

Beacon City Planning Board
April 12, 2011

A Planning Board meeting was held on Tuesday, April 12, 2011 in the Municipal Center courtroom. The meeting commenced at 7:00 p.m. with Acting Chairman Spring Attaway, Members Randall Williams, Rick Muscat, John Gunn and Elizabeth Strianese; and Alternate Members Naomi Sachs and Hank Dutch in attendance. Also in attendance were Building Inspector Tim Dexter, City Engineer Art Tully, City Planner David Stolman, and City Attorney Nick Ward-Willis (in at 7:25 p.m.). Chairman Jay Sheers and Member John Gunn were excused.

Mr. Williams made a motion to approve the minutes of the March 8, 2011 meeting as submitted, seconded by Mr. Muscat. All voted in favor. Motion carried.

Miscellaneous Business

After reviewing the concept plan for a Special Use Permit application to permit a multi-family residential development at 248 Tioronda Avenue, the City Council asked the Planning Board to serve as Lead Agency in the environmental review process. After considering their request, Mr. Williams made a motion to declare the Planning Board's intent to serve as Lead Agency in the SEQRA review process for the Special Use Permit application submitted by Beacon 248 Tioronda Development, LLC, seconded by Ms. Strianese. All voted in favor. Motion carried. A Letter of Intent will be drafted and circulated to all interested agencies.

ITEM NO. 1 CONTINUE REVIEW ON APPLICATION FOR SUBDIVISION, 171 UNION STREET, (5 LOTS), SUBMITTED BY LORI JOSEPH BUILDERS

Engineer Dan Koehler of Hudson Land Design submitted revised plans addressing comments provided by the City Engineer and Planner. In response to the City Planner's comment, the plan will be revised to include the size and quantity of Arborvitae that will be planted between Lots #1 and #5, Lots #2 and #5, Lots #2 and #3, and Lot #4 and neighboring property to the south. They will be 6 feet high when planted to provide adequate screening. With regard to comments provided by the City Engineer, Mr. Koehler located and took photos of rock outcroppings on the site. Only one rock outcropping, approximately 2 ft. x 2 ft., is actually located on the subject property, although loose rock was found along the road cuts of Union and Judson Streets. Mr. Koehler brought an updated plan showing these locations and will submit copies to the consultants for further review. They believe rock will not be difficult to pull out with a machine and feel rock removal should not be difficult. Additionally, the applicant's attorney has submitted easement and maintenance agreements to the City Attorney. Lastly, they are aware of the need to obtain approval from Dutchess County Department of Health who is reviewing applications on a case by case basis due to issues with the City's south interceptor.

Mr. Tully and Mr. Stolman had no objection to granting conditional final approval subject to fulfilling comments since preliminary approval was granted last month. Mr.

Tully reported if there is a need to blast for rock removal, the applicant must return to the City for additional approval.

Ms. Sachs remained uncomfortable with the project due to the number of problems, site plan omissions, and various items raised by neighboring property owners that have needed correction. Although aware of zoning regulations, she felt enough issues have been raised to warrant a reduction in the number of lots. Ms. Sachs expressed concern for the amount of impervious surface being created and while stormwater drainage efforts may improve the situation, she worried that engineering put on paper would not necessarily work in the field. Ms. Sachs felt there has not been enough information circulated on the use of “rain gardens” for them to be used in this situation because it puts maintenance responsibility on private property owners.

Ms. Strianese felt the City hired the board consultants to advise members on items such as stormwater, drainage and various professional issues. She felt rain gardens must be introduced at some time and this site would be appropriate. Ms. Strianese asked if the rock outcropping signified similar rock underground or below the surface. Mr. Koehler explained it is an indicator of what may be expected but the extent of rock could be flat, sloped, or situated at random. He understood a permit must be obtained if blasting is needed.

Mr. Muscat said in his experience, rain gardens that are designed and maintained properly function quite well and are aesthetically pleasing. Ms. Attaway agreed the board consultants are present to provide professional advice to the board. With regard to rain gardens, she felt maintenance may cause concern for new homeowners.

After some consideration, Ms. Strianese made a motion to grant final approval, subject to fulfilling all outstanding consultant comments, seconded by Mr. Williams. On roll call, Ms. Strianese, Mr. Williams, Mr. Muscat, Ms. Attaway, and Mr. Dutch voted in favor of the motion; Ms. Sachs voted against the motion. Motion carried 5-1.

ITEM NO. 2 CONTINUE REVIEW ON APPLICATION TO AMEND SITE PLAN APPROVAL, BUILDING ADDITION, 74 DENNINGS AVENUE, SUBMITTED BY TIGA REAL ESTATE, LLC

Architect Al Cappelli reported this proposed project to expand jewelry manufacturing operation at 74 Dennings Avenue was granted conditional Site Plan Approval at last month’s meeting. A few minor comments remained which have been addressed with the addition of erosion control issues, landscaping, and notes relative to the variances that were granted. Mr. Stolman explained the conditions brought forth last month have been fulfilled. He advised the board that normally the applicant would submit these types of minor changes to board consultants for review and approval, without being required to return to the Planning Board for additional approval.

ITEM NO. 3. REVIEW APPLICATION FOR SITE PLAN APPROVAL (AMENDMENT), EVENT SPACE AT THE ROUNDHOUSE @ BEACON FALLS, 2 EAST MAIN STREET, SUBMITTED BY 10 BOULEVARD, LLC

Ms. Sachs was recused from this item due to a conflict of interest. Aryeh Siegel explained this application is to amend a previously approved site plan for items that have developed as construction progressed. The spa planned for the Roundhouse building will be relocated to the new hotel building and guest rooms will be moved back into the Roundhouse. The utility bridge across Fishkill Creek was removed and will be replaced with a new truss-type pedestrian bridge to allow direct access to both sides of the site. The end wall on the event space was found to be leaning toward the creek and was removed due to structural concerns after review by the Building Inspector. That wall will be replaced with similar brick construction but they would like to add windows which will provide more light and a better connection to the outdoors. Additionally, they would like to create a small addition on the side of that building to use for storage of tables and chairs for the event space. The 8 ft. wide addition will be setback from the gable end; it is only 4 ft. high due to grading in that area and will hardly be visible.

City Attorney Nick Ward Willis joined the meeting at 7:25 p.m. Mr. Stolman had several technical comments but the main concern was for the railing height of the pedestrian bridge. This bridge will be traversed during a variety of time periods, including times when customers may be “under the influence” so a 4 ft. railing may not be high enough. Additionally, a permit may be required from the Army Corps of Engineers since it will span the Fishkill Creek.

Mr. Tully asked if the bridge would be accessible to the general public or just to patrons of the facility. The proposed construction phasing plan may also need to be revised in response to these changes. Mr. Siegel said at this point, no changes are expected to the construction plan. He reported they looked into safety measures for the pedestrian bridge and found no applicable general code requirements. The most restrictive railing height appears to be 42-inches and they are proposing a 48-inch railing with not more than 4-inch vertical spaces.

Mr. Dutch suggested they include appropriate lighting and felt the bridge should be constructed in a historical nature. With regard to architectural review of the building, he recommended some type of round or half window on the gable end to resonate the history of Beacon. Ms. Strianese disagreed with Mr. Dutch’s suggestion to add round or half windows because it would deter from the essence of the building’s historical industrial use.

Mr. Williams asked if security gates or lighting would be used for the pedestrian bridge. Additionally, he asked if there would be any opportunity for the public to use the bridge. Principal owner Mr. McAlpine explained the bridge is to be used to get from one portion of the site to the other, and not meant to be used as a viewing bridge. As a practical matter, they have no way of preventing people from coming on the bridge, however in the original resolution language, it was left to the discretion of the owner. Mr. McAlpine reiterated their intent is not to make it a sight-seeing bridge.

Mr. Williams asked if this amendment increased proposed water or sewer usage, and whether lighting for the bridge would be installed on the bridge or on the adjacent buildings. Mr. Siegel said no changes in water or sewer demand will result from this amendment, and reported lighting will be mounted on buildings. Mr. Stolman asked for information on the candle power of the lighting and to show illumination contours.

Mr. Muscat shared concerns for safety and lighting of the pedestrian bridge, and asked if a safety plan had been developed in the event someone falls into the creek. Mr. McAlpine explained a person would not likely survive due to the water flow and rocky terrain. The bridge is proposed to be approximately 6 ft. wide. Mr. McAlpine was open to suggestions and wanted to find a suitable resolution to resolve both safety and visual appearance. Mr. Dexter will look into the state building code on the matter but said he has never seen anything that requires a higher railing than proposed. After some discussion regarding railing height and lighting, Mr. Williams suggested they return with alternate renderings showing extreme height and lower height railings with imposed pedestrians to help members assess safety.

Overall members were satisfied with the proposed building elevations with the exception of Mr. Dutch who felt some type of circular windows should be provided. The applicant was asked to return with additional details before setting a public hearing on the application.

ITEM NO. 4 REVIEW APPLICATION FOR SPECIAL USE PERMIT, MOCA BEACON ARTIST COMMUNITY - TO INCORPORATE 19 RESIDENTIAL UNITS WITH EXISTING MIXED USE, 211 FISHKILL AVENUE (FORMER BEACON HIGH SCHOOL), SUBMITTED BY 211 FISHKILL AVENUE, LLC

Ms. Sachs returned to the meeting and Mr. Dutch was recused due to a conflict of interest. Aryeh Siegel presented his client's proposal for the former Beacon High School, which more recently was Bulldog Studios, located at the corner of Fishkill and Verplanck Avenue. The building is primarily occupied with artist studios and other uses approved in 2003, however that project could not sustain itself and the building reverted back to the school district in 2006. The building has been purchased and the owners have made application for a Special Use Permit to allow 19 apartments incorporated into the mixed use building. The residential component makes the project economically viable and will support local artists in the City of Beacon. The proposal includes the continued use of 31 artist studios, an education room for local programs, museum and art gallery, a tea house café which is accessory to the museum, and the auditorium will be used for special events associated with the museum. The building was placed in the historical overlay district which generally allows residential uses and this type of mix. Mr. Siegel recounted the history of parking for the facility. Bulldog Studios required 450 parking spaces and they provided 83 and got a variance for the remainder. This proposed mixed use of residential, artist workshops and museum function is unique in that site parking will not be simultaneously occupied. A total of 289 parking spaces are now required and they propose to provide 85, consisting of 43 on-site, 29 on a nearby property at 59 Church Street that the owner is in contract to purchase, and 13 directly across the street at 195 Fishkill Avenue which is a continuation of a long standing arrangement with the owner

that dates back to when the high school was operational. The parking spaces at 195 Fishkill Avenue were used for teacher parking and Bulldog Studios renewed the same agreement. Also, the new owners have secured an agreement with the school to use the new high school parking lot so patrons can be shuttled to and from the site.

Jennifer VanTuyl, attorney for the applicant, explained the property was put into the historical overlay district primarily because the building was intricately connected to the formation of the City of Beacon. Before smaller towns were combined to create the City, one school district had to be created which resulted in the construction of this building. Ms. VanTuyl had an original architectural elevation drawing of the original proposed building which for the most part remains today. The City of Beacon has a long standing ordinance that allows the City Council to approve a Special Permit for a wider variety of uses in historic structures than in other structures. One of those uses includes residential but in most cases is limited to four units. However, under certain circumstances, a higher number of units are permitted based upon meeting certain criteria. Ms. VanTuyl reviewed details provided in the application to show the manner in which they were able to meet those conditions. Initially they need to show that a residential use is appropriate to the structure. She pointed out a former school building in Beacon has already been converted into condominiums. They had initially considered creating a higher number of residential units but felt it important to accommodate a continued use of artist studios to keep a balance and maintain the art community. The second standard established in Section 223.24(7)(B), is to show the residential use is compatible with the neighborhood. The building is within a predominantly residential zoning district which contains single and multi-family dwellings. The third factor is that the use is located on a road that can accommodate increased traffic as determined by the City Council. A traffic study has been submitted and is now under review however the traffic level is far less intense than school buses and traffic involved with the school operation. Lastly the code requires the applicant to justify the number of proposed units by virtue of either building size or building configuration. Ms. VanTuyl felt this building meets both standards because it is very large and can accommodate more than four units in a layout with discrete corridors. The building configuration has hallways that can be marked off from the residential areas with a natural fit. The historic nature and context of the building and the need for an adaptive reuse of the building is also to be addressed. Unfortunately the 10 years of use by Bulldog Studios was an experiment in adaptive reuses that did not succeed. Without a residential component, the building's use as an artist facility was not economically viable. Ms. VanTuyl reported this project will be an injection of economic viability that will allow the existing uses to continue. The City Council will also consider proposed exterior changes to the building and other than some window replacement, the residential use will aid in preservation of the structure. The only other exterior change will be moving the "Green Teen" garden currently in the front lawn of the building to a more appropriate location. The code also provides standards that must be met for every Special Use Permit application submitted to the City Council. Ms. VanTuyl explained the use is compatible with the neighborhood and will not overburden the existing roads. To some extent they believe the 19 residential units will be a nice balance with art studios during the day. The use will not hinder appropriate development of adjacent land, and operations connected with the residential use will not

be objectionable to nearby properties that are also residential in nature. Ms. VanTuyl explained they are aware a number of parking variances will be required for the number of spaces and for the location of a parking area at 59 Church Street. Although the parking area is well within a reasonable walking distance, it is not adjacent to the site as required by zoning. Ms. VanTuyl respectfully requested referral to the Zoning Board of Appeals.

Mr. Stolman explained the Planning Board acts as an agent for the City Council during the initial review of a project and then they will refer the application to the City Council. If granted a Special Use Permit, they will then return to the Planning Board for a detailed site plan review.

Mr. Williams asked if fire escapes will be needed for the residential component. Mr. Siegel explained the building configuration lends itself to residential use in that the windows are large enough for emergency escape and rescue. Duplexes will be on the first and second floors, and the building will be provided with a sprinkler system and fire-rated construction. Mr. Williams had concern that items or materials used by some of the artists would disrupt the residential use. Mr. Siegel explained there are specific definitions established for the types of operations permitted in the artist spaces which should resolve any potential conflict.

Mr. Stolman explained the Planning Board should confer with the City Council as to who will declare intent to become Lead Agency in the SEQRA review process. Additionally the application should be referred to the Zoning Board of Appeals for parking variances, both for the number of required spaces and location of those spaces. Although the total parking requirement has gone down, the nature of parking demand has changed. Mr. Stolman recalled a long standing lease has been in place for the use of 195 Fishkill Avenue for parking, however that property has a building with apartments. He asked if there are enough parking spaces on that site to accommodate both the building and the lease of parking spaces. Ms. VanTuyl explained the site has been used for parking for decades by the school and then by Bulldog Studios. This proposal provides parking for all residential uses on site and the artist studio uses off site. They will provide additional information and details on parking needs for the proposal.

Mr. Tully said a number of his comments deal with the off-site parking area as detailed in his review letter. It is known that some on site infiltration is entering the sanitary sewer system so some type of calculation showing how much is getting in and how much will be removed must be submitted. A fire flow study must be done for the building as it relates to the intent to provide sprinklers in the building. Lastly, some type of condominium association and maintenance agreements will be needed, as well as some type of legal documentation for remaining uses in the building.

After considering the need to confer with the City Council regarding Lead Agency, and for the need to apply for variances, Mr. Williams made a motion to refer the application to the Zoning Board of Appeals, seconded by Ms. Strianese. After considering whether a recommendation should accompany that referral, board members

and the applicant's counsel agreed more time should be allowed for everyone to become better acquainted with the project. Ms. Attaway made a motion to rescind the last motion, seconded by Ms. Strianese. All voted in favor. Motion carried.

ITEM NO. 5 REVIEW APPLICATION FOR SUBDIVISION, TWO COMMERCIAL LOTS, 18 WEST MAIN STREET, SUBMITTED BY RIZAK, LLC

Mr. Dutch returned to the meeting. Dennis Lynch from Day Engineering, presented the proposed subdivision of property owned by Rizak, LLC. The 2.4 acre parcel, located at the corner of West Main Street and High Street in a Light Industrial (LI) zoning district, has a one story commercial building and related parking area. One lot with the building will be 1.54 acres in size and a new lot .86 acres in size will be used for a new medical building that requires Site Plan Approval.

Mr. Stolman explained both Subdivision and Site Plan Approval applications can be done simultaneously. Mr. Tully reported his comments mainly address site plan issues and in order to evaluate the viability of the subdivision, certain concerns such as driveway location, access to the site, storm drainage, etc. must be addressed. Mr. Stolman requested detailed information with regard to the site plan, and advised the applicant to prepare elevation drawings of all four sides of the proposed building. Additionally, the proposed driveway is fairly close to the intersection which may not be the ideal location. Sight distance measurements and a Long Environmental Assessment Form must be submitted. Mr. Tully noted the proposed building is located directly over a 20 ft. wide drainage easement therefore additional information on that easement must be provided.

Ms. Sachs asked why they are proposing a subdivision and Mr. Lynch explained zoning does not allow two primary buildings to be located on the same parcel. Mr. Stolman added this would allow them to sell one piece as each lot will function independently. The parking shown on the proposed lot will only serve the new medical/office building which will be owned by the applicant. One of the owners explained the existing building is currently occupied with warehouse-type uses. They had originally planned to convert that into medical offices but had a difficult time configuring an appropriate parking plan. The applicant will return with an application for Site Plan Approval and a Long Form EAF for review.

ITEM NO. 6 REVIEW APPLICATION FOR SITE PLAN APPROVAL, BEACON KINGDOM HALL, HOWLAND AVENUE (SECOND LOT OF FORMER SKI LODGE PROPERTY), SUBMITTED BY BEACON CONGREGATION OF JEHOVAH'S WITNESSES

Applicant Scott Lucas and Crystal Dunbar of CHA Consulting presented project details for the proposed Kingdom Hall on Howland Avenue. He explained a Kingdom Hall is a house of worship used by Jehovah's Witnesses for religious services. Each Kingdom Hall has an auditorium, a small conference room, library, and related offices. Unlike other houses of worship, there are no cooking or reception facilities so it is strictly used for religious services. Mr. Lucas explained the Beacon Congregation, formed in

1991, has been using the Kingdom Hall located on All Angels Road. With additional growth in the area there is now a need for a Kingdom Hall in the Beacon area. Last year, they purchased property on Howland Avenue and are now planning to construct a 4,500 sq. ft. building with associated parking based on seating capacity. Additional site plan details including stormwater, drainage, retention, etc. were also submitted for review.

Mr. Stolman explained a Long Environmental Assessment Form must be submitted, and sight distance measurements at the proposed entrance must be provided on the site plan. Parking calculations are based on the auditorium but must include other spaces in the building as well. Mr. Stolman explained a number of other comments that are technical in nature have been provided to the applicant for response. Additionally due to the long street frontage three sides of the building will be visible – two side elevations and the rear elevation which will be facing the street with a false façade.

Mr. Tully provided his comments in writing, and explained his main issue is storm drainage. He pointed out the Ability Beyond Disability, who's site is just above this property, will be submitting detailed stormwater drainage information shortly. Nonetheless, this property is fairly well developed in terms of building and lot coverage which will generate a lot of impervious areas, and concern arises because there is no storm drainage in Howland Avenue. The nearest piping is approximately 500 feet down the street, across from the subdivision known as Exeter Circle. Mr. Tully hoped the two properties could work together for development of a plan that will connect into the existing storm drainage system and/or provide off-site improvements to handle runoff. Additionally, this property directly above the subdivision just reviewed on Judson Street so a comprehensive plan to alleviate potential problems should be developed.

Ms. Strianese emphasized the importance of screening, discretion, and privacy that will be needed with the high visibility and exposure of the proposed building. It is very close to the road and will appear very large in the prominent location chosen. Mr. Williams agreed pointing out that area is very wide open and near a sharp turn on Howland Avenue.

Mr. Tully asked if they had considered flipping the building and parking lot around. Mr. Lucas said they had thought of it but typically most communities want them to hide the parking lot. Mr. Tully explained the building becomes very prominent in this instance due to the curvature of the road, therefore he suggested they provide a schematic of what the site might look like if the building and parking area were switched. Ms. Sachs asked that the plan show trees that represent a more mature age. She suggested appropriate landscaping could mitigate the size of the building if left in the currently proposed location. The applicant will return next month with additional details.

Miscellaneous Business

City Council Request: Review Proposed Local Law Amending Chapter 223 of City Code: 223-27 – Property Maintenance

City Attorney Nick Ward-Willis explained the City Council is considering an amendment to the zoning code to include property maintenance regulations to address personal items that are stored in front yards. Additionally, two new definitions for “Public Way” and “Utility Trailer” will be included in the amendment. Members reviewed details of the proposal at length and discussed possible problems that may arise. Enforcement discretion will be used during times of unusual weather events where logs and large limbs may take time to clean up. Questions arose about trouble that may arise with certain art displays, which again will be discretionary.

After considering the benefit of the law, Ms. Strianese made a motion to send a recommendation to the City Council that they adopt the law, seconded by Ms. Sachs. All voted in favor. Motion carried.

Architectural Review

Single Family House – 88 Wilkes Street (revision to reflect build)

Members examined the design of a recently constructed single family house that did not conform to elevations approved by the Architectural Review Board. The original design was approved with a second floor deck, double front windows, and had two sets of windows on the side elevation. The house that was built does not have a second floor deck, has smaller single windows on first level, and very small windows on the side elevation. The developers explained interior changes and existing power lines made the changes necessary, and that the current design remains in line with other housing stock on the street. At this point, the Building Department has not issued a Certificate of Occupancy due to the deviation in plans and no C.O has been issued for building. The applicant felt the house they built is more in line with neighboring properties however members still had concern about the size and location of windows, and for the fact that the originally approved design was not followed. Members asked the applicant to rework the design to make it more in line with what was approved, and to provide photographs of the rear elevation for review.

There was no further business to discuss and Ms. Sachs made a motion to adjourn the meeting, seconded by Mr. Williams. All voted in favor. Motion carried. The meeting adjourned at 9:00 p.m.