

**Planning Board**  
**June 9, 2020**

The Planning Board meeting was held on Tuesday, June 9, 2020 via videoconference in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Randall Williams, Jill Reynolds, Karen Quiana, Len Warner, and Kevin Byrne. Also in attendance were City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Rick Muscat was absent.

Mr. Gunn read the following statement: Tonight's meeting has been convened in accordance with the Governor's Executive Orders, which suspend certain provisions of the Open Meetings Law to allow a Municipal Board to convene a meeting via videoconferencing. In accordance with the Executive Orders, the public has been provided with the ability to view and hear tonight's meeting and a transcript will be provided at a later date. The meeting is being broadcast on the City's YouTube channel – the link is available on the City's website. As always, the agenda and all materials considered for tonight's meeting are available for viewing on the City's website. We have one public hearing scheduled on tonight's agenda. Anyone that wants to comment during a public hearing will have the ability to do so by calling the following phone number: 929-205-6099; Webinar ID: 958-5326-5560; Password:623120. By pressing \*9 on your phone you can indicate to the host of this videoconference that you wish to be heard. Then please wait to be called upon. Before we get started please make sure your audio is muted to eliminate background noise and audio feedback.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, "BEACON VIEWS TOWNHOUSES" 40 UNITS, CONKLIN STREET, SUBMITTED BY BEACON VIEWS, LLC**

Attorney Richard Cantor of Tehan & Constantino reported the applicant received the latest consultant review letters and their team will be preparing responses accordingly. He explained the property can be accessed three ways: a new road extending from the Townsend Street subdivision; via an easement over the adjoining Highland Meadows property; and from Conklin Street. Mr. Cantor explained the applicant's choice, based on previous discussions with board consultants, is access through a new public street off the Townsend Street subdivision with an emergency access over the easement on Highland Meadows property. If the Townsend Street subdivision is not completed, they would utilize the Highland Meadows' easement and create emergency access via Conklin Street. If they utilize the easement and the Townsend Street is built thereafter making that access available, Mr. Cantor reported the applicant is willing to switch the main access to Townsend Street. Last month Javid Afzali, attorney for Highland Meadows, advised the board that information from a traffic study done for their project would be submitted however it was not yet made available. Mr. Cantor explained Highland Meadows has raised questions about use of the easement over their property, however he and the City's attorney Jennifer Gray agree that the dispute should be settled privately between the two owners. Also, Mr. Cantor will work with the City Attorney to review wetland remediation within the boundaries of the easement on property partly owned by applicant and partly owned by Highland Meadows. Efforts continue to work with that neighbor.

Engineer Jeff Contelmo of Insite Engineering received and will work on the latest consultant comments. The grading plan shows how the road and pedestrian access will connect to all four sides of property. They want to connect to sewer service and provide a pedestrian access on Conklin Street. Mr. Contelmo explained they are working with the Town of Fishkill to obtain water from their main that runs through an easement on this property. They will pay a capital charge to connect however Fishkill wants to charge them out-of-town rates for water. Mr. Russo forwarded the City's agreement with Fishkill regarding charges for water obtained from Beacon and the applicant should be charged City water rates. Mr. Contelmo explained HDR has modeled the City's sewer system and will work on this project as well.

Traffic engineer Philip Grealy of Maser Consulting recapped their traffic study and explained each of the access scenarios were included. They received an updated letter from Creighton Manning which indicated concurrence with their responses. All traffic from nearby projects and housing were considered in their study.

Aryeh Siegel reported they revised building elevations to include brick on all sides of the building as requested.

Mr. Russo summarized his outstanding comments which included access, sewer connection, water connection and adequate fire flows, and what utilities will be proposed to be dedicated to the City. A Threatened and Endangered Species Assessment Report must be completed before SEQRA can be finalized and soil testing must take place.

Mr. Clarke had a few outstanding comments with the wetlands delineation and mitigation details being the most important. They must also contact the Fire Department to weigh in on the plan.

Theresa Kraft, 315 Liberty Street, asked if construction would have any adverse effect on the Asylum Brook Project which was constructed by the City in the early 1930's to divert water due to severe flooding downtown and City streets, and to protect land of Matteawan State Hospital known today as Fishkill Correctional Facility. She reported a plaque commemorating the Asylum Brook is in Memorial Park off Wilkes Street which is very near this project. More information is available on the Fulton History archival of newspapers.

Attorney Javid Afzali of Bond Schoeneck & King spoke on behalf of Highland Meadows, reported their traffic consultant comments were not submitted due to circumstances beyond their control. They feel this project will affect the quality of life for residents of Highland Meadows. Mr. Afzali reported they want to discuss the easement with the applicant and explained their dispute is whether it allows the construction needed to accommodate this project.

A general discussion took place and members expressed concern for high density, traffic, wetland mitigation, and potential effects on wildlife and habitat.

The applicant's representative Greg Kamulski explained they are prepared to start on the environmental analysis and have proceeded with the layout with access through Townsend Street as recommended by board consultants. He asked board members to confirm that they are in agreement with their consultants on the chosen site plan layout.

There were no further public comments and Ms. Reynolds made a motion to continue the public hearing at the July 14, 2020 meeting, seconded by Mr. Williams. All voted in favor. Motion carried.

### **Architectural Review**

#### Certificate of Appropriateness – 466 Main Street; new façade color

Catherine Raffaele reported she and her husband are opening their Bagel Shoppe at 466 Main Street and would like to change the building façade color and add signage. The existing dark blue would be repainted in a soft (matte) black in conjunction with other buildings in the area. The white trim panels will remain. They are also proposing a 6' x 18" sign over the door opening with a logo of a chef holding a tray of bagels. The sign has a black background with gold inlay lettering. Ms. Raffaele explained they also own a bagel shop in Fishkill. After careful consideration and discussion, Ms. Quiana made a motion to approve the façade change, seconded by Ms. Reynolds. All voted in favor. Motion carried.

#### Certificate of Appropriateness – 31 Willow Street, St. John's Church; new roof

Aryeh Siegel described his client's proposal to replace the existing asphalt shingles with non-fading gray slate shingles on St. John's Church at 31 Willow Street. The brown trim on the tower will be repainted gray to complement the gray slate shingles. Members considered the change and after a brief discussion, Mr. Williams made a motion to approve the changes as presented, seconded by Ms. Quiana. All voted in favor. Motion carried. Members commended the church for proposing the upgrade to their historical building.

### **Miscellaneous Business**

#### Zoning Board of Appeals – no meeting in June

There was no meeting in May as no applications were received.

#### Consider request for two 90-day extensions of Subdivision Approval – 25 Townsend Street, submitted by AK Property Holding, LLC

Attorney Taylor Palmer of Cuddy & Feder presented his client's request for two 90-day extensions for the Townsend Street subdivision. The applicant is working diligently to satisfy conditions of their approval and have been in negotiations with multiple potential buyers, one which defaulted on their contract. They have also experienced additional difficulties with filing the performance guarantee due to complications arising from COVID-19 pandemic. A draft of the Offer of Dedication for the right-of-way has been submitted to the City Attorney for review. After a brief discussion and careful consideration, Mr. Williams made a motion to grant two 90-day extensions as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried.

### City Council request to review proposed Local Law concerning Outdoor Business Areas

City Attorney Jennifer Gray summarized the proposed Local Law to create Chapter A228 of the City Code creating Emergency Regulations for Outdoor Business as requested by City Council. Members discussed details and reviewed the process outlined for reopening business in our City. After a lengthy discussion, members unanimously supported the law and felt it would benefit the hardship businesses experienced as a result of the COVID-19 pandemic.

### **Approval of Minutes**

Mr. Gunn called for corrections/additions or a motion to approve minutes of the May 12, 2020 meeting. Mr. Williams made a motion to approve minutes of the May 12, 2020 meeting as presented, seconded by Ms. Quiana. 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. Williams. All voted in favor. Motion carried. The meeting adjourned at 8:40 p.m.