

City of Beacon Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Highview Development, LLC and 226 Main Street Beacon, LLC (the “Applicants”) for relief from (1) Section 223-41.18(D)(5) of the City of Beacon Zoning Code (the “Zoning Code”) to construct a new building with a 10 ft. rear yard setback where 25 ft. is required, and (2) Section 223-41.18(F)(2)(a) of the Zoning Code to provide no off-street parking spaces where 8 spaces are required on property located at **226 Main Street** (the “Premises”) in the Central Main Street Zoning District (the “CMS Zoning District”). Said premises being known and designated on the City of Beacon Tax Map as **Parcel ID# 30-5954-27-860918-00**; and

WHEREAS, the Applicants are proposing to construct a 4-story mixed-use retail and multifamily residential building containing ground-floor retail space and 8 apartment units on the second through fourth floors (the “Proposed Use”); and

WHEREAS, duly advertised public hearing on the application were held on July 18, 2017, October 17, 2017 and November 21, 2017 at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on November 21, 2017; and

WHEREAS, the proposed action is an Unlisted action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, on November 21, 2017, after taking a “hard look” at the EAF and all of the associated materials prepared in connection with the variance requests, undergoing an uncoordinated review, the Board herein adopts the attached Negative Declaration regarding the area variance requests; and

WHEREAS, the Applicants met with City Staff on November 1, 2017 to discuss potential options to “enhance” the available parking in the Main Street area near the property; and

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(b), when deciding the request for a variance:

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby

properties will be created by the granting of the area variance;

- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) “the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

NOW THEREFORE, BE IT RESOLVED, that the Board finds that the benefits to the Applicants from granting the variances, which includes relief from (1) Section 223-41.18(D)(5) to construct a new building with a 10 foot rear yard setback where 25 feet is required and (2) Section 224-41.18(F)(2)(a) to provide no off-street parking spaces where 8 new spaces are required, outweigh any detriment to the health, safety and welfare of the neighborhood or community resulting from granting the variance, for the following reasons:

- 1. The variances will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variances.**

The existing building on the Premises sits less than one foot from the rear property line. The proposed rear yard setback variance increases the setback from one foot to 10 feet. A Shadow Impact Study submitted by the Applicants on September 15, 2017, also demonstrates that there is no perceptible difference in the nature of the shadows created by the proposed building under the 10 foot setback as compared to the 25 foot as-of-right setback. As a result, the Board finds that the granting of the variance will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties.

The Premises is located near two municipal parking lots and there is also adequate street parking surrounding the Premises. The Premises is located within 800 feet of the Pleasant Ridge Plaza lot and the Dutchess County Motor Vehicles Lot. The Applicants also propose to add up to at least 20 parking spaces by restriping and paving the nearby municipal lots and closing curb cuts. The existing available parking in the community, combined with creation of additional spaces, is sufficient to meet the residential parking needs for the Proposed Use. Therefore, the Board finds that the granting of the requested off-street parking variance will not be a detriment

to the neighborhood.

2. The benefit sought by the Applicants cannot be achieved by some method feasible for the applicants to pursue, other than the requested area variances.

The location of the lot on the corner of Main Street and North Elm Street combined with the shape and the shallow nature of the Premises creates the need for the rear yard setback and parking variances. While the Premises is comparable in lot size to other nearby lots, the Premises is distinguishable from most of the other properties because it is a shallow corner lot. The lot is only 57 feet deep. The 10 foot rear yard setback allows a building depth of approximately 47 feet which is the minimum depth required to construct the proposed building with apartments of viable size located on either side of a central 5-foot wide corridor. Thus, the benefit the Applicants seek cannot be achieved by reducing the rear-yard setback.

Due to the narrow shape of the lot, it would be extremely difficult to develop the premises with the required off-street parking. There is insufficient space on the site to construct off-street parking, while still maintaining the minimum feasible depth of the building to support the layout of the proposed building . A minimum 42 foot rear yard setback would be required to provide any parking at the rear of the premises because the required width/length of a parking space is 9 feet by 18 feet and a drive aisle requires a width of 24 feet. This would leave approximately 23 feet in depth for a building. A building only 23 feet in depth is impractical. In effect, off-street parking cannot be properly developed on the site without restricting further development of the site.

In addition, the Zoning Code prohibits parking within a front yard, because the Premises is located on a corner lot it is treated as having two front yards. The location of the building on a corner lot makes it increasingly difficult to provide off street parking on this lot. Thus, the benefit the Applicants seek, to develop a mixed residential and retail building, cannot be achieved without the requested variance.

3. The requested variances are mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variance is mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. Here, the variance is not substantial in its effect because a 10 foot rear yard setback is greater than the existing one foot rear yard setback. The 10 foot rear yard setback is consistent with the rear yard setbacks of other properties in the CMS Zoning District. Moreover, even though the requested variance is mathematically substantial, this factor alone does not preclude the granting of the variance.

The Board reviewed the overall effect of the requested variance to permit zero parking spaces where 8 are required in the community. While the requested variance is mathematically substantial, the variance will result in minimal impacts to the surrounding neighborhood. The premises is located in close proximity to two nearby municipal parking lots and the Applicants will create additional parking by restriping and paving these lots. Furthermore, there is available street parking on Main Street and several side streets. The Applicants will add additional street parking by closing curb cuts on North Elm Street and Main Street. Therefore, the Board finds

that the requested variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Board finds that there will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by a 15 foot reduction in the rear yard setback. As discussed above, the existing rear yard setback is one foot and the proposed variance is 10 feet. The public has expressed concerns pertaining to the impacts of shadows on neighboring properties. However, the Applicant's Shadow Impact Study demonstrates that there is a negligible difference in shadow impacts if the building was constructed with a 10 foot rear yard setback or with a 25 foot rear yard setback.

As discussed above, the requested off-street parking variance will not result in an adverse effect or impact on the physical or environmental conditions of the neighborhood or district because there is other parking available in the community.

5. The alleged difficulty was self-created but his factor does not preclude the granting of the area variances.

The need for the variances is self-created since it is presumed the Applicants selected the Property as the location for its proposed development knowing the setback and parking requirements. However, this does not preclude the granting of the area variance.

BE IT FURTHER RESOLVED, that, for the reasons set forth above, the application of Highview Development, LLC and 226 Main Street Beacon, LLC, to construct a new building with a 10 foot rear yard setback where 25 feet is required pursuant to Section 223-41.18(D)(5), is hereby **GRANTED** subject to the following conditions:

A. General Conditions

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant shall obtain a building permit within six months from the date of the variance approval and shall complete construction within eighteen (18) months from the date of the building permit.
3. The variance shall terminate in the event that the Applicants fail to commence construction within one year.

B. Rear yard setback variance conditions

1. Fencing and trees shall be installed in the rear yard to the satisfaction of the Planning Board to be maintained and replaced as necessary for the life of the property.
2. Lighting shall be designed to minimize spill over onto the private property located behind the subject Premises.

3. Mechanical equipment located on the roof shall not be located within 25 feet from the rear yard property line, unless the Applicants first constructs adequate sound attenuation measures approved by the Building Inspector.
4. No mechanical equipment shall be installed or stored in the 10 foot setback.
5. The height of the building shall not be increased beyond four stories within 25 feet of the rear yard property line.
6. The conditions set forth herein shall be enforced against the Applicants and its successors and assigns.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Highview Development, LLC and 226 Main Street Beacon, LLC, to provide no off-street parking spaces where 8 spaces are required pursuant to Section 223-41.18(F)(2)(a), is hereby **GRANTED** subject to the following conditions:

A. General Conditions

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant shall obtain a building permit within six months from the date of the variance approval and shall complete construction within eighteen (18) months from the date of the building permit.
3. The variance shall terminate in the event that the Applicants fails to commence construction within one year.

B. Off-street parking variance conditions

1. Prior to issuance of the Building Permit, weather permitting, but no later than the issuance of the first certificate of occupancy subject to approval by Building Inspector, the Applicants shall restripe and reseal the existing municipal parking lot at 214 Main Street, using newly adopted parking dimensions of 9' wide by 18' long parking stalls with a 24' wide travel lane. The Applicants shall restripe the 214 Main Street Lot one time within five years of the date of the Building Permit.
2. Prior to the issuance of the first certificate of occupancy, the Applicants shall install a new sign at the 214 Main Street lot, designating the lot as a Municipal Parking Lot. Said sign shall be designed and approved by the City Planner and shall be ordered and installed at the Applicant's sole cost and expense.
3. Prior to the issuance of the first certificate of occupancy, the Applicants shall provide landscaping in the 214 Main Street parking lot. Said landscaping shall be approved by the City Planner and the Department of Public Works.

4. Prior to the issuance of the first certificate of occupancy, the Applicants shall restore and/or replace in kind the fencing in the 214 Main Street parking lot, as recommended and approved by the Highway Department.
5. Prior to the issuance of the first certificate of occupancy, the Applicants shall coordinate with the Department of Public Works and at its own cost create at least two new on-street spaces by closing existing curb cuts on North Elm Street and Main Street.
6. Within three months of the issuance of the Building Permit for the Project, the Memorandum of Understanding between the County and the City pertaining to the County Lot located on Main Street and Elm Street must be fully executed. After the City obtains the County lot and prior to the issuance of the first Certificate of Occupancy for the Project, the Applicants shall provide all improvements in the existing County Lot identified on the Plan entitled Site Plan Application, *Offsite Parking Plan* dated October 25, 2017 by Hudson Land Design. Such renovations include restriping and widening the existing County Lot to provide at least 18 new spaces, extending pavement and providing new pavement in specified areas, removing specified sidewalk, providing new concrete curbing, and replacing the wood guardrail. All construction shall comply with any applicable stormwater management requirements. The Applicants shall provide signage designating the lot as a Municipal Parking Lot. Said sign shall be designed and approved by the City Planner and shall be ordered and installed at the Applicant's sole cost and expense. The Applicants shall provide all improvements identified on the *Offsite Parking Plan* prior to the issuance of the first Certificate of Occupancy, or in the alternative, at the discretion of the Building Inspector, the Applicants may fulfill this condition by depositing a sum with the Building Department for the cost of completing the improvements. The Applicants shall submit a cost estimate of the sum based on prevailing wage contractors completing the improvements to the Building Inspector for review and approval, and once the Building Inspector approves the estimate, the Applicants shall deposit the sum with the City prior to receiving the first Certificate of Occupancy.
7. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicants shall delineate and restripe parking spaces on North and South Elm Street between Dewindt Street and Church Street, to the satisfaction of the Department of Public Works.
8. The conditions set forth herein shall be enforced against the Applicants and its successors and assigns.

Dated: November 21, 2017

REAR YARD SETBACK VARIANCE

Mr. Dunne called the roll							
Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
	X	John Dunne	X				
		Jordan Haug	X				
		Robert Lanier	X				
X		Judy Smith	X				
		John Gunn			X		
Motion Carried			4	1			

OFF-STREET PARKING VARIANCE

Mr. Dunne called the roll:							
Motion	Second	Zoning Board Members	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
		Jordan Haug		X			
	X	Robert Lanier	X				
X		Judy Smith					
		John Gunn	X				
Motion Carried:			4	1			

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)	
Project :	228 Main Street
Date :	November 21, 2017

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2c, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) If "Yes", answer questions a - c. If "No", move on to Section 3. <div style="text-align: right;"> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) If "Yes", answer questions a - i. If "No", move on to Section 4. <div style="text-align: right;"> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1, E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1, E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1, E.3.c, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1, D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1, D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1, D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2, and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	F3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Site Plan, Existing Conditions, Survey, Building Plans and Elevations, Utility and Erosion and Sediment Control Plan, Letter from Dutchess County
Department of Planning and Development, September 15, 2017 letter from the Applicant, October 13, 2017 letter from the Applicant September 16, 2017
Shadow Impact Study, November 17, 2017 submission and Offsite Parking Plan.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Beacon Zoning Board of Appeals _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

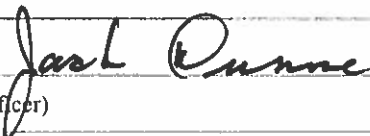
Name of Action: 226 Main Street Variance Application

Name of Lead Agency: Zoning Board of Appeals

Name of Responsible Officer in Lead Agency: Jack Dunne

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: 11-21-17

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Timothy Dexter

Address: 1 Municipal Plaza Beacon, NY

Telephone Number: 845-838-5020

E-mail: Tdexter@cityofbeacon.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

226 Main Street

Full Environmental Assessment Form
Part 3- Evaluation of the Magnitude and Importance of Project Impacts and
Determination of Significance

The project will not result in a significant adverse impact on the environment. The applicant is proposing to demolish an existing one-story structure and construct a four-story mixed use building, creating eight apartment and ground-floor storefronts. The building is located in the Central Main Street Zoning District ("CMS"). The proposed use is permitted in the CMS District subject to Zoning Board variance approval for rear yard setback requirements and off-street parking requirements, and Planning Board Site Plan Approval. The proposed action will result in the physical alteration of the land surface as the Applicant demolishes the existing structure and buildings a new four-story building. However, the construction will not impact any geographic features, the water table, or steep slopes and will not require the removal of natural material.

To further minimize potential impacts the Applicants will landscape at least 15% of the site and provide additional off-street parking to benefit the public as well as its residents. Furthermore, the site does not have any illegal water connections. The Applicant will also increase off-street parking on the site, improve the quality of the neighboring lots and provide signage on nearby municipal lots as recommended in the City's Center City Parking Analysis.

The proposed action will not result in any significant adverse impacts to air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or cause flooding problems. The Applicant has provided an inflow and infiltration investigation and determined that there are no illicit stormwater connections from the building located at 226 Main Street to the City of Beacon's sanitary sewer collection system.

The property is located in a commercial zoning district and is being developed on an existing vacant lot. The proposed action will not result in any significant adverse impacts to aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character. The proposed use will utilize an existing lot with a vacant structure to develop a mixed use building that will create economic activity in the community and create residential space. Furthermore, the proposed project will not impact any vegetation or fauna or impact any other wildlife as the site is located in a developed commercial district.

Therefore, the City of Beacon Zoning Board determines that the Proposed Action will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement is not required.

