

Beacon City Planning Board
September 14, 2010

A Planning Board meeting was held on Tuesday, September 14, 2010 in the Municipal Center courtroom. The meeting commenced at 7:10 p.m. with Chairman Jay Sheers, Members Randall Williams, Rick Muscat, and Elizabeth Strianese; Alternate Members Naomi Sachs, and Hank Dutch in attendance. Also in attendance were City Engineer Art Tully, City Planner David Stolman, Building Inspector Tim Dexter, and City Attorney Nick Ward-Willis. Members Spring Attaway and John Gunn were excused. CAC member Sue Infante was present.

Mr. Williams made a motion to approve the minutes of the August 10, 2010 meeting as submitted, seconded by Mr. Muscat. All voted in favor. Motion carried.

Items on the agenda were rearranged to allow time for one of the City's attorneys to be brought up to date on the Hudson Baylor project.

**ITEM NO. 1 PUBLIC HEARING FOR "ELECTRIC WINDOWS" ARTWORK:
CERTIFICATES OF APPROPRIATENESS, ONE EAST MAIN STREET AND TWO
EAST MAIN STREET**

Event organizer Jeffrey Ashe explained that since the last meeting, the artist whose work created some controversy chose to replace the pieces of concern. He had not heard any negative feedback regarding the new art installation and now the project is complete.

Members felt it was a good event for Beacon and were pleased with the artist's response to the community's input. They agreed it would be beneficial to review preliminary drafts of artwork next year but understood how difficult it may be to regulate creations in advance. Mr. Sheers felt an annual art event would be as good for Beacon as the Pumpkin and Strawberry festivals that take place. He believed that in many ways this brought out the best in the community. Mr. Sheers reported two letters were submitted regarding this hearing. Patricia Kerr, 9 Willow Street, thanked the board for their time and consideration, and the artist for his courageous decision to replace the artwork in question. Mr. Sheers read the second letter into the record:

I am responding to the notice sent to me of the Public Hearing scheduled for Tuesday, 14 September for the issuance of a Certificate of Appropriateness for the artwork at One East Main Street and Two East Main Street. As a property owner adjacent to this area, I am writing to voice my opinion that I do not like the art displayed on the buildings. While the concept of displaying art on the buildings is wonderful, the subject matter is a bit disturbing. When I look at that art, I do not view it as restful, pleasant, or enjoying. What pleasure do I get looking at a head of snakes, for example? If more appropriate art was displayed, that would be wonderful, but I do not like what is presently shown.

Respectfully,
Kathleen Eagan
56 Angela Court
Beacon, New York 12508

After some consideration, Ms. Strianese made a motion to issue a Certificate of Appropriateness, seconded by Ms. Sachs. All voted in favor. Motion carried.

Architectural Review

1. Auto Repair Shop – 50 South Chestnut Street

Andy Antalek, owner of an auto repair facility at 50 South Chestnut Street, explained his building was demolished during the heavy snow storm that occurred in February. Mr. Dexter reported City zoning mandates any pre-existing, non-conforming building that is destroyed more than 50% must adhere to current regulations. Because this property is located in the RD-5 residential zoning district, the owner has applied to the Zoning Board of Appeals for a variance to allow the commercial use to continue. Mr. Antalek is before the board to begin the architectural review process in hopes that a variance will be granted at the hearing next week. He explained the same building footprint will be used for a new structure. Members reviewed the proposed building elevations and neighboring housing stock, and appreciated efforts to create a building that would integrate into the neighborhood. After careful consideration, Mr. Williams made a motion to grant architectural approval, subject to variance approval and submission of building materials and colors, seconded by Mr. Muscat. All voted in favor. Motion carried.

2. Ability Beyond Disability ~ Howland Residence – Howland Avenue

Scott Dutton, Scott Dutton Associates, LLC, presented elevation drawings, photo-simulation renderings, and material samples for the proposed “Ability Beyond Disability” project on Howland Avenue. A 14-bed home for medically frail individuals will look like a traditional home with clapboard siding, asphalt-shingled peaked roof, and exterior trim. Pictures of the site were taken and a 3-D model of the building was superimposed onto site where the house will be located. The 4.9 acre site allows them to ample space to comply with zoning setback requirements. Mr. Dexter explained this will be regulated as a single family home with individuals living together as a family unit. He deferred a detailed explanation of the law to City Attorney Nick Ward Willis however explained these types of facilities are regulated as single family homes for purposes of zoning and building codes. Some communities have tried to regulate this type of housing out through zoning regulations under the premise that it is more an institutional use rather than residential. The courts have determined that up to 14 individuals living as a family unit must be regulated as a single family home. City Attorney Nick Ward Willis explained these types of community residences are regulated by the Padavan Law in that they must be must be reviewed as single family homes.

Mr. Dutton explained the Ability Beyond Disability agency is based in Bethel, Connecticut and they have a number of homes in the area. The residents are classified as Developmentally Disabled and are 50+ years old. The residence is similar to an assisted living facility where there is only one common kitchen and living room with the intention of creating a homelike environment. City Attorney Nick Ward Willis explained discussion can continue at next month’s meeting because there are legal issues to consider due to the restrictive covenants placed on the property when it was initially subdivided by the City.

Ms. Strianese asked if alterations could be made to visibly reduce the expanse of the large roof. Mr. Dutton explained he intentionally went with a steeper roof to create more of a New England feeling. The 3-D model was created and superimposed into a photo taken from the top of the driveway because it was otherwise unseen from Howland Avenue. Ms. Strianese suggested adding dormers and a triple window or siding treatment to break up the façade. Ms. Sachs had concern that the green siding would stand out in the winter. Mr. Dutton explained he

has performed similar work for several clients and it takes a long time to find suitable site. The people being housed in these facilities are aging and medically frail and the appropriate level of care is costly. They have looked for over a year to locate a suitable location with property served by municipal services. Once they find a suitable site, every effort is made to make it blend in with existing housing. Mr. Dutton explained there is little outdoor space except for a porch and veranda because medications make them sensitive to light. They require assistance 24-7 and will spend little or no time outdoors. Interior common areas are served with natural light to better meet their needs.

Mr. Williams expressed concern for the visual display of the long ridge roofline. Mr. Dutton will plot additional views of the house and try varying the roofline with hips and gables. Ms. Sachs had concern for the huge amount of impermeable surface that will be created from such a large footprint. City Attorney Nick Ward-Willis explained this applicant is exempt from the SEQRA process but the size of the building can be considered as part of the architectural review process. He reported there is no requirement to notify neighbors and a public hearing is not required. Mr. Sheers explained although public notice is not required exceptions have been made in the past. Therefore a formal public hearing will not be held but public input regarding aesthetics will be considered at next month's meeting.

Neil Caplan, owner of 120 Howland Avenue, a Bed & Breakfast facility known as "Swann Inn", had concern for the scale and size of the proposed structure. It will take up a great deal of space and will not fit in with the remainder of buildings in the neighborhood. He felt it should be classified as an institution or nursing home, not a single family house. Mr. Caplan commended the work of the Ability Beyond Disability group but had concern with the size of the structure and what it will do to the neighborhood.

Jonathan Miller, owner of property at 74 Howland Avenue, reported the City originally sold the property with a restriction that it be developed as a Bed & Breakfast. He asked how the lot could be sold by the City and change restrictions to suit needs of others when intended for one use only. Mr. Miller feels it will not fit in the neighborhood and would not be the proper place for this type of home.

City Attorney Nick Ward Willis explained the City sold this property to a private individual who is now selling it. The restrictive covenant remains in force. He reported New York State law considers the proposed home a single family house.

Ms. Sachs made a motion to continue discussion of this item at the October meeting, seconded by Ms. Strianese. All voted in favor. Motion carried.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 508 FISHKILL AVENUE, (WESTAGE SITE) RECYCLABLE MATERIAL RECOVERY AND SORTING FACILITY, SUBMITTED BY HUDSON BAYLOR CORP.

City Attorney Nick Ward Willis and Planning Board member Rick Muscat recused themselves from this item due to a conflict of interest. Attorney Elena DeFio represented the City. Architect Jason Anderson introduced Hudson Baylor's team of professionals: Attorney

Larry Wolinski, Tim Flannigan the expert for Hudson Baylor's operational matters, Philip Grealy the traffic engineer, Stephen Szulecki the acoustical expert, and engineer Rob Holmes.

Mr. Anderson described the material recovery process where single stream commingled items are sorted inside a building, then bundled and shipped out. Since the last meeting a full acoustical study was done to address noise concerns; Planning Board members visited Hudson Baylor's facility in Poughkeepsie; the sewer pump station was examined to be certain it could handle needs of the project; and the stormwater report was updated to address comments provided by the City engineer. Mr. Anderson reported remaining engineering comments are technical in nature and the DEC agreed with their proposed stormwater pollution prevention plan.

Mr. Stolman reported all materials were reviewed and only a few comments remain. Site plan review comments were provided, and a modified draft negative SEQRA declaration was prepared for consideration. Mr. Stolman suggested a note be added to the plan stating that "no outside activities will occur and the exterior doors of the RMFR building will be kept closed from 10 p.m. to 7 a.m.". Installation of a decorative fence along the westerly property line was discussed with the applicant.

Mr. Tully's comments were primarily about the site plan; comments regarding storm drainage issues were included in the draft negative declaration prepared by Mr. Stolman's office. Site plan comments relate to details on the final design which will be provided if the applicant is successful in obtaining modifications to the restrictive covenant.

Bob Chiulli, Fishkill Creek Development Company, LLC, owner of 39 Front Street, thanked the Planning Board for allowing him time to review the project. After evaluating their current proposal, his concerns regarding storm drainage were resolved. Mr. Chiulli was confident the City will address any other issues that may arise and was no longer concerned with letting the project go forward. He agreed to work hand in hand with Hudson Baylor.

Paul Gromkowski, representing the Town of Fishkill, reported they received phone calls from town residents concerning noise and traffic issues that may be created by this project. He asked if the acoustical study included in-plant operation as well as trucks operating to and from the site. Additionally, he wanted to know if trucks would be going in and out of the site after 10 p.m. Mr. Anderson reported there will be no truck traffic after 10 p.m. In his capacity as Housing Director for the Town of Fishkill, Mr. Gromkowski asked what percentage of trucks would be using the Route 52 corridor from Interstate 84.

Philip Grealy, John Collins Engineers, prepared the traffic impact study for this project and reported estimated peak operation would be 14 trucks an hour. A detailed report projected approximately 70% will arrive from the northeast direction on Route 52. To provide a conservative analysis, the traffic study reviewed commuter peak hours, and assumed that they coincide with operational peak hours although they will be operating outside those hours. Mr. Grealy reported they had evaluated the site for Westage approximately 7 years ago, so that historical data and New York State Department of Transportation data was used in this evaluation. They went through the standard traffic impact study analysis which considered

traffic volume projections into future, background growth, and existing traffic. Based on that study, it was determined that approximately 70% of trucks would be traveling to and from Interstate 84 over Route 52. The total combination of tractor trailers and trucks was estimated to be a total of 22 trips per hour.

Mr. Gromkowski asked if traffic coming from Route 9 and Route 52 was considered. Mr. Grealy reported the majority is expected to come from Interstate 84, only 5% or less is expected from Route 9. It is anticipated that there will be 70 trucks a day during the four hour peak timeframe based on volume, capacity of the plant, and proposed hours of operation.

John Milano, owner of adjacent properties (Lydia Drive, Front Street and Mill Street), had concerns with rodents, screening and noise. He also worried that a lower class of renters may be attracted to Bob Chiulli's artist live/work spaces if there is a negative impact on the area. Mr. Milano said he may want to begin a recycling operation on his property that is in the LI zoning district. He hoped for the positive but had concern that this may change the entire area.

Mr. Stolman clarified that artist live/work spaces are permitted in the LI zone but plain residential uses are not. Secondly, he explained Mr. Milano's property is located in a RD-5 zoning district and is no longer in the LI zone.

Dennis Pavelock, 34 Judson Street, applauded the applicant for coming to Beacon and creating jobs. He believes concerns of surrounding residents should be worked out if needed.

Christal Rodriguez, 490 Washington Avenue, was concerned that Washington Avenue may be used as a cut through from Route 52 if traffic is congested on Fishkill Avenue. She also questioned additional traffic from Interstate 84 and the additional time it will take to reach her home.

Ann Cypher, 816 Wolcott Avenue, had concern for additional traffic and asked what the proposed hours of operation would be. Mr. Anderson explained the shift starts at 6 a.m. and concludes at 10:15 p.m., doors are shut from 10 p.m. until 7:00 a.m. as part of the restrictive covenant, trucks cannot enter the site until 7 a.m., and typically there are no deliveries past 4 p.m.

Jim Korn, 19 South Brett Street, commended Beacon for their recycling efforts because it is the key to the world's sustainability. He had concern for effluent and sewage that may be generated by the process because periodical cleaning could include toxic paint and dyes from packaging. He asked if industrial cleaners would be used. Mr. Korn had concern that the City's sewage system overflows when it rains so materials may spill into the creek, leak into ground and affect our aquifer. Mr. Korn suggested the applicant be asked to contribute to corrective measures in the City's system.

Mr. Anderson explained they do not accept paint cans or items with toxic materials. Quality control measures stop the line immediately, and any foreign or toxic materials are removed and disposed of properly. It is a very stringent process where materials are required to be packaged and disposed of in a specific manner. Water is not used during the sorting process;

water is only used for domestic purposes, i.e. bathrooms, offices, etc. Waste water within the building is handled through a water separator and stormwater filtration systems are used in the stormwater collection process.

Mr. Korn explained his concern was not for mechanical process, but for the flakes of paint that can enter the sewer system when the plant is cleaned. He asked how that water is handled before it goes into the City's system because certain areas can leak into the creek.

Mr. Anderson could not speak to problems within the City's sewer line system. He explained this facility is regulated differently and the very low percentage of residues do not classify as garbage or transfer station waste by the DEC.

Mr. Gromkowski spoke as a member of the Fishkill Creek Watershed Association. He asked if stormwater is being retained on the property and is it infiltrated. Mr. Tully explained stormwater is handled with water quality swales, and goes through processes to clean it on site before being discharged.

Engineer Rob Holmes, Cornerstone, explained in addition to managing stormwater processes, three basins will be used to infiltrate and discharge. The site is designed so all processes are done inside and so that stormwater will not come in contact with industrial activities. The discharge after development is complete will be less than existing conditions.

Mr. Dutch asked for information on the City's sewer plant capacity because he had heard that inflow increases during storm events. Mr. Tully explained the storm water system is different from the sanitary sewer system. Problems exist when stormwater infiltrates into the sanitary sewer system, however this project will not contribute to that situation.

Ms. Strianese, Ms. Sachs, Mr. Dutch, Mr. Tully, and Mr. Dexter went on a site visit to Hudson Baylor's Poughkeepsie facility to oversee their operation. Ms. Strianese explained they paid attention to sound and noise levels, as well as odor and litter. They found the operation to be very quiet, and the site was clean inside and out. There was no evidence of rodents or flies and overall they were very impressed with the process. Ms. Strianese feels the neighbors will not be able to detect any noise or odors. Ms. Sachs was impressed that people work on the line, not just machines. She reported the noise on the street was higher than that coming from the facility. Mr. Dutch said the site appeared to have been cleaned recently and they were treated well by staff.

Mr. Dutch asked for additional details on the traffic report. Philip Grealy explained his company did the original traffic study for Westage. New traffic counts were compared to that historical data and NYS Department of Transportation information. The higher of counts and volumes were considered in this study and the proposal still remains well under thresholds established for the Westage generic site plan approval. Employee, truck and background traffic numbers were projected out to 2013. Mr. Dutch had concern for safety and the amount of traffic because there are only three entrances to the City. He feels the site is not suited for this amount of heavy truck traffic. Mr. Grealy explained commuter traffic levels drop off between 10 a.m. and 2 p.m. when Hudson Baylor's main traffic is generated. They studied all intersections

around the area and applied criteria used by NYS Department of Transportation and the Highway Capacity Manual to make their determinations. Mr. Stolman explained the applicant has also widened the site entrance from 24 ft. to 35 ft. to improve the turn radius and increase sight distance. He reported traffic experts in his office reviewed the traffic analysis and agreed with their conclusions. Mr. Anderson reported far less traffic will be generated from this operation compared to the 270 trucks per hour that once ran when the concrete plant was in operation.

Mr. Gromkowski had concern because the study only analyzed intersections up to Red School House Road. He reported east bound traffic backs up between 3:30 – 4:00 p.m. on Route 52. Mr. Grealy explained that in terms of the level of service analysis, they stopped at Red School House Road; in terms of traffic volume on Route 52, they went as far as Interstate 84 however did not analyze each intersection. Mr. Gromkowski reported traffic is even more affected if construction is taking place. Mr. Grealy explained Hudson Baylor planned their peak traffic between the hours of 10:00 a.m. and 2:00 p.m. to avoid commuter and school bus traffic.

John Milano had concern that an accident may force trucks through the City which could create traffic problems.

Christal Rodriguez asked if Hudson Baylor had prior notice that Planning Board members were visiting the site. She also asked about odors and noise around the facility. Ms. Strianese explained they had planned a site visit yet there was no evidence of recent cleaning, i.e. bleach or cleaner odors. She reported there were no odors outside and the only unremarkable odor was near the tipping area inside the facility.

Mr. Dutch believed truck traffic would adversely impact the community, transportation systems, public health, safety with regard to traffic, and the character of the existing community. The remaining members felt the proposed project would be less of an impact than many uses permitted in the LI zone, including past uses, and believed it was an appropriate use for the property. They felt confident that reasonable care was taken in the design and review process.

Mr. Gromkowski believed 75-80% of the traffic will affect the Town of Fishkill, and only a small portion of Beacon's roads. He felt the board should consider the safety aspect of the trucks as they will be traveling down hills on Route 52 affecting Town of Fishkill residents. Mr. Gromkowski supported recycling, and agreed that jobs will be beneficial but asked for consideration of the town with regard to additional traffic.

Mr. Grealy reported his firm prepared the traffic study for the new residential development that is taking place along Route 52 in the Town of Fishkill. At the time, they included traffic counts for the Westage proposal which considered higher truck and traffic volumes than the Hudson Baylor proposal. In addition, those intersections were evaluated and background traffic was included in their analysis.

There were no further comments and Ms. Strianese made a motion to close the public hearing, seconded by Mr. Williams. On roll call, Ms. Strianese, Mr. Williams, Ms. Sachs, and Mr. Sheers voted in favor of the motion. Mr. Dutch voted against the motion. Motion carried; 4-1.

Mr. Stolman advised the board that he had one item to add to the draft Negative Declaration for the Hudson Baylor project. The following statement should be inserted on Page 6, Item 9, under *Current Site Plan Application*: “The Site Plan will address concerns of the downstream property owner with regard to mitigating any identified adverse downstream stormwater impacts.” Mr. Stolman reported the Negative Declaration is complete with the addition of that sentence.

Ms. Strianese made a motion issue a Negative SEQRA Declaration to close the public hearing, seconded by Mr. Williams. On roll call, Ms. Strianese, Mr. Williams, Ms. Sachs, and Mr. Sheers voted in favor of the motion. Mr. Dutch voted against the motion. Motion carried; 4-1.

ITEM NO. 3 REVIEW APPLICATION FOR SUBDIVISION, 171 UNION STREET, (5 LOTS), SUBMITTED BY LORI JOSEPH BUILDERS

City Attorney Nick Ward Willis and Mr. Muscat rejoined the meeting. Dan Koehler, Hudson Land Design, described his client’s proposal to join and re-subdivide parcels of land located at the corner of Judson Street and Union Street. He presented a plan showing the three parent parcels and the proposed five lot layout. Lot #2 has an existing single family house; Lot #5, a parcel owned by Arthur DeDominicus, will gain property as part of this subdivision. All three proposed homes will be accessed from Union Street. Mr. Koehler explained when the application was submitted, survey information was not yet complete. Sanitary and water mains run along Union Street, as well as a series of catch basins and storm sewer manholes. A system of cisterns collected ground water and served to provide water for an in-ground pool that has since been removed. Another underground pipe runs through the DeDominicus property into catch basins in Judson Street.

Mr. Stolman explained the proposed subdivision has an awkward configuration in that one home is only 10 ft. from the property line, and the existing house is only 12.4 ft. from the property line which does not conform to zoning. It also creates an odd situation for the eventual development of the parcel owned by Art DeDominicus. Mr. Koehler explained they were trying to reconfigure parcels that were already irregularly shaped. Mr. Stolman felt the layout should be better thought out and suggested they may not be able to get five lots. The rear of one home faces the front of another which is not a desirable situation and may not comply with zoning. Mr. Stolman suggested a sketch be provided showing how many lots could be created on Lot #5 and how they would be configured.

Mr. Tully provided written comments and explained at this time Items #1, #8 and #9 were most relevant. Existing site conditions should be shown more accurately and the water pit on Lot #3 should be accurately noted as a “seepage pit”. It is not clear how the in-ground pool was abandoned which may be located where a new house is proposed. More information is needed on the plan in terms of the seepage pit, water course and storm drainage. The remaining comments relate to site-specific details that will work out as the layout is refined.

Mr. Tully explained the seepage pit could be a spring or part of a series of springs that were connected with underground French drains used to fill the pool. Ms. Sachs asked how that water is being handled now that the pool has been removed. Mr. Koehler explained an under-

drain was installed that leads to the original pit where overflow for the pool was collected. From there it goes underground through the DeDominicus parcel into the catch basin on Judson Street. Mr. Tully reported more information is needed as to how that work was accomplished considering a house is proposed in that vicinity. Ms. Sachs advised the applicant that the bulldozer on site is sitting on the roots of a tree that will die if not moved. She also had concern for the lack of sight visibility on the existing driveway, and for the location of the driveway on Lot #4 due to its proximity to Duncan Street. Additional topographic information will be provided.

Miscellaneous Business

Continue discussion Proposed Fishkill Creek Development (FCD) Zoning District

Members completed a review of the proposed Fishkill Creek Development Zoning District as outlined in F.P. Clark's memorandum dated July 22, 2010. A lengthy review and discussion took place regarding the purpose and intent of the law. After much consideration members voted unanimously to recommend the City Council pass the proposed zoning with the following changes: restaurant uses should be limited by seating rather than square footage, consideration should be given to how difficult the process may be for an applicant to go through to make their investment worthwhile, and that consideration should be given to allowing office uses above the first and second floor throughout buildings.

There was no further business to discuss and Ms. Sachs made a motion to close the meeting, seconded by Mr. Williams. All voted in favor. Motion carried. The meeting adjourned at 9:45 p.m.