



**CITY OF BEACON**

**CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION**

**GRANTING CONCEPT PLAN APPROVAL FOR  
23-28 CREEK DRIVE (PARCEL NO. 6054-37-037625)**

**WHEREAS**, 23-28 Creek Drive, LLC (the “Applicant”) submitted an application to the City Council for Concept Plan Approval to construct a mixed use development with eight (8) apartments and 20,000 square feet of commercial space the project also incorporates linkages to the Greenway Trail and includes the construction of a half-acre park along the Fishkill Creek, located on property at 23-28 Creek Drive in the Fishkill Creek Development (“FCD”) District (the “Project” or “Proposed Action”); and

**WHEREAS**, the subject property is the site of the former City of Beacon Department of Public Works (“DPW”) property which consists of approximately 2.585 acres of land and a 0.228 acre portion of land owned by Weber Projects III, LLC located at 7-15 Creek Drive, as designated on the City Tax Map as Parcel Nos. **6054-37-037625** and **6054-37-066670** (the “Property”); and

**WHEREAS**, the 0.228 acres is the subject of a resubdivision application before the Planning Board; and

**WHEREAS**, development within the Fishkill Creek Development District is governed by Chapter 223, Article IVC of the Code of the City of Beacon (the “City Code”), which requires all Creek development projects to obtain (a) Concept Plan approval by the City Council and (b) Site Plan approval by the Planning Board; and

**WHEREAS**, the Site Plan is shown on the following drawings, entitled “Site Plan Application-23-28 Creek Drive” last revised May 28 2019, as prepared by Aryeh Siegel, Architect, and Hudson Land Design Professional Engineering, P.C.:

Sheet	Title
1 of 12	<i>Site Plan</i>
2 of 12	<i>Existing Conditions &amp; Demolition Plan</i>
3 of 12	<i>Site Section Diagram</i>
4 of 12	<i>Landscape Plan &amp; Planting Schedule</i>
5 of 12	<i>Building Plans</i>
6 of 12	<i>Renderings</i>
7 of 12	<i>Grading &amp; Utility Plan</i>
8 of 12	<i>Erosion and Sediment Control Plan</i>

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*Profiles*  
*Site & Erosion Sediment Control Details*  
*Stormwater Details*  
*Water and Sewer Details; and*

**WHEREAS**, the Applicant also submitted a Parking and Traffic Impact Study prepared by Maser Consulting P.A., dated March 25, 2019; and

**WHEREAS**, the Proposed Action is an Unlisted Action, pursuant to New York State Environmental Quality Review Act, and on July 9, 2019 after hearing public comment and taking a “hard look” at the Environmental Assessment Form 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**, the Planning Board issued a report to the City Council dated July 11, 2019 issuing a positive recommendation to the Council on the Concept Plan, subject to the Applicant returning to the Planning Board where the Planning Board will review more specific architectural, landscaping, lighting, parking and engineering details as required to complete Site Plan review; and

**WHEREAS**, on September 17, 2019, the Zoning Board of Appeals granted the Applicant (1) a variance of 20 parking spaces, where 113 parking spaces are required for a mixed-used building consisting of 20,000 square feet of commercial space and eight (8) residential units pursuant to City Code § 223- 26. F and 93 parking spaces are proposed; (2) a 750 square foot variance for two apartment units, where the maximum permitted dwelling unit size is 2,000 square feet pursuant to City Code § 223- 41. 14. 0 and two apartment units are proposed to be 2,750 square feet; (3) a one story height variance, where the maximum permitted building height is three stories pursuant to City Code § 223- 41. 14. F and the proposed building height is four stories; and (4) a 13 foot 4 inch building height variance where the maximum permitted building height is 40 feet pursuant to City Code § 41. 14. 17 and the proposed building height is 53 feet- 4 inches, in connection with the Proposed Action, and

**WHEREAS**, a duly advertised public hearing on the Concept Plan for 23-28 Creek Drive was held on November 4, 2019, at which time all interested persons were given the opportunity to be heard, and the public hearing was closed on November 4, 2019; and

**WHEREAS**, the City Council has reviewed the Concept Plan against the conditions and standards set forth in Sections 223-41.13.F(3)(b) and 223-41.13.I of the City Code and finds that the proposed Concept Plan complies with these sections of the City Code, as set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds pursuant to Sections 223-41.13F(3)(b) and 223-41.13.I of the City of Beacon Zoning Code:

**[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.**

The Proposed Action includes the redevelopment of the City’s DPW Highway Garage with a proposed mix of residential and non-residential uses. The Proposed Project involves demolition  
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of the existing buildings on the site and construction of a new four story mixed use building containing 20,000 square feet for commercial use and eight (8) residential dwelling units. The Applicant submitted the Proposed Project for 23-28 Creek Drive in response to the City's Request for Qualifications and Proposals to renovate and develop the Property. The City Council selected the Applicant's proposal and on May 11, 2018, the Applicant entered into a Contract of Sale with the City of Beacon. The Applicant's Contract with the City requires the Applicant to construct a park and expand the Fishkill Creek Greenway & Heritage Trail, to connect with the Trail at 7-15 Creek Drive.

**[2] The proposed Fishkill Creek development project complies with § 223-41.13.I(15), Fishkill Creek vegetative buffer, of this chapter.**

The Proposed Action provides a vegetative buffer between the development and Fishkill Creek. The proposed buildings are setback an average of 50 feet from Fishkill Creek, but not less than 25 feet at any point as required by Section 223-41.14.I of the City Code.

**[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.**

- (1) *All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.*
- (2) *Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.*
- (3) *General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.*
  - (a) *Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.*
  - (b) *Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).*

- (c) *The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.*

The Project consists of the redevelopment of the City's DPW Highway Garage with a mixed use building contains eight (8) residential units and office space, and associated parking. The Project also includes a public Greenway Trail and a half-acre park along the Fishkill Creek. The Project was developed with a comprehensive plan for access, connected greenspace, landscaping and circulation. The Concept Plan is sensitive to the site's relationship with Fishkill Creek. The Project represents a significant visual improvement over the former Highway Garage use of the site.

- (4) *Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.*
  - (a) *Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.*
  - (b) *Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.*
  - (c) *Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and walking/bicycle path system to allow residents access to the street and Greenway Trail along the creek frontage.*
  - (d) *Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.*
  - (e) *Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.*
  - (f) *Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.*
  - (g) *For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.*

- (b) *Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.*
- (i) *Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.*
- (j) *Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.*

The plans will be further developed during the Planning Board's site plan review process to address these specific standards.

- (5) *Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.*

Energy-saving features may be incorporated during the Planning Board's site plan review.

- (6) *Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.*
  - (a) *Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.*
  - (b) *The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.*
  - (c) *All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.*
  - (d) *Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.*

The Applicant submitted conceptual renderings of the Project to the City Council for its review (Sheet 6 of 12). The Applicant also submitted a landscaping and lighting plan, with a planting schedule (Sheet 4 of 12). Tree protection will be built prior to any site work and will be honored and respected during the construction phase. Woodland areas outside the scope of work will be left intact other than the removal of dead, diseased and damaged trees. The Applicant will also manage invasive species by removing all plant invasive species to allow for natives to grow instead.

The Applicant will not introduce any non-native plant species to the site, all species will be indigenous to the northeast region of North America.

Landscaping will be further developed during the Planning Board's Site Plan review.

- (7) *Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.*

All exterior lighting will be directed downward and/or shielded so as not to cause any objectionable glare observable from the neighboring streets and properties. The source of such lighting shall not be visible from the neighboring streets. (See Sheet 2 of 12)

- (8) *Signage.*
  - (a) *All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of Site Plan review process.*
  - (b) *All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.*

Signage details will be determined during the Site Plan review process, consistent with the City's sign regulations.

- (9) *Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/ or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.*

Access to the project site is proposed via the driveway connection to Churchill Street constructed as part of the 7 Creek Drive and 11 Creek Drive developments located opposite the driveway to the municipal parking lot on the north side of Churchill Street. Under the future conditions, Creek Drive will provide emergency access to all three properties. Furthermore, this access roadway will be a low speed roadway that will allow for safe and efficient flow of both vehicles and pedestrians through the site.

- (10) *Public access for greenway trails.*
  - (a) *While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and*

*coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.*

- (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.*
- (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.*

The Project provides a Greenway Trail for public use which can connect to future trails along the Creek on adjacent properties. This trail will connect to the Trail at 7-15 Creek Drive. Due to the steep grades the trail has stairs in certain sections. Where practicable, the Trail and public park are accessible to the public, as are the parking spaces and gate associated with the trail. In addition, the Applicant has developed a future spur from the Greenway Trail to the future Rail Trail.

*(11) Off-street parking and loading.*

*(a) General parking requirements.*

*[1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.*

*[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.*

*[3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.*

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.*
- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of Site Plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.*

- (d) *Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.*
- (e) *Off-street loading shall be provided as the Planning Board may find appropriate.*

The proposed Concept Plan provides a total of 93 parking spaces located in several surface lots on the site, as well as beneath the building. Specifically, the parking garage underneath the building will house 34 parking spaces. By utilizing a parking garage under the building, the Applicant minimizes the surface parking footprint and amount of impervious coverage while maintaining the proposed amount of commercial and residential space.

The Applicant received a variance from the Zoning Board of Appeals of 20 parking spaces, where the total number of parking spaces required for the Project is 113 as 13 are required for the residential dwelling units and 100 spaces are required for the commercial space. The parking will be screened by landscaping to mitigate views from the street and neighboring properties.

(12) *Utilities and services.*

- (a) *Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.*
- (b) *Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.*
- (c) *Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.*
- (d) *Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.*
- (e) *Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.*
- (f) *Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.*
- (g) *Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.*



All utility installations will be underground. The details of the installation will be finalized during the Planning Board's Site Plan review. The Project will be served by City of Beacon municipal water and sewer services. Further details concerning utilities will be determined during the Site Plan review process.

- (13) *Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.*

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), 36027C0464E a portion of the project 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. Portions of the site are within the 100 year flood plain. The Project design avoids disturbances within the flood plain to the greatest extent practicable, but some areas in the flood plain are proposed to be disturbed. A portion of the proposed building is located within the 100 year flood plan which results in 312.16 cubic yards of fill within the flood plain. In accordance with Chapter 123 (Flood Damage Prevention) of the City Code, the fill in the floodplain is mitigated near the south end of the Site where 336.72 cubic yards of existing material is proposed to be removed for a net removal of 24.56 cubic yards. This provides additional available floodplain storage post-development.

A Flood Mitigation Calculation Plan, prepared by Hudson Land Design Professional Engineering, P.C., dated March 26, 2019, last revised May 28, 2019, was submitted to the Planning Board and reviewed by the City Engineer for conformance with the requirements of Chapter 123 (Flood Damage Prevention) of the City Code. The City Engineer confirmed that the Flood Mitigation Calculation Plan is in conformance with such requirements. No disturbances are proposed within the 100 year flood way. Based on a review of the Flood Mitigation Plan, the Project is not expected to impact or change the flood plain elevation of the Fishkill Creek.

Portions of the Greenway Trail are located below the floodplain elevation so those portions of the trail could be partially inundated during flood conditions.

- (14) *Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.*

The Planning Board will review the architectural details of the plan and proposed development to ensure that every reasonable effort is made to preserve and/or incorporate historic structures and artifacts as part of the FCD project.

- (15) *Fishkill Creek vegetative buffer.*

(a) *A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.*

(b) *The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.*

- (c) *With respect to development near the creekside buffer, the Site Plan shall address the following requirements:*
- [1] *Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.*
  - [2] *Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.*
  - [3] *Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.*
- (d) *All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.*
- (e) *The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.*

The Project provides a conservation buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor.

- [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.**

#### *City Comprehensive Plan*

The City of Beacon Comprehensive Plan adopted April 3, 2017 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. The Proposed Action includes the redevelopment of the former DPW Highway Garage site for residential and office purposes. In addition, the Proposed Action includes the expansion of the Greenway Trail along the Fishkill Creek corridor. The Project includes a Greenway Trail along the Fishkill Creek that will be accessible to the public and which can connect to adjacent properties. In addition, the Project includes half-acre public park. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City. The Proposed Action is generally consistent with the Comprehensive Plan.

#### *LWRP*

The Property is not located within the City's Coastal Management Zone and therefore not subject to the Local Waterfront Revitalization Program.

*Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT)*

The Greenway Trail will be constructed to the guidelines of the City's Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT) as approved by the Planning Board. The proposed Greenway Trail represents a significant addition to the City's proposed FCG&HT Master Plan fulfillment.

- [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.**

The Project has been planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. The land uses are complementary to the site and further the objectives of the Comprehensive Plan.

- [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.**

The Project involves the redevelopment of the City's former DPW Highway Garage. The Project will aesthetically improve the site with new landscaping, decorative lighting, and an architecturally pleasing new building, as well as provide a public Greenway Trail and public park along the Fishkill Creek. The proposed residential and office uses will blend in with the other uses in the area and will be consistent with the future development of the FCD property to the north and south.

- [7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.**

The Greenway Trail will be constructed to the guidelines of the City's FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City. The Project avoids steep slopes and the 100-year floodplain.

- [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.**

The Property is not subject to the City's Local Waterfront Revitalization Program ("LWRP"). The proposed development area is not located in any designated LWRP viewsheds.

The natural grade changes across the site (west to east), serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

**BE IT FURTHER RESOLVED**, that the City Council hereby [GRANTS/DENIES] an application to 23-28 Creek Drive for Concept Plan Approval to construct a mixed use development with eight (8) apartments and 20,000 square feet of commercial space, the project also incorporates linkages to the Greenway Trail and includes the

construction of a half-acre park along the Fishkill Creek, on property at 23-28 Creek Drive in the Fishkill Creek Development (“FCD”) District area as set forth and detailed in the plans entitled “Site Plan Application-23-28 Creek Drive” last revised May 28 2019, as prepared by Aryeh Siegel, Architect, and Hudson Land Design Professional Engineering, P.C.:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The Applicant shall post a weatherproofed copy of the Site Plan and architectural renderings of the Project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure. The renderings shall be posted upon the issuance of the first demolition permit.
5. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
6. 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. An extension of the Site Plan is also an extension of the approved Concept Plan.
7. If any of the conditions enumerated in this Resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this Resolution and the remaining conditions shall remain valid and intact.
8. The approvals granted by this Resolution do not supersede the authority of any other entity.

Dated: November 18, 2019

<b>Resolution No. _____ of 2019</b>			<b>Date: November 18, 2019</b>				
<b>Amendments</b>			<b>On roll call</b>			<b>2/3 Required</b>	
<b>Not on roll call.</b>						<b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					
		<b>Motion Carried</b>					

DRAFT