

City of Beacon – City Council
Workshop Minutes
July 27, 2008

Workshop was opened at 7:00pm on July 27, 2009, with Mayor Steve K. Gold thanking all for coming to this Workshop. Mayor Steve K. Gold had Police Officer Scott Forysthe approach the Council and sworn him in as Police Officer for the City of Beacon.

Attendance:

Mayor Steve K. Gold
Council Member Casale
Council Member Leake
Council Member Pasti
Council Member Fredericks

Excused:

Council Member Thompson
Council Member Kelly

Guest:

David Stolman – City of Beacon Planning
Consultant

Also in Attendance:

Acting City Administrator – Timothy Dexter
City Attorney – Richard Wolf

Transit Oriented Development District Law:

David Stolman reviewed the Proposed Local Law pertaining to the Transit Oriented Development District. He explained each change in the Proposed Local Law.

Mayor Steve K. Gold was concerned regarding with what types of business would be allowed down at the waterfront. Reference page three, number four “do not unduly compete with commercial uses the Mayor and Tim Dexter (Building Department) has a concern with this wording, and the City Council was also in a discussion with this same issue. Some thoughts that may help would be “cannot compete with a principal revenue source of an existing Main Street business.” Exemptions would be like dry cleaners, newsstands, coffee shops, being some examples. Principle Uses is also a little vague, and a thought was if a Main Street Business produces evidence a percentage of their income, for example fifteen percent of their income is derived from that particular business, and then it would be prohibited to have that type of business at the Waterfront. David Stolman explained that the wording do not unduly compete with commercial uses on Main Street, which came out of the Comprehensive Plan. Mr. Stolman agreed that this PLL should be better defined. Mr. Stolman suggested that the City of Beacon introduce this Proposed Local Law tonight and Set the Public Hearing for Tuesday, September 8th, with getting feedback from the County, the City of Beacon Planning Board, and the Town of Fishkill. This Proposed Local Law is actually a work in progress until the time we have the Public Hearing. It was the consensus by the council to have principal revenue source of an existing Main Street Business with a percentage determined cannot compete at the waterfront. Council Member Casale brought up the fact of restaurants at the Waterfront, and how is that NOT going to compete with the restaurants on Main Street. Some ideas, where to have different types of specialty restaurants, or only have one or two restaurants allowed at the Waterfront. Council Member Casale brought to the attention of the Council that in this proposed local law there is no provision for bicycles or bicycle racks. In addition, public receptacles or recyclable receptacles are not in this document and this cost should be passed onto the developer. Council Member Casale suggested that we become pedestrian and bicycle friendly community. For the record these changes will be noted and the Final Proposed Local Law will have this text included. Council Member Pasti also stated that this being a work in progress it gives the public time to give their input into this law. Council Member Pasti asked if the commuter parking was going to be beneath the buildings opposed to the parking garage. Mayor Steve Gold announced at the next meeting of the Council of August 3rd, John Clarke from Dutchess County Department of Planning will be here to present a slide show of this proposed project, as well as David Stolman, City of Beacon Planner. This will only be an informational meeting. Acting City Administrator Tim Dexter stated that there are regulations for establishments to

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have sufficient parking allotted. Mayor Gold stated that when we have our Special Council Meeting directly after workshop, that this will be introduced as is and to set the public hearing for Tuesday, August 8, 2009.

Affordable Housing Local Law – There is not many changes to this law since the last time it was discussed. The original version the edibility a household could not make more than eighty percent of the median income of the county. The Local Law was sent to the County, and the County responded back, and we made some modification with regards to the County’s suggestions. For the rental affordable housing the County suggested that a household could not make more than sixty percent of the median income in the County. What that will do if we follow their suggestion, a family moving into a brand new apartment will be paying less than a family renting an older apartment. This will force rental prices down in the City of Beacon, in addition devalue of the rental properties. On page four F. Households applying for BMR units shall be selected on the basis of the following categories of priority: a) City of Beacon municipal employees, b) Volunteer emergency responders for the City of Beacon who have served at least ____ years, if the Council decided to go with the sixty percent of the median income that only those could rent these units, the folks that the City of Beacon would like to target would be making too much money. For those two reasons, Mr. Stolman believes the County is not correct in making those recommendations, and should go back to the original recommendation of eighty percent of the median income, which is a more standard version of affordable housing. That was the main change in this PLL. Another change is on page three which is having developers paying into a trust fund in lieu of the provision of some or all of the required BMR units, in an amount determined by the City Council to be the value of the waived BMR units; said payment shall be made into a trust fund dedicated to the provision of affordable housing in the City. In the priority list the original stated relatives. Now it is more specific: father, mother, son, daughter, brother, sister, grandparent, and grandchild, father in law or mother in law.

RD-1.7 Proposed Local Law for Edgewater Property

The Comprehensive Plan recommended the RD-1.7 for the Edgewater Property. This property is north of the train station, at the end of Tompkins Avenue at the end there is a twelve acre lot.

David Stolman explained that there are a number of residential zoning districts in the City. There a number of single family zoning districts like R1-40, R1-5 to name a few the R1 = Single Family, the number following is the density value. Then there are a number of RD Zones, where single family, two family or multifamily is allowed. The RD-1.7 Zone would be one dwelling per 1,700 square feet with a minimum lot size of 5,000 square feet. With twelve acres it would give you a maximum of three hundred and seven dwellings. An accessory story could not exceed 15 feet. A multi Family could not exceed 35 feet in height which is equivalent to a single family home. The length cannot exceed 150 feet. Mayor Gold stated that when the Developer asked for this number of dwelling, there was a request for a traffic study. It is not enough traffic to change any of the conclusions, and not enough traffic to change any of the mitigation that was talked about. The City reduced the Comprehensive Plan recommendation from 500 down to 300. And the TOD we increased the number there, so in some ways it balanced itself out.

Council Member Leake is still questioning the traffic for 300 additional dwellings; it is such a congested area at times on 9D. David Stolman stated that the developers should be paying for their fair share for the traffic improvement projects. Council Member Casale reported that when he was the Highway Superintendent he called the State and they told him that the traffic lights cannot be retimed any better than what they are now. Suggestion is to put a traffic light at the entrance and exit of the Train Station, and only let a certain number of cars out at a time, let them be the holding den for the backup traffic. Mr. Stolman explained that Mr. Dexter and he would be getting with the State and showing them these plans, and gets them to respond in some fashion, hopefully get an agreement with the Developers and have them pay a fair share of the infrastructure. Council Member Casale stated that he is for the TOD, and the

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Edgewater property project, but still has concerns about the traffic. Council Member Fredericks requested to see the mitigation. Council Member Pasti thought that 300 units was a lot more than what the Council originally talked about, she is concerned with the additional fifty units, where and when did that develop as this extra fifty unit will impact on the traffic. Can the City make a law that any mitigations the developer would have to take responsible for the cost. David Stolman confirmed that yes the City is working towards the mitigation and having the developers pick up a share of the mitigation.

Council Member Casale stated that Route 9D is a state road, if any mitigation has to be done, the state has to be notified. David Stolman confirmed that statement, and has already contacted the State with all these projects.

It was the consensus of the Council to set the Public Hearing for Tuesday, September 8, 2009. Dutchess County Planning Board, City of Beacon Planning Board and the Town of Fishkill will be notified and will be asked for their comments regarding the Edgewater Property Project.

Fishkill Creek Development (FCD) – The Council has the first draft of the Proposed Local Law Creating A Fishkill Creek Development (FCD) Zoning District and Rezoning Certain Properties to This New District.

On page fifteen

(11) Public access for Greenway Trails.

- (a) While a Fishkill Creek Development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek Development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.*
- (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan including the creation of Greenway Trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right of way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.*

Mayor Steve Gold explained that the idea is to connect the Madam Brett Trail to the Greenway Trail and then to Wolcott cross over and then over to Main Street. The Mayor has spoken to all the developers and they all think it is a great amenity for them also, and are quite excited about this also.

David Stolman skipped over to page eighteen:

§ 223-41.15 Bulk regulations.

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- A. *Minimum size of FCD site _____.* *Notwithstanding the above, the owner of less than _____ of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed Fishkill Creek Development project.*
- B. *Maximum number of dwelling units per gross lot area: 10 to 1*
- C. *Maximum floor area ratio of commercial space: 2.0.*²
- D. *Maximum building coverage, including parking structures: _____*
- E. *Minimum coverage of areas excluding buildings and roads: _____*
- F. *Maximum building height: _____*
- G. *Minimum building setback from edge of pavement of public and private streets: _____*
- H. *Maximum setback of ground floor of buildings: _____*
- I. *Minimum frontage of overall FCD site on public street right-of-way: _____*
2. *A new Section 223-2.11. Shall be added to the Zoning Law and shall read as follows: _____*
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² *From the Comprehensive Plan. To be refined.*

David Stolman has set up meeting with an architect who is involved with two of the developers and to meet with any other pertinent land holders, and property owners that this would apply.

Council Member Pasti questioned the buffer. David Stolman stated on page eight and page ten.

Page Eight:

(c) [2] The proposed Fishkill Creek development project complies with the provisions of Article ____, Fishkill Creek Buffer, of the chapter¹

Page Ten:

G. (1) (a) Information to establish that the proposed site plan meets the provisions of Article ____, Fishkill Creek Buffer, of this chapter.

David Stolman also pointed out on page eighteen: The following was a recommendation from the Committee's Report

(15) Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD Project.

Mayor Steve K Gold stated that there have been discussions regarding Commercial versus Residential. The Fishkill Creek Committee suggested in their report that commercial is required. Council has had time to discuss this recommendations and came to the conclusion that commercial is allowed, but not required. David Stolman responded stating that projects in this zone will be single use or mixed use, but there is no specific amount stated on how much commercial. Council Member Casale stated that there is a lot of commercial space on Main Street that is not being used. In addition, the City is looking at putting quite a bit of commercial use by the Riverfront. Council Member Leake agrees with Council Member

¹ Currently being drafted.

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Casale. Council Member Leake further stated due to the economics, it would be very difficult to require commercial use only, and the City needs to make the best we can with this undeveloped property, for the sake of the City of Beacon.

Mayor Steve K. Gold referred back to page eighteen and stated that one developer wanted 125 units and the other developer wanted a little more than 125, but the Mayor was not sure of the exact number. Council Member Casale questioned if there was a traffic study done. The Mayor said that there was a comprehensive traffic study done for TOD, Edgewater, Long Dock and the Fishkill Creek Development. The Developers will be doing a traffic study

Mayor Steve K. Gold stated that there is still more work needed to make this a Local Law, and it will not be put on the Agenda for the next Council Meeting. The next workshop is Monday, August 10th; Mr. Stolman will have a updated draft of this Local Law. Mayor confirmed with Mr. Stolman that commercial is an option and not mandatory. David Stolman and Tim Dexter will meet with the Developers; go over the buffer, the density. Once the developers begin there is a timeframe to complete. Tim Dexter stated that within this Local Law it states the Council can set timeframes for completion of constructions.

Bid Award – Sewage Treatment Plant – Mr. Dexter explained that there is a tank that the haulers dump into, and the City needs to have that tank empty out when needed. The Bids were open last Wednesday, there were three bids that the City Engineer examined and the lowest responsible bid was Residuals Management Services, Inc. – dba Earth Care Vernon, NJ for \$189.00 per wet ton. Council Member Pasti stated that the Resolution does not state per ton. Tim Dexter stated that Colleen Swift who composed the Resolution changed it to read per ton.

Infrastructure – Using Chips Funds – Mr. Dexter stated that at the last meeting Council Members asked how much it would cost to add two additional streets for repair. This is to regrind the old pavement and repave the roads. It was determined that the following streets would be completed: Wolcott Avenue (Sargent Avenue to South Avenue), South Avenue (Commerce Street to Rombout Avenue), Blackburn Avenue (entire), Main Street (South Avenue to the cul de sac), Blackburn Avenue to Herbert, and Howland Avenue (Wolcott Avenue to East Main Street). The cost is just shy of 260,000, plus \$75,000, if we include Main Street. Council Member Pasti wanted to know how much CHIPS money we have to use. Mr. Dexter stated that we have enough plus some. Each year the City of Beacon gets an excess of 200,000 of CHIPS money, the City has been very frugal with this fund. Mayor suggested including Howland (Ski Lodge to DePuyster). This does not need to go out to bid. We would use state contractors, and we have the money, Mr. Dexter would like to the Council to agree to these projects so they can begin right away. Mr. Wolf will have a Resolution ready for the Special Council Meeting following the workshop. Council Member Casale wants all business to be told ahead of time PRIOR to any kind of road work is done.

Ratifications / Appointments: - Conservation Advisory Committee – Mark Wildonger – Two Year Term, Term to Expire – December 31, 2011
Meeting was adjourned.

Respectfully submitted,
Colleen Swift
Executive Assistant to Mayor Steve K. Gold
Date: August 4, 2009