



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer, Esq.
tpalmer@cuddyfeder.com

February 26, 2019

BY HAND DELIVERY
AND E-MAIL

Hon. John Gunn
And Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Application for Site Plan Approval to Construct Multi-Family Residential Apartments
Supplemental Submission
Property: 53 Eliza Street, Beacon, New York (Tax ID: 130200-6054-29-031870)

Dear Chairman Gunn and Members of the Planning Board:

On behalf of PIE Development Company, Inc., (the "Applicant"), the owner of the above-referenced Property, we respectfully submit this letter and enclosures in support of an Application for Site Development Plan Approval proposing to replace the existing legal non-conforming commercial buildings and commercial contractor operations on the residentially zoned Property with new multi-family apartment buildings consisting of nine (9) total units that have been architecturally designed to more closely resemble the neighborhood (the "Project").

This letter is in furtherance of the Applicant's submission to this Board dated August 28, 2018 and it provides additional information and responses to comments that were raised at the Board's September 11, 2018 meeting. The Applicant respectfully requests to appear at the Planning Board's March 12th regular meeting to continue the Site Plan review for the Project and to consider setting the Site Plan Public Hearing for this Board's April 9th meeting Agenda.

PROCEDURAL INFORMATION:

As this Board is aware, Applications for Use and Area Variances were submitted to the City of Beacon Zoning Board of Appeals ("ZBA") on August 28, 2018. The Project was discussed at the Planning Board's September 11, 2018 meeting on referral from the ZBA. The ZBA held public hearings on the Use Variance Application on September 18, 2018, and continued the hearings to October 16, November 20, December 18 and January 15, 2019. The ZBA held a concurrent public hearing on the Area Variance Application for density on December 18, 2018 and January 15, 2019, at which time public hearings on the Variance Applications were closed. The Applications received tremendous support from the public, including comments at the Public Hearings and more than twenty (20) letters of support, which support included each of the owners the parcels that are



February 26, 2019

Page -2-

adjacent to and abutting to the Property. *See Exhibit A* – Letters of Support. On February 20, 2019 the ZBA granted the requested Use and Area Variances for the proposed nine (9)-unit multi-family development to replace the existing legal non-conforming commercial use on the Property. Thus, the proposed multi-family dwellings are now a permitted use on the Property.¹

THE EXISTING IMPROVEMENTS ON THE PROPERTY:

The Property is located within the R1-5 zoning district,² and while the Property has been occupied for decades by commercial and office buildings and related uses (it was previously zoned business/commercial), including an autobody shop and the presently permitted existing non-conforming office, storage and contractor's yard, the Property is *residentially zoned*. Based on the existing multi-family development and buildings on adjacent properties and within the zoning district, together with the unique size of the property and the use of the existing buildings on the Property, the Applicant is seeking Site Development Plan Approval to adaptively reuse the Property for a small nine (9)-unit residential multi-family development, with condominium units for sale, which Project is more consistent with the community character.

The Property is presently used for storage of contractor equipment and vehicles with a commercial office building that fronts on Eliza Street. The locations of the proposed residential buildings are designed to be more consistent with the adjacent residential development and will involve landscaping to screen and beautify the property. *See Enclosed Site Plans and Renderings. See also Exhibit B* – Google Maps Images and Images of Surrounding Properties.

THE PROPOSED PROJECT:

The Applicant is now seeking to adaptively reuse the Property and change its use to one of less nonconformity and in a manner consistent with the area's existing residential zoning and multi-family character of adjacent properties. The proposed apartment buildings will be designed in a similar architectural style as properties in the neighborhood. *See enclosed Site Plans*, prepared by Aryeh J. Siegel, Architect, and Hudson Land Design Professional Engineering, P.C. Indeed, in response to comments from the City Planner at this Board's September 11th meeting, the Applicant

¹ It is respectfully submitted that Special Use Permit approval for multi-family housing *is not* required for the instant application, because a Use Variance was granted for the proposed use.

² Note: The Property was formerly zoned commercial (OB). Once rezoned to residential, the northeast portion of the Property was also located in the adjacent RD-5 zoning district. *See Exhibit B*.



February 26, 2019

Page -3-

modified the building fronting on Eliza Street to include a porch, which is in consistent with the features of abutting properties.

The Property will be further improved by the addition of landscaping to further screen and beautify the Property. The proposal includes 18 additional parking spaces (12 garage spaces and 6 surface parking space) to serve the nine (9) dwelling units. Lighting will be kept to a respectful minimum in keeping with the residential character of the neighborhood. Additionally, with the proposed disturbance limited to less than one (1.0) acre, the Applicant's engineering consultant, Hudson Land Design Professional Engineering, P.C., is finalizing a drainage report, construction details and related stormwater management needs for the Project, which will be addressed in a future submission.

STATE ENVIRONMENTAL QUALITY REVIEW:

The proposed Project is classified as an Unlisted Action for Uncoordinated Review pursuant to the State Environmental Quality Review Act ("SEQRA"). A Full Environmental Assessment Form ("EAF") was submitted to this Board with the Applicant's August 28th submission.

In further support of the Applicant's Site Plan submission, and in response to comments from the ZBA during its public hearings on the Use and Area Variance Applications, the Applicant retained the services of Maser Consultant, P.A., in order to review any potential traffic impacts and to formally respond to these comments. Enclosed as **Exhibit C**, please find a copy of the Traffic Evaluation dated September 27, 2018, prepared by Maser Consulting, P.A. (the "Traffic Evaluation"), which concludes that:

"... it is anticipated that with the Proposed Development, similar Levels of Service will be maintained in the future. As a result, it can be concluded that the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Site. Furthermore, as previously indicated, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed."

As confirmed in the Traffic Evaluation, it is respectfully submitted that the proposed residential multi-family units will not have any significant adverse traffic impacts.



February 26, 2019

Page -4-

The Applicant's consultant also previously met with the Building Department, and while the buildings have been designed to provide firematic access, the same will be confirmed with the Building Department. Ultimately, in conducting its Uncoordinated SEQRA Review of the Project, the ZBA confirmed that the Proposed Action will not have any significant adverse impacts upon the environment.

As noted above, the proposed residential multi-family units are consistent with the existing character of the residential development abutting the Property. The proposed residential use will be a less intense use than the existing commercial use, and will have no adverse effects of noise, vibrations, odor, traffic, or impact on public services. Accordingly, the proposed redevelopment of the Property for a residential use consisting of nine (9) units, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

CONCLUSION:

For the foregoing reasons, and as will be further discussed at this Board's March 12th meeting and the subsequent Planning Board Public Hearing(s) on this matter, the Applicant respectfully submits that because the proposed Project will be more compatible with surrounding land uses than the present use it will add handsome residential architectural features to currently vacant commercial structures and will aid in meeting the need for increased residential housing in a rapidly-revitalizing neighborhood, site development plan approval is appropriate and warranted.

In support of this Application, please find enclosed five (5) copies of the instant letter with the following documents:³

- Exhibit A:** Letters of Support for the Project;
- Exhibit B:** Google Maps Aerials of the Property; and
- Exhibit C:** Traffic Evaluation Prepared by Maser Consulting, P.A., dated September 27, 2018.

Additionally, in further support of this Application, we respectfully submit copies of the site plans and renderings entitled "Site Plan Application – 53 Eliza Street", prepared by Aryeh Siegel,

³ A CD-ROM containing the enclosures referenced herein, is also enclosed.



February 26, 2019

Page -5-

Architect, and Hudson Land Design Professional Engineering, P.C., last revised February 26, 2019, numbered and titled as follows:

- Sheet 1 of 5 – Site Plan;
- Sheet 2 of 5 – Existing Conditions & Demolition Plan;
- Sheet 3 of 5 – Elevations;
- Sheet 3A of 5 – Alternate Elevations;
- Sheet 4 of 5 – Grading and Utility Plan; and
- Sheet 5 of 5 – Erosion and Sediment Control Plan.

We look forward to appearing at this Board's regular meeting on Tuesday, March 12 to continue the Site Plan review for the Project. The Applicant respectfully requests that this Board consider setting the Site Plan Public Hearing for this Board's April 9th meeting Agenda.

In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,



Taylor M. Palmer

Enclosures

Cc: Jennifer L. Gray, Esq.
David Buckley, Building Inspector
Aryeh J. Seigel Architect
Michael A. Bodendorf, P.E. – Hudson Land Design Professional Engineering, P.C.
PIE Development Company, Inc.