

Beacon City Planning Board
May 10, 2011

A Planning Board meeting was held on Tuesday, May 10, 2011 in the Municipal Center courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Randall Williams, Spring Attaway, Rick Muscat, and Elizabeth Strianese (in at 7:07 p.m.); and Alternate Members Hank Dutch and James Korn in attendance. Also in attendance were Building Inspector Tim Dexter, City Engineer John Russo (in for Art Tully), City Planner David Stolman, and City Attorney Nick Ward-Willis (in at 7:09 p.m.). Members Naomi Sachs and John Gunn were excused. CAC member Sue Infante was also in attendance.

Mr. Sheers began by introducing and welcoming new alternate member James Korn to the Planning Board. Ms. Attaway made a motion to approve the minutes of the April 12, 2011 meeting as submitted, seconded by Mr. Williams. All voted in favor. Motion carried.

ITEM NO. 1 LEAD AGENCY DISCUSSION - 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 was recused from this item due to a conflict of interest. After an initial review of the Special Use Permit application to integrate 19 residential units into the existing mixed-use facility at 211 Fishkill Avenue, a project known as MOCA Beacon Artist Community, the City Council asked the Planning Board to serve as Lead Agency in the environmental review process. After considering their request, Ms. Attaway 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 211 Fishkill Avenue, LLC, seconded by Mr. Williams. All voted in favor. Motion carried. A Letter of Intent will be drafted by David Stolman's office and circulated to all interested agencies.

ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, EXPAND FOOD SERVICE TAKE-OUT INTO RESTAURANT WITH SEATING, 242-244 MAIN STREET, SUBMITTED BY ELBERT GAITHER

Mr. Dutch rejoined the meeting. Aryeh Siegel described his client's proposal to expand an existing take-out food service business into a small restaurant. The existing take-out service is located in the storefront at 244 Main Street and they want to open out into the adjacent storefront at 242 Main Street because the business has grown.

Mr. Stolman asked for documentation to confirm right-of-way access to the small parking area located behind the building. Mr. Siegel submitted documentation regarding the parking easement obtained from the owner's attorney, as well as additional information printed on the filed map. Mr. Stolman will review these documents to be certain proper easements are in place.

Mr. Russo reported the applicant provided a letter certifying the sump pump was disconnected. He asked if the pump had been physically removed from the premises, or if it will remain for future operation. Mr. Siegel explained the pump is still in the building but will be removed as the owner has no intention of using it in the future. Ms. Strianese joined the meeting at 7:07 p.m.

A lengthy discussion took place regarding the easement and parcels it is intended to serve. Mr. Stolman advised members to be certain that any approval is made subject to clarification of the easement to make certain there is legal access to the rear of this property. City Attorney Nick Ward-Willis joined the meeting at 7:09 p.m.

Mr. Korn asked how parking would be handled since 17 off-street parking spaces are required by zoning and only two spaces exist behind the building. Mr. Stolman explained the applicant applied for, and was granted, a parking variance from the Zoning Board of Appeals. Mr. Korn asked how such variances are tracked to be certain spaces were not previously granted to businesses nearby. Mr. Stolman explained all variances are listed on Site Plans, and the Zoning Board of Appeals considers other variances when making their determination.

Mr. Dutch asked if the right-of-way easement relates to the parking easement shown on the plan. Mr. Stolman will review the easement documentation just submitted but explained cross hatching shown on the plan is a back up area so vehicles for Lot #2 can get out of the parking area. Mr. Siegel explained access to the handicap space at the rear of the building can be gained through the building behind the dining area.

There were no comments from the public and Mr. Williams made a motion to close the public hearing, seconded by Ms. Attaway. All voted in favor. Motion carried.

Ms. Attaway made a motion to grant a negative SEQRA declaration for the proposed restaurant expansion, seconded by Mr. Muscat. All voted in favor. Motion carried.

In cases where conditional approvals are granted, Ms. Attaway asked who verifies conditions have been met prior to the onset of improvements. Mr. Dexter explained revised plans are submitted and forwarded to the appropriate party, who may be the Engineer, Planner, or Building Department, to verify all conditions have been appropriately satisfied before construction begins.

Mr. Williams made a motion to grant Site Plan Approval subject to clarification of the access easement, and removal of the sump pump with the understanding that the pit can remain so a new connection can be made in the future with appropriate approvals. The motion was seconded by Ms. Attaway, all voted in favor. Motion carried.

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

Aryeh Siegel provided a brief description of proposed changes which incorporated three main items. The spa will be moved from the Roundhouse into one of the mill buildings, a pedestrian bridge over the creek will replace the former utility bridge to connect both portions of the property, and a small storage addition to the side of the event space building will be added. Mr. Siegel explained the bridge railing height remained in question from last month's meeting. He provided detailed renderings of three alternative rail heights for review and explained others throughout the City are no more than 42-inches, a standard for pedestrian usage. For additional safety, they are proposing a 48-inch rail height, a standard used for bicycle paths.

Mr. Stolman asked the applicant to verify whether the bridge installation requires a permit from the Army Corp of Engineers, and requested details on lighting for the bridge. Mr. Siegel explained a linear strip of lights will be mounted under the railing and requirements can be easily met as they can be configured a number of ways. The manufacturer is also sending candle light information for review. Mr. Stolman advised the applicant to provide details on how the bridge will look when lit at night to make certain it is safe yet not too bright. Mr. Siegel will provide details on mounting and candle light illumination, and explained these particular lights can be dimmed manually.

Mr. Russo asked that any overlapping text on the site plan be cleaned up. He also asked the applicant to contact the Department of Environmental Conservation and Army Corp of Engineers to determine if the pedestrian bridge requires permits, or to at least begin preliminary discussions. Principal owner Robert McAlpine was not certain how long that process would take considering the length of time it took for initial approvals. He did not want to hold up the remainder of changes for this one piece and asked if consideration would be given to separate the remainder of items if need be.

Mr. Korn commended the applicant on the new trail along the creek and for plans to create a pedestrian bridge. Mr. McAlpine clarified customers of the facility will cross the creek from one side to the other only from within the restaurant or hotel; the span is not intended to be an observation bridge.

Members had no concerns with the applicant's proposal to move the spa, construction of a small addition to the event space, or with the new wall to include windows. After polling members about railing height, the majority felt they should be 48-inches for safety purposes.

A lengthy discussion took place regarding a public hearing would be warranted with the changes as proposed. The modifications are mostly internal, with the exception of the small addition to the event space building and new pedestrian bridge. Mr. McAlpine explained the former utility bridge ended behind the old power house building which was taken down long ago. The new bridge will end in front of the new power

house and will become part of an observation area to see the turbines and power generating plant. The new bridge will be lower than the old bridge, slightly closer to East Main Street, and will not impede any views. Members were polled and the majority felt changes were not significant enough to warrant a public hearing because the intended uses, parking, and building layout remain the same.

Ms. Attaway made a motion to grant a negative SEQRA declaration for the amendments as proposed, seconded by Ms. Strianese. All voted in favor. Motion carried.

Ms. Attaway made a motion to approve the proposed modifications, subject to the applicant providing lighting details for the pedestrian bridge, correcting overlapping comments on the site plan, seeking a determination from the Army Corp of Engineers regarding permits, and providing 48-inch high rails on the pedestrian bridge, seconded by Mr. Dutch. It was made clear that if additional permits are needed from the Army Corp of Engineers, the remainder of the project will not be held up and a building permit for construction of the bridge will not be issued until such permits are obtained. All voted in favor. Motion carried.

After reviewing the new wall and windows for the event space, Mr. Williams made a motion to issue a Certificate of Appropriateness, seconded by Ms. Attaway. All voted in favor. Motion carried.

ITEM NO. 4 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 of Day Engineering, PC, presented his client's proposal to subdivide a parcel into two lots, separating an existing building from the remainder of the property in order to construct a new doctor office/medical building on the second lot. Parcel A with the existing building will be 1.54 acres, Parcel B will be .86 acres, and each will be separate, stand alone lots. The proposed 3, 900 sq. ft. office building will have its own parking lot with proposed access from West Main Street. Mr. Stolman reported he and Mr. Tully met on site and felt the proposed access may be too close to the Beekman Street intersection. Mr. Day explained they thought it best to get people off Beekman Street due to commuter train traffic. He reported the medical offices will operate from 9:00 a.m. to 5:00 p.m. and will not be in sync with commuter traffic. Mr. Stolman was concerned about available sight distance and safety issues that may arise with the current configuration. Although he had additional detail oriented comments, the main issue was access to the site.

Mr. Russo asked the applicant to add a note to the plans that utilities no longer exist in the 20 ft. wide easement which runs through Parcel B, and to include who benefitted from the easement. Additionally he asked that a copy of the description be submitted for review. Mr. Day met on site with the Highway and Water/Sewer Superintendents to investigate the existing drainage system. He explained it appears

utilities in the easement were abandoned when West Main Street and High Street were realigned a number of years ago. The easement which was for the City of Beacon can be abandoned if no longer needed. The applicant will provide the City Attorney with a copy of easement documents so the City Council can be approached about abandonment.

Mr. Russo suggested the applicant contact the City Council due to the amount of grading and construction proposed within the City's right-of-way. He also advised the board to consider requiring a sidewalk along the proposed entrance to the site.

Mr. Korn said the view of the river from the West Main and Beekman Street intersection is valuable, and asked how this project would help draw people from the waterfront to Main Street. Mr. Day pointed out the triangular portion of property at that intersection is owned by the City of Beacon, and they may want to consider installing benches as it leads to Main Street. He explained his client has not proposed any improvements in that space because they do not own the property. Consideration was given to resituating the building and parking layout on the property. Mr. Day explained their intention was to keep parking away from existing homes to lessen impact to the residential neighborhood.

Discussion took place over the possibility of the applicant adding improvements to the property at the intersection if the City were to give it up. Mr. Day said his client would be open to discussion, and agreed to consider some type of arrangement with the City. Members agreed that improvements of some type would be beneficial to attaining the Comprehensive Plan's goal of connecting the river to Main Street. The applicant will meet on site with City consultants to review the intersection and access to the site.

ITEM NO. 5 CONTINUE DISCUSSION AND PROJECT UPDATE FOR SPECIAL USE PERMIT APPLICATION, MULTI-FAMILY DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY BEACON 248 DEVELOPMENT, LLC

Larry Rudrow of Chazen Engineering, attended the meeting to update the board on his client's application. In February, after an initial presentation to the board, they were referred to the City Council for conceptual site plan review. The City Council reviewed the plan and asked the Planning Board to act as Lead Agency in the SEQRA process. Mr. Rudrow explained they then began to develop their site plan with the understanding that one of the main issues was securing secondary access to the site. Their proposal calls for secondary access over the railroad tracks, which requires negotiating an easement with Metro North. All information has been submitted to Metro North however due to bureaucracy it will take some time before a resolution is reached. Mr. Rudrow emphasized their main focus is to attain secondary access and to keep everyone up to date on the project. Currently all existing buildings have been demolished and the property has been surveyed. Discussion took place regarding the possibility of obtaining an easement over the adjacent property known as the "Sister's property" however that owner was not initially receptive to the idea.

Mr. Sheers read a memorandum addressed to City Attorney Nick Ward-Willis, Chairman Jay Sheers, and Planning Board members, from Mayor Gold, dated May 10, 2011 into the record.

The City Council wishes to inform the Planning Board that it would like them to review the following items regarding 248 Tioronda Avenue:

Emergency Access: the Council believes it critically important, and required, for a second emergency access to be made available. The route of the emergency access should not be one that crosses the MTA tracks. Based on the Planning Board's decision, the Council would like the emergency route to be a condition of either a Certificate of Occupancy or before final Site Plan Approval.

Traffic Control: The Council would like the Planning Board to scrupulously review the traffic impact caused by a maximum built out for the developments on Tioronda Avenue and 555 South Avenue, with regards to the intersection at Wolcott and Tioronda Avenue, and all connecting streets and neighborhoods.

Brick face and other design components: The Council would like the Planning Board to pay attention to the type of brick face and other design components that will be used at 248 Tioronda, and establish a method to ensure that what is being described in the Planning Board phase is what is actually installed.

Club house: The Council would like the Planning Board to review the proposal to build a clubhouse. The developer may want to consider the club house to be commercial establishment that would create a density bonus of additional residential units. Consideration should be given to whether the club house is open to the public and if so will the cost be reasonable for an average Beacon resident to afford.

The greenway trail: The Council would like the Planning Board to pay close attention to the greenway trail and buffer. It should be built and maintained by the developer and be designed with an aesthetic plan that maximizes a hiker's experience. Efforts should be made if possible to have the emergency access route and the greenway trail share space under the Wolcott Avenue overpass.

A cost benefit analysis be required that will establish the net revenue for the City based on a comprehensive itemization of expenses.

Members discussed a number of items including emergency access, tax base analysis, the community center, parking, the greenway trail, involvement of adjacent properties, and the SEQRA process. The board will begin its environmental review when the applicant submits an expanded Environmental Assessment Form after resolution has been reached with the MTA. This application is in the preliminary stages and no permits will be issued until a Special Use Permit and Site Plan Approval have been granted.

ITEM NO. 6 REVIEW APPLICATIONS FOR SUBDIVISION, ST. FRANCIS HOSPITAL SITE, 11 HASTINGS DRIVE; SUBDIVIDE INTO TWO LOTS – EXISTING LEARNING CENTER AND VACANT HOSPITAL, SUBMITTED BY ST. FRANCIS HOSPITAL

Michael Gillespie, of M. Gillespie & Associates Consulting Engineering, PLLC, and Jason Barlow of St. Francis Hospital & Health Centers, presented the proposal for a two lot subdivision of the former hospital site off Delavan Avenue. Site Plan Approval

was previously granted sometime around 2004-2005 when the Panichi Communication and Learning Center was constructed. The hospital itself has been vacant for some time, and St. Francis is actively trying to market the property and retain the Panichi building. Mr. Gillespie explained they want to subdivide the two buildings so they are apart from one another before proceeding with the sale of the hospital. Both parcels must stand alone therefore two Site Plan Approval applications were also submitted for review. Several easement documents must be drafted because each parcel shares services on site. The total 22.17 acre parcel will be divided into two lots – Parcel A with the former hospital building will be 21.5 acres, and Parcel B with the Panichi facility will be 2.9 acres. Mr. Gillespie indicated they had asked for a number of waivers related to the site plan, i.e. topography, trees, etc. In addition he explained information regarding parking requirements for each facility was obtained from the previously approved Site Plan.

Mr. Stolman had no problem with the plan conceptually and understood the subdivision was being done for financial and marketing purposes. Everything remains in place and they will make certain all easements and agreements are adequate. He provided a copy of his relatively minor, detail oriented site plan review comments.

Mr. Russo asked if the 50 ft. strip of property on Parcel B that enters onto Delavan Avenue was to show that a separate entrance could be constructed in the future if needed. Mr. Gillespie explained it was done for frontage purposes, not with the intent to create a secondary access. Mr. Russo asked that the large stormwater infrastructure and as well as related inverts, connections, and catch basins be shown on the plan. If any of those structures are shared, a maintenance agreement will be required.

Mr. Dutch asked if a parking agreement would be needed as both buildings appear to share parking spaces. Mr. Gillespie explained zoning requires 26 spaces for the Panichi building and 30 spaces have been provided on that particular parcel. The most convenient and nearest parking spaces were devoted to that parcel, however a reciprocal parking agreement will be developed to allow interchange between the two. He reported the large oxygen tanks once used by the hospital have been removed and only the cement slab remains.

Mr. Korn asked what uses were envisioned for the sites. Mr. Gillespie explained the learning center will retain its current use; and number of buyers have looked at and evaluated the former hospital for a variety of uses although no specific intention currently exists. Mr. Barlow explained this is a bad time economically to sell a big hospital and they felt it best to get the subdivision done before negotiating a sale. Mr. Gillespie explained the building was last used as a drug and alcohol rehab center and interest ranges from assisted living, nursing home, boarding schools, etc., and almost any use that would have need of a 76,000 sq. ft. building. Mr. Sheers explained any potential future use of the site does not have bearing on subdivision approval; any use that is different than what is currently approved would require an application to the Planning Board and/or the City Council.

Mr. Russo asked if investigation had taken place into possible Inflow & Infiltration from the building's roof leaders into the sanitary system. Mr. Gillespie was not aware whether it had been addressed in the previous Site Plan Approval. Mr. Dexter explained the requirement to look at every site is being imposed by the state and is a fairly recent task. Mr. Russo explained an investigation will need to take place prior to subdivision approval.

A public hearing, required for both the subdivision and site plan applications, can be conducted simultaneously. Mr. Williams made a motion to set a public hearing for the subdivision and site plans, seconded by Ms. Strianese. All voted in favor. Motion carried.

Architectural Review

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

Alfred Cappelli, Alfred Cappelli, Jr. & Associates, P.C., presented revised elevation drawings for the single family house at 88 Wilkes Street that was constructed contrary to elevations approved on August 10, 2010. The approved elevation showed a two-story house with a porch on the lower level and deck on the second floor. A utility line was in the way of the second story deck so it was eliminated by the developer without approval from the board. Additionally, windows on the side elevation are not in accordance with the approved plan which called for the following:

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| East Side Elevation: | one double-hung window next to one mulled double-hung window on the first floor; and one double-hung window next to one mulled double-hung window (stacked over first floor windows) on the second floor |
| West Side Elevation: | two double-hung windows on the first floor, and one centered mulled double-hung window (centered between the two first floor windows) on the second floor |
| Front Elevation: | two-tier open porch; one double-hung mulled window on first floor; French doors (stacked over the first floor window), and small double-hung window over front door on the second floor |

Mr. Cappelli presented revised drawings showing changes intended to bring the design closer to the original plan as requested. Members carefully compared the proposal with the previously approved elevations and existing floor plan. After a lengthy debate and discussion, Ms. Strianese made a motion to approve the revised elevation drawings (done by Alfred Cappelli, Jr. & Associates, dated April 27, 2011) as presented, with the exception of changing the front first floor elevation (kitchen) double-hung window to a casement window, seconded by Ms. Attaway. All voted in favor. Motion carried. Following is an outline of the final approval:

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| East Side Elevation: | two double-hung windows on the first floor; two double-hung windows (stacked over first floor windows) on the second floor |
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West Side Elevation: two double-hung windows on the first floor (over basement windows); and one centered double-hung mulled window under a new reverse gable with small window on the second floor

Front Elevation: one-story covered front porch on first floor; one double-hung with raised panel under window on the first floor; one double-hung mulled window (stacked over first floor window) and small window (over front door) on second floor

Certificate of Appropriateness – 516 Main Street, Sukhothai: Awning

Ray Rabenda described his client's proposal to install a fabric awning over the front of Sukhothai restaurant at 516 Main Street. The slightly concave burgundy awning will be 40 ft. wide, extend 3 ft. out with a 5 ft. drop, and the 10 ft. valance will list the restaurant name and theme in 8-inch lettering. It is not retractable, and is intended to beautify the building and make a more impressive statement for the business. The awning has sides and is approximately 9 ft. above the street. This will replace the temporary vertical flags that were being used intermediately to draw attention to the restaurant's location. The new awning meets all zoning and sign regulations. Ms. Strianese suggested replacing the burgundy color with chocolate brown however burgundy reflects the "Thai" culture. After some consideration, Mr. Williams made a motion to issue a Certificate of Appropriateness for the proposed awning as presented, seconded by Ms. Attaway. All voted in favor. Motion carried.

There was no further business to discuss and Mr. Williams made a motion to adjourn the meeting, seconded by Mr. Dutch. All voted in favor. Motion carried. The meeting adjourned at 9:20 p.m.