

**Beacon City Planning Board**  
September 13, 2011

A Planning Board meeting was held on Tuesday, September 13, 2011 in the Municipal Center courtroom. The meeting commenced at 7:00 p.m. with Chairman Jay Sheers, Members Spring Attaway, Rick Muscat, Naomi Sachs, 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. Member John Gunn was excused; Member Randall Williams joined the meeting at 7:45 p.m. CAC member Sue Infante was also present.

Mr. Sheers called for corrections/additions or a motion to approve the minutes of the August 9, 2011 meeting. Mr. Korn indicated his question during the discussion of Sculpture Beacon, LLC, was not included in the minutes. He asked that his question regarding the purpose and origin of a pipe located in the middle of the pedestrian pathway be included in the record. Mr. Dutch asked for clearer language regarding his comment during the discussion of the Rizak, LLC application, specifically the fifth paragraph on Page 3. He made clear that he only wanted the City to pick up maintenance of the landscaping improvements on the City-owned property, not drainage around the parking lot. Mr. Muscat made a motion to approve the minutes as corrected, seconded by Ms. Attaway. All voted in favor. Motion carried.

**ITEM NO. 1 PUBLIC HEARING ON 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 was recused from this item due to a conflict of interest. Jennifer VanTuyl of Cuddy & Feder, introduced engineer Mike Bodendorf of Hudson Land Design, and owners Ethan Cohen and Zhu Ceng for the project at 211 Fishkill Avenue, the former Beacon high school. The scope of the application is to incorporate 19 market-rate condominium residential units into the existing mixed use building. No additions or modifications will be made to the building, other window replacement which must be reviewed by the board for a Certificate of Appropriateness. In 1993 variances authorized the mixed use character of the building, and those uses including gallery, auditorium space, and approximately 30 commercial art studios will continue. Section 223.24.7 of the City code encourages the rehabilitation and restoration of historic properties by allowing the City Council to issue a special permit to authorize residential uses in historic buildings. Generally only four residential units are allowed however the building's size and configuration allow more units. The building is one of the largest in the City with over 120,000 sq. ft., and the configuration features corridors with rooms on both sides easily adaptable to residential uses. The conversion and incorporation of the residential uses will impact less than 25% of the overall square footage of the building. For the benefit of the public, Ms. VanTuyl reviewed standards outlined in the code that are applied to this type of special permit. *1) Any exterior restoration shall maintain the*

*architectural and historic integrity of the building.* Ms. VanTuyl reported no exterior changes are proposed for the building. *2) The proposed use shall be compatible with the neighborhood, and activities permitted shall be adequately buffered from any surrounding residential uses.* They feel the incorporation of residential uses will enhance the compatibility with the primarily single-family residential neighborhood. *3) The resulting traffic generation shall not overburden existing roads, and adequate parking can be provided without destroying the landscape or setting of the structure.* Ms. VanTuyl reported the City Planner's review of the traffic study concluded that proposed levels of traffic "will not result in significant impact to area roads and should not result in the need for off-site mitigation". Ms. VanTuyl reported the Zoning Board of Appeals granted a variance to allow a total of 82 off-street parking spaces. In addition, the applicant's agreement with the school district will allow the use of up to 300 additional parking spaces during periodic performance events. Additionally, Ms. VanTuyl reported the applicant has met with neighbors and agreed to create a Neighborhood Advisory Board to address any parking or traffic flow issues that may arise. *4) The proposed use must be appropriate to the structure, aid in the preservation of the structure, and not result in undue alterations or enlargement to the structure.* Ms. VanTuyl reported the previous use of commercial studios was not economically sufficient to sustain the building. They believe the incorporation of this residential component will retain the identity of the building, promote arts, and maintain historic preservation of the site. Ms. VanTuyl reported the applicant's engineer and architect continue to work with City consultants on technical issues. She submitted a letter in support of the project from Dr. Cyril Mansperger, a dentist who operates his business directly across the street.

Mr. Stolman only had a few remaining technical comments that can be addressed at the time of site plan approval. Sight distance notes can also be focused on if a Special Use Permit is granted by the City Council. Mr. Tully reported the applicant continues to work on items such as stormwater system information and hydrant flow pressure that can be addressed prior to site plan approval.

Dennis Pavelock, 34 Judson Street, cited research on reuse of four former school buildings in Illinois to show that community use can be successfully sustained. He gave specific details on each but generally pointed out lucrative reuses included senior citizen activities, game rooms, gymnasium uses, table pool and ping pong, theaters, and antique shops. In summary, he believed the rehabilitation of these four buildings into profitable operations that provide services to the community proves the City has not gone far enough to achieve similar accomplishments. Mr. Pavelock pointed out the importance of seeking alternatives for productive community uses, and expressed his disagreement with the addition of residential units.

Mr. Korn was in favor of the adaptive reuse but continued to worry about parking availability. He supported the creation of a neighborhood advisory board and felt the Planning Board should be informed of their meetings to assist in evaluating the traffic situation. Mr. Korn felt efforts should be made to reduce dependence on vehicle use and suggested the board recommend the project sponsor contribute funding to conduct a mass transit study.

Ms. Attaway requested the posting of “no parking” signs on Fishkill Avenue to prevent parking in front of the building. If signs already exist, she felt they should be revamped or improved. Mr. Stolman advised the board to recommend the City Council forward the application to the Traffic Safety Committee for advisement.

Ms. Strianese believed the Dutchess County LOOP bus system has a designated stop on Verplanck Avenue near the building which could be utilized. She asked if there would be an increase in the number of art studios in the building. Ms. VanTuyl reported use of the 30 existing studios will continue as they are only proposing the addition of 19 residential units. Ms. Strianese also supported forwarding the application to the Traffic Safety Committee for review.

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

Mr. Sheers agreed the application should be forwarded to the Traffic Safety Committee for review and that sight distance issues on Eliza Street must be addressed. Ms. Attaway made a motion to make a positive recommendation to the City Council, with the following conditions: the application be referred to the Traffic Safety Committee, and if “No Parking” signs exist on Fishkill Avenue that they be made highly visible and strictly enforced; and the applicant return to the Planning Board for final site plan review to complete all outstanding consultant review comments. All voted in favor. Motion carried.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SPECIAL USE PERMIT, BEACON THEATER, FOR THEATER OFFICES, RETAIL SPACE, BAR USE, DANCE INSTRUCTION AND COLLEGE EDUCATION, SUBMITTED BY 4<sup>TH</sup> WALL THEATRICAL PRODUCTIONS, INC., 445 MAIN STREET**

Mr. Dutch rejoined the meeting as a voting member. Aryeh Siegel reported a portion of the ground floor of the former theater building at 445 Main Street was recently renovated to include performance space with store fronts on either side of the theater entrance. The retail spaces are accessible from both the main lobby and Main Street, and are proposed to be an ice cream shop and a bar. Mr. Siegle explained the owner is proposing to create a dance instruction studio and education space on the second floor. The education space will be used one evening a week for a Mount Saint Mary College business class. The dance studio/education space and the bar use both require Special Use Permit approval, therefore Mr. Siegel respectfully requested the board to consider sending a positive referral to the City Council.

Mr. Stolman emailed the City Council twice to see who they wanted to act as Lead Agency for this application however received no response. At this point in the process, he advised members to pass Lead Agency on to them if a forwarding a recommendation regarding the Special Use Permit. Mr. Stolman reported a Certificate of Appropriateness for the building façade was granted that did not include the marquee,

therefore he asked when plans would be available. Mr. Siegel said it is currently in the design phase and will not be ready for this application. Mr. Stolman advised members that this would typically be made part of the entire Special Use Permit/Site Plan approval, and cited concern that if all other approvals are granted, the applicant could put it off indefinitely. Mr. Siegel said the applicant wanted to return for approval in the future.

Linda Tomlins, 48 South Street, recently attended a function at the theater and spoke to the owners about the marquee. They told her they are still working to raise funds for the marquee which is estimated to cost \$250,000. In the interim, they plan to utilize temporary banners to announce events.

Dennis Pavelock, 34 Judson Street, rose to speak about the MOCA (211 Fishkill Avenue) project without realizing that public hearing had been closed and a new subject was under discussion.

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

Mr. Dutch was in favor of the theater and dance studio uses but felt there would be a serious issue with parking. He reported every parking space on Main Street, the municipal lot, and nearby streets was taken during a recent event at the theater. Mr. Dutch had concern the parking situation could cause other businesses to shut down. Mr. Sheers felt those businesses would welcome the interest although it may come with slight inconveniences. Mr. Stolman summarized the zoning law that addresses parking, explaining it compares parking requirements of the proposal to those that existed in 1964. Unless the new parking requirement is 25% or greater than parking requirements in 1964, no additional off-street parking is required. Mr. Dutch questioned how one would know what parking requirements were back then and asked to see that documentation. He reiterated his feeling that more parking should be provided for this application. Mr. Stolman explained parking calculations are listed on the first page of the site plan. He suggested the City may want to revisit that regulation at some time in the future. Mr. Stolman advised members to recommend the City Council take parking into account during their review of the application.

Ms. Strianese felt the proposed uses would complement the building and be excellent additions to Main Street. She felt the bar use would be more of an evening activity that would not affect daytime parking, and be of little concern to neighboring businesses.

Ms. Sachs asked what approvals would be required if the nature of either retail space were to change. Mr. Stolman explained certain changes require a return visit to the Planning Board, however if the change is retail to retail, or has a lesser parking requirement, there would be no need to return.

Mr. Muscat believed some type of plan for the marquee should be provided since it has been a year since the initial Certificate of Appropriateness was granted. Ms.

Attaway supported their project but expressed concern with hanging banners. Mr. Dexter will review the sign ordinance but felt temporary banners would not likely require Planning Board approval or sign permits. Mr. Korn believed the proposed uses were a great way to phase the building back to life. He asked how this approval would fit with the remainder of the project, and whether use of the theater/auditorium area would be considered under a separate application. Mr. Siegel explained future improvements continue to be a matter of raising additional funds. Mr. Stolman confirmed that based upon the anticipated use for that space, Planning Board, and/or City Council approval will be necessary. Mr. Korn felt Beacon needs more mass transit to lessen dependency on the automobile and ease the need for parking. He suggested encouraging the City Council to consider the various projects before them with the prospect of developing a mass transit plan.

Mr. Stolman reported from time to time over the years, the City Council has reviewed parking availability relative to known and perspective uses of buildings. He said it may be appropriate to ask the City Council to revisit that analysis. (Mr. Williams joined the meeting as a non-voting member at 7:45 p.m.) Mr. Korn supported the suggestion of re-examine parking since it was last done for development of the Comprehensive Plan.

Stephanie Fogerty, 215 East Main Street, asked to make a comment although the public hearing had been closed. After reviewing items listed on the agenda, she was confused over the lengthy discussion of traffic and parking. Mr. Sheers explained traffic and parking issues are part of the overall review process.

Linda Tomlins, 48 South Street, noted only 30 people were at the performance she attended at the theater. She believed traffic and parking on Main Street was generated more by the Howland Cultural Center, the comedy club across the street, and the adjacent restaurant. Ms. Tomlins also reported the trolley type vehicle once used for transportation stopped running because people were not using it.

Mr. Sheers understood the high costs involved with construction of a marquee however agreed a design and timeline for construction should be made part of this approval.

There were no further comments and Ms. Attaway made a motion, seconded by Ms. Sachs, to send a positive recommendation for the Special Use Permit subject to the following: City Council should consider parking needs and discuss planning for public transportation, submission to the Planning Board a proposed design for the marquee and construction timeline; and the applicant return to the Planning Board for final site plan review to complete all outstanding consultant review comments. All voted in favor with the exception of Mr. Dutch, who voted against the motion. Motion carried; 6-1. After the vote took place, members agreed one more item should be listed in their recommendation to the City Council. Ms. Attaway made a motion to amend the recommendation to include a request for a decision as to who should act as Lead Agency in the SEQRA process, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 3 PUBLIC HEARING ON APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVAL, 3-LOTS, 4-16 HANNA LANE, SUBMITTED BY SCULPTURE BEACON, LLC**

Mr. Williams joined the meeting as a voting member, and Alternate Member Jim Korn remained as a non-voting member. Aryeh Siegel described his client's proposal for property at 4-16 Hanna Lane, located at the east end of Main Street adjacent to the Tallix site. A four-unit artist live/work building, a small school, and a storage building currently exist on one parcel and the owner is proposing to subdivide the property into three parcels so each building is on its own piece of land. A subdivision application and three related site plan applications have been submitted for review.

Mr. Stolman suggested the addition of one tree between buildings on Parcels A and B, and a note that trees will be 2½ - 3 inches in caliper. The fenced in play area is bisected by the property line, therefore an easement must be created or the area discontinued. Mr. Siegel said the owner would like to license the area for use as long as the school is in existence. Additionally, he asked if the additional tree could be eliminated because it would be added to the play area. Mr. Stolman agreed a tree in that location would not make sense. He asked that cross easement documentation be sent to the City Attorney for review and approval.

Mr. Tully explained it is a complicated site and most comments relate to easements for access, parking, utilities, etc. He suggested a separate meeting be held to go over those details so nothing is overlooked. Mr. Tully asked that recommendations included in the I & I study, and a timeline for completion of improvements, be made part of Subdivision and Site Plan approvals.

Mike Huxta, 592 Main Street, wanted to know the purpose of the subdivision. Mr. Siegel explained the owner would like to sell the live/work units as condominiums rather than keep them as rental units; no site changes are planned. Mr. Huxta asked if the four artist live/work units were occupied, and whether they are occupied by artists. Mr. Siegel was uncertain whether all four were occupied but explained the units are inspected by the Building Department for conformance every two years. Mr. Huxta was certain a few of the occupants were not artists. He expressed concern about the gate and lack of landscaping that should have been done as part of the last approval. Mr. Huxta reported only three or four trees exist, and no shrubs have been planted. He asked about plans for the large warehouse building. Mr. Siegel reported there are no changes planned at this time, other than to sell the apartments as condominium units.

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

Mr. Muscat asked if the pipe that protruded into the pedestrian pathway would be removed. Mr. Siegel explained it is a roof leader pipe that should no longer be of concern since the pathway will be abandoned. Mr. Stolman believed at the last presentation, use of the main path was to continue therefore asked when that change had

been made. Mr. Siegel said the owner had recently changed his mind because the path runs behind the buildings, and he did not want additional complications with easements. Mr. Dutch felt the pipe should be removed for safety reasons because it is a natural path that will continue to be used even if abandoned. Resolution of this situation will be made a condition of approval.

There were no further comments and Ms. Attaway made a motion to issue a negative SEQRA declaration for the proposed action as there will be minimal impact on the environment, seconded by Mr. Williams. All voted in favor. Motion carried. Ms. Attaway made a motion to grant preliminary Subdivision approval, subject to fulfilling all consultant comments and resolution of the pedestrian pathway, seconded by Ms. Sachs. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE SITE PLAN REVIEW ON APPLICATION FOR SPECIAL USE PERMIT, 6 ARTIST LIVE/WORK UNITS, BUILDING #9, 39 FRONT STREET, SUBMITTED BY FISHKILL CREEK DEVELOPMENT COMPANY, INC.**

This item was taken off the agenda; review will continue at the October meeting.

**ITEM NO. 5 CONTINUE REVIEW ON APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVALS, ST. FRANCIS HOSPITAL SITE, (PRELIMINARY APPROVALS GRANTED 8/9/2011), 11 HASTINGS DRIVE, SUBMITTED BY ST. FRANCIS HOSPITAL**

Michael Gillespie, of M. Gillespie & Associates Consulting Engineering, PLLC, reported Site Plan Approval, and preliminary Subdivision Approval were granted at the last meeting subject to a few remaining consultant comments. The property line was adjusted as discussed, and a note was added to the plan with regard to sight distance and secondary access. Mr. Gillespie explained documentation regarding maintenance agreements and easements for the project, i.e. water, sewer, access, lighting, etc., are being drafted by the applicant's attorney and will be submitted to the City Attorney for review.

Mr. Stolman had only a few outstanding comments other than the need for easement documentation. He asked that the date of the previous Special Use Permit be added to the plan.

Mr. Tully was satisfied with notations on the plan regarding access. He believed a blanket easement would better serve the situation rather than multiple specific easements for lighting, access, utilities, drainage, etc. He will continue to work with the applicant to finalize easement documents. Mr. Gillespie reported data collection for the I & I study was complete, and that an initial review of that report revealed a fairly significant issue may exist. Any necessary remediation measures will be worked out with the City Engineer. Mr. Tully asked the applicant to submit a copy of the report and that any remediation needed be made a condition of approval.

Mr. Dutch asked to see a copy of the applicant's I & I report. Ms. Attaway asked for a clearer explanation of a "blanket easement". Mr. Tully explained easements typically apply to a specific locations and list who is responsible for maintenance. For example, rather than specifying a location for a water line, a blanket easement will indicate a general area and how maintenance will be shared. City Attorney Nick Ward-Willis explained a blanket easement will provide each owner the right to go onto each other's property, and include an underlying maintenance agreement.

After some consideration, Mr. Williams made a motion to grant final Subdivision Approval, subject to the following: submission of blanket easement documentation to include all parking, drainage, water, sewer, access (together with the adjacent Wingate property) to the satisfaction of the City Attorney, submission of the I & I report and remediation of any illegal connections to the sanitary sewer system that may exist, fulfillment of any remaining consultant comments, and any outstanding conditions that were set forth in the preliminary Subdivision Approval granted last month. The motion was seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 6 CONTINUE REVIEW ON APPLICATIONS FOR SUBDIVISION AND SITE PLAN APPROVALS, (PRELIMINARY APPROVALS GRANTED 8/9/2011), 18 WEST MAIN STREET, SUBMITTED BY RIZAK, LLC**

Mark Day of M. A. Day Engineering, explained they are proposing to include a sidewalk, crosswalk and signage near the access, to be done at the time of construction. Easement documents are being drafted by the applicant's attorney for submission. The I & I report shows no sump pumps exist in the building, and water from the upper roof drains onto the lower roof, which drains into one of two catch basins which are not connected to either the sanitary or storm system. Sight distance measurements have been added and are labeled on the plan. Lastly, a site plan application for Parcel A was submitted as requested.

Mr. Stolman asked that the parking calculations provided for Parcel A be clarified to reflect whether 31 or 28 parking spaces currently exist. The Land Banked Parking Plan should note the number of parking spaces that will be land banked. Mr. Stolman advised the applicant to forward all easement agreements to the City Attorney for review. A preliminary estimate for improvements on the triangular area of land, including landscaping, a paved path, trash receptacles, light fixtures and benches, (materials only) is approximately \$20,000. Mr. Stolman believed the City Council should make a decision whether they want improvements in that area or how much should be spent. He suggested that any approvals be subject to the applicant taking this matter up with the City Council. Mr. Stolman will provide the City Council and Planning Board members with their estimate. Mr. Tully had only minor details remaining.

Mr. Dutch asked if access for the new building is over City property. Mr. Stolman explained all driveways cross over the City's right-of-way. Mr. Dutch felt the applicant should fund improvements or enhancements for that particular piece of property. He suggested moving the access driveway however Mr. Day said he worked with Mr. Stolman and Mr. Tully, and all agreed this to be the safest location for access

and sight distance purposes. Mr. Dutch asked if the two catch basins on Parcel A were examined and if they would be updated. Mr. Day explained those catch basins have been in use for a very long time and since there have been no problems, no changes are proposed. Mr. Dutch felt the basins should not drain into the ground, and that they be upgraded and connected to the storm water drainage system. Mr. Day explained the basins hold water and slowly release into the ground.

Mr. Stolman explained Preliminary Subdivision Approval, and Site Plan Approval have been granted, therefore only Final Subdivision Approval remains. Ms. Attaway made a motion to grant Final Subdivision Approval subject to the following: fulfilling any outstanding consultant comments, fulfilling any outstanding conditions that were set forth in the preliminary Subdivision Approval granted last month, submission of easement documentation to the satisfaction of the City Attorney, and discussion with the City Council regarding improvements on the triangular portion of property near the access driveway. The motion was seconded by Mr. Williams. All voted in favor. Motion carried.

**ITEM NO. 7 REVIEW 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; Mr. Korn joined the meeting as a voting member. Tom Gissen, President of Professional Planned Development, LLC, introduced team members Aryeh Siegel, Architect; Mike Bodendorf, engineer from Hudson Land Design; and Naomi Sachs, landscape designer. Mr. Gissen described his client's proposal to develop a 3.32 acre site, known as One East Main Street, which borders East Main Street, Churchill Street, Fishkill Creek, and Metro North railroad tracks. The property, located in the LI zoning district, has a standing variance to allow 150 residential units; and theoretically, 329,000 sq. ft. of commercial space could be developed. This proposal is to create 8,305 sq. ft. of commercial space, and 64 residential units. The development would be done in two phases, the first being restoration and redevelopment of the existing historic mill building. The ground floor will be approximately 4,000 sq. ft. of commercial space for one tenant who has already expressed interest in the project. The remaining 4,000 sq. ft. will be divided into three smaller commercial uses. Nine residential flats will be created on each of the three floors above for a total of 27 units. A parking area will be provided on the eastern side of the building, and a greenway walking path will connect to the existing path on the Roundhouse property. In summary, the first phase of development includes restoration of the main mill building, installation of utilities, stormwater, sewer, parking, landscaping, and vehicular access for commercial and residential occupants between the mill building and Fishkill Creek. Incidental work including rough grading and general site cleaning will be done on the remainder of the property,

Phase 2 includes the construction of seven new buildings for a total of 37 residential townhouse units. In response to a consultant comment, Mr. Gissen reported each unit will be provided with roof patios and possibly decks. The main mill building will also be provided with a large common area patio on the roof. Each unit will be

provided with two internal parking spaces; access will be from Churchill Street just north of the Fishkill Creek. Details on landscaping, stormwater management, and utilities will continue to be addressed with City consultants. Building façades will reflect the look of the brick mill building.

Mr. Stolman advised members that the Site Plan application does not require City Council approval so the Planning Board can declare their intent to act as Lead Agency in the SEQRA process. Mr. Williams made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA process, seconded by Mr. Muscat. All voted in favor. Motion carried. A letter will be prepared to send out to outside involved agencies.

Mr. Stolman will continue review of the environmental assessment form and work with the applicant's professionals. Mr. Gissen reported they made application to the Zoning Board of Appeals for variances because the proposed mezzanines are included in calculations for building height. They are requesting allowances for buildings to be 55 ft. high, where only maximum height of 32 ft. is permitted. Mr. Stolman reported additional comments on traffic, landscaping, and related site plan issues will be forthcoming.

Mr. Tully advised the applicant to perform an Environmental Audit of the site because several industrial uses existed prior to this application. Mr. Gissen said results of that study will be included in Phase 1 and Phase 2 of the Environmental Assessment. Mr. Tully reported existing water, sewer, and drainage lines that run through the property should be added to the site plan. A raceway that was once part of a sluice system used for the former manufacturing operation runs through the property. The condition and disposition of that waterway must be clarified. An analysis and evaluation of the sewer trunk, 12-24" in diameter and approximately 8-10 feet below ground, that runs through the site must be completed, and may need to be relocated. Demolition of the lower building is of concern because a sewer line runs directly underneath it. Due to site topography, drainage and grading must also be looked at carefully.

Mr. Korn was pleased with the addition of a greenway path, but asked why it was not located near the creek. Mr. Bodendorf explained terrain along the creek banks is very steep and would be dangerous. In addition the owner felt it would be beneficial to run the path by the retail spaces and connect to the pathway on the Roundhouse property. The other end of the trail has similar issues in that the grading is steep, and a portion of property is owned by the City. Mr. Korn asked how the parking calculations were determined, and whether commercial uses were included. Mr. Gissen reviewed the parking layout, indicating 1.75 spaces are required for each three bedroom townhouse. He pointed out the number and location of spaces for both the commercial and residential uses. Mr. Korn asked if it would be possible to get a three-dimensional physical model, or a CAD, of the site.

Ms. Strianese asked from which elevation or level of the slope was used in determining building height. City Attorney Nick Ward-Willis explained a detailed review of the ordinance is needed because it is a rather complex question. Ms. Strianese advised the applicant that architectural review should include submission of actual

materials to be used. Mr. Dutch felt the project was ambitious and had concern for the amount of pavement and related stormwater management issues. Mr. Williams explained the property is located in the Historical Overlay zone so specific standards will be applied for architectural review, and a Certificate of Appropriateness will be required. He also agreed a streetscape showing views from Main Street would be helpful. There were no further comments and the applicant will submit additional information as requested. Tim Dexter was excused from the remainder of the meeting.

### **Architectural Review**

#### Single Family House: Amendment to Lot #2, Willow Street; Fulton Avenue Realty Restoration

Robert Palisi, representing Fulton Avenue Realty Restoration, presented revised elevation drawings to amend approval received for a new single family house on Lot #2 of a subdivision known as “Strickland Estates”. He pointed out they are now including a small studio addition next to the garage on the side elevation that did not have windows, and three windows were changed to a bay window. Ms. Strianese was not at the initial review and asked if any comments had been made about the garage. She felt the building scale was too big for the neighborhood and would have objected had she been here last month. After reviewing proposed changes, Ms. Sachs made a motion to approve the amendment prepared by M. Gillespie & Associates (with last revision date of September 9, 2011) as presented, seconded by Mr. Williams. All voted in favor with the exception of Ms. Strianese who voted against the motion. Motion carried; 6-1.

#### Certificate of Appropriateness: 420 Main Street; Storefront Façade

Kathleen Newcomb submitted an application for a Certificate of Appropriateness for retail space she is renting at 420 Main Street which was formerly used as a coffee house and more recently a fitness center. She will be renting one side of the double storefront to use as an antique shop. The small cloth awning will only extend out 20” and is also intended for signage rather than writing on the window. After considering other building facades in that area, Mr. Williams made a motion to issue a Certificate of Appropriateness for the awning as presented, seconded by Ms. Sachs. All voted in favor. Motion carried.

#### Ability Beyond Disability ~ Howland Residence; Resolution of Approval

Ms. Attaway was recused from this item due to a conflict of interest; Mr. Korn was not a voting member as he was not on the board when the matter was discussed. City Attorney Nick Ward-Willis circulated the resolution of approval for the Ability Beyond Disability project prior to the meeting to allow adequate time for members to review the document. The Ability Beyond Disability application for a group home on the former ski lodge property was the subject of several public hearings and provided the community an opportunity to speak. During the review process, a much better design was generated however the Board wanted to be certain architectural approval that was granted could not be used as a precedent with respect to other houses in the community. After an informal vote taken in February and submission of a final set of plans, the resolution was drafted to formalize their approval. After carefully considering the

resolution, Mr. Williams made a motion to approve the resolution as presented, Ms. Strianese seconded the motion. All voted in favor. Motion carried.

There was no further business and Ms. Strianese 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.