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September 27, 2019

**BY FEDERAL EXPRESS
AND E-MAIL**

Mayor Randy Casale
and Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Application for Concept Plan Approval – Continued Review
Premises: 23-28 Creek Drive, Beacon, New York
Tax Parcel ID: 6054-37-037625

Dear Mayor Casale and Members of the City Council:

On behalf of 23-28 Creek Drive, LLC (the “Applicant”), the Contract-Vendee of the above-referenced Premises, we respectfully submit this letter and enclosures in furtherance of the above-referenced Application for Concept Plan Approval proposing to redevelop the underutilized former City of Beacon Department of Public Works (“DPW”) Premises for a proposed mixed-use development consisting of 20,000 sq. ft. of commercial space and eight (8) residential apartment units (the “Project”).¹

For the reasons set forth herein, we respectfully submit that the record for this Application for Concept Plan Approval demonstrates compliance with all applicable Fishkill Creek Development (“FCD”) District review criteria for the proposed mixed-use development.

APPLICATION STATUS – PRIOR APPROVALS

Planning Board – Environmental Review & Negative Declaration:

The Proposed Action is an Unlisted Action under SEQRA, and has undergone Coordinated Review with the Planning Board acting as Lead Agency. A Full Environmental Assessment Form was

¹ Note: As the Council is aware, on September 4, 2018 the Applicant and its consultants met with the City’s Planning, Engineering, Building Department and Legal staff in connection with a Pre-Submission Conference regarding the Project. The Applicant also appeared at the City Council’s November 26, 2018 Work Session; December 3, 2018 Regular Meeting; February 25, 2019 Work Session and March 4, 2019 Regular Meeting in connection with the Application for Concept Plan Approval.

submitted to the City Council, as well as to the Planning Board at the beginning of the application process.

As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Applicant retained the services of Maser Consulting, P.A., in order to review the traffic and parking impacts of the Project. Enclosed as **Exhibit A**, please find a copy of the Parking and Traffic Impact Study prepared by Maser Consulting P.A., dated March 25, 2019 (the “PTIS”),² which confirms that “... the 93 proposed parking spaces will sufficiently meet the parking needs of the development.” See PTIS at page 5.³

The Applicant proposes to provide 93 total parking spaces on the Premises, including 80 spaces for the proposed 20,000 sq. ft. commercial space and thirteen (13) spaces for the eight (8) apartment units. As was discussed with the Planning Board’s Traffic Consultant during the SEQRA review, as well as with the Zoning Board of Appeals (“ZBA”) during its Public Hearing on the Project, it is respectfully submitted that 93 parking spaces will *overpark* the Premises. Indeed, the PTIS provides that “... in comparison to the nearby CMS District and Linkage District[s] the City Code would only require 48 and 58 spaces respectively, which is a reasonable comparison due to the Project’s proximity to Main Street and these districts.” See PTIS at page 4.

The Planning Board also issued an Advisory Opinion dated July 11, 2019, which provides in relevant part that:

“The Fishkill Creek Development zone relies on general parking standards, while the similar mixed use Linkage and CMS zoning districts would require far fewer spaces, and in this case the commercial space is the main factor in the parking requirement. A shared parking situation will exist because some of the employees will live and work on site, and the commercial operation will take not be operating when some residents are at home. Lastly fewer parking spaces would cut down on the amount of impervious surfaces and add more accessible greenspace. After careful consideration, members unanimously supported and send a positive recommendation with regard to the parking variance.”

² Note: The enclosed PTIS updated the Applicant’s original PTIS dated July 26, 2018 in order to reflect the increased commercial space and the reduction in the total number of residential apartment units that are included in the Project before this board.

³ Note: Also enclosed in **Exhibit A (Tabs 2 & 3)** are copies of the Traffic Consultant’s response to comments from the Planning Board’s Traffic Consultant during the SEQR review (**Tab 2**), as well as a copy of the signage plan requested by the Planning Board (**Tab 3**) for additional reference.

Provided the above, following a four (4) month SEQRA Public Hearing, the Planning Board adopted a Negative Declaration on July 9, 2019, and determined that the entire action, including the requested variances, *will have no potential significant adverse environmental impacts*. See **Exhibit B** – Negative Declaration.⁴ This concludes the SEQRA review process for the Project.

Zoning Board of Appeals – Area Variance Review:

Following the completion of the Coordinated Environmental Review of this Project, the Applicant appeared at the ZBA in connection with a request for four (4) area variances, including relief for off-street parking; maximum building height; maximum number of stories and the maximum dwelling unit size for two (2) of the eight (8) residential units.

The ZBA opened the Public Hearing on the Applicant's request for area variances on July 16, 2019 and continued the Public Hearing until August 20, 2019, at which time the Public Hearing was closed.

Ultimately, after carefully executing the balancing test for each of the requested variances, as well as considering public comments during the Public Hearing, the ZBA determined that the benefit of the requested variances clearly outweigh any possible detriment to the health, safety, and welfare of the neighborhood or community by such grant, and granted the requested four (4) area variances at its September 17, 2019 meeting. See **Exhibit C**.

Planning Board – Site Plan & Subdivision Review:

At this time, the Applicant is appearing at the City Council in connection with its continued review of its Application for Concept Plan Approval. While the SEQRA process is complete, the Applicant must appear again before the Planning Board as the reviewing authority that is reviewing the Applicant's request for Site Plan Approval and Subdivision (Lot Line Adjustment) Approval. Additional Public Hearing(s) will be held in connection with the Planning Board's continued review of the Project.

⁴ **Note:** The Negative Declaration adopted by the Planning Board on July 9, 2019 also determines that the building design will not have a significant adverse environmental impact on aesthetic resources, providing in relevant part that:

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more official designated scenic views. The Proposed Action will be visible from Fishkill Creek but the aesthetics of the site will be far improved from the existing condition of the DPW facility. Further, public viewing of Fishkill Creek from the Site will be enhanced by providing a Greenway Trail segment and a public park at the south end of the site.

CONCLUSION & DOCUMENTS ENCLOSED IN SUPPORT OF APPLICATION

For the foregoing reasons, and as will be further discussed at this Council's Board's September 30th Work Session and the subsequent Public Hearing before the City Council, the Applicant respectfully submits that the proposed Project satisfies the purposes of the FCD, providing a mix of commercial and residential uses that will add handsome architectural features on an underutilized former industrial property. The Project also incorporates important linkages to the Greenway Trail and the proposed half-acre park, maximizing the public view corridor along the Fishkill Creek.

In further support of this Application we respectfully submit electronic copies of the following site plan sheets entitled "Site Plan Application – 23-28 Creek Drive", prepared by Aryeh Siegel, Architect, and Hudson Land Design Professional Engineering, P.C., last revised May 28, 2019, numbered and titled as follows:

- Sheet 1 of 12 – Site Plan;
- Sheet 2 of 12 – Existing Conditions & Demolition Plan;
- Sheet 3 of 12 – Site Section Diagram;
- Sheet 4 of 12 – Landscape Plan & Planting Schedule;
- Sheet 5 of 12 – Building Plans;
- Sheet 6 of 12 – Renderings;
- Sheet 7 of 12 – Grading & Utility Plan;
- Sheet 8 of 12 – Erosion and Sediment Control Plan;
- Sheet 9 of 12 – Profiles;
- Sheet 10 of 12 – Site & Erosion Sediment Control Details;
- Sheet 11 of 12 – Stormwater Details; and
- Sheet 12 of 12 – Water and Sewer Details.

In further support of this Application, we respectfully submit the instant letter and the following documentation:

Exhibit A: Parking and Traffic Impact Study;

Tab 1: Parking and Traffic Impact Study prepared by Maser Consulting P.A., dated March 25, 2019;

Tab 2: Maser Consulting P.A. Response to Planning Board Traffic Consultant Comments dated April 30, 2019; and

Tab 3: Traffic Signage Plan.

Exhibit B: SEQRA Negative Declaration Adopted by Planning Board on July 9, 2019; and



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Exhibit C: City of Beacon Zoning Board of Appeals Resolution Granting
Four (4) Area Variances dated September 17, 2019.

Thank you for your consideration in this matter. The Applicant looks forward to continuing the review of the Application for Concept Plan Approval at the City Council's September 30th Work Session. Further, the Applicant respectfully requests that the City Council consider scheduling the Public Hearing on the Concept Plan for the Council's November 4th regular meeting Agenda.

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

Very truly yours,

A handwritten signature in blue ink that reads 'Taylor Palmer'. The signature is fluid and cursive, with the first name 'Taylor' and last name 'Palmer' clearly distinguishable.

Taylor M. Palmer

cc:

Anthony Ruggiero, City Administrator

Nicholas M. Ward-Willis, Esq.

Aryeh J. Seigel Architect

Michael A. Bodendorf, P.E. – Hudson Land Design Professional Engineering, P.C.

23-28 Creek Drive, LLC