

**Planning Board
February 9, 2016**

The Planning Board meeting was held on Tuesday, February 9, 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 (in at 7:53 p.m.). Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner David Stolman, and Building Inspector Tim Dexter.

Training Session

City Attorney Jennifer Gray reviewed the Dutchess County Planning Department referral process and their role in reviewing projects from local municipalities. Recently the City Council adopted a streamlined process which eliminated some of the less significant referrals, leaving them to be addressed as a local matter. This agreement with Dutchess County became effective January 1, 2016.

Executive Session

Mr. Williams made a motion to go into executive session for advice of counsel, seconded by Mr. Lambert. All voted in favor. Motion carried. Members went into executive session at 7:31 p.m.

Mr. Lambert made a motion to come out of executive session and return to the regular meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. The regular meeting resumed at 7:51 p.m.

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

Copies of the draft resolutions for Site Plan Approval, Special Use Permit Approval, and Subdivision Approval were circulated to members for review in advance of the meeting. Engineer Mark Day reported they also received and reviewed the draft resolutions prepared for approval of the project. He asked if payment of the recreation fee could be prorated and paid when Certificates of Occupancy are issued as portions of the building are completed rather than pay for all 28 units up front. Mr. Sheers polled members and all agreed that such an amendment would be appropriate.

Mr. Day also asked if the applicant would be required to return to the Planning Board if any interior wall layouts were changed. It was noted that such field changes can be approved by the Building Inspector or City Engineer. City Attorney Jennifer Gray reported floor plans are not approved by the Planning Board, therefore confirmed interior changes in the layout can be done without returning to the board.

Ms. Reynolds was aware that the Zoning Board of Appeals granted a variance for a reduction in the required landscaping however encouraged the applicant to do what they could to make increases in the landscaped areas. (Mr. Burke joined the meeting at 7:53 p.m.)

After some consideration, Mr. Williams made a motion to approve the draft resolution of Subdivision Approval which included adoption of a Negative Declaration in the SEQR process, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Barrack made a motion to approve the draft resolution of Site Plan Approval and Special Use Permit Approval subject to changing payment of the recreation fee as discussed and any outstanding consultant comments, seconded by Mr. Muscat. All voted in favor. Motion carried.

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

Mr. Williams made a motion to open the public hearing for Subdivision Approval and to reopen the public hearing for Site Plan Approval for the project at 445 Main Street, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Sheers announced letters submitted by Christina Jensen and Cabot Parsons were received and circulated to members for review prior to the meeting.

Aryeh Siegel reported revised plans showing planting details to the rear of the building were submitted, and comments about striping VanNydeck Avenue for parking spaces will be worked out with the City Engineer and Building Inspector.

Mr. Stolman pointed out a minor difference exists in the number of Arbor Vitae shrubs between the landscaping plan notes and the Site Plan. Payment of a recreation fee for the proposed 32 units will be required. Mr. Stolman reported the traffic impact analysis included a growth rate of 2% and considered the following projects: One East Main Street, Creek Drive, and the portion of the Roundhouse project not yet developed. Mr. Tully had no significant comments. Mr. Sheers opened the floor for public comment.

Anthony Fox, 463 Main Street, expressed concern for the additional apartments because a lack of available parking currently exists and the municipal lots are at capacity. There is an increase on weekends when people are typically home and not working. Mr. Fox believed he was allotted 37 of the 41 spaces in the municipal lot behind his building when he purchased it from the City. Lastly he had concern about the property being turned over to a non-for-profit agency and that other property owners would be making up the difference in taxes.

Theresa Kraft, 315 Liberty Street, felt a City-wide moratorium on apartment buildings and commercial development should be established. She felt the theater should be saved, protected and preserved because it is an important part of the City's history. Ms. Kraft felt historic preservation should be a part of City planning, and that a historic commission and municipal historian should be established to survey the community's historic places. She asked that the theater be saved and urged the board to vote against the current proposal.

City Attorney Jennifer Gray spoke to the issue of parking. When the application was first submitted to the Building Department and reviewed by the Building Inspector for zoning compliance, he reviewed the provision in the zoning code which resolves that buildings in

existence in 1964 are exempt from the parking requirements set forth in Section 223.26 providing the proposed use is not greater, as far as parking requirements are concerned, by more than 25% in intensity. That regulation has been in the City Code since the 1970's and the determination was made by the Building Inspector that it applies to this building. The Building Inspector consulted with the City Attorney's office and after reviewing the application they agreed with his determination. The variances from 1988 referred to in recent correspondence were part of the Building Inspector and City Attorney's review and the determination stands. City Attorney Gray reported the Planning Board does not have jurisdiction to determine the applicant must provide additional parking under the off-street parking provision. She explained the applicant has offered to provide striping and curbing on VanNydeck Avenue as recommended in the parking study conducted by Dutchess County, which may provide more efficient use of the space.

Anthony Fox, 463 Main Street, reported vehicles already fill VanNydeck Avenue from one end to the other, and he must drive around looking for a parking space. He feels he is losing customers because there is not adequate parking space. He spoke about the unkempt condition of the parking lot and noted several people were issued tickets last winter because they had no other place to park.

Theresa Kraft, 315 Liberty Street, felt parking needs were different in 1965 because the average family only had one car (or none) and now families have several. She believed parking along VanNydeck Avenue will obliterate the view of the historical Madam Brett house.

Donna Francis, 85 West Willow Street, felt the City's Comprehensive Plan is not being followed, and that past demolition of entire historical homes and structures should not be ignored. She believes a moratorium should be placed on building in the City. Ms. Francis said these apartments will provide no benefit for the City and asked that members vote against the proposed development. Mr. Sheers advised her that an appeal for a moratorium must be presented to the City Council. He also explained the Planning Board does not have right to tell developer what to do as they are limited to enforce regulations approved by the City Council.

There were no further comments and Mr. Muscat made a motion to close both public hearings, seconded by Mr. Lambert. All voted in favor. Motion carried.

After some consideration, Mr. Lambert made a motion to direct the City Planner to draft resolutions for Site Plan Approval and Subdivision Approval for consideration at the March meeting, seconded Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE 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. Barrack. All voted in favor. Motion carried.

Applicant Carol Hearty and her architect Aryeh Siegel returned to continue review the proposed temporary retail art gallery at 158 Main Street. Mr. Siegel reported no changes were made to the plan however additional details were added to the structure's exterior to make fit in better with the historical nature of the area. Mr. Sheers opened the floor for public comment however no one from the audience wished to speak.

Mr. Burke had issue that the proposal is only a temporary use, and asked for a better understanding of why use of an existing brick and mortar setting had not been considered by the applicant. He wanted to know more about what was going inside the structure and why only a temporary use was being considered. City Attorney Jennifer Gray explained the proposal is an as-of-right use created by a zoning amendment authorized by the City Council. She reviewed the restrictions set forth in Section 223-26.3 and advised members that discussion should be limited to typical site plan related items.

Discussion took place regarding the revised elevations and Mr. Siegel explained the structure will be placed on blocks surrounded with skirting. The entrance will be approximately 12-inches from the ground and ramping will be installed to reach the entry door. Debate took place over the type of ramping, and Ms. Hearty and Mr. Siegel were asked to take a break and determine exactly what type of entry ramp would be used because a difference existed between their presentation and that listed on the site plan.

ITEM NO. 4 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.

Mr. Muscat returned for the remainder of the meeting. Engineer Mark Day presented revised elevation drawings which included revised roof plan using modular units planted with sedum. The lower roofs were provided with the same materials as well, and Arbor Vitae were added along the wall. Additional revisions were made per consultant comments provided at last month's meeting.

Mr. Stolman advised members that a determination must be made about payment of a Recreation Fee, and to consider if any of the proposed amenities will count toward that fee. He asked that details of the rooftop garden be included in the plan set, and the parking calculations must be corrected because 66 spaces are shown on the plan however 79 are proposed. Discussion took place regarding removal of MTA metered parking spaces on Beekman Street, and that they should be removed prior to removal of rock from site.

Mr. Tully's reported his review consisted of comments about stormwater, grading, erosion control, etc., none of which were of major significance.

A lengthy discussion took place about the rooftop garden design, size, benches, and proposed materials. It was recommended that the green areas be added to the roof in areas that are not accessible to residents considering they are modular units not meant to be walked on. This layout would allow a larger gathering space and additional benches would provide more space for resident use. Mr. Burke asked that materials be presented prior to the meeting so

members have ample time for a complete review, and that the renderings provide a clearer depiction of proposed materials. Discussion took place about the possibility of relocating the elevator shaft.

There were no further comments and after some consideration, Mr. Lambert made a motion to set a public hearing for the month of March, seconded by Mr. Williams. All voted in favor. Motion carried.

REVIEW APPLICATION FOR SUBDIVISION APPROVAL (LOT LINE REALIGNMENT), 290 EAST MAIN STREET, SUBMITTED BY GERALD BELL

Jonathan Millen, LLS provided an updated subdivision plat to members and described his clients' proposal for a lot line realignment of property located at 290 East Main Street and 5 Laurel Street. The parcels lie in the R1-10 zoning district and the proposed action will create a non-conforming situation at 5 Laurel Street because it reduces the parcel to 9,191.2 sq. ft. in size where a minimum of 10,000 sq. ft. is required, and creates a lot depth of 81.1 ft. where a 100 ft. minimum is required. Mr. Millen reported all other elements of non-compliance are pre-existing, non-conforming conditions other than the two sheds which may require variances for the side and rear yard setbacks. Discussions took place regarding existing sheds which could possibly be moved, and that the lot line adjustment would place the garage (which would be on 290 East Main Street) in non-conformity with the side yard setback.

Mr. Millen reported the owners are related and one of the parcels intends to change ownership. The garage has been continually used by 290 East Main Street as the topography and retaining wall make it impractical for use by 5 Laurel Street. He explained this will formalize an arrangement that has existed for many years, and provide 290 East Main Street with an appropriate driveway that would not otherwise exist.

After carefully considering the proposal members felt the change made good planning sense. Mr. Muscat made a motion to refer the application to the Zoning Board of Appeals with a favorable recommendation to grant the required variances, seconded by Mr. Lambert. All voted in favor. Motion carried.

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

Mr. Siegel and Ms. Hearty returned to continue discussion about the ramp for the proposed temporary retail art gallery at 158 Main Street. After their discussion during the break, it was decided that stone pavers would lead up a gentle grade to the entry door provided in the center of the structure.

Mr. Sheers opened the floor to public comment however no one from the audience wished to speak. Mr. Williams made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried. Changes discussed must be reflected on the site plan, and the side slopes along the grade must be made ADA compliant. Mr. Siegel reported the Site Plan will be amended as requested.

Ms. Reynolds made a motion to issue a Negative Declaration in the SEQR environmental review process, seconded by Mr. Williams. All voted in favor. Motion carried. Mr. Williams made a motion to grant Site Plan Approval subject to clarification of the ramp and grading leading to the entrance, and fulfillment of any outstanding consultant comments as listed in their review memorandums, seconded by Mr. Barrack. All voted in favor. Motion carried.

Architectural Review

New Single Family House – Green Subdivision, Pocket Road, Lot #3

Mark Finkelstein presented his proposal for a new single family house on a vacant lot on Pocket Road, Lot #3 of the Green Subdivision. Members reviewed the elevation drawings, proposed color scheme and compared it to neighboring housing stock. After careful consideration, Mr. Williams made a motion to approve the plan as presented, with the following color scheme: Siding – Portsmouth Blue; Roof – Asphalt Shingles Burnt Sienna; Double Hung Windows and Trim – White; and Garage – Light Maple. The motion was seconded by Mr. Muscat. 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 9:05 p.m.