



**CITY OF BEACON  
CITY COUNCIL**

Resolution No. 152 of 2019

**RESOLUTION**

**GRANTING CONCEPT PLAN APPROVAL FOR  
248 TIORONDA AVENUE (PARCEL NOS. 5954-16-993482 AND 6054-45-012574)**

**WHEREAS**, 248 Beacon Holdings LLC (the “Applicant”) submitted an application to the City Council for Concept Plan Approval 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”); 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 “Property”); 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 “248 Tioronda Ave, Beacon NY” last revised May 2019, as prepared by Chazen Companies:

Sheet	Title
G001	<i>Title Sheet</i>
C100	<i>Environmental Conditions/ Constraints</i>
C130	<i>Concept Plan</i>
C200	<i>Vehicle Maneuvering Plan; and</i>

**WHEREAS**, site section elevations are shown on the drawings, entitled “248 Tioronda Avenue, Proposed Revisions,” dated January 17, 2019, as prepared by AB Architekten; and

**WHEREAS**, the Proposed Action is an Unlisted Action, pursuant to New York State Environmental Quality Review Act, and on June 11, 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**, on June 11, 2019, the Planning Board adopted a Local Waterfront Revitalization Program (“LWRP”) Consistency Determination, finding that the Concept Plan is entirely consistent with the applicable LWRP policies; and

**WHEREAS**, the Planning Board issued a report to the City Council dated June 12, 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**, a duly advertised public hearing on the Concept Plan for 248 Tioronda Avenue was held on August 19, 2019, and continued to October 7, 2019 and October 21, 2019, at which time all interested persons were given the opportunity to be heard, and the public hearing was closed on October 21, 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 an undeveloped industrial property with a proposed mix of residential and non-residential uses. The proposed use is a permitted principal use in the Fishkill Creek Development District. The Proposed Action will also establish and improve open space corridors and continues to develop the Greenway Trail along the Fishkill Creek for public recreation. Public access to the trail will be provided from Tioronda Avenue. The trail will extend approximately 1,830 linear feet and will connect to Wolcott Avenue.

**[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 from the Creek from 45 feet to 110 feet, with an average setback of 75 feet. Section 223-41.14.I of the City Code provides that the average setback must be a minimum of 50 feet, but not less than 25 feet at any point. The proposed layout avoids any development along the steep areas that surround the Creek, as well as floodplain areas.

**[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 and 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 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 completely within the existing disturbed areas of the former industrial buildings. The Project also includes a public Greenway Trail along the Fishkill Creek. The Project was developed with a comprehensive plan for access, connected greenspace, landscaping, circulation and compatible architectural elements. The Concept Plan builds on the existing Beacon environmental and historic context of the site. The Concept Plan is sensitive to the site's relationship with Fishkill Creek and preserves important public views and view corridors throughout the development. Additionally, Development is set back from the shoreline to preserve privacy and grade-separation for trail users. The Project represents a significant visual improvement over the former industrial 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.*
  - (h) *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.*

The Project will incorporate various energy-saving features such as low flow toilets, energy star appliances, double-paned windows and energy-efficient lighting. Additional 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, walks, 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.*

Conceptual architectural elevations were submitted to the City Council for its review. A landscape plan has not yet been submitted. The third story and cellar level elevations are set back to mitigate the perceived height of the buildings on all sides. The proposed refuse container will be screened from view by a cedar fence. The properties to the west are higher in elevation than the project property, and the site drops off to a lower elevation east of the railroad tracks. Since the project site is lower than much of the surrounding area, only the higher portions of the proposed buildings will be visible. Also photo simulations were provided to the City Council to depict the three proposed buildings as seen from eye-level vantage points along Tioronda Avenue and from Simmons Lane across Fishkill Creek.

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 will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or the street in accordance with Section 223-14.B of the zoning regulations. All site lighting will be full cut-off. The Applicant will provide lighting photometrics and details to the Planning Board during Site Plan review.

- (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 provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. The grade crossing provides access both to the project site and to the adjoining property, avoiding multiple accesses onto Tioronda Avenue. Pedestrian access will be created to provide access from Tioronda Avenue to the Greenway Trail. The Applicant will construct appropriate sidewalks and crosswalks to ensure safe passage.

- (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. The trail extends a distance of approximately 1,830 linear feet with an additional 470 linear feet within two spurs, representing a large addition to the City's proposed Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan. This trail will connect to Wolcott Avenue through the emergency access road to Wolcott Avenue, and to the adjacent property to the south. Public access to the trail is also provided from Tioronda Avenue. The Applicant has added a handicap accessible component to the trail connecting the upper greenspace area to the lower trail. The project developer will be responsible for the construction and maintenance of the Greenway Trail. The Greenway Trail was designed by the Applicant in close coordination with the City Planner and the Chair of the Greenway Trail Committee.

(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.*

Parking is provided in a surface lot located between the proposed office building and residential buildings and within a parking garage located below grade that extends under and between the two residential buildings. According to the City of Beacon Zoning Code Section 223-26.F, a multifamily residential use requires 1 space for each dwelling unit plus 1/4 space for each bedroom, and a professional office use requires 1 space for every 200 square feet of gross floor area, excluding utility areas. Therefore, the 64-unit residential development with 28 one-bedroom units and 36 two-bedroom units (100 bedrooms total) requires 89 parking spaces and the 25,400 SF office building requires 127 parking spaces, for a total required parking of 216 spaces. The proposed Concept Plan provides 89 parking spaces for the residential portion (15 surface lot spaces and 74 garage spaces) and 103 surface lot spaces for the office use. The proposed Concept Plan provides the required spaces for the office use, with 24 spaces being land banked spaces. Such land banked spaces will be reserved for future use if needed.

(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 service. A 12" water main and 8" sewer main are located along Tioronda Avenue. Sewage generated from both residential and non-residential buildings will be conveyed via gravity flow to an onsite sewage pump station, where it will be pumped via force main and tapped in to the existing 2-inch fiberglass pipe which extends under the railroad property and ties into the City sewer system.

The Project will increase the impervious area by 0.48 acres. 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, including the use of green infrastructure practices such as bioretention.

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), City of Beacon, New York, Community Panel 360217, 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. No building construction is proposed within Zone AE.

- (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 proposed layout utilizes the existing disturbed area from the former heavy industrial development, while preserving the area at the top of the bank of the creek. A conservation easement will protect the proposed Greenway Trail area. In addition, the Project provides a buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank varies from approximately 45 feet to 110 feet, with an average setback of 75 feet, which exceeds the minimum required setback of 25 feet and the minimum required average setback of 50 feet. The layout was designed to avoid 100-year floodplain areas, and very steep slopes are avoided to the maximum extent practicable.

- [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 a former industrial 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. 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 Planning Board made a determination on June 11, 2019, that the Project is entirely consistent with the LWRP policies that apply to the Project. Policy #25 of the LWRP lists 13 viewsheds that should be protected, which contribute to the scenic quality of the coastal area. None of the views extend over the subject development site, or over any nearby site in the Fishkill Creek Corridor. Nonetheless, the Project is consistent with the applicable LWRP recommendations for development in scenic viewsheds.

#### *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 approved Site Plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail has been relocated to avoid the stream and floodplain areas. The proposed Greenway Trail represents a significant addition to the City's proposed FCG&HT Master Plan fulfillment. This trail will connect to Wolcott Avenue through the emergency access road to Wolcott Avenue, and to the adjacent property to the south. Public access to the trail is also provided from Tioronda Avenue. The width of the proposed trail easement is 20 feet, while presently the City has only a 6-foot wide easement at the property edge, pursuant to the filed subdivision map.

**[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 a deteriorated former industrial site. The Project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally

pleasing new buildings, as well as provide a public Greenway Trail along the Fishkill Creek. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single-family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. 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 width of the proposed trail easement varies from 10 feet to 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the subdivision map. The Project avoids steep slopes and the 100-year floodplain. Furthermore, the Applicant will protect the area near the Creek by placing the Greenway Trail in a Conservation Easement.

**[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 City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The Applicant's development site is not within any of the designated viewsheds. The proposed development area is not located in a designated LWRP viewshed, and the project design is consistent with the applicable LWRP recommendations for developing in scenic viewsheds.

The proposed layout utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the Creek is preserved. 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 [GRANTS/DENIES] an application to 248 Beacon Holdings LLC for Concept Plan Approval 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 as set forth and detailed on the plans prepared by Chazen Companies, last revised May 2019 upon the following conditions:

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 Planning Board shall review all structures projecting above the roofline of the buildings, including the stairwell and elevator bulkheads, to ensure that such structures are designed to the minimum dimensions necessary to achieve their intended purpose. The Planning Board shall also explore appropriate screening for all structures projecting above the roofline of the buildings.
5. 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.
6. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
7. 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.
8. 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.
9. The approvals granted by this Resolution do not supersede the authority of any other entity.
10. The Applicant and Planning Board shall examine whether the Applicant can increase the open space between the residential buildings.
11. The Applicant and the Planning Board shall consider providing additional land bank parking.

Dated: November 18, 2019

<b>Resolution No. <u>152</u> of 2019</b>		<b>Date: <u>November 18, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>	<b>x</b>				
		<b>Jodi McCredo</b>		<b>x</b>			
		<b>George Mansfield</b>	<b>x</b>				
		<b>Lee Kyriacou</b>	<b>x</b>				
	<b>x</b>	<b>John Rembert</b>		<b>x</b>			
<b>x</b>		<b>Amber Grant</b>	<b>x</b>				
		<b>Mayor Randy J. Casale</b>	<b>x</b>				
		<b>Motion Carried</b>	<b>x</b>				