

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) CONSISTENCY DETERMINATION FOR 248 TIORONDA AVENUE

WHEREAS, the City Council received an application for Concept Plan Approval from 248 Beacon Holdings LLC (the “Applicant”) to construct two multifamily buildings with a total of 64 units and a separate office building with 25,400 square feet along with a Greenway Trail on two parcels containing 9.18 acres in the Fishkill Creek Development (FCD) Zoning District (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is located at the intersection of Wolcott Avenue and Tioronda Avenue, between the Fishkill Creek and the Metropolitan Transit Authority (MTA) railroad, and designated on the City tax maps as Parcel Nos. 5954-16-993482 and 6054-45-012574 (the “Site”); and

WHEREAS, the Site was the subject of prior approvals granted by the City Council and the Planning Board for the construction 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the current Project requires Concept Plan approval from the City Council and Site Plan/Subdivision (lot merger) approvals from the Planning Board; and

WHEREAS, by Resolution on January 22, 2019 the City Council referred the Concept Plan to the Planning Board for report and recommendation and requested that the Planning Board serve as Lead Agency for the environmental review of the Project pursuant to the State

Local Waterfront Revitalization Program (LWRP) Consistency Determination
248 Tioronda Avenue

Environmental Quality Review Act (SEQRA) and evaluate the application for consistency in accordance with the City's Local Waterfront Revitalization Program (LWRP); and

WHEREAS, by Resolution on January 22, 2019 the City Council also referred the Concept Plan to the Dutchess County Planning Board; and

WHEREAS, the subject property is located in the Coastal Management Zone as defined by the City's LWRP and the Proposed Action includes a request for an LWRP Consistency Determination; and

WHEREAS, the Concept Plan is shown on a 4-sheet conceptual plan, last revised April 2019, prepared by Chazen Companies; and

WHEREAS, the application also consists of application forms, correspondence, the Environmental Assessment Form (EAF), Coastal Assessment Form and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Planning Board reviewed the application materials at its meetings on February 13, 2019, March 12, 2019, April 9, 2019, May 14, 2019 and June 11, 2019; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and on June 11, 2019 after hearing public comment and taking a "hard look" at the EAF and all of the associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts; and

WHEREAS, in accordance with Section 220-6 of Chapter 220, Waterfront Consistency Review, of the City Code, all "actions to be undertaken within the City's Coastal Management Zone shall be evaluated for consistency in accordance with the.....LWRP policy standards...."

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby finds that there are a number of LWRP policies which do not apply to the Project which policies are those that are contained in the LWRP but not listed below, and also hereby makes the following consistency findings with respect to the LWRP policies which apply to the Project:

POLICY 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

Consistent with this Policy, the Project consists of the redevelopment of the northern portion of the former Tuck Industries site as a multifamily residential development with an office building and associated parking. The Project places the proposed development almost totally within the existing disturbed areas of the former Tuck Tape buildings. The Project also includes a public Greenway Trail along the Fishkill Creek. The City Comprehensive Plan encourages redevelopment of these old industrial sites.

Local Waterfront Revitalization Program (LWRP) Consistency Determination

248 Tioronda Avenue

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except where such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

Consistent with this policy, the Project will be served by public water and sewer infrastructure.

POLICY 7A

The Fishkill Creek estuary and marsh shall be protected, preserved, and where practical, restored so as to maintain its viability as a habitat.

The proposed development is located approximately within the same footprint as the former industrial development. The proposed site plan provides an average 75-foot buffer from the Fishkill Creek, with a minimum setback of 45 feet and a maximum setback of 110 feet, which exceeds the City's minimum required average buffer of 50 feet and minimum required buffer of 25 feet. The layout was designed to preserve existing vegetation and significant trees along the creek and to avoid 100-year floor plan areas and steep slopes.

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.

POLICY 9A

Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between Long Dock and Dennings Point, and on the banks of Fishkill Creek.

The Project includes the construction of a Greenway Trail along the Fishkill Creek that extends along the easterly boundary of the property along the Creek. The trail represents a significant addition to the City's Fishkill Creek Greenway and Heritage Trail Master Plan fulfillment. The trail will connect to Wolcott Avenue along the proposed emergency access and will connect to the Sisters property to the South.

POLICY 11

Local Waterfront Revitalization Program (LWRP) Consistency Determination

248 Tioronda Avenue

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Please see response to Policy 7A. No building construction is proposed within the 100-year floodplain (Zone AE).

POLICY 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Please see response to Policy 7A regarding stormwater management and erosion control.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.

Please see response to Policy 7A regarding stormwater management and erosion control. No building construction is proposed within the 100-year floodplain (Zone AE).

POLICY 17

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (a) the set back of buildings and structures; (b) the planting of vegetation and the installation of sand fencing and draining; (c) the reshaping of bluffs; and (d) the flood-proofing of buildings or their elevation above the base flood level.

Please see response to Policy 7A.

POLICY 18

To safeguard the vital economic social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Consistent with this Policy, the Project involves market rate residential housing and affordable workforce housing pursuant to the relevant provisions of the Zoning Code. The Project also involves the construction of a public Greenway Trail along the Fishkill Creek which can be connected to trails on adjacent properties along the Creek. The site plan has been designed to place new construction within the disturbance areas of the old factory development.

POLICY 20A

The possibility of a pedestrian path should be explored along the railroad right-of-way on the east bank of the Fishkill Creek. A pedestrian path should also be encouraged from Denning's Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.

Local Waterfront Revitalization Program (LWRP) Consistency Determination

248 Tioronda Avenue

Please see response to Policy 9A.

POLICY 21C

Preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses including a tramway.

Please see response to Policy 9A.

POLICY 22A

New developments along the riverfront especially at long dock, and Fishkill Creek should provide for water-related recreation, and should also set aside open space for passive recreation.

Please see response to Policy 9A.

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in history, architecture, archeology or culture of the state, its communities or the nation.

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-19th 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.”

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

POLICY 25A

The following view sheds will be protected:

- 1. Main Street & Route 9D*

Local Waterfront Revitalization Program (LWRP) Consistency Determination

248 Tioronda Avenue

2. *Beacon Street & Route 9D*
3. *Rombout Avenue & Route 9D*
4. *Route 9D & Wolcott Avenue*
5. *South Avenue & Route 9D*
6. *Denning's Avenue at South Avenue*
7. *Sargent Avenue at St. Lawrence Seminary*
8. *South Avenue 4 Num West of Denning's Avenue*
9. *Paye Street*
10. *River Street & Beekman Street*
11. *Southwest view from Wolcott Avenue 200 feet west of Bayview Avenue*
12. *West View from Wolcott Avenue 200 feet west of Bayview Avenue*
13. *Northwest View from Wolcott Avenue 200 feet west of Bayview Avenue*

The LWRP designates 13 local viewsheds under Policy 25A that are designated for protection. The Project is not within any of the designated viewsheds. The project site is located within the Hudson Highlands Scenic Area of Statewide Significance. The Project follows the applicable LWRP recommendations for developing in scenic viewsheds. For example, (1) development is set back from the shoreline to preserve privacy and grade-separation for trail users, (2) the review of the Project has considered views from various public vantage points to determine the Project will not have significant impacts on such views, (3) the Project represents the redevelopment of a former industrial site and therefore, represents a significant visual improvement over the former use of the site, (4) the proposed buildings are designed to be architecturally pleasing, and (5) a robust landscaping plan will be prepared during site plan review.

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

POLICY 33A

Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.

Please see response to Policy 7A.

POLICY 35D

Groundwater contamination shall be avoided.

The Project will be served by municipal water and sanitary sewer service. Please see response to Policy 7A for stormwater management information. No discharge to groundwater will occur as a result of the Project.

POLICY 37

Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

Local Waterfront Revitalization Program (LWRP) Consistency Determination
248 Tioronda Avenue

During site plan review a SWPPP will be prepared which utilizes best management practices to control the quantity and quality of stormwater runoff both during construction and after project completion. Please see response to Policy 7A for additional information regarding stormwater management.

POLICY 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

The Project will not cause national or state air quality standards to be violated. The Project will conform to all National and State Air Quality Standards.

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

POLICY 44A

Preserve and protect the Fishkill Creek marsh to maintain its many intrinsic values.

Please see response to Policy 9A.

BE IT FURTHER RESOLVED, that the Planning Board hereby determines that the Project is entirely consistent with the LWRP policies which apply to the Project.

Resolution Adopted: June 11, 2019
Beacon, New York

_____, 2019
John Gunn, Chairman
City of Beacon Planning Board

Motion by _____, seconded by _____:

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

Resolution: Approved _____
 Denied _____