

**Planning Board
June 14, 2016**

The Planning Board meeting was held on Tuesday, June 14, 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 7:25 p.m.). Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner David Stolman, and Building Inspector Tim Dexter.

Training

City Attorney Jennifer Gray reviewed Chapter 223, Section 41.9 of the City Code – Affordable Workforce Housing legislation.

Regular Meeting

Mr. Sheers called for corrections/additions or a motion to approve minutes of the May 10, 2016 meeting. Mr. Lambert made a motion to approve the minutes of the May 10, 2016 as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE PUBLIC HEARING ON 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.

This item was postponed to the July meeting upon request of the applicant. Mr. Williams made a motion to extend the public hearing until the July meeting as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 2 CONTINUE REVIEW APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET

The applicant or representative were not yet in attendance therefore the item was delayed and the next item heard.

ITEM NO. 3 REVIEW APPLICATION FOR SITE PLAN APPROVAL, CHANGE OF USE FROM SINGLE ROOM OCCUPANCY/RETAIL TO SINGLE FAMILY RESIDENTIAL/RETAIL AND BUILDING ADDITION, SUBMITTED BY PAULETTE MYER-RICH AND DAVID RICH, 469 MAIN STREET

Aryeh Siegel described his client’s proposal to convert the existing building at 469 Main Street into a retail space and art gallery in a portion of the first floor, and remaining first and second floor into one residential dwelling. A one story addition to the existing building and a new two story addition is proposed to the rear. Mr. Siegel reported his client proposes a commercial storefront with a printing workspace/gallery. The façade will be restored to keep original details of the building and an upper cornice will be added. Site improvements include a new parking space behind the building for the owner’s use. The adjacent building owner will be contacted to seek an easement for the driveway portion of curbing that encroaches onto the property. Mr. Siegel indicated the owner asked if the architectural review of the project could

take place before complete site plan review in order to begin exterior work before the winter months. Members agreed to work with the applicant however a concurrent review will take place.

Mr. Stolman reported the property is located within the Historical Overlay zone which classifies as a Type I action with regard to SEQRA therefore a full EAF and designation of Lead Agency is required. Mr. Muscat made a motion to authorize circulation of a Notice declaring the Planning Board's intent to act as Lead Agency pending submission of a Full EAF, seconded by Mr. Williams. All voted in favor. Motion carried.

Review of the rear parking space, patio and small shed took place. Mr. Stolman asked for floor plans for the second and third floors and sight distance measurements for the driveway. The encroaching curbing from the adjacent property will require an easement.

Mr. Tully also commented on the encroachment and gate. The simulation for turning movement for the parking space must be adjusted and fencing detail should be shown on the plan. He asked for photometric information to make certain lighting does not splay onto adjacent properties.

Discussion took place about the building's interior and gallery/commercial use. It was noted that the air conditioning unit will not be visible from the street. There were no further comments and Ms. Reynolds made a motion to set a public hearing for the month of July subject to the submission of a full EAF, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 2 CONTINUE REVIEW APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET

Mr. Sheers announced this project was before the board in January at which time a notice declaring the Planning Board's intent to act as Lead Agent in the SEQR process was sent out. There were no objections from interested agencies, therefore Mr. Williams made a motion to declare the Planning Board as Lead Agency in the environmental review process, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Sheers noted correspondence received from Mike Coulter and Drew DiCastro about the project was circulated to members and will be made part of the record.

Engineer Jon Bodendorf reported the residential subdivision proposal was reduced from 15 to 13 parcels. He explained the delay in returning was due to the board's request to investigate ways to connect the project through to Conklin Street. Mr. Bodendorf said he made several attempts to contact the adjacent property owner but received no response. In addition, he contacted property owners on DeSoto Avenue in an attempt to secure an easement for storm water and sewer connections to eliminate the need for a pump station. Negotiations with one neighbor began but were not successful.

Mr. Stolman clarified that this is a 14 lot subdivision because the pump station parcel counts as a lot. Mr. Bodendorf indicated the pump station and property would be owned by a Homeowner's Association. A lengthy discussion took place regarding possible roadway

connection to the adjacent Highland Meadows project and extending the cul de sac toward the property line to the southwest to allow for possible future connection. Mr. Tully advised members that unless the cul de sac is extended further to the property line, owners of the last two lots will not want road between them in future.

Due to the large number of significant trees, board consultants asked that a tree survey be completed to show location and type of existing trees larger than 6-inches in caliper on site. Among several other written comments, Mr. Stolman asked that Lot #7 be reconfigured to accommodate a larger building envelope.

Mr. Tully indicated a number of comments from their January review remain open. He asked for topographical information on property beyond this site, particularly along DeSoto Avenue. He expressed concern the removal of the existing tree line and berm for utilities would have a significant negative impact on the DeSoto Avenue neighbors. Mr. Bodendorf explained they don't intend to remove trees or the berm. Mr. Tully explained the proposal to create an HOA for storm drainage and pump station maintenance must be reviewed by the City Attorney to make certain it is a viable option.

Discussion took place regarding density of the project, pump station and generator noise levels, and extension of the cul de sac. The applicant will return with a revised plan before a public hearing will be set.

ITEM NO. 4 REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, SUBMITTED BY ERIC HELMUTH, 867 WOLCOTT AVENUE

Eric Helmuth presented his proposal to create an accessory apartment in an existing brick garage (constructed in 1935) located to the rear of his property at 867 Wolcott Avenue. He explained it will be a multi-phase project with expectation to enclose the building before the winter season. The foundation does not meet zoning setback requirements therefore application for a variance has been made to the Zoning Board of Appeals.

Mr. Stolman reported the plans indicate the accessory apartment has a floor area of 615 sq. ft. however the application indicates it to be 590 sq. ft. The maximum square footage allowed for accessory apartment in an accessory building is 600 sq. ft. Mr. Helmuth reported he will reduce the size of the storage loft to meet the 600 sq. ft. requirement. Mr. Stolman asked that Note #1 be revised to provide zoning information for an accessory apartment in an accessory building rather than a primary dwelling. Discussion took place about the parking area which appears to encroach on the neighboring property and Mr. Helmuth explained he will make the necessary adjustments to provide a 5 ft. setback. Mr. Stolman asked that the front parking area be noted on the plan as pre-existing non-conforming.

Mr. Tully explained the new utilities must be installed in accordance with City and Department of Health standards, and vertical and horizontal separations should be shown on the site plan. He explained utility installation is primary and remaining comments were provided in the review memorandum.

Discussion took place regarding the building layout which will have a cathedral ceiling so the dormer lighting will flood light into the apartment. Mr. Helmuth explained the property will remain owner occupied and the project provides them with a retirement strategy as they may rent the house and live in the apartment in the future. City Attorney Jennifer requested a copy of the current deed to show proof that the property is owner occupied.

The applicant will return next month after the Zoning Board of Appeals hearing and if variances are granted the board can then forward the Special Use Permit application to the City Council for their review.

ITEM NO. 5 CONCEPTUAL REVIEW OF LONG DOCK NORTH SHORE PROJECT, SUBMITTED BY THE SCENIC HUDSON LAND TRUST, INC., LONG DOCK PARK

Ms. Reynolds reported she and Mr. Burke participated in a group known as “Plan Beacon”, an ad hoc committee of design professionals and other interested parties formed to look at design questions affecting Beacon. They reviewed a preliminary design of Long Dock Park approximately nine months ago and since then have not participated in any discussions with respect to the project and will not participate in the future. Mr. Burke reported he made no comments on the design of the project and can be objective in the Planning Board’s review of the project.

Meg Rasmussen Senior Park Planner and Steve Rosenberg Executive Director for Scenic Hudson, and Landscape Architect Gary Hilderbrand with Reed-Hilderbrand Associates, attended the meeting to discuss future plans for Long Dock Park’s north shore. Ms. Rasmussen provided a handout outlining her presentation for amendments to their existing Site Plan. She summarized recreational and educational activities, as well as community entertainment and fund raising events Scenic Hudson provides to Beacon. The north shore area went through Brownfields clean up and new overlay of fill was installed. Ms. Rasmussen reported this is an open exposed area which experiences cold winds in the winter and hot sun conditions in the summer, is located within the 100-year flood zone and floods often.

Mr. Hilderbrand provided an overview of the property’s history and different aspects that have been incorporated into the park. Their plan is to create a driveway from the river center to the pier at the end of the point with parking along the existing tree line. A plaza with two overhead shade structures similar to the kayak pavilion will be added to the North Shore which will provide for a number of uses. A stage area and small storage building with toilet facilities will be created. Food trucks, market areas and additional walkways will provide connection to the City’s and Metro North property. The boardwalk will extend the dock near the kayak pavilion.

Mr. Sheers recalled Scenic Hudson’s commercial development (hotel/convention center) that was nearly approved in the past. A tremendous amount of work went into that development however there was an unfortunate lack of funding and the project fell through. It was the City’s goal to have some type of commercial development on the waterfront however the last approval was for two food trucks. He expressed his disappointment in this being the last portion of waterfront property in Beacon and no commercial aspect is planned.

Mr. Rosenberg explained they now know more about the property and reflected on the previous proposal. He understood the desire for a restaurant however after talking to a number of restaurant owners, flooding came up as a major concern. Mr. Rosenberg felt this is not the only waterfront opportunity because the train station opportunity for a TOD (Transit Oriented Development) is also on the waterfront. He reported they are sensitive to the City's interest and they feel food trucks are a viable option because it is a very seasonable area. This last phase will provide space for additional food trucks with the hope that over time some type of permeable facility can be created that is completely floodable and furnished with equipment that can be easily removed. Overall they feel a restaurant on this property would not be feasible.

Mr. Muscat asked if the food trucks which received approval for a two year period were currently in operation. Ms. Rasmussen reported one vendor just started and they will be putting out another RFP to include more vendors from Beacon. Discussion about possibly extending the two year limit is currently taking place with the City Council.

Ms. Reynolds appreciated their design however had concern that this proposal creates a duplication of opportunities taking place at Riverfront Park. She asked if they had considered what this park area would do to the energy of activities such as the Strawberry Festival. Ms. Rasmussen felt this park will provide more opportunity to have additional functions beyond the larger Corn and Strawberry Festival events that take place at Riverfront Park. She reported the American Center for Folk Music will be renting space in the River Center (Red Barn). Mr. Rosenberg added the center will continue to activate the building with various interests and endeavors. Discussion took place about flood management, pavilions, proposed road surface/grade, and outdoor movable furniture. Mr. Rosenberg reported this portion of the property is currently on the tax rolls. Mr. Lambert respected the desire for a commercial aspect however supported maintaining the property for enjoyment of the river and river related activities.

Miscellaneous Business

Zoning Board of Appeals Agenda Review

Members reviewed and discussed items on the Zoning Board of Appeals' June agenda. After a comprehensive examination of each application, members made a recommendation for the proposal at 35 Catherine Street. The pre-existing non-conforming building used for a plumbing storage will be changed to single family home which is a more conforming use in a residential neighborhood. After careful consideration, Mr. Muscat made a motion to support the requested variance as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried. A memorandum of support will be forwarded to the Zoning Board of Appeals.

Consider request for (2) two 90-day extensions of Subdivision Approval (consolidation), 248 Tioronda Avenue, submitted by Beacon 248, LLC

Attorney Jennifer VanTuyl on behalf of the applicant returned to request additional extensions of subdivision approval for the project at 248 Tioronda Avenue. Since the last presentation before the board five months ago, work was done to finalize the right-of-way agreement with the MTA. After agreement had been reached however it was determined that the description of the crossing did not include the sidewalk area. Now corrected documents have been prepared and are awaiting return from the MTA. Ms. VanTuyl explained this project also

requires an extension of the City Council's Special Use Permit and they agreed to grant an 18-month extension as long as the MTA issue is resolved within the first 6-months of the extension. Therefore, the applicant is requesting two 90-day extensions which will coincide with the City Council's first 6-month extension. This is a larger project than most and the Subdivision Approval is actually a consolidation of two lots into one making the property larger. After careful consideration of the request, Mr. Williams made a motion to grant two 90-day extensions of the subdivision approval, seconded by Mr. Barack. All voted in favor. Motion carried.

City Council Request to Review Proposed Affordable Housing Modifications

City Attorney Jennifer Gray provided a detailed examination of proposed amendments to the Affordable Housing legislation under consideration by the City Council. After a comprehensive review of the law, members felt the City Council should consider the following:

- Explore including single-family residential subdivisions
- Provide more specific information on the 10% proportion of a project, i.e. if the 10% calculation results in a fraction, do they round up or down?
- Clarify 10% "payment in lieu of" the total project costs providing affordable units – define what is considered total project cost and whether the 10% payment waives one or several units
- Categories of priority should be investigated to be certain household income fits in with the 80% AMI established by HUD
- The formulas for setting maximum sales and rental prices should be periodically reviewed and updated; a maximum of three years was recommended
- If no one applies for the BMR unit(s) then the waiver formula fee should be charged before allowing the BMR unit to return to a market rate unit

With regard to the Senior Affordable Housing Overlay District, members also recommended the City Council explore not limiting senior affordable housing projects to buildings that are at least 50 years old.

Architectural Review

Certificate of Appropriateness – 493 Main Street, replace sign on building

Members reviewed the proposal to replace an existing sign on the building at 493 Main Street. After careful consideration Mr. Muscat made a motion to issue a Certificate of Appropriateness for the sign as proposed, seconded by Mr. Burke. 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. Muscat. All voted in favor. Motion carried. The meeting adjourned at 9:32 p.m.