

**Planning Board**  
**May 12, 2020**

The Planning Board meeting was held on Tuesday, May 12, 2020 via videoconference in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Randall Williams, 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. Member Rick Muscat was absent.

Mr. Gunn read the following statement: Tonight's meeting has been convened in accordance with the Governor's Executive Orders, which suspend certain provisions of the Open Meetings Law to allow a municipal Board to convene a meeting via videoconferencing. In accordance with the Executive Orders, 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. The meeting is being broadcast on the City's YouTube channel – the link is available on the City's website. As always, the agenda and all materials considered for tonight's meeting are available for viewing on the City's website. We have 2 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; Webinar ID: 958-5326-5560; Password: 981743. By pressing \*9 on your phone you can indicate to the host of this videoconference that you wish to be heard. Then please wait to be called upon. Before we get started please make sure your audio is muted to eliminate background noise and audio feedback.

**Regular Meeting**

The regular meeting began at 7:05 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the April 14, 2020 meeting. Ms. Reynolds made a motion to approve minutes of the April 14, 2020 meeting as presented, seconded by Mr. Warner. All voted in favor with the exception of Ms. Quiana who did not attend the April meeting. Motion carried.

**ITEM NO. 1 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL (RELATIVE TO A SPECIAL USE PERMIT), ACCESSORY APARTMENT, 3 WATER STREET, SUBMITTED BY POK BEACON, LLC**

Mr. Williams made a motion to open the public hearing on the application for Site Plan Approval relative to a Special Use Permit for an accessory apartment at 3 Water Street, seconded by Mr. Warner. All voted in favor. Motion carried.

Aryeh Siegel described his client's proposal, highlighted changes that were made to the Site Plan, and explained the driveway was reconfigured to resolve conflict with the utility pole. Mr. Russo reported plantings along the sidewalk and fence are located in the City's right-of-way therefore must be moved back or be approved by the City. City Attorney Jennifer Gray explained the draft resolution of approval includes a condition that in the event the plantings are removed in the future, the fence must either be removed or relocated to allow space to install replacement plantings to screen the fence from public view. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, supported the application and noted the applicant donated a small corner of property that extended into the right-of-way to the City. She suggested moving the fence back so it remains on their property.

Mr. Siegel confirmed the applicant is donating a portion of property that extended into the street to the City and a 3 ft. space has been provided between the fence and sidewalk to allow space for plantings.

There were no further comments from the public and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Byrne. All voted in favor. Motion carried. After careful consideration and review, Ms. Quiana made a motion to approve the resolution of Site Plan and Subdivision Approval as presented, seconded by Mr. Warner. All voted in favor. Motion carried; 6-0.

**ITEM NO. 2 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, “BEACON VIEWS TOWNHOUSES” 40 UNITS, CONKLIN STREET, SUBMITTED BY BEACON VIEWS, LLC**

Ms. Reynolds opened the SEQRA public hearing on the application for Subdivision and Site Plan Approval for property on Conklin Street known as “Beacon Views”, seconded by Ms. Quiana. All voted in favor. Motion carried.

Attorney Richard Cantor of Tehan & Constantino, described his client’s proposal for a 40-unit townhouse development on property off Conklin Street. They received and will respond to consultant’s comments from their last submission. Mr. Cantor spoke to the issue of site access, explaining that prior to his involvement the City encouraged access through the proposed public street from the Townsend Subdivision. At this time, that subdivision has not yet been developed so additional plans are prepared to go through the adjoining property owned by Highland Meadows via a right-of-way.

Engineer Jeff Contelmo of Insite Engineering explained although an alternate access via Delavan Avenue and Hastings Drive was worked out, they remain committed to connect through the Townsend Subdivision. In absence of the traffic engineer, he reported both options were reviewed and found that traffic could be adequately handled. They will incorporate recommendations from the City’s traffic consultant into the plan.

Architect Aryeh Siegel reported they met with the Architectural Review Subcommittee in February and there was a consensus that the building design would be acceptable with a few minor changes. After some discussion, it was understood that the lower level brick should be on all four sides of the buildings.

Mr. Russo highlighted his engineering comments which listed additional information needed on the easement, stormwater, water connection to the Town of Fishkill line, wetlands delineation, and HDR sewer modeling.

City traffic consultant Frank Filiciotto reviewed his response to Maser Consulting's latest submission and offered possible traffic control methods that would benefit the flow of traffic.

Mr. Clarke summarized his comments, specifically with regard to the need for more information on wetlands. The Wetland Evaluation and Impact Report should address requirements outlined in Section 223-16(A) and identify square footage of the area to be disturbed, filled or planted. Mr. Clarke suggested a sidewalk be created to access the trail leading to the passive recreation area. He felt the school impact analysis was thorough and justified, showing an estimated addition of 8-13 students. Mr. Gunn opened the floor for public comments.

Theresa Kraft, 315 Liberty Street, was pleased to see the improved site plan. She asked that if anything historical in nature is uncovered during construction it be brought to the City's attention because the site is near historical Matteawan Hospital and Memorial Park.

Attorney Javid Afzali of Bond Schoeneck & King spoke on behalf of Highland Meadows, the affordable senior housing development at 11 Hastings Drive. He explained a dispute over the egress easement exists and is a legal issue between his client and the applicant. They continue to address the issue with the applicant but a civil lawsuit will be presented if no settlement is made. Their residents and their quality of life will be affected by the additional traffic. Mr. Afzali explained they have concern about the access because of the situation with the Townsend Subdivision. He believed their traffic analysis had gaps because 24-hour traffic was not considered, and it does not include traffic generation from the adjacent private school. Mr. Afzali expressed further concern about impacts to the wetlands, sewer capacity, removal of 3.5 acres of vegetation and trees, stormwater, and adverse effects to habitat on the property. He asked that the public hearing remain open so the applicant can address their concerns.

Traffic engineer Philip Grealy of Maser Consulting explained the traffic study included both Delavan Avenue and Townsend Street, specifically the 29 single-family houses, the church, Wingate, and Highland Meadows. They estimate the townhouse development to generate 30 vehicles per hour and focus was set on peak time periods because the lower use hours have less impact. The Townsend Subdivision and alternate access points were both evaluated in the traffic study. Mr. Grealy reported they will work on items suggested by the City's traffic consultant.

A lengthy discussion took place with regard to the wetland mitigation area which was delineated but no details were provided. Members encouraged access for pedestrians or a viewing platform near the mitigation areas to encourage higher quality wetland management. Mr. Contelmo explained they provided access through the site to Conklin Street but had not yet considered viewing platforms.

Peg O'Leary, on behalf of Highland Meadows senior housing facility, expressed concern with the applicant's traffic study and existing traffic patterns. The existence of the Panichi Learning Center was completely omitted. Ms. O'Leary reported during the approval process for Highland Meadows, the estimated traffic generation for a 68-unit senior housing complex was 237 trips. Wingate, a nursing home/rehabilitation facility that operates 24-7 with visitors, staff and emergency vehicles, generated an estimate of 379 trips. The Panichi Learning Center has 28

employees, 48 students and related busing generated an estimate of 788 vehicles. Ms. O’Leary offered to share their traffic report and felt the area streets were at capacity.

There were no further public comments and Mr. Williams made a motion to continue the public hearing at the June 9, 2020 meeting, seconded by Mr. Warner. All voted in favor. Motion carried. Mr. Cantor asked that the traffic information be submitted for their review in a timely manner. City Attorney Jennifer Gray asked Ms. O’Leary to kindly submit that information in advance of the next meeting to allow time for review. Mr. Clarke explained the Townsend Avenue access was chosen as the best option early in the process due to the length and access from the road. He felt the applicant should do everything possible to make the Townsend Avenue access work.

**ITEM NO. 3 REVIEW APPLICATION FOR SITE PLAN APPROVAL, RETAIL/RESIDENTIAL, 416-420 MAIN STREET, MIXED-USE COMMERCIAL, OFFICE & RESIDENTIAL DEVELOPMENT, SUBMITTED BY 416 MAIN STREET BEACON, LLC & 420 MAIN STREET, LLC (D/B/A 420 MAIN ST., LLC**

Attorney Taylor Palmer of Cuddy & Feder introduced design team members Architect Aryeh Siegel, Engineer Michael Bodendorf of Hudson Land Design, Traffic Engineer Richard D’Andrea of Maser Consulting, project manager Ben Giardullo and applicant Tom Lee. Mr. Palmer described his client’s proposal for a new mixed-use office/commercial with limited residential-use development. The project requires Subdivision (lot line change), Site Plan Approval, and Special Use Permits for the corner tower, fourth floor residential and artist live/work space. One 14,703 sq. ft. building fronting Main Street and Schenck Avenue consists of 4,616 sq. ft. ground floor retail (including the former Ella’s Bellas building), 7,872 sq. ft. office space on the second and third floors, and 2,215 sq. ft. residential space containing two apartment units on the stepped-back fourth floor. Also proposed is a 2,145 sq. ft. single-family home, artist/live work space to the rear of the property facing South Street. The property is split-zoned with the front portion in the CMS district and the rear portion in the PB district which is currently under consideration to be changed to the Transitional zoning district. Mr. Taylor reported this project was designed to be compliant under CMS, PB and Transitional zoning regulations, as well as consistent with the Historic District and Landmark Overlay zone. The applicant will be seeking a parking waiver for the commercial component of the project which requires 26 off-street parking spaces. They are providing four off-street parking spaces for the residential portion of the project. Mr. Palmer provided photos of Main Street properties near the site however Google street views are done with wide angle lenses and were somewhat distorted in size.

Mr. Siegel described the site plan layout showing a four-story Main Street mixed-use building and a smaller single-family dwelling with artist live/work space facing South Street. There are landscaped areas and parking in between the buildings. If additional parking is preferred the landscaped areas can be reduced. The existing façade of the café building will remain the same with setback upper stories and a terrace for seating in front.

Traffic consultant Richard D’Andrea reported their traffic study revealed the project will have minimum impact to the area. A survey of available parking in the area completed during the first week in February revealed fewer spaces were available on the weekend, however impact

will be reduced with lower building demand on the weekend. They believe there is sufficient parking in the area and bicycle racks will help support a request for a parking waiver. Mr. D'Andrea reported they will review and address comments provided by the City's traffic consultant. Members asked if other businesses utilizing area parking were considered and raised concern that a study done in February could be quite low in comparison to summer month traffic. Discussion took place about making Schenck Avenue a one-way street, or continue as a two-way street by switching the 'no parking area' to the other side of street.

Project Engineer Mike Bodendorf explained the main building will tie into the sewer line on Main Street and the rear building will tie into sewer on South Street; both buildings will have water connection from Schenck Avenue. Stormwater structures will be added and three new catch basins will improve stormwater collection on South Street.

Principal owner Tom Lee explained he wanted to do something good for the community and create a building on an empty lot that will benefit the city. He expressed his desire to work with the city to create a successful project for all.

The applicant was advised to submit a Long Form EAF so the City can begin the process of circulating the board's intent to act as Lead Agent in SEQRA environmental review.

Mr. Clarke reported a good deal of public comment was submitted regarding the fourth story on the front building. He explained the fourth story and tower require Special Use Permits which will be reviewed by the City Council. A provision in the City Code does not allow two primary uses on one parcel unless multi-family or commercial, therefore they will need to separate the two buildings with a lot line realignment or eliminate the single-family structure. The rear building must abide by regulations of the R1-5 zoning district which requires 10-foot side yard setbacks. Mr. Clarke spoke about the lack of adequate parking and asked that information on available off-street parking within 800-feet be provided. He asked the applicant to explain why the existing front tree and planter are slated to be replaced. Discussion took place with regard to parking on Schenck Avenue and he recommended it remain open to two-way traffic by switching the no parking zone to the other side of the street.

Mr. Russo had similar comments and noted a few minor changes are needed to the engineering plan. Discussion took place about the lot merger, different ways to design the development, and requirements can be waived by the Planning Board. It was noted the proposed elevations appear to be out of context with the neighborhood.

Members provided their comments which included concerns about the building design. Many letters were submitted about this project and nearly 80% did not support the proposed elevations. Members felt the elevations needed improvement and were encouraged that the owner expressed his intent to work with the City. A lengthy discussion took place with regard to permitted uses, Special Use Permits, and parking. It was noted that the Planning Board has historically waived commercial parking requirements but it is handled on a case by case basis. Review of this item will continue.

## **Architectural Review**

### Single Family House – 16 Coyne Hill Road

Claire Tipley and Steve Spacarelli described their proposal to construct a new single-family house on the vacant lot at 16 Coyne Hill Road, which was part of their Knevels Avenue Subdivision. Members reviewed elevation drawings and compared it to neighboring housing stock. After a lengthy discussion and careful consideration Mr. Williams made a motion to approve the architectural design of the house with the following color scheme: Siding – 8-inch fiber cement shiplap in Behr Iron Mountain Gray; Roof – Cedar Shingle; Windows – Weathershield Contemporary Arcadian Green; and Trim – 2.5-inch fiber cement in Behr Iron Mountain Gray. The motion was seconded by Ms. Reynolds. All voted in favor. Motion carried.

## **Miscellaneous Business**

### Zoning Board of Appeals – no meeting in May

There was no meeting in May as no applications were received.

### Request for Modification of Condition C-1 of Resolution Granting Preliminary and Final Subdivision Plat and Site Plan Approvals for 23-28 Creek Drive

City Attorney Jennifer Gray explained during the City's preparations to close on the former DPW property at 23-28 Creek Drive, they discovered that Conditions C-1 and D-1 of the Planning Board's resolution of approval (dated January 14, 2020) are in conflict with the Purchase and Sale Agreement (PSA). Condition C-1 required remediation to be completed before a Building Permit could be issued which was at odds with the PSA language; and Condition D-1 exempted the applicant from paying recreation fees however the applicant agreed to pay full recreation fees as outlined in the PSA. Attorney Taylor Palmer explained his client agreed to the changes and thanked the City for their assistance. After careful consideration, Mr. Williams made a motion to approve the resolution amending Site Plan Approval for 23-28 Creek Drive, seconded by Ms. Reynolds. All voted in favor with the exception of Mr. Byrne who was recused from this item as he had publicly commented on the application prior to his appointment to the Planning Board. Motion carried; 5-0.

### City Council request to review proposed Local Law concerning Short Term Rentals

City Attorney Jennifer Gray provided an overview of the proposed Short-Term Rental Law under consideration by the City Council. Rental properties must be owner-occupied and are limited to one-, two-, or accessory apartment units. Applicants would need to apply to the Building Department for a permit that would be good for two years, and the property is subject to inspection. Rentals are limited 100 days per year so they do not become a full-time occupation, commercial events would not be permitted, and if renting the entire house there must be a commercial agent in the area to contact if issues arise. After a lengthy discussion and consideration of the law, Ms. Reynolds made a motion to forward a positive recommendation to the City Council, seconded by Mr. Warner. All voted in favor. Motion carried.

City Council request to review proposed Local Law to amend Chapters 223 and 210 regarding the Schedule of Regulations and associated amendments; and proposed Local Law to amend the City's Zoning Map

Planning Board members reviewed the Local Law amending Chapters 223 and 210 of the City of Beacon Code concerning the Schedule of Regulations and associated amendments, and changes to the Zoning Map as requested. City Planner John Clarke gave a detailed explanation of the proposed zoning amendments and creation of the Transition Zone. A lengthy discussion and review of the revised zoning tables took place.

There was much debate about the commercial requirement for the Linkage Zone and the affect increased density would have on properties in the Transition Zone. After a lengthy discussion, members agreed that the City Council should consider generating a schematic example of both a commercial and residential site by applying the new zoning regulations to better understand the resulting bulk increased density would have on neighboring properties.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Byrne. All voted in favor. Motion carried. The meeting adjourned at 11:20 p.m.