Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on May 2, 2016. Please note that the video recording of this meeting is available at http://vimeo.com/channels/40154.

Council Members Present:

Council Members Absent:

George Mansfield, At Large Lee Kyriacou, At Large Peggy Ross, Ward One Omar Harper, Ward Two Pamela Wetherbee, Ward Three Ali Muhammad, Ward Four Randy Casale, Mayor

Also Present:

Anthony Ruggiero, City Administrator Nick Ward Willis, City Attorney David Stolman, FP Clark and Associates

A moment of silence was observed for past and present service men and women.

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Speakers:

- 1. Thomas Sweat, Beacon Street: Mr. Sweat advised that he has been a resident of Beacon for over 40 years and has lived on Beacon Street for 26. He has concerns regarding the kids who play basketball in the street. He thinks that this is a very unsafe situation and would request that Council discuss prohibiting basketball hoops set up on streets and sidewalks.
- 2. Theresa Kraft: Asks that the Council do more to protect the City's long-standing factory history. Would like to stop the demolition of our City's history and asks that the City building by developers.
- **3.** Carl Oken, Elks Club: Offered thanks to the City Council, the Mayor, City Administrator, Police and Fire Chief for their participation in escorting the steel 911 artifact through the City in a very respectful way.

Community Segment:

4. Iola Taylor, City Clerk and Registrar: Ms. Taylor gave a brief overview of her department's functions and responsibilities. Ms. Taylor advised that she has been here since 2004 and has served as City Clerk since 2006. She said that most people know her from City Hall, as she is the issuer of marriage licenses, birth and death records and dog licenses. She encourages everyone to properly license their dogs in order to avoid unnecessary interaction with Dutchess County ASPCA. Ms. Taylor advised that her office has over the past year been using laser fiche for record storage and this is improved the department functionality greatly.

Public Hearings:

5. Continuation of the Public Hearing Concerning the Petition to Rezone Certain Parcels in the Linkage Zone.

Lisa Gallina, 23 Hammond Plaza: Asks that the City Council consider the Planning Board's recommendation and vote. We would like for the vote tonight to reflect changing the parcel's level of density. Has been coming to meetings since November. It is her hope to go back to less density. Does not believe the petitioners are against development, but they are in favor of sensible development. Would like council to consider different types of zoning that would be appropriate for this area. We need to be careful with large-scale development. There are over 500 individual units planned already. We do not want too much too quick. We want growth that we can be proud of. (Entire comment can be found at the end of these minutes)

Rich Dambra, Resident and member of St. Andrews Church: Asks the City Council to keep the zoning as is and reject the petition. You can trust St. Andrew's Church and the Episcopal diocese to develop the former MLK site and the properties responsibly. Almost every Saturday St. Andrews feeds 45 families. They do it as a part of mission but we also do it because they love Beacon. Yes, they want to develop the property but as Father John said, as of now they do not have a plan. City council should know that we appreciate the energy that the South Avenue residents have shown. Just because the Zillow ad was on the internet does not mean it is true. The Church does not have the resources to rehab the houses and the diocese is not willing to put money into them. If the City council votes to change the zoning, they are voting for an eyesore on the property.

Don Worth, Beacon resident and member of St. Andrews Church: Mr. Worth asks that the current zoning not be changed. He passed out photos of the properties.

Daniel Aubrey: Asks the City council to reject the petition. Believes that the Comprehensive Plan is flawed but not in the way that the petitioners suggested. Believes that this is the only way to link 9D to Main Street. The Firehouse, perhaps the ugliest structure created, will likely be decommissioned soon. Thinks that the City should uphold the zoning and extend it to East side of South Avenue.

Clair Reed: Believes that Main Street is already sometimes too popular, creating crowding and traffic. The earlier speaker asked that we trust the Church. Churches have monetary bottom lines as well. Does not agree that we should operate this way. Stated that they were given a choice of over development or a potential eyesore and does not believe that those are fair choices. Thinks there is a lot of middle ground between those two extremes.

Garianne Caripola, 26 Hammand Plaza: What it comes down to is being in agreement with the Comprehensive Plan. Explained some of the provisions of the Comprehensive Plan with regard to the three parcels. In 2010 the council changed the parcel L zoning from one acre to ½ acre. There was consideration taken in that choice. We need to come to a compromise that is compatible with the Comprehensive Plan.

Victor Hedbergh, 17 Hammond Plaza: The proposed project is on a very steep hill, there will be flooding in back. Moved to this area because he loves Beacon. Stated that there is no place for a 3 or 4 story building in the proposed area. It would be totally out of place. As for the church needing funds,

this would only provide temporary financial relief for the church in that area. This area supports standard housing.

Barry Donaldson: Works with the Episcopal Dioses, owner of the parcels at St. Andrews. Supports maintaining the current zoning. As an architect and one who has worked in development his whole career, believes that the parcels at St. Andrews and the idea of developing them for residential use is totally consistent with the comprehensive plan and consistent with the growth of the City. The comprehensive plan calls for development to create a connection between the River, the Train Station and Main Street. If anything, the L zone should be expanded to the other side of the street as well. The two properties do not have historic value. There already exists a robost design process in place through the Planning Board. If you read the zoning resolution, it says that all projects will be reviewed to preserve and enhance the unique character to promote pedestrian access to restore the role of streets as civic and social spaces, framed by active uses. Details to be reviewed are explicitly mapped out in the plan. Requests that the petition be denied and the zoning remain as it. (handed out photos for inclusion in the record)

Alanna Tabac: Grew up in New Paltz and after college moved to NYC. Decided to make her home in Beacon. The reason she picked Beacon was because of the space, because of the views. Thinks that there are a lot of people who feel the same way. Is in favor of development, but the right type of development. New residents and younger people are looking for areas that have space, not looking for tall buildings.

Maggie Yarnis, 26 South Avenue: Has been living on South Avenue for 10 years. The kids used to play at the basketball courts, but the hoops were removed within the last 2 years. That is why the kids are playing basketball on Beacon Street. The food pantry is wonderful resource to the community – has donated in the past. If the church is looking to increase revenue, suggests that they engage the neighborhood for ideas. Perhaps creating a daycare center, afterschool program, or summer programs on the property would be helpful. If they need a revenue stream, they should look at other options.

Lisa Martinez, Hammond Plaza: Been a resident for 15 years. The Church was very adamant about wanting to develop the property but I think that this is an inappropriate method. In 2007, she addressed the council about the deteriorating social infrastructure in Beacon. We have come a long way but there are many things going in our community. Right now, her child is a student at South Avenue, is concerned about the state of the South Avenue School. Think about what would happen with the additional 75 families moving to the area. This would further burden the school with more students. Her kitchen already floods in Hammond Plaza this will only get worse when the property is developed. There are deteriorating public health services here in Beacon. Why not talk about all the other things that need to happen. Perhaps a committee can work on these challenges.

Dawn Powell Manza, Hammond Plaza: Hoping Council will reconsider the petition. Grew up in Beacon and in St. Andrews Church. Mentioned that as far as those who say you live here and pay taxes here, there is a certain amount of respect that should be paid. Feels a certain way about the manner in which this was presented. Believes that St. Andrews Church, its parishioners and its current leader have integrity. But it does not mean that she agrees with the position because it conflicts with the position of her home. Believes that both sides should community with respect. Volunteers at the Welcome Center, where over 3,000 people visited last year from all over the world. There is a link between Main St. and the Train and Dia that goes beyond 9D. We can have differing views but should have respect while expressing them.

Carla Goldberg Verdermerva, 22 Hammond Plaza and business owner: Feels that there is a beautiful charm here but is worried that having a huge structure would cause us to lose the charm. We do not want it to be Brooklyn on the Hudson; we want it to be Beacon.

Kyle Wonderly, Rombout Avenue: Support the petition to rezone to lessen the density. Thinking about all the new development, supports a slow steady development. Council should take into consideration the whole community not just one area. Would like to maintain Beacon as it is does not want it to be a little New York City.

Father John Williams, St. Andrews Church: From his perspective and that of the church, he believes that the block was zoned appropriately. To say that one corner should be different than the rest does not make sense. Does not think those two houses really fit there. Reminded that they do not have a plan yet. Came to the City to ask what could be possible there. Asks that the zoning not be changed until a proposal is developed. Would like to see something that will benefit the church and the neighborhood. Believes the two development issues should be separated from each other, as they do not relate and are not in the same location. Does not intend to just stand around to watch the buildings collapse. Would like to come up with a plan and fine tune it with the City and the neighbors to bring about something that would be beneficial to the City, the Church and the neighborhood.

Patricia Lassiter, resident of Beacon and member of St. Andrews Church: Retired schoolteacher from South Avenue School. Wondering if everyone's objection is due to a fear of change. Thinks that the church is trying to do something positive for the neighborhood. Is opposed to any changes to the current zoning because people worked very hard on the comprehensive plan and does not feel it should be reverted. Recommends that council wait until the church presents a plan.

Flynn Larson, Rombout Avenue: St. Andrews does not have a proposal right now but perhaps they could get input from the community before putting a plan together. Could they actively reach out and get comments from everyone. It might do a lot towards easing tensions.

Bill Cornett, Victor Rd.: Lived here very long. Seen mistakes made in the City. Changing the zoning is fixable now, not easily fixable after the building is erected, you cannot change it. Reminded about North Avenue before Rt. 9D, all those homes gone, neighborhood gone. You cannot go back and change it.

Elizabeth Barrett, 1076 Wolcott Avenue: Has lived here for several years, restored many buildings that had been left to deteriorate. Zoning is probably one of the most powerful tools that council can use to affect the future of the community. Believes that these seven parcels were mistakenly included in the linkage district and the petition is asking that this mistake been rectified. The mistaken inclusion of these seven parcels should be reverted back to comprehensive plan. The public has entrusted Council with the protection of our community through the zoning process. Appreciates hearing everyone's comments today.

Dr. Matt Yarnis, 26 South Avenue: From my front porch, I have a view of those two houses on the church property and the firehouse, which will soon be decommissioned. This is the City Council of Beacon, not Yonkers. I bring this up because I believe this to be a Yonkers style development not a Beacon development. There is already flooding down there, what will happen with a dense development there? Driving down Rombout there is a spectacular view. It is your job, responsibility and duty to protect that. As far as mistakes that have been made, we are sitting in one. This property right

here is ridiculous and indicative of the mistakes that have been made. Would be in favor of slow and steady development if there was a demand.

Carol Zakara, 14 Hammond Plaza: Life-long resident of Beacon. Has watched the positive changes over the past years. Would hate to see large buildings take away from the beauty. It would change the whole environment of the area. It would be very sad to see that kind of change after all the work to get Beacon to the way it is now. The traffic now is tricky; have to find ways to get around it. The increase in population in that area will affect the traffic and schools.

Kelly Wonderly, Rombout Avenue: Rombout does not have any sidewalks and is very narrow. I think about all the students that would be walking to get to school. It is troubling because sometimes people park on the street and there is no room to get around them.

Theresa Kraft: In support of reverting the zoning back to medium density. Does not want Beacon to look like Hoboken from across the river.

Lee Kyriacou: Read comments from Sara Pasti:

To Lee Kyriacou and Other Members of the Beacon City Council:

I am writing to you today in connection with "Parcel L," located south of the Dutch Reformed Church Property on Wolcott Avenue.

As many of you may know, I was co-chair of the Comprehensive Plan Committee, along with co-chair John Gunn. While neither John nor I can attend the public hearing tonight, we have traded emails on the subject and both agree that the Comprehensive Plan did not intend high-density zoning for the seven parcels on Route 9D and South Avenue that are the subject of the neighborhood petition. This is clearly reflected in the Land Use Map and narrative in the land use section, and the conceptual linkage drawing attached to the Comprehensive Plan.

I was also a City Council Member in 2010, when the Beacon City Council changed the zoning for the three "Parcel L" lots adjacent to the Dutch Reformed Church from R1-40 to R1-20. My recollection is that we were balancing the view of modestly increasing density to correspond with the existing zoning and historic homes along that block of Route 9D.

Thank you for the opportunity to share my recollection of the intention of the Comprehensive Plan Committee and the City Council with regard to these parcels.

Sincerely, Sara Pasti

Mayor Randy Casale: Read comments from Ron Piccone.

Dear Mayor Casale and Members of the City of Beacon City Council:

I understand that the continuance of the public hearing regarding the petition to rezone certain parcels from the linkage district is this evening. Three of these parcels are most commonly referred to as Parcel "L" and belong to Beacon Ridge Associates.

I write today greatly concerned that our Parcel "L" would be "spot" rezoned again. There is a long history with this parcel of land and the city rezoning it. As I listened to Mr. Dexter at one of the city council meetings, he stated that per his research including archival research, this parcel had a long history of always being zoned "high density" as far back as he could find.

Much time was spent on committees regarding Main Street and the river thoroughfares. Since the new comprehensive plan was adopted, Main Street is flourishing with density. The "L" zone not so much, since it now being met with opposition. I am being told by some that there was an oversight regarding our Parcel 'L" and it shouldn't have been placed in the linkage district. However, all research points to the fact that yes indeed it is and was to be "high density" as it lies within the boundaries of State Route 9D, Beekman Street and Wolcott Avenue. The city wanted density and we found a developer to build density.

Once this Parcel "L" was added to the linkage zone, we sought quality developers to come to Beacon to develop the site since the increase in density made it beneficial to the developer as well as to the city's tax rolls. Our developer has significant out of pocket dollars spent to date on this project located on Parcel "L".

Recently, I was informed of a long winded story of how this parcel was not supposed to be added to the linkage zone and that there is missing paperwork to substantiate this tale. Per all research, this is just not the case. I do understand that residents never want projects to be built "in their backyard" but since this parcel was rezoned 3 years ago, we would like to proceed with the project. We are willing to scale back, if negotiations are warranted.

In the past, our Parcel "L" has been "frequently spot rezoned" by the City of Beacon. If the "push - pull" continues, I will have no recourse but to litigate this recent turn of events. I am sure that the developer will also sue to recoup his to-date investment. This is not the avenue I would like to take but again I am left with no voice. We followed a path, worked within your zoning, and with changes in the wind, we may lose substantial investments. That doesn't seem right to me. If a meeting is warranted I am more than happy to sit down to discuss the future of Parcel "L".

Thank you for your time and attention to these concerns.

Sincerely,

Ronald J. Piccone II Beacon Ridge Associates, Inc.

Motion to Close the Public Hearing:

Motion by Council Member Harper, second by Council Member Mansfield 7-0

Mayor Casale advised that we will add this to the May 31 workshop for further discussion.

Council Member Reports:

- 6. Ali Muhammad: Thank you to everyone for coming and watching tonight. It is very important and agrees with Mrs. Barrett that zoning is a great tool for shaping a City. Think about the children who may not be able to afford to live here. This past week we had a mental health awareness conference. Mayor Casale and County Executive Molinaro. Councilman Muhammad gave thanks to all those who contributed to a successful forum. There is a Dutchess County Helpline: 845-485-9700. Basketball league is wrapping up its fifth season. Is proud that they can have such a successful program in Beacon.
- 7. Omar Harper: The Farmers Market is back and hopes that we can participate in the Double Up program. Has had a few inquiries and comments about the zoning. Is happy to hear from both sides of the issue. Has spoken with many residents about it and is glad to see everyone sharing their opinions. Hopes that people will respect each other's concerns and not just jump to wrong conclusions regarding the safety of the children.
- 8. Lee Kyriacou: Thank you to everyone who spoke on the zoning issue. Believes that this is one of the most important tasks of the council. In speaking with John Gunn and Sara Pasti about the intent of the comprehensive plan. Found minutes that related to the meeting. The plan called for low density on some parcels and medium density on South Avenue and parcel L. In 2009, the zoning went from 1 acre to ½ acre zoning on Parcel L, which was less dense than the plan called for. Reviewed the minutes from that meeting to determine the rationale. Not trying to interpret the minutes but can say there was a motion to amend the zoning to R120, a neg dec was adopted and an amendment to the comprehensive plan was adopted. Believes the petitioner's request to go to zoning prior to the linkage district would be supported by the comprehensive plan. Looks forward to discussing this in workshop.
- 9. George Mansfield: Thank everyone who came out this evening. Looking forward to continuing this discussion with the goal of doing what is best for Beacon. Was in particular agreement with Ms. Powell Manza when she suggested that opinions though sometimes differing should be presented respectfully.
- 10. Pam Wetherbee: Many of us were affected by the accident on 52 near Delevan. The road was closed for a while for repairs. Counted 4 telephone poles that have been hit during accidents. Concerned about the speeding on Rt. 52 and knowing that we have senior housing and kids walking. We should all be going 30 mph or less in the City. The tennis courts are almost complete and we will have pickle ball lines being painted. The Beacon Historical Society is working to find a new home, can we put it on a workshop agenda. I there anything that the City can do to assist them. Mentioned the dam siren test on May 10.
- 11. Peggy Ross: Reminded everyone about the school district vote coming up and about candidates night.

 There is a lot happening at the Farmers Market if you haven't been there yet. This brings to mind is that

farmers market renaissance was started by Barry Beneke in the 70's. He was a follower of Jane Jacobs. I read the Death and Life of American Cities while in high school. Wednesday is the centennial of Jane Jacobs birth. With all of planning project that we are working on, I think we should follow some of her strategies. She was one of the first people to use the term "social capital" — meaning we are our own best resource. For the TOD planning project, we want all the stakeholders at the table and this was remarkable tonight. We want to start a database of stakeholders, so if anyone has any ideas about who should be included, please let me know. Here's to Jane Jacobs.

- **12. Anthony Ruggiero:** Gave update on reservoir levels. We have completed installation of new water main connective E. Main to Churchill Street. Hydrant flushing will be done overnight to minimize any interruption of service.
- 13. Mayor Casale: Thanked everyone for coming. Asked that everyone continue to conserve water even though the draught restrictions have been lifted. Read the Elks Club Youth Week proclamation. Reminded everyone that May is Mental Health Awareness month. They had the forum which was very well attended. Mental illness affects a lot families and we want to make sure people know where to get help. If you just lead someone to help that is a very important thing to do. The dedication of the Margaret Fuller marker will be held on May 21 at 11:00 a.m. in Polhill Park. DC Tick Task Force Senator Sue Serino will host a Tick educational workshop at Henry Wallace Center on May 11. Thank everyone for coming and speaking. We have a comprehensive plan and we will listen to everyone. When we make decisions, we think about the whole community.

Resolutions, Ordinances and Local Laws:

Resolution to Appoint Jennifer Epstein to the Conservation Advisory Committee.

Motion to by Council Member Harper, second by Council Member Ross 7-0

15. Resolution to Approve the Acceptance of a Tree to be Planted in Memory of Mary and Michael McFlduff

Motion by Council Member Wetherbee, second by Council Member Muhammad 7-0

16. Resolution to Authorize the Extension of a Special Permit for the Property at 3 Churchill Street.

Motion by Council Member Harper, second by Council Member Mansfield 7-0

17. Resolution to Authorize the Sale of City-Owned Property on W. Main Street.

Motion by Council Member Mansfield, second by Council Member Muhammad 7-0

Nick Ward-Willis explained the details of the sale. The parcel will be sold for \$6,000.00.

18. Resolution Adopting a Local Law Amending Chapters 45, 195 and 223 of the City Code as it Relates to the Planning and Zoning Boards and Zoning.

Motion by Council Member Muhammad, second by Council Member Wetherbee

Nick Ward Willis explained when the law goes into effect.

Approval of Meeting Minutes:

19. April 4, 2016 and April 18, 2016

Motion by Council Member Muhammad, second by Council Member Harper 7-0

Second Opportunity for Public Comments: Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

No additional comments

Executive Session:

20. Sale of City-Owned Property

Motion by Council Member Wetherbee, second by Council Member Harper

Next Workshop: May 9, 2016

Next Council Meeting: May 16, 2016

Respectfully submitted, Elizabeth Evans, Assistant to the Mayor

Comments submitted via email after the meeting:

May 24, 2016

Lisa Gallina 23 Hammond Plaza Beacon, NY 12508

Greetings:

Our community is not anti-development. I am not anti-development. I am pro smart and sensible development. It has been stated numerous times verbally and in writing that the 7 parcels in questions were added to the Linkages Zone as an oversight. I strongly urge you to vote to reverse this mistake on May 31rst, so our community is protected from a monstrosity.

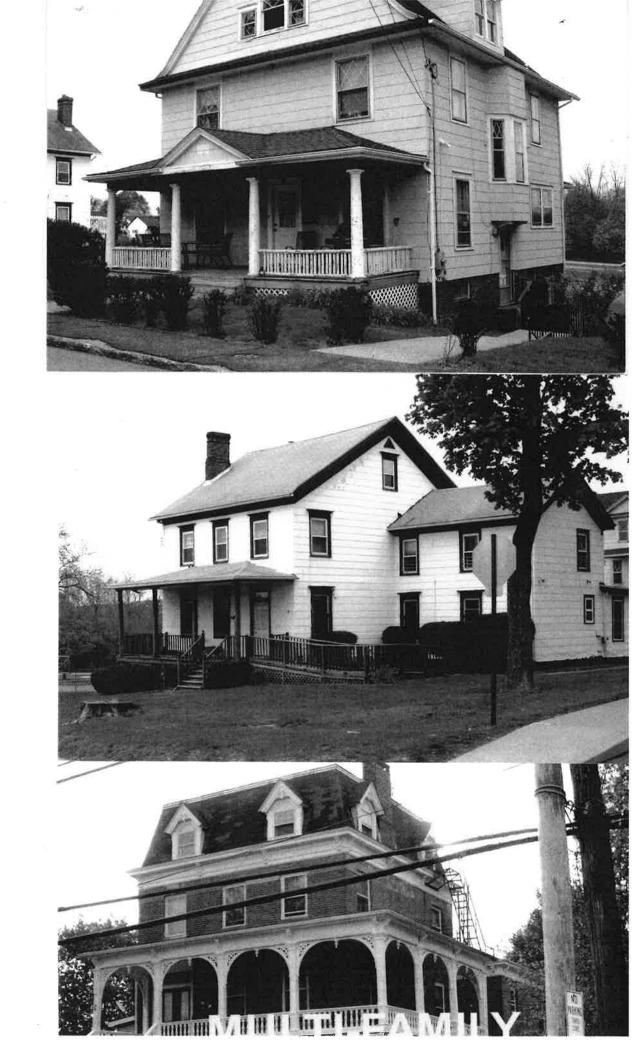
Developing it into a few homes would reasonable use and consistent with the Comprehensive Plan. A large development would have a direct negative impact on Hammond Plaza. The next step for us will be to explore the social and environmental injustice to our community that is more than 60% women and minority owned. In New York State displacing or devaluing properties of by developers is looked at with tremendous scrutiny. I have identified several organizations who focus on these issues.

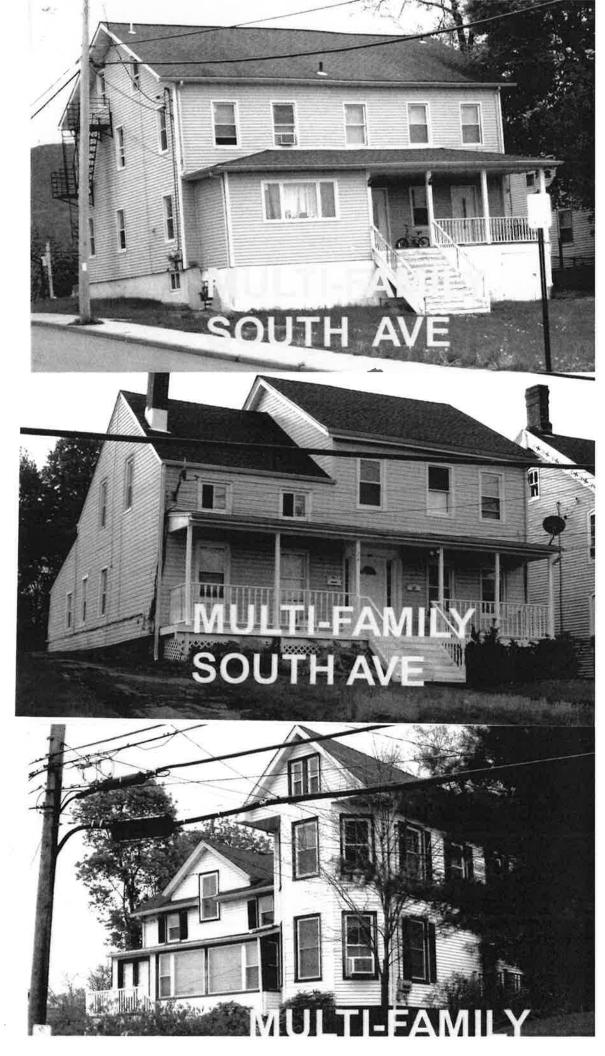
The issue Beacon Ridge has is rather ironic...going back to County and City records; it appears transactions made came with a the timeliness factor, that were required to develop within. We found a document from 1990, which concerns both Parcel W (now city hall) and Parcel L. It looks to be a transfer of ownership from the Piccone's to Beacon Ridge Associates, and approvals by the development agency of the developer's actions to date and their development plans as meeting the timing/development requirements for construction. This approval appears to be connected to "timely development". In the 17 years I have lived at Hammond Plaza, parcel L has been used as a dumping ground. We have complained tirelessly.

We also located a map from 2002, which shows the subdividing of Parcel L into the current three parcels. The notes include approval by planning board, and of sewer/drainage system and slopes. The issues of slopes, sewers, run-off, light and noise pollution, erosion to name a few are Omni present with this property.

I am a community volunteer. I am a home owner. I am a taxpayer. I am a voter. I hope you make the responsible choice, and vote to remove the 7 parcels. For Beacon to continue to prosper we need to be very strategic in where and how we develop our city.

Thank you, Lisa Gallina





The Master Plan and "L-zone"

- 1. The proposal to develop the church parcels is consistent with the intent of the City of Beacon Master Plan and the "L-zone" district.
 - "...intended to encourage residential development to help support Main Street businesses and to create a vibrant, economically successful, walkable and environmentally sustainable connection between Beacon's Central Business District and the train station and riverfront."

Residential development is a fundamental premise of the master plan!

This is what the City of Beacon established as the direction of the City in 2007 (9 years ago), through enormous public and individual effort and democratic process.

This is what people and companies, who might like to direct their energy and financial resources towards the vitality and economic success of Beacon, thought are the established benchmarks for investment

2. The designation of this area as the "L-zone" is also consistent with the natural growth of the City of Beacon since the Nineteenth Century (the church is still in the center of the community) and in the 1960's when Main Street and Rt. 9 became such an important crossroad of the City.

If anything, the L-zone should be extended to include both sides of South Avenue to reinforce the area as a linkage to Main Street

The Historic Overlay District

3. Although the property is within the "historic overlay district", the two parcels that are proposed for development do not have historic value, and their condition has so deteriorated that whatever historic interest they may have had, is not longer intact. The Rectory, built in 1905, is severely deteriorated and is covered in

The church recognizes the historic value of the 1900-1901 church building and 'carriage house', it's Tiffany windows and beautiful wood detailing and continues to support it's renovation with attention to its original historic character and details.

The Episcopal Diocese has no intention of investing any funds for the continued maintenance and upkeep of the two structures on these parcels. St. Andrew's Beacon has also been clear that it will not provide funds either.

Design Process and Planning Review

4. There already exists a well-established and effective review process to address the concerns of the petitioners.

5. The concern of the petition that a new building will be a faceless box that consumes the entire site does not reflect the reality or constraints of the design and construction process, not only as it is practiced in Beacon, but pretty much throughout the US.

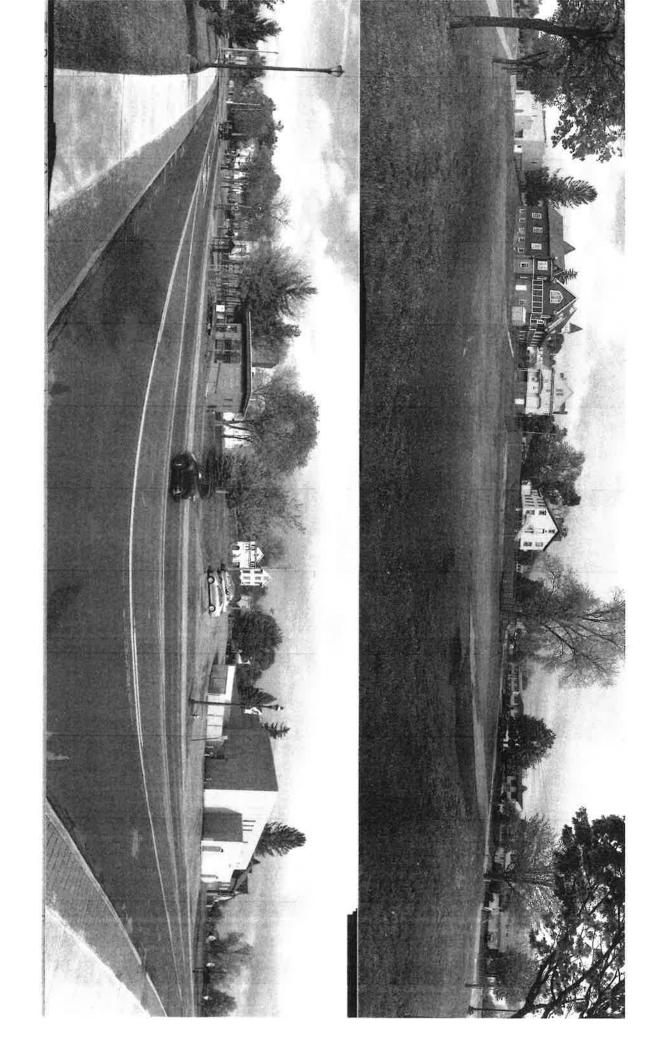
The zoning regulations already have a number of commonsense and contextual restrictions on development with criteria for setbacks, landscaped area, on-site parking density,

In addition, the zoning regulation includes a robust and thoughtful design standards like:

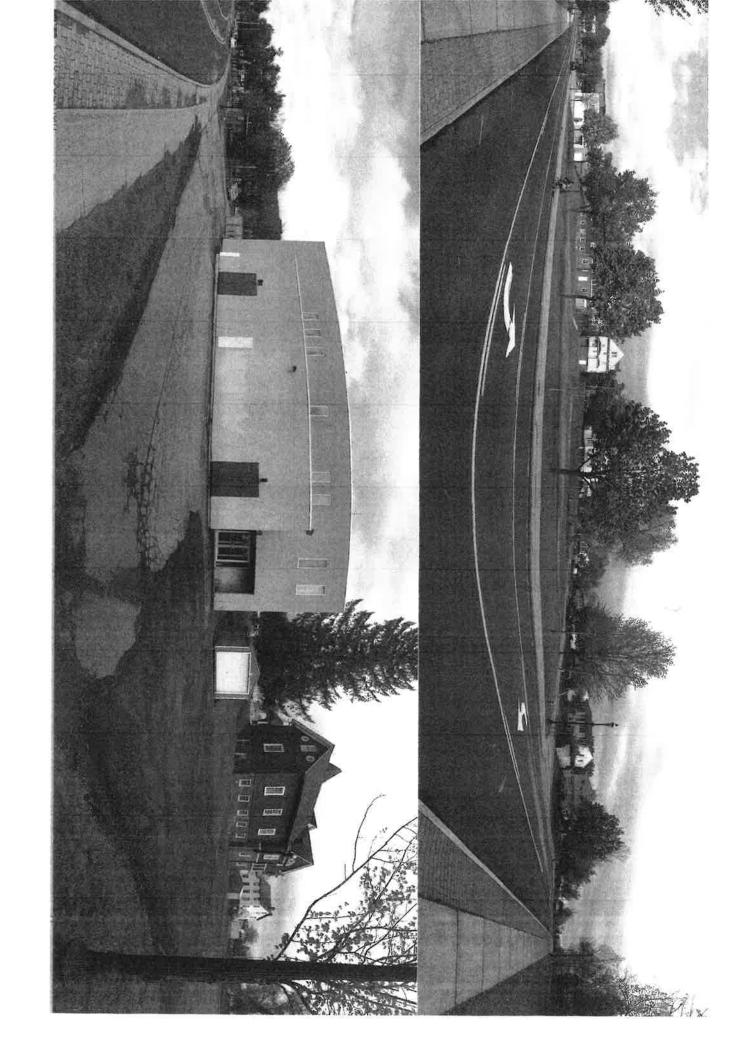
- "Preserve and enhance the unique character of the City of Beacon"
- "Promote pedestrian access and activity..."
- "Restore and maintain the role of streets as civic and social spaces, framed by active uses"
- "Encourage economic development..."
- "Support a sense of design context..."

"Cornices and balconies and finish building materials and colors..."

- 6. Reconsideration of the zoning for the property of St. Andrew's Church will insure that developers will flee from investment, that the property will continue to deteriorate (since neither the church nor the diocese will invest any money into these buildlings), and continue to downgrade the appearance and value of the neighborhood.
- 7. The petition to keep the existing structures for their historic value is unfounded and should be rejected by the City of Beacon City Council and the Planning Board.



Entrance to Main Street in Relation to St. Andrews Property



Approach to Main Street from Rte. 9 D and Tiompkins Firehouse.