

**Planning Board**  
**April 14, 2020**

The Planning Board meeting was held on Tuesday, April 14, 2020 via videoconference in the Municipal Center Courtroom. The meeting commenced at 7:01 p.m. with Chairman John Gunn, Members Randall Williams, Jill Reynolds, 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 Rick Muscat was absent and Member Karen Quiana was excused.

Mr. Gunn read the following statement: I have confirmed with the City Attorney that tonight's meeting has been convened in accordance with the Governor's March 13, 2020 Executive Order 202.1, which suspends certain provisions of the Open Meetings Law to allow a municipal Board to convene a meeting via videoconferencing. In accordance with the Executive Order, the public has been provided with the ability to view and hear tonight's meeting and a transcript will be provided at a later date. As always, the agenda and all materials considered for tonight's meeting are available for viewing on the City's website. We have 5 public hearings scheduled on tonight's agenda. Anyone that wants to comment during a public hearing will have the ability to do so by calling the following phone number: 929-205-6099

**Regular Meeting**

The regular meeting began at 7:02 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the March 10, 2020 meeting. Mr. Warner made a motion to approve the minutes of the March 10, 2020 meeting as presented, seconded by Mr. Byrne. 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 May 12, 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 and Chris LaPorta from Chazen Engineering joined the video meeting to represent the project at 248 Tioronda Avenue. Mr. Gunn explained the City retained an environmental engineer, Langan Engineering, to review the applicant's environmental remediation documentation. Mr. Boudreau reported they are working on plan updates to fulfill remaining consultant and Greenway Committee comments. In addition, HDR Engineering updated the sewer flow report for the revised 64-unit from the previous 100-unit proposal which is currently being reviewed by the Department of Health. The engineer that completed the Phase 2 environmental report was contacted for information and the preliminary report from Langan Engineering was just received.

Jennifer Armstrong and Mike Burke from Langan Engineering joined the meeting. Mr. Burke reviewed the data submitted and based on initial documentation believed a thorough clean-up of the site had been done. He will need to gather data from the 90's to apply it to today's standards to complete a full review. He provided a detailed description of the documents he reviewed and explained further information will be considered before their review is completed.

The applicant's representative Keith Brodock of Integral Engineering explained they are attempting to get additional information from the DEC but have not heard back due to the Covid-19 pandemic. A lengthy technical discussion took place with regard to possible solvents in ground water, ground vapor information, soil test samples, quality of the fill material that was used during remediation, and design methods that could be used for further mitigation if needed.

Mr. Gunn opened the floor for public comment however no one came forward with comments. A detailed review of the draft resolution of Site Plan Approval took place with City Attorney Jennifer Gray who highlighted updates made to the originally circulated draft. A lengthy discussion continued about outstanding consultant and greenway trail comments that must be addressed. City Attorney Jennifer Gray advised board members that if they were to consider conditional approval only, the Site Plan would not be signed by the Chairman until all conditions are fulfilled. The environmental items under review will unlikely change the site plan layout.

Mr. Boudreau agreed with conditions outlined in the draft resolution and had no objections to fulfilling each item. He noted the Department of Health review will be the longest delay. A full set of revised plans will be prepared and submitted for final review. Building elevations are still under review and, as outlined in conditions of the resolution, final design must be approved before the Site Plan is signed by the Chairman. This is similar to the 23-28 Creek Drive project which received conditional approval last month. Discussion continued about precautions and mechanisms put into place to insure items are completed before the project moves through certain phases of development. The timing of each condition is included within the resolution. Mr. Gunn offered another opportunity for the public to comment.

Theresa Kraft, 315 Liberty Street, felt there were many outstanding comments but felt the conditions established in the resolution will insure they are fulfilled.

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

After careful consideration, Mr. Gunn made a motion to adopt the resolution of Site Plan and Subdivision Approval based on conditions outlined in the draft resolution, seconded by Ms. Reynolds. All voted in favor. Motion carried; 4-0.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION SITE PLAN APPROVAL (RELATIVE TO A SPECIAL USE PERMIT) AND SUBDIVISION APPROVAL, NEW SINGLE-FAMILY HOUSE WITH ACCESSORY APARTMENT, 1182 NORTH AVENUE, SUBMITTED BY ANDREW MACDONALD**

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

Engineer Mike Bodendorf 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 on property at 1182 North Avenue. He introduced project architect Doug Florence who joined via video to answer questions.

Mr. Clarke had a comment about lighting spilling beyond property line, and Mr. Russo had one minor comment about labeling on the site plan. There were no further comments from the Board and Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, supported the project and understood the landlocked parcel will now be made into a useable property.

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

After careful review and consideration, Mr. Williams made a motion to adopt the resolution of Site Plan and Subdivision Approval as drafted, seconded by Ms. Reynolds. All voted in favor. Motion carried; 5-0.

**ITEM NO. 3 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION APPROVAL (2-LOT RESIDENTIAL), 160 ROMBOUT AVENUE, SUBMITTED BY KARIC ASSOCIATES, LLC**

Ms. Reynolds made a motion to open the public hearing on the application for Subdivision Approval for 160 Rombout Avenue, seconded by Mr. Byrne. All voted in favor. Motion carried

City Attorney Jennifer Gray reported the Lead Agent letter for SEQRA environmental review was circulated, and Part 2 of the Short Form EAF and Part 3 outlining reasons in support of a Negative SEQRA Declaration were prepared. After careful consideration, Mr. Williams made a motion to issue a Negative SEQRA Declaration, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Ms. Reynolds reopened the public hearing on the application for Subdivision Approval, seconded by Mr. Warner. All voted in favor. Motion carried. Mr. Gunn opened the floor for public comment.

Rheyan Cader, 43 South Cedar Street, explained this property shares a common border with the subject property. He viewed the plan which shows an infiltration basin to the rear of the parcel which appears to force run off into his property. Mr. Cader expressed concern that

damage to his property would result from this run off. He asked for more information on how noise and dust from construction will be mitigated so as not to adversely affect his property.

Engineer Mike Bodendorf of Hudson Land Design explained Mr. Cader's property sits higher than this parcel and the infiltration basin sits lower than any other part of the land. The infiltration basin will decrease the rate of runoff and volume to any adjacent properties. Mr. Bodendorf reported they will work within noise ordinance regulations and apply water to the site whenever needed during summer months.

Mr. Cader had additional concern that watering will not contain saw dust from construction. He asked that some type of structure be built to mitigate the effects construction will have on his property. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, was happy neighboring property owners were watching the meeting. Although aware of the neighbor's concerns, she felt the plan addressed water runoff issues and that the applicant would work within regulations.

Mr. Russo summarized his review comments and Mr. Clarke had no outstanding items. A lengthy discussion took place about the encroaching fence and property contours. Mr. Gunn offered another opportunity for public comment however there were no further public comments and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Williams. All voted in favor. Motion carried.

City Attorney Jennifer Gray reviewed the draft resolution pointing out minor typographical errors would be corrected and lot measurements will be updated. She explained a recreation fee must be paid for the newly created lot and subdivision approval does not indicate approval of the encroachment because that is a private matter.

After careful consideration, Mr. Williams made a motion to adopt the resolution of Subdivision Approval as updated, seconded by Ms. Reynolds. All voted in favor. Motion carried; 5-0.

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

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval at 511 Fishkill Avenue, seconded by Mr. Williams. All voted in favor. Motion carried.

Aryeh Siegel described his client's proposal to amend the existing Site Plan Approval for 511 Fishkill Avenue to add a new outdoor deck to front of the building for the arcade use. A narrative clarifying the plans was provided as requested.

Mr. Clarke asked if any new lighting was being proposed. Mr. Siegel explained lighting that complies with new lighting standards will be added near the door. There were no further comments and Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, supported the application and felt new compliant lighting would not disturb neighboring properties.

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

After careful consideration, Ms. Reynolds made a motion to adopt the resolution of Site Plan Approval as presented, seconded by Mr. Williams. All voted in favor. Motion carried; 5-0.

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

Mr. Warner made a motion to open the public hearing on the application for Site Plan Approval for the project at 177 Main Street, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Aryeh Siegel submitted revised plans and a project narrative describing 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.

Mr. Russo had no engineering comments and Mr. Clarke asked that a note documenting the type, location and shading for the lighting fixture be added to the plan. There were no further comments from the board and Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, felt that even though the addition is in the rear of the building, it is located in the Historic Overlay District and should not have a modern feel. She supported the application as long as the adjacent building owners have no negative comments.

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

After careful consideration, Ms. Reynolds made a motion to adopt the resolution of Site Plan Approval and Certificate of Appropriateness as drafted, seconded by Mr. Warner. All voted in favor. Motion carried; 5-0.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL (RELATIVE TO A SPECIAL USE PERMIT), ACCESSORY APARTMENT, 3 WATER STREET, SUBMITTED BY PETER O'KENNEDY**

Aryeh Siegel described his client's proposal to construct a one-story accessory apartment addition and to consolidate two parcels into one lot at 3 Water Street. The application meets all zoning requirements and the City Council granted a Special Use Permit for the accessory apartment.

Mr. Clarke had a few minor comments, of importance was the applicant's proposal for a six-foot high stockade fence along the frontage of the property. He explained front yard fences

are typically limited to four-feet, however the Board has discretion to approve the six-foot fence if it is necessary for privacy. The owner wants the fence for screening the view of garages across the street. He is a landscape architect and will add planting to a large portion of the fence on the public side.

Owner Peter and Sophia O’Kennedy explained a higher fence is preferable because they have a large dog who can jump a five-foot fence, and they will they will add tall plantings to soften its appearance. Plantings will include natives, bayberry, hydrangea and sweet pepper bush to create a hedge in front public side of the fence. It was suggested that some type of evergreens be added to provide a level coverage year-round, and the previously proposed Hornbeam bushes will be moved to the front of the accessory apartment.

Mr. Clarke suggested adding two street trees along the frontage south of the existing structure. Mr. O’Kennedy explained they want to plant a vegetable garden and trees would block the only space where the sun can benefit the garden. Mr. Clarke also noted the sidewalk should be widened near the telephone pole that exists in the middle of the sidewalk near the handicap ramp.

After careful consideration, Mr. Williams made a motion to set a public hearing for the month of May, seconded by Ms. Reynolds. All voted in favor. Motion carried. Mr. Russo advised the applicant that a flood plain permit will be needed unless the grading is adjusted to remain outside of the flood plain. Mr. Bodendorf reported he would pull the grading away as suggested. He respectfully requested the Board consider preparation of a draft resolution of approval for review at the May meeting. After careful consideration, Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of Site Plan and Subdivision Approval as requested, seconded by Mr. Warner. All voted in favor. Motion carried.

### **Miscellaneous Business**

#### Zoning Board of Appeals – April agenda

No meeting in April as no applications were received.

#### City Council request to review Proposed Local Law regarding Noticing of Public Hearings

City Attorney Jennifer Gray reviewed proposed changes to Chapter 223, Section 61 of the City Code concerning requirements for public notices. The main changes are to require publication in an additional local newspaper, clarify that notices be certified mail not return receipt, and alteration to perimeters of notification. Boundaries for single-, two-, and three-family projects are to remain at 250 feet; and multi-family residential and non-residential projects will expand to 500 feet. In addition, requirements for posting signage for City Council public hearings will be reduced to 10 days. City Attorney Jennifer Gray suggested members consider adding language to allow a discretionary waiver so the approval authority can waive the signage requirement if an issue arises. A lengthy discussion took place with regard to the changes. Members questioned why the posting requirement would be different for each board, and asked why notification radius between commercial and small residential projects was increased. Members felt the language regarding the notification areas should be clarified because it could be interpreted two ways.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Williams. All voted in favor. Motion carried. The meeting adjourned at 9:45 p.m.