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December 22, 2017

Planning Board  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: River Ridge – Submission cover letter and response to comments

Dear Members of the Planning Board:

The Planning Board has been considering the within Application since the August 2017 meeting. The public hearing on the Site Plan and all environmental issues has been open since the November 14, 2017 meeting.

We are submitting materials summarizing the analysis to date, and request that at the January 9<sup>th</sup> meeting, the Planning Board consider closing the portion of the public hearing relating to SEQR, making a SEQR Determination, making a recommendation to the ZBA on the building separation variance, and move to schedule a public hearing on the subdivision at the February 13<sup>th</sup> meeting.

Enclosed herewith are materials (5 copies each) that respond to all of the comments to date:

1. Updated Project Narrative. Based on concerns by neighbors as expressed at the public hearing, the second, internal, path to Beekman Street, with the pocket park, has been eliminated from the area north of Hammond Plaza. The public stairs at Ferry Street remain. The updated Narrative also describes the updates in the architecture in response to the Architectural Review Committee, including elimination of the proposed “tower” element, and the updated design of the central green at the entrance. A copy of the updated Project Narrative is included in the EAF.
2. Updated complete Site Plan set of drawings [except for detail sheets] reflecting the above updates.
3. Materials supporting the requested Certificate of Appropriateness and LWRP Consistency Determination (“Project Materials Relating to Community Character”). These materials include a copy of the updated Project Narrative, and materials relating



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to the Certificate of Appropriateness, LWRP Consistency, and SHPO review of the landscaping along the northern property line.

4. Updated Landscape Plan prepared by the Applicant to address the SHPO comment letter dated November 27, 2017. After reviewing the revised landscape plan and discussing same with the Applicant's design team, SHPO has written a further letter dated December 21, 2017, confirming that the present Landscape Plan meets the condition set forth in the November 27<sup>th</sup> letter, and that the proposed Project will have No Adverse Impact to the historic Reformed Dutch Church of Fishkill Landing. The December 21, 2017 SHPO letter is **Exhibit I** in the "Project Materials" document, where it appears with an excerpt of the amended Landscape Plan along the northerly boundary.
5. Updated Full Environmental Assessment Form Part 1, with a Draft Part 2, and Part 3 materials. The Part 1 update addresses the elimination of disturbance to create the path and pocket park. The Draft Part 2 and Part 3 summarize the detailed evaluation that has taken place regarding to any potential issues relating to the proposed Project:
  - a. impacts on Land (retaining wall);
  - b. impacts on Plants and Animals (protection of bat habitat in tree felling);
  - c. impacts on Historic and Archeological Resources (setting of church, archeological evaluation by Hartgen);
  - d. impact on Traffic (Maser traffic study addressed cumulative impacts of approved and proposed projects, with Creighton Manning review letter affirming methodology of study);
  - e. impact on Light (photometric study found no off-site light impacts); and
  - f. impact on Community Character (architectural design; LWRP viewshed; Historic and Landmark Overlay District ("HLOD") District Certificate of Appropriateness; and compatibility of Project with Historic Church and existing neighborhoods.

Accordingly, the extensive record demonstrates the grounds for adoption of a Negative Declaration.

6. Updated Rendered Elevations showing the modifications as requested by Architectural Review Committee and the Planning Board, including:



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- 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;
- b. View of Project looking south from Church property, showing massing of Church to the north, and relative height of the Project and the Church tower, now that the tower element of the Project has been eliminated. The detailing of the north side of the accessory building has also been 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.
- 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 the renderings are included as part of the “Project Materials Relating to Community Character” document as **Exhibit G** thereof.

7. Application for an area variance for building separation. This Application has been submitted for the January ZBA meeting.

A CD with copies of the above materials is also submitted herewith. This letter also responds to comments of City consultants presented at the public hearing session on December 12, 2017, and to comments made by the public at both public hearing sessions.



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**LANC & TULLY COMMENT LETTER DATED DECEMBER 1, 2017:**

**General Comments:**

1. **Comment:** As the EAF has been revised to address comments noted in our previous correspondence of November 10<sup>th</sup>, the EAF signature page should be updated to reflect the new revision date, as it still states October 31, 2017.

**Response:** The updated EAF has an updated Project Sponsor signature and date.

2. **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 in the future.*

**Response:** Comment acknowledged.

3. **Comment:** The appropriate HOA documentation shall be submitted so that it can be reviewed by the Planning Board Attorney.

**Response:** Comment noted.

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.

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.

**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.



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2. **Comment:** Additional easements may be necessary for 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 1 of 11:

1. **Comment:** A Symbol Legend shall be added to the plan to clearly define what each of the symbols on the plan represent.

**Response:** The symbol legend has been added.

Sheet 7 of 11:

1. **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.

2. **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.

3. **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.

4. **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 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.



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5. **Comment:** The location of roof leaders should be shown on the plan, along with where the roof leaders will drain to. *The applicant notes that upon acceptance of the current layout by the Planning Board and Zoning Board of Appeals, the roof drainage design will be incorporated into the overall site drainage design and will be shown on the grading and utility plan.*

**Response:** Comment acknowledged.

6. **Comment:** The plan notes that the disposition of the hand dug well is to be determined. We would recommend that this well be filled to ensure the safety of the public.

**Response:** Since the previously proposed internal path and pocket park have been eliminated, the Applicant proposes that the hand dug well remain.

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. *The Applicants have noted that an existing watermain stub in to the property from the main between Route 9D and Ferry Street exists, and that they are looking viability of connecting to this stub, in turn eliminating the need for the connection to the existing main in Route 9D and the pavement restoration detail. Once the use of this reputed watermain stub has been investigated further, the plans shall be updated to reflect the proposed water supply to the project site if coming from this watermain stub between Ferry Street and Route 9D.*

**Response:** Agreed. An existing watermain stub into the property from the main between Rout 9D and Ferry Street has been traced. The Applicant is in the process of locating the stub, which it believes will eliminate the need for a new service line from the main in Route 9D. This would eliminate the need for the pavement restoration detail. The Applicant expects 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, the Applicant will take a hard look at a potential drain and discharge location for the meter pit.



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**JOHN CLARKE COMMENT LETTER DATED DECEMBER 7, 2017:**

**Comments and Recommendations**

The cover letter notes several agreed-to changes in response to previous comments, but not yet shown on these submitted plans, including elimination of the tower and one variance, depiction of the view towards the river on the renderings, and relocation of two proposed trees from the central green area. The elevations will also be revised, based on comments by the Architectural Review Subcommittee at its November 20, 2017 meeting.

1. The applicant is requesting the following modification by the Planning Board of the building length limitation and an area variance from the ZBA. The Planning Board will need to issue recommendations to the ZBA on the variance.

- (a) **Comment:** The RD-7.5 district has a building length limit of 150 feet. The row of townhouses south of the entrance exceeds that length by 19 feet. However, the Affordable Workforce Housing provisions in Section 223-41.10 M allow the Planning Board to modify such dimensional standards to accommodate the permitted bonus unit, which is 24 feet wide. I recommend that the Planning Board approve this reasonable modification.

**Response:** Comment acknowledged.

- (b) **Comment:** The district requires a minimum separation between buildings of twice the average height of the facing buildings, or 70 feet. The two townhouse rows north of the entrance are proposed to be only 18.9 feet apart. A sketch layout that would comply with the separation requirement was provided at the October meeting, but the applicant prefers to request the variance with support from a church representative and some neighbors.

**Response:** Based on the views of the closest neighbors, the Applicant believes that the proposed layout is one that is most compatible with community character (*see* discussion below under “Building Layout”). The overall “L-shape” pattern is congruent with the nearby Hammond Plaza, which also presents an “L-shape” angle at the intersection of its eastern and northern building. The proposed Project’s separation is 18.9 feet only at its narrowest pinch-point (at the corner of the “L”) and widens immediately thereafter until conformance is reached. The proposed building separation at River Ridge (18.9 feet) is similar to, and even exceeds slightly, that provided at Hammond Plaza at the pinch-point of the “L” (13.3 feet). The separation requirement was enacted to regulate “facing” buildings, and not to prevent “L-shape” layouts. The proposed building



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layout has no adverse impacts on neighboring properties, and is favored by the neighbors because it promotes both a neat neighborhood appearance and privacy for neighboring properties.

2. **Comment:** The NYS Parks, Recreation, and Historic Preservation letter states that the project will have No Adverse Impact, provided a “significant vegetative buffer is maintained between the proposed new construction and the historic church property to obscure views of the project from the church.” To comply with this recommendation, the applicant will need to more heavily landscape the property boundary and should consider moving the northern row of townhouses away from the church property line. *At the 12/12/17 meeting, Mr. Clarke also emphasized that the use of the word “obscure” by OPRHP indicated that they wanted very heavy landscaping to hide the units.*

**Response:** The Applicant has created an updated landscape design with additional plantings. SHPO has reviewed the revised Plan and written a more recent letter, dated December 21, 2017, which confirms that the revised Landscape Plan is acceptable and that the proposed Project will have No Adverse Impact to the historic Reformed Dutch Church of Fishkill Landing. The December 21, 2017 SHPO letter is **Exhibit I** in the “Project Materials” document, where it appears with an excerpt of the amended Landscape Plan along the northerly boundary.

3. **Comment:** As to the lower pocket park, the 2017 Comprehensive Plan does show potential pocket parks at two locations along Beekman Street, but those sites are directly along the sidewalk with good visibility from streetlights into the park. The proposed location is in the woods elevated at least 12 feet above the sidewalk with no open visibility from the public way, making security questionable. My suggestion is that the lower woods feature an informal path with several benches overlooking a restored cemetery.

**Response:** The City Planner correctly notes that Applicant’s Property is located approximately 12 feet above street level. This grade change does not provide the access and feel of a pocket park as intended in the Comprehensive Plan update. Neighbors at the hearing additionally objected to the proposed path as creating similar security issues for them. Based on these concerns, the Applicant has eliminated both the path and the pocket park from the Plans. Please see more detailed discussion under “Comments at public hearing 12/12/17,” below, pages 11-13.

4. **Comment:** The City’s consulting traffic engineer suggested a crosswalk at Rombout Avenue and the applicant is willing to apply to the DOT. The crosswalk should be





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supported by the Board and shown on the plans with a note that it is subject to DOT approval.

**Response:** See discussion below under Public Comment section, page 14. If the Planning Board supports the requested crosswalk on Wolcott Avenue, the Applicant is willing to show the location on the plans, with a clear note indicating that the crosswalk cannot be constructed absent permission from NYSDOT. The Applicant will apply to DOT for the crosswalk, and will construct it if DOT approves it. The Applicant cannot guarantee that DOT will approve the crosswalk.

5. **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. Materials in support of both Applications are part of this submission (see “Project Materials Relating to Community Character,” dated December 22, 2017).

## **COMMENTS AT PUBLIC HEARING NOVEMBER 14, 2017 and DECEMBER 14, 2017:**

### **Introduction:**

This section summarizes the comment at both public hearing sessions.

1. **Building Layout:**

At the December 12<sup>th</sup> public hearing session, there was no public comment opposing the proposed building layout. Residents of Hammond Plaza and Elder Goldman of the Reformed Church reiterated their comments in support of the proposed layout. A more extensive discussion of the proposed layout had taken place at the public hearing session on November 14<sup>th</sup>.

**Elder Dan Goldman, Reformed Dutch Church:** On December 12<sup>th</sup>, Elder Dan Goldman reiterated and expanded on the comments he submitted by letter at the November 14<sup>th</sup> hearing. The Church prefers the proposed layout to the other alternatives. The proposed “L-shape” layout does the best job of separating the residential uses from the Church. Each of the alternate layouts has substantial areas where the churchyard would look in to paved parking areas next door. Plantings would not totally screen these views, and plantings can lose their screening effect as they get



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older and more open. The proposed layout provides long-term privacy for the Church by avoiding views from the churchyard into the parking areas of the residential Project and present a neat and uniform appearance facing the Church.

**Dawn Powell, 19 Hammond Plaza:** We support the plan as it is, and don't believe that the extra conditions recommended by Lisa Alvarez are necessary.

**Vercell Hodge, 6 Hammond Plaza:** The L Shape configuration shows consideration to the neighbors. I support the proposed L Shape layout and the necessary variance for that layout, and support the proposal as it stands, except for the pocket park (*see section below for pocket park comments*).

**Lisa Alvarez (speaking for Hammond Plaza unit owners 11, 13, 14, 22, 23, 24, and 26):** We support the variance for the L-shaped layout of the two buildings.

**John Clarke:** The unit layout I proposed frames the greenspace at the entrance with units, and has the rear row of units overlooking the cemetery, not Hammond Plaza. The applicant wants the L-shaped layout because it provides every unit with a river view.

**Response:** The Applicant has looked at various options for site layout, and believes that the proposed layout is the most beneficial for all neighbors, as has been explained at the Planning Board meetings in November and December.

The overall "L-shape" pattern is congruent with the nearby Hammond Plaza, which also presents an "L-shape" angle at the intersection of its eastern and northern building. The building separation at Hammond Plaza at the "corner" of the L is akin to that proposed for River Ridge. The proposal is in keeping with the neighborhood and is favored by the closest neighbors.

## 2. **Impact on surrounding Historic Overlay District:**

**Lee Kyriacou, 1076 Wolcott:** I am concerned about the length of the buildings, 7 units long and 6 units long, and their relation to the single-family homes across the street in the historic overlay district. The Planning Board will be required to adopt a consistency finding. I'm not opposing the density, but am concerned about the long buildings. I would like consideration of 4 unit long buildings to reduce the volume of individual buildings. Smaller buildings would allow more end units, which are desirable.

**Response:** The building length and layout have been designed to be of a scale that relates well to the adjacent Church and is supported by the Church, but that is also consistent with the nearby single-family homes located across Wolcott

Avenue and in the Historic Overlay District. The design presents a single-family townhouse façade featuring attractive design, materials, and colors, which are consistent with the historic character of the City, as well as with nearby single-family uses. The design has been further improved in response to comments by the Architectural Review Committee. The façade of the townhouse south of the entrance is more than 165 feet away from the closest house across Route 9D. Most of the historic houses in this area are even farther away. Wolcott Avenue, which separates the Historic District Overlay area east of Wolcott Avenue from the Project, is a major collector street with a right-of-way that exceeds 55 feet in width. This feature provides a major visual separation of the two areas.

Parcel L was placed in the HLOD, to indicate the nature of its setting in an area of older homes, larger residential properties, and the National Register-listed Reformed Church property immediately to the north. There are numerous older single-family residences in the HLOD to the south of the Property on both sides of Route 9D/Wolcott, including 5 large parcels featuring sizeable Victorian homes on the east side of Route 9D/Wolcott in the R1-40 District. The wider neighborhood contains a mix of single-family and multi-family dwellings. The single-family dwellings include a range of late 19<sup>th</sup> century, early 20<sup>th</sup> century, and late 20<sup>th</sup> century architectural styles. The area contains a plethora of housing types and densities, and is an area where a wide variety of zoning districts meet, including RD-7.5; Linkage; R1-7.5 to the east and north; R1-10 to the south; and R1-40 to the immediate north (the Church), as well as to the south and east. The chosen design of single-family townhouses is one that maximizes compatibility with single-family uses in the area. As to building length, City Planner John Clarke noted at the meeting that the City zoning law exerts pressure for longer buildings because of its “excessive” separation requirements for buildings (approximately 70 feet). Any attempt to build a larger number of smaller buildings would likely necessitate additional area variances for building separation and result in development sprawl on the site, which is inconsistent with the goal of presenting more attractive facades to neighboring properties looking in to the site. The proposed building lengths are zoning compliant. The building south of the entrance is the longest of the three buildings, because the zoning permits the exclusion of length attributable to a bonus unit from the calculation.

The issues relating to the Certificate of Appropriateness are discussed at length in the document “Project Materials Relating to Community Character,” submitted herewith. Reference is also made to the revised Rendered Elevations (**Exhibit G** of “Project Materials”), which confirm the quality of the architectural design.

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3. **Comments about the proposed Pocket Park and private walkway to Beekman Street:**

**Background:** The Applicant had originally incorporated a proposal for a pocket park, after examining the Comprehensive Plan April 2017 Update, which stated a suggestion for pocket parks along Beekman Street. However, residents of Hammond Plaza, particularly those living in the units along the northern property line of Hammond Plaza, had expressed concern and opposition to the pocket park and walkway, based on concerns for trespass, people looking in their windows, etc. While the concern was primarily about public access to the park and walkway, other neighbors expressed equivalent objection to the proposed private walkway, since they saw it as a security concern.

The City Planner, in his December 7, 2017 review letter, brought out previously unknown information about the Comprehensive Plan, including the fact that the pocket parks recommended in the Plan were level with, and close to, the sidewalks. This pocket park did not meet that criteria, since the park would have to be elevated more than 12 feet above the street, raising issues of access and supervision.

The matter was discussed at length at the December 12<sup>th</sup> meeting, with the City Planner suggesting that the area be used for only private passive recreation (with several benches perhaps). A Board member noted that the private path would be a minimum of 80 feet away from Hammond Plaza. Possible design solutions were suggested, based on exploring whether any flatter areas near the street existed, even if outside the Applicant's property. Nonetheless, residents of Hammond Plaza stated that they did not want the private path or private benches since they felt that they would impair their privacy and be potentially be an attractive nuisance to trespassers.

**John Clarke, City Planner (see comment on page 7-8 above):** Suggested that pocket park be eliminated to become a private element with benches in a more private setting.

**Lisa Martinez, Hammond Plaza (12/12):** I oppose the pocket park. I also oppose the path, since I don't want to invite the public to access the pathway. While maps make it look like there is a lot of space in this area, we at Hammond Plaza can see through the entire space, and our privacy would be affected. I am particularly concerned because I have a small child, and don't want strangers sitting on benches near my home.

**Lisa Alvarez (11/14):** The 7 residents I am speaking for oppose the pocket park. We would prefer to just have this area landscaped with native trees and shrubs.



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**Lisa Alvarez** (12/12) We do not want the pocket park or the private trail.

**Matthew Yarnis**, 26 South Avenue: I oppose the Pocket park.

**Vercell Hodge**, 6 Hammond Plaza: I am concerned about the pocket park. It is uncertain that the public would uphold the “good neighbor” promise. Public use could adversely affect Hammond Plaza residents.

**Theresa Kraft**, Liberty Street (11/14 and 12/12): I am concerned about issues about the public pocket park. Who will monitor the park? Who will protect neighbors from encroachment or trespass onto private properties. Will the City be responsible for park maintenance or for injuries occurring in the park? I’m concerned about out of town users of the pocket park and trespassers.

**Lee Kyriacou**, 1076 Wolcott Avenue, supports a public pocket park as shown on the plans. This proposed park is at least 75 feet from Hammond Plaza and allows sufficient distance to allow both uses. The park is additionally small in size. There is plenty of space in this area. And there is potential in the future for some type of interpretive access to the old cemetery.

**Response:** Based upon the Planner’s comment, and the vigorous comments of the Hammond Plaza residents, the Applicant has eliminated the pocket park and the private path from the proposed plans. A central element of the Applicant’s design is to become a good neighbor to Hammond Plaza. As they and others have noted, there is no way of assuring security, even on a private path. The Project is providing the new stairs to Ferry Street, and these can be used by Project residents. These stairs address the Comprehensive Plan purpose of providing additional pathways from Wolcott Avenue to Ferry Street.

#### 4. **Lighting Plan:**

**Jennifer Gray:** City Planning Board attorney Jennifer Gray requested a photometric plan for the lighting. The City Engineer agreed.

**Lisa Alvarez:** Lighting should be examined to make sure that there are no adverse effects on Hammond Plaza.

**Response:** A photometric lighting Plan has been submitted as part of the Project Application, which includes impacts of light poles in the parking area. The photometric Plan demonstrates that there will be no light spillage off the Property.

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5. **Comments on the public stairs at Ferry Street:**

**Lee Kyriacou** (11/14/17): This improvement is long overdue. The stairs should be dedicated to the City.

**Arthur H. Camins:** I support the idea of the stairs to Ferry Street, but they should preserve the woodsy setting. To preserve the woodsy setting, the stairs should be faced with small stones

**Response:** The stairs will be dedicated to the City, and are located on City property. It is impractical to face the stairs with small stones, as the surface will be uneven, creating a potentially hazardous surface for the pedestrians. Further, the placement of stones presents a difficult maintenance issue for snow and ice removal, potentially exacerbating the potential for a trip and fall incident. Finally, the placement of stones provides avenues for water to infiltrate into the interstices, which will lead to damage by frost heave, resulting in more maintenance by City personnel and potential liability. The proposed concrete is the most appropriate material for a public stairway, and is consistent with other City-owned stairways.

6. **Comments on Traffic and pedestrian sidewalks crossing Wolcott (9D)**

**Background:** The City's Traffic Engineer had recommended a sidewalk crossing Wolcott Avenue (Route 9D). If the Planning Board supports the requested crosswalk on Wolcott Avenue, the Applicant is willing to show the location on the plans, with a clear note indicating that the sidewalk cannot be constructed absent permission from NYSDOT. The Applicant will apply to DOT for the crosswalk, and will construct it if DOT approves it. The Applicant cannot guarantee that DOT will approve the crosswalk.

There was some discussion at the meeting about the dangerous traffic situation, and the wisdom of "inviting" pedestrians to cross the highway.

**Lisa Martinez**, Hammond Plaza (12/12): It is hard to cross Route 9 D at Rombout Avenue.

**Matthew Yarnis**, 26 South Avenue. I know you did a traffic study, but I'm still concerned about the cumulative effect of traffic.

**Arthur Camins:** It is hard to cross 9D at Rombout Avenue. The City should install a cross walk, and/or a warning light.

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**Response:** The response to the crosswalk comments are stated above. As to the general traffic comments, the Applicant has submitted a full traffic study by Maser Engineering, which has been reviewed by Creighton Manning Engineering. The traffic study took into account other projects, including both approved (West End Lofts and the Views) and also planned projects (including 555 South Avenue and Edgewater) and additionally added a growth factor of 2% per year. The study evaluated traffic on a cumulative basis. The City's consultant, Creighton Manning, concluded that, "Overall, the project will add very few trips to the existing transportation network and will have little or no significant traffic impacts." [Creighton Manning letter dated October 31, 2017] See similar response to John Clarke comment, above, page 8.

7. **Comments about architecture and building materials:**

**Theresa Kraft**, Liberty Street (11/14): I am concerned about the authenticity of materials. Brick should be real brick, celebrating Beacon's history of brickmaking, and not cheap imitations.

**Arthur H. Camins**, 39 Rombout Avenue: The architectural design should be more specified, including details of window design and molding.

**Response:** The Applicant has appeared before the Architectural Review Committee. Based on their comments, the design has been refined. The prior "tower" has been eliminated. The design now avoids mixing brick and siding on the same unit, to maintain consistent materials for each unit. The proposed brick to be used is bona fide brick material, and the corners will be treated properly, with proper placement of brick. The Applicant continues to work with the Architectural Review Board to create an attractive building constructed with authentic materials.

8. **Comments about landscaping, wall, and privacy between Hammond Plaza and Parcel L:**

**Lisa Alvarez**: (11/14): During construction, dead trees hanging over Hammond Plaza property or trees removed for construction should be replaced with native trees/grasses. The steep slope plantings and walls behind Units 9-20 should be completed with care, creating privacy and safety from erosion. Wherever possible, porous materials should be used on walkways or parking to help drainage

**Lisa Alvarez** (11/14): There should be substantial native plantings behind units 9 to 12 to provide screening from the new stairs.



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**Response:** The plantings proposed to screen the wall are native evergreen shrubs, and the trees and meadow grasses proposed for the area between the retaining walls and Hammond Plaza are native species as well. The proposed landscape screening between the two properties takes a naturalistic form that provides visual interest, rather than a simple, linear buffer planted along the property line. Erosion control measures will be implemented during construction and will be monitored by representatives of the Applicant and the City of Beacon. All necessary measures to reduce erosion and the transport of sediment will be implemented. Monitoring will continue until a minimum of 80% of the site is stabilized with permanent vegetation or cover. The proposed trees will enhance long-term erosion control in this area by creating a root system that aids in holding and stabilizing the slopes.

The area behind Units 9 to 12 is already a woodland area, and is located at the southwest corner of the site between Ferry Street circle and Hammond Plaza, a point very remote from any developed areas of the site. The proposed stairs are also located on the far side of the Ferry Street circle from the rear of these units. The proposed development plans do not propose any disturbance or additional planting in the area behind Units 9-12 at Hammond Plaza.

9. **Comments on landscaping along northern property line, vis-à-vis church:**

**Elder Dan Goldman** (12/12): We at the church were happy with the landscaping plan which we were shown.

**Response:** Comments regarding the landscaping along the northerly property line were also made by SHPO in a letter dated November 27, 2017. John Clarke's review memo of December 7, 2017 noted that the letter did not clearly state a position regarding the proposed landscaping (*see* page 7, above). Subsequently, the Project's landscape designer has prepared a revised Landscape Plan with additional plantings along the northerly border (*see* updated Landscape Plan in this submission). SHPO has reviewed the revised Plan and sent a letter dated December 21, 2017, confirming that the revised Plan is acceptable.

10. **Additional comments by Arthur Camins:**

**Arthur H. Camins and Tina Bernstein Camins**, 39 Rombout Avenue, raised a number of additional comments:

- **Comment:** We want to see the existing broad vista over the site preserved. The opening at the entry should be at least 240 feet wide to preserve the vista. The

existing 60 foot width is not sufficient and creates a significant adverse impact on the viewshed.

**Response:** The Project layout provides a wide opening of 70 feet at the entrance, preserving a view through to the River. To further improve the context of the view, the Site Plan has been redesigned to feature a central green immediately within the viewshed, which also preserves the historic gazebo.

The entire frontage of the site is approximately 430 feet, and a 240-foot wide opening would effectively render the site unbuildable. The southern portion of the site has slopes that are not conducive the development. The development can't move further north without potentially affecting the Church. The proposed layout is the one that most fully accommodates the needs of all the neighbors, as discussed in Comment (1) above. As noted by neighbor Lisa Alvarez in discussing the viewshed, this is a good plan and the Applicant has worked very hard with neighbors on all sides to develop a plan that accommodates the needs of various concerns. In the context of all the factors that must be considered in design of the Project, the present design is by far the most ideal plan.

The proposed development preserves the viewshed at the intersection of Rombout and Wolcott Avenues, and is consistent with the LWRP. These factors are discussed at length in the LWRP Consistency report (*see* "Project Materials Relating to Community Character," submitted herewith).

- **Comment:** If necessary to respond to any of his (Mr. Camins') comments, the project should be scaled back in size.

**Response:** The permitted density on this site was rezoned in 2015, from "L" Linkage to RD 7.5, causing a major reduction in density. The Applicant has voluntarily refrained from seeking to develop the portion of the property that remains "L" at that density. This section of the Property has historically been the site of as many as 5 houses (*see* historic maps provided with Project Narrative).

- **Comment:** The zoning only allows 17 units. Why are there 18 units on the proposal?

**Response:** The 18<sup>th</sup> unit is a "bonus" unit provided for by the City



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Affordable Housing Law.

- **Comment:** The BMR units should not be placed at the end of the buildings, but should be in the center, where “no one would know” which units are BMRs. Further, the BMR units should be required to be identical to all other units and not simply “similar.”

**Response:** The BMR units have already been found by the Building Inspector to comply with the Affordable Housing Law. They meet the standards of Zoning Code Section 223-41.10.D as to comparable size. Both are “end” units with windows on three sides. End units are often considered the most desirable units in a building (*see comments by Council Member Kyriacou, page 10, above*).

- **Comment:** This project could have an impact on the Beacon City School District. 18 units with 2-3 bedrooms could generate 2-3 children per unit. These would impact particularly South Avenue School

**Response:** Based on the Rutgers multipliers, this Project will generate less than 5 public school age children. This is a minimal impact, especially in light of the School District’s decline in enrollment.

**Conclusion:**

As we indicated at the December meeting, based on the extensive review that has taken place, we respectfully request that the Planning Board close the public hearing as to SEQR and environmental issues, and make a finding of significance. The Applicant has provided detailed SEQR information on all relevant issues of environmental concern. Part 3 materials have been provided, which explain the responses in a proposed Part 2 analysis. Based on the extensive analysis which has taken place, a Negative Declaration is warranted, and we request that the Board proceed to make that SEQR determination at the January 9<sup>th</sup> meeting.

We also request that the Planning Board consider its recommendation to the ZBA concerning the proposed variance of minimum building separation. We believe the Planning Board is fully familiar with the design reasons for the proposed layout, and thus uniquely able to make a meaningful recommendation to the ZBA relating to impacts on the neighborhood, one of the factors that the ZBA must consider. As noted, the layout of the buildings is virtually identical with the adjoining Hammond Plaza project, and provides a greater separation at the “L” corner.

Moreover, the “substantiality” of a variance cannot be judged solely by a mathematical calculation of the percentage of the total requirement the applicant seeks to vary.



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“Substantiality” is judged based upon the importance of the variance in relation to a real-world planning consideration. This variance is actually *not* substantial, since it doesn’t create a layout out-of-keeping with the neighborhood. Moreover, that 18.9 foot separation exists for only a very short distance at the “L” corner. For the most part, the layout is very open and avoids rows of facing buildings. The layout has a positive purpose in project design and echoes the layout of its closest neighbor.

Finally, we request that the Planning Board schedule a public hearing on the subdivision request to be held at the February 13, 2017 meeting.

We look forward to further discussions with the Planning Board at the January 9, 2018 meeting. Should there be any further information required in the meantime, please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Van Tuyl".

Jennifer L. Van Tuyl