

Beacon City Planning Board

November 9, 2011

A Planning Board meeting was held on Wednesday, November 9, 2011 in the Municipal Center courtroom. The meeting commenced at 7:05 p.m. with Chairman Jay Sheers, Members Randall Williams, Rick Muscat and Elizabeth Strianese; and Alternate Members Hank Dutch and James Korn in attendance. Also in attendance were Building Inspector Tim Dexter, City Engineer Art Tully, City Planner David Stolman, and City Attorney Nick Ward-Willis. Members John Gunn, Spring Attaway, and Naomi Sachs were excused. CAC member Sue Infante was also present.

Mr. Sheers called for corrections/additions or a motion to approve the minutes of the October 11, 2011 meeting. Mr. Korn pointed out words in the last sentence of the first paragraph on Page 3 were omitted which made the statement unclear. The sentence read, "Unfortunately the situation has existed for many years can be resolved"; whereas the sentence should read, "Unfortunately the situation has existing for many years *and hopefully* can be resolved." Mr. Korn made a motion to accept the correction, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Dutch was confused by the first and second sentences of the first paragraph on Page 2 which read, ". . . parking calculations provided by the applicant have been reviewed for compliance to standards established in the City's zoning law. Computations are based on specific uses and parking spaces are based on floor area." After a discussing zoning law requirements, what Mr. Stolman actually stated, and what the zoning law states, the record was made clear by adding the following sentence, "*Computations are based on floor area and/or seating as applicable.*" Mr. Williams made a motion to approve the modification, seconded by Mr. Dutch. All voted in favor. Motion carried. Mr. Williams then made a motion to accept the minutes as corrected, seconded by Mr. Muscat. All voted in favor. Motion carried; 6-0.

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, SUBMITTED BY 4TH WALL THEATRICAL PRODUCTIONS, INC., 445 MAIN STREET

Mr. Sheers explained a Special Use Permit for this project was issued subject to site plan approval, the handling of the I & I study, and addressing the appearance of the marquee. As requested, Aryeh Siegel explained the marquee was cleaned up with paint, the addition of temporary banners, and finishes and mill work yet to be completed to the underside. Remaining storefront work includes enclosing video signage monitors that will be inserted into open panels. Owner Jim Brady was under the impression that marquee improvements were not contingent upon this approval and they could return to the Planning Board when those plans are finalized. City Attorney Nick Ward-Willis explained improvements to the marquee were not a condition of the Special Use Permit approval, however are being discussed as part of site plan approval. Mr. Stolman said in order to make any visible changes to the marquee, including such items as banners, markers, etc., a Certificate of Appropriateness is required. Mr. Brady explained they plan

to install four 42-inch TV monitors to announce upcoming events as part of the original architectural approval. After some discussion, additional investigation will be done to determine whether the TV monitors were part of architectural approval granted in 2010. Mr. Dexter considered the banners placed on the marquee classified as temporary signage.

Mr. Tully explained a preliminary I & I study identifies most, if not all, of the building's roof leaders are tied into the sanitary sewer system, and the applicant must provide a proposal to eliminate that situation. The roof leaders could be tied in to the City's existing storm drainage system but the current site plan shows them draining onto the sidewalks and eventually to the back of the building toward VanNydeck Avenue. Mr. Tully felt this situation would create problems for not only the applicant, but for adjacent properties as well. Engineer Mike Bodendorf explained discharge to the alleyways and rear of the building was meant to be a temporary solution. He said they are agreeable to tying into the City's system but are waiting for funding. Mr. Tully explained they need to submit an estimate of cost and a time frame for this temporary situation to see if it is feasible. Additionally, an estimate of stormwater volume is needed to be certain the City's system can handle it. Mr. Brady explained they are currently working with Central Hudson to secure funds to rehabilitate both alleyways, which will include new lighting, pavement, and gates. They hope to complete the drainage work while improvements to the alleyways are being done sometime in the spring. City Attorney Nick Ward-Willis asked the applicant to provide a detailed narrative, stormwater volume calculations, and completed engineering design plans as part of the plan set. Some type of easement agreement with the City will be necessary to tie into the existing system located in the municipal parking lot.

In conclusion, additional I & I information is needed, as well as research must be done with regard to architectural approvals. If the TV's were not approved as part of the original architectural approval, a new elevation rendering must be provided for consideration. Site Plan approvals cannot be granted without fulfillment of I & I requirements.

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. Siegel explained revised site plan and subdivision maps were submitted for review, and draft easements necessary for the project are currently being examined by the City Attorney. Mr. Tully suggested scheduling a meeting with the surveyor to go over comments that remain with regard to easements. Mr. Stolman asked that a note be added to the subdivision plat explaining the non-conforming front yard setback on Parcel B does not require a variance. He explained other comments relate to easements and the addition of monument locations on the plan. Mr. Siegel reported the existing asphalt path will remain however the drainage pipe in question will be cut back and redirected.

Mr. Stolman reported the board previously granted preliminary Subdivision approval after issuing the Negative Declaration. Ms. Strianese made a motion to grant

Site Plan Approval for each of the three lots and final Subdivision Plat Approval subject to fulfilling outstanding consultant comments, including approval of easement documentation by the City Attorney. Mr. Dexter reported an I & I certificate has not been issued, and City Attorney Nick Ward-Willis explained approval cannot be granted until that has been done. Any necessary I & I work must be completed and inspected for verification before a certificate can be issued. The applicant must return to the Planning Board for final approval after I & I work is complete.

Architectural Review

390 Main Street - Certificate of Appropriateness; submitted by Beacon United, LLC

Mr. Dexter explained the applicant began façade improvements because the map outlining the Historical Overlay District was misread in the Building Department. They initially thought the historic district started a half a block from this property.

Property owner Momir Guzijan explained façade work, including the color scheme, was approved by the state as part of a façade improvement grant. These improvements bring the façade back to the building's original appearance. The existing green will remain with a navy blue offset. Ms. Strianese advised the applicant that color swatches must be provided as part of the submission. Mr. Korn noted the windows in the deli and retail store are almost completely covered with decals and signs, and asked what percentage of storefront windows can be covered. Mr. Sheers explained the Planning Board does not have jurisdiction over the percentage of window coverage as that is a code enforcement concern. After considering the proposal, Mr. Williams made a motion to approve the façade improvements subject to submission of color swatches, seconded by Mr. Muscat. All voted in favor. Motion carried; 6-0.

Miscellaneous Business

City Council Request to Review Proposed Local Law Amending Chapter 223 – Special Permits/Site Development Plans/Reservation of Parkland

Mr. Dutch asked if the memo outlining the proposed local law was circulated to members prior to the meeting and City Attorney Nick Ward-Willis confirmed it was included as part of the agenda package. Mr. Dutch thought the item had been removed from the agenda and felt unprepared to vote on the matter. City Attorney Nick Ward-Willis explained only the executive session to discuss litigation was removed from the agenda.

City Attorney Nick Ward-Willis explained last year the City Code was amended to omit fees from the zoning code and instead add them to the Fee Schedule, and inadvertently the provision to impose recreation fees for site plans was not included. Currently the code allows recreation fees to be imposed on subdivisions and this amendment will authorize the Planning Board to impose recreation fees for site plans. Mr. Dutch believed this item was related to Hiddenbrooke and impact fees however City Attorney Nick Ward-Willis explained this local law had nothing to do with Hiddenbrooke. Mr. Stolman explained this local law deals with how the Planning Board requires conservation of park land, or a fee in lieu thereof for residential development that takes place in the City. Historically, in the City of Beacon, the Planning Board

would either ask that a certain amount of land be reserved as park land, or they would require payment of a fee per lot to go into a trust fund for recreation purposes. Mr. Dutch understood this type of impact fee has been going on in the state for some time and that it somehow relates to Hiddenbrooke. Mr. Stolman explained this is a historical fee that can be charged in lieu of dedicating park land and has absolutely nothing to do with Hiddenbrooke. City Attorney Nick Ward-Willis explained before the City Council can schedule a public hearing on the proposed local law, the Planning Board must submit a report or recommendation.

Additionally this local law adds a site plan approval requirement for multi-family Special Use Permit uses to allow the Planning Board to impose recreation fees. General City Law does not authorize the Planning Board or City Council to impose recreation fees for Special Use Permits, therefore, this law would require site plan approval for Special Use Permits, and simultaneously allow the imposition of recreational fees. Mr. Stolman explained in addition to requiring park land for subdivisions creating detached single family houses, the requirement would be similar for multi-family developments. When land is not available to create a recreation area, the developer would then be required to pay a recreation fee. Mr. Dexter explained any residential use that requires a Special Use Permit would be covered under this law. Park land is considered a “green” area and does not include an asphalt or paved area. Mr. Stolman suggested clarifying the language in Section One of the law which seemed to be awkward. Mr. Dexter explained the law is intended to clean up an oversight that occurred when fees were moved from the zoning law into the Fee Schedule, and to include the requirement for site plan approval for Special Use Permits.

After carefully considering the intent of the law, Mr. Williams made a motion to recommend the City Council pass the proposed local law, seconded by Ms. Strianese. All voted in favor. Motion carried; 6-0.

Executive Session

Ms. Strianese made a motion to adjourn to executive session to discuss *Miller v. the City of Beacon* and to adjourn the meeting immediately thereafter; no votes will be taken. The motion was seconded by Mr. Williams and all voted in favor. Motion carried; 6-0. The board went into executive session at 8:00 p.m.