

Beacon City Planning Board

December 13, 2011

A Planning Board meeting was held on Tuesday, December 13, 2011 in the Municipal Center courtroom. The meeting commenced at 7:10 p.m. with Chairman Jay Sheers, Rick Muscat, Elizabeth Strianese, Naomi Sachs, Spring Attaway, John Gunn, and Randall Williams (in at 7:30). James Korn was in attendance as a non-voting and non-participating Alternate Member, and Alternate Member Hank Dutch was excused. Also in attendance were Building Inspector Tim Dexter, City Engineer Art Tully, City Planner David Stolman, and City Attorney Nick Ward-Willis.

Workshop

Mr. Sheers began the meeting with a brief workshop to describe changes in the manner in which alternate members serve during meetings. Alternate membership was established and intended to make certain a quorum is present and not necessarily to seat a full board. Alternates will now be designated on a case by case basis rather than seated automatically. There has been absenteeism among regular members and seating alternates automatically does not encourage regular members to be diligent about attending. Although not asking members to resign, Mr. Sheers hoped this change would support his efforts for improved attendance by regular members.

Regular Meeting

Mr. Sheers called for corrections/additions or a motion to approve the minutes of the November 8, 2011 meeting. Ms. Strianese made a motion to approve the minutes as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE SITE PLAN REVIEW ON APPLICATION FOR SPECIAL USE PERMIT, BEACON THEATER, FOR THEATER OFFICES, RETAIL SPACE, BAR USE, DANCE INSTRUCTION, AND COLLEGE EDUCATION, 445 MAIN STREET, SUBMITTED BY 4TH WALL THEATRICAL PRODUCTIONS, INC.

Mr. Siegel reported his client's Special Use Permit was approved by the City Council and discussion of video monitors and I & I inspection remain. The I & I inspection done with Mr. Dexter revealed the existence of illegal connections to the sanitary system. Under the new requirements, applicants are given 30 days from the date of inspection to remedy the situation. This applicant is seeking permission to disconnect the illegal connections within the 30 day time frame and redirect flow onto the ground, and then, make a permanent hard connection to a new catch basin in the municipal lot.

Mr. Tully asked for a schedule of when a permanent connection would be made because flow onto the site would not be an acceptable long term solution. Momir Guzijan recently reviewed this plan and suggested working with the City to add a larger catch basin so adjacent buildings that may have similar illegal connections could tie into it as well. Mr. Tully agreed with the concept but advised the applicant that he could not commit City time or money. He explained that no matter how it is handled, a timeframe for a permanent connection must be provided. Mr. Guzijan said they would like to

coordinate it with parking lot improvements scheduled to take place in the spring. Mr. Tully advised members that conditional site plan approval could be considered with the establishment of a reasonable timeframe to make a permanent connection. After discussing upcoming winter weather conditions and temporary mitigation measures that must be taken to prevent icing conditions, it was agreed that a six month timeframe would be reasonable to make a permanent connection. A plan for temporary measures to prevent icing by directing water away from the parking lot should be prepared by next month. The applicant has the ability to request an additional extension but ultimately any approved site plan conditions must be fulfilled, and issuance of a Certificate of Occupancy would be contingent on Site Plan Approval. After some discussion, Ms. Attaway made a motion to grant Site Plan Approval subject to permanently resolving the I & I issue within six months, seconded by Ms. Strianese. All voted in favor. Motion carried.

Mr. Siegel asked if an agreement must be made with the City to make a permanent connection into the stormwater sewer system. City Attorney Nick Ward-Willis was not certain if a formal agreement would be needed for the connection but advised approval will be needed for maintenance of the line extending from the theater. Since this is a new procedure, the matter will be brought to the City Council and handled on a similar basis in the future. (Randall Williams joined the meeting at 7:30 p.m.).

Discussion turned to the marquee to clarify whether video monitors were approved as part of the previously issued Certificate of Appropriateness. Principal Jim Brady felt minutes from that meeting did not accurately reflect what was actually approved. Pat Manning explained the monitors were included in what they initially proposed when the City agreed to give them façade improvement grant. Although no discussion took place regarding installation details, they were intended as part of the façade approval.

Members reviewed Mr. Siegel's elevation drawing which showed video monitors set back under the marquee, flat with the remainder of the façade. The marquee design is not ready however funding for the monitors is in place and they are ready to be installed. Recessed glass cases are located on either side of the entry for posters to announce upcoming events. The video monitors have LCD screens and speakers that will be audible to those walking by the theater.

A lengthy debate took place about the volume of the speakers and concerns that it may inconvenience adjacent property owners. Mr. Manning explained they are not meant to be too loud and would only operate during business hours. Mr. Stolman advised members to consider the precedent setting nature this type of advertisement may create, and read Section 134.5(b) of the City Code which outlines criteria that must be considered for approval of a Certificate of Appropriateness. Discussion took place regarding issues that must be considered with digital signage, such as lighting, speakers, sound levels, and the potential for controversial content. Mr. Manning explained the four monitors have the ability to work in conjunction as a moving image, or independently; they will be located behind plexi-glass and sound from speakers inside the monitors will

transmit through vents in the underside of the marquee. Ideas were exchanged about video content, advertisements, and sponsorships. Consideration was given to the fact that the City's sign ordinance was established sometime in the 1970's and does not address current trends. Mr. Manning and Mr. Brady assured the board they will not allow noise levels to exceed normal volume limits, monitors will operate during typical business hours between 9:00 a.m. and 10:00 p.m., and in general they will be good neighbors to other businesses nearby. They asked the board to consider allowing them a one-year timeframe to prove their sincerity.

Mr. Dexter reported the City has hired a consultant to review the zoning along Main Street, and the concept of digital signage and sound should be made part of that study. Mr. Manning explained they are part of discussions with that consultant and will remain involved in the process.

After a lengthy discussion over the video monitors, sound, content, and hours of operation, Ms. Attaway made a motion to accept the signage and video monitors, on the condition they will not create a nuisance, and that members have the ability to review the situation in a year to address any concerns. Mr. Gunn seconded the motion. All voted in favor. Motion carried.

Mr. Siegel presented photos showing the current condition of the marquee and temporary red vinyl banner to improve its appearance. Mr. Sheers raised concern about the condition and appearance of the marquee's underside. Mr. Siegel explained now the monitors have been approved, the underside will be sealed and completely enclosed with a typical ceiling type material. This work should be completed within one or two months. Mr. Manning explained they met with a major sponsor who will enter into a long term agreement to help finance the \$254,000 cost of the marquee. If that moves forward as expected, they will be in negotiations for 60 days then make a down payment so design creation can begin. It will take nearly seven months to manufacture the marquee and they hope to have it completed by May 2013. Mr. Brady assured the board that if the temporary banner is damaged it will be taken down and replaced.

ITEM NO. 2 CONTINUE REVIEW OF APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, 3-LOTS, 4-16 HANNA LANE, SUBMITTED BY SCULPTURE BEACON, LLC

Mr. Sheers introduced this item by explaining the I & I study completed revealed no illegal connections to the sanitary sewer system. Easement documents have been reviewed and revisions will be sent to the City Attorney for final review. Mr. Tully had a few remaining comments with regard to the easements that will be worked out simultaneously with the applicant's surveyor and the City Attorney. Mr. Stolman had only minor comments remaining. Ms. Attaway made a motion to grant Site Plan Approval (one for each lot) and Subdivision Approval subject to the applicant fulfilling consultant and City Attorney comments, and placement of survey monument locations on the subdivision plat. The motion was seconded by Ms. Sachs. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, 64 RESIDENTIAL UNITS AND COMMERCIAL SPACE, ONE EAST MAIN STREET, SUBMITTED BY EAST MAIN MILLS, LLC

Ms. Sachs was recused from this item due to a conflict of interest. Planner Tom Gissen, Mike Bodendorf, and Aryeh Siegel outlined changes made to the plan for One East Main Street based on recent discussions with the Building Department, City Planner, and City Engineer. Mr. Gissen explained the western driveway was eliminated, and the most western building was eliminated in an effort to create more space on the site. This reduced the number of dwelling units from 37 to 32.

Mr. Stolman elaborated on the changes with respect to the revised building layout. He explained this project is not located in a multi-family zoning district, however a variance had been previously granted to allow residential development. Since there are no specific dimensional standards for residential building separations in the LI zone, Mr. Stolman applied what an appropriate separation would be if the project was located in a multi-family zoning district. The final determination must be made by the board however he recommended a 30 ft. separation between buildings. Mr. Stolman explained his recommendation resulted in a reduction in units and the applicant's proposal to connect several buildings in order to avoid the 30 ft. separation.

Mr. Gissen agreed this residential development in the LI district is different than most multi-family projects. Because it is next to the historic mill building they looked for ways to meet the City's recommendations while creating a cohesive development and design appropriate for the historic flavor of the area. Additionally, at the City's request they agreed to replace the sewer line that runs through the property and relocate water lines to enhance water service in that area. Additionally, one building was eliminated to open up the site, the southernmost townhouse building was rotated 90 degrees, a spur driveway with visitor parking was added, and impervious coverage was reduced. The new building design will be similar to the existing mill building, and by adding connections they were able to solve access problems to the end units. Additional visitor parking was provided on one end of the site and the revised layout moves buildings further back from Metro North's right-of-way along the tracks.

Mr. Gissen explained they plan to develop the site in phases. The first phase includes renovation of the existing mill building, utility improvements, and parking. Once that work is complete, they will begin construction of the residential townhouses. Overall, he believed the consultants' detailed comments can be addressed since making these substantial changes and they wanted to present this plan before going further.

Mr. Tully felt the proposed water line and sewer line improvements would be beneficial to the City and agreed the board should provide comments on the general layout. Concerns were raised about the grade of the building along Churchill Street because one end was quite high off the ground. Discussion took place about garage entry, changes to the entry road and possible landscaped tiers to improve the situation. Also of concern were the building's rear yards which face Churchill Street. The applicant was aware of the situation but explained they wanted to make the units

marketable and felt it best with rear yards facing the junkyard across the street. Additional work will be done on siting and landscaping for the building.

The townhouse buildings are approximately 15 ft. lower than the existing mill building, and below the Main Street grade. They received variances only to allow the roof loft areas to exceed the height requirement; building masses are within required regulations. There will be a condominium association to maintain yards, landscaping, and general maintenance, and restrictions will be in place to uphold building aesthetics.

Board members discussed the new building layout and generally accepted the revised site plan. After considering the applicant's request to schedule a public hearing, Mr. Gunn made a motion to set a public hearing for the month of January, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 4 REVIEW APPLICATION FOR SPECIAL USE PERMIT, TO ALLOW THE ADDITION OF ONE STUDIO APARTMENT TO THE REAR OF THE GROUND FLOOR OF THE BUILDING, 308 MAIN STREET, SUBMITTED BY MUSTANG LION PROPERTIES, LLC (MARKO GUZIJAN)

Ms. Sachs returned for the remainder of the meeting. Aryeh Siegel described his client's proposal to create a ground floor studio apartment to the rear of the building at 308 Main Street. The retail ground floor front is occupied by a bakery and two one-bedroom apartments exist on the upper floors. The entire ground floor of the building was used as retail and since the proposed use is less than 25% greater intensity than that in 1964, no additional off-street parking is required. Parking cannot be created in the blacktopped area adjacent to the building due to its size and shape therefore the applicant would like to continue using it for the bakery to load and unload product.

Mr. Stolman had only minor comments but felt use of the driveway should be discussed. Mr. Tully had no engineering issues, and Mr. Dexter advised the applicant to arrange an I & I inspection for the project. There were no further comments and Ms. Attaway made a motion to schedule a public hearing for the month of January, seconded by Mr. Muscat. All voted in favor. Motion carried.

Executive Session

Ms. Attaway made a motion to adjourn to executive session to discuss *Miller v. the City of Beacon*, seconded by Ms. Sachs. All voted in favor. Motion carried. Members went into executive session at 9:00 p.m. Alternate Member Jim Korn did not attend the executive session.

The meeting reconvened at 9:10 p.m. on a motion made by Ms. Attaway, seconded by Mr. Gunn. All voted in favor. Motion carried.

Miscellaneous Business

Consideration of Settlement – *Miller v. City of Beacon, et al*

City Attorney Nick Ward-Willis explained that during the executive session discussion took place regarding the proposed negative declaration of environmental

impact under SEQRA for the Hiddenbrooke property. Ms. Attaway made a motion to issue a Negative SEQRA Declaration for the Hiddenbrooke property, seconded by Mr. Gunn. All voted in favor. Motion carried. Ms. Attaway made a motion to agree to the terms of settlement also discussed in executive session, seconded by Mr. Muscat. All voted in favor. Motion carried.

There was no further business and Mr. Gunn made a motion to close the meeting, seconded by Mr. Williams. All voted in favor. Motion carried. The meeting adjourned at 9:15 p.m.