

Planning Board
November 9, 2016

The Planning Board meeting was held on Wednesday, November 9, 2016 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Rick Muscat, Patrick Lambert, Gary Barrack, Jill Reynolds and David Burke (in at 7:30 p.m.). Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner John Clarke, and Building Inspector Tim Dexter. Member Randall Williams was excused.

Training Session

John Clarke continued discussion on establishing architectural design standards as requested by the City Council. Architectural standards are set up in the CMS zone that can be improved upon and applied to the Central Business (CB), Fishkill Creek (FC) and Historical Overlay Districts. Residential districts would be excluded and continue to be governed by existing standards. The Architectural Review Subcommittee will work with Mr. Clarke on these regulations.

Miscellaneous Business

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. Members focused specifically on Main Street parcels, with both positive and negative comments. After a lengthy debate, opinions ranged from permitting none at all on private property, none on Main Street, and not allowing the use of trailers. Mr. Clarke suggested the possibility of allowing them in certain private parks and as a means of screening open parking lots on public property. A memo outlining the board's thoughts will be drafted and circulated to members before sending recommendations to the City Council.

Regular Meeting

Mr. Sheers called for corrections/additions or a motion to approve minutes of the October 12, 2016 meeting. Mr. Muscat made a motion to approve the minutes of the October 12, 2016 as presented, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Sheers announced a public workshop for updates to the City's Comprehensive Plan will be held at the Memorial Building on Thursday, November 17, 2016 at 7:00 p.m.

ITEM NO. 1 CONTINUE 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. Lambert made a motion to reopen the public hearing for the Long Dock Park North Shore project, seconded by Mr. Muscat. All voted in favor. Motion carried. Meg Rasmussen, Scenic Hudson's Senior Park Planner, was accompanied by Audrey Frederickson, Land Use and Environmental Advocacy Attorney for Scenic Hudson. Ms. Rasmussen provided an update and overview of the entire park and described proposed features on this portion of the park which went through Brownfields remediation. The Site Plan was amended based on consultant comments – parking stall widths were reduced, spaces were added, parking was removed near

the civic plaza, bollards and a chain were added to prevent cars from entering the civic plaza, and the Sloop Club storage area was delineated. They performed vehicle counts and found between 10 and 53 cars utilize the site, with peak use on summer weekends and weekday evenings. They are proposing 18 additional parking space for a total of 79 spaces throughout the park. A land-banked area for seven additional parking spaces was set aside near the River Center lawn. Mr. Sheers opened the floor to public comment.

Antony Tseng, 18 Rende Drive, reiterated comments from the October meeting which he felt had not been addressed, an outline of which were submitted as an editorial to the Beacon Free Press. He believed the River Pool should be located off the shores of Scenic Hudson's property. Mr. Tseng felt there would be no added liability as swimming takes place in the river anyway and a river pool would provide a safe place for swimmers with life guards.

Robert Pogue, 100 South Avenue, supported the application and feels the parks/trails are well maintained. He believed this park would be beneficial to the existing park area.

Betty Harken, 17 Cross Street and involved with the Sloop Club and River Pool, felt Pete Seeger's vision for the Hudson River should be honored. She appreciated Scenic Hudson's efforts yet believed the river pool would be a step in showing how the river is cleaner than in the past. Ms. Harken felt kayaks are just as likely to be a liability with added risk and suggested River Pool's safety record be well examined.

Theresa Kraft, 315 Liberty Street, expressed concern that the landscape is being turned into a parking lot. She felt the residents would be impacted due to the influx of tourists, the park should remain as is, and that commercial uses be restricted.

Amelia Falcons, 16 South Brett Street, supported the proposal and felt the parks provide people with a place to share nature and the outdoors. The park is very important for the City and its residents.

Mr. Sheers asked how liability for the kayaks differed from a staffed swimming pool. Ms. Rasmussen explained liability for a pool is different, not in terms of injuries but for the possibility of being sued because there shouldn't be a pool in the river at all. Mr. Sheers pointed out Scenic Hudson removed the boat club, does not support the river pool, has marginalized the Sloop Club, and are not good neighbors at the Mount Beacon trail head. He appreciated Scenic Hudson's letter addressing Mount Beacon Park but felt they should be submitted an application to amend their Site Plan Approval to add more parking. Ms. Rasmussen explained they don't have staff to engineer changes to the parking lot therefore must put out an RFP before applying to change the Site Plan. She explained they are looking at overflow parking options and are committed to creating more parking.

City Planner John Clarke reviewed his written comments and talked about land-banking parking spaces. City Attorney Jennifer Gray explained agreements between the City and the applicant would be drafted for those spaces.

A lengthy discussion took place about the river pool, with specific attention to “no swimming” signs, Scenic Hudson’s concerns for liability, staffing, additional need for parking, portable toilet facilities, changing areas, additional water, and general oversight of the operation.

Ms. Reynolds read an e-mail from Sara Pasti who felt the proposal by Scenic Hudson appeared to be in alignment with what was discussed in the Waterfront Planning Committee meetings and community workshop which took place earlier in the fall. Ms. Reynolds suggested solar charging stations for electric cars and wanted to keep discussion about the river pool open.

Mike Gersh, 33 University Road and President of River Pool, reported River Pool has always paid for porta-lavs, lifeguards, and changing areas so there would be no cost to Scenic Hudson. In addition, the pool is governed and permitted by the NYSDEC, Army Corp of Engineers and Department of Health. They carry liability insurance with City of Beacon listed as an additional insured and they hold an additional umbrella policy. The pool is open July 1st through Labor Day and averages 1,000 users each year.

Mr. Burke spoke about the number of parking spaces and land-banking spaces and commended Scenic Hudson on the professional work done in the park.

Discussion returned to Mount Beacon Park and Scenic Hudson’s plan to move forward in the process to amend their site plan to accommodate more parking. Ms. Rasmussen confirmed they would be preparing an RFP to hire an engineer to see what will fit in the park and then return to the Planning Board within the next four months with a sketch plan.

Anthony Tseng spoke to Scenic Hudson’s comment of legal liability and pointed out that three other governmental agencies must give approvals for a pool to be placed in the river. He feels a pool would provide a safe way for residents and visitors to enjoy the Hudson River in addition to the kayaks.

Noah Rosaler, 276 Fishkill Avenue, asked if Scenic Hudson shared concerns for liability and oversight for food trucks that could potentially serve hazardous or contaminated food.

Neta Sutton, lives in Newburgh and works for River Pool, reported an Olympic size pool is in the planning stages for the Charles River. She believes Scenic Hudson should reconsider allowing the pool.

There were no further comments and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Burke made a motion to authorize staff consultants to prepare SEQRA documentation, and written resolutions for LWRP Consistency and amended Site Plan Approval for consideration at the December meeting. Ms. Reynolds seconded the motion. All voted in favor. Motion carried.

ITEM NO. 2 REVIEW APPLICATION FOR SUBDIVISION AND SITE PLAN APPROVAL FOR TWO COMMERCIAL LOTS, SUBMITTED BY CERVONE REALTY, 332-334 FISHKILL AVENUE

Engineer Stephen Burns reported he submitted applications for Site Plan Approvals for each lot, and revised plans show parking, traffic flow, and ingress and egress layouts. Measurements show adequate sight distance exists at both entrances. He noted adequate parking exists for both lots, and setback measurements for the pre-existing non-conforming residential building on Lot #2 were provided.

Mr. Clarke advised that all boundary, setbacks and acreage figures should be considered preliminary until a certified survey is completed. He reported the code requires landscaping around parking areas and recommended installation of sight distance triangles at the driveway to secure sight distance and provide space for landscaping. Mr. Clarke asked the applicant to provide floor plans for the building on Lot #2 to verify square footage for the office space and three residential apartments; he advised the applicant to move parking spaces that exist in front of the building to the rear and replace them with landscaping. All exterior site lighting should be shown on the site plans. Mr. Clarke noted the existing sign is directly on the corner access and overhangs into the public right of way, therefore either the sign or access drive must be relocated. Mr. Tully pointed out the project is essentially three separate applications (subdivision and two site plans) therefore each sheet should be numbered "1 of 1" and not combined. He also asked for an updated survey.

There were no further comments and Mr. Lambert made a motion to set a public hearing for Subdivision Approval for December, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Barrack made a motion to set a public hearing for SEQRA environmental review for December, seconded by Mr. Burke. All voted in favor. Motion carried. The public hearing for the environmental review will take place before the subdivision public hearing.

ITEM NO. 3 CONTINUE REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, EXHIBIT SPACE/LIBRARY, SUBMITTED BY BEACON HISTORICAL SOCIETY, 17 SOUTH AVENUE

Mr. Sheers noted the City Council will hold the public hearing on Beacon Historical Society's Special Use Permit application for exhibit space and library at 17 South Avenue at their November 21, 2016 meeting. Mr. Burke made a motion to set a public hearing for December subject to obtaining a Special Use Permit from the City Council, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 4 REVIEW APPLICATION FOR SUBDIVISION APPROVAL (LOT LINE REALIGNMENT) AND AMENDMENT TO EXISTING SITE PLAN APPROVAL SUBMITTED BY YAUN LEE AND KAREN GOWAN, 300 & 310 SOUTH AVENUE

Jennifer VanTuyl, Attorney with Cuddy & Feder, accompanied by Attorney Ken Stenger of Stenger Roberts, explained they are here with Engineer Mike Bodendorf, representing Yaun Lee and Karen Gowan in their application for a lot line realignment (subdivision) to remedy a longstanding problem that existed between the properties. Ms. VanTuyl reported when the two lots were created many years ago, a shared driveway mostly situated on the Gowan property was also created. The Gowan property does not need the long driveway and it has interfered with the

beneficial use of their land. In addition, the driveway enters South Avenue at the intersection of Sargent Avenue at an odd angle creating a sight distance issue. The owners want to resolve the matter by creating two individual driveways however a compliant driveway could not be configured without increasing the size of Parcel #1 and reducing the size of Parcel #2. That action creates the need for an area variance on Parcel #2 because it reduces the lot size below the R1-40 zoning district's minimum requirement of 40,000 sq. ft. They have applied to the Zoning Board of Appeals for a variance and are on their November agenda. Ms. VanTuyl also explained they seek to amend the existing Christie House Bed & Breakfast Site Plan Approval to show deletion of the shared drive and creation of the new driveway. She asked the board to consider commencing SEQRA review and to set public hearings for environmental review, Subdivision and Site Plan Approvals. In addition she asked the board to consider forwarding a positive recommendation to the Zoning Board of Appeals for the area variance since the action will resolve issues between both applicants. Attorney Ken Stenger, representing Karen Gowan, reiterated his client's support of the application.

Mr. Clarke asked the applicants to consider planting additional trees to fill in gaps along the new driveway and property line where nine substantial trees are to be removed. Lastly the site plan should note where the stone wall will be relocated. Mr. Tully provided his written comments to the applicant and had no major concerns. A lengthy discussion took place with regard to the angle and length of the new driveway, and how much of the old one is to be removed. Ms. VanTuyl reported the new driveway will be paved and additional details provided.

There was no further discussion and Mr. Barrack made a motion to declare the Planning Board's intent to act as Lead Agency for SEQRA review, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Lambert made a motion to set a public hearing for the December meeting for Subdivision Approval and Amended Site Plan Approval, subject to the applicant receiving the necessary area variance, seconded by Ms. Reynolds. All voted in favor. Motion carried. Mr. Lambert made a motion to set a public hearing for SEQRA environmental review which will be held prior to the public hearing for Subdivision and Amended Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

City Attorney Jennifer Gray pointed out that this property is located on a designated Scenic Road therefore additional review may be necessary. Any additional referrals, if necessary, will be done administratively.

ITEM NO. 5 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 3 BUILDINGS – 98 UNITS, WEST END LOFTS, SUBMITTED BY KEARNEY REALTY & DEVELOPMENT GROUP, WOLCOTT AVENUE (currently owned by City of Beacon)

Ken Kearney founder of Kearney Realty & Development Group, introduced his sons/partners Brian and Sean Kearney, friend/engineer Jeff Contelmo with Insite Engineering, and friend/architect AJ Coppola of Coppola Associates. Mr. Kearney started as a developer in 1990 and has since constructed 1,000 residential units in the Hudson Valley. His first project was in Beacon with successful restoration of a residential/commercial building on East Main Street which the family still owns today. Mr. Kearney explained this application results from an agreement with the City of Beacon to purchase and develop the property adjacent to City Hall.

The project consists of three buildings containing 98 apartments to be constructed in two phases. Phase One consists of two buildings facing Wolcott Avenue with 45 and 28 one- and two-bedroom units; the Phase Two building, located toward the rear of the property, will contain 25 market rate units. Mr. Kearney reported they will be applying for a New York State grant known as "Middle Income Program", a fairly new program which they were granted the first award ever for a project underway in Peekskill. The 48 affordable art loft units will be rented to those involved with artistic or literary ventures with up to 60% Dutchess County area median income. The other 24 units will be middle income rentals with 70% and up to 120% Dutchess County area medium income. Units will have 12 ft. high ceilings and many amenities. Mr. Kearney reported they manage construction and continue management at all of their properties. Rents and income levels will be fixed for a period of 50 years.

Jeff Contelmo explained the two buildings facing Wolcott Avenue will be three stories in front and four stories to the rear due to the topography change. Similarly, the third building will face the central parking lot and will be three stories in front and four stories to the rear due to topography. Entry to the parking lot serving all buildings will be from a single driveway off Wolcott Avenue across from Beacon Street. The project will include a lot line adjustment and subdivision to separate the rear building from the front buildings for funding purposes. At this point only preliminary work has been done on water/sewer connections, stormwater, conceptual lighting and landscaping. These items will be developed as consultant comments are further reviewed.

AJ Coppola further described the building layouts, number of stories, units and interior design. All buildings will carry a mix of one- and two-bedroom units: Building #1, 28 affordable housing apartments; Building #2, 45 affordable housing apartments; and Building #3, 25 market-rate apartments. These are all double loaded corridor buildings, handicap accessible with 10% handicap adapted and 4% adapted for persons with audio/visual disabilities. Interior elevators and fire sprinkler systems will serve each building. They will be NYSERDA energy star rated and certified LEED construction of either silver or gold rated. Buildings #1 and #2 were made to look like a row house with alternating materials, and provided with front and rear entrances. Materials include brick, high grade aluminum clad windows, concrete plank siding and cornices, with aluminum roof covered porches.

Mr. Clarke reported this type of development follows the vision of the Linkage Zoning District. The project is located in the Coastal Management Zone requiring the applicant to provide an LWRP consistency justification for the project. The LWRP designated the intersection of Wolcott Avenue and Rombout Avenue as river view to be protected therefore a view analysis of how the project will contribute, preserve, or enhance views of the river must be submitted. Mr. Sheers advised the applicant that they need to meet with the Architectural Review Committee before the project progresses too far. Mr. Clarke asked that the existing dedicated tree on the parcel be relocated prior to construction.

In addition to his written comments Mr. Tully asked Mr. Kearney to coordinate site work with the engineer of the adjacent project known as "The View". They ran into significant rock therefore stormwater efforts should be coordinated. Discussion about a proposed walkway and

connection to The View took place and it was noted that it should be open to the public as it is a critical connection to the train station.

There were no further comments and Mr. Lambert made a motion to refer the project to the Architectural Review Subcommittee, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Burke made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA process, seconded by Mr. Barrack. All voted in favor. Motion carried.

Mr. Kearney reported their grant application is due on December 7, 2016 and respectfully asked for the board to supply a letter to strengthen their funding request. He explained they would typically be further into the approval process but applications are only accepted once a year. After some discussion, City Attorney Jennifer Gray suggested the letter indicate that they have been in front of the Planning Board, have been referred to the Architectural Review Committee, and that the Planning Board declared their intent to become Lead Agency in the SEQRA process. A statement could be added that the Board encourages and favors the prospect of middle income housing and the project would develop a walkway that will create an important pedestrian connection to the train station. After some consideration, Ms. Reynolds made a motion to authorize the City Attorney to draft a letter as discussed, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 6 PRELIMINARY CONCEPTUAL REVIEW, CONTAINER HOUSING, FRONT STREET ARTIST LIVE/WORK, SUBMITTED BY BEACON LOFTS & STORAGE, LLC, FRONT STREET

Architect Aryeh Siegel and Engineer Mike Bodendorf presented their client's plan for property at 39 Front Street, an addition to the existing and ongoing Beacon Lofts project. This is a conceptual review of a proposal to construct 50 artist live/work units out of re-purposed shipping containers. The containers will be joined together, stacked and provided with a circulation hallway system behind the units. The development will be on a raised courtyard above grade to separate from it from the Greenway Trail and existing residential units.

Mr. Clarke summarized his review letter and recommended creation of a Main Street quality to integrate with the development to the north. He felt the southern courtyard was too large and should be reduced with buildings moved closer to the creek. Mr. Tully reported the area to west is a private road system therefore a traffic analysis will be needed. Off-site visual impact on the neighbors across the creek must be considered. He asked if any shipping container developments had been done in New York State and had concern for compliance with the state building code. Mr. Tully asked why they are using containers rather than construct a new building. Mr. Siegel explained it is a greener way to develop and repurpose old unused shipping containers; in this case they create an atmosphere to fit in with the old factory use.

Discussion took place about the size of containers, stacking, finishes and architectural appearance. The applicant was advised to return with information on similar developments in New York, and that attention be given to the structure's height and views of neighboring property owners.

Miscellaneous Business

Zoning Board of Appeals – November Agenda

Members reviewed and discussed the Zoning Board of Appeals' November agenda. After a comprehensive examination of each application, members made a recommendation for the requested area variance at 310 South Avenue. The lot line realignment will result in the creation to of two separate driveways which members felt would be in the best interest for both parties involved. Mr. Muscat made a motion to support the requested variance, seconded by Mr. Barrack. All voted in favor. Motion carried.

Architectural Review

New Single Family House – 26 Duncan Street

Anthony Hardisty presented a proposal for a new single-family house at 26 Duncan Street. Members reviewed elevation drawings, proposed color scheme and compared it to neighboring housing stock. After careful consideration, Mr. Muscat made a motion to approve the plan as presented with the following color scheme: Vinyl Siding – Harbor Grey; Roof – GAF Pewter Gray; Double Hung Windows – Anderson White; and Garage – White; Trim – White; the motion was seconded by Ms. Reynolds. All voted in favor. Motion carried.

Amend Architectural Approval – 249 Main Street

Ray VanVoorhis, Liscum McCormack, VanVoorhis Architects, explained this project was approved however his client would like to change the building façades. The proposal is to add balconies with black wrought iron rails on the front residential units and flush Juliet balconies on the rear elevation. After some discussion about proposed materials, Mr. Lambert made a motion to approve the proposal subject to the approval of materials by the Building Department to assure that they comply with the CMS Zoning District, seconded by Mr. Muscat. All voted in favor. Motion carried.

Certificate of Appropriateness – 2 East Main Street – Sign

Bob McAlpine presented his proposal to install two new 96" x 39" signs at the East Main and Leonard Street entrances advertising the Roundhouse. They will be made of clear-coated steel painted with white lettering and supported with 4" x 4" Cedar posts. Mr. Muscat made a motion to approve the proposed signs as presented, seconded by Mr. Burke. All voted in favor. Motion carried.

Certificate of Appropriateness – 181 Main Street - Sign

Ricardo Fuentes presented his proposal for a new sign at 181 Main Street to advertise his boutique "Bellus". The perpendicular sign will be Expresso background with gold lettering. After reviewing the proposal, Mr. Burke made a motion to approve the sign as proposed, seconded by Mr. Muscat. All voted in favor. Motion carried.

There was no additional business to discuss and Mr. Muscat made a motion to close the meeting, seconded by Ms. Reynolds. All voted in favor. The meeting adjourned at 9:50 p.m.