

**Planning Board
October 10, 2018**

The Planning Board meeting was held on Wednesday, October 10, 2018 in the Municipal Center Courtroom. The meeting commenced at 7:03 p.m. with Acting Chairman Randall Williams; Members Rick Muscat, Gary Barrack, Pat Lambert, Jill Reynolds, and David Burke (in at 7:31 p.m.). Also in attendance were Building Inspector Tim Dexter, Deputy Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Chairman John Gunn was excused.

Training Session

City Attorney Jennifer Gray reviewed a resolution passed by City Council in June requesting the Planning Board consider requiring developers to post architectural renderings and site plans on the job site during construction. A lengthy discussion took place about the benefits a rendering, brief description, and information to direct people to a website for more information. Members felt the requirement should be limited to larger projects, those on Main Street, and areas highly traveled by pedestrians. The requirement to post renderings will be handled on a case by case basis and will be made part of the resolution of approval for the project.

Mr. Clarke explained the City Council is currently working on changes to the sign ordinance and provided an overview of the types of signs that currently exist in the City. He explained regulations can be placed on the number, size, and location of signs but the content or text cannot be regulated. Mr. Clarke presented a slide show of the various types of signs throughout the City including wall, projecting, window, awning, directory, freestanding, temporary, construction, lawn and portable (real estate, political, events). This will be discussed further as the new ordinance progresses. David Burke joined the meeting at 7:31 p.m.

Regular Meeting

The regular meeting started at 7:31 with Mr. Williams calling for corrections/additions or a motion to approve minutes of the September 11, 2018 meeting. Mr. Lambert made a motion to approve the minutes of the September 11, 2018 meeting as presented, seconded by Ms. Reynolds. 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, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.

This item was adjourned to the November 14, 2018 meeting.

ITEM NO. 2 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION TO AMEND AN EXISTING SPECIAL USE PERMIT APPROVAL AND SITE PLAN APPROVAL, REPLACE PROPOSED SPA WITH 10 ADDITIONAL HOTEL ROOMS IN THE MILL BUILDING (TOTAL 51 ROOMS) AND REPLACE PRIVATE DINING ROOM IN ROUNDHOUSE BUILDING WITH HOTEL ADMINISTRATION OFFICE, 2 EAST MAIN STREET, SUBMITTED BY 10 BOULEVARD, LLC

Mr. Lambert made a motion to reopen the public hearing for the SEQRA environmental review, seconded by Mr. Muscat. All voted in favor. Motion carried. Architect Aryeh Siegel described his client's proposal to amend the existing Special Use Permit by changing the private dining room into an office for the hotel, and eliminating the spa on the second floor of the mill building to add 10 additional hotel rooms. Revised plans were submitted and a site meeting took place with the City Planner to review the land-banked parking area lot. The entry drive will be widened to provide space for parallel parking spaces to make up for the eight off-site parking spaces previously proposed.

Mr. Clarke recommended the sidewalk in front of Building #2 be extended to the crosswalk near the event space turnaround, or that the crosswalk be shifted to meet the existing sidewalk. Mr. Tully recommended the Fire Code official review the change to be certain the road with parallel parking will be wide enough to allow passage of emergency vehicles. Mr. Dexter felt it would be fine but will verify it with code requirements. A discussion took place with regard to parking alternatives in the event a widened entranceway does not provide adequate emergency access.

Mr. Williams opened the floor for public comment however no one from the public wished to speak. Discussion took place with regard to the crosswalk relocation or sidewalk extension, and Mr. Siegel confirmed that the sidewalk will be extended as recommended. Mr. Clark explained the proposal includes a small lobby addition to the hotel, however felt it need not be referred to the Architectural Review Subcommittee.

Mr. Williams offered a second opportunity for public comment and no one from the public wished to speak. Mr. Lambert made a motion to close the public hearing, seconded by Ms. Reynolds. All voted in favor. Motion carried.

City Attorney Jennifer Gray drafted and circulated Parts 2 and 3 of the EAF and a statement outlining reasons based on supporting information, documents, public comments, and reports for environmental review of the project. After careful consideration, Mr. Burke made a motion to issue a SEQRA Negative Declaration, seconded by Mr. Muscat. All voted in favor. Motion carried.

City Attorney Jennifer Gray reviewed previous Special Use Permits issued for the hotel, artist live/work spaces, and multi-family residential uses. The application must be referred to the City Council to amend the previous Special Use Permit and then the applicant can return for final Site Plan Approval. Mr. Siegel respectfully requested the board schedule a public hearing for Site Plan Approval now and authorize the City Attorney to draft a resolution of approval for consideration at their next appearance before the board. After careful consideration, Mr. Barrack

made a motion to schedule a public hearing on Site Plan Approval for the next meeting after issuance of an amended Special Use Permit by the City Council, and to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration. Mr. Lambert seconded the motion. All voted in favor. Motion carried.

ITEM NO. 3 PUBLIC HEARING ON APPLICATION FOR SUBDIVISION APPROVAL, 2-LOT RESIDENTIAL, 32 ALICE STREET, SUBMITTED BY BRENT SPODEK

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 Dan Koehler described his client's proposal to subdivide a parcel with an existing house into two lots for the construction of an additional house. The new house will be connected to municipal water and sewer services, and a rain garden for storm water management and an underground infiltration basin will be installed. Variances for lot width were granted by the Zoning Board of Appeals and the house location is consistent with adjacent housing.

Mr. Clarke recommended they consider moving the detached garage 8 ft. away from the property line rather than 5 ft. because it will likely damage the roots of a nearby large tree. Discussion took place with regard to the trees and Mr. Koehler noted the tree in question is not located on his client's property. Mr. Tully had minor engineering comments, but advised that a maintenance agreement be submitted for the proposed stormwater systems for review.

Mr. Williams opened the floor for public comment however no one wished to speak. Mr. Lambert made a motion to close the public hearing, seconded by Ms. Reynolds. All voted in favor. Motion carried.

A lengthy discussion took place about the trees and Mr. Clarke recommended the City Arborist be consulted to help make a decision. A significantly sized tree could be planted if construction of the detached garage causes the tree on neighbor's property to die.

After careful consideration, Mr. Lambert made a motion to adopt the resolution of Subdivision Approval subject to fulfillment of all consultant comments, consultation with the City Arborist prior to issuance of a building permit for the detached garage, and that the applicant pay for the replacement of a Maple tree on the adjacent property if the tree dies within one year of construction of the detached garage. Mr. Muscat seconded the motion. All voted in favor. Motion carried.

ITEM NO. 4 PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS

Mr. Barrack made a motion to open the public hearing on the application to amend an existing Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried.

Engineer Stephen Burns described his client's proposal to amend the existing Site Plan Approval for property at 554 Main Street to expand the commercial use of the existing site to

include use of the existing outdoor pavilion for dining, cooking, and music. He presented photos of the site, pavilion and mobile smoker, and noted the property is located in the CMS zoning district and Historic District and Landmark Overlay Zone. Mr. Burn revised the plans to show trees, lighting, and drainage. He reported the applicant has been monitoring noise levels at the property line when live music is playing and have found that they are below maximum decibel levels. The restaurant hours is open Monday through Saturday until 1:00 a.m., Sundays until 10:00 p.m., and live music ends at 10:00 p.m. Mr. Williams opened the floor for public comment.

Roger Goodhill, 10 Ackerman Street (and owner of 33 Davis Street) has lived in Beacon for 15 years and was there when Miro's owned the establishment. He recalled use of the pavilion on rare occasions for casual activities, horseshoes, and a few men sharing beers. When Lee Kyriacou purchased the property the larger space remained a restaurant with offices in the remainder of the space. It was used for various community service activities but never as a public restaurant. When the property was sold and "The Hop" moved in, they utilized the office space as part of the restaurant. Mr. Goodhill understands that recent rezoning placed the entire parcel in the CMS zone and expressed great concern that the pavilion, adjacent to a residential neighborhood, is being used for live music events. He spoke about the disturbance it creates and complained people are parking throughout the neighborhood. The site is ill maintained with mechanicals protruding beyond the building. Mr. Goodhill reported the intrusion on their residential space with the pavilion use is outside the boundaries of zoning requirements.

Jim Dyckman, 31 Davis Street, expressed concern about live music and reported his decibel readings are in the high 70's however admitted his unit has not been calibrated. It is so loud they can hear the music inside their house. They have a 5-year old and music plays past 10:00 p.m., they can't use their yard because it's so loud, and the pavilion use has affected their quality of living. The pavilion is only 47 ft. away from their house which sits above the site so the music carries. Smoke from the smoker wafts into their yard, starting at 7:00 a.m. so they can't enjoy mornings on their deck. Mr. Dyckman presented a petition signed by 27 in opposition to the smoke and music from the Melzingah Tap House. They've asked several times to lower music and feel the owners are not being neighborly.

John Supple, Pleasant Valley, brother of Attorney Paul Supple and grew up in Beacon, reported the pavilion has been there since the 70's although it's much nicer now. The music is acoustic and soft enough for patrons to carry on a conversation. Mr. Supple said the food is good and it's not too loud or overcrowded. He recalled enjoying the pavilion as a younger man when Miro's was open.

Deborah Dyckman, 31 Davis Street, said she grew up listening to customers of Miro's playing horseshoes and using the pavilion on occasion. She reported the pavilion has never been used for music and dining until recently.

Rachel Hutami, 10 Ackerman Street, has been a neighbor of this property since 2004 and also experienced customers of Miro's playing horseshoes and sharing beers. Now live music is being played, the crowd is loud when cheering for the band, and all the noise is happening right in her back yard. She reported historic renovations done when Lee Kyriacou purchased the

property were appropriate and the storefront units were used for community service and quiet events. Thereafter “The Hop” moved into the building and no public hearings were held for the changes made to the use of the space. A portion of the pavilion was enclosed to create bar space and a new electrical panel was installed near the fence. Ms. Hutami reported matters only worsened when Melzingah Tap House began to utilize the outdoor space.

Theresa Kraft, 315 Liberty Street, said that although barbeque is legal, City ordinances exist to prohibit odors and noise pollution.

Julia Hopson, 66 Beacon Street, is familiar with the site and knows the owners of Melzingah Tap House. She understood neighboring concerns but also appreciates the business owners who want to utilize the available space. Ms. Hopson explained they tried to accommodate neighbors by reducing use of the smoker and monitoring noise from the site. Music is only on weekends and ends by 9:00 p.m. She explained their clientele is family-oriented in a very relaxed setting, and it is not a rowdy crowd.

Roger Goodhill, 10 Ackerman Street Goodhill, explained planning, zoning, and Real Estate are all tied together which is why zoning districts are created. He felt the use to be inconsistent with the neighborhood, the property is being used over its capacity, and that analytics of the use were never done. He expressed concern as to how this use has been allowed to go on and felt parking was consistent with the CMS zoning district.

Mr. Clarke explained the zoning of this property was once a split of commercial and residential however recent rezoning put the property entirely in the CMS zoning district. There were no negative comments from the public or City Council members at the time. He reported live outdoor music is not listed specifically as an approved use in the CMS zoning district therefore it is the burden of the applicant to prove it is permitted use. In addition, code requirements related to noise and odor levels must be considered as any use must conform to general performance standards.

Mr. Tully asked for a narrative to include more specific information on items such as hours of operation and noise levels. There are no significant engineering issues related to the change in use of the site.

Mr. Dexter reported the restaurant use is permitted and that the pavilion can be used as part of restaurant. He added, however, that live entertainment and use of a smoker are only regulated by conditions placed on a Site Plan Approval, such as limits on hours of operation, noise levels, and use of outdoor cooking devices can be considered. Mr. Clarke explained that parking in the CMS zoning district is based on square footage not seating. He reported parking standards for the CMS district are minimal and this application meets those requirements.

Restaurant owners Dana and Kevin Collins responded to comments and described changes made to address neighbor concerns. Ms. Collins reported the smoker is now only used every other Wednesday during the day when most residents are at work. The fan in the restaurant also blows odors from kitchen similar to any other operating restaurant. Ms. Collins reported she is at the restaurant most of the time when it is open, has responded to complaints,

and decibel readings are taken regularly with a calibrated meter near the property's edge. Mr. Collins reported their noise levels run between 55-65 decibels, which are checked often because they are cognizant of neighboring concerns. Decibel levels were checked at least four times over a 2-week span and each read has been reasonable. They turned down the speakers when asked and have also had live music inside the restaurant. Ms. Collins feels they have been responsive and are trying to be good neighbors. The outdoor area will only be open seasonably and they ask musicians to face speakers out toward street. Mr. Collins reported they attempted to add a tarp or blanket near the edge of the pavilion however it didn't make a difference and a sound barrier system has not been engineered because they didn't think it necessary. The smoker was moved further away from the property line. Discussion took place with regard to noise complaints and possibly moving seating toward the north side of the property.

Roger Goodhill, 10 Ackerman Street, felt the situation could be improved if they would surround the area with acoustic barriers. He spoke about acousticians and changes that could be made to improve the situation.

Rachel Hutami, 10 Ackerman Street, suggested limits be placed on use of the smoker so they can be assured it will only be used every other Wednesday. She felt continued use of the pavilion should be similar to when it was Miro's with light use and occasional dining only.

Jim Dyckman, 31 Davis Street, referred to an email from the Building Department about use of the pavilion and reported no compromises have been made because it is still being used for entertainment and dining.

After some closing discussion, Ms. Reynolds made a motion to continue the public hearing at the November meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 5 CONTINUE REVIEW OF THE APPLICATION FOR SUBDIVISION APPROVAL, TWO-LOT RESIDENTIAL, 31 MOUNTAIN LANE, SUBMITTED BY PENELOPE HEDGES

Glennon Watson, of Badey & Watson, described his client's proposal to subdivide a parcel with an existing house into two lots for the construction of one new house. Mr. Clarke visited the site and noticed a significant number of trees were not included on the survey. He determined significant screening exists so four additional trees would be satisfactory. Mr. Tully asked that information on the booster pump be added as a separate sheet to the subdivision plat.

After some discussion and careful consideration, Mr. Barrack made a motion to approve the draft resolution of Subdivision Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – October Agenda

Members reviewed the October Zoning Board of Appeals agenda and had no comment on the one area variance, and had already sent a recommendation for 53 Eliza Street. There were no additional comments.

Change meeting date – Wednesday, November 14, 2018 (due to Veteran’s Day Holiday)

Due to Veteran’s Day Holiday, the Planning Board meeting will be held on Wednesday, November 14, 2018.

City Council Request to review Resolution: Posting Site Plan and Architectural Renderings

As discussed during the training session, members felt posting renderings and information on larger developments would be beneficial to the public. The requirement to do so will be considered on a case by case basis.

Architectural Review

Single Family House – 98 Rombout Avenueingle family house (no materials submitted)

No new elevation drawings or materials were submitted.

Beekman Street “The View” – Proposed Modification of Retaining Wall Finish Material

The applicant’s attorney, Bart Lansky, described his client’s proposal to change the type of materials used for two out of four of the small retaining walls in front of the building. They want to use the same brick as that on the building rather than natural stone previously approved. The brick on the upper walls will appear to be part of the foundation wall. After careful consideration, Mr. Burke made a motion to approve the material change, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Certificate of Appropriateness – 432 Main Street; façade improvements

Members reviewed the proposal for façade improvements at 432 Main Street. A new metal and glass entry door (painted Benjamin Moore #1603 Graphite), and new metal and glass storefront on a stone panel base will be added. The existing apartment entry door will be repainted and repaired. After careful review and discussion, Mr. Burke made a motion to approve the proposed façade changes and color scheme as presented, 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 Ms. Reynolds, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 9:56 p.m.