

**Planning Board
January 12, 2016**

The Planning Board meeting was held on Tuesday, January 12, 2016 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Randall Williams, Rick Muscat, Patrick Lambert, Gary Barrack, Jill Reynolds, and David Burke. Also in attendance were City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), City Planner David Stolman, and Building Inspector Tim Dexter.

Training Session

City Attorney Jennifer Gray reviewed the Open Meetings Law, Freedom of Information Law (FOIL), and procedures that should be followed when using individual City issued e-mail addresses.

Regular Meeting

Mr. Sheers called for corrections/additions or a motion to approve minutes of the December 8, 2015 meeting. Mr. Lambert made a motion to approve the minutes of the December 8, 2015 meeting as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL, SPECIAL USE PERMIT APPROVAL, AND SITE PLAN APPROVAL, NEW RESIDENTIAL/RETAIL BUILDING, 249 MAIN STREET, SUBMITTED BY 249 MAIN STREET, LLC

Mr. Williams made a motion to reopen the public hearing for the project at 249 Main Street, seconded by Mr. Muscat. All voted in favor. Motion carried. Engineer Mark Day reported the parking lot lighting was changed as requested. Mr. Stolman said the traffic study was reviewed and it was determined that the project will not have an adverse impact on the area. Only minor adjustments are needed to the revised parking lot lighting. Mr. Russo had no outstanding engineering comments.

Mr. Dexter responded to a comment from the last meeting which implied the use of vinyl trim material was prohibited by zoning; he clarified that the CMS district only prohibits use of vinyl siding. Project architect Ray VanVoorhis provided samples of building materials which included masonry, pre-cast concrete stone, and a cementitious trim Hardee board material.

Theresa Kraft, 315 Liberty Street, felt the board should reconsider allowing a fourth story on the building. She felt it would change the streetscape of Main Street and the character of Beacon.

There were no additional public comments and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Williams made a motion to request the City Planner to draft resolutions for Special Use Permit Approval, Site Plan Approval and Subdivision Approval for consideration at the February meeting, seconded Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, (PERFORMANCE SPACE, RETAIL, RESIDENTIAL), 445 MAIN STREET, SUBMITTED BY BEACON MAIN STREET THEATER, LLC

Mr. Muscat made a motion to reopen the public hearing on the 445 Main Street project, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Sheers announced a letter submitted by Christina Jensen was received and circulated to members prior to the meeting.

Aryeh Siegel reported an application for Subdivision Approval was submitted to merge the two lots into one parcel as requested by the City Engineer. The site plan was amended to replace the rear parking lot with a landscaped area which will provide additional space for on-street parking.

Mr. Stolman reported their review of the amended parking study revealed the project will not have an adverse impact on the area. Mr. Russo asked that parallel parking stall locations along VanNydeck Avenue and details on proposed plantings to the rear of the building be shown on the site plan. A public hearing will be needed for the Subdivision application.

Theresa Kraft, 315 Liberty Street, asked the board to reconsider the congestion, pollution, and parking issues that will be created by this project.

Donna Francis, 85 West Willow Street, works at a realtor's office next to the project and reported no one has ever come to their office to ask about renting efficiency or studio apartments. She feels these rooms are being created to be used as "Air B & B" for the Roundhouse, and that that the City is not focusing on affordable housing or how residents are being displaced. Ms. Francis felt these rentals are not for families or young couples and that the development is a guise to create more "Air B & B" space.

Discussion took place about the traffic study and what other projects were considered in the report. It was noted that 10% of the units must be affordable housing. City Attorney Jennifer Gray reported since the parking lot was revised not to utilize the City's right of way, a license agreement with the City will only be needed for the storm drain connection.

There was no further discussion and Mr. Lambert made a motion to continue the public hearing on the application for Site Plan Approval, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Muscat made a motion to set a public hearing on the application for Subdivision Approval, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, TEMPORARY RETAIL ART GALLERY, 158 MAIN STREET, SUBMITTED BY CAROL HEARTY

Mr. Muscat recused himself from this item due to a possible conflict of interest. Mr. Williams made a motion to open the public hearing on the 158 Main Street project, seconded by Mr. Lambert. All voted in favor. Motion carried.

Aryeh Siegel described his client's proposal to install a temporary trailer at 158 Main Street for retail art sales as permitted under "Retail Sales from a Truck or Trailer" legislation. Use of a parking area on the adjacent lot was removed as discussed and a letter was submitted by the adjacent neighbor (Hudson Beach Glass) demonstrating consent for use of their restroom facilities. A request for an electrical connection was submitted to Central Hudson.

Mr. Lambert felt this structure would not be appropriate in the historical overlay area and that it is not consistent with requirements of the historic district. Mr. Barrack believed this would be a setback for neighboring buildings that have been mandated to comply with requirements of the historical overlay zone. Discussion took place about building rehabilitations where strict compliance was required, and some felt no compelling reason had been presented to put a trailer in this location. Questions arose about removal of the trailer if the business did not succeed and some felt it a disservice to other businesses in the area who have done costly improvements to their buildings. Mr. Williams expressed concern not only for the structure but for garbage removal and technical elements that arise with a temporary structure that relies on other sources for support.

City Attorney Jennifer Gray explained City Code requires removal of the trailer in the event it is no longer used, and as additional protection a note could be added to the site plan. Discussion took place about how removal and enforcement measures would take place. City Attorney Jennifer Gray explained retail sales from a truck is a permitted use in this zoning district as adopted by the City Council.

Rick Muscat, 85 East Willow Street, asked if different wares than proposed could be sold from the trailer if the application is approved. Mr. Dexter explained the use is regulated but not the product sold; retail use is permitted no matter what is marketed.

Mr. Burke would rather this to be a permanent brick and mortar structure and asked what the proposed retail environment was to be sure it complies with other operations in the area. He asked for more information on hours of operation and whether any permanent spaces had been investigated. Ms. Reynolds agreed, pointing out that available spaces exist on Main Street and a temporary structure doesn't seem necessary.

Mr. Sheers understood the proposed use is permitted and felt that although a Certificate of Appropriateness wasn't required for the food vending truck on the other end of Main Street, consideration should be given to these uses on a case by case basis. He believed the design did not characterize the historic nature of the neighborhood. Members reviewed Section 134-4 which outlines requirements for a Certificate of Appropriateness. After some discussion, City Attorney Jennifer Gray said further investigation into the language will be done and an advisory opinion prepared for next month's meeting.

No one from the public wished to speak and Mr. Williams made a motion to continue the public hearing in February, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 4 CONTINUE REVIEW OF APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, 35 ORCHARD PLACE, SUBMITTED BY PENG WANG

Mr. Muscat returned for the remainder of the meeting. At last month's meeting it was noted that ownership of the property does not match that shown on Dutchess County Parcel Access. It appears the property maybe owned by an "LLC" or corporation which raised the question about whether it can be owner-occupied as required. City Attorney Jennifer Gray reported this situation is currently under review and further consideration will be given as the City Council has scheduled a public hearing on the Special Use Permit application.

Mr. Siegel explained plantings were removed to obtain adequate sight distance and a draft of a license agreement for the parking area encroachment into the City's right-of-way has been submitted to the City Attorney's office for review.

Mr. Stolman advised the applicant that if approved, a recreation fee must be paid for the additional unit. Conversation took place regarding the difference between two-family houses and accessory apartments, and enforcement of the owner-occupancy requirement.

After a lengthy discussion, Mr. Williams made a motion to set a public hearing for February subject to clarifying ownership status and granting of a Special Use Permit by the City Council. The motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, NEW RESIDENTIAL BUILDING, 50 UNITS, BEEKMAN STREET – (PARCEL W) "THE VIEW", SUBMITTED BY DMS CONSOLIDATORS, LTD.

Engineer Mark Day reported the present plan is a new layout with a reduced retaining wall and a longer, thinner four-story building to minimize impact on the site. The lowest story will be a parking garage servicing tenants with a full time valet concierge and lift-style parking. The second access onto Beekman Street was eliminated. Plans were provided for a garden roof which will be accessed by stair and elevator; the grass roof surface will serve as part of the site's stormwater management and will feed into rain gardens in front of the building. Penthouses on the top floor were designed with a 15 ft. setback to provide a terrace area, and the glass tower will house the elevator. An interior refuse enclosure is provided and a pocket park in front of the building will be designed with low scale lighting. Rock materials will be crushed, with some used on site and the remainder to be trucked to Dutchess Manor. Mr. Day estimated it would take 17 days for trucks to haul material from the site.

Mr. Stolman advised members that sight distance is a concern and a number of on-street, MTA permit parking spaces would need to be eliminated. The applicant had a preliminary discussion with the MTA and although they had no initial objections, they did not make a commitment. The City is also involved as they have an agreement with the MTA for use of the on-street parking and share in those revenues. City Attorney Jennifer Gray asked that the site plan showing removal of the spaces be provided to the MTA and the City Attorney so discussion can take place with the City Council.

A lengthy discussion took place regarding a blasting plan and the applicant was asked to provide a detailed narrative; it was noted that information will need to be included in SEQR documentation. The traffic study must also include information on truck traffic during construction. Review took place on details of construction, number of workers, parking, and protection to adjacent properties, specifically the church and cemetery. Proposed roof gardens, stormwater retention, plantings, and the walkway were discussed. The applicant will return next month for further review.

ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., DENNINGS AVENUE

Mike Morgante, of Arden Consulting Engineers, described his client's proposal for a two-lot subdivision of a parcel of land located at the corner of Dennings Avenue and Hudson Avenue in the R1-10 zoning district. The existing dwelling will be separated and a new lot created for a new single family house. During recent construction of that new house, several improvements were made to the property which included a series of catch basins, piping, and connections to municipal water and sewer utilities. Mr. Morgante reported the stormwater improvements have performed well and no overflow from site has occurred.

Mr. Stolman reported the original application was made prior to construction of the new house therefore the environmental assessment form must be updated to show all existing conditions. An easement and appropriate documentation must be provided for the proposed common driveway.

Mr. Russo reported a property visit in 2014 showed significant water on site. The size of stormwater piping and locations were reviewed. He asked that footing drains be shown on the plan, and a larger scale of the utility plan including measurements between utilities be provided. Mr. Russo advised the common driveway must be 16 ft. wide to the point of separation and parking in the front yard is not permitted. He suggested extending the installation of trees along the easterly boundary to provide additional screening between neighbors, and that a maintenance agreement for the proposed trees be required to replace any trees that may die. The applicant will return next month with revised plans.

Considering this is an unlisted action under SEQR, Mr. Lambert made a motion to circulate a document indicating the Planning Board's intent to act as Lead Agent in the environmental review process subject to submission of a revised EAF, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 7 REVIEW APPLICATION FOR SUBDIVISION APPROVAL, 15-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET

Jon Bodendorf of Hudson Land Design, presented his client's proposal for a 15-lot residential subdivision of a five acre parcel, formerly owned by the Knights of Columbus, located at the end of Townsend Street in the R1-7.5 zoning district. The existing building will be

demolished, Townsend Street and utilities will be extended into the development. Stormwater will be addressed on site and connection will be made to the City's system on Townsend Avenue.

Mr. Stolman reviewed his comments and noted the Planning Board may require reservation of land for recreational space, and if an area of adequate size is not possible a recreation fee may be required. He asked that measurements for each lot be provided to be certain each lot meets zoning requirements. Discussion took place regarding the possibility of extending Townsend Avenue through to connect with Conklin Street rather than create a cul de sac which would eliminate dead ends on each street. Mr. Russo reviewed his comments, noting Department of Health approval is needed and a SWPPP must be submitted. Considering the project is roughly five acres and a significant amount of cross-grading will be necessary, grading should be done prior to the sale of any individual lots. A construction sequencing plan will be needed. Discussion took place regarding storm water and a sewer pump station.

City Attorney Jennifer Gray asked the applicant to provide proof of ownership because Dutchess County Parcel Access shows it as owned by the Knights of Columbus. Discussion took place about the size of homes, increase in traffic, possible sidewalks, landscaped island in the center of the cul de sac, wetlands, and possible road connection with Conklin Street.

Considering this is an unlisted action under SEQR, Mr. Lambert made a motion to circulate a document indicating the Planning Board's intent to act as Lead Agent in the environmental review process subject to submission of the EAF, seconded by Mr. Muscat. All voted in favor. Motion carried.

Architectural Review

Certificate of Appropriateness – 469 Main Street; sign

Geoff Horn presented his proposal to install a new sign on the building at 469 Main Street to advertise an art gallery. The sign, "Yurei Moon Gallery" is 7.5' x 24", which will replace the same size existing sign and be placed in the same location. After some consideration, Mr. Muscat made a motion to approve the proposal as requested, seconded by Mr. Williams. All voted in favor. Motion carried.

There was no further business to discuss and Mr. Williams made a motion to adjourn the meeting, seconded by Mr. Burke. All voted in favor. Motion carried. The meeting adjourned at 9:21 p.m.