

Planning Board
October 12, 2016

The Planning Board meeting was held on Wednesday, October 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, Jill Reynolds and David Burke. Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner John Clarke, and Building Inspector Tim Dexter. Member Gary Barrack was excused.

Mr. Sheers introduced new City Planner John Clarke to members and thanked David Stolman and FP Clark Associates for their many years of service to the City.

Training Session

John Clarke reported he attended the City Council meeting to discuss updates to the City's design standards. Design standards from the CMS zone could be used as a basis with updates, or a comprehensive pattern book similar to two other communities in Dutchess County could be created. After much discussion of the two options, members agreed that architectural design standards should be created, initially based on those outlined in the CMS zoning district for business district and historical overlay properties. Discussion also took place with regard to requiring sketch plan approvals which would entail a pre-application meeting to discuss conceptual view of a project.

City Attorney Jennifer Gray provided a short overview of the Planning Board's general jurisdiction and responsibilities. She explained in detail the Board's responsibilities for Special Use Permits, Site Development plans, Subdivisions, Architectural Review and Certificates of Appropriateness.

Regular Meeting

Mr. Sheers began the meeting by introducing new City Planner John Clarke, replacing FP Clark Associates who provided many years of service to the Board. He then called for corrections/additions or a motion to approve minutes of the September 13, 2016 meeting. Mr. Lambert made a motion to approve the minutes of the September 13, 2016 as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 1 PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, LONG DOCK NORTH SHORE PROJECT, SUBMITTED BY THE SCENIC HUDSON LAND TRUST, INC., LONG DOCK PARK, 8 LONG DOCK ROAD

Mr. Williams made a motion to open the public hearing on the application to amend the existing Site Plan Approval for Scenic Hudson's Long Dock Park, seconded by Mr. Muscat. All voted in favor. Motion carried.

Meg Rasmussen, Scenic Hudson's Senior Park Planner, introduced Chris Moyles of Reed Hilderbrand Landscape Architects, and colleague Anthony Coneski, Parks Events and Volunteer Coordinator. Ms. Rasmussen described the site and provided an overview of Scenic Hudson's park system since it's purchase in 1996. She outlined events, services and training they provide at no cost to the community. Ms. Rasmussen pointed out this property is located in the 100 year

flood zone and projections indicate the sea level will rise leaving most of the park underwater at some time in the future. Due to those reasons they feel constructing a building would not be financially feasible.

Chris Moyles reported this is the last phase of the park project and its design was based on historic use of the property which formerly held a rail yard and ferry dock. The new civic plaza will provide space for large gatherings, two pavilions with picnic tables, and loose seating throughout. Electrical outlets will be provided for food vendor trucks and a new boardwalk will extend from the kayak pavilion to the civic plaza. Vehicular access will be extended on the northern shore and be provided with an improved emergency access. A large landform for wind protection will create an amphitheater area and a series of hedgerows will provide protection for parking areas. The area is intended to be built to withstand flooding with creative use of plantings and natural irrigation.

Anthony Coneski provided a detailed description of Scenic Hudson's community services and activities that currently take place in the park. He explained the expansion will open up more options for the park.

Mr. Clarke advised that less concrete or additional parking could be provided if spaces were reduced to a width of 9 ft. as provided in the zoning code. He recommended relocating spaces near the shade pavilions to prevent vehicles from backing into the food truck and picnic area. Consolidating those spaces toward the rear site entrance would be safer and open views of the harbor from the civic plaza. Mr. Moyles reported the parking spaces will be created with large pieces of concrete to simulate those used near the kayak pavilion. He agreed they could be reduced in size however they didn't need to be relocated because ample space for backing up was provided. Mr. Clarke also recommended they designate a turnaround area for vehicles that come to the end of the driveway and find no available parking spaces. Discussion took place with regard to portable toilet facilities (one handicap accessible) which will be enclosed within a structure using material similar to the kayak pavilion. Mr. Moyles explained they have no plans to construct permanent facilities due to potential flooding however noted indoor facilities exist in the Red Barn which is open during the day. Movable seating will be provided and stored away after dusk when the park closes. Mr. Tully reported all outstanding engineering comments were addressed and the plans are acceptable. Mr. Sheers opened the floor to public comment.

Antony Tseng, 18 Rende Drive, expressed his opposition to food vending trucks because they attract garbage, use fuels that create odors, and visitors should support Main Street businesses. He said Scenic Hudson declined to allow the River Pool to use their site due to added risk and potential liability for swimmers. The current location of the river pool is not a viable option for future designs of the pool because deeper waters are needed. He pointed out that people are swimming off shore now without a pool. In summary Mr. Tseng did not support the use of food trucks and wanted Scenic Hudson to allow space for the river pool.

Peggy Ross, 8 Dutchess Terrace, asked about Scenic Hudson's commitment to food trucks as she has heard a lot of opposition to them. She asked why they would not try something on a lower scale.

James Finnegan, from the Beacon Sloop Club, supported the project and asked if they would continue to have access to areas currently used to store their mooring equipment. They are a volunteer group and will need space to access their equipment.

Daniel Aubry, 426 Main Street, advocated for some level of commercial development on the waterfront, expressing frustration that one must go to Newburgh to experience fine dining on the river. There are 71 acres of parks in Beacon and this is the last opportunity to have a fine dining establishment on the waterfront. He feels it would be a different experience than dining on Main Street, as well as become a destination and bring employment to Beacon. He suggested a restaurant be constructed on pylons near the City's property where Metro North parking lots could be used on weekends. He asked that an area of Scenic Hudson property be reserved for a restaurant.

Jessica Reisman, Beacon restaurant owner, felt a high end restaurant would be a huge impact on the waterfront with added traffic, deliveries, employees, etc. Beacon's Main Street is thriving and a few food trucks or kiosks near the waterfront would be good to provide water or light refreshments. She was not in support of retail development on the waterfront and appreciated Scenic Hudson's efforts.

David Ross, 8 Dutchess Terrace and board president for the American Center for Folk Music, reported they will now be headquartered in the River Center Red Barn. He understood details need to be worked out and commended Scenic Hudson for good planning of the park. He expressed interest in the amphitheater for small concerts, opposed a large scale restaurant, and supported low impact kiosks or small food trucks.

John Gilvey, 162 Main Street and partner in Hudson Beach Glass, did not feel food trucks necessary at the waterfront other than during special events. He spoke about the vendor "truck" without wheels that is adjacent to his building. Mr. Gilvey expressed concern that allowing food trucks in the park could set a precedent for the park at the foot of Mount Beacon. He asked if this was the first property Scenic Hudson has commercialized.

Nancy Yambem, serving on River Pool's Board of Directors, reported the small prototype river pool has been open for 10 years at Riverfront Park with over 10,000 visitors. The future vision was to create a larger river pool to accommodate both adults and children. In 2011 they performed a hydrographic survey of the entire waterfront shoreline which showed the only appropriate location for a larger pool would be along Scenic Hudson's shoreline. They approached Scenic Hudson with a proposal to accommodate the river pool in 2011 and again in 2015 however it was not approved due to liability and reputation. Ms. Yambem said the River Pool has been an asset to Beacon for 10 years and they don't want to leave the City.

Joan Unterweger, 5 Hanna Lane, uses the park almost every day and considers it a very special place. She asked if there had been any studies done on impacts that adding commercial space would have on the park. Ms. Unterweger attended the Lighting of the Lanterns at the park last year and noted parking was tight. She did not support a commercial use in the area.

Theresa Craft, 315 Liberty Street, commended Scenic Hudson's dedication to protecting the river front and open space. She urged them to help to stop the destruction of Beacon's natural resources and majestic beauty.

Discussion took place regarding access for emergency services, specifically removal of the proposed bollards. Ms. Rasmussen explained they are not permanent and a key would be provided for emergency responders. They have solar panels on the kayak pavilion now and will be considering installing them on other structures in the future. There are no plans for weather-proof phone charging stations in the park at this time. Mr. Coneski explained fees are not charged to use the park however fees are charged for professional photo events. Discussion took place with regard to photo copyrights and licensing.

A lengthy discussion took place with regard to parking and members agreed a turnaround area at the end of the drive should be provided for safety reasons. The number of parking spaces was discussed and Ms. Rasmussen reported Metro North parking lots are utilized during large weekend events. The food trucks will be provided with electrical outlets and the number of trash cans and pick-ups will be increased. Ms. Rasmussen reported they are still trying to recruit food vendors and believe they will be utilized more when they are there on a regular basis. Discussion took place about use of temporary light towers in the parking lots during special evening events.

In response to the Sloop Club's concern, Ms. Rasmussen clarified the mooring equipment is stored on the City's property and will note the area on their site plan. Discussion took place about creating a formal path through City property to connect with Scenic Hudson's park. Debate continued with regard to food trucks, parking, possible land-banking spaces, expanding parking at Mt. Beacon Park, and the river pool. In general members supported the food trucks at a minimal use.

Jessica Reisman, restaurant owner in Beacon, voiced her support of food vending trucks as minimal temporary uses to see if it is economically viable.

John Gilvey, 162 Main Street, noted the City has the greenest riverfront on the Hudson River which sets us apart from most. Beacon is unique because the town is nestled in between the mountain and riverfront. He commended Pete Seeger for being a preservation activist and felt his efforts should be respected, adding there is nothing scenic about a food truck.

A lengthy debate took place with regard to the river pool and Scenic Hudson's concern about allowing it due to added liability and lack of capacity to manage that type of facility in their park. Ms. Yambem responded the river pool has been in operation for 10 years without incident, they are totally insured, have life guards on duty at all times, and it's completely managed and run by volunteers. She explained they are only asking Scenic Hudson for access to the river, not to take on any liability.

Joan Unterweger, 5 Hanna Lane, pointed out Scenic Hudson still holds liability when people swim off their shoreline. She reiterated her question as to whether this is the first commercialization of Scenic Hudson's property. Ms. Rasmussen explained there would only be food vendors, no other commercial activities.

There were no further comments and Mr. Williams made a motion to continue the public hearing at the November meeting, seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 2 REVIEW APPLICATION FOR SITE PLAN APPROVAL, RETAIL STORE/DELI, SUBMITTED BY RAFIQ AHMAD, 790 WOLCOTT AVENUE

This item was removed from the agenda.

ITEM NO. 3 REVIEW APPLICATION FOR SUBDIVISION, TWO COMMERCIAL LOTS, SUBMITTED BY CERVONE REALTY, 332-334 FISHKILL AVENUE

Stephen Burns, representing Cervone Realty, described his client's proposal to divide the parcel at 332-334 Fishkill Avenue into two separate lots. The second building was constructed after a lot-line realignment and has Site Plan Approval for an auto dealership. Both buildings have access off Fishkill Avenue.

Mr. Clarke noted the plan should be marked as a Preliminary Subdivision Plat, lot acreages don't add up to the total therefore the survey should be updated, and to correctly identify the property as located in the Light Industrial (LI) zoning district. He explained the plans are unclear whether this is meant to create two separate uses. Additional details are needed on parking to show that all requirements are met, and access drives off Fishkill Avenue need to be shown.

Mr. Tully asked that a certified survey be provided, and noted the plan must show location of all structures and utilities to determine if utility or cross easements are needed. Site Plan Approval was granted in 2000 to construct a new building however conditions and requirements put into place at the time do not exist now. Since this action would create two separate sites, the applicant needs to submit two applications for Site Plan Approval, one for each parcel. Mr. Tully explained the existing site plan indicates the building on the left would be a detail shop/office and the existing building as a three-unit residential use and an office. The site plan must be updated to see that what exists on site matches what was proposed at the time of the previous approval.

City Attorney Jennifer Grey advised members that the board needs to state their intention to become Lead Agency under SEQRA as this is an Unlisted Action and other involved agencies exist. Mr. Lambert made a motion to authorize the circulation of a letter of intent for the Planning Board to act as Lead Agency, seconded by Mr. Williams. All voted in favor. Motion carried. The applicant will return next month with applications for Site Plan Approval.

ITEM NO. 4 REVIEW APPLICATION FOR SPECIAL USE PERMIT, EXHIBIT SPACE/LIBRARY, SUBMITTED BY BEACON HISTORICAL SOCIETY, 17 SOUTH AVENUE

Chris Berg or Berg & Moss Architects described his client's intent to relocate the Historical Society's operation from the Howland Center to St. Andrew's vacant rectory at 17 South Avenue. They want to provide a better public presence with street frontage, a sign, handicap access, exhibition spaces, archival space, a library, storage, and a souvenir shop. The six parking spaces to the rear of the building are accessed from the adjacent firehouse property.

Mr. Clarke explained this use is permitted under the Historic Overlay District regulations therefore will need a Special Use Permit from the City Council and a Certificate of Appropriateness from the Planning Board. An easement will be needed for access to the rear parking lot because it encroaches on fire station property. Details on the handicap ramp and an explanation of how ADA-compliant parking and access to the ramp must be provided. In addition, a determination whether 6 parking spaces will be adequate must be made. Discussion took place with regard to on-street parking and the applicant was advised to petition the City Council to see if they will allow handicap parking spaces where the street widens.

Mr. Tully asked for a full size copy of the property survey and that the plan clearly show where the handicap accessible parking space is located. An access easement is needed for ingress and egress to the parking area. Discussion took place with regard to improvements to the exterior of the building.

After some consideration, Ms. Reynolds made a motion to recommend the City Council issue a Special Use Permit subject to the applicant returning to the Planning Board for Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Architectural Review

New Single Family House – North Elm Street

Kevin Archer presented a proposal for a new single-family house for his parents on North Elm Street. Members reviewed elevation drawings, proposed color scheme and compared it to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion to approve the plan with the following color scheme: Clapboard Siding – Oyster Grey; Gable Ends – Pebble Grey; Roof – Charcoal; Double Hung Windows – Anderson Dark Grey; and Garage – Pebble Grey; Trim – White; Porch area – Stone Craft Pennsylvania Heritage Stone; the motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

Certificate of Appropriateness – 470 Main Street

Ken Straus presented his proposal to repaint the building façade at 470 Main Street. The sign will remain the same with the building color scheme of Benjamin Moore Tucker Gray, Bracken Blue, and Powell Gray. After careful consideration Mr. Williams made a motion to issue a Certificate of Appropriateness for the sign as proposed, seconded by Mr. Muscat. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – October Agenda

Members reviewed and discussed the Zoning Board of Appeals' October agenda. After a comprehensive examination of the application, members made a recommendation for the requested area variance for relief from the recently enacted lot coverage limits for accessory buildings at 20 Mase Street. After careful consideration, Mr. Lambert made a motion to advise the Zoning Board members to be sensitive to neighboring properties when considering the request, seconded by Mr. Burke. All voted in favor. Motion carried. A memorandum will be forwarded to the Zoning Board of Appeals.

Continue discussion of retail sales from a truck or trailer – Section 223-26.3

Discussion with regard to regulations for retail sales from a truck or trailer on private property continued. Mr. Dexter outlined how the City issues permits to vendors operating on public property. A lengthy discussion took place about time limits, the former food vending truck, and existing trailer by Hudson Beach Glass. From a planning standpoint Mr. Clarke felt vendor trailers should not be permitted in Historic Overlay Districts. He believed vendor trucks are useful when be used in paved parking lots as a way of screening or to generate activity. He did not think it appropriate to allow them on vacant lots as a temporary use. Discussion on this topic will continue.

Review revised proposed Local Law and Comprehensive Plan amendments in relation to the Linkage Zone Petition

At the October 12, 2016 Planning Board meeting, members reviewed the proposed Local Law creating an RD-7.5 Zoning District and amending the City Zoning Map to rezone seven properties from the Linkage Zone to other zoning districts, including R1-7.5, RD-7.5 and R1-40, and the proposed Comprehensive Plan Land Use Map revision to change the Wolcott Avenue side of the three parcels that comprise "Parcel L" from Low Density Residential to Medium Density Residential. A comprehensive review and lengthy discussion took place about the proposals with the City Planner and City Attorney.

The Planning Board Chairman reviewed the history of this matter which began with a Petition from area residents to rezone certain properties from the Linkage District to the zoning that existed immediately prior to the Linkage District rezoning. The Planning Board Chair discussed the Board's prior recommendations to the City Council on the Petition and a subsequent local law concerning this matter. The City Planner discussed the proposed rezoning, including comments from Dutchess County Department of Planning and the City Council's discussion of the proposals and the County's comments at the Council's October 11, 2016 work session meeting. Ms. Reynolds was excused at 10:00 p.m. After careful consideration, the Planning Board expressed a favorable recommendation on the rezoning of 17 and 21 South Avenue to R1-7.5, 1113 Wolcott Avenue to R1-20 and 1085 Wolcott Avenue to R1-40. With respect to the Wolcott Avenue portions of the three parcels collectively known as "Parcel L" (Portions of Lots 649885, 637879 and 630770), Mr. Burke mad a motion to recommend that those parcels be rezoned from the Linkage District to R1-20, rather than RD-7.5 as proposed, based on the following reasons:

1. The R1-20 District more consistent with the existing and proposed zoning of adjacent properties, particularly the R1-40 District proposed on either side of Parcel L as well as the R1-40 District across Wolcott Avenue, thereby allowing more consistency of land uses along Wolcott Avenue as one travels further from the downtown area.
2. Increased density at that location may lead to increased traffic concerns for the intersection of Rombout Avenue and Wolcott Avenue which is already a problematic intersection.
3. Maintaining views from Wolcott Avenue to the Hudson River is of great interest to the Planning Board and such views should be maintained to the maximum extent possible.

The motion was seconded by Mr. Lambert. On roll call Mr. Burk, Mr. Lambert, Mr. Muscat and Mr. Sheers voted in favor of the motion; Mr. Williams voted against the motion. Motion carried; 4-1.

Review proposed Local Law amending definition of basement and story – Section 223-63

Mr. Dexter outlined the City Council's proposal to codify a practice that has taken place within the Building Department for several years. Building height can be determined in one of two ways – by actual height in feet or by number of stories. This amendment would change the definition of a story in the City Code in order to bring it up to date with the New York State Building Code as has been done by practice. The City's definition is outdated and archaic because it indicates "A basement shall be defined as a story if the ceiling is more than four feet above the level from which the height of the building is measured or it is used for business purposes or for dwelling purposes by other than a janitor or watchman". When this was put into place sometime in the 1950's, it mirrored the state building code at the time. By practice the Building Department has used the state code based on a section which indicates when a Local Law is different than a state law, the state law would govern. Recently a building permit was issued for a new house on DeSoto Avenue and a neighbor cited the current definition of "story" contending that an additional story was erroneously being permitted. If this definition was followed by word, a permit to finish a basement could never be issued by the Building Inspector because it would be considered an additional story. Mr. Dexter explained the building code is periodically updated however local laws are not typically changed to reflect the updates. This action would amend the City Code to follow definitions set forth in the residential code as it is updated. After some discussion about building height verses number of stories, Mr. Williams made a motion to recommend the proposed changes as presented, and if preferred, to include a definition in our code that mirrors the most recent edition of the International Residential Code, seconded by Mr. Lambert. All voted in favor. Motion carried.

There was no additional business to discuss and Mr. Muscat made a motion to close the public hearing, seconded by Mr. Williams. All voted in favor. The meeting adjourned at 10:25 p.m.