



November 28, 2017

Chairman Jay Sheers
and Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

Re: The Edgewater Project – School Impact Comment Responses

Dear Chairman Sheers and Members of the Board,

The following comments are provided in response to the issues raised at the November 14th Planning Board meeting:

1. *The Beacon City School District's infrastructure is ageing and in need of repair.*

No publically available reports or studies have been found documenting the physical condition of the Beacon City Schools. However, it is understood that the District is considering a bond issue to address physical improvements to school facilities.

While it may in fact be true that the School District's infrastructure is deteriorating, that condition is a generalized, District-wide issue, and certainly not attributable to the development of Edgewater.

As documented in extensive detail, and confirmed by the Planning Board's staff and consultants, the Edgewater project will result in surplus real estate taxes, which could be utilized by the District to address infrastructural deficiencies.

Imposing any form of impact fee or exaction on the developer of the Edgewater project to cure pre-existing District-wide issues is patently illegal, and unjustifiable given the lack of impact the project would have on the School District.

2. *Adjustments in bedroom count or numbers of students attending private schools:*

The Board's Planning Consultant offered commentary noting that adjustments to the bedroom mix, or the percentage of students attending private schools might further reduce the school children generation rate.

We maintain the position that even at the higher 47-student figure, the project would result in a net surplus in tax revenue for the School District. The revised 43-student number would proportionally increase that surplus.

Furthermore, to underscore the conservative approach to estimating potential school children generation used in this analysis, the generation ratio for one-bedroom apartments was applied to the 9 studio apartments included in the development. Typically studio apartments are not included in these types of analyses, because they do not generate any school-aged children.

At this stage in the review process where the Board is considering potential significant adverse environmental impacts, utilizing the most conservative 47 student figure, or the more refined (and lower) figures demonstrates that the Edgewater project will not result in a significant adverse environmental impact. During the forthcoming site plan review, project modifications may be necessary, which may alter the unit count, bedroom distribution, or any number of other site plan elements. Modifying the project at this point, absent a comprehensive site plan review and analysis, would be premature – particularly given the fact that the development as presently configured, will not result in an significant adverse environmental impact.

3. *Additional tax revenue will impact the amount of state aid received.*

The attorney for the School District suggested that if the School District were to receive additional tax revenue, it would result in a loss of state aid. State aid is provided to local school districts in accordance with a complex formula, and is not linked directly to local real estate tax revenue. One-dollar of additional local real estate tax revenue does not equate to a one-dollar decrease in state aid.

In point of fact, state aid for education is provided to local school districts for the improvement of education and help school districts offer equal educational opportunity to its public school children. Eighty-eight percent of State aid for education come from the state's General Fund, primarily from income and sales taxes. State sales tax laws reserve four percent for the State and permit counties and cities to levy up to an additional four percent. Approximately 12 percent of state revenues comes from a special revenue fund supported by lottery receipts.

It seems rather remarkable that the District's attorney, having made an argument that the District is strapped for cash, would argue that additional tax revenue is unwanted or even detrimental. This position flies in the face of sound and prudent fiscal management.

It is noted that in October, the Planning Board requested the District to provide the past 5 years of state aid. The District did not provide this information to the Planning Board, and it appears that the District has not supplied this information in an attempt to further delay this application.

4. *Environmental Impact Statement:*

An issue was raised regarding the advisability of requiring the applicant to prepare an Environmental Impact Statement (EIS).

In order to require the preparation of an EIS, the Lead Agency must determine that the proposed action may result in one or more significant environmental impacts.

Guidance in making this decision is provided in the SEQRA Handbook¹:

- *The significant impact(s) must relate to an environmental effect. Economic or social factors do not constitute a basis for a positive declaration.*
- *The lead agency has taken a hard look at the relevant impacts in assessing the potential for significance.*
- *The basis for the positive declaration is reasonably consistent with other determinations of significance by the same agency, given similar facts.*
- *Whether the project, as proposed, includes mitigation measures that would eliminate one or more of the potentially significant adverse impacts, or reduce one or more impacts to a level of non-significance.*

As fully documented by the materials submitted by the applicant, as well as all confirmatory documentation provided by the Board's staff and consultants, the proposed action would not meet the standards for an EIS as set forth in the SEQR Handbook. Perhaps most relevantly, the economic factor raised by the School District very specifically "*does not constitute a basis for a positive declaration.*"

Moreover, if an EIS were required, the section dealing with school impacts would simply include all of the material already provided to the

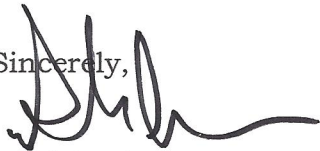
¹ *The SEQR Handbook, 3rd Edition, 2010, Page 89*

Board. Absolutely no additional information would be provided in an EIS that has not already been provided to the Board.

In summary, the applicant has fully documented, to the satisfaction this Board's consultants that the Edgewater project will not result in a significant adverse environmental impact to the Beacon City School District. The School District continues to make unsubstantiated claims of general harm, which have no direct nexus to proposed development. Further review would only result in unnecessary expense and delay, without producing any additional insight into potential school impacts. The Edgewater project will result in a modest real estate tax surplus for the Beacon City School District.

We believe the Board has fully and thoroughly evaluated the potential impacts resulting from the development of the Edgewater project, and that consideration of a Negative Declaration is warranted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Cleary', with a stylized, flowing script.

Patrick Cleary, AICP, CEP, PP, LEED AP
Cleary Consulting

cc: Rodney Weber, Scenic Beacon Developments, LLC
Taylor Palmer, Cuddy & Feder