

Beacon City Planning Board
June 14, 2011

A Planning Board meeting was held on Tuesday, June 14, 2011 in the Municipal Center courtroom. The meeting commenced at 7:00 p.m. with Acting Chairperson Spring Attaway, Members Randall Williams, John Gunn, Rick Muscat, Naomi Sachs, and Elizabeth Strianese; and Alternate Members Hank Dutch and James Korn (who acted as a voting member on Item No. 3 only) 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 7:12 p.m.). Chairman Jay Sheers was excused. CAC member Antony Tseng was also in attendance.

Mr. Williams made a motion to approve the minutes of the May 10, 2011 meeting as submitted, seconded by Ms. Sachs. All voted in favor. Motion carried.

ITEM NO. 1 PUBLIC HEARING ON APPLICATIONS FOR SUBDIVISION AND SITE PLANS: ST. FRANCIS HOSPITAL SITE, 11 HASTINGS DRIVE; SUBDIVIDE INTO TWO LOTS (EXISTING LEARNING CENTER AND VACANT HOSPITAL); AND TWO APPLICATIONS FOR SITE PLAN APPROVAL, SUBMITTED BY ST. FRANCIS HOSPITAL

Michael Gillespie, of M. Gillespie & Associates Consulting Engineering, PLLC, explained St. Francis Hospital owns a 22 acre parcel off Delavan Avenue with two primary buildings – a vacant hospital and the Panichi Learning Center. Approximately 4-5 years ago, the entire parcel received Site Plan Approval and now they want to sell the main hospital that has been vacant for some time. There have been multiple discussions with potential buyers over the last few years but no future plans have been set in stone. St. Francis wants to retain the Panichi building therefore they felt it best to separate the buildings before further marketing the property. The larger parcel with the hospital building, identified as Parcel A, is approximately 19 acres in size. Parcel B, which is the Panichi building, is approximately three acres in size. In addition to the subdivision, Site Plan Approval is needed for each parcel to serve independently. No site modifications are being done but several cross access and utility easements are needed for shared services.

Dennis Pavelock, 34 Judson Street, suggested the vacant hospital be used for job retraining or for manufacturing solar panels. He feels an RFP should be sent out to seek solar companies or job retraining service agencies.

Anthony Tseng, President of Beacon Volunteer Ambulance Corp (BVAC), said they support the subdivision and appreciate the intent to make use of the former hospital. They also support the Panichi learning center which is a great benefit to the community.

Mr. Stolman and Mr. Tully's comments remained the same as last month because the applicant had not made a new submission for this meeting. (City Attorney Nick Ward-Willis joined the meeting at 7:12 p.m.) Mr. Dutch asked if the Planning Board could make a suggestion to the City Council to send out Request for Proposals (RFP) to

seek interest in creating a job training facility in the former hospital. Mr. Stolman explained this application is relative to a subdivision of property and agreed with other members that seeking interest for the building is not a Planning Board function. Mr. Dutch felt it appropriate to promote an idea that seems to have some merit since this is a public hearing. City Attorney Nick Ward-Willis explained the purpose of this public hearing is for subdivision and site plan approval applications, and it is not within the Planning Board's purview to discuss or promote potential uses for the site.

Mr. Gillespie reported they have contracted with a firm, currently doing work for the City, to inspect the property for any potential I & I issues as discussed at the last meeting. Additionally, he asked to meet with the City's consultants on site to review the access point if a separate driveway is ever needed in the future. Mr. Tully clarified that at this time approval for a secondary access is not under consideration.

After some discussion with regard to closing the public hearing and related timelines, Mr. Gunn made a motion to adjourn the public hearing until the July meeting, seconded by Ms. Sachs. All voted in favor. Motion carried. The public hearing will continue at the July meeting.

ITEM NO. 2 CONTINUE REVIEW OF APPLICATION FOR SUBDIVISION (2 COMMERCIAL LOTS) AND APPLICATION FOR SITE PLAN APPROVAL (MEDICAL OFFICE BUILDING), 18 WEST MAIN STREET, SUBMITTED BY RIZAK, LLC

Mark Day explained the entrance to the proposed site for new medical offices was relocated as a result of a site visit with City's consultants. Some of the underground storage was eliminated and soil testing was completed. They will be using rain gardens as part of the proposed stormwater management system. The plans were revised to show the tree line after construction and erosion control matting will be used to stabilize the slope near the rear parking area. Mr. Day indicated the Highway and Water Superintendents met on site and agreed that there is no use for the utilities that may remain within the 20 ft. easement that runs through the property. They indicated the utilities were moved during the reconstruction of Beekman Street and are no longer necessary. Lastly, Mr. Day explained the owners would rather not acquire the adjacent City owned property as discussed last month. They met with their insurance carrier who was concerned for liability if someone were to get hurt. Mr. Day explained they will cut the grass and maintain the area but don't want to be responsible for any physical objects. City Attorney Nick Ward-Willis explained there are ways to address insurance coverage if the City Council and applicant want to work out an arrangement. Mr. Tully reported his remaining comments address details on site construction and stormwater design.

Mr. Dutch asked if the driveway could be moved more to the north. Mr. Tully explained there are overhead power lines that carry power transmission lines which would be very difficult to relocate. Mr. Day added that a right angle radius would not be possible, and it would affect the number of parking spaces and flow of the parking lot. Mr. Stolman explained they have all reviewed the layout in detail and agree the current configuration provides the best setting for the site.

Ms. Strianese pointed out the new entrance will cross over a dirt path where people cut through to get to the train station, and asked if something should be done to make certain no one is hit by a vehicle. After some discussion about possible options, Mr. Day indicated they could add a pedestrian crossing sign to alert drivers.

Ms. Sachs had concern for grading that goes over the property line because the parcels could potentially be owned by two separate parties. Mr. Tully suggested creating an easement for grading purposes during construction. Ms. Sachs was also concerned about the steep slope and retaining wall behind the building. Mr. Day explained it is actually a berm that drops down to a swale, not a retaining wall. Ms. Sachs asked how cars would get out of the parking lot if it were full. Mr. Day explained there is a small area near the refuse enclosure and the aisles are wide enough for vehicles to K-turn to exit. Ms. Sachs suggested replacing the Arbor Vitae species because it attracts deer, and indicated the proposed ornamental grass is considered invasive in some areas. She would like to see more trees and additional information on the rain garden.

City Attorney Nick Ward-Willis felt the City Council would be inclined to see some type of improvement near the entrance. He suggested some type of appropriate landscaping, gazebo, bench, etc., that would make the pathway safe and attractive for both the City and the applicant. There was a consensus of the board to initiate discussions with the applicant, consultants, attorney, and the City Council to develop a sketch to see what can be done on that corner of land. Mr. Williams also felt consideration should be given to items that are low maintenance due to the potential burden on City services.

Mr. Korn asked if they had considered swapping the parking and building configuration. Mr. Day explained they wanted to tuck the parking area behind the building which is a typical planning approach, and in consideration of the adjacent residential properties.

Mr. Stolman suggested they prepare elevation drawings for review and Mr. Tully recommended attention also be given to the existing building. There is an encroachment onto the second parcel, as well as other issues including landscaping, that should be addressed. Mr. Day explained his client's have had discussion about converting building into artist live/work units or artist studios. A public hearing will not be scheduled until additional information and elevation drawings are submitted, and discussions have taken place with the City Council.

ITEM NO. 3 CONTINUE REVIEW OF 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

Mr. Dutch recused himself due to a conflict of interest. Mr. Korn joined the discussion as a voting member. Architect Aryeh Siegel, Attorney Jennifer VanTuyt, and Engineer Mike Bodendorf were in attendance to present information on the proposed

MOCA Beacon Artist Community. Letters were sent out to interested parties and the Planning Board is now Lead Agency for the SEQRA environmental review. Mr. Siegel explained they are prepared to continue review of the Special Use Permit application to add residential units to the mixed use building. Revised drawings and documents were submitted in response to previous comments, and they are hoping to be far enough along to get positive recommendation to the Zoning Board of Appeals for the necessary parking variances.

Mr. Stolman explained he has very few comments remaining. An alternative layout of the parking lot for 59 Church Street which will not require variances should be considered. Mr. Bodendorf explained they moved the proposed parking lot 5 ft. from the property line which created a loss of three spaces however a variance would not be required. Mr. Stolman said the applicant would like to apply to the Zoning Board of Appeals to seek variances that are needed with respect to the number of parking spaces, and the location of parking. He advised members they could send a positive or negative recommendation, remain neutral, or not send a recommendation to the Zoning Board of Appeals at all. Residential parking is completely covered on site and the parking lot proposed at 59 Church Street will be used by artists. Two zoning variances are needed: one due to the fact that 59 Church Street is not adjacent to the site; and secondly to provide 85 spaces where 289 are required. Mr. Siegel explained when Bulldog Studios was approved there was a much higher parking requirement and it worked without problem based on the use of the building. The museum and auditorium are main contributors to the high number of parking spaces required under zoning. Mr. Siegel explained they also have an agreement with the school district to use their parking lots during large events with use of a shuttle. There are also 14 additional parking spaces available in a lot directly across the street. Mr. Gunn felt the parking situation would not be a problem, and Ms. Strianese felt the usages are somewhat compatible. Mr. Korn announced the public has voiced opposition to the remote parking lot situation although it is located in the PB zoning district which is designed for parking. He believed it unrealistic to believe artists will park a block away and walk to their studio. Mr. Korn felt more people will be parking on nearby streets creating a burden on the neighborhood. Overall, he believed the actual use of the property will realize a need for more residential parking and less commercial parking than required. Mr. Korn predicted the site would not support the amount of parking that will be generated by all the proposed uses. If anything, he believed this type of project advocates the need for more comprehensive public transportation or a shuttle. Ms. Attaway understood Beacon has a general problem with parking but felt that fact should not be used as a detriment or to discouraging business. Mr. Williams felt parking should not be used as an anchor to stop development. Mr. Korn suggested designating streets in the nearby area as “neighborhood parking only” so streets don’t become a parking lot. Mr. Stolman said if the City Council determines there is a problem with parking in the future, a change in regulations can be made through the Traffic Safety Committee. He discouraged making preemptive moves when it is uncertain whether a problem will occur. Mr. Stolman explained ultimately the decision will be made by the Zoning Board of Appeals.

After some discussion regarding the parking situation, Mr. Gunn made a motion to send a positive recommendation to the Zoning Board of Appeals for both the number of spaces and location of the parking lot, seconded by Ms. Sachs. On roll call Mr. Gunn, Ms. Sachs, Mr. Muscat, Mr. Williams, Ms. Strianese, and Ms. Attaway voted in favor of the motion. Mr. Korn voted against the motion. Motion carried; 6-1.

Mr. Siegel asked the board whether the applicant should seek a variance for setbacks of 5 ft. and eliminate three parking spaces, or seek approval for 4 ft. side yard variance and keep three parking spaces. After giving the situation consideration, Mr. Williams made a motion to remain neutral, seconded by Ms. Strianese. All voted in favor. Motion carried. The applicant will return to the Planning Board after meeting with the Zoning Board of Appeals.

ITEM NO. 4 REVIEW APPLICATION FOR SUBDIVISION, 3-LOTS, 4-16 HANNA LANE, SUBMITTED BY SCULPTURE BEACON, LLC

Mr. Dutch returned to the meeting and Mr. Korn remained as a non-voting member. Aryeh Siegel described his client's proposal to subdivide the parcel adjacent to the Tallix property at the end of Main Street known as 4-16 Hanna Lane. The premise for the subdivision is to separate the "Founder's House" which has four Artist Live/Work apartments that they would like to convert into condominiums. Also, a building used as a school for special needs and an art storage warehouse building will be separate so each building is on its own parcel. Mr. Siegel explained drafts of parking and access easements have been sent to the City Planner and City Attorney for review.

Mr. Tully asked for additional information on the location of front and side yards, as well as the dimensions required for each. Main Street is a public thoroughfare but it is unclear where it ends because the gate does not coincide with the property line locations. Mr. Siegel explained there was a land swap with the City of Beacon at one time and will provide additional clarification. Mr. Tully also felt one blanket easement for all water, sewer, and access easements should be drafted. Similarly, maintenance agreements for all the utilities should be created so ownership and responsibility is clear once the properties are separated. Lastly, he asked that a bulk table be provided on the plan.

Mr. Stolman explained this is just a subdivision of property as no new construction is proposed. This review will make certain that there is sufficient access, maintenance agreements, etc. and that zoning requirements are met appropriately. Mr. Dexter suggested this may be the time to address some of the site issues that exist in terms of the property's condition, property maintenance, landscaping, etc. similar to the Rizak application. Also, additional screening may be required since each of the three separate parcels will stand alone and potentially be owned by several different parties. After some consideration, a site visit will be scheduled so members can see how the site functions. City Attorney Nick Ward-Willis advised the applicant to provide verification that no stormwater Inflow & Infiltration is entering into the City's sanitary sewer system as is required for all applications. Applications for Site Plan Approval will need to be submitted for each separate lot.

The Executive Session scheduled for this meeting will be held when Chairman Sheers is in attendance. 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 8:45 p.m.