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October 31, 2017

Hon. Jay Sheers, Chairman
And Member of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: River Ridge – Submission cover letter and response to comments from John Clarke, Lanc & Tully, and Creighton Manning

Dear Chairman Sheers and Members of the Planning Board:

At the October meeting, the Planning Board scheduled a public hearing for the November 14th meeting to accept comments on the Site Plan and on any issues of environmental concern relating to the project.

Attached please find five copies of the following:

1. Updated complete Site Plan set of drawings.
2. Updated Project Narrative.
3. Updated LWRP Consistency Report.
4. Updated Full Environmental Assessment Form.
5. Updated Phase I Archaeological Study dated October 2017.
6. Letter from Maser Consulting dated October 31, 2017, responding to Creighton Manning review letter of October 26, 2017.
7. Rendered Elevations as requested by the Planning Board showing:
 - a. View of Project facing Wolcott Avenue (looking west), showing massing of Church to the north, and relative height of project tower and church steeple



October 31, 2017

Page 2

- b. View of Project looking south from Church property, showing massing of Church to the north, and relative height and location of project tower and church steeple. The detailing of the north side of the accessory building with tower element is being updated to show an arched masonry opening which will allow pedestrians to enter the archway from the first floor level sidewalk between the Church and the townhouses to access a covered concrete stairwell providing access to the garage level parking area of the project. The lower level entrance will also be framed with an arched masonry opening.
- c. View of Project looking east (from River at view point level with project), showing massing of Church to the north, relative height of tower and church steeple, distance between Church and project, and landscaped retaining walls on western side of project.
- d. Second view of project looking east (from Hammond Plaza), showing uphill view toward project featuring landscaped retaining wall and fence at top of wall with project units behind.
- e. View of Project looking north (from Ferry Street) showing view of “L-shaped” project layout, with mass of Church and steeple behind the project to the north, and landscaped retaining walls in foreground facing Ferry Street.

These elevations supplement perspective view rendered elevations which were previously submitted, showing:

- f. View of the Project from the northeast, with Historic Reformed Church in the foreground and project south of it.
- g. View of Project from the southwest, showing the view along Wolcott Avenue.

Reduced size copies of these views are included as part of the LWRP Consistency Report.

A CD with copies of the above materials is also submitted herewith.

The following are out responses to John Clarke’s comments memo and Lanc & Tully comment letter:



October 31, 2017

Page 3

JOHN CLARKE COMMENT MEMO DATED OCTOBER 6, 2017:

Comments and Recommendations

The applicant is looking for the Board's direction on several critical layout questions that involve potential variances before moving forward on more detailed plans:

1. **Comment:** The RD-7.5 district has a building length limit of 150 feet. Both rows of townhouses exceed that length, especially so if the L-shaped row is considered one continuous building.I agree that the Board has the ability to waive the length of the row south of the entrance under the Affordable Workforce Housing provisions in Section 223-41.10 M, since the extra 19 feet allows for the permitted bonus unit.

Response: The Building Inspector has determined that there are 3 primary buildings and one accessory building proposed for the property, and each presents somewhat different considerations:

Southern Building: The Building Inspector's office has determined that the building south of the entrance exceeds the 150 foot length solely by reason of the bonus unit in the building. Zoning Law section 223-41.10 (M) provides that the Planning Board may modify the 150 foot requirement to accommodate the bonus unit(s). The bonus unit is 24 feet wide, and the applicant has requested that the Planning Board exercise its discretionary authority to modify the permitted building length to accommodate this unit (thus allowing the building to be 19 feet longer than ordinarily permitted)

Northern 2 Buildings: The L-shaped configuration north of the entrance is not a single building. The Building Inspector has determined that there are two separate buildings north of the entrance, separated by an accessory building. Both of the buildings north of the entrance are compliant in length. The most northerly building (along the east-west axis) is 125 feet long. The building along a north-south axis is 150 feet long. These two buildings require a separation variance (see following answer). The accessory building needs a height variance of approximately 15 feet.

2. **Comment:** The district requires a minimum separation between buildings of twice the average height of the facing buildings, or 70 feet for 35-foot-high buildings. Breaking up the buildings to avoid the 150-foot limit makes the 70-foot separation limit difficult to meet.....[T]he L-shaped row should be divided to avoid an extremely long elevation and excessive variance.

October 31, 2017

Page 4

Response: As noted above, the building inspector has determined that the two northern buildings are not one “extremely long elevation,” but are two separate buildings. These building will require a variance of the separation requirements. The code requires that buildings be separated by “twice the average height of the facing buildings.” The proposed layout provides an 18.9 foot separation. An area variance will be required. The applicant believes that a variance is justified in this case because of the unusual configuration of the property and the need to accommodate a number of concerns including viewsheds through the site to be congruent with the LWRP, protection of views into the site from the historic church to the north; and the needs of the adjoining Hammond Plaza property for privacy. In the interests of consistency with the Comprehensive Plan and the provision of a pocket park along Beekman Street, the applicant is proposing to leave this frontage undeveloped for housing units. The accommodation of all of these very valid concerns results in the need for a variance. The variance is not significant because it affects only a small percentage of the two “facing” buildings. The buildings do not actually “face” each other, but become proximate only in the “L” shaped corner. The separation variance affects approximately 5 units.

There is nothing *per se* inappropriate about proximity to a neighboring building. Such separation requirements do not apply, for example, in single family residential districts, and many neighboring houses are closer to each other than this standard would suggest. There is nothing that is inherently “better” about a layout that maximizes separation of units. This sometimes leads to unwanted “sprawl.” We believe that the separation requirement is somewhat inapt to a Townhouse project in the present circumstances. The variance does not impact any other property in the neighborhood, and is not even perceptible from outside the property. Indeed, one of the advantages of the proposed layout is that it presents a finished appearance toward the church. The applicant has minimized the variance to the maximum extent possible. The applicant has designed its layout to maximize privacy and visual character for all neighboring properties. The other viable alternative layouts don’t provide the same level of benefits to the neighbors. (as was discussed in detail at the October Planning Board.) The neighbors will appear at the public hearing to state their opinions and preferences on the layout issue.

3. **Comment:** The previous renderings showed a tower element near the northern end of the parcel that appears to exceed the district’s maximum height limit of 35 feet.....The applicant could relocate the connecting utility building and request a 50-foot variance from the 70-foot building separation requirement.Whichever layout the Board prefers, the northern tower element should be eliminated, since it would require another variance and would compete with the historic church spire.



October 31, 2017

Page 5

Response: First, to clarify the scope of the variances, two separate variances are required, both of which are area variance: A variance of the ground-level separation requirement between facing buildings, and a separate variance of the height of the accessory building (the tower element) between those buildings. The inclusion of the tower element does not change the need for the separation variance, since the tower element is only an accessory building. The separation requirement applicable to the two main buildings applies with or without the presence of the tower element.

The tower element is a key architectural feature of the project. The tower is 50'-0" feet in height. The nearby church steeple is 120 feet in height. The tower does not compete with the church steeple or the church.

The applicant has considered shortening the tower, but shortening the tower does not add any real advantage to the neighbors or the project, and decreases the attractiveness of the tower. The elevation views included in this submission establish clearly that the tower element does not in any way compete with the Church steeple, and is less than half the height of the steeple. The tower element is not occupied, (except at the ground level to accommodate stairs allowing passage from the interior courtyard of the project to the sidewalk along the northerly property line) and the tower is similar to a belfry or cupola which is exempt from the City's height regulations.

4. **Comment:** Two variance-free alternatives have been provided, neither of which is preferable from the applicant's perspective. Alternative A fragments the development, builds on the lower steep slopes off Beekman Street, has garage doors facing the street, and would result in the loss of a significant number of on-street parking spaces. In Alternative B two of the townhouses infringe on the central greenspace and would partially block river views through the site.

I have attached two additional options. The first would move the two townhouses in Alternative A back, framing the central green and view with side buildings. The original layout has the green surrounded by asphalt and parking spaces. This option would separate the buildings by 60 feet, requiring a more minimal 10-foot variance. The second option turns the rear buildings toward the river views, offers more greenspace, and meets the building separation requirement.

Response: The four alternatives were discussed at length at the October Planning Board meeting. In response, the Planning Board requested elevations which are provided herewith. Additionally, we have consulted with the neighbors, and they will be present at the public hearing to state their views on their



October 31, 2017

Page 6

preferred alternative.

5. **Comment:** Building elevations will need heights, colors, and materials noted.

Response: Comment acknowledged. Detailed building elevations will be submitted once the building layout and design has been finalized with the Planning Board, and any potential required variances have been resolved.

6. **Comment:** The trees over 8-inch diameter to be incorporated into the development and those to be removed should be clearly shown on the plans.

Response: The Landscape Plan has been revised to show existing trees over 8" diameter, and those to be removed have been noted as such.

7. **Comment:** The Traffic Impact Study should be reviewed by the City's consulting traffic engineer.

Response: We have received the memo from Creighton Manning and the Response by Maser Consulting is submitted herewith.

8. **Comment:** Since this property is in the Historic Overlay Zone and within the LWRP boundary, the Board will need to approve a Certificate of Appropriateness and LWRP Consistency Statement.

Response: Comment acknowledged. The LWRP consistency statement has been updated to reflect the incorporation of an enhance Village Green at the entrance.

LANC & TULLY COMMENT LETTER DATED OCTOBER 5, 2017:

General Comments:

1. **Comment:** The project consultant submitted a stormwater pollution prevention plan (SWPPP) which we have reviewed and provided comments to the project consultant. *The applicant has noted that a revised SWPPP will be submitted once the required soil testing at the site has been performed.*

Response: Comment acknowledged. Soils testing has been completed. There will be no changes to the upper infiltration area as preliminary testing matched the testing recently performed by HLD and observed by the city engineer's office. The area near the pocket park was recently tested for the first time and observed



October 31, 2017

Page 7

by the city engineer's office (this area did not have preliminary testing completed as we waited on authorization from the archaeological subconsultant to do so). There will be minor changes to the stormwater management practice in this area. The SWPPP is accordingly being revised and will be included in a future submittal, as the site plan is refined.

2. **Comment:** Section 195-20, Paragraph B(4), of the City Code requires that "The area to be subdivided shall have frontage on and direct access to a street. The proposed subdivision shows 5 parcels to be created (Lots 14 through 18), that will not have frontage on a street, and are therefore land-locked parcels. These parcels are proposed to have access to the street across a Homeowners Association (HOA) parcel, which we defer to the City's Planning Board Attorney as to whether or not this is the appropriate ownership for the parcel to allow for the development of these land-locked parcels and allowing for access to the street. *The applicant notes that the City Building Inspector has determined that the layout is consistent with the City Code and past practice, subject to the provisions of appropriate HOA documentation to be reviewed by the Planning Board Attorney.*

Response: The City Building Inspector has determined that the layout is consistent with the City Code and past practice, subject to the provisions of appropriate HOA documentation to be reviewed by the Planning Board Attorney.

3. **Comment:** The applicant has submitted a Traffic Impact Study for the project, as prepared by Maser Consulting. We would recommend that the Planning Board pass this study to the City's Traffic Consultant for review and comment.

Response: The City's consultant has presented a review memo. The response from Maser is attached.

4. **Comment:** A cut & fill analysis plan should be provided for the project. *The applicant notes that this will be provided with a future submission.*

Response: Comment acknowledged. This will be provided upon refinement of the project layout.

5. **Comment:** Profiles shall be provided for the water, sewer and storm drainage utilities proposed. *The applicant notes that this information will be provided with a future submission.*

Response: Comment acknowledged. The profiles will be provided upon refinement of the project layout.



October 31, 2017

Page 8

6. **Comment:** Although fencing has been added to the plans above the proposed retaining walls, construction details for the fencing shall be provided on the plans.

Response: Fence construction detail has been added to the Landscape Plan.

Preliminary Subdivision Plat:

1. **Comment:** An easement will be required across the common HOA parcel allowing for ingress and egress to each of the 18 proposed residential lots. *The applicant notes that this should be a condition of Final Approval.*

Response: Comment acknowledged.

2. **Comment:** Additional easements may be necessary the running of utilities between the HOA parcel and the individual parcels being created. *The applicant notes that this should be a condition of Final Approval.*

Response: Comment acknowledged.

Sheet 3 of 11:

1. **Comment:** We would recommend lighting be provided along the proposed walkway between Ferry Street and Route 9D. *This information will be provided by the City Engineer to the applicant for addition to the plans in a future submission.*

Response: Lighting has been located along the proposed walkway and stair between Ferry Street and Route 9D. The specifications for these fixtures will be include on the drawings when received by the City Engineer.

2. **Comment:** Additional construction details should be provided on the plans for light poles and associated bases. Although the applicant notes that the additional information has been provided, additional information construction details shall be provided with regards to the concrete light poles bases that are to be mounted in the ground for the proposed light poles.

Response: Construction details for light poles and associated bases are now included on the plans.

Sheet 6 of 11:

1. **Comment:** The "View from Below Retaining Wall" is misleading, as the area below the



October 31, 2017

Page 9

wall is not a flat open area as shown, but rather a sloped area. Furthermore, the top wall as depicted extends above the final proposed grade which is not representative of the proposed grading plan. The rendering should be revised to accurately reflect what is proposed.

Response: The initial rendering was designed to highlight the overall wall system, and did not include either the slope or the extensive existing vegetation in the foreground, which tends to limit views of the wall. The updated renderings (submitted herewith) show the effects of the landscape plantings on the wall.

Sheet 7 of 11:

1. **Comment:** The plan calls for multiple underground stormwater infiltration areas to be developed. Soil testing will need to be conducted for these proposed structures, and will need to be witnessed by the City Engineer. *Soil testing was conducted at the site on September 11th, 2017 with the City Engineer's office, and the results will be submitted with the revised SWPPP.*

Response: The soil testing took place on September 11th in the presence of the City Engineer. Test pit and infiltration test logs will be provided in the updated SWPPP.

2. **Comment:** Water and sewer service connections for each of the proposed units should be shown on the plan. *The applicant notes that this information will be provided on a future submission.*

Response: Comment acknowledged.

3. **Comment:** The lowest sewerable elevation (LSE) be provided for each unit. *The applicant notes that this information will be provided on a future submission.*

Response: Comment acknowledged.

4. **Comment:** We would recommend that sleeves be provided on the sanitary sewer line between SMH-4 and SMH-5 where it crosses under the proposed retaining walls. *The applicant notes that this information will be provided on a future submission.*

Response: Comment acknowledged.

5. **Comment:** Given the height and tiering of the proposed retaining walls, the design of these walls shall be prepared by a licensed professional engineer registered in the State



October 31, 2017

Page 10

of New York, and a design report and plans for these walls should be submitted for review. A note shall be added to the plans and the retaining wall construction detail noting this. *The applicant notes that this information will be provided on future submissions.*

Response: Comment acknowledged. Based on discussions at the last Planning Board meeting, we are working directly with the wall manufacturer to prepare the final design report. We have had discussions with them with regard to sloping the ground in between the walls to reduce the appearance of the top walls' height by 18", and have also discussed the placement of geogrid at lower depths to enhance conditions supporting the proposed plantings. When the final design is completed, the requested report will be submitted for review, and construction details and notes will be added to the plans.

Sheet 9 of 11:

1. **Comment:** The pavement restoration details shall be revised to have a minimum of 1 1/2" of top course, 3" binder course, and 3" of base course, unless otherwise approved by the NYSDOT.

Response: An existing watermain stub into the property from the main between Route 9D and Ferry Street has been traced. We are in the process of locating the stub, which we believe will eliminate the need for a new service line from the main in Route 9D, which would eliminate the need for the pavement restoration detail. We expect to be able to locate the watermain in the near future.

Sheet 11 of 11:

1. **Comment:** Although the "Meter Pit Detail" does not call for a RPZ, we would recommend that a drain from the pit to daylight be provided.

Response: If the meter pit is to be relocated as anticipated based on the previous response, we will take a hard look at a potential drain and discharge location for the meter pit.



October 31, 2017

Page 11

CREIGHTON MANNING COMMENT LETTER DATED OCTOBER 27, 2017:

Please see attached response letter from Maser Consulting dated October 31, 2017.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JL Van Tuyl'.

Jennifer L. Van Tuyl