

**Planning Board
January 9, 2018**

The Planning Board meeting was held on Tuesday, January 9, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:04 p.m. with Chairman John Gunn, Members Randall Williams, Rick Muscat, Gary Barrack, Pat Lambert, David Burke and Jill Reynolds. Also in attendance were Building Inspector Tim Dexter, City Attorney Jennifer Gray, City Engineer Art Tully and City Planner John Clarke.

Training Session

Mr. Gunn reviewed planning board rules of procedure for public meetings to provide members and the public with guidance.

Regular Meeting

Ms. Reynolds made a motion to open the regular meeting, seconded by Mr. Williams. All voted in favor. Motion carried. The regular meeting started at 7:33 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the December 12, 2017 meeting. City Attorney Jennifer Gray noted a public hearing for Subdivision Approval of River Ridge Views (Parcel L) was not opened or held as noted. Mr. Williams made a motion to approve the minutes of the December 12, 2017 meeting as amended, seconded by Mr. Muscat. All voted in favor. Motion carried.

Mr. Gunn thanked former Chairman Jay Sheers for his many years of dedicated service to the City of Beacon. He served the City well and we are all grateful for his time and dedication. Mr. Gunn reported he moved to Beacon in 2002 and has two daughters that attend Beacon schools and who only know Beacon as their hometown. He was a member of the Planning Board for approximately 8.5 years, co-chaired the Committee to update the Comprehensive Plan, been involved in the TOD committee and more recent Comprehensive Plan update. Mr. Gunn explained he is a licensed architect in New York State and looks forward to serving the community.

ITEM NO. 1 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 7 RESIDENTIAL BUILDINGS - 307 UNITS, "EDGEWATER" SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE

This item was adjourned to February because the applicant is still before the Zoning Board of Appeals.

ITEM NO. 3 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION APPROVAL, 13-LOT RESIDENTIAL, SUBMITTED BY AK PROPERTY HOLDING, LLC, 25 TOWNSEND STREET

The board received a request from the applicant's attorney to postpone the public hearing and that the matter be scheduled for a combined SEQRA and Subdivision public hearing for the February meeting. City Attorney Jennifer Gray explained the applicant has violations on another property and if all corrected in time for re-noticing they are seeking approval to hold a public hearing on the application for Subdivision Approval along with the SEQRA hearing. After

considering the request, Mr. Burke made a motion to hold the public hearing for SEQRA, and schedule a public hearing on the application for Subdivision Approval subject to remedying all outstanding violations on property at 426 Main Street. The motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

ITEM NO. 4 REVIEW APPLICATION FOR SUBDIVISION APPROVAL AND LOT LINE REALIGNMENT, 2 RESIDENTIAL LOTS INTO 3 RESIDENTIAL LOTS, SUBMITTED BY LORI JOSEPH BUILDERS, INC. & RINA SHUMAN, 446 WASHINGTON AVENUE

This item was postponed to February at the request of the applicant.

ITEM NO. 2 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, PUBLIC HEARINGS ON APPLICATIONS FOR SITE PLAN APPROVAL, WOLCOTT AVENUE AKA “PARCEL L”, SUBMITTED BY RIVER RIDGE VIEWS, LLC

Mr. Muscat made a motion to reopen the public hearing on SEQRA environmental review, seconded by Mr. Williams. All voted in favor. Motion carried.

Attorney Jennifer VanTuyl, Cuddy & Feder, summarized the proposal for property known as “Parcel L” off Wolcott Avenue which was cleared during urban renewal. The site is located in the Historical Overlay District, south of the Beacon Reformed Church and east of Hammond Plaza, and is part of the LWRP view shed. The property was once in the Linkage (L) Zone and a previous application called for a 70-80 unit building which prompted an amendment in the Comprehensive Plan and rezoned to RD-7.5. This application is for 18 townhouses, two of which will be below market rate units. Ms. VanTuyl provided a neighborhood map to show how the project fits within the context of the neighborhood. The layout mirrors that of Hammond Plaza and provides space between the two developments with buildings placed close to Wolcott Avenue. The portion of the development that faces the historical church was designed to be compatible with that structure. The existing rope tow linking to Beekman Street was formalized with a stairway and the LWRP view shed was honored. Ms. VanTuyl summarized changes made to the plan based on public and consultant comments. They agreed to create a crosswalk over Route 9D and they will work with NYSDOT as they have jurisdiction of that portion of the arterial. The pocket park and walkway have been eliminated based on comments from Hammond Plaza residents, and work continues with the architectural review subcommittee. The building separation does not meet code between the two buildings that form an L-shape near the church (Building Group 2 and Building Group 3), therefore the applicant has applied to the Zoning Board of Appeals for a variance. Lastly, Ms. VanTuyl requested the board consider waiving the building length of 169 ft. which is 19 ft. more than permitted.

Mr. Barrack made a motion to open the floor for public comment, seconded by Mr. Burke. All voted in favor. Motion carried. No one from the public wished to speak and Mr. Burke made a motion to close the public hearing for SEQRA environmental review, seconded by Mr. Lambert. All voted in favor. Motion carried.

City Attorney Jennifer Gray reviewed the draft LWRP resolution that was circulated to members prior to the meeting. Specifically review of Policy 25 took place which addresses protection of resources that contribute to the scenic quality of the coastal area. The historical gazebo will be restored and relocated on the site, and will be maintained by the HOA. Discussion took place with regard to the landscape plan, the connector near Building Group 2 and 3, the path and pocket-park, and connection to Beekman Street.

City Attorney Jennifer Gray prepared and circulated Part 3 of the EAF and a statement of outlining reasons based on supporting information, documents, public comments, and reports. The statement will be amended to remove reference to path and pocket park. After careful consideration, Mr. Lambert made a motion to issue a Negative Declaration on the SEQRA environmental review, seconded by Ms. Reynolds. All voted in favor. Motion carried. Mr. Burke made a motion to issue a LWRP Consistency Determination finding the project is consistent with all relative policies in the LWRP, seconded by Mr. Barrack. All voted in favor. Motion carried.

Members considered the applicant's request for a waiver to allow the building length to be 19 ft. longer than permitted by zoning. Mr. Clarke explained the Planning Board has the authority to waive the length of a building if one bonus BMR unit is added to the proposed development under the affordable housing regulations. A straw vote was taken and all were in favor of the waiver.

Mr. Lambert made a motion to continue the public hearing on the application for Site Plan Approval for February, seconded by Mr. Williams. All voted in favor. Motion carried. Mr. Burke made a motion to schedule a public hearing on the application for Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Members discussed the applicant's application to the Zoning Board of Appeals for building separation as previously discussed. After careful consideration Mr. Williams made a motion to send a positive recommendation that the variance be granted because the proposal is supported by the church and the layout is aesthetically appropriate to the surrounding development. The motion was seconded by Mr. Burke. All voted in favor. Motion carried.

ITEM NO. 5 REVIEW REQUEST TO AMEND AN EXISTING SITE PLAN APPROVAL AND SUBDIVISION APPROVAL, WEST END LOFTS, SUBMITTED BY KEARNEY REALTY & DEVELOPMENT GROUP, WOLCOTT AVENUE

Project Developer Ken Kearney explained they received preliminary approvals in September 2016 in time to apply for competitive funding to which they successfully received. Only three projects were awarded statewide and their application received priority due to the middle income program, however the caveat is that they must close by the end of March. As a result of the title search, two discrepancies on small slivers of land were revealed which affect the previously approved Site Plan. Engineer Jeff Contelmo of Insite Engineering, explained the focus is on a small piece of land south of City Hall on the north end of Building #2, the northern corner of the site. That property bears a restriction by the NYS Department of Transportation that the land must be used specifically for a court and/or police facility. Their counsel is working with the City and NYSDOT to have that restriction either removed or to create a license

agreement allowing the portico, sidewalk and porch to remain as initially proposed. Mr. Contelmo explained they developed an alternate plan, if needed, to shift the sidewalk, retaining wall and portico closer to the building however it changes the ADA ramp on the current plan. Although not preferred, they still have ADA compliance as other areas are ADA compliant. This would create the need to create a slight change to subdivision map which has not yet been filed, and the site plan would be amended accordingly. Dealings with the state is time constraining, therefore they either need to amend their plans or have an alternate plan in place in order to close on the property by the end of March. They are aiming to have a solution by March 1st. A lengthy discussion took place with regard to funding, deadlines, and alternative ways to handle approvals involved with the project.

After careful consideration, Ms. Reynolds made a motion to set public hearings for February on applications for Site Plan Approval and Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – January Agenda

Members reviewed the October agenda and commented on the application for Front Street to allow construction of a building 66 ft. in height where 35 ft. maximum is permitted. Mr. Clarke believed a new building should be no higher than the adjacent building to the north of the proposed building. He reported SHPPO commented that the building should be offset so it doesn't look like a continuation of the existing historic buildings. A building 66 ft. high would tower over the adjacent original historical building. After a lengthy discussion, Mr. Lambert made a motion to recommend the variance be limited and the new building height be no higher than the adjacent building to the north due to the historic nature of the site and to maintain consistency of buildings on site. The motion was seconded by Mr. Burke. All voted in favor. Motion carried.

Beacon 248 Tioronda – Architectural Modification & Plan Update

Larry Boudreau of Chazen Engineering and project team members attended the meeting to provide information on architectural modifications and plan updates for the 248 Tioronda Avenue development. Mr. Boudreau summarized the history of the project, and outlined details of the approval process that has been going on for years. They finally met all conditions of approval, and the Site Plan was recently signed by the Chairman. Mr. Boudreau reported that in December, the City Council changed zoning which effectively reduced the project density from 100 down to 60-70, with the requirement of 20,000 sq. ft. of non-residential use. Although there will be fewer units, the parking requirement has increased from 154 spaces to 190 spaces. The Greenway Trail must be relocated away from the creek near the commercial building however the clubhouse will be retained. Mr. Boudreau explained infrastructure costs remain the same with either 64 units or 100, and the non-residential use must be constructed at the same time as residential use which creates a hardship.

Architect Alexander Blakely said they revisited elevations previously approved and now with different zoning they have been scrambling to make changes. They want the development to have a more industrial building character, without being too faux factory. Larger windows and the addition of a third story are under consideration. Mr. Blakely showed an overlay of the

previously approved architecture with the newly proposed architectural renderings to show their attempt to stay within the same building footprint. In order to make the project viable under the new zoning regulations, they would shift the bedroom count to make up for the loss of units. City Attorney Jennifer Gray explained the Planning Board does not have jurisdiction to allow an increase in density as that could only be done by rezoning by the City Council, or through a variance from the Zoning Board of Appeals. Further, the Planning Board has no authority to grandfather-in what was approved under the former zoning district.

Mr. Clarke advised the applicant to consider shared parking between the residential and commercial components, and to think about reducing the footprint of the commercial building by adding another story to the structure. Concerns were raised about relocating the Greenway Trail away from the creek and building density on the site. Lastly, Mr. Clarke urged them to look closely at the architectural standards listed in the Fishkill Creek Development zone.

City Council request to review proposed Local Law to permit Food Trucks in the Linkage District

Members reviewed the proposed Local Law to include retail sales from a truck or trailer regulations in the Linkage District similar to that permitted in the CB Zoning District. Vending trucks would be allowed on vacant private properties that have no other use on them, and currently only three parcels fall into that category. The law permits the use for a two-year period only with no opportunity to renew. After some discussion, Mr. Burke made a motion to recommend the City Council pass the resolution as presented, seconded by Mr. Williams. All voted in favor. Motion carried.

City Council request to review proposed Local Law to permit temporary structures for medical services

Members continued to review the proposed Local Law to permit temporary structures for medical services. Concerns were raised that the law as written does not indicate that the structure must remain within the required rear or side yard setbacks, and that structures would take away off-street parking if placed in driveways. After a lengthy discussion about the purpose of such structures, and building code related issues, Ms. Reynolds made a motion to recommend the City Council modify the law to require the structure to remain within building setback requirements, that it not displace or block off-street parking, and that it remain behind the front building line. The motion was seconded by Mr. Burke. All voted in favor. Motion carried.

Change Meeting Date from **Tuesday, February 13th** to **Wednesday, February 14th** due to Lincoln's Birthday – City Offices closed

Members discussed the possibility of changing the meeting date to Thursday, February 15, 2018 rather than Wednesday, February 14, 2018 due to Valentine's Day. If arrangements can be made, the meeting will be switched to the 15th, otherwise the meeting will be held on Wednesday, February 15, 2018.

Planning Board Rules of Procedure for Public Meetings

Members reviewed new Planning Board Rules of Procedure during the training session and all agreed modification should be made to the section regarding site visits. As reviewed at during the training session at the beginning of the meeting, members felt that site visits could be

conducted as a group or separately by individual members. Mr. Gunn made a motion to adopt the Rules of Procedure as amended, seconded by Ms. Reynolds. 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. Lambert. All voted in favor. Motion carried. The meeting adjourned at 9:57 p.m.