

- **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 Members of the City Council  
of the City of Beacon**

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

**RE: 248 Tioronda Avenue**

**DATE: October 28, 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 along with a Greenway Trail 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 “Project” or “Proposed Action”). 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 “Property”). The proposed residential and business office uses are principal uses permitted on the Property.

**Review Completed by the Planning Board.**

On January 22, 2019, the City Council referred the Concept Plan to the Planning Board for report and recommendation and requested the Planning Board serve as Lead Agency for the environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and to evaluate the application for consistency in accordance with the City’s Local Waterfront Revitalization Program (“LWRP”). 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. 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 Environmental Assessment Form (“EAF”) and all of the associated materials prepared in connection with the Proposed Action, the Planning Board adopted its Local Waterfront Revitalization Program Consistency Determination and Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts.

The Planning Board submitted a report and recommendation on the Proposed Project to the City Council, dated June 12, 2019. The Planning Board advised that at its June 11, 2019 meeting all the Planning Board members present voted to issue a

positive recommendation to the Council on the proposed Concept Plan. The Planning Board found that the application is complete and satisfies the Concept Plan criteria of the Fishkill Creek Development District. The Planning Board will review specific architectural, landscaping, lighting, parking, and engineering details during the subsequent Site Plan review process.

### **Next Steps**

The Concept Plan is shown on a 4-sheet conceptual plan, last revised April 2019, prepared by Chazen Companies.

The City Council shall render a decision on the application for Fishkill Creek Development Concept Plan approval after it has held the required public hearing, completed the SEQRA process, has made the requisite SEQRA determination of significance and has made the consistency determination required under the City's Local Waterfront Consistency Law. These steps have been completed and the City Council is free to now render its decision, with respect to the Concept Plan proposed for 248 Tioronda.

After approval of the Fishkill Creek Development Concept Plan by the City Council, the Planning Board shall review the proposed site plan.

### ***Concept Plan Approval***

The City Council may grant the Applicant Concept Plan approval if it finds that the following conditions and standards set forth in City Code § 223-41.13.F(3)(b) have been met:

- [1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.
- [2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.
- [3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.
- [4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.
- [5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

- [6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.
- [7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.
- [8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.

The Council should also be familiar with, and review the Fishkill Creek Development Design Standards set forth in City Code § 223-41.13I, which has been added to the agenda packet and is available at <https://ecode360.com/15154785>.