

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**LOCAL WATERFRONT REVITALIZATION
PROGRAM (LWRP) CONSISTENCY DETERMINATION
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals (lot merger) and Site Plan Approval from Scenic Beacon Developments LLC (the “Applicant”) for the construction of seven (7) apartment buildings containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Project” or “Proposed Action”); and

WHEREAS, the Site is located in the Coastal Management Zone as defined by the City’s Local Waterfront Revitalization Program (LWRP) and the Proposed Action includes a request for an LWRP Consistency Determination; and

WHEREAS, the subject property is located at 22 Edgewater Place and designated on the City tax maps as Parcel Nos. 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979; and

WHEREAS, the subdivision is shown on the drawing, entitled, “Lot Consolidation Map Prepared for Weber Projects LLC,” dated March 6, 2017, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan Edgewater,” Sheets 1-15, dated January 31, 2017, last revised September 26, 2017, prepared by Aryeh Siegal, Architect; and

WHEREAS, the application also consists of application forms, the Environmental Assessment Form (EAF) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the application was referred to the Dutchess County Planning Department pursuant to New York State General Municipal Law and responses dated March 16, 2017 and June 12, 2017 were received; and

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WHEREAS, on May 9, 2017, the Planning Board opened a public hearing for the purpose of soliciting comments regarding the relevant areas of environmental impact, and the SEQRA public hearing was closed on November 14, 2017; and

WHEREAS, on August 8, 2017, the Planning Board opened a public hearing on the application for Site Plan Approval, at which time all those interested were given an opportunity to be heard and the public hearing remains open; and

WHEREAS, in accordance with Section 220-6 of Chapter 220, Waterfront Consistency Review, of the City Code, all “actions to be undertaken within the City’s Coastal Management Zone shall be evaluated for consistency in accordance with the.....LWRP policy standards....;” and

WHEREAS, in accordance with Section 220-5 of the Waterfront Consistency Review chapter of the City Code, it is the Lead Agency’s responsibility to make the Determination of Consistency based upon the Applicant’s LWRP Consistency Statement, the SEQRA documents, the application and Project documentation, and all other information that has been submitted by the Applicant, City staff, Planning Board consultants, involved and interested agencies, and the public; and

WHEREAS, the Site was rezoned to RD-1.7 after the adoption of the LWRP and therefore several references to an RD-6 zoning designation for the Site (known as the Prizzi property) are no longer applicable, however, it is noted that the LWRP identifies a potential for development of the property as townhouses.

NOW, THEREFORE, BE IT RESOLVED, that after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action the Planning Board hereby adopts the annexed Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA).

BE IT FURTHER RESOLVED, that there are a number of LWRP policies which do not apply to the Project which policies are those that are contained in the LWRP but not listed below, and also hereby makes the following consistency findings with respect to the LWRP policies which apply to the Project:

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

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As noted in the SEQRA Negative Declaration for the Project, the Project will be connected to the existing public water distribution system and public sanitary sewer system.

POLICY 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

There will be no measurable increase erosion or flooding generated by the Project. The proposed stormwater practices shown on the plans and described in the SWPPP have been designed in accordance with the NYSDEC Stormwater Management Design Manual. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirements of NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002. The final stormwater management system will consist of minimal conveyance systems which will include culverts and grass-lined swales/dikes where required. It is anticipated that most, if not all perimeter diversion swales/dikes will be unnecessary and removed after installation; however, there may be a need for some as site conditions warrant. The remainder of the drainage area will remain undisturbed with natural vegetation remaining.

Green infrastructure practices will be implemented to the greatest extent possible to reduce runoff, including avoidance of sensitive areas, minimizing grading and soil disturbance, minimizing impervious areas on internal access ways, driveways and parking areas, and use of meadow as permanent final groundcover to provide better water quality. Parking spaces and drive aisles were reduced in size from 9'x20' with a 25' drive aisle to 9'x18' with a 24' drive aisle, to comply with the newly amended City Code requirements and consistency with the "Greenway Connections" and NYSDEC stormwater objectives to reduce impervious surfaces.

Infiltration/bioretention practices, use of open channel vegetated conveyance systems, and an underground cistern for roof runoff will also be implemented.

Pretreatment practices proposed for the project include overland flow, vegetated swales, stone check dams, hydrodynamic devices, treatment practices, bioretention areas, infiltration basins and grass filter strips.

Proposed bioretention areas 1 and 2 do not meet 100% Runoff Reduction Volume due to shallow bedrock constraints. The January 2015 NYSDEC Stormwater Design Manual describes acceptable site limitations to include shall depth to bedrock. Therefore, Bioretention area 1 will be supplemented with cisterns for roof runoff, and Bioretention area 2 will be supplemented with a vegetated swale to maximize the Runoff Reduction

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Volume. Temporary vegetation sufficient to stabilize the soil will be provided on all disturbed areas as needed to prevent soil erosion, in accordance with the SWPPP.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.

The proposed buildings have been sited on the flattest area of the Site and slopes and disturbed soils will be appropriately stabilized as described in the SWPPP both during and post-construction.

POLICY 25

Protect, restore and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

The explanation of Policy 25 in the LWRP states that “the scenic qualities of Beacon results from the combination of clustered buildings (many historic) and wooded hillsides against the backdrop of the Hudson Highlands. The height, bulk, scale of future buildings will be important factors in maintaining the character of the City, as will the preservation of the wooded hillsides that intersperse the developed areas.”

The Project is consistent with Policy 25 in its condensing and clustering of the footprint of the buildings and impervious surfaces to achieve the clustered effected recommended by the LWRP. The buildings are setback from the property lines, which allows for the maintenance of the existing wooded hillsides around the proposed developed areas.

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

See Policy 13.

POLICY 33A

Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.

See Policy 13.

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POLICY 37

Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, nonpoint discharge of excess nutrients, organics and eroded soils into coastal waters.

See Policy 13.

POLICY 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.

Residential land uses are generally not associated with the discharge of contaminants into aquifers or other ground water sources. There will be no bulk storage of petroleum or chemicals on-site. The Project does not include or require wastewater discharged to groundwater, and is not located within 100 feet of potable drinking water or irrigation sources.

The Project will be connected to the existing public water distribution system. At full build-out, the project is expected to require 45,430 gallons of water per day. Notably, the Project does not propose to use public water for irrigation purposes. Rather, the Project includes an underground cistern for harvesting roof runoff for irrigation purposes.

BE IT FURTHER RESOLVED, that the Planning Board hereby determines that the Project is entirely consistent with the LWRP policies which apply to the Project.

Resolution Adopted: December 12, 2017
Beacon, New York

Jay Sheers, Chairman
City of Beacon Planning Board

_____, 2017
Dated