

**ATTACHMENT TO  
NEGATIVE DECLARATION  
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR CONCEPT PLAN AND SITE PLAN APPROVALS  
FOR 248 TIORONDA AVENUE**

Parcel Nos. 5954-10-993482 and 6054-45-012574

**CONCLUSIONS**

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the Planning Board. This narrative will discuss and explain the analysis of the potential impacts, and why a particular element of the proposed action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in the Part 3, even if the potential impact was identified as “none” or “small.” Based upon a review of Parts 1 and 2 of the Long Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, provides the following rationale for its SEQRA Determination.

**Project Description:**

The Proposed Action is the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 s.f. office building, with associated parking. The multifamily residential development is proposed in two buildings with a total of 28 one-bedroom units and 36 two-bedroom units (100 bedrooms).

A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels on the City of Beacon Tax Map located within the Fishkill Creek Development (FCD) Zoning District (the “Property” or “Site”). Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area.

The Proposed Action is an Unlisted Action. The Planning Board circulated its Notice of Intent to be Lead Agency, and received no objections. The Planning Board, as Lead Agency, opened a public hearing to consider comments on the application on March 12, 2019 and the public hearing was closed on May 14, 2019.

## Project History:

Approvals were previously granted by the City for a project on the Site consisting of a 100-unit multifamily residential development with four (4) buildings, a 1,200 s.f. clubhouse, swimming pool and associated parking (“Prior Project”). The Prior Project also included a Greenway Trail and an access easement was granted by the MTA for the Tioronda avenue access drive.

The Planning Board served as Lead Agency for the environmental review of the Prior Project and a Negative Declaration was adopted on April 8, 2014 along with a determination of the Prior Project’s consistency with the Local Waterfront Revitalization Program (LWRP). The Prior Project then received Concept Plan and Special Permit approvals from the City Council on August 4, 2014, followed by Subdivision (lot consolidation) and Site Plan approvals from the Planning Board on January 13, 2015. The approvals were extended from time to time by the City Council and the Planning Board.

The City Council adopted zoning amendments in 2017 which resulted in a reduction of the number of dwelling units that would be permitted for the Site. The amendments also eliminated the requirement for a Special Permit in the FCD. Following the adoption of the 2017 amendments, the 100-unit multifamily residential development was no longer a permitted use of the Site.

## Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment.

In summary:

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.**

The proposed development is located almost entirely within the existing disturbed area of the former Tuck Tape Industries development area. Based on the soil types expected to be found in the area of the site proposed for development, the depth to water table is greater than 3 feet and the depth to bedrock is greater than 5 feet. Approximately 55% of the Site consists of slopes of 15% or less. The remaining 45% of the Site consists of slopes 15% or greater. The majority of the development area has been located on the portions of the Site with slopes of 15% or less. Creekside slopes are mostly undisturbed, with the exception of small areas of disturbance necessary for the Greenway Trail installation. A majority of the disturbance to very steep slopes occurs in areas where the slopes appear to be manmade by the previous industrial development and MTA.

No significant adverse environmental impacts are expected as a result of any physical change to the project site.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

Stormwater. The project will result in a disturbance area of 5.95 acres of the 9.18-acre site, but virtually the entire disturbance is within the area already disturbed by the factory buildings, parking areas, and other areas associated with the industrial development. The project will increase the impervious area by 0.48 acres. As a redevelopment project with an increase in overall impervious area, treatment of stormwater will be provided for 100% of the additional new impervious area and 25% of the existing disturbed impervious area. The project proposes to use a combination of standard stormwater management practices and alternative practices. The site will continue to discharge stormwater runoff to the Fishkill Creek. A downstream analysis was performed for the previous project. Pre-and post-development surface runoff rates will be evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-development watershed conditions at the design point in the Fishkill Creek will demonstrate that the project will not have a significant adverse impact on the adjacent or downstream properties or receiving water courses. Therefore, extended detention of stormwater will not be required for the proposed redevelopment project. An Erosion and Sediment Control Plan will be provided and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion. Therefore, the project is not expected to result in any adverse impacts in regard to stormwater.

Water resources. According to the NYSDEC Environmental Resource Map, the site does not contain nor is contiguous to a State regulated wetland or associated adjacent area. The Site is contiguous to the Fishkill Creek, a NYSDEC stream identified as H-95, a tributary of the Hudson River. This stream is classified as a Class C stream in the vicinity of the Site; therefore, it is not regulated by NYSDEC as a protected water, as confirmed by letter from NYSDEC dated March 21, 2019.

The Applicant's wetland biologist from Chazen performed a site investigation on November 6, 2018, and a Wetland Investigation Memo, dated January 30, 2019 was prepared and submitted to the Army Corps of Engineers (ACOE) for review and determination.

There are no wetlands in within the area of disturbance for the development of the proposed residential and office buildings and associated improvements. However, a portion of the Greenway Trail is proposed to result in wetland impacts. According to the Applicant, the Greenway Trail location will be adjusted to avoid any wetland impacts, if necessary.

Groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems.

Wastewater. The total estimated wastewater generated for the Site is 11,876 gpd. The estimated wastewater to be generated by the Proposed Action represents a 10,924 gpd decrease as compared to the Prior Project which proposed 22,800 gpd. Sewage generated from both residential and non-residential buildings will be conveyed via gravity flow to an onsite sewage pump station (one pump station for each building, with generator back-up), where it will be pumped via force main and tapped into the existing 2-inch fiberglass pipe which extends under the railroad property and ties into the City sewer system. An 8-inch public sewer main is located along Tioronda Avenue. Dutchess County Department of Health will review the detailed plans and specifications for the proposed water and sewer infrastructure.

Water. The total estimated water usage for the Site is 11,876 gpd. The estimated wastewater usage for the Proposed Action represents a 10,924 gpd decrease as compared to the Prior Project which proposed 22,800 gpd. A 12-inch public water main is located along Tioronda Avenue. The City of Beacon's consultant, WSP USA, Shelton CT, recently completed a study of Beacon's water supply system. The study analyzed a 2022 demand period and included projects which were approved by not yet built. Based on the study, the average day demand will be 2.36 mgd (million gallons per day) and the peak day demand will be 3.02 mgd for the 2022 demand period. The total daily volume of water that was determined to be available to the City of Beacon is 4.06 mgd. Thus, the water supply system has more than enough capacity for the 11,876 gpd anticipated from the Proposed Action.

As a result, the Project will not result in a significant adverse impact on surface or groundwater quality or quantity.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the Site

along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. No building construction is proposed within Zone AE.

For the reasons set forth above and herein, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or on surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

Construction activities associated with the Proposed Action could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday, or as otherwise limited by the City Code in effect at the time of construction. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods will include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes. It is anticipated that nearby properties may experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed project. This is a temporary, construction-related, unavoidable impact that is not significant.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

The NYSDEC Environmental Resource Map shows the southern portion of the site within an area with a known occurrence of a rare animal. Correspondence from the NYSDEC New York Natural Heritage Program dated July 24, 2013, identified the site as being near a waterfowl winter concentration area and an anadromous fish concentration area, and also indicated the presence of non-breeding Bald Eagle. By email dated August 8, 2013, the NYSDEC indicated that the non-breeding occurrence was associated with wintering eagles and known roosting location, and that this roosting location was at the mouth of Fishkill Creek at the Hudson River at Denning's Point, approximately 0.77 miles from the project site. However, correspondence from NYSDEC dated November 7, 2018, in response to a request for updated information

indicates that there are currently no records of rare or state-listed animals or plants, or significant natural communities, at the project site. The NYSDEC letter continues to note the presence of anadromous fish, several state-listed animals and plants, and significant natural communities at the mouth of the Fishkill Creek, but no longer indicates the occurrence of the Bald Eagle in the vicinity of the project site. The NYSDEC recommends that the project work be conducted so as to avoid significant impacts to the water quality of Fishkill Creek, including erosion and run-off of sediments, nutrients, and pollutants. The project does not propose any marina or boating activities, and the project will retain much of the wooded vegetation along Fishkill Creek. The activities proposed on the site are less disruptive than previous on-site activities associated with the former manufacturing facility and the Metro-North railroad. An Erosion and Sediment Control Plan will be provided by the Applicant and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion.

The US Fish & Wildlife Service (USFWS) Official Species List indicates the potential for the Indiana Bat, Northern Long Eared Bat, and Dwarf Wedgemussel in the vicinity of the project site. The USFWS List indicates that there are no critical habitats within the project area under USFWS jurisdiction. While the NYSDEC indicated that the closest occurrence of Indiana Bat is more than 2.5 miles away, the USFWS requested that the project limit tree clearing to October 1 to March 31, minimize removal of large trees, use cut-off lighting, and not use pesticides or herbicides in any stormwater basins. The updated Wetland Investigation Memo dated January 30, 2019, indicates that timing of tree removal between November 1<sup>st</sup> and March 31<sup>st</sup> would be adequate to avoid impacts to the bat species, since tree removal is less than 10 acres.

According to the Wetland Investigation Memo, the only known locations for Dwarf Wedgemussels in New York are in Delaware/Sullivan County, Orange County, and a small population in Dutchess County. The Fishkill Creek represents potential habitat above the dam, although there is no state record of this species at this location. Given that the stream will not be impacted, the project would result in a determination of “No Take” under Section 10 or a determination of “No Effect” under Section 7 of the Federal Endangered Species Act.

Consultation with NYSDEC and USFWS will be completed as required. Therefore, no significant adverse impacts to endangered, threatened or rare species are anticipated as a result of the project.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visibility from any publicly accessible vantage points either seasonally or year around. The LWRP designates 13 local viewsheds under Policy 25A that are designated for protection. The Proposed Action is not within any of the designated viewsheds.

The Site sits at a lower elevation than properties to the west and the Site drops to a lower elevation east of the railroad tracks. (See, Cross sectional views). Since the Site is lower than such surrounding area, only the higher portions of the proposed buildings are expected to be readily visible. Photo simulations prepared for the three proposed buildings as seen from eye level along Tioronda Avenue demonstrate that there will be no significant adverse visual impacts as a result of the Proposed Action from Tioronda Avenue. (See, “Vantage Point Location Plan”). The new wall required to build the access to Wolcott Avenue is substantially lower than the existing wall associated with Tioronda Avenue itself. The Applicant intends to design a planting plan to soften views of the new wall during site plan review. The new wall remains substantially unchanged from the Prior Project during which the Planning Board determined as Lead Agency that “the access road to Wolcott Avenue does not present significant adverse visual impacts.” (See, April 8, 2014 SEQRA Negative Declaration for Prior Project). Further, the Proposed Action involves redevelopment of a deteriorated former industrial site and, therefore, represents a visual improvement over the former use of the Site.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The Site is not substantially contiguous to nor does it contain a building site, or district, listed on the National or State Register of Historic Places. The Wolcott Avenue bridge over the Fishkill Creek (aka Cooperation Bridge) has been determined by the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) to be eligible for listing on the Register. The Site is also within a known archaeologically sensitive area.

A Phase 1A Archeological Investigation dated July 2013 by Hartgen Archaeological Associates, Inc. was performed for the Prior Project. As stated in the April 8, 2014 SEQRA Negative Declaration, the Phase 1A concluded that, “as a result of the impacts related to the continuous industrial development of the property combined with the impacts surrounding the removal of the building associated with the New York Rubber Company facility, it is likely that no significant cultural deposits specific to the early to mid-19<sup>th</sup> century development of the property remain.”

Due to the proximity of the Site to the Wolcott Avenue bridge, NYSOPRHP was consulted and it determined in a letter dated December 23, 2013 that the Prior Project would have No Adverse impact on historic and cultural resources. Information and plans for the current Proposed Action was submitted to NYSOPRHP and by letter dated May 6, 2019 it determined that “the proposed project, as amended, will have No Adverse impact to historic and cultural resources.”

Upon review of the relevant information, the Planning Board agrees that the Proposed Action will not have a significant adverse environmental impact on historic or archaeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource. In fact, the Proposed Action will result in a contribution to the City’s recreational resources by adding a significant addition to the City’s Greenway Trail system.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

Traffic. The Prior Project was estimated to generate 53 vehicle trips during the weekday AM Peak and 73 vehicle trips during the weekday PM Peak. On April 8, 2014, the Planning Board as Lead Agency determined that the traffic generation for the Prior Project would not result in a significant adverse impact.

The current Proposed Action is estimated to generate 52 vehicle trips during the weekday AM Peak and 57 vehicle trips during the weekday PM Peak. Since the estimated vehicle trips for the current Proposed Action are less than the Prior Project, it is anticipated that there will be no significant adverse traffic impacts as a result of the Proposed Action.

A Traffic Impact Study dated November 13, 2013, was prepared, which was supplemented by another study dated March 20, 2014. The March 2014 Supplemental study evaluated the traffic movements considering also the traffic to be generated by



development of the Sisters property and the Beacon Terminal 555 South Avenue property, both of which are also within the FCD district. The March 2014 study reaches a conclusion that even with the development of the remaining FCD parcels, all intersections studied will continue to operate at a LOS “A” with the exception of the Wolcott Avenue/Tioronda Avenue intersection, where the Wolcott Avenue approaches will operate at LOS “B” and the Tioronda Avenue approaches will operate at LOS “A”.

The proposed access configuration on Tioronda Avenue would be limited so as to exclude right turns in and left turns out. The associated traffic routing [which directs all traffic to and from the site to Wolcott Avenue rather than traveling south on Tioronda to local streets] has certain advantages and certain disadvantages. It meets the needs of the travelers, since Wolcott Avenue provides the best routing in either direction to I-84, the train station, and Route 9D going either north or south. It also protects the local neighborhoods to the south and west of the site from additional traffic through local neighborhoods. However, it is not as convenient as a full service intersection. The proposed limitation on turning movements does not create any significant adverse traffic impacts for the residents of the project or for the local community.

To update the previous Traffic Impact Study for the purposes of the current Proposed Action to account for increased traffic volume over the past few years, the Applicant’s professional consultant prepared an updated Synchro Analysis to study the impact of adding more traffic to the Wolcott Avenue/Tioronda Avenue intersection beyond what was studied in the 2013 TIS for 2015 build volumes and at a growth rate of greater than 2% per year. The updated Synchro Analysis revealed that hundreds of additional vehicles can travel through that intersection with the intersection still operating at very good levels of service (LOS B – which adds a delay of approximate 3 seconds as compared to LOS A). The City’s Traffic Consultant, Creighton Manning, reviewed the 2013 TIS and the updated Synchro Analysis and determined that the sensitivity analysis of the intersection, which simulated the effect of adding 650 vehicles to the intersection during the weekday AM Peak and 450 vehicles to the intersection during the weekday PM Peak, was conservative and demonstrated that sufficient capacity at the intersection and acceptable levels of service would be maintained with the Project. NYSDOT also reviewed and provided comments on the Project.

Further, the April 8, 2014 SEQRA Negative Declaration for the Prior Project concluded that sight distance is satisfactory at the Wolcott Avenue access and sight distance looking south from the Tioronda Avenue access will exceed AASHTO standards with the removal of some vegetation. The same access points are proposed in the current Proposed Action.

Therefore, there will be no significant adverse impacts on traffic as a result of the Project.

**Parking.** The Project provides 89 parking spaces for the multifamily residential development and 127 parking spaces for the office development. These totals meet the requirements of the FCD District. A portion of the 127 office parking spaces are proposed to be land banked which would be reserved for future use, if needed. The details regarding the amount of land banked parking spaces will be discussed during site plan review.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the additional demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any discernable odors at the property line. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction. All proposed exterior lighting will be downward directed and will consist of full cut-off lighting with International Dark-Sky Association approved “dark sky friendly” performance. Lighting photometrics and details will be provided during site plan review.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The project site was listed in the NYSDEC’s Environmental Remediation Database as Site Code 314044, formerly owned by Tuck Industries and operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste (primarily heptanes and toluene), which resulted in soil contamination. The NYSDEC website indicates that the has been remediated and assigned a classification of C, which means that the NYSDEC has determined that remediation has been satisfactorily completed under a remedial program. The site has been delisted from the NYS Registry of Inactive Hazardous Waste Disposal Sites per NYSDEC correspondence dated October 11, 2002.

By letter dated May 1, 2003, NYSDEC notified the owner of the Site that it had been “deleted from the Registry effective with receipt of this letter.”

As such the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

Comprehensive Plan and Zoning Code. The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code. The Comprehensive Plan includes goals related to economic development, encouraging environmental cleanup and residential redevelopment of unused or underutilized industrial sites, protection of the Fishkill Creek, preserving open space corridors along the Fishkill Creek, and maintaining a variety of housing opportunities, as more fully set forth in the Full Environmental Assessment Form Part 1 Narrative, prepared by Chazen, dated September 10, 2018, last updated April 30, 2019, pages 2-4. The Project which includes the redevelopment of a former industrial Site for residential and office purposes, which Site has been environmentally remediated and includes a Greenway Trail along the Fishkill Creek corridor, is consistent with the goals and objectives of the Comprehensive Plan. Likewise, the Proposed Action is also consistent with the purposes of the FCD District which include the redevelopment of underutilized former industrial sites, while also preserving open space corridors and continuing to develop Greenway Trails along the Fishkill Creek for public recreation.

Community Services. The Project will be serviced by the City of Beacon Fire District and the City of Beacon Police Department. The buildings will be sprinklered and a gated emergency access drive will be provided from Wolcott Avenue since the main access crosses the MTA rail line. The Police Department and Fire District will have an opportunity to review and comment upon the truck maneuvering plan included as Sheet C200 during site plan review. Therefore, the Project is not anticipated to result in any significant adverse impact to police, fire or emergency services.

The Project is located in the Beacon City School District. Based on the analyses performed, it is estimated that 9-16 public school-aged children may be generated from this Project. (See, EAF Part 1 Narrative; John Clarke Planning and Design Memo dated April 4, 2019). Given the steady decline in enrollment in the Beacon School District from 3,601 in 2004-5 to 2,841 in 2017-18 (reduction of 760 students) and the tax revenue to be generated by the commercial component of the Project, the Project is not anticipated to result in any significant adverse impacts to the School District.

Based upon this information and the information in the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant

adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Adopted: June 11, 2019  
Beacon, New York

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_:

Gary Barrack	Voting:	Jill Reynolds	Voting:
David Burke	Voting:	Randall Williams	Voting:
Patrick Lambert	Voting:	John Gunn, Chairman	Voting:
Rick Muscat	Voting:		

Approved \_\_\_\_\_  
Denied \_\_\_\_\_