

February 25, 2020

Mr. John Gunn, Chairman  
and Members of the Beacon Planning Board  
Beacon City Hall  
1 Municipal Center  
Beacon, New York 12508

VIA HAND DELIVERY

*Re: Response to John Clarke Comments dated 01/10/2020, and Lanc & Tully Comments dated 01/08/2020,  
248 Beacon Holdings LLC - Fishkill Creek Development Site Plan for 248 Tioronda Avenue  
(Formerly Beacon 248 Development, LLC, Multifamily Development)  
248 Tioronda Avenue, City of Beacon, Dutchess County, NY  
Chazen Project #81750.00*

Dear Chairman Gunn and Members of the Beacon Planning Board:

The following is a point-by-point response to the above referenced comments.

**JOHN CLARKE COMMENTS DATED February 6, 2020**

1. On the Site Plan Sheet C130:

- a. The proposed sidewalk along the upper parking area should be extended north to connect to the Building 200 entrance with a marked crosswalk across the driveway.

**Response: Addressed, please refer to C130.**

- b. The Site Plan now shows 217 parking spaces, including the land-banked area. The two parking counts on Sheet G001 should be updated.

**Response: Addressed, Title sheet has been updated.**

- c. The ADA spaces across from Building 200 have been relocated to a position closer to the entrances, but the 5 northernmost parking spaces need to have 24 feet for backing out.

**Response: The drive aisle has been increased to 24 adjacent to the 4 ADA spaces across from building 200.**

- d. The Greenway Trail has been shifted to the west of bioretention area 1. Unless there is some overriding issue, the trail should remain closer to the creek overlook than to the foundation of Building 100.

**Response: The trail was moved closer to building 100 to allow for building accessibility.**

- e. The main Greenway Trail route was previously shown as 8 feet wide, including at the stairs, but this plan narrows the trail to 5 feet at the two short stair segments near

buildings 100 and 200. This should be justified or reconsidered.

**Response: An alternate detail was discussed with the BGWTC which provides for a more natural variable width stair.**

2. On Sheet C530 the trail surface on Site Detail 22 or 25 should be noted as ADA-compliant.

**Response: A detail was provided for the ADA segment of the trail. Please refer to detail 26 on C530.**

3. For the previously submitted building plans:

- a. The proposal has been referred to the Architectural Review Subcommittee to assess the building design and consistency with the architectural standards in Section 223-41.13 I. For example, individual windowpanes shall be greater in height than width and tinted glass shall not be permitted.

**Response: Comment noted**

- b. The final plan set should incorporate the architectural elevations at a measurable scale with material specifications and colors noted, as well as the sections, simulations, typical floor plans, and a parking level plan.

**Response: comment noted**

- c. The City Council Concept Plan approval included a condition that the Planning Board review rooftop structures, including the stair and elevator bulkheads, to ensure that they are designed to the minimum dimensions necessary and that all rooftop structures have appropriate screening.

**Response: comment noted**

**LANC AND TULLY COMMENTS AT PLANNING BOARD MEETING FEBRUARY 11, 2020**

1. *Please submit the required Lot Consolidation/ subdivision map.*

**Response: The Lot Consolidation Plan is being submitted as part of this submission as a separate sheet labeled as P1.**

**GREENWAY TRAIL COMMITTEE THOMAS WRIGHT DATED FEBRUARY 9, 2020**

1. TRAIL DIMENSIONS trail dimensions, including the shoulder, buffer and easements need to be on the site plan. Any changes in width should be indicated. As a reminder: 8' trail with 2' shoulder on both sides, and 2' buffer (no walls, etc.) on both sides, all floating within a 20' easement. Ideally, these dimensions are also represented schematically on detail 25, C530.

**Response: Dimensions have been included on the site plan sheet C130, and the detail 25 C530 has been updated.**

2. NORTH SPUR the north spur needs to have a lobe at the end, not just a dead end.

**Response: North Spur has been added.**

3. RETAINING WALL, the retaining wall at the middle section should have top of wall and base of wall elevations indicated. Also, per #1 above, dimensions between wall and trail components clearly indicated.

**Response: TW and BW grades have been added the wall, please refer to sheet C140.**

4. STAIRS the double-flight of stairs at the midpoint of this trail segment is a prominent part of the trail on this parcel. The BGT is happy with the proposed bluestone stair, however, we feel that the design of the stair can be improved.

- a. Please provide a handrail design that is less conventional, and ideally, more in keeping with the design standards of the proposed buildings.

**Response: We request input for from the BGWTC regarding the type of rail.**

- b. Please keep the stairs the same width as the trail, 8'. if two handrails are required, we request that the space between the handrails be equal to the full width of the trail, 8'

**Response: We provided an alternative detail with variable width stairs for a more natural look.**

- c. If code compliant, we request that a single handrail be placed at the center of the stair, instead of handrails on both sides of the stair.

**Response: One handrail is proved on one side. We would like to discuss this further with the BGWTC.**

- d. We are concerned about the layout of the double flight of stairs at the center of the site. could several of the stairs be extended to the side to create some bleacher-type seating in a couple of locations? could the layout be massaged so it is less of a straight run? could more landings be introduced to break up the flights?

**Response: An additional landing was added to further break up the grade transition.**

- e. We would like to see a widening of the trail at the base of the main stairs to avoid an abrupt intersection there.

**Response: Addressed as noted.**

5. TRAIL LAYOUT REVIEW we would like a note on the site plan (or in some other way memorialized) that says that the BGT Committee will be asked to review trail layout on site prior to construction of trail.

**Response: Addressed as noted, a note is added to sheet C130.**

6. TRIAL OPENING TIMELINE the trail will be open to the public across the length of the parcel prior to issue of first C of O for the residential portion of the project. The BGT Committee requests confirmation.

**Response: This will be documented in the resolution for Site plan Approval.**

7. GUARDRAIL AT RAMP please provide a detail for the fall protection at the ramp section. We are assuming a maximum height of 42" for this guardrail. We do not want to see chain link fence here.

Please provide detail of proposed guardrail. Location of guardrail needs to be indicated to insure that the width of the trail is not reduced at this portion. (note: a covered picket, two rail design would be acceptable to the BGT Committee. There is an example of this type of guardrail directly across Wolcott Avenue in the pocket park, protecting fall at the spur line east abutment.)

**Response: Provided a detail of a black aluminum fence, detail # 20 Sheet 570, location and notation regarding the guardrail fall protection fence at the ramp portion of the trail.**

8. EMERGENCY ACCESS in an earlier iteration of the site plan, there was a trail connection to the south of building 100. It was assumed that this would provide an emergency access point to the greenway trail south of the stairs. The BGT Committee is concerned that the current site plan will make emergency access difficult for the trail south of the stairs. It is the understanding of the Committee that a minimum unobstructed width of 20' is required for emergency access.

**Response: trail modifications were made in response to a request by the City's Planner and Planning Committee for an accessible portion of the trail through the middle section of this parcel. Access to the south side of the trail is via Tioronda Ave sidewalk at the front entrance and down through the side through and by the north side of building 100.**

9. PARKING it was the assumption of the BGT Committee that the applicant would provide several parking spaces dedicated to users of the Greenway Trail. Such a provision was part of earlier Site Plan Approval applications, such as 23-28 Creek Drive.

**Response: Parking poses easement-related challenges, as a result of restrictions on total number of parking spaces placed by the City and the City Planner.**

10. BENCHES the site plan should indicate quantity, type and location of benches along greenway trail.

**Response: 4 benches have been proved along with 1 bicycle rack. Please refer to details 18 and 19 sheet 570.**

### **ENVIRONMENTAL REVIEW**

The Chazen Companies (Chazen) has received a copy of questions to the City of Beacon's Planning Board from Mr. Bryan Quinn concerning the proposed redevelopment project for project site. Chazen has prepared the following response, based on our review of a February 10, 2017 *Phase 1 Environmental Site Assessment* prepared by Environmental Affiliates Inc. (EAI) and March 2017 *Phase II Environmental Assessment Report* prepared by Integral Engineering, P.C. (Integral). Chazen did not independently verify the information contained in those reports, conduct environmental investigations on the site, or review documents that may be publicly available in NYSDEC files.

In summary, the Phase I Environmental Site Assessment process complies with the CERCLA for all appropriate inquiry. Consequently, the known or reasonably suspected adverse environmental conditions based on current and historical uses of the Site have been identified. Known historical impacts reportedly remediated by NYSDEC were evaluated by the 2017 Phase II investigation and no residual impacts exceeding current unrestricted use soil cleanup objectives were identified.

The Site is currently listed with the Classification Code C on the New York State's IHDWS registry. This classification is used for sites where the Department has determined that remediation has been satisfactorily completed under a remedial program (e.g., State Superfund). To attain a Class C designation, State Superfund (Registry) sites must first completed all active operation, maintenance, and then monitored for a

minimum of two years before they can be delisted and reclassified to Class C. As such, NYSDEC has already determined that no additional investigation, mitigation, or monitoring of site conditions is necessary. The Site was recently subject to the SEQRA process for proposed site redevelopment and a Negative Declaration received.

Although it is possible that some previously unknown or undiscovered condition may exist that could require additional investigation and/or remediation there is no evidence to suggest that this condition is present. If some adverse condition is discovered during redevelopment of this or any other site, New York State law requires that these conditions if discovered be adequately characterized and addressed at that time.

**BRYAN QUINN LETTER TO THE BEACON PLANNING BOARD FEBRUARY 7, 2020, PAGE 4.**

1. *There is no proof I am aware of that the site was cleaned up to meet current Residential Standards, which are a very high standard of remediation;*

**Response:** At the time of site remediation, the applicable guidance was TAGM 4046. The TAGM 4046 guidance was subsequently replaced by the current unrestricted use soil cleanup objectives (UUSCOs) included in 6 NYCRR Part 375-6.8(a). Sites that had been remediated to TAGM guidance would and should meet the current UUSCOs which are more stringent standards than the current restricted residential soil clean-up objectives in 6 NYCRR Part 375-6.8 (b). The analytical results of samples collected in the 2017 Phase II meet the UUSCOs.

2. *There is no proof I am aware of that the clean up addressed the entire property. It may have only addressed a portion of the property;*

**Response:** The site was a listed Inactive Hazardous Waste Disposal Site. In order to be listed as such, a Preliminary Assessment (PA) and an Immediate Investigation Work Assignment (IIWA) or Remediation Investigation (RI) (or both) would have been conducted to identify the nature and extent of contamination, define the areas impacted, and select a remedy. The remedy would then be applied to the areas of impact. As NYSDEC's online listing for this site (attached) shows that 14,000 CY of soil were treated onsite using bioventing and that this interim remedial measure (IRM) was successful in reducing the contamination levels to guidance values. We assume that the remediation targeted the area of impact defined by the (PA/RI). The site was delisted following two years of groundwater monitoring, indicating the NYSDEC deemed the remedy complete.

NYSDEC's online listing for this site (attached) shows that 14,000 CY of soil were treated onsite using bioventing and that this interim remedial measure (IRM) was successful in reducing the contamination levels to guidance values. While we do not have the NYSDEC documents on the location of remediation, a remedial approach (including IRMs) is typically determined after adequate characterization of a site so that the most efficient and effective remedy can be selected and implemented for the site area(s) that warranted remediation. The site was delisted following two years of groundwater monitoring, indicating the NYSDEC deemed the remedy complete.

3. *There is no recent soil testing data for the property, and no one in the City has ever seen the original testing data from the 1990's;*

**Response:** Integral's 2017 Phase II report includes soil testing data from six borings. Analyses focused on BTEX (benzene, toluene, ethylbenzene, and xylenes) as toluene was the primary contaminant of concern addressed by the IRM, and results were less than UUSCOs. One of the

**2017 soil samples (SB-8 on the downgradient side of proposed buildings) was analyzed for full list VOCs and did not report exceedances of UUSCOs.**

4. *The details of the clean up are unknown and we seem to be unaware of what the required long-term post cleanup requirements are;*

**Response:** The NYSDEC listing states that “The NYSDEC has neither sought nor received any additional information on this site since it was delisted in May 2003.” The site is classified as **Classification Code: C (Completed)**. This classification is used for sites where the Department has determined that remediation has been satisfactorily completed under a remedial program (e.g., State Superfund). State Superfund (Registry) sites must have completed all active operation, maintenance, or monitoring requirements before they can be delisted and classified as Class C.

5. The letters sent in your 1/22/20 email were from almost 20 years ago and therefore their opinions could not have taken into account the current project; and,

**Response:** Correct, and the point is moot as the site was delisted and classified as Class C. While this project may not have been predicted 20 years ago, the recently conducted Phase I and Phase II investigations have revealed no historical uses over the past 20 years that have adversely impacted the environmental quality of the Site. Additionally, recently collected analytical data indicates that the on-site soils meet current UUSCOs indicating that the current quality is at least as favorable or more favorable than it was 20 years ago.

6. The applicant's response in Chazen Companies letter does not address any specific concerns. It only cites the letters from your 1/22/20 email, which have almost no specific information.

**Response:** Please see prior responses regarding the delisting.

*Simply because a cleanup by DEC was completed does not mean a site is necessarily suitable for residential development. For your information, brownfield cleanups often focus on a limited range of contaminants.*

- *A cleanup may fix a few contaminants but not all;* **Response: See response #2 above.**
- *Some cleanups simply try to reach minimum industrial or manufacturing standards. (Residential and Park (greenway) use require much cleaner conditions that may require further actions.);* State Superfund (Registry) sites must have completed all active operation, maintenance, or monitoring requirements before they can be delisted and made Class C. **Response: See response #4 above.**
- *Most cleanups come with a long term management plan or a set of instructions;* **Response: See response #4 above.**
- *Some cleanups address only a limited amount of land area within a parcel;* **Response: See response # 2 above. NYSDEC’s online listing states No Significant Threat to Fishkill Creek off-site and downgradient.**
- *Clean up standards and best practices for remediation are always changing. What may have been acceptable twenty years ago might not be today.* **Response: See response #1 above. 2017 data meet current Part 375 UUSCOs.**

The following items are enclosed (8 copies)

- Site Plan Set revised February 25, 2020, (8 copies)
- Environmental Site Assessment Phase 1, (2 copies)
- Environmental Site Assessment Phase 2, (8 copies) and
- Lot Consolidation Map, (8 Copies)

If you have any questions or need anything further, please call me at 845-486-1510. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Larry Boudreau". The signature is written in a cursive, flowing style.

Larry Boudreau, RLA (GA & NY), MBA  
Director of Land Development