

■ **Main Office**  
445 Hamilton Avenue  
White Plains, NY 10601  
Phone 914.946.4777  
Fax 914.946.6868

■ **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120

■ **New York City Office**  
505 Park Avenue  
New York, NY 10022  
Phone 646.794.5747

## MEMORANDUM

**TO: Mayor Casale and the City Council of the City of Beacon**

**FROM: Keane & Beane, P.C.**

**RE: 248 Tioronda Avenue - Concept Plan Approval**

**DATE: October 22, 2019**

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248 Beacon Holdings LLC (the “Applicant”) submitted an application to the City Council for Concept Plan Approval. The Applicant proposes to construct two multifamily buildings with a total of 64 dwelling units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres located on property at 248 Tioronda Avenue in the Fishkill Creek Development (“FCD”) District and LWRP area. The buildings are three (3) stories when viewed from Tioronda Avenue and four (4) stories when viewed from Fishkill Creek.

On Monday, October 22, 2019, concerns were raised during the public hearing on the 248 Tioronda Avenue Concept Plan regarding the proposed height of the structures. In response to the public’s concerns, our office was asked to confirm the proposed height of the structures. Based on the plans entitled “Site Plan 248 Tioronda Ave, Beacon NY,” prepared by Chazen Engineering, last revised April 30, 2019, the maximum proposed building height is three (3) stories (36 feet), with the third floor setback. The proposed heights of Building 200 (Building A) and Building 300 (Building B) do not include the parking garages located underneath.

The height of each proposed structure is permitted under the Code of the City of Beacon, which provides that the maximum permitted building height in the FCD District is three (3) stories and 40 feet pursuant to Section 223-41.14.F of the Code of the City of Beacon. Under Section 223-41.14.F of the Code of the City of Beacon, maximum building height is measured from the average grade level of the side of the building facing the primary street view. The proposed parking underneath Building 200 and Building 300 may appear to create a fourth story when viewed from the east, however the parking is in fact located below the average grade level of the side of the building facing the primary street view, which is from Tioronda Avenue to the west side of the building. The parking garage level is not visible from the primary street. Therefore, the parking garage level is not included in the building height calculations.