

Planning Board
March 10, 2020

The Planning Board meeting was held on Tuesday, March 10, 2020 in the Municipal Center Courtroom. The meeting commenced at 7:10 p.m. with Chairman John Gunn, Members Jill Reynolds, 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. Members Randall Williams and Rick Muscat were excused.

Training Session

Mr. Clarke gave a presentation on bicycle lanes which included guidelines for planning purposes. He reviewed scenarios for rural and urban areas, and described the difference between shared lines, shared paths, paved shoulders, sharrows, bike lanes and bicycle boulevards. He presented information on a plan to make bicycle lanes on Beekman Street and West Main Street, and how bicycle boulevards could be created to north to south access and east to west in the City.

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 February 11, 2020 meeting. Ms. Quiana made a motion to approve the minutes of the February 11, 2020 meeting as presented, seconded by Mr. Warner. 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 April 14, 2020 meeting.

ITEM NO. 1 CONTINUE PUBLIC HEARING ON APPLICATIONS 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.

Larry Boudreau from Chazen Engineering summarized changes made to the site plan and responded to comments from the last meeting. A Phase I and II environmental study done before his client purchased the property and a lot consolidation map were submitted as requested. They will respond to comments received from Dutchess County Health, and will address comments from board consultants. Discussion took place with regard to the Greenway Trail and Mr. Boudreau noted six benches were added as requested. They will continue to work with the trail committee as the project progresses. He reported the final site plan set will include elevations as reviewed by the Architectural Review subcommittee. The vehicular access easement for the Sisters Property will be properly memorialized and they will work with Central Hudson on utility easements. Mr. Boudreau reviewed the draft resolution and asked for the board to consider a reduction of recreation fees for the greenway trail. The previous approval granted a 50% reduction, and in this case the trail was extended to approximately 2,000 linear feet with 540 feet of spurs for access to the Fishkill Creek at an estimated cost of \$50,000.

Mr. Clarke reviewed his comments regarding the greenway trail and asked for a note on the plan that it will be made of a gravel base with compacted stone dust. Building elevations were reviewed by the Architectural Review subcommittee, and Mr. Boudreau asked that any approval be conditioned upon the applicant returning for final approval for the building design. Mr. Russo asked that a note indicating utilities will be underground be added to the plan. After a brief discussion about the location of the bicycle rack, the applicant agreed to add an additional rack near the commercial building.

Mr. Gunn said notwithstanding years of review for this property, the board wants to have a level of understanding regarding the character of DEC's de-listing of the site. Specifically, whether any conditions were placed on the development based on their conclusions.

Arlette St. Romain from Chazen's Troy office reported she read through the Phase I & II environmental report for this project. She provided an overview of the DEC's process and explained in this case, in 2003 they deemed the property as "Class C" which means remediation is complete with no request for additional monitoring. Discussion took place with regard to the number of borings and soil samples that were taken, and reasoning behind chosen locations. Concern was raised that Integral Engineering was selected due to their direct involvement with the prior site investigation however the report gave reason to question. The necessary background information is available and can be reviewed by the City's consultant. Mr. Gunn opened the floor for public comment.

Andrea Davis, 20 Coyne Hill Road (formerly a Knevels Avenue address) directly across from the development street thanked members for serving on the Planning Board. She commented that so much is decided on documents and paper, and not on what affect a development has on the existing neighborhood. She hoped the new members will visit the site to see how the neighborhood will be affected and how it will change the once quiet land they purchased many years ago. Ms. Davis had concern about soil contaminants, traffic, and that people will begin to cut through Knevels Avenue to get to the site. She noted their water and sewer lines are tied into those on Tioronda Avenue and expressed concern that this development will affect their utilities.

Jessica Eriksmoan, 98 Knevels Avenue, lives across the street from the proposed development, specifically the commercial space Building 3. She reiterated the same concerns as her neighbor. She asked that soil contamination be further investigated and measures be taken to remediate dust and air quality during construction.

Theresa Kraft, 315 Liberty Street, commended the developer on building design but felt it should be fewer stories. She asked that the entire site be reviewed for contamination.

Board members clarified that investigation and remediation of the site was done and there is not a dangerous condition or contaminated soils. The environmental consultant will be hired to review the applicant's report in order to ease questions that have been presented, and to determine if there are any restrictions based on soil conditions relative to the proposed use. A determination will be made as to whether any restrictions are needed on site. The DEC signed off on the remediation and the applicant had a report done in 2017 to be certain it was clean and

based on data available at the time, found little or no contamination. The City's review can be done before the issuance of a building permit so as not to hold up approval. Ms. St. Romaine reported after a Brownfield clean-up, if a restriction is necessary, the DEC would establish an environmental restriction and it would be recorded in the property deed. The consultant will review the applicant's report and previous documentation to determine whether restrictions are needed based on the current conditions, and make recommendations to the board within the month. After careful consideration, Mr. Gunn made a motion to hire an environmental engineer as discussed, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Discussion took place with regard to reducing the applicant's recreation fees as previously discussed. After careful consideration members determined the Greenway Trail and related amenities are a benefit to the public therefore agreed to a reduction in fees. Ms. Reynolds made a motion to reduce recreation fees by 50% as discussed, seconded by Ms. Quiana. All voted in favor. Motion carried.

Ms. Reynolds noted evidence of a beaver can be seen on the site and asked how they would be affected. Mr. Boudreau believed they would relocate once more people are on the property. City Attorney Jennifer Gray noted beavers are not a protected species so their presence is not an issue in terms of SEQRA review. The public hearing will remain open for the April meeting.

ITEM NO. 2 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, MULTI-FAMILY RESIDENTIAL (62 UNITS), 16 WEST MAIN STREET, SUBMITTED BY FARRELL BUILDING COMPANY

Engineer Steven Spina reviewed changes made to the site plan based on last month's comments. Trees and shrubbery were added to in between balconies, minor changes were made to the landscaping plans, and trees were added to the northern parking lot. Grading was modified, ADA spaces were moved, and the lighting plan was revised. New renderings were prepared and will be reviewed by the architectural review subcommittee on Friday. A traffic study was completed and will be submitted for review.

City Attorney Jennifer Gray reviewed restrictions that will be acknowledged in SEQRA documentation regarding the water moratorium and sewer system improvements.

Mr. Clarke's review included comments to move the handicap ramp, additional reductions in lighting, and architectural elements. Although he agreed with the school analysis estimate that the project will generate 6-7 public school children, it is likely that it would round out to be more like 8 students. Mr. Clarke noted that over the last several years there has been a continued reduction in school enrollment. Mr. Russo summarized his comments and noted soil testing for the on-site stormwater drainage system is needed.

Discussion took place with regard to building design and the applicant agreed to forward elevations prior to meeting with the subcommittee. Ms. Quiana made a motion to refer the application to the Architectural Review subcommittee for review of the building elevations, 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” 39 UNITS, CONKLIN STREET, SUBMITTED BY BEACON VIEWS, LLC

Attorney Richard Cantor from Teehan & Constantino, reported they met with the architectural review subcommittee and communication has taken place concerning access to the project site. The board has indicated the Townsend Street access is preferable however if that subdivision doesn't get finalized or filed, they have access through the Highland Meadows property. A dispute between these property owners is a private matter and not an action for board involvement.

Adam Thyberg of Insite Engineering summarized changes that were made to the project, noting it is now a 40-unit development. The internal drive was adjusted to add an emergency turn around, the building footprint was reduced and front porches were added. Discussion took place about changes that were made to avoid the utility easement. Aryeh Siegel presented the revised architectural elevations based on comments generated from the architectural review subcommittee.

John Clarke advised the applicant that reducing space between buildings and reducing the width of the driveways would ease the encroachment to the wetlands. Discussion took place with regard to landscaping and the sidewalk connection to Townsend Street. Mr. Russo summarized his engineering comments and general need for additional details.

After careful consideration, Ms. Quiana made a motion to schedule a public hearing for SEQRA environmental review for the month of April, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Contract Vendee's representative Greg Kamedulski discussed access to the site, explaining they went forward with the board's suggestion to go through the Townsend Avenue subdivision. A gated emergency access will be created through the Highland Meadows' site however they are prepared to access the site with either option.

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

Dan Koehler of Hudson Land Design described his client's proposal for a lot line realignment requiring Subdivision Approval to allow the construction of a new single-family structure with an accessory apartment. The property is located at 1182 North Avenue in the R1-7.5 zoning district and Historical District and Landmark Overlay zone. They have since removed the proposition to add an artist studio. The SEQRA public hearing was scheduled in December and the applicant will go before the City Council on Monday, March 16, 2020 for a public hearing on the Special Use Permit. Mr. Koehler respectfully requested the board consider scheduling a public hearing for Subdivision and Site Plan Approvals in April, and prepare a resolution of approval for consideration.

Mr. Clarke had comments about lighting and Mr. Russo had no major outstanding comments. Discussion took place about possibly reducing the number of parking spaces considering the elimination of the artist studio. City Attorney Jennifer Gray reported that since the last meeting, the Department of Health has allowed smaller projects to go forward so this project can move forward and tie into the sewer system. The paragraph in the proposed Negative SEQRA Declaration relative to this limitation will be removed.

After careful consideration, Ms. Quiana made a motion to adopt the draft Negative SEQRA Declaration resolution as amended, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Ms. Reynolds made a motion to set a public hearing on the application for Subdivision Approval and Site Plan Approval for the April meeting, seconded by Ms. Quiana. All voted in favor. Motion carried.

Mr. Byrne made a motion to authorize the City Attorney's office to draft a resolution of approval for consideration at the next meeting, seconded by Ms. Quiana. All voted in favor. Motion carried.

ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION APPROVAL (2-LOT RESIDENTIAL), 160 ROMBOUT AVENUE, SUBMITTED BY KARIC ASSOCIATES, LLC

Engineer Dan Koehler of Hudson Land Design described his client's proposal to subdivide a parcel with one existing house into two lots for the construction of an additional single-family house on property located at 160 Rombout Avenue in the R1-5 zoning district. A change was made to skew the house in relation to the street as discussed at the January meeting. Mr. Koehler summarized changes made to the plan and reported on his further investigation of the stormwater management system. In order to get a parking area large enough to allow vehicle turnaround space and ample parking space, the lot line will be moved a bit further onto Lot #1.

Mr. Clarke and Mr. Russo summarized their comments and a lengthy discussion took place with regard to the fence encroachment. It was determined that the applicant can remain silent, obtain an easement or license agreement between neighbors, or move the fence.

After some consideration, Ms. Reynolds made a motion to authorize the City Attorney's office to draft a Negative SEQRA Declaration for consideration at the next meeting, seconded by Mr. Warner. All voted in favor. Motion carried.

Ms. Reynolds made a motion to set public hearings for SEQRA Environmental Review and the application for Subdivision Approval for the April meeting, seconded by Ms. Quiana. All voted in favor. Motion carried.

ITEM NO. 6 REVIEW APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, ADD OUTDOOR DECK, 511 FISHKILL AVENUE, SUBMITTED BY DIAMOND PROPERTIES, 511 FISHKILL AVENUE

Aryeh Siegel described his client's proposal to amend the existing Site Plan Approval for 511 Fishkill Avenue to add a front deck adjacent to the existing deck for the arcade use. The deck is less than 2,000 square feet in size and the remainder of the project will not change. Mr. Siegel respectfully requested the board consider setting a public hearing and to draft a resolution of approval for consideration at the April meeting.

Discussion took place with regard to the EAF that was submitted, however after considering the size of the amendment it was determined that this a Type 2 action under SEQRA and no environmental review is necessary. The applicant was asked to provide a narrative, and reference prior approvals to the plan set for clarification. The new deck will provide access for the arcade and provide space for patrons only.

After some consideration, Ms. Reynolds made a motion to set a public hearing on the application to amend an existing Site Plan Approval for April, seconded by Ms. Quiana. All voted in favor. Motion carried.

Ms. Quiana made a motion to authorize the City Attorney's office to draft a resolution of approval for consideration at the next meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 7 REVIEW APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, ONE-STORY SUNROOM ADDITION, 177 MAIN STREET, SUBMITTED BY FROG LEAP, INC.

Aryeh Siegel described his client's proposal to add a 10 ft. x 10 ft. metal frame glass sunroom to the rear of the recently renovated building at 177 Main Street. The improvements related to Site Plan Approval granted in 2017 were completed and now the owner wants a mud room/sunroom for entry into the building. The property has plenty of space and the new addition meets all setback requirements.

Mr. Clarke noted the zoning table should be amended to reflect the CMS district and the light fixture should be covered or changed to use of 40-watt bulbs.

This is a Type 2 action under SEQRA therefore no environmental review is needed. The applicant was asked to provide a narrative, and reference prior approvals to the plan set for clarification. This property is located in the Historic District and Landmark Overlay District therefore a Certificate of Appropriateness will be required.

After some consideration, Ms. Quiana made a motion to set a public hearing on the application to amend an existing Site Plan Approval for April, seconded by Mr. Byrne. All voted in favor. Motion carried.

Mr. Warner made a motion to authorize the City Attorney's office to draft a resolution of approval for consideration at the next meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – March agenda

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

Architectural Review

23-28 Creek Drive - Mixed Use Development

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. Clarke summarized the architectural review subcommittee comments from their meeting which took place on February 14, 2020. The subcommittee did not reach concurrence therefore the applicant is returning to the full board for further review. Mr. Gunn noted the following comment letters were submitted for the board's consideration:

I'm writing once again in support of the new project on Creek Drive. As the owner of a business adjacent to this property and a resident of Beacon, I have a vested interest in what ends up being built there. I have watched every City Council meeting and Planning Board meeting for years, and it seems everyone agrees that we need more commercial space in our few remaining building sites, especially along the Fishkill Creek Zoning. This developer has not only proposed a class A building, designed to fit with the character of the area, but he has also lined up just the kind of company to move into Beacon that we've always said we wanted. I would like to see this project move ahead, so we don't risk losing out on the type of business. I also believe that this project helps us work towards completing the green way trail on this side of 9d and cleaning up a piece of property that was used incorrectly so close to the creek. Thank you for your time and service,

John-Anthony Gargiulo
Founder/President
Hudson Valley Brewery

I will not be able to attend tonight's Planning Board meeting, but I want to share this comment. I looked at the elevations for 23-28 Creek Drive. My view is that the building does not reflect the period factory / industrial look intended in the Fishkill Creek development zoning. There is no window detail, breaks in the facade, etc. While I am aware that the corrugated is allowed, the presented drawings just look cheap. I hope a lot more will be required, preferably all brick, which from what I've seen predominated in previous buildings. I don't think we are looking to replicate sanitation garage architecture. Thanks,

Arthur Camins
39 Rombout Avenue
Beacon, NY 12508

This letter is to express my support for the proposed new building at the former DPW site. My house looks directly across at where this will be, so I have taken an interest in how the project has progressed as it will affect me more than most. I have seen the renderings of the new building and I'm impressed not only with the exterior design but also the thought that has gone into the smallest details. We don't want more ugly, inefficient building in Beacon and this developer has gone the extra mile to make sure it fits in with the surroundings and has a positive impact on the immediate community. I've seen the care he takes of the building that are there now and I like the landscape design. I'm keen to see this project move ahead so I can look out (and make personal use of) a park

and a well-designed building instead of abandoned buildings and wasted space. Thank you for your ongoing service to the community,

James Thomas O'Connor
147 Spring Valley St
Beacon, NY 12508

I am a new resident, homeowner and business woman in Beacon and am writing in support of the project at 23-38 Creek Drive that is being developed by Weber Projects. I chose Beacon as a place to live and bring my Art School because of the wonder qualities that the town has in its variety of architectural structures with the backdrop of the Hudson River, Fishkill Creek and Mount Beacon. I feel very fortunate to have the richness of this town and in particular the work of Rodney Weber and what he is doing for the community. I believe his vision is both richly aesthetic and practical. His sense of materials and his knowledge of how to weave them into the natural environment and be environmentally supportive is a wonderful example of how we all should live. This particular project is being built right next to my home and I welcome its development and how it will speak to the Fishkill Creek and the buildings surrounding it. It is truly remarkable to bring alive the creek in a way that is reminiscent of all the factories that used to be here and it is a true celebration of this town! I believe his work will be a model for how other towns will develop and I invite you to lend your support to him in building this project.

Diane Green
11 Creek Drive #201
Beacon, NY 12508

I am writing in support of approving 28 Creek Drive without further delay. I volunteer as a tutor in math and chemistry for middle and high school kids. Our local district could really use more opportunities for these kids. DevCorp could provide these opportunities, not only through internships but also through student exchange trips to Germany. This would be a fabulous opportunity for our local students and work present the first program of its kind in Beacon. It would be real shame if constant delays over details like siding varieties ended up exhausting the patience of this great company, prompting them to go elsewhere. I have met them personally and have found their executives and their staff to be outstanding business people and leaders. They are the kind of people who would only strengthen our city. No company can wait forever while the minutiae of aesthetics are debated. As a board member of the Howland Chamber Music Circle I am constantly reminded that tastes vary and aesthetics are subjective. Opportunity is not subjective. And it can be fleeting. This project checks off every box I have heard other community members say Beacon wants. I believe all of you have seen the location under discussion. My dog and I walked there almost every day until a week or so ago. Believe me, there is nothing aesthetically pleasing about the property as it has been standing for years. And the property as it stands is certainly not generating revenue for anyone in Beacon. It is hard for me to understand why it hasn't been approved already.

James Lichtenberg
11 Creek Drive
Beacon, NY 12508

I am writing this letter in support of the 28 Creek development project. My name is Michael Haimes. I have been a resident of Beacon, NY for 4 years now. I do technical consulting work remotely and some local IT work and consulting, but if it weren't for the supplemental income I make from work I could not perform anywhere, I would not be able to afford to live in Beacon. More recently, I have been working on a lean startup in the creative technology space. We are still in "stealth mode" and pre-revenue, but we are expecting big things. Part of the idea was to attempt to start a technology company in Beacon to bring more and varied jobs and types of people to the community. Within as little as a year from now, we will be in the position of needing roughly 3,000-5,000 square feet of office and light industrial space and several more employees. I have no idea where this is going to fit. Rodney Weber is the only developer I have approached who has said that he even might have space for me, and even that offer is largely contingent on upcoming approvals coming through in a timely manner. Those of us with Beacon's future in mind know we need more commercial space

and jobs in the heart of Beacon. I have seen the plans and the proposals and I think it's an incredibly attractive compromise between maintaining the beauty and aesthetic theming that exists now in Beacon and the kind of development and municipal growth we need to welcome a future here that makes economic sense. Without projects like this, I'm going to have to give up and move my company to the city when we reach a certain phase. I'm doing my best to bring high-tech, future-proof industry to Beacon and I want to focus on developing our tech and our business not worrying about whether we can even operate here. Please approve the plans and variances being sought by Mr. Weber so this project can go through and we can all benefit!

Michael M. Haines
Entropy & Sons, LLC
2 South Street, Apt. 5
Beacon, NY 12508

My name is Stephen Olympia, and I am a lifelong resident of the Hudson Valley. I moved to Beacon in 2019, after securing a job at a local business. I am in the Hudson Valley because of the opportunity this area presents, and but more importantly I wish to be. As someone who was raised here, I remember what the Hudson Valley used to be like. I'm not sure many other folks do, or rather they might choose not to remember. The "Miracle of Mainstreet" is a recent phenomenon, and when I was growing up, Beacon was not known as a "locavore destination" or a "burgeoning second city". In fact, quite the opposite. I worked in the construction industry for a number of years before I moved here, and I can say without equivocation that Rodney Weber is one of the most conscientious developers I have ever known. He takes the time to do things correctly, and shows extreme dedication and unknown things in my experience as a renter. Speaking as an environmentally minded person, Rodney is one of the only developers I would trust to do actual due diligence. He builds all of his developments with an eye toward efficiency and sustainability. Unlike many contractors, he isn't going to turn a blind eye or shirk responsibility. The project at 28 Creek will not only create much needed commercial space, but might also sustain an appreciable number of jobs above the usual (2-4) per street address. If this economic situation is going to be expected to persist, the opportunity to encourage long term investment/growth has to be taken advantage of. If measures aren't taken towards this end, the residents in a city with no appreciable local employment. It is my sincere hope that the local government will seriously consider what the words sustainable and environmentally minded actually mean, beyond the greenwashed buzzwords that we have all become all too familiar with.

Stephen Olympia
2 South Street, Apt. 2
Beacon, NY 12508

A lengthy debate, review and discussion took place, and members heard an extensive appeal from applicant Rodney Weber. After careful consideration and based on detailed discussion, Ms. Reynolds made a motion to approve the elevations, colors and materials as presented, 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 Ms. Reynolds, seconded by Ms. Quiana. All voted in favor. Motion carried. The meeting adjourned at 10:30 p.m.