 2021 so they are anxious to begin development.

Stosh Yankowski, 86 South Chestnut Street, supported the project but did not like the building design. He felt it should be brick to fit with other buildings and believed the fire escape stair should be moved to face Tioronda Avenue.

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

Mr. Gunn made a motion to refer the application to the Architectural Review Subcommittee, seconded by Mr. Williams. All voted in favor. Motion carried. Consideration was given to selecting an alternate member for the Architectural Review Subcommittee because Mr. Byrne must be recused from review of this application. Further discussion will take place during Miscellaneous Business.

A draft resolution of Site Plan Approval was drafted and circulated prior to the meeting. City Attorney Jennifer Gray reviewed conditions set forth in the resolution and discussion took place with regard to a timeline for the project. Recreation fees were discussed and consideration was given the fact that the applicant is providing a public park that will be maintained by the owner, that a Greenway Trail traverses the property, and that the project provides only eight residential units. After careful consideration, Mr. Gunn made a motion to waive the payment of recreation fees, seconded by Mr. Williams. All voted in favor. Motion carried.

After much discussion and consideration, Mr. Williams made a motion to adopt the resolution of approval, seconded by Mr. Muscat. All voted in favor with the exception of Ms. Quiana who abstained. Motion carried; 4-0. The applicant will return to the Planning Board for architectural review approval.

### **Miscellaneous Business**

#### **Consider request for two 90-day extensions of Subdivision Approval – 25 Townsend Street, submitted by AK Property Holding, LLC**

Attorney Taylor Palmer, Cuddy & Feder, described his client's request for two 90-day extensions of Final Subdivision Approval for 25 Townsend Street. The owner has been involved with two purchase agreements with buyers who subsequently defaulted on their contracts. These contracts included the requisite performance guarantee for the construction of public improvements which seemed to be a drawback. A letter from the adjoining owner of property slated for a townhouse development that would gain access through 25 Townsend Street has asked that a formal offer of dedication for road purposes be included in the extension resolution. The Subdivision Plat includes a note to this effect but nothing in the resolution calls for an irrevocable right-of-way dedication.

After careful consideration, Mr. Williams made a motion to grant two 90-day extensions subject to an irrevocable offer of dedication for a 50-foot right-of-way for future road purposes to the City of Beacon, seconded by Ms. Quiana. All voted in favor. Motion carried.

### **ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SUBDIVISION AND SITE PLAN APPROVAL RELATIVE TO CONCEPT PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP**

Mr. Byrne recused himself from discussion of this item as he had publicly commented on the application prior to his appointment to the Planning Board. Mr. Gunn made a motion to open the public hearing on applications for Subdivision and Site Plan Approvals, seconded by Mr. Williams. All voted in favor. Motion carried.

Engineer Chris LaPorta from Chazen Engineering was joined by Larry Boudreau, Architect Alexander Blakely of AB Architekten, and owner Berry Kohn to continue review of the project at 248 Tioronda Avenue. Mr. LaPorta explained the former Tuck Tape parcel is proposed to be developed into two multi-family buildings with a total of 64 units and a separate 25,400 sq. ft. office space building. He explained that chronologically this project is in a similar pattern as the 23-28 Creek Drive development. They received Concept Plan Approval from the City Council, received consultant comments on their Site Plan submission that will be addressed, and are hoping to be referred the Architectural Review Board subcommittee.

Mr. Clarke reported the walkway above the retaining wall was to be the ADA compliant portion of the Greenway Trail, therefore the short set of stairs that were relocated to this area must be switched back to their originally proposed location. As previously stated, a sidewalk should be created to connect buildings so pedestrians don't need to traverse through the parking lot. Trees must be added to the green space, and additional trees and shrubs are needed in front of the buildings. The applicant agreed to amend the greenway trail as requested, however had

concern for the grade drop because a retaining wall would be required. After some discussion the applicant agreed to add trees to the green area and improve landscaping in front of the buildings, and will look into a walkway.

Mr. Russo reported the applicant submitted documents to the Board of Health for approval of the water and sewer systems. He advised the applicant to add gates along the emergency access road to prevent vehicular traffic from parking on the road. Although the location of the gate is noted on the plan, the details on the gate should also be shown. The applicant was asked to change the shape of the bioretention pond so it appears more natural to the environment. There were no further comments and Mr. Gunn opened the floor for public comments.

Thomas Wright, Chairman of the Greenway Trail Committee, reported he asked the applicant to consider softening the square stubs along the trail. He asked that details for the stairs be added to the plan.

There were no further comments and Mr. Gunn made a motion to refer the application to the Architectural Review Subcommittee, seconded by Ms. Quiana. All voted in favor. Motion carried.

Architect Alexander Blakely presented revised renderings and elevations for review, explaining that although they are three-story buildings, only one-and-a-half stories are visible from Tioronda Avenue. Discussion took place with regard to rooftop bulkheads, planters and mechanical enclosures, specifically for ways to minimize their appearance. The architect was asked to provide a more realistic rendering of the type and height of trees that will be planted. The City Council asked the Planning Board to look at whether the separation between residential buildings should be increased. After a lengthy discussion, members found the distance to be acceptable given the massing given the massing of buildings and to keep them further away from Wolcott Avenue. The public hearing will continue at the February meeting.

### **ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATIVE TO SPECIAL USE PERMIT APPROVAL, BAR AND ARCADE, 296 MAIN STREET, SUBMITTED BY HAPPY VALLEY ARCADE, LLC**

Mr. Williams made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Warner. All voted in favor. Motion carried.

Aryeh Siegel described his client's proposal to convert an existing one-story garage into a bar with arcade games and create an outdoor patio, explaining the existing two-story retail/office portion of the building will not be changed. The City Council granted a Special Use Permit for the bar use as required, and they are now back to the Planning Board for Site Plan Approval. Entry to the bar/arcade would be through the courtyard off Main Street. The Special Use Permit issued by the City Council restricted live music in the courtyard so only limited piped in music will be played. The landscaping was enhanced and a privacy fence was added on the eastern side to protect the adjacent residential property. The garage doors on the North Cedar side will be changed to more of a storefront appearance with doors for emergency egress and deliveries.

Mr. Gunn opened the floor for public comment. There were no public comments and Mr. Williams made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried. After careful consideration, Mr. Warner made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for the project, seconded by Mr. Williams. All voted in favor. Motion carried; 6-0.

**ITEM NO. 4 CONSIDER ADOPTION OF A SEQRA NEGATIVE DECLARATION RELATIVE TO 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**

This item was removed from the agenda.

**ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL (RELATIVE TO A SPECIAL USE PERMIT), WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER**

Architect Brad Will and applicant Douglas Ballinger were present to continue final review of the proposal to convert an existing building into a wine and tapas bar at 305 Main Street. The project includes a new storefront and rear patio. Mr. Will explained they addressed last month's comment about the height of wall sconces and the gargoyle lighting fixtures will be in compliance with very low light and appropriate color temperatures. Mr. Russo reported that as previously noted, the deed for 305 Main Street includes an easement to allow access to the trash enclosures as required.

A resolution for Site Plan Approval was circulated prior to the meeting and City Attorney Gray provided members with a revised version with one minor change for consideration. City Attorney Gray reviewed the change and conditions outlined in the resolution. After careful consideration, Mr. Williams made a motion to adopt the resolution of Site Plan Approval as amended, seconded by Ms. Quiana. All voted in favor. Motion carried; 6-0.

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

Aryeh Siegel described his client's proposal to construct a 62-unit residential building (including 6 BMR units) on property located at 16 West Main Street. As required, the fourth floor has a 15 ft. setback on both street fronts and the project requires no variances. Although the property is within walking distance to the train station, the applicant wants to provide one parking space per unit. Indoor and outdoor bicycle storage will be provided. A lengthy discussion took place with regard to the building's architectural design and members provided recommendations for improvement.

Engineer Stephen Spina reviewed changes to the site plan and explained they added privacy fencing, improved sight distance, and made improvements to the courtyard area. The Bank Street access will only be used as an entrance because it lacks appropriate sight distance when exiting the site.

Mr. Clarke summarized his comments and advised the applicant to move the ADA spaces closer to the entrance near the elevators. He asked members to consider whether space should be created along Bank Street for street trees. Mr. Clarke reported a traffic study and school impact study must be done, and an updated EAF is needed so SEQRA review can commence.

Mr. Russo summarized his comments and reported the applicant is working on the I & I study. He explained there are concerns with the North Interceptor in that area which may delay the project. Soil testing is required, the applicant must meet with the City's fire department, amendments are needed to the lighting plan, and sight easements at the intersections must be provided.

After careful consideration Mr. Warner made a motion to refer the application to the Architectural Review Subcommittee, seconded by Ms. Quiana. All voted in favor. Motion carried.

**ITEM NO. 7 CONTINUE REVIEW OF 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 construct a one-story accessory apartment and addition to the main building at 3 Water Street. A subdivision application must be submitted to consolidate the two lots into one parcel. Revisions were made to relocate the accessory apartment and parking spaces, and landscaping was improved as requested. Mr. Siegel reported the applicant will offer the small triangle of land that extends into the right-of-way to the City, and hire an engineer to address Lanc & Tully's comments.

Mr. Clarke asked that the proposed hornbeam hedge be placed far enough back so it will not grow into the front sidewalk and suggested planting three new street trees along Water Street.

After careful consideration, Ms. Quiana made a motion in support of the Special Use Permit for an accessory apartment, noting the applicant is willing to make an offer of dedication to the City for the triangular portion of property along Water Street. The motion was seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 REVIEW APPLICATION FOR SUBDIVISION APPROVAL (2-LOT RESIDENTIAL), 160 ROMBOUT AVENUE, SUBMITTED BY KARIC ASSOCIATES, LLC**

Engineer Dan Koehler, Hudson Land Design, described his client's proposal to subdivide property at 160 Rombout Avenue on the corner of South Brett Street into two parcels – one for the existing house and one for a new single-family house. The property is located in the R1-5 zoning district and the new lot will be served with municipal water and sewer services. A new underground stormwater management area will be installed to the rear of the property to mitigate impacts to the neighboring property.

Mr. Clarke explained the applicant must document existing setbacks for houses on the same side of the street to justify the reduced front yard setback. The driveway turnaround should be expanded because it is not deep enough to allow a vehicle to turn around. Mr. Clarke

summarized his remaining comments. Discussion took place about the angle of the proposed house and whether it must be perpendicular to the street.

Mr. Russo reported the I & I study revealed no illegal connections to the sanitary sewer system. He asked for more information on utility connections and advised that a maintenance agreement will be needed for the stormwater management system. Mr. Russo advised that this property also utilizes the north interceptor and sewer connection can't be made until corrections have taken place.

After some consideration, Ms. Gunn 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 Ms. Quiana. All voted in favor. Motion carried.

### **Miscellaneous Business**

#### Zoning Board of Appeals – January agenda

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

#### Alternate Architectural Review Subcommittee Member

In the event a member needs to recuse themselves or a meeting cannot be held due to schedule conflicts, members agreed to appoint an alternate member to the Architectural Review Subcommittee. After careful consideration, Mr. Gunn made a motion to appoint Karen Quiana as an alternate subcommittee member, seconded by Mr. Muscat. All voted in favor. Motion carried.

#### Consider request for extension of Site Plan Approval – 249 Main Street

Ms. Quiana was recused from this item due to a conflict of interest. City Attorney Jennifer Gray explained the Special Use Permit for the project at 249 Main Street will expire and the applicant has requested an extension of approval. A two-month extension was granted in September of 2019, however work has not been completed. After careful consideration, Mr. Byrne made a motion to grant a six-month extension as requested, seconded by Mr. Warner. All voted in favor. Motion carried.

#### City Council request to review Local Law amending Chapter 134 of City Code concerning Historic Preservation

City Planner John Clarke reviewed amendments proposed and discussion took place with regard to preservation of the interior of a building when special historic or architectural features exist, i.e. the interior of the Howland Center, the Post Office murals, buildings with original tin ceilings, etc. Members discussed the possibility of protecting certain interiors by setting a different standard for buildings that are on the National Register of Historic Places. Review took place about the process that places a building on the National Register, and discussion took place about the process under the City Code for nominating and preserving specimen trees or landscape features. After a lengthy discussion, Mr. Warner made a motion to support the proposed amendments, and asked that consideration be given to protecting interiors of buildings that are open to the public and listed on the National Register by amending the language to

exclude such properties from the exemption for a Certificate of Appropriateness. The motion was seconded by Ms. Quiana. All voted in favor. Motion carried.

City Council request to review Local Law amending Chapters 223 and 210 of City Code concerning the Schedule of Regulations and associated amendments regarding permitted uses  
Schedule of Regulations and Tables

Mr. Clarke explained the Schedule of Regulations has been revised and put into a format much easier to read and understand. The Council has been working on the table updates, cleaning up the code, and making changes. City Planner John Clarke gave a detailed explanation of the proposed amendments to the Schedules of Regulations in the City Code and proposed amendments to the Zoning Code and Zoning Map. Mr. Clarke highlighted proposed changes to Special Use Permit requirements, areas where additional uses are permitted within certain zoning districts, the creation of transitional zones for properties located on first block off Main Street, and the elimination of PB, OB, and LB zoning districts. Mr. Clarke further reviewed amendments to setback requirements and elimination of Floor Area Ratios from the Schedule of Dimensional Regulations. Members discussed the changes at length and questioned the degree to which the proposed amendments would affect permitted density in the various zoning districts. After a lengthy review, Mr. Gunn made a motion to offer a positive endorsement of the changes, and send a recommendation that the City Council make available objective data to aid in understanding the resulting impacts of the proposed zoning amendments. The motion was seconded by Mr. Byrne. All voted in favor. Motion carried.

Discussion took place regarding appointing a member to act as the Planning Board's representative to the Traffic Safety Committee to replace Gary Barrack. The committee meets during the day so a member would need to be available during daytime hours. Further discussion will take place next month and Ms. Reynolds will be asked to fill this position.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Quiana, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 12:03 a.m.