

Planning Board
February 11, 2020

The Planning Board meeting was held on Tuesday, February 11, 2020 in the Municipal Center Courtroom. The meeting commenced at 7:25 p.m. with Chairman John Gunn, Members Karen Quiana, Len Warner, and Kevin Byrne. Also in attendance were Building Inspector David Buckley, City Attorney Drew Gamils (in for Jennifer Gray), City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Members Jill Reynolds and Rick Muscat were excused; Member Randall Williams was absent.

Regular Meeting

The regular meeting began at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the January 14, 2020 meeting. Mr. Warner made a motion to approve the minutes of the January 14, 2020 meeting as presented, seconded by Ms. Quiana. All voted in favor. Motion carried. Only three members that participated in the December 2019 meeting were present therefore minutes of the December 10, 2019 meeting will be voted on at the March 10, 2020 meeting.

ITEM NO. 1 CONTINUE 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.

Engineer Chris LaPorta of Chazen Engineering was present to discuss the mixed-use development proposed for 248 Tioronda Avenue. Mr. Clarke asked that the sidewalk along the upper parking area be extended to connect the Building 200 entrance and marked with a crosswalk. The ADA spaces relocated to be closer to the entrance of Building 200 must be wider or shifted to allow space for backing out. Mr. Clarke asked why the Greenway Trail was shifted closer to the building rather than toward the creek and Mr. LaPorta explained the bio-retention pond was shifted to create space around the building. This shift allowed them to move the sewer line so it is not under the building. Mr. Clarke asked that 8 ft. width be maintained near the stair segments of the Greenway Trail. He noted a meeting with the Architectural Review Subcommittee has been scheduled and asked the applicant to provide typical floor and parking level plans to aide in the architectural review.

Mr. Russo summarized his comments and asked the applicant to work with the retaining wall designer and engineer to determine the appropriate distance trees can be planted from the top of the wall to be certain the root system does not impact walls in the future. There should be no plantings outside the property line and those shown in the rip-rap area should be removed. He suggested they provide additional seating along the Greenway Trail.

Members reviewed Greenway Committee items to confirm the applicant's agreement with each item that will be incorporated into the Site Plan. A lengthy discussion took place with regard to providing parking space for trail users and emergency vehicles for access to the trail.

Members determined that emergency access through the parking lot was sufficient and that public parking for trail use would not be necessary as there are other nearby areas to park. Greenway Chairman Thomas Wright asked that benches be provided at the spur, as well as three or four along the trail.

Mr. Gunn noted Brian Quinn submitted a letter regarding potential hazardous materials on the site. Brian Quinn, 12 Coffey Avenue, was present and read the following letter:

I am concerned there may be persisting hazardous materials (HAZMAT) in the ground at 248 Tioronda Avenue. As you are aware, there are a school and playground immediately across the street. The site also borders an important ecological resource, the Fishkill Creek. The applicant intends to create a residential development, with residents that will come in daily contact with the ground. I have extensive professional experience with the cleanup of polluted land, and it seems to me that this project has not received the level of attention in relation to Hazardous Materials that it deserves. In my experience throughout New York State and beyond, an applicant that proposes to construct a residential project on a former industrial site is typically required by the lead agency to submit, at least, a Phase 1 Environmental Report. This appears to have not been done because the applicant has claimed that the site has already been remediated by providing correspondence that is most recently dated most recently from 2003. However, as my letter points out in detail, there is good reason to question the type and relevance of the previous remediation. There is also good reason to suspect additional HAZMAT additions have occurred since the cleanup (especially through building demolition and illegal dumping). At the moment, despite numerous conversations with elected officials and staff, I have not yet personally seen any information that has shown the applicant has done her/his due diligence. If my concerns are warranted, you must withdraw the Negative Declaration which was issued for this project and request further studies be done – especially a Phase 1 and probably a Phase 2 Environmental Review. What follows in the next pages is a brief summary of my concerns. I sincerely hope that the applicant has completed her/his due diligence regarding pollution at this site and that my concerns are due to a lack of information on my part.

Mr. Quinn expressed concern that buildings were demolished after the DEC de-listed the site with no evidence of clean-up under the buildings, and that a Phase 1 Environmental Study was not submitted for the project. He submitted a FOIL request for documents from the DEC regarding the Brownfield clean-up, and due to the volume and cost believed the file should be reviewed by the Planning Board. Mr. Quinn believed the SEQRA review process would need to be reopened if HAZMAT review was insufficient. Mr. Quinn reported he is a professional environmental planner, was a New York City planner, and has been involved with major Brownfield clean-ups. Mr. Gunn explained documentation from the DEC indicated the property was de-listed after site remediation.

Mr. LaPorta reported Phase 1 and Phase 2 Environmental reviews done in 2017 by Integral Engineering, who oversaw the clean-up, found soils to be within limits for residential development. Documentation exists showing 14,000 cubic yards of soil were remediated and the site was de-listed after two years of ground water monitoring. The Phase 1 and 2 Environmental Studies, as well as maps and back-up documentation will be submitted for the record. Mr. Gunn explained there is a history of remediation and after years of review, the board felt comfortable in declaring a Negative SEQRA Declaration. He acknowledged that in light of the historical use of the site, concerns are valid yet may be out of the lack of available information.

Jessica Eriksmoan, 98 Knevels Avenue, lives across the street from the proposed development, specifically Building 3. She expressed concern for the number of stories, rooftop equipment, the type of businesses will occupy the commercial spaces, parking on Tioronda Avenue, and for the health and welfare of pedestrians. Ms. Eriksmoan reported she is already wakened at 6:15 every morning by noise from construction trucks. She was happy with the greenway trail and was not entirely against any development of the property. Ms. Eriksmoan is a beekeeper and asked that use of the pesticide “neonicotinoid” be banned because it is particularly harmful to bees.

Discussion took place with regard to soil testing, Environmental Phase 1 and 2 reports and that the City could consider hiring an environmental consultant to review that documentation. Only three members were present therefore no official action could be taken.

Mr. LaPorta asked for recreation fees to be waived because the applicant is providing a greenway trail and public amenities through the site. Members agreed to take it under advisement and will consider the request in context of other projects. The applicant will provide copies of environmental reports and related information for review. Mr. LaPorta reported they reviewed the draft resolution of approval, and asked if the residential buildings could be done first rather than concurrently with the commercial building. Mr. Clarke explained zoning requires commercial building to be built concurrently with the residential building.

ITEM NO. 2 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL RELATIVE TO SPECIAL USE PERMIT 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 at 296 Main Street into a bar with arcade games and an outdoor patio. Revised plans were submitted and board consultants had no outstanding comments. Mr. Gunn read through conditions listed in the draft resolution prepared for review prior to the meeting. There were no comments and Ms. Quiana made a motion to adopt the resolution of Site Plan Approval as drafted, seconded by Mr. Warner. All voted in favor. Motion carried.

ITEM NO. 3 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 new four-story 62-unit residential building, which includes 6 BMR units, on property located at 16 West Main Street. He explained no zoning variances are needed and the project fulfills goals outlined in the Linkage District. Adequate parking is provided and bicycle parking areas will be incorporated into the site. The corner of the structure’s façade was changed to brick, building proportions were altered, and the siding was changed to a lighter color. Floor plans and the building footprint were changed to create more space for plantings on Bank and West Main Streets. Mr. Siegel reported they are prepared to meet with the Architectural Review Subcommittee in March.

Engineer Steven Spina presented a revised site plan that was not included in the submission packet. The building was shifted to make way for plantings and to maintain sight distance on the corner. He explained they are proposing narrow tall trees near the building in

order to soften the façade, and if approved revised plans will be submitted for review next month. Mr. Spina reported they are working with traffic consultant Creighton Manning on the traffic study, and an Inflow and Infiltration study showed no illegal connections to the sanitary sewer. Soil borings have been scheduled which are necessary to complete the revised EAF. Discussion took place with regard to proposed trees, and the applicant was advised to also mix in Oak and Maple trees, as well as evergreens at the ground level.

Mr. Clarke reviewed his planning comments, and discussed landscaping and fencing for the parking lot. Mr. Russo had no new comments as no engineering plans were submitted prior to the meeting.

Discussion took place with regard to adding a retail use or commercial space on the ground floor. Mr. Siegel reported he had that discussion with the applicant early on and they don't typically do commercial development; he will pass the suggestion on to the applicant. Discussion took place with regard to the underpass and it was strongly recommended to make it a more enjoyable experience for tenants and the public.

Mr. Clarke explained the Linkage District does not require commercial use as it was intended to be a residential area leading to Main Street. He felt a corner commercial use would be good but explained the board cannot make it a requirement. Mr. Clarke suggested the entry be altered to look more like an entrance however explained the proposal technically meets standards of the code. A lengthy discussion took place about the Linkage District.

Miscellaneous Business

Zoning Board of Appeals – January agenda

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

One Forrestal Heights – Existing Wireless Telecommunications Facility Equipment Upgrades

Verizon submitted an application for equipment upgrades at an existing telecommunications facility located at One Forrestal Heights. Under Section 223-26.4.C(2) of City Code, the Planning Board must review the application to determine whether the action is appropriately characterized as an "eligible facility request". After reviewing submitted application materials the Building Inspector determined that new equipment will not substantially change dimensions of the existing tower. After careful consideration Ms. Quiana made a motion to deem the application an Eligible Facility Request, seconded by Mr. Warner. All voted in favor. Motion carried.

City Council request to review proposed Local Law regarding three month extension of Water Moratorium on residential and commercial development

City Attorney Drew Gamils Gray presented the City Council's proposed Local Law to extend the moratorium imposed on September 16, 2019 with respect to certain land use approvals. Discussion took place about the course of action developed to bring Well #2 back on line, and about increasing the limitation of water usage for projects that can be approved from 330 gallons to 440 gallons per day. After careful consideration, Mr. Gunn made a motion to support the proposed legislation, seconded by Ms. Quiana. All voted in favor. Motion carried.

Consider adoption of a Resolution appointing a Planning Board member to the Traffic & Safety Planning Committee

As discussed at the January 2020 meeting, a member of the Planning Board must be selected to act as a representative to the Traffic Safety Committee. The committee typically meets once a month in the morning so a member would need to be available during daytime hours. After some consideration and knowing Ms. Reynolds was aware of the proposal, Ms. Quiana made a motion to recommend Ms. Reynolds be appointed to the Traffic and Safety Planning Committee, seconded by Mr. Byrne. All voted in favor. Motion carried.

Consider request for a six (6) month extension of Subdivision/Site Plan Approval – Edgewater

On behalf of Scenic Beacon Developments, LLC, a letter was submitted by Attorney Taylor Palmer of Cuddy & Feder requesting a six (6) month extension of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some discussion regarding Health Department approval, Inflow and Infiltration into the sanitary sewer system, and problems with the north interceptor, Mr. Quiana made a motion to grant a six (6) month extension as requested, seconded by Mr. Warner. All voted in favor. Motion carried.

Architectural Review

Single Family House – Duncan Street

Property owner John Dillelo presented proposed elevations and color scheme for a new house on Duncan Street. Members reviewed the proposed elevations, colors and materials relative to neighboring housing stock. After careful consideration, Mr. Gunn made a motion, seconded by Ms. Quiana, to approve the elevations, color and material scheme as presented with the following: Siding – White; Roof – 30-year architectural shingles in Charcoal Grey; Windows – Silverline Double Hung Black; Trim – White; and Garage Door - Black. All voted in favor. Motion carried.

Single Family House – St. Luke’s Place Subdivision, Lot 3

Property owner Gary Joseph presented proposed elevations for a new house on a newly created lot which was part of the 38 St. Luke’s Place subdivision. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Ms. Quiana made a motion, seconded by Mr. Warner, to approve the elevations, color and material scheme as presented with the following: Siding – Dark Gray by Mastic; Roof – 30-year architectural shingles in Black; Windows – Double Hung Marvin Black; and Trim – White. All voted in favor. Motion carried.

Certificate of Appropriateness – Sign; 188 Main Street

Christan Douglas described his proposal to install a wall mounted wood sign “Veritech Wireless” for an office located at 188 Main Street. The 24” x 30” sign will be mounted with a black steel hanging bracket. Members reviewed the proposal and after careful consideration, Ms. Quiana made a motion to issue a Certificate of Appropriateness for the sign as presented with a black bracket modified to remove the scroll, seconded by Mr. Byrne. All voted in favor. Motion carried.

Certificate of Appropriateness – Façade Improvements & Sign; 418-420 Main Street

Owner Benjamin Giardullo described his proposal to repaint the storefront at 418-420 Main Street and install new signage which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration Mr. Gunn made a motion to approve the façade color Sherwin Williams Pure White with a Cedar circular hanging sign as shown on plans by Elemental Architecture, LLC dated January 27, 2020. The motion was seconded by Ms. Quiana. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Gunn, seconded by Ms. Quiana. All voted in favor. Motion carried. The meeting adjourned at 9:40 p.m.