

**23 – 28 Creek Drive**

**FULL ENVIRONMENTAL ASSESSMENT FORM**

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**APPLICATION FOR SITE PLAN APPROVAL**

**By 23-28 Creek Drive, LLC**

**For premises located at:**

**23 – 28 CREEK DRIVE  
BEACON, NY 12508**

**SUBMITTED TO:**

**CITY OF BEACON PLANNING BOARD**

**OCTOBER 23, 2018,  
FEBRUARY 22, 2019 MARCH 26, 2019 REVISED FOR PLANNING BOARD  
APPROVAL**

**CONTRIBUTORS**

<b>Applicant:</b>	<b>Weber Projects III, LLC</b> Beacon, NY 12508
<b>Architect:</b>	<b>Aryeh Siegel, Architect</b> 84 Mason Circle Beacon, NY 12508
<b>Landscape Designer:</b>	<b>Landscape Restorations</b> P.O. Box 286 Beacon, NY 12508
<b>Civil Engineer:</b>	<b>Hudson Land Design</b> 174 Main Street Beacon, NY 12508
<b>Surveyor:</b>	<b>TEC Land Surveying, P.C.</b> 15C Tioranda Avenue Beacon, NY 12508
<b>Project Attorney:</b>	<b>Cuddy &amp; Feder, LLP</b> 445 Hamilton Avenue 14 <sup>th</sup> Floor White Plains, NY 10601

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In addition, site development plans and drawings prepared by Aryeh Siegel, Architect, Hudson Land Design, Landscape Restorations, and TEC Land Surveying, and submitted to the Planning Board with the application materials, are made part of this document by reference.

## **INTRODUCTION**

### **Summary**

The 23-28 Creek Drive project is located on the former City of Beacon Department of Public Works (DPW) property in the City of Beacon, Dutchess County, New York. The parcel consists of approximately 2.81 acres of land, is located at 23-28 Creek Drive behind the 7-15 Creek Drive project, adjacent to the Fishkill Creek, and consists of the proposed redevelopment of the site to allow for construction of new buildings, in addition to parking, landscaping and other general improvements to the site.

The Applicant proposes to demolish the existing buildings on the site in order to construct a new mixed-used commercial/residential building with 18,700 +/- sq. ft. of commercial space and eight (8) residential apartment units. The project also includes an extension of the City's Fishkill Creek Greenway & Heritage Trail ("Greenway Trail") through the site and the creation of a large creek-front public park. Additionally, parking, paving, landscaping, and other site improvements will be part of the proposed development.

The property abuts the property located at 7-11 Creek Drive, which is also owned by the Applicant. The proposal for the former DPW site incorporates the new drive on the Applicant's property. The Applicant hopes to use crushed rock from site demolition at his adjacent property as fill on the subject site to alleviate some of the elevation differences at the head of the Greenway Trail near NYS Route 9D. The Applicant proposes to create a public park, integrated with the Greenway Trail, at the end of the property near NYS Route 9D.

### **Existing Conditions**

The site has been previously developed by the City of Beacon and currently contains several buildings including a salt shed that will be demolished to allow for the proposed development. Since the site served as a former DPW yard, there is potential for previous contamination of the soils from machinery, storage of salt and other materials typically used by municipalities. A Phase I Environmental Site Assessment revealed diesel contaminants in portions of the site. The existing contaminated soils will be remediated in accordance with NYSDEC regulations.

### **Zoning and Approvals Sought**

The site is located in the FCD – Fishkill Creek Development zoning district. The proposed uses are consistent with the Zoning Code requirements for the zoning district, and are permitted as of right, via Concept Plan Approval from the City Council, and Site Plan approval from the City of Beacon Planning Board.

The proposed development also requires the following area variances from the Zoning Board of Appeals (ZBA):

- Parking variance for 93 parking spaces where 113 are required;
- 4-story building where 3-stories are permitted;
- Building height of 53.5' where 40' is permitted, and
- Apartment size exceeding 2,000 sq.ft. for two (2) of the proposed apartments.

## **Architecture**

The proposed 4-story mixed-use building has a brick commercial 1st floor base over the 34 car garage. The upper portion of the building is clad with galvanized metal siding with a natural finish. The proportions of the overall structure, and the large scaled windows reference the original factory buildings along the Fishkill Creek. Monumental exit stairs cascade down the front of the building, and eliminate the need for internal stair towers.

There are 5 residential units on the 3rd floor, and 3 residential units on the 4<sup>th</sup> floor. Two of the 4<sup>th</sup> floor units will be larger single floor units. The 2<sup>nd</sup> floor commercial space has an outdoor terrace over the 1st floor overlooking the Creek. The 4th floor units have access to private decks on the upper roof.

The 1<sup>st</sup> floor commercial space has 14-foot-high ceilings. The 2<sup>nd</sup> floor commercial space, and the residential floors all have 10 foot ceilings.

## **Ownership**

The proposed apartments and commercial space will be owned by one entity and offered for rent.

## **Traffic Access**

Access to the site will be via the internal driveway through the 7-15 Creek Drive property. Creek Drive will remain in place; however will only be used for emergency access. A gate with Knox box or some other means of blocking Creek Drive is proposed to deter drivers from using Creek Drive, as the existing curb cut at the 7-15 Creek Drive development was determined to have better sight distance as part of that project.

## **Parking**

The project will provide a total of 93 parking spaces located in a number of lots on the site, as well as beneath the building. Parking will be screened by landscaping to mitigate views from the street and neighboring properties. The total required number of parking spaces is 113. The provided number of parking spaces is 20 spaces less than what is required by code; therefore, a variance will be required for a reduction in commercial parking spaces. It is anticipated that the much of the commercial space will be utilized by Beacon residents. Not only is it anticipated that the 13 residential spaces can be shared

with commercial spaces, the current tenant for the commercial space will need a maximum of 80 spaces. This would only occur if none of the employees were to walk to the office. To date, 4 employees are already requesting living in apartments on site. Therefore, there shouldn't be a need for the required 100 spaces for the commercial use. There will be covered bike storage as well on the site. The following table summarizes the require parking spaces.

Use & Parking Requirements	Area / Count	Proposed Parking Requirement
<b>Residential Use</b> <i>1 space for each dwelling unit, plus 1 /4 space for ebedroom</i>	8 Apartments + 18 bedrooms	13 spaces
<b>Office (Shared Workspace)</b> <i>1 space for every 200 sqft of floor area.</i>	20,000 sf	100
<b>Total Required Parking Spaces</b>		113
<b>Total Proposed Parking Spaces</b>		93

In addition to the parking spaces required for the residential and office use, the Project also includes two (2) handicapped parking spaces for greenway trail access.

**Office Space Operations**

The proposed project will provide a total of 20,000 sq. ft. of commercial office/work space, primarily on the first and second floor of the proposed building, with some of the commercial space located in a smaller accessory building.

**Landscaping**

Landscaping on this project will fulfill several goals. First, it will improve the aesthetic experience of the site through the removal of dead, diseased, and invasive vegetation, as well as non-vegetative debris, and replacement with gardens, planted parking islands, and shade trees. Plant and tree species will be native with many species of ornamental grasses that are drought tolerant.

Additionally, a combination of fencing and plant material (trees, shrubs, perennials, vines, and ornamental grasses) will be employed to create a visual buffer between the street and parking areas. Plantings will also be designed to soften buildings while framing and enhancing views of Fishkill Creek and Mount Beacon.

Second, the landscaping will help with the management of stormwater runoff through grading, hardscape and softscape (vegetation) elements that will serve to slow, detain, and filter surface runoff. Third, implementation of the proposed landscaping plan will result in restoration of a native riparian habitat through removal of non-native and invasive species and planting of native trees, shrubs, and herbaceous plants. Fourth, the landscaping will improve safety conditions along the banks of the Fishkill Creek through planting, where possible, of evergreen or dense deciduous shrubs, obviating the need for guardrail fencing along steep drop-off areas of the creek.

## **Lot Line Realignment**

A lot line re-alignment is proposed between the subject parcel and the adjacent 7-15 Creek Drive parcel that the Applicant owns. This will allow for the proposed parking lots to lie on the subject parcel after the alignment. The 7-15 Creek drive parcel will convey approximately 0.34+/- acres of lot area to the subject parcel. The resultant lot areas for the 7-15 Creek Drive parcel and the subject parcel will be approximately 1.605+/- acres and 3.144+/- acres, respectively

## **Greenway Trail and Park**

An 8' wide Greenway Trail is proposed to link up with the existing Greenway Trail on the 7-15 Creek Drive project to Route 9D. There is a substantial elevation difference between the grade on the south side of the site and NYS Route 9D. As such, the Applicant will work with the Greenway Trail Committee and the City to come up with the best solution for providing a walking path that provides accessible passage to the greatest extent possible, without creating large impacts to the existing grades in that location.

A park will also be provided in the southern portion of the site that will offer passive on-site recreation to residents and the public.

## **Storm Water**

As site disturbance will exceed 1-acre, a full Storm Water Pollution Prevention Plan (SWPPP) will be prepared in order to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit GP-0-15-002. The proposed redevelopment of the property will result in a slight decrease in impervious area (including the proposed impervious area within the lot conveyance area). As such, under Chapter 9 of the NYSDEC Stormwater Manual, the proposed redevelopment of the property requires quality control of 25% of the impervious surface associated with the site as well as erosion and sediment control measures.

The Fishkill Creek borders the east side of the property and runs in a southerly direction. The Fishkill Creek is classified as a fourth order stream; therefore, under the current permit, quantity control is not required and discharge directly to the creek without attenuation is permitted if a downstream analysis reveals that quantity for the 10 and 100 year storms is not required.

The Fishkill Creek has a substantial watershed and attenuating the site runoff and delaying the discharge to the Fishkill Creek could actually exacerbate flooding problems within the watershed by discharging the site's runoff at a time closer to when the peak flow of the stream occurs. Since the site is very close to the bottom of the Fishkill Creek watershed, it would be beneficial to discharge the runoff as quickly as possible. This has

been confirmed with a conversation with representatives of the NYSDEC. The permit does require qualitative treatment prior to discharge off site. Qualitative treatment will be established by providing a combination of storm water practices consisting of storm water infiltration basins, and underground infiltration. The use of these “best management practices” (BMP’s) will ensure that the state standard goals are met.

## **Water Supply**

At full build-out, the project is expected to require 2,940 gallons of water per day. The anticipated flow is broken down into 18 bedrooms at 110 gpd/bedroom, and 80 office employees at 12 gpd/employee. Per conversations with the City of Beacon Water Superintendent, the anticipated increase in daily water demand is readily available. There is new 8” ductile iron main that was installed within 7-15 Creek Drive during construction of that site to replace a 6” asbestos clay pipe (ACP) that ran through the property. The 8” ductile iron water main (DIP) was connected back to the 6” ACP pipe with a water valve and stub, so that the main could be extended in the future without shutting down the water main through 7-15 Creek Drive.

The 6” ACP main continues into the subject parcel and terminates at an existing hydrant. The 6” ACP water main will be replaced with new 8” DIP water main into the site and terminate at a proposed hydrant. The existing hydrant will be relocated as part of the project providing two on-site hydrants. A 6” DIP service line will be provided to the new building for domestic and fire flow needs.

Flow and pressure tests have been conducted on existing hydrants at the intersection of Main Street and Churchill Street, and the intersection of Churchill Street and Spring Valley Street. Two (2) hydrants were tested for flow while monitoring pressure losses at two other hydrants per test hydrant. Each hydrant was flowed at a rate in excess of 1,400 gallons per minute with average pressure losses of 15 psi during maximum flow, and static pressures of 88 to 100 psi.

## **Sewage Disposal**

At full build-out, the project is expected to generate 2,940 gallons of wastewater per day. Per conversations with the City of Beacon Sewer Superintendent, the City’s existing sewer infrastructure and sewer treatment plant have sufficient capacity to handle the anticipated increase in daily sewage load. There is an existing 30” sewer main that runs through the site. The proposed main building will tie into the 30” sewer main via an insertion (dog house) manhole. The sewer main will also be relocated through a portion of the site to allow for construction of the main building. A combination of insertion manholes and a standard manhole are proposed along with new 30” SDR 35 PVC sewer main to bypass the building.

Most of the site’s sewer connections are old and experience infiltration and inflow (I&I) problems; however, the City has been working diligently to correct I&I issues with the

old infrastructure by eliminating sources of stormwater discharges into the sewer, and infiltration by replacing old infrastructure.

An on-site I&I study was conducted on site, and it was determined that no building rooftops or floor drains discharge to the City sewer. During rain storms, the flow into the City's sewer mains increases dramatically, which is a common problem in cities with old buildings. The increase in flow adds unnecessary strain to the existing sewer mains and sewer plant. Therefore, a new sewer service connection will be provided at the proposed building and all existing service connections on site will be disconnected from the City's mains and capped in place or removed. This will eliminate (I&I) problems that currently occur on site; thus reducing I&I flow surges to the City's municipal system during rain storms.

Sewage will be conveyed to the City owned sewer treatment plant which has a reported excess capacity of 3 million gallons per day. The sewer main re-alignment will be offered to the City of Beacon. A sewer easement will be provided along the main through the site for allowance of maintenance and repairs by the Beacon Sewer Department.

### **100 Year FEMA Floodplain**

Portions of the site are within 100-year floodplain. The proposed project design avoids development within the floodplain to the greatest extent possible; however, does have some areas where development is within it. The 100-year flood elevation is 87 feet above mean sea level (MSL) at the north end of the site, and 86 feet at the southern end of the site. A portion of the proposed building is located within the 100-year floodplain, which results in 312.16 cubic yards of fill within the floodplain. In accordance with §123 of the City of Beacon Code, the fill within the floodplain is mitigated near the south end where 336.72 cubic yards of existing material is proposed to be removed for a net removal of 24.56 cubic yards providing additional available floodplain storage after development. Therefore, the proposed development will not raise floodplain elevation because additional floodplain storage will be provided by the proposed mitigation. Furthermore, the proposed development will not alter the watercourse of the Fishkill Creek by avoiding encroachment into the regulated floodway.

The proposed first floor commercial space elevation is set at 98.6 feet above MSL, which is well over two feet above the floodplain elevation. This floor is considered the "lowest floor" in accordance with §123-4 of the City of Beacon Code. The garage level is set at 87.3 feet, which is just above the highest floodplain elevation of the site. It is noted that the garage is not considered a "lowest floor" in accordance with §123-4.

Portions of the Greenway Trail are located below the floodplain elevation. Therefore, those portions of the trail could be partially inundated during extreme flood conditions. The proposed trail does not encroach into the regulated floodway, so there won't be high velocity over the trail which could cause damage. The portions that are within the floodplain won't experience high velocity flow, so erosion and damage should be

minimal. Based upon the above, the proposed project meets the requirements of §123 of the City of Beacon Code.

### **Summary**

Once completed, the project will add approximately 8 residential housing units, and 20,000 sq. ft. of commercial office/work space. Further, the park in the southern portion of the parcel and Greenway Trail will offer passive recreation for the residents of the site where no access or recreation is currently provided. The commercial office/work space will offer state-of-the-art shared office space for businesses and sole source proprietors seeking office space without the need to rent a large space.

Environmental remediation of the site will improve the overall quality of the site by remediating contaminated soils in accordance with NYSDEC regulations; thereby reducing potential contaminants from entering the Fishkill Creek, groundwater, or atmosphere.

Implementation of green infrastructure stormwater practices will reduce the impacts to the Fishkill Creek from site runoff.