

**Planning Board**  
**May 14, 2019**

The Planning Board meeting was held on Tuesday, May 14, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:10 p.m. with Acting Chairman Randall Williams (in at 7:35 p.m.), Members Rick Muscat, Jill Reynolds, and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Chairman John Gunn and Member David Burke were excused.

**Training Session**

City Attorney Jennifer Gray reviewed the application process pre-application process – review with city attorney, building inspector, secretary, and board consultants. Reviewed the application procedures outlined in the Code for subdivisions, as well as specifications required for plats and site plans. General provisions for Special Use Permits were reviewed.

**Regular Meeting**

The regular meeting started at 7:38 p.m. with Mr. Williams calling for corrections/additions or a motion to approve minutes of the April 9, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the April 9, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNING AVENUE**

This item was adjourned to the June 11, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW AND OPEN PUBLIC HEARINGS 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 June 11, 2019 meeting at the request of the applicant.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Engineer Larry Boudreau, with Chris LaPorta, of Chazen Engineering were present to continue review of the proposed residential/office project located along Tioronda Avenue. Mr. Boudreau summarized progress on the project and provided responses to consultant and public comments. The EAF was revised with regard to the number of school children that would be generated from the project, work with the NYS Department of Transportation and Creighton Manning on traffic information took place, and sight line information for the Tioronda Avenue access point was provided. Mr. Williams opened the floor for public comment.

Kevin Byrne, 61 Tioronda Avenue, commended the applicant on the building design. He felt the grade change at the Wolcott Avenue emergency access should be reviewed because it appeared too steep and asked that amenities to greenway trail be improved by working with the Greenway Committee. Mr. Byrne suggested the trail remain by the creek by creating a cantilevered walkway under the bridge to avoid steep grade changes where the trail meets Wolcott Avenue.

Theresa Kraft, 315 Liberty Street, expressed concern that there could be additional contaminants unearthed during construction because it is a former industrial site. She thought materials could still be remaining underground and new contaminants introduced from the development.

Arthur Camins, 39 Rombout Avenue, felt use of permeable pavement and a green roof system would be better for the environment.

Frank Filiciotto with Creighton Manning reported worked with the applicant on updating their traffic study. He confirmed that sufficient capacity exists at the intersection of Wolcott and Tioronda Avenue to accommodate the additional vehicular traffic that will be generated from this project.

Mr. Clarke reported the applicant sufficiently addressed his comments in order to move forward with the LWRP and SEQRA determinations for a recommendation to the City Council on the Concept Plan. The wetland delineation from Army Corps of Engineers remains but the environmental review process is complete and further site plan review will take place once conceptual approval is granted by the City Council. Mr. Clarke reported his environmental review comments have been addressed.

Mr. Boudreau reported the greenway trail follows the emergency access to Wolcott Avenue which is 20 ft. wide with a 10% grade as permitted. They will consider permeable pavement and green roofing as suggested. He reported remediation of the site was completed and the property was delisted. Concern was raised that new standards may be in place since it was delisted however NYSDEC does not require an applicant to revisit a site unless there is indication that more contaminants were introduced to the site. Mr. Boudreau reported each building has their own sanitary sewer pump station with generator back up. He will provide the board with a letter from SHPPO with regard to archeological and historic resources on the site.

Members will advise the City Council that they support the use of permeable pavement and green measures but don't feel it should be mandatory since the applicant agreed to work in good faith during the site plan review. The number of land banked spaces will also be reevaluated during site plan review. Members were comfortable with the conceptual layout knowing that specific site plan issues will be dealt with after conceptual review.

After careful consideration, Mr. Barrack made a motion to close the SEQRA public hearing, and direct the City Attorney to draft SEQRA documents, an LWRP Consistency Determination, and a recommendation to the City Council for consideration at the June meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 9 APARTMENTS IN 3 BUILDINGS, 53 ELIZA STREET, SUBMITTED BY PIE DEVELOPMENT COMPANY**

Design team Attorney Taylor Palmer, Engineer Mike Bodendorf and Architect Aryeh Siegel were present to review their client's proposal to change the existing commercial operation at 53 Eliza Street into a residential development. Mr. Palmer summarized project to date and reported use and area variances were granted to allow the project to move forward. They are in the process of scheduling a meeting with the architectural review committee to review proposed building elevations. Mr. Siegel reported additional landscaping and floor plans were provided, the fire apparatus turning radius was verified, and renderings of the proposed buildings in context with surrounding structures were submitted.

Mr. Clarke summarized his review comments and requested justified measurements of surrounding building front yard setbacks, additional review the height of the front and rear dormers, and asked for additional landscape screening. Mr. Russo provided his engineering comments and advised the applicant that metes and bounds measurements must be provided on the survey. Various encroachments exist on the site that must be clarified, a note must be added to the plan to indicate the units will be privately owned condominiums, and ownership of water and sewer lines on site must be noted on plan. Members expressed concern for fencing, encroachments, building height, and the size of the garages. Mr. Williams opened the floor for public comment.

Arthur Camins, 39 Rombout Avenue, recalled the property was non-conforming to zoning and questioned the need for a variance. He was informed that a variance was previously granted by the Zoning Board of Appeals. Mr. Camins expressed concern for building height and felt a flat-roofed street front would not conform well to the neighborhood.

Theresa Kraft, 315 Liberty Street, asked if mechanical rooms would be inside or outside the structure. Mr. Siegel reported mechanicals will be on the interior.

Kevin Byrne, 61 Tioronda Avenue, suggested a broader view of design variability in the City as the landscape will be more interesting with diversity.

Discussion took place with regard to architectural subcommittee meetings and scheduling difficulties. It was suggested that an alternate member be appointed when a regular member can't make a meeting because meetings aren't held unless all members are in attendance, thus delaying the project review. This suggestion will be discussed with Chairman John Gunn. The public hearing will continue at the June 11, 2019 meeting.

**ITEM NO. 5 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 23-28 CREEK DRIVE, SUBMITTED BY 23-28 CREEK DRIVE, LLC**

Attorney Taylor Palmer, Architect Aryeh Siegel, Engineer Michael Bodendorf and owner Rodney Weber were present to continue review of the project. Mr. Palmer summarized progress on the project which is a mixed-use development on the former DPW site for eight apartments

and 20,000 square feet of commercial space. The project is in the Fishkill Creek Development zoning district with requires concept plan approval from the City Council before the site plan approval process begins. Mr. Palmer reported they met with the greenway committee and SHPPO has been contacted to begin the archeological review process. A copy of the Phase II environmental study will be provided to the City Engineer for review.

Mr. Siegel reported the plans were revised and two parking spaces have been provided under the proposed accessory building. Two parking spaces will be set aside for the greenway trail, however a parking variance is still needed. After a lengthy discussion regarding the crosswalk and pedestrian circulation around the site, members felt the topic more suited to the time when site plan review takes place. Mr. Siegel reported they have been and will continue to meet with the greenway trail committee. Mr. Williams opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, expressed concern about additional traffic and the effect commercial business will have on the residential neighborhood. She asked why Creek Drive is closed off considering it is a public street, and asked for additional site remediation documentation.

Mr. Palmer reported Creek Drive is a private road and has a very old limited easement agreement to allow use by the owner and staff.

Richard D'Andrea of Maser Consulting summarized their traffic study and responded to comments from the City's traffic consultant. They are in general agreement with modifications recommended by Creighton Manning's review and details will be worked out during site plan review. A signage plan for vehicles and pedestrian traffic will be created as requested. Mr. D'Andrea reported many employees of the business will be living in residential units on site.

Frank Filiciotto with Creighton Manning reported they reviewed two rounds of traffic reports from Maser Consulting. He agreed that there will be ample capacity with proposed safety elements and improvements that will be made part of the site plan.

In response to comments about site remediation, Mr. Palmer reported the applicant negotiated with the City of Beacon to allow soil testing and a Phase II environmental study was done. A copy of that report will be submitted for review.

Arthur Camins, 39 Rombout Avenue, felt the building is a story too tall and felt a variance based on money should not be considered appropriate justification. The building will obstruct views of the mountain and the creek. He expressed concern for the adverse appearance that will be created with mechanical equipment on the roof.

Kevin Byrne, 61 Tioronda Avenue, expressed concern for the grade of the greenway trail near Wolcott Avenue. He suggested a cantilevered walkway under the bridge to avoid steep grade changes where the trail meets Wolcott Avenue. Mr. Byrne also worked on the committee that created the Fishkill Creek zoning district and felt the submission should conform to all zoning and bulk regulations. He also had concern for the amount of earth disturbance and flood water displacement.

Engineer Mike Bodendorf explained the difference between the flood plain and the flood way, and reported they are only disturbing a very small area of the flood plain to create a mitigation area. He reported they are working with the Army Corps of Engineers and will take measures to make it a more subtle disturbance. Discussion took place with regard to potential damage, and repairs if needed, to the greenway trail as some areas are located in the floodplain. The applicant will return in June as documents are pending from SHPPO and the Army Corps of Engineers.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O'NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel reported they reviewed the draft resolution and traffic study comments. Frank Filiciotto with Creighton Manning reported NYS DOT recommended a post implementation traffic study be done after two and four years after a Certificate of Occupancy for the project has been issued. He felt the City should consider reducing the time frame to 6-12 months after all designated uses are up and running, with a follow up three months after if any mitigations are needed.

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

City Attorney Jennifer Gray prepared and circulated a draft resolution of Amended Site Plan Approval to members prior to the meeting for review. She provided a summary of conditions established in the resolution. After careful consideration, Mr. Muscat made a motion to adopt the resolution granting Amended Site Plan Approval, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 7 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL (ADD A PARTIAL 4<sup>TH</sup> FLOOR), RETAIL/RESIDENTIAL, 208 MAIN STREET, SUBMITTED BY 206-208 MAIN STREET, LLC**

This item was adjourned to the June 11, 2019 meeting.

**ITEM NO. 8 REVIEW APPLICATION FOR SITE PLAN APPROVAL, ADD SECOND STORY, RETAIL/RETAIL, 184 MAIN STREET, SUBMITTED BY 184 MAIN STREET, LLC**

Architect Joe Buglino, Alfandre Architecture, described his client's proposal to replace a one-story restaurant with a two-story building containing two restaurants. The property is located in the CMS zoning district and Historic District and Landmark Overlay Zone. Mr. Buglino reported they will need a variance for the rear yard setback, and will be requesting waivers from the Planning Board for the required 10% landscaped area and parking.

Mr. Clarke explained the building is in the Historic District and Landmark Overlay (HDLO) and is a contributing structure in the Lower Main Street National Register Historic

District. He advised the applicant that the proposal does not protect or preserve the existing storefront to maintain architectural features of the building. He explained the second story addition cannot dominate over the original structure and should be consistent with elements of the original storefront. Discussion took place with regard to the 10 ft. alley that exists between buildings, specifically whether an easement exists and if it is needed for vehicular access. Consideration was given to the landscape requirement waiver and eliminating the access ramp to the alley way to create an additional on-street parking space.

Mr. Russo reported an I & I study of the site is needed and several revisions must be made to the EAF as outlined in his review letter. Discussion took place with regard to the architecture of the building and Mr. Clarke reviewed historic provisions and standards that must be met. After a lengthy discussion, members in general agreed to waive the 10% landscape requirement with the provision that a street tree be added, and agreed to waive on-site parking.

After some consideration, Mr. Lambert made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process and authorize circulation of a Notice of Intent to act as Lead Agency subject to submission of revised plans, seconded by Ms. Reynolds. All voted in favor. Motion carried.

### **Miscellaneous Business**

#### Zoning Board of Appeals – May Agenda

Members reviewed the agenda for the Zoning Board of Appeals' May meeting and City Attorney Jennifer Gray reported the only item had been reviewed at the last meeting. She explained the applicant revised their proposal to reduce the number of variances needed. There were no further comments.

### **Architectural Review**

#### Certificate of Appropriateness – 493 Main Street; sign

Toni Hacker presented her proposal for a new sign at 493 Main Street. The sign will be applied to the existing signage area which is 24-inches wide and 30-inches high; the wooden sign will be painted Behr Exterior Semi-Gloss "Jet Black" with painted gold enamel logo and lettering. After careful consideration, Ms. Reynolds made a motion to approve the sign on the condition that color samples be submitted for the file, seconded by Mr. Muscat. All voted in favor. Motion carried.

#### Certificate of Appropriateness – 150 Main Street; replace rear door with two windows

This item was tabled because the application information submitted did not match the plans presented at the meeting.

#### Certificate of Appropriateness – 146 Main Street; replace window on east elevation with new egress door

This item was tabled because the application information submitted did not match the plans presented at the meeting.

Single Family House – 6 Duncan Street; approved 3/12/19 – color revision only

John Dilello reported elevations, colors and materials for the new house under construction at 6 Duncan Street were approved at the March 12, 2019 meeting however he is returning to make slight changes to the proposed color scheme. After careful consideration of the proposal Ms. Reynolds made a motion, seconded by Mr. Muscat, to approve the color and material scheme as presented with the following: Siding – Hardi Plank Clapboard in Benjamin Moore Pacific Blue; Roof Shingles – GAF SG Timberland Architectural Charcoal; Porch Roof – Black Standing Seam; Windows – Jeld Wen Aluminum Clad with Black Exterior; Trim – White; Garage Door – Black. All voted in favor. Motion carried.

Single Family House – Alice Street

Architect John Moss presented proposed elevations for a new house on Alice Street for the new lot created from a subdivision of property at 32 Alice Street. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Lambert, to approve the color and material scheme as presented with the following: Siding – Vinyl in Storm (dark grey); Roof – Asphalt Shingles in Dual Black; Windows – Clad Wood White; Trim – White; Stone Pillars in Grey Ashlar; and Garage Door – White. All voted in favor. Motion carried.

**Miscellaneous Business**

Consider request for one additional 90-day extension of Subdivision Approval – 1181 North Avenue, submitted by North Avenue Properties, LLC (Schofield)

On behalf of North Avenue Properties, LLC, a letter was submitted by Engineer Dan Koehler of Hudson Land Design requesting one 90-day extension of Subdivision Approval to finalize items that must be completed with the Health Department and NYS Department of Transportation before the plat can be filed with the County. After some consideration, Mr. Barrack made a motion to grant one 90-day extension as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

Administrative Amendment to the Site Plan and Certificate of Appropriateness Approval Resolution, dated April 9, 2019, for 21 South Avenue

Site Plan Approval was granted at the April 9, 2019 meeting however upon further review of the resolution of approval, it was discovered that it did not mention payment of a recreation fee. After some consideration, Mr. Barrack made a motion to adopt the amended resolution of Site Plan Approval, seconded by Mr. Muscat. All voted in favor.

139 Rombout Avenue – Existing Wireless Telecommunications Facility Equipment Upgrades

AT&T submitted an application for equipment upgrades at an existing telecommunications facility located at 139 Rombout Avenue. Under Section 223-26.4.C(2) of City Code, the Planning Board must review the application to determine whether the action is appropriately characterized as an “eligible facility request”. After reviewing the application materials with the City Attorney’s office, the Building Inspector determined that it new transmission equipment will not substantially change dimensions of the existing tower. After careful review of materials submitted, Mr. Lambert made a motion to deem the application an Eligible Facility Request, 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. Lambert. All voted in favor. Motion carried. The meeting adjourned at 10:15 p.m.