

## **Planning Board September 12, 2017**

The Planning Board meeting was held on Tuesday, September 12, 2017, in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Patrick Lambert, Jill Reynolds, Rick Muscat, and Gary Barrack. Also in attendance were City Attorney Jennifer Gray, City Engineer Art Tully, City Planner John Clarke, and Building Inspector Tim Dexter. Members Randall Williams and David Burke were excused.

### **Training Session**

Daniel Biggs of Weston & Sampson provided a Power Point presentation on the Hudson Trail Master Plan, a proposed Greenway trail leading north of the train station along the railroad tracks that will connect with the trail in the Town of Fishkill.

### **Regular Meeting**

Mr. Sheers called for corrections/additions or a motion to approve minutes of the August 8, 2017 meeting. Mr. Lambert made a motion to approve the minutes of the August 8, 2017 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Sheers announced the following people submitted correspondence relative to items on the agenda which were circulated to board members and will remain on file:

- David Jenson representing the Howland Center regarding 475 Main Street
- Kathleen Mazza regarding the Edgewater Project
- Paulette Meyers & David Rich regarding 475 Main Street
- Roxanne Meyer regarding general development in Beacon
- Meredith Heuer regarding parking in Beacon
- Katie O'Hagen regarding the impact of development on schools and the role of the School Board
- Robert Bomersbach regarding the proposed moratorium
- CAC regarding River Ridge (Parcel L) and West End Lofts

### **Miscellaneous Business**

#### **Consider request for 90 extension of Subdivision Approval – 300-310 South Avenue**

Attorneys Jennifer VanTuyl and Ken Stenger, representing applicants for a lot line realignment of property at 300 and 310 South Avenue, attended the meeting to request a second 90-day extension of Subdivision Approval. Ms. VanTuyl explained transactional documents that need to be filed simultaneously are almost finalized and they are requesting the minimum allowable 90-day extension permitted by law. After consideration of the request, Mr. Barrack made a motion to grant a second 90-day extension as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, AND CONTINUE PUBLIC HEARING FOR SITE PLAN APPROVAL, 7 RESIDENTIAL BUILDINGS - 307 UNITS, “EDGEWATER” SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE**

Mr. Muscat made a motion to reopen the SEQRA and Site Plan Approval public hearings for the Edgewater project, seconded by Mr. Barrack. All voted in favor. Motion carried.

Aryeh Siegel explained the Edgewater project is waiting to go to before the Zoning Board of Appeals after the Planning Board makes their SEQRA determination on the environmental review. He reported project consultants continue to address comments from the board and the architectural subcommittee has reached a consensus on building design. For the record Ms. Reynolds clarified that two members were in favor and one was against the design. Mr. Siegel explained the project proposes 307 units as permitted by the zoning code based on the site area, and pointed out variances they are seeking are only to decrease the footprint of buildings and paved areas on site. He made comparison to other projects of similar size and reported they have incorporated environmentally friendly elements into the project.

Mr. Clarke commented on parking spaces and the sidewalk layout. Mr. Tully reported several engineering issues remain yet they are close to fulfilling site plan related items. Mr. Sheers opened the floor to public comment.

Judith Crelin Mayle, attorney from a firm in Hopewell Junction attended the meeting to represent the Beacon City School district and members of the school board that were in the audience. She reported they were not contacted by Cleary Consulting as promised at the last meeting, and did not have Patrick Cleary’s response letter in time to review it before the meeting. Ms. Mayle explained the school district wants to be in a position to affordably educate children of the community while maintaining a reasonable tax rate. She reported the school district wants to be certain information provided in the school impact study is accurate and founded on substantive information. They felt the information presented did not provide adequate information about the project’s actual build-out value. Mr. Sheers asked that the district submit their comments and concerns in writing so that they can be accurately addressed.

Adrienne Haynes, 18 Bank Street (renting from Willian Going), expressed her opposition to the project. She felt people would not be opposed to change if it were a modest project supporting low income or affordable housing. Ms. Haynes believed the project will adversely affect the City’s resources for education, infrastructure, crime, and quality of life. She spoke of difficulties on Main Street that currently exist and felt the City is getting too affluent.

Theresa Kraft, 315 Liberty Street, urged the Planning Board to oppose this overly populated development. She felt it important to preserve open spaces and that this development will have a negative impact on all citizens of Beacon.

City Attorney Jennifer Gray reviewed the Planning Board’s responsibility as Lead Agency in the overall SEQRA process and went through each category outlined in the Long EAF – land; geological features; surface and ground water; potential for flooding; air related to

emissions during construction; how site rock and on site will be handled; how materials will be handled on site; hours of operation, sewer generation rate as it relates to the number of bedrooms; flora and fauna, and protection of the Indiana Bat as noted and regulated by NYSDEC; agricultural resources; aesthetics which include the LWRP policy and visual analysis; impact on historic or archeological resources as NYSDEC noted the property may be located in a sensitive area; open space and recreation; impact if located in critical environmental area; impact on transportation; and consistency with the Comprehensive Plan.

Discussion took place on the Traffic Impact Study based on recent information outlined in Maier's letter dated August 23, 2017. Mr. Grealy noted traffic light timing changes and other intersections will be monitored for signalization. In general both the City and applicant's traffic consultants indicate traffic will be affected with marginal impacts however not significantly worse than existing conditions. Mr. Grealy reported that it is likely this development will have significantly less traffic generation due to its proximity to the train station and that most traffic generation from the train station will not be from this development.

Discussion took place with regard to the School Impact Study and challenges that have been presented by the school district. Mr. Clarke reported the applicant responded to school district's letter and as requested provided additional information based on local studies. He felt that due to the type of development, and considering the approximately 97 studio units were calculated as one bedroom units, that a credible case has been made for the estimated number of students. As requested, information on the build-out value of the development will be provided by the applicant's consultants.

City Attorney Jennifer Gray reported other SEQRA impact topics to be considered will be energy, noise, odor, lights, consistency with community plans, and impacts on human health. After some consideration, Mr. Lambert made a motion to authorize the drafting of SEQRA documentation for consideration, seconded by Mr. Muscat. All in favor. Motion carried. Mr. Muscat made a motion to authorize the drafting of the LWRP Consistency Determination, seconded by Mr. Barrack. All voted in favor. Motion carried. Ms. Reynolds made a motion to continue the public hearing for the SEQRA environmental review, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Barrack made a motion to continue the public hearing on the application for Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL AND CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 3 BUILDINGS – 98 UNITS, “WEST END LOFTS”, SUBMITTED BY KEARNEY REALTY & DEVELOPMENT GROUP, WOLCOTT AVENUE**

Mr. Muscat made a motion to open the public hearing on the application for Subdivision Approval, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Lambert made a motion to reopen the public hearing on the application for Site Plan Approval, seconded by Mr. Barrack. All voted in favor. Motion carried.

Kearney Realty principal member Ken Kearney, Jeff Contelmo of Insite Engineering, and Mario Salpeppi of Coppola Associates attended the meeting to answer questions about the West End Lofts project. Mr. Contelmo reported a detailed site plan review has taken place and part of the project involves a slight lot line adjustment and a two lot subdivision to separate the two buildings that will front on Wolcott Avenue from the building that will front on Beekman Street.

Mr. Clarke had no comments on the Subdivision and Mr. Tully noted cross easement documentation for the two lots will be completed. Mr. Sheers opened the floor to public comment.

Lisa Galina Alvarez, 23 Hammond Plaza, felt the board was acting as if the three proposed projects surrounding Hammond Plaza will have no impact. She felt the projects will bring too much traffic, have ill effects on the school district, impact residents' health, and take away all wildlife corridors. She reported Hammond Plaza is the most diverse owner-occupied development in Beacon. Ms. Alvarez felt these projects will leave Beacon vulnerable and undesirable.

Theresa Kraft, 315 Liberty Street, felt this urbanization to be unnecessary and the developments too aggressive. Projects will be encroaching on a historic church and on the City has a whole by changing it into a congested urban area. She urged the City to stop giving variances, provide full transparency, and encourage growth that is good for Beacon residents.

Elaine Ciaccio, 54 North Elm Street, thought this was one project and asked why a subdivision was necessary. Mr. Clarke explained they are separating the two affordable buildings (70 units) from the market rate building (25 units) primarily for financing purposes.

Michal Mart, 49 Sycamore Drive, asked how it is determined who will occupy the affordable units and who would manage the program. Mr. Sheers explained the City has hired an outside agency to manage all of the City's affordable housing units. Mr. Kearney reported his company will manage the property and tenant selection is based on a lottery. The units will be advertised, and once applications are certified, background checks and income verifications will be completed. He explained they will have an on-site management office and a resident superintendent will be on site when the office is closed.

Mr. Sheers asked the applicant to provide a rendering of the proposed retaining wall for review by the board. City Attorney Jennifer Gray confirmed that approval of the retaining wall and signage for the walkway through the site can be conditions that must be fulfilled prior to signing of the Site Plan.

There were no further public comments and Mr. Lambert made a motion to close the public hearing on the application for Site Plan Approval, seconded by Ms. Reynolds. All voted in favor. Motion carried. Mr. Lambert made a motion to close the public hearing on the application for Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

City Attorney Jennifer Gray reviewed the draft resolutions of LWRP Consistency, and Subdivision Approval and Site Plan Approval, which were prepared and previously distributed to board members for their consideration.

After review of the policies listed in the City's LWRP and careful consideration, Ms. Reynolds made a motion to approve the LWRP Consistency resolution, seconded by Mr. Lambert. All voted in favor. Motion carried.

After review and careful consideration, Mr. Lambert made a motion to approve the Subdivision Approval and Site Plan Approval resolution with the addition of language regarding the retaining wall as discussed, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL, 2 RESIDENTIAL LOTS, SUBMITTED BY STEPHEN SPACARELLI, KNEVELS AVENUE (AND TIORONDA AVENUE)**

City Attorney Jennifer Gray drafted and circulated the Negative Declaration with regard to environmental review of the project to board members for review and consideration. Mr. Lambert made a motion to approve the Negative Declaration as circulated, seconded by Ms. Reynolds. All voted in favor. Motion carried. Ms. Reynolds made a motion to open the public hearing on the application for Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Engineer Mike Bodendorf of Hudson Land Design described his client's proposal for a two lot subdivision of property located off Knevels Avenue in the R1-40 Zoning District. There is an existing lot at the end of this property therefore a private road will be created to access all three parcels. Each of the two lots will be served with municipal utilities accessed from Tioronda Avenue.

Mr. Clarke asked the applicant to provide a signed and stamped survey, and that any significant sized trees to be removed be noted on the plat. Lastly information on the existing conservation easement must be submitted. Mr. Sheers opened the floor to public comment.

Barry Nelson, 47 Maple Street, reported Mr. Spaccarelli constructed his house and is a person of highest integrity. He felt this will be a good project of high quality and low density.

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

After careful consideration Ms. Reynolds made a motion to approve the two-lot subdivision and to authorize the City Attorney to draft a resolution of approval for the Chairman's signature. The motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, BUILDING ADDITION TO EXPAND OFFICE SPACE WITH EXISTING RETAIL, SUBMITTED BY 605 N. MACQUESTEN PKWY, LLC, 475 MAIN STREET**

Aryeh Siegel described his client's revised proposal for building at 475 Main Street, an existing three-story building with a one-story extension to the rear. The owner wants to construct a two-story addition on the one-story rear portion of the building. After considering public comments on the previous proposal and realizing the need for office space, the owner changed the project from residential to office space only. Because of the change in the project, this now becomes a Type 2 action under SEQRA and they have applied directly to the Zoning Board of Appeals for a parking variance.

Mr. Clarke confirmed that the project now requires a variance for parking and questioned the difference in calculations from the previous version. Mr. Siegel explained they initially relied on the application submitted in 1992 and the requirement doubled because it only considered a one-story addition rather than two-stories. Attorney Taylor Palmer provided an analysis on how they determined that 13 additional parking spaces are required. A review of adjacent parking areas and parking variances for other parcels that were granted or denied took place. Mr. Clarke found the shadow impact study to be more accurate and further discussion will take place if the applicant receives the necessary parking variance. Mr. Tully also had comments to be addressed after the variance determination is made.

Mr. Sheers spoke about the board's consistency in waiving parking requirements for new development for commercial uses. Unlike the others, he felt this building is in an area where parking is tight, it is a busy corner, and the building is located in the Historical Overlay District. After a lengthy discussion about parking in the area, Mr. Muscat made a motion to recommend the Zoning Board of Appeals deny the requested parking variance, seconded by Ms. Reynolds. All voted in favor with the exception of Mr. Sheers who voted against the motion. Motion carried 4-1.

**ITEM NO. 5 CONTINUE REVIEW APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET**

Mike Bodendorf of Hudson Land Design reported no measurable changes were made to the plan however an infiltration study was done and rates were at or better than their preliminary tests. Discussion took place with regard to the location and angle of the proposed right-of-way extension. Mr. Clarke suggested that it be angled toward Lot #9 so it isn't directly in line with the only buildable portion of the adjacent lot. In addition, that shift would also allow the access road for the retention area to be connected to a public right of way.

Mr. Sheers asked that adjacent houses and proposed screening be added to the Site Plan for the next submission. Mr. Bodendorf respectfully requested the board consider scheduling a public hearing so the comment process could begin. After some discussion, members felt the right-of-way location should be finalized and more information should be provided on the plan before presenting it to the public.

**ITEM NO. 6 CONTINUE REVIEW APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT, ARTIST LIVE WORK/SELF STORAGE, 39 FRONT STREET, SUBMITTED BY BEACON LOFTS & STORAGE**

Aryeh Siegel described his client's proposal to amend the existing Special Use Permit and Site Plan Approval at 39 Front Street. The revised proposal eliminates construction of previously approved Buildings #9A and #12, and demolish existing Building #16 due to its deteriorated condition. A larger new Building #16 is proposed to be constructed, and Building #9 will be extended to include two artist live/work lofts. Building #12 will remain and used for communal gardens for the tenants. A total of 173 units are proposed where 253 units are permitted, and the commercial laundry use will be eliminated. The applicant has applied to the Zoning Board of Appeals for a variance to allow the building to be higher than permitted by zoning regulations. The fourth floor of the proposed building will be setback by 10 ft. and will be made of different materials so only the main building is noticeable. Mr. Siegel reported they met with adjacent property owner John Milano to review their proposal. He had no objections to their project and planned to support their request for a variance. All parking will be consolidated on this parcel and land bank parking on the adjacent lot is no longer needed.

The applicant's attorney, Jennifer VanTuyl of Cuddy & Feder, respectfully requested the board circulate for Lead Agency as most environmental issues relate to design, layout, visual and architectural issues. A previous SEQRA review took place where the City Council acted as Lead Agent, therefore Mr. Barrack made a motion to send out the board's letter of intent to act as Lead Agent subject to the City Council's agreement, seconded by Mr. Muscat. All voted in favor. Motion carried. Because this property is located in a historical overlay zone, Mr. Clarke asked the applicant to provide information from their structural engineer to justify building demolition.

**ITEM NO. 7 CONTINUE REVIEW APPLICATION FOR SITE PLAN APPROVAL, MULTI-FAMILY RESIDENTIAL, 123 ROMBOUT AVENUE, SUBMITTED BY MY FOUR DGHTRS REALTY CORP.**

Aryeh Siegel described his client's proposal to renovate the existing one-story lumber yard storage building at 123 Rombout Avenue into 10 one-bedroom loft-style apartments that previously received a use variance to allow the multi-family use. Most consultant comments from last month were addressed and investigation took place with regard the monitoring well found on site. Attorney Taylor Palmer, Cuddy & Feder, reported they reviewed City records and found nothing on file however the DEC reported a spill incident was reported in 2001 and the matter was closed in 2002; this monitoring well may have been related to that incident. They are also investigating nearby properties and will submit their findings next month.

Mr. Clarke asked that building elevations, colors and materials be submitted for review. Mr. Tully had only minor comments. This is an unlisted action therefore an uncoordinated SEQRA review will take place. There were no further comments and Mr. Muscat made a motion to set a public hearing for the month of October, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 8 CONTINUE REVIEW OF APPLICATIONS FOR SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, WOLCOTT AVENUE AKA “PARCEL L”, SUBMITTED BY RIVER RIDGE VIEWS, LLC**

Aryeh Siegel described his client’s proposal to construct 18 townhouses in three building groups on property known as “Parcel L” along Wolcott Avenue. The number of parking spaces was reduced as recommended, which provides a larger landscape area around the historical gazebo. The entrance is 70 ft. wide to maintain a full view shed of the river. A tiered retaining wall proposed to buffer the adjacent Hammond Plaza development will be landscaped with plantings and ivy to blend in with natural surroundings. The building design is intended to integrate with the nearby historical Dutch Reformed Church, and the lower portion of site will remain undeveloped with a public pocket park accessible from Beekman Street. A path to Ferry Street will be included and the owner has volunteered to help clean up the old church cemetery.

Mr. Clark explained one of the buildings exceeds the 150 ft. building length requirement, and it appears access to garages on Units #1 and #11 will be difficult therefore should be addressed. Information must be submitted for building elevations, i.e. heights, colors, and materials. Mr. Tully reported the retaining walls, which vary between 15-20 ft. and 8-10 ft. high, will be difficult to hide with landscaping. He suggested they provide a three-tiered retaining wall system to allow for additional plantings, reduce the visual impact, and reduce possible injury.

Attorney Jennifer VanTuyl, reported the building group that exceeds the 150 ft. length is due to the bonus unit. She explained the Planning Board has the authority to waive that bulk requirement if it is a result of the bonus unit and not a required BMR unit. She asked members to make that consideration and determine whether it will be addressed at the Planning Board level or if they will be referred to the Zoning Board of Appeals for a variance.

**ITEM NO. 9 REVIEW APPLICATIONS FOR SUBDIVISION APPROVAL (2 RESIDENTIAL LOTS) AND SITE PLAN APPROVAL (2-FAMILY HOUSE), SUBMITTED BY BEACON RESIDENTIAL, LLC, 40 NORTH STREET**

Mr. Sheers reported that this is a new application therefore the previous application must be withdrawn. Engineer Steve Burns explained his client indicated he would reconsider this plan if this could not be done as an amendment to the existing approval. City Attorney Jennifer Gray confirmed that there is an open approval – the resolution was signed by the Chairman and outstanding items must be fulfilled before the Site Plan/Subdivision can be signed – therefore that application must be withdrawn and a new application submitted. She explained the application would go through the entire approval process, i.e. new application, SEQRA, public hearing, etc.

**Miscellaneous Business**

**Zoning Board of Appeals – September Agenda**

Members reviewed the Zoning Board of Appeals’ September agenda and commented on one of the eight items. After considering Scenic Hudson’s application, Mr. Muscat made a motion to support their variance request to allow the expansion of the parking lot at the base of Mount Beacon due to the increased use and adverse effect parking has had on the neighborhood, seconded by Mr. Lambert. All voted in favor. Motion carried.



### Change Meeting Date from Tuesday, October 10, 2017 to Wednesday, October 11, 2017

The Columbus Day holiday on October 9<sup>th</sup>, creates a conflict with City Council meeting therefore the Planning Board meeting must be held on an alternate date. Mr. Lambert made a motion to change the meeting date from Tuesday, October 10, 2017 to Wednesday, October 11, 2017, seconded by Ms. Reynolds. All voted in favor. Motion carried.

### City Council Request to Review Local Law on Proposed Moratorium

Members reviewed the proposed local law on the proposed moratorium as requested by the City Council. The City Attorney's office provided a memorandum outlining details of the proposal and a comprehensive review of the law took place. After some consideration, Mr. Muscat made a motion to recommend the City Council proceed with the proposed moratorium as outlined, seconded by Mr. Barrack. All voted in favor. Motion carried.

### **Architectural Review**

#### Lot #13 Riding Ridge Trail – Single Family House

Renee Wringer, representing Beaver Brook Beacon Acquisition, LLC, described their proposal for a new single family house on Lot #13 of the Polo Fields subdivision. Members reviewed elevation drawings, proposed color schemes and compared it to neighboring housing stock. After careful consideration, Mr. Lambert made a motion, seconded by Mr. Muscat, to approve the plans with the following color schemes. Siding – 4” lap vinyl Granite Gray; Roof – 50-year fiberglass Charcoal; Windows – Anderson Silverline White; Trim – White; Front Door – Black, and Garage Door – White. All voted in favor. Motion carried.

#### Lot #14 Riding Ridge Trail – Single Family House

Renee Wringer, representing Beaver Brook Beacon Acquisition, LLC, described their proposal for a new single family house on Lot #14 of the Polo Fields subdivision. Members reviewed elevation drawings, proposed color schemes and compared it to neighboring housing stock. After careful consideration, Mr. Barrack made a motion, seconded by Mr. Muscat, to approve the plans with the following color schemes. Siding – 4” lap vinyl Clay w/Savannah Wicker Shakes; Roof – 50-year fiberglass Weathered Wood; Windows – Anderson Silverline White; Trim – White; Front Door – Savannah Wicker; and Garage Door – White. All voted in favor. Motion carried.

### Certificate of Appropriateness – 146 Main Street

Alexa Beckham, representing The Lindley Todd, LLC, presented their proposal for alterations to the storefront at 146 Main Street. Work includes a new door and sideline, wood trim and transom. After careful consideration Mr. Muscat made a motion, seconded by Ms. Reynolds, to approve the changes as proposed with the following color scheme: MDO panels with recessed molding Behr Indigo; and trim Behr Azek. All voted in favor. Motion carried.

### 36 North Cedar Street – Single Family House

David Marcinak described his proposal to convert the former City of Beacon mechanic's garage into a single family house. Members reviewed elevation drawings, proposed color schemes and compared it to neighboring housing stock. After careful consideration, Mr. Lambert made a motion, seconded by Mr. Muscat, to approve the plan as presented with the following color scheme. Side Elevations – painted finish Moss Stone; Front Elevation – Stucco

Dessert Sand with Eldorado Cultured Stone corners Moonlight and Rustic Rough cut wrap on trusses Cedar Stain and 12"x1" Pine; Roof – 30-year shingles Weathered Wood; Windows – Double Hung White; and Garage Door full windows. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Muscat, seconded by Mr. Barrack. All voted in favor. Motion carried. The meeting adjourned at 10:20 p.m.