

Planning Board August 11, 2020

The Planning Board meeting was held on Tuesday, August 11, 2020 via videoconference in the Municipal Center. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Randall Williams, Len Warner, Jill Reynolds, and Kevin Byrne (joined meeting at 7:20 p.m.) Also in attendance were City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Karen Quiana was excused.

Training Session

City Attorney Jennifer Gray summarized the Planning Board's standards of architectural review for applications before the board. The City Council adopts laws and sets policy, and the Planning Board's authority is limited to regulations adopted in the zoning code. The Planning Board reviews applications for Site Plan Approvals, Subdivision Approvals and Architectural Review applications. Each application has its own standards that must be followed and decisions must be supported by facts and professional opinions. She summarized Chapter 86 outlining Architectural Review standards and Chapter 134 regarding regulations for Certificates of Appropriateness. City Attorney Jennifer Gray also discussed Article 78 proceedings to appeal decisions made by the Planning Board or Zoning Board of Appeals.

Mr. Gunn announced member Rick Muscat resigned from the Planning Board in April and the search is on for a new member to be appointed in time for the September meeting. He began the meeting by reading 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 two 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: 837 3256 4372; Password: 201333. 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.

Approval of Minutes

The regular meeting commenced at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the July 14, 2020 meeting. Mr. Williams made a motion to approve minutes of the July 14, 2020 meeting as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE 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

Attorney Richard Cantor of Tehan & Constantino said his client is ready to close the SEQRA public hearing and request the board authorize preparation of a Determination of Significance for consideration at the September meeting. He provided details on water connection, sewer capacity, traffic, alternate means of access, easements to the property and explained they have a phone conference scheduled with the neighboring property owner (Highland Meadows). He reported the City Attorney reviewed information provided about the easement however she was not convinced about their stance on storm mitigation rights. City Attorney Jennifer Gray asked that the stormwater easement be submitted for review.

Discussion took place with regard to wetland mitigation and how it relates to closing out SEQRA review process considering approval may be needed from the Army Corp. of Engineers. Mr. Cantor was of the opinion that wetland mitigation was a site plan approval question rather than SEQRA however members were not comfortable closing out the environmental review process until wetland mitigation has been addressed.

Mr. Russo advised that contract vendee interested in purchasing the Townsend Street Subdivision expressed concerns about Beacon Views access if they are also under construction. The City won't own the road until construction is completed therefore bonding or some type of protections would need to be worked out between the two parties. A construction phasing plan should be submitted for review. The applicant's representative Greg Kamuldulski reported they are prepared to meet with the purchaser in order to work something out regarding construction. Mr. Gunn opened the floor for public comment.

Colleen Cook, 11 Hastings Drive (resident of Highland Meadows), expressed concern about use of Hastings Drive as the main entrance to this development. Many of the residents at Highland Meadows are in fragile health and the noise and pollution from traffic will be a detriment to their health. Emergency vehicles will have trouble getting to them and the adjacent nursing home. Ms. Cook moved from White Plains to get away from congestion and wants Beacon to remain the quaint city where she relocated. There are approximately 63 residential units in Highland Meadows, all residents are over age 62 and many have disabilities. The following also wrote in with their concerns about the development:

Martha Davies	Highland Meadows resident
Colleen Cook	Highland Meadows resident
Margaret Douglas	Highland Meadows resident
Anne Millman	Highland Meadows resident

Theresa Kraft, 315 Liberty Street, read the following statement:

This project will have cumulative effects. I believe this project is within a district listed in the National or State Register of Historic Places with the Matteawan State Hospital and the historic viewshed of Mount Beacon. Development of this scale will continue to deteriorate the quality of life for the surrounding neighborhood residents, including that of the flora and fauna. I ask that this project be scaled back. This project with 40 units could ideally generate 120 cars daily and delivery trucks. And tonight we heard they are in negotiations with the bordering 13 acre parcel

for access to their site, and also heard they haven't talked to them yet, which is it? Back-to-back townhouse projects will mean larger build outs in this proximity. We cannot continue to strip away land for structures and asphalt and believe we will continue to breathe fresh air.

Mr. Clarke advised the applicant that the two primary issues are determining access to the site and wetland mitigation. A meeting with Highland Meadows and the purchaser of Townsend Street may resolve the applicant's issues regarding mitigation and site access. The proposed off-site landscape and sidewalk improvements will need to be agreed upon by Highland Meadows. Mr. Russo summarized his engineering comments and also advised that the plan for off-site improvements should be provided to Highland meadows for their review.

Mr. Kamuldulski held a strong position that they have full legal right to access their property through the newly approved Townsend Street Subdivision understanding the need to work out timing of construction schedules. He also felt they have rights and full legal access through the easement over Highland Meadows property. City Attorney Jennifer Gray explained that once Townsend Avenue is extended for the Townsend Avenue Subdivision and is dedicated to the City the applicant will have full access as it will become a City street; until then the access is private and easement access will be necessary.

Mr. Gunn polled members and all agreed that more information is needed before closing the SEQRA public hearing therefore the hearing will continue at the September meeting.

ITEM NO. 2 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SITE PLAN APPROVAL AND SUBDIVISION (LOT MERGER), 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

Ms. Reynolds made a motion to open the public hearing for SEQRA environmental review on the project at 416-420 Main Street, seconded by Mr. Byrne. All voted in favor. Motion carried.

Attorney Taylor Palmer of Cuddy & Feder was joined by architect Aryeh Siegel, engineer Michael Bodendorf, traffic engineer Rich D'Andrea, applicant representative Ben Giardullo, and owner Tom Lee to present the proposed project at 416-420 Main Street. Mr. Palmer described revisions made to the site plan and building elevations, including changes to the corner of the mixed-use building and an updated parking study. He explained a Special Use Permit is required for the fourth story which will be reviewed by the City Council.

Mr. Siegel provided a detailed review of the site plan and building layout, and described proposed building design and interior uses. He presented revised building elevation changes made to the entrance and corner, and provided views from Schenck Avenue and the rear of the building.

Traffic engineer Richard D'Andrea of Maser Consulting reviewed their parking plan which showed three parking spaces on the west side and three parking spaces to the north on the east side of Schenck Avenue. He explained it is similar to what exists today with the addition of a painted center line to delineate the street. Mr. D'Andrea reviewed the parking analysis which

showed this project would not have a substantial impact on parking in the area. Parking demands on weekends are increased but would be offset due to less demand for the office use. Discussion took place about the reconstruction of Fishkill Avenue which will also provide additional on-street parking within an 800 ft. radius of site.

Mr. Bodendorf reviewed water and sewer connections to the site. There will be no connections into Main Street as all connections are from Schenck Avenue or South Street. They are adding catch basins to tie into the City's stormwater system which will improve drainage on South Street.

Mr. Gunn opened the floor for public comment and noted the following residents submitted written comments that were circulated to Planning Board members and consultants prior to the meeting:

Donna Hardisty	412 Main Street
Christopher Hardisty	412 Main Street
PJ Hardisty	412 Main Street
Linda Anderson	412 Main Street
Maryanne Magagnos	47 North Street
Holly J. Coley	2 Schenck Avenue
Alex Smith	<i>no address</i>
Neil Vaughn	432 Main Street
Joanna & Tal Danino	42 Spring Valley Street
Ken Rabe, Rabe & Co.	<i>no address</i>
Jim & Ronna Lichtenberg	<i>no address</i>
Charlotte Guernsey	492 Main Street
Kristian Glover	28 West Church Street, Apt. 1
Craig Wolfe Pres. Howland Center	477 Main Street

Theresa Kraft, 315 Liberty Street, read the following statement:

Beacon needs to look at the big picture. Not only is this proposed site planned in the Historic District, but it's significant blown out of scale building size is overbearing with homogenized design. The role windows play in the overall design lacks any nod to the relevance of Hudson Valley historic resources. This submission will forever alter the streetscape in this Landmark Overlay Zone. This proposed 4th story needs a special permit from the City Council, including the massive 15-foot step-back design element. Recent amendments to the CMS building height section require a specific public benefit for a special permit approval. Granting a special permit for another 4 story building on our main street does not add to the quality of life to its immediate neighbors and its city residents, and the proposed outdoor green space and office space should not be able to qualify as an acceptable public benefit as it does not offer a worthy value for all city residents, ultimately this space will only benefit the developer, their offices and their customers using their outdoor dining space, leaving little to no wiggle room for use as a real public benefit. I agree eliminating extensive parking requirements could be adjusted if we are to promote a walkable green city. Solving parking issues should not be made the sole responsibility of a single developer to fix a citywide problem. But continuing to allow dense overdevelopment on our city's Main Street is an all-too-common breed of discontent. It only encourages council and its boards of hypocrisy; local authorities can no longer say they want to prevent sprawl and then implement rules that enable it. Just say no more to four or more regardless of promises - we're already seeing applications for a new fourth floor rooftop type shed building, what only looks like an outhouse proposed on another historic building on East Main Street. You can't have a vision for one thing and then have special permits that prevent it being realized. Please say no.

Mary Collier, 24 Van Nydeck Avenue, agreed with comments from Theresa Kraft with regard to historic buildings and how this proposal does not maintain any aesthetic of historic Beacon. This area has a huge parking issue and a study done on a weekday in February does not show a true image of parking availability. Ms. Collier felt the City doesn't need any additional unrented retail space, rather it could benefit from more green space.

Eddie Lopez, management for the restaurant/lounge at the Beacon Hotel (4224 Main Street), supported the project and felt it would bring more class to their side of the street. Pedestrians often stay to the other side of the street and it is difficult to get customers to cross over due to the blank space.

Scott Lerman, 40 North Street, felt the project will enhance the neighborhood. He said parking is an issue but one project can't solve all parking problems. He did not think the fourth-floor residential unit was necessary and had concern for the height of the building façade. Mr. Lerman felt the green space as presented was not necessarily for the benefit of the public and believed they could find a way to improve the street scape. Lastly, the radius for allowable off-street parking spaces was large but felt every space on South Street will be used where congestion and problems already exist.

Stosh Yankowski, 86 South Chestnut Street, felt the large windows on the second floor did not fit in with the historical nature of the neighborhood. He believed the green space would have no benefit to the public and that the building design was not fitting. A building is needed in this location but no more four floors.

Discussion took place with regard to the green space and its availability to the public. Applicant Tom Lee explained it will be available to the public and will not be walled off. It is their intent for it to be open and transparent; with appropriate landscaping they will create an inviting space which provides a benefit to City residents.

Jennifer reviewed the Special Use Permit process is relative to the fourth story, explaining the City Council is the approval authority and the applicant must prove they have met standards outlined in the code. Mr. Clarke clarified that the fourth story is allowed by Special Permit with City Council approval because it is located in the Historical Overlay district. He also explained the two stories of office space is considered a public benefit.

Discussion took place with regard to meeting with the Architectural Review Board, and it was determined that they would hold a Zoom meeting on Friday, August 14, 2020 at 10:00 a.m. In general comments included changing windows at the street so they are more in line with others, improving the fourth-floor elevation so it doesn't look like an afterthought, and that windows along the street appear to be oversized and out of proportion. In addition, members felt the green space landscape plan should invite people in, and had concern for striping a curved line on Schenck Avenue.

The City's traffic consultant Frank Filiciotto felt this project creates more concern about parking rather than traffic generation. This is an infill building that will share parking with other buildings and uses on Main Street. He questioned whether the odd street striping and parking

proposal was worth gaining one space. Five off-street parking spaces are gained if parking is permitted on only one side of the street as opposed to six off-street spaces with the odd configuration. In addition, the applicant can work with the City's consultant for the reconstruction of Fishkill Avenue to see what spaces can be gained on the street. John Clarke recommended parking be permitted on only the east side of Schenck Avenue rather than create an offset swerve. Mr. Filiciotto had a concern that vehicles parallel parking could result in traffic back-ups on Main Street.

James Reyes, 21 Schenck Avenue, offered the following comment in writing:

I live behind the project at 21 Schenck Avenue. They have our full support and welcome the development. The Beacon Hotel towers over blank space and we have no issue with the 3 floors and the 4th floor as it is setback. Parking is not bad and is only an issue during parades, etc.

After careful consideration, Mr. Williams made a motion to continue the public hearing in September, seconded by Mr. Warner. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – August agenda

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

River Ridge Pocket Park

Gary Joseph reported he was approached by Mayor Kyriacou with a proposal to break off the dog leg portion of the River Ridge parcel to create a public pocket park. Mr. Joseph is interested in negotiating with the City to trade the land and public improvements for a waiver from paying River Ridge's recreation fees. This particular portion of land was discussed during review of the project to see how it would be used for the development. A formal subdivision application and related documentation will be needed to separate the property in order to complete the transaction. Mr. Joseph explained an HOA has been created with the Attorney General and several units are ready for sale however this action must be completed before the first closing can take place. He is working with the HOA attorney to put the proposal in contract form so if the transaction doesn't happen, the property would then return to become part of the HOA portion again. Mr. Joseph had concern that he may need variances because the project design was based on the entire parcel. Mr. Clarke agreed further investigation is needed in terms of zoning compliance. During initial review of the project a trail and benches were proposed in this area for residential use however the neighboring property owners had strong objection. Members felt a public hearing for the proposed subdivision would raise the same objections. The parcel is 10 feet above Beekman Street and can be fairly hidden from the street view which raises concerns for adequate public access and security. Lastly consideration must be given to whether there is a need for park land in this area. People would likely prefer to go to the larger Riverfront Park rather than be next to residences or a cemetery. Mr. Joseph explained this proposal was initiated by the Mayor and he is only following up to see if it is feasible. Discussion took place with regard to the land that was used to calculate density of the River Ridge development. City Attorney Jennifer Grey explained if the property is subdivided, the remaining parcel would need to remain zoning compliant or a variance would be required. This matter is on the agenda to introduce the concept of the Planning Board waiving recreation fees if

the City Council is amenable to the transaction. In addition, City Attorney Jennifer Gray advised members that referral could be made to the City Council to see if they agree to accept the property. Further, a public hearing for the subdivision could be scheduled for the month of September subject to the Council's approval, submission of all application forms, an EAF, and subdivision plat.

A lengthy discussion took place regarding concern for neighboring property, security, how the park will look and function, and how the park will be accessed. The general consensus was to send a favorable recommendation to the City Council as long as the proposal has no negative impact or unintended consequences. The memo will include comments for consideration with regard to concerns previously presented by Hammond Plaza residents, security, access, need for parkland in this location, and potential damage to the adjacent cemetery because it can't be seen from the street. In addition, the property was used in consideration of density for the River Ridge project and subdividing may create the need for a variance. Mr. Joseph asked if there was a way to work around the need for a variance since the City would own the property. City Attorney Jennifer Gray explained that would be taken up with the City Council as the Planning Board does not have such authority. A zoning compliance table will be needed to determine whether a variance is needed for either parcel.

After careful consideration, Ms. Reynolds made a motion to send a memo to the City Council reflecting the Planning Board's discussion, seconded by Mr. Byrne. All voted in favor. Motion carried. Mr. Williams made a motion to set public hearing subject to City Council approval, and submission of an application for Subdivision Approval, subdivision plat and EAF. The motion was seconded by Ms. Reynolds. All voted in favor. Motion carried.

Architectural Review

Certificate of Appropriateness – 424 Main Street; new façade color

Eddie Lopez explained he has taken over the restaurant portion of the Beacon Hotel at 424 Main Street and would like to change the façade color to attract customers who otherwise walk past the monotone colored entry. He is proposing to paint the storefront Mayo Teal CW-570 with (dark gray steel) Temptation 1609 trim. Discussion took place with regard to the building lettering on the upper panels and the applicant agreed to meet with the Building Inspector regarding signage. After careful consideration of the façade color changes, Mr. Williams made a motion to approve the proposal, seconded by Mr. Warner. All voted in favor. Motion carried.

Certificate of Appropriateness – 25 East Main Street

Aryeh Siegel described his client's proposal to add a roof deck and associated stair access for an existing third floor apartment at 25 East Main Street as presented last month. The bulkhead will provide access to the roof deck which will be surrounded with black wrought iron railing. The bulkhead will have Hardie Board siding (in Gray Slate), two windows, and painted Sherwin Williams Gray Matter. The deck would be surrounded with black wrought iron railing. After careful consideration, Ms. Reynolds made a motion to approve the proposal as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

Certificate of Appropriateness – 1183 North Avenue (amendment)

Owner Norm Schofield presented proposed changes to a building under construction at 1183 North Avenue. He received approval to use painted wood siding at last month's meeting however wants to change to Hardie Board. Also, he asked to change the exterior by putting the Hardie Board on the top of the building with straight-edge shingle on the bottom half of the building, utilizing the same color scheme. Members reviewed the revised elevations and after careful consideration Mr. Gunn made a motion to approve the proposal as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Single Family House – Willow Street (corner of Verplanck)

Architect Heather Fagans representing applicant Dana Hochberg described the design for a new single-family house on a vacant parcel at the corner of Willow Street and Verplanck Avenue. She explained the modernist style house has traditional forms with a 12 on 12 roof pitch as shown in two renderings showing east and west side views. The end gable wall on the Verplanck Avenue side has a simple and clean design so not to compete with St. John's Church. The glass section that sits between the two end masses opens to Willow Street to add fabric to the street front. They have limited windows on the Verplanck Avenue side for privacy, to keep the blinking red traffic light out of the master bedroom, and to keep sound down inside the building. Ms. Fagans explained the design is intended to maintain traditional massing of a small house on this small, narrow, and rocky parcel. The natural materials include cement board in two different shades of warm gray, a zinc roof, and tropical dense fruitwood. Over time these material colors will fade in color to blend in with the wooded lot. A lengthy discussion took place regarding the driveway and entry location, appearance of the Verplanck Avenue façade, and whether the structure was too dissimilar to others in the area. Members reviewed adjacent housing stock which is a mix of housing styles where a level of diversity exists in this particular area. After careful consideration, Mr. Gunn made a motion to approve the elevations as presented, seconded by Mr. Byrne. On roll call Mr. Gunn, Mr. Byrne, Mr. Warner and Ms. Reynolds voted in favor of the motion; Mr. Williams voted against the motion because he felt the house was too dissimilar to others in the neighborhood. Motion carried; 5-1.

16 Coyne Hill Road

Stephen Spacarelli described their proposal to amend the previously approved single-family house on the vacant lot at 16 Coyne Hill Road, which was part of their Knevels Avenue Subdivision. The updated plan adds a dormer on the east facing side of the house and a few minor changes to the roof. The same materials and siding color will be used as previously approved, only changing the trim to Black. After careful consideration, Ms. Reynolds 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 – Black. The motion was seconded by Mr. Williams. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Warner, seconded by Ms. Reynolds. All voted in favor. Motion carried. The meeting adjourned at 11:05 p.m.