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BY HAND DELIVERY AND E-MAIL

Hon. John Gunn, Chairman
and Members of the Planning Board
One Municipal Square
Beacon, New York 12508

Re: Edgewater – SEQR & LWRP Consistency Review – Reduced Density Proposal
Application for Site Plan and Preliminary & Final Subdivision Plat Approval
Premises: 22 Edgewater Place, Beacon, New York

Dear Chairman Gunn and Planning Board Members:

On behalf of the Scenic Beacon Developments, LLC, (the “Applicant”), we respectfully submit this letter in furtherance of the above-referenced Application, and to assist this Board in its review of the revised Site Plan in light of the of the substantial reduction in the Project’s total unit count (the “Reduced Density Proposal”) as a result of the City’s recent adoption of the Local Law concerning the calculation of Lot Area per Dwelling Units. The revised Site Plan is now before this Board for its consideration in reaffirming the Negative Declaration and Local Waterfront Revitalization Plan (“LWRP”) Consistency Determination, which were adopted by this Board on December 12, 2017 for the prior 307-Unit Proposal.

As we indicated in our letter to this Board dated May 30, 2018, the adoption of this new Local Law results in a substantial reduction in the Project’s unit count, and as more fully discussed herein, we respectfully submit that the Reduced Density Proposal will result in a further decrease in any perceived potential impacts that were previously considered and addressed by this Board during its Coordinated SEQRA Review. The Applicant’s team has been working diligently to prepare the enclosed submissions to this Board, which were developed in consideration of the procedural requirements outlined in the City’s Zoning Code, and taking into consideration public comments and comments from the City Council during its Special Use Permit review of the multi-family component of the Application, which process is running concurrently. The Applicant is eager to proceed before the Planning Board and to appear again at the City Council following this Board’s environmental and technical review of the reduced-density proposal.

APPLICATION STATUS – PRIOR APPROVALS

Planning Board – Environmental Review:

As this Board is aware, pursuant to Beacon Zoning Code Section 223-17C, the Schedule of Regulations for Residential Districts, “... multiple dwelling[s] in any RD or RMF District...” are “subject to the special permit approval procedure set forth in §§ 223-18 and 223-19.”



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Procedurally, in accordance with the Zoning Code requirements for parcels in the RD-1.7 Zoning District,¹ the Applicant made its initial Application for Site Plan and Preliminary and Final Subdivision Approval to the Planning Board more than a year and half ago.² As originally designed, the Applicant proposed to construct a new transit-oriented development project consisting of seven (7) multi-family buildings located on 12-acres of land known as 22 Edgewater Place,³ which would contain a total of 307-units comprised of 96 studios, 115 one-bedroom, 86 two-bedroom and 10 three-bedroom units with 413 total bedrooms (the "307-Unit Proposal").

Notably, the 307-Unit Proposal was considered a "Type I" Action under the State Environmental Quality Review Act ("SEQRA") because it involved the proposed development of 307-units, which is more than 250-units in a city that has a population less than 150,000. Accordingly, the Applicant and its consultants met with the City's Planning, Engineering and Legal consultants, and prepared numerous studies and reports to assist the Planning Board in its review as Lead Agency. Through the comprehensive Coordinated environmental review, the Planning Board took the requisite "hard look"⁴ in considering a detailed record including a Stormwater Pollution and Prevention Plan ("SWPPP"), Traffic Impact Study, School Impact Study, Local Waterfront Revitalization Plan Consistency Statement, a Phase 1A Archeological Investigation Report and a Threatened and Endangered Species Habitat Suitability Report, in addition to 100+/- letters of support, as well as public comments from business owners and residents.⁵

¹ As this Board is aware, the Premises, which is currently comprised of four (4) total lots that are proposed to be merged into one (1) resultant lot, is classified in the RD-1.7 Designed Residence District – representing the *only* property in the City of Beacon that is zoned in this District.

² The Applicant appeared before the Planning Board on February 15, 2017; March 22, 2017; and April 11, 2017. The first SEQRA Public Hearing was set scheduled for May 9, 2017, with an additional Public Hearings held on July 11, August 8, September 12, October 11, November 14 and December 12, 2017, at which time the SEQRA Public Hearing was closed.

³ The Premises is currently comprised of four (4) total lots, identified on the Tax Maps as Parcel ID's #30-5954-25-581985, 574979 & 566983-00; and 30-5955-19-590022-00.

⁴ The "hard look" doctrine requires that, in reviewing an agency's determination of environmental significance (or the adequacy of a subsequently prepared EIS), a court, once satisfied that the agency has complied with SEQRA's procedural requirements, will limit its substantive review of the agency's SEQRA determination to consideration of whether "the agency identified the relevant areas of environmental concern, took a 'hard look' at them, and made a 'reasoned elaboration' of the basis for its determination." Gerrard, Ruzow, Weinberg, Environmental Impact Review In New York [Matthew Bender 1996] § 4:17, *quoting Jackson v. N.Y.S. Urban Dev. Corp.*, 503 N.Y.S.2d 298 (Ct. of App. 1986).

⁵ To avoid unnecessary repetition, we respectfully incorporate by reference all of our prior submissions and presentations to the Planning Board and Zoning Board of Appeals. This submission summarizes the Applicant's prior submissions, which more fully address traffic; community character; density; impacts to schools and parking. As to the more-detailed studies and analyses prepared, including detailed analyses pertaining to water, stormwater, sewer and related utilities, we respectfully refer this Board to our past submissions and the reviews by the Board's consultants that confirm adequate water and sewer, and reduced inflow and infiltration. Copies of the prior correspondence are available at the Council's request, and are on file with the Building Department.



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Ultimately, the Planning Board determined that the Project *will not* have a “significant” adverse impact on the environment and at its December 12, 2017, meeting the Planning Board adopted a Negative Declaration. See **Exhibit 1** – Resolution Adopting Negative Declaration and Environmental Findings. Additionally, as will be discussed more fully herein, during the SEQRA review, on December 12, 2017, the Planning Board also adopted a LWRP Consistency Determination, which provides in part that the 307-Unit Project is consistent with the policies in the LWRP because it condenses and clusters the footprint of the buildings and impervious surfaces to achieve the clustered effect recommended by the LWRP. See **Exhibit 2** – LWRP Approval Resolution.

City Council Special Use Permit Review:

As this Board is aware, the Applicant last appeared before this Board on February 14th, at which time the Applicant was referred to the City Council in connection with the Applicant’s Special Use Permit Application (“SUP Application”).⁶ Since that time, in connection with the 307-Unit Proposal the Applicant appeared at the City Council’s Work Sessions on March 12, March 26th, April 9th and again on April 16th, at which time a Public Hearing was opened and closed on the SUP Application. Following the City’s adoption of the new Density Reduction Local Law on May 21, 2018 (the “Density Reduction Law” or “Steep Slopes Law”),⁷ the Applicant appeared at the City Council’s Workshop on Tuesday, May 29th, in order to provide the Council with an update within the Special Use Permit context and to reaffirm the Applicant’s commitment to the Edgewater project in light of the recently enacted law.

Currently, the Planning Board has an open Public Hearing regarding the Applicant’s Site Plan application for the Project. As provided in the Zoning Code, the Applicant must appear before the City Council regarding its SUP Application before returning to the Planning Board where the Site Plan Public Hearing would be continued. However, before the Applicant can proceed further on the SUP Application, a new Public Hearing will be held on the revised SUP Application as a result of the significant reduction in density. Accordingly, the Applicant is now appearing before this Board in order to discuss the Reduced Density Proposal for Edgewater, and to seek this Board’s consideration in reaffirming the Negative Declaration and the LWRP Consistency Determinations that were issued for the higher density 307-Unit Proposal.

It should be noted, of course, that the Planning Board’s reaffirmation of the Negative Declaration and LWRP Consistency Determination will not end the review of the Project. Indeed, the Applicant also requires the City Council’s approval of the revised SUP Application, following

⁶ Zoning Code Section 223-18(B)(1), provides that an “[a]pplication for required special permits shall be made to the Planning Board as agent for the City Council...” and that “[t]he Planning Board shall, upon receiving such application, forward a copy of the application to the City Council for the Council’s use...”

⁷ Note: Local Law No. 9 of 2018, filed in the NYS Dept. of State on May 29, 2018, a copy of which is enclosed as **Exhibit 3**.



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which, the Applicant would continue its Site Plan Public Hearing before this Board and will also hold a Public Hearing on the proposed application for Preliminary and Final Subdivision Approval in order to merge all four (4) existing lots that are zoned RD-1.7 into a single lot.

The Planning Board has ample authority, under its site plan and subdivision jurisdiction, as well as under SEQRA, to continue to discuss and evaluate the Reduced Density Proposal as it proceeds as revised.

**REAFFIRMATION OF SEQR NEGATIVE DECLARATION AND
LWRP CONSISTENCY DETERMINATION FOR REDUCED DENSITY PROPOSAL:**

As noted above, the Planning Board conducted a Coordinated Review of the 307-Unit Proposal, which was considered a Type I Action under SEQRA because it involved the proposed development of 307-units, which is more than 250-units in a city that has a population less than 150,000. However, as more fully discussed herein and shown in the attached revised Site Plan, it is respectfully submitted that the significant reduction in the total unit count also lowers the SEQR classification threshold, such that the instant amended site plan for *the reduced density proposal would be classified as an "Unlisted Action" under SEQR.*

For this Board's consideration, enclosed please find a copy of the Applicant's revised Site Plan, whereby the Applicant proposes to construct a total of 246 multi-family residential units, comprised of 25 studios, 126 one-bedroom, 86 two-bedroom and 9 three-bedroom units with 350 total bedrooms (the "Reduced Density Proposal"). The Reduced Density Proposal reflects the "new" pre-development lot area calculation for the Premises in accordance with new Local Law concerning the calculation of Lot Area per Dwelling Unit,⁸ as well as comments from the City Council about the density of the Project. See **Exhibit 4** - Hudson Land Design Pre-Development Lot Area Calculation Table of Very Steep Slopes. With 246 units, the Reduced Density Proposal is now an Unlisted Action under SEQR, with less than 250-units in a city with a population less than 150,000 people.

In reaching the determination noted above, the Applicant's Engineer and Surveyor reviewed the new Local Law, and prepared additional topographical details for technical review with the City's Planning and Engineering Consultants. Following a preliminary call with these consultants on Tuesday, May 29th, the Applicant's consultants met again with City's consultants on June 11th to discuss how the pre-development lot area was significantly reduced from 307 units down to 252 units under the new Law. Specifically, as a result of the revised definition of "Very Steep Slope"⁹

⁸ A copy of the Steep Slopes Law that was adopted by the Council is enclosed as **Exhibit 3**.

⁹ **New Definition:** "An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet."

Old Definition: "An area of land with a gradient of 25% or more extending over a horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet."



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taken together with the revised pre-development lot area per dwelling unit calculation in the Schedule of Regulations applied to the RD-1.7 Zoning District, both as modified by the Steep Slopes Law, only a maximum of 252 units are permitted on the 12-acre Premises.¹⁰ See **Exhibit 4**.

Notwithstanding the fact that the pre-development lot area calculation now permits only 252 total units, in response to the City Council's comments at its May 29th meeting, **the Applicant's Reduced Density Proposal only proposes to construct 246 total units** where 252 are permitted, representing a total loss of loss of 61 units or about a twenty percent (20%) reduction in the density of the Project. To make the Project economically viable using the lowest feasible unit count in light of the City Council's comments, the main physical change to the Site Plan include a reduction of impervious surface as a result of the reduction in parking requirements caused by the significant reduction in the total unit count. The Reduced Density Proposal will also feature twenty-five (25) below-market rate units in accordance with the City's Affordable-Workforce Housing Law.

Additionally, the Reduced Density Proposal provides the following highlights and key features:

- **Maximized Green Space & Open Space Preservation:**
 - Nearly sixty-five (65%) of the overall site as open space, with only twelve percent (12%) building coverage, which is less than half of the twenty-five percent (25%) building coverage that is permitted by the Zoning Code;
- **Accessibility:**
 - Two (2) means of vehicular and pedestrian access to site, from Tompkins and from Bank Street, which also provide walkable and bikeable access (including bicycle storage) to the Metro-North Station and Main Street;
 - Three (3) on-premises Electric Cars for shared tenant-usage;
 - Walking paths along the ridge overlooking the Hudson River, including benches for viewing the river;
 - Additional walking path connections for the adjoining Tompkins Terrace development, providing additional access to Metro-North.
- **Amenities:**
 - 6,300 net square foot common tenant amenity space, including:
 - Gym;
 - Free co-working space for tenants;
 - Common recreation area;

¹⁰ Note: The Applicant's Reduced Density Proposal will also include twenty-five (25) below-market rate units in accordance with the City's recently amended Affordable-Workforce Housing Law, which includes a developer incentive right to ten (10) additional market-rate units. Accordingly, the pre-development density permits 242 units, plus ten (10) additional market-rate units for a total of 252 permissible units.



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- Quiet Library - 2,000 square foot reading room/quiet work space in a small building in the central green space;
- Central green space area, including over an acre of recreational space; and
- Tenant storage provided on-site.

- **Green Building Design & Landscaping:**

- Construction techniques aspiring to LEED Gold energy-efficiency practices and standards;¹¹
- Extensive landscaping plan, including low maintenance all-native plantings, in addition existing meadows and trees. Woods to remain at perimeter of property for additional view screening;
- Eco-grass that doesn't need regular mowing;
- Harvesting rain water for irrigation – rainwater will be collected from roof drains and stored in underground tanks;
- Additionally, remaining stormwater from the parking lots will be treated on-site in bio-retention areas and infiltration basins;
- Energy-efficient construction techniques, materials, and mechanical systems, including:
 - Exterior siding materials and installation practices specified are green building materials - durability, longevity, and composition. No painting or maintenance required for siding materials;
 - Cool roof / high albedo roof – reflects sunlight for energy efficiency;
 - Roof space and chases for ease of future solar energy installation;
 - Energy efficient windows – Low-E glazing – U-value to value to exceed Code standards;
 - LED lighting throughout;
 - Occupancy sensors for common space lighting;
 - Occupancy sensors for air exchangers;
 - Water saving measures throughout the project, including dual-flush toilets and water-saver shower heads;
 - PEX plumbing lines
 - Water based paints and sealers;
 - High quality products to prevent the need for wasteful replacements;
 - Consideration of greywater systems to be used in collaboration with water filtration systems;
 - Building insulation in excess of Building Code requirements;
 - Insulation between apartments to avoid energy loss;
 - Air tight construction in excess of NYS Code blower door testing standards;
 - Air exchange units to provide fresh air in addition to natural ventilation from windows;

¹¹ Note: While the Applicant is aspiring to LEED Gold standards, the Applicant will not seek LEED Certification, which is an added expense from a private certifying entity that does not contribute to the Project's sustainability.



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- Energy efficient heat pumps (heating and hot water heating) - 94% efficient;
- Energy efficient appliances;
- Electric traction elevators (no hydraulic fluid, energy efficient);
- Locally sourced gravel and rock materials;
- Podium/garage parking; and
- Green roof on Quiet Library building.

Accordingly, while the Applicant has modified the Project and associated Site Plan in compliance with the City's Local Law that reduces pre-development density, the Applicant remains committed to the Project and environmental conscious sustainable transit oriented development. Notably, while the Steep Slopes Law amended the local definition of a "Very Steep Slope" and the manner in which the City calculates the number of permitted dwelling units on the property that has qualifying Very Steep Slope(s), the Local Law did not, however, modify the engineering details and environmental conditions of the property, or affect the Project's consistency with the applicable LWRP Policies addressed in the 2017 LWRP Consistency Determination. *See Exhibit 5 - LWRP Statement of Consistency.*

Further, there is no physical change proposed to the overall layout, massing, or exterior design of the (7) seven buildings previously evaluated by the Planning Board and approved by the Zoning Board of Appeals and Architectural Review Board Subcommittee. The main physical change to the Site Plan is the reduction of impervious surface as a result of the reduction in parking requirements caused by significantly reducing the number of units. The Reduced Density Proposal includes approximately fifteen percent (15%) less parking spaces and providing additional green space. The Reduced Density Proposal also has 140+/- feet of additional walkways along the western side of the property, facing the Hudson River. Accordingly, as set forth more fully herein, we respectfully submit that the Reduced Density Proposal will result in a further decrease in any perceived potential impacts that were previously considered and addressed by this Board during its Coordinated SEQRA Review of the larger 307-Unit Proposal.

THE RECORD DEMONSTRATES THAT THERE ARE NO POTENTIALLY "SIGNIFICANT" ENVIRONMENTAL IMPACTS AND THAT THE REDUCED DENSITY PROPOSAL IS CONSISTENT WITH THE POLICIES CONTAINED IN THE CITY'S LWRP:

Where a project will have no "significant" adverse impacts on the environment, the Lead Agency *must* prepare a Negative Declaration.¹² The Reduced Density Proposal and its environmental qualities remain consistent with the Planning Board's findings in the 2017 Negative Declaration, and the record demonstrates that the Reduced Density Proposal will not result in any potentially significant environmental impacts. For ease of the Board's reference, attached please find a copy of the Planning Board's 2017 Negative Declaration (**Exhibit 1**) and the 2017 LWRP Consistency Determination (**Exhibit 2**) – both of which remain applicable to the Reduced Density Proposal.

¹² See, *The SEQRA Handbook*, 3rd Ed. (2010), p. 72 (Response to Question 1).



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To further assist this Board in its review of the revised Site Plan, and for consideration of reaffirming the Negative Declaration and LWRP Consistency Determination, the Applicant has also revised the Long Environmental Assessment Form (EAF) and Narrative, and the SUP Application Form, copies of which are enclosed as **Exhibit 6** and **Exhibit 7**, respectively.

Accordingly, the Reduced Density Proposal (the "Proposed Action") will result in a further decrease in any perceived potential impacts that were previously considered and addressed by this Board during its Coordinated SEQRA Review of the larger 307-Unit Proposal, and will not result in any significant adverse impacts to the environment.

- ***Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.***

The main physical change to the Site Plan is the reduction of impervious surface as a result of the reduction in parking requirements caused by significantly reducing the number of units. The Project Site still consists of four (4) parcels which are proposed to be merged into one (1) development parcel. The Reduced Density Proposal involves 246 dwelling units, which is down from 307 units (350 bedrooms, down from 413 bedrooms) in seven (7) apartment buildings with associated infrastructure. As previously noted, much of the project site is characterized by prior soil disturbance and no wetlands or wetland buffer areas will be disturbed as a result of the Project. Disturbance of slopes will be stabilized using best management practices during construction and post-construction. There is no change to the building design or impacts from prior review to slopes on the project site.

- ***Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.***

There remain no unique geological features on the Site.

- ***Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.***

Any potential impacts on surface water and groundwater will be reduced. As more fully detailed in the enclosed Long EAF Narrative (**Exhibit 6**), at full build-out, the Reduced Density Proposal is expected to generate 38,500 gallons of wastewater per day, which represents a reduction in the expected usage under the 307-Unit Proposal, which expected a usage of around 45,430 gallons of wastewater per day. Additionally, at full build-out, the Reduced Density Proposal is expected to require 38,500 gallons of water per day, which represents a reduction in the expected usage under the 307-Unit Proposal, which expected



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a usage of around 45,430 gallons of water per day. Otherwise, there are no other changes to the project that would result in a significant adverse environmental impact on surface or groundwater quality or quantity.

- ***Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.***

The treatment of stormwater for the Reduced Density Proposal will still be provided for the new impervious area. 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. As more fully detailed on the enclosed Green Space Plan, the EAF Narrative and LWRP Statement of Consistency, the Reduced Density Proposal includes approximately 15% less parking area allowing for more green space and less impervious surfaces. Further, 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. Other retention and pretreatment practices remain as detailed in connection with the 307-Unit Proposal.

- ***Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.***

There is no anticipated change in the temporary, construction-related, activities over the 307-Unit Proposal, but for the reduction in total impervious surfaces to be developed in connection with the Reduced Density Proposal.

- ***Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.***

The Reduced Density Proposal will not result in any new potential impacts as considered in the 307-Unit Proposal. Pursuant to NYSDEC recommendations, removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and April 1 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees. The Proposed Action also includes shielded, cut-off light fixtures that direct light down to minimize light pollution and not interfere with potential bat foraging activities. Lastly, the Proposed Action includes implementation of soil conservation and dust control best management practices, such as watering dry disturbed soil to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site. Also, native vegetation is proposed to enhance wildlife habitat.



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- ***Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resource***

There remain no agricultural resources in the vicinity of the Site.

- ***Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.***

The Reduced Density Proposal will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally nor year around. Enclosed as **Exhibit 5** is a copy of the Applicant's LWRP Statement of Consistency, which reaffirms that the LWRP does not list viewsheds from the Site, or viewsheds that would be obscured by the Project, and that the Reduced Density Proposal remains consistent with the Planning Board's 2017 LWRP Consistency Determination for the Project as it relates to the Site. Additionally, by Resolution dated January 17, 2017 the Zoning Board of Appeals ("ZBA") granted a story variance for the maximum number of stories permitted for Buildings 3, 4 and 6. See **Exhibit 8**. The ZBA Resolution notes in relevant part that:

- "The proposed variances will not have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district." and
- "... that no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the variance for half a story permitting a maximum height of 5 stories for three of the seven buildings..."

See **Exhibit 8**, at pages 6 and 3, respectively. Further, each of the buildings complies with the height requirement (each building will be a maximum of 55 feet) in the Zoning Code and the Reduced Density Proposal will not have a significant adverse environmental impact on aesthetic resources.

- ***Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.***

The Reduced Density Proposal will not result in any new or different potential significant adverse environmental impacts to historic or archaeological resources from the submissions considered in connection with the 307-Unit Proposal.

- ***Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.***



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As more fully detailed on the enclosed Green Space Plan, the EAF Narrative and LWRP Statement of Consistency, the Reduced Density Proposal includes approximately 15% less parking area allowing for more green space and less impervious surfaces. See enclosed Site Plan and **Exhibits 5 & 6**. The reduced Project also has 140+/- feet of additional walkways along the western side of the property, facing the Hudson River. The area of the Proposed Action is not designated as open space by the City of Beacon. The Reduced Density Proposal will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource, as the Site is primarily a vacant lot, with improvements limited to an existing apartment building and a single-family residence. The Reduced Density Proposal will not result in any new or different potential significant adverse environmental impacts to open space and recreation.

- ***Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.***

The Proposed Action is not located in a Critical Environmental Area.

- ***Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.***

A Traffic Impact Study, dated January 18, 2017, revised February 27, 2017, (the "Study") was prepared by Maser Consulting, P.A., Hawthorne, N.Y. for review by the Planning Board. The Study was prepared to identify current and future traffic operating conditions on the surrounding roadway network and to assess the potential traffic impacts of the Project. The Study was subject to review and comment by the Planning Board's Traffic Consultant, Creighton Manning Engineers, LLP, Albany, N.Y. Access to the Site remains unchanged. The Applicant's Study was updated by Maser Consulting, P.A., in a letter dated June 5, 2018 (the "Revised Study"), in order to determined trip generation estimates from the used unit count in the Reduced Density Proposal. See **Exhibit 9**. The Revised Study confirm that "... it is the opinion of Maser Consulting that the currently proposed [Reduced Density Proposal] Edgewater Development will have a reduced impact on traffic operation conditions in vicinity to the site and thus the analysis results and traffic mitigations contained in our original study remain applicable to the currently proposed project." The Reduced Density Proposal also proposes improved pedestrian access, bicycle storage and a car share program for residents, and will not have a significant adverse environmental impact on transportation.

- ***Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.***



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It is anticipated that existing energy infrastructure will continue to serve the Proposed Action and that enough surplus exists to meet potential demand.

- Several green building techniques have been incorporated into the Proposed Action. The building design will allow for the ability to utilize solar energy in the future if and when it becomes feasible. The Proposed Action will not have a significant adverse environmental impact on energy.
- ***Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.***

The Reduced Density Proposal proposes approximately 15% less parking area allowing for more green space and less impervious surfaces, reducing the development footprint. The Reduced Density Proposal is not anticipated to generate any objectional odors, noise or light.

- ***Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.***

There remain no off-site contaminations that pose a threat to development on the Edgewater Site.

- ***Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.***

The Reduced Density Proposal is consistent with the recommendations and goals identified in the 2007 Comprehensive Plan and 2017 Comprehensive Plan Updates regarding density of developments. The Site remains the only property in the City classified in the RD-1.7 Zoning District and the number of proposed dwelling units complies with the provisions of the RD-1.7 District in accordance with the City's new Density Reduction Local Law. The transit oriented nature of the Reduced Density Proposal is consistent with the Comprehensive Plan, which seeks to encourage development and allow for increased density of housing in the waterfront/train station area of the City. (2007 Comprehensive Plan, pp. 7 & 17; 2017 Comprehensive Plan Update, p. 10). The Reduced Density Proposal is also consistent with the surrounding neighborhood which includes the existing Tompkins Terrace and Colonial Springs residential developments.

In connection with the 307-Unit Proposal, the Applicant's Planning Consultant, Cleary Consulting, prepared a School Impact Study dated June 26, 2017 that documented the



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potential impacts of the Proposed Action on the Beacon City School District. The School Impact Study conservatively concluded that 47 school age children would reside in the 307-Unit Proposal. As more fully-detailed in **Exhibit 10**, the Applicant's planning consultant confirmed that by "[e]mploying the same methodology accepted by the City during the SEQRA review of the project [the 307-Unit Proposal], **the current 246 unit project would reduce the number of school age children from 47 to 41 students**" (bold and underline emphasis added). Accordingly, the Reduced Density Proposal is consistent with adopted community plans and community character, and the Reduced Density Proposal is projected to further reduce the number of school age children.

The Applicant respectfully submits that an exhaustive analysis was done relating to all environmental issues for the much denser development concerning the 307-Unit Proposal, and that the state of the record supports reaffirming the Negative Declaration that the Reduced Density Proposal will *not* create any significant adverse environmental impacts. Accordingly, for the reasons set forth herein, the Applicant requests that this Board consider reaffirming its Negative Declaration and LWRP Consistency Determination.

THE EDGEWATER PROJECT AVOIDS THE DEVELOPMENT OF THE NEWLY DEFINED VERY STEEP SLOPES TO THE MAXIMUM EXTENT PRACTICABLE:

As this Board is aware and is more fully discussed above, in addition to reducing the pre-development density of the Edgewater property based on the calculation of the Very Steep Slope(s) on the Premises, the newly enacted Steep Slopes Law also revised the Zoning Code's definition of what comprises a "Very Steep Slope".¹³ See **Exhibit 4**. Accordingly, as is more fully detailed in the enclosed engineering analysis, the Applicant's engineering consultants also reviewed the Reduced Density Proposal to confirm and reaffirm that the project avoids development of the newly defined Very Steep Slope(s) wherever practicable. See **Exhibit 11** – Hudson Land Design Very Steep Slopes Avoidance Memorandum.

By way of background, City of Beacon Zoning Code Section 223-16 (B) provides:

*For the purpose of preventing erosion, minimizing stormwater runoff and flooding, preserving the City's underground water resources, and protecting the City's character and property values, it is the intent of this chapter to avoid the development of... very steep slopes, and toward this end, **wherever practicable**, new construction shall*

⁹ **New Definition:** "An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet."

Old Definition: "An area of land with a gradient of 25% or more extending over a horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet."



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avoid such areas, and existing vegetation in such areas shall not be disturbed ***wherever practicable***" (bold and italic emphasis added).

Given the above, as result of the local definitional change, where the prior denser 307-Unit Development *did not* involve development of Very Steep Slopes, the Applicant revised the site plan to ensure that the Reduced Density Proposal for Edgewater avoids development and disturbance of newly defined Very Steep Slopes wherever practicable. Importantly, while these certain site plan changes were made for the Reduced Density Proposal in response to comments from the City's consultants, as noted in **Exhibit 11**, the footprint of the buildings generally remains the same and the site conditions have not changed since the 2017 Negative Declaration – only the definition of what constitutes a Very Steep Slope has been changed.

Accordingly, as more fully discussed in the enclosed engineering analysis, it is respectfully submitted that the Reduced Density Proposal for Edgewater avoids development and disturbance of newly defined Very Steep Slopes wherever practicable, and further, the stormwater and related mitigation measures included in the Reduced Density Proposal mitigate and prevent erosion; minimize stormwater runoff and flooding; preserve the City's underground water resources; and protected the City's character and property values, in full satisfaction of the criteria in Zoning Code Section 223-16(B). See **Exhibit 11**.

CONCLUSION:

For the reasons set forth above, as well as in prior submissions and appearances, it is respectfully submitted that the Applicant's comprehensive application package regarding the Reduced Density Proposal complies with all the applicable requirements necessary for this Board to reaffirm its Negative Declaration and LWRP Consistency Determination, which were adopted by this Board on December 12, 2017 for the prior 307-Unit Plan.

It is also noteworthy that the Applicant appeared before the City Council as soon as possible after the adoption of the density reduction law in order to reengage and obtain the Council's input, which the Applicant has done its best to address in this letter and the enclosed submissions in connection with the Reduced Density Proposal. Accordingly, we look forward to appearing again before the Planning Board as the SEQR Lead Agency in order to discuss the technical, engineering and environmental aspects of the Reduced Density Proposal.

By this letter, pursuant to our correspondence with the Planning Board Attorney, we look forward to appearing at the Planning Board's June 12th Agenda to discuss the Reduced Density Proposal and to proceed in furtherance of the Board reaffirming the Negative Declaration and the LWRP Consistency Determination. Further, we respectfully request that concurrent Site Plan Public Hearing on this matter be adjourned from the Planning Board's meeting Agenda, which is scheduled to be continued on June 12th, and that it be placed on the Planning Board's July 10th meeting Agenda for the continued Site Plan Public Hearing.



June 12, 2018

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We look forward to returning to the City Council on June 25, 2018, for a workshop and to discussing the Reduced Density Proposal further within the context of the Special Use Permit Application.

Should the Board or City Staff have any questions, please do not hesitate to contact me. Thank you in advance for your consideration of the enclosed.

Very truly yours,



Taylor M. Palmer

Enclosures

cc: Jennifer L. Gray, Esq., Attorney to the Planning Board
Arthur R. Tully, P.E., City Engineer
Lt. Timothy P. Dexter, Building Inspector
John Clarke, Beacon Planning Consultant
Nicholas M. Ward-Willis, Esq., City Attorney
Michael A. Bodendorf, P.E., Hudson Land Design
Thomas E. Cerchiara, P.L.S., TEC Land Surveying
Aryeh J. Siegel, Architect
Cleary Consulting
Scenic Beacon Developments, LLC

1

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR SITE PLAN, SPECIAL USE PERMIT
AND SUBDIVISION APPROVAL FOR EDGEWATER**

22 Edgewater Place:

Tax Grid Nos. 5954-25-581985, 5954-25-574979, 5954-25-566983, 5955-19-59002

CONCLUSIONS

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, makes the following conclusions.

The Proposed Action is a Type I action pursuant to 6 NYCRR 617.4(b)(5)(iii) because the project proposes the construction of more than 250 new residential units to be connected to public water and sewer in a city having a population of less than 150,000. The Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the State Environmental Quality Review Act (SEQRA) public hearing was closed.

The Proposed Action will not result in any significant adverse impacts on the environment. In summary:

- **Impact on Land:** The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.

The Project Site consists of four (4) parcels which are proposed to be merged into one development parcel of approximately 12 acres. Approximately 10 acres of the Site will be disturbed for development of the Project. The Site is currently developed with two buildings and is characterized by prior soil disturbance across much of the Site. Several stockpiles of aggregate and topsoil are currently located within the central portion of the Site on either side of the remnants of an asphalt road that extends across the central portion of the Site.

The Site is located within the RD-1.7 Zoning District. The Project proposes 307 dwelling units (413 bedrooms) in seven (7) apartment buildings with associated infrastructure including utility lines, stormwater facilities, and a below-grade parking garage and on-grade parking. Land banked parking will be utilized for a portion of the proposed parking spaces (33 parking spaces to the west of Building 1) to minimize land disturbance and impervious coverage. The Project will require the removal of approximately 3.2 acres of woods, which generally involves smaller trees located on the interior of the site. No wetlands or wetland buffer areas will be disturbed as a result of the Project. Disturbance of slopes will be stabilized using best management practices during construction and post-construction.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

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.

Site disturbance will exceed 1-acre and therefore a full Stormwater Pollution Prevention Plan (SWPPP) was prepared in order to obtain coverage under NYSDEC SPDES General Permit GP-0-15-002. The proposed stormwater practices shown on the plans and described in the SWPPP are designed in accordance with the NYSDEC Stormwater Management Design Manual, including design of an underground site stormwater conveyance system and three infiltration basins.

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. A 6" ductile iron (DI) water main runs beneath Tompkins Terrace and an 8" DI main runs beneath Bank Street. An 8" DI spur runs into the Site beneath Branch Street from Bank Street to an existing hydrant. It is proposed that the Site will connect to the 8" DI pipe (DIP) on Bank Street through a 8" DIP. The 8" DIP will be brought through the Site to provide water supply to the new buildings and continue to Branch Street and connect to the 8" DIP forming a looped connection to the City water system.

The Applicant proposes to dedicate the new 8" water main to the City, along with a 20' wide utility easement for maintenance purposes. Flow and pressure tests have confirmed adequate flow and pressure are available for the Project. New fire hydrants and periodic isolation valves are proposed within the Site. In the event the City does not accept dedication of the 8" water main and easement, the infrastructure will remain privately owned and maintained but will need to be modified to include backflow prevention devices and meters. 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.

The Project will be connected to the existing public sanitary sewer system. At full build out, the Project is expected to generate 45,430 gallons of wastewater per day (413 bedrooms x 110 gpd/bedroom). Under normal operating conditions the public sanitary sewer system is sufficient for the Project; however the West Main Street sewer pump station may require upgrades. If it is determined that upgrades are necessary as the City's hydraulic model of the sewer system is updated, the upgrades will be implemented as necessary. The Site currently contains an existing apartment building, and a single family residence. Both structures will be demolished thereby eliminating any current inflow and infiltration (I&I) entering the City sanitary sewer system (North interceptor) from the Site.

- **Impact on Flooding:** The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.

For the Proposed Action, the treatment of stormwater will be provided for the new impervious area. 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 (RRV) due to shallow bedrock constraints. The January 2015 NYSDEC Stormwater Design Manual describes acceptable site limitations to include shallow 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 RRV.

Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.

Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Site. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods will include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with the final filed site plan and in accordance with all applicable federal, state and local codes. It is anticipated that nearby properties will experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed project. This is a temporary, construction-related, unavoidable impact that is not significant.

• **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

Pursuant to a March 30, 2017 letter from NYSDEC, the only state-listed species recorded within or near the Project Site is the Indiana Bat (NYS Listing:

Endangered). The main impact of concern for bats is the removal of potential roost trees. The Applicant submitted a Threatened and Endangered Species Habitat Suitability Assessment Report, dated September 15, 2017, prepared by Ecological Solutions, LLC, Southbury, CT. The Report concluded "The proposed project will require the removal of approximately 3.2 acres of woods for the proposed project, which generally involves smaller trees located on the interior of the site that consist of opportunistic trees that are not prime for Indiana bat habitat." Pursuant to NYSDEC recommendations, removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and April 1 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees. The Proposed Action also includes shielded, cut-off light fixtures that direct light down to minimize light pollution and not interfere with potential bat foraging activities. Lastly, the Proposed Action includes implementation of soil conservation and dust control best management practices, such as watering dry disturbed soil to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site. Also, native vegetation is proposed to enhance wildlife habitat.

- **Impact on Agricultural Resources:** The Proposed Action will not have a significant adverse environmental impact on agricultural resources.

There are no agricultural resources in the vicinity of the Site.

- **Impact on Aesthetic Resources:** The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally nor year around. The Local Waterfront Revitalization Program (LWRP) does not list viewsheds from the Site, or viewsheds that would be obscured by the Project. Seasonal views of the Project will be experienced from the Metro North train station and from the Hudson River. The Applicant submitted an LWRP Consistency Statement, prepared by Aryeh Siegel, Architect, which was reviewed by the City Planner. Photo renderings of the Project were also submitted by the Applicant demonstrating the possible seasonal views from these vantage points. The renderings demonstrate that the tops of the buildings will be visible to some degree and the level of visibility will change with the seasonal leaf coverage. Architectural review of the proposed building roofs includes attention to the roof materials and finishes to harmonize with the existing landscape. The buildings have been designed to be set back from the property lines to allow for the maintenance of the existing wooded hillsides around the proposed development areas. The seasonal views of the Project are

consistent with the existing viewshed and will not result in a significant adverse environmental impact.

It is noted that the height of the proposed buildings complies with the maximum building height permitted in the RD-1.7 District. However, due to the method in which the buildings are measured under the City of Beacon Zoning Code three (3) of the seven (7) proposed buildings require a variance from the maximum number of stories permitted. Buildings 3, 4 and 6 will be 55 feet in height, consistent with the limitations in the Zoning Code, but are measured as 5 stories where a maximum of 4.5 stories is permitted.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

Pursuant to a March 30, 2017 letter from NYSDEC, the records of the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) state that the Proposed Action is located within an area considered to be sensitive with regard to archaeological resources.

A Phase 1A Archeological Investigation for the Project Site dated September 2017 was submitted for the Board's review. The Phase 1A Report provides the following conclusion:

"The project area has experienced extensive soil disturbance, initially the result of historic development followed by excavation related to the removal of the historic buildings that once occupied the site. The recent use of the property for aggregate and topsoil stockpiling have also affected the landscape. A significant portion of the property, especially along the eastern, southern and western perimeters, have slopes exceeding 12%. With the high level of disturbance and the presence of slopes greater than 12%, no further archeological investigation is recommended."

Additionally, based on its review of the Project (OPRHP Project Review #17PR06370), in a letter dated October 10, 2017, the NYS OPRHP provided the following opinion: "...[the] project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State Register of Historic Places."

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource, as the Site is primarily a vacant lot, with improvements limited to an existing apartment building and a single family residence. If a park of adequate size and practical location does not address the need for additional recreation/parkland within the City, a recreation fee will be required which will be used for the future need for park and recreational opportunities in the City of Beacon.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

A Traffic Impact Study, dated January 18, 2017, revised February 27, 2017, (the "Study") was prepared by Maser Consulting, P.A., Hawthorne, N.Y. for review by the Planning Board. The Study was prepared to identify current and future traffic operating conditions on the surrounding roadway network and to assess the potential traffic impacts of the Project. The Study was subject to review and comment by the Planning Board's Traffic Consultant, Creighton Manning Engineers, LLP, Albany, N.Y.

The Project proposes access to the Site at a reconstructed driveway connection to Tompkins Avenue located between Tompkins Terrace and Bank Street. The Project also includes an extension at the southern end of the Site to Branch Street, providing access directly to Bank Street, which connects to West Main Street to the south.

The Study established Year 2017 Existing Traffic Volumes and then projected a 2022 Design Year which took into account background traffic growth and traffic from other potential or approved developments in the area. Estimated volume from the Project during peak hours was added to the Study and the Existing, No-Build and Build Traffic Volumes were compared to roadway capacities based on procedures from the Highway Capacity Manual to determine existing and future Levels of Service (LOS) and operating conditions.

The following intersections were studied:

Wolcott Avenue (NYS Route 9D)/Tompkins Avenue/Ralph Street
Tompkins Avenue/Bank Street
Beekman Street/W.Main Street
W.Main Street/Bank Street
Wolcott Avenue (NYS Route 9D)/Verplanck Avenue
Wolcott Avenue (NYS Route 9D)/Beekman Street/West Church Street
Wolcott Avenue (NYS Route 9D)/Main Street/Municipal Place
Tompkins Avenue/Site Access
Branch Street/Bank Street

The Study concludes and the Planning Board's Traffic Consultant concurred that similar levels of service and delays will be experienced at the area intersections under the future No-Build and Build Conditions. The majority of the intersections studied will experience a traffic volume increase of 7% or less as a result of Edgewater or the West End Lofts project recently approved by the Planning Board. The traffic projections do not take any credits for the anticipated use of Metro North and/or pedestrian trips to the train by residents of the new developments, which will likely reduce the actual peak vehicular traffic generated given the walking distance to the train station. The Applicant's traffic consultant prepared analyses for the Project as a transit-oriented development, based on the Site's proximity to the Metro-North train station. Where a mass transit credit is applied to the Project, which the Applicant's traffic consultant identified could be obtainable for the Site, the Applicant's traffic consultant concluded: "...the expected delays would be less at the study area intersections as a result of the lower vehicular traffic generation from the project."

Notwithstanding, due to anticipated delays at the Wolcott Avenue/Verplanck Avenue and Wolcott Avenue/Beekman Street intersections, traffic signal timing modifications are proposed during the AM Peak Hour for the Wolcott Avenue/Verplanck Avenue intersection and during the PM Peak Hours for the Wolcott Avenue/Beekman Street intersection, to address the project related delay increases. With these traffic signal timing modifications, the intersections will operate similar to No-Build conditions without the Project. Additionally, the intersections of Wolcott Avenue/Tompkins Avenue and Beekman Street/West Main Street are proposed to be monitored after occupancy of the Project to assess whether traffic signal warrants will be satisfied at these locations.

Related to transportation, the Project also proposes improved pedestrian access to and from the Project, upgraded pedestrian facilities along Branch Street, Bank Street and West Main Street, and pedestrian striping and signing improvements at

the intersection of Bank Street and West Main Street. The Project also proposes ample bicycle storage and a car share program for its residents.

- **Impact on Energy:** The Proposed Action will not have a significant adverse environmental impact on energy.

It is anticipated that existing energy infrastructure will continue to serve the Proposed Action and that enough surplus exists to meet potential demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

Several green building techniques have been incorporated into the Project. The building design will allow for the ability to utilize solar energy in the future if and when it becomes feasible.

- **Impact on Noise, Odor and Light:** The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.

The Proposed Action is not anticipated to generate any noxious odors.

Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 7:00 p.m. Soil testing was conducted onsite to investigate the depth of the soil and rock conditions. In the area of Bioretention area 1, shale bedrock was found less than 5 feet from the existing grade. In the area of Bioretention area 2, bedrock depths were found to be slightly deeper than 4 feet. If blasting becomes necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction.

All proposed lighting will be fully shielded and dark sky compliant. Lighting levels along the access drive will generally be low (within 0.0 - 1.0 footcandles along the majority of the access drive, with discrete areas of increased intensity under lighting fixtures (up to about 3.0 footcandles). The proposed Lighting Plan shows minimal to no light spillage over property lines. Lighting at the perimeter of the site is negligible.

- **Impact on Human Health:** The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

According to information available on the NYS DEC Site Remediation Database, the off-site contamination under the following Site Codes identified in the EAF has either completed a remediation program or does not pose a threat to development on the Edgewater Site: V00293, C314112, V00096, 314069, 546031.

- **Consistency with Community Plans and Community Character:** The Proposed Action is not inconsistent with adopted community plans and community character.

The Project is consistent with the recommendations and goals identified in the 2007 Comprehensive Plan and 2017 Comprehensive Plan Updates regarding density of developments. The Site is the only property in the City classified in the RD-1.7 Zoning District and the number of proposed dwelling units complies with the provisions of the RD-1.7 District. The transit oriented nature of the Project is consistent with the Comprehensive Plan which seeks to encourage development and allow for increased density of housing in the waterfront/train station area of the City. (2007 Comprehensive Plan, pp. 7 & 17; 2017 Comprehensive Plan Update, p. 10). The Project is also consistent with the surrounding neighborhood which includes the existing Tompkins Terrace and Colonial Springs residential developments.

The Project will create an increased demand for community services such as emergency services and the Beacon City School District. The application was referred to the City of Beacon Police and Fire Departments. The Project will be constructed in accordance with all applicable state and local emergency and fire safety requirements. The Applicant also submitted a School Impact Study, dated June 26, 2017, prepared by Cleary Consulting. The School Impact Study concluded that approximately 47 school age children would reside in the new development. This estimate was calculating using the Rutgers University, Center for Urban Policy Research multipliers which tends to be a conservative method for determining the amount of school age children generated by a development project.

The School Impact Study was reviewed by the Planning Board's Planning Consultant. Cleary Consulting's August 7, 2017 letter responds to questions from the Planning Consultant and comments from the public. It clarifies and concludes that the value associated with each unit type in the Rutgers study is based on 2006 market conditions, but it is the ratio of the value to other factors that is more important than the value itself. For example, the values could just as effectively been expressed as low, medium and high, rather than attaching a numeric value to each housing type. The value selected to be utilized in the calculation of the number of

school age children generated by the Project reflects the Applicant's anticipated price point for the market rate units at the proposed transit oriented development project.

The Planning Board's Planning Consultant concludes in his October 6, 2017 review memorandum that the projected 47 school-age children is conservative given (1) average household sizes have declined since the 2006 multipliers were published, (2) several large-scale studies have shown that apartments near train stations generally have lower school children counts, (3) 96 of the 307 proposed units are smaller studio apartments which should have a lower student ratio than the one-bedroom ratio used for studios in the School Impact Study, and (4) the survey of Beacon multifamily housing developments set forth in a chart on page 9 of Cleary Consulting's August 29, 2017 letter, particularly the most recent three projects on the chart (Leonard Street – 74 total units, 49 units rented to date, 0 school-aged children; 1 East Main Street – 19 units, 1 school-aged child; and 11 Creek Drive – 6 units, 0 school-aged children), provides local supporting background information for a lower average number of school age children. The chart of "Actual School-Age Children Residing in Selected Comparable Multi-Family Developments in the City of Beacon," demonstrates an average ratio of 0.71 school-aged children per unit. (August 29, 2017 Cleary Consulting Letter, p. 9) Using this ratio, the Project would produce only 22 school-aged children.

The Beacon City School District has called into question the accuracy of the data and rationale behind the School Impact Study's conclusions in letters dated August 7, 2017, October 12, 2017, November 3, 2017 and December 8, 2017 (received December 11, 2017), and verbal testimony before the Board. The Applicant's consultant responded to the School District's concerns in letters, dated August 29, 2017, September 26, 2017, October 25, 2017 and November 28, 2017. Also, upon request of the Planning Board, in a memorandum dated November 14, 2017 the Beacon City Assessor provided an estimated valuation of Project of \$34-40 million based upon her knowledge of the Project to-date.

Upon review of all correspondence, the Planning Board's Planning Consultant provided his professional opinion regarding the school impacts in his November 9, 2017 memorandum:

As a summary of the school impact positions, the applicant's June 26, 2017 School Impact Study and supplemental comments conclude that the Beacon City School District (BCSD) has adequate capacity for the projected 47 school-age children and that the proposed project will have a net positive financial impact on the district. Three central assumptions have been disputed by the BCSD: the estimate of public school-age children, the assessed value of the completed project, and the cost per student to be used in the fiscal calculation. The schools have available capacity, since overall enrollment has dropped 20%, or 735 students, between 2004-5 and 2015-16.

Both parties agree that the 2006 Rutgers Residential Demographic Multipliers for New York are the industry-accepted standard for estimating school children, but they disagree on what level ratios to apply in this case. The applicant's estimate of 47 appears, if anything, high since the total school-age children table was used from the Rutgers Study, rather than the more targeted public school-age children (PSAC) ratios. Also, 96 of the 307 proposed units are smaller studio apartments, which should have a lower student count than the one-bedroom ratio used in the School Impact Study. My best estimate is below, using the higher 67th-100th percentile PSAC ratio for the market rate units and the medium 34th-66th percentile PSAC ratio for the required workforce units:

Units	#	Market	Ratio	PSAC	Workforce	Ratio	PSAC	Total PSAC
Studio	96	86	.07	6.02	10	.27	2.7	8.72
1 BR	115	104	.07	7.28	11	.27	2.97	10.25
2 BR	86	77	.16	12.32	9	.45	4.05	16.37
3 BR	10	9	.63	5.67	1	1.3	1.3	6.97
Totals	307	276			31			42.31

The City of Beacon Assessor has estimated that the assessed value of the completed project will be between \$34 and 40 million. At the midpoint of this estimate, the development will generate \$810,300 of annual tax revenue for the BCSD.

For the cost of the additional PSAC, the applicant has proposed using the BCSD 2015-16 Instructional Budget cost of \$17,102 per student, which includes teaching salaries/benefits, special needs, library, attendance, guidance, health and social services, interscholastic and other activities, transportation, and similar more student-sensitive functions. The BCSD has maintained that the total budget cost of \$23,116 per student should be used, which also accounts for the Board of Education, central administration, finance, legal, personnel, records management, supervisors' salaries/benefits, and capital budget items, including central services and debt services. The net fiscal impacts depend on which one of these figures seems most reasonable. As another factor of comparison, the actual local tax levy, after state aid and other revenue, is \$12,653 per student.

	Cost/Student	# Students	Add'l. Costs	Revenue	Net Impacts
Instructional Budget	\$17,102	42	\$718,284	\$810,300	+ \$92,016
Total Budget	\$23,116	42	\$970,872	\$810,300	-\$160,572

Marginally increasing enrollment by about 42 students in a district that is down 735 students since 2004-5 and down 128 students from the previous year should not significantly affect the capital and administrative budget sections. I think that the Instructional Budget calculation is justifiable.

Based on the information provided the Planning Board's professional planning consultant, the Applicant's professional planning consultant and the BCSD, it is the Planning Board's opinion that the addition of 42 school-age children represents the most accurate application of the Rutgers ratios. After considering all testimony and written submissions to the Planning Board on this subject, the Planning Board

City of Beacon Planning Board
December 12, 2017
Edgewater

determines that the addition of 42 school-age children as a result of this Project will not create a significant increased demand on the School District.¹

Based upon all information before the Planning Board to-date, including the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

¹ The Planning Board notes that even if the Total Budget is used to calculate the cost/student, the resulting estimated \$160,572 deficit is not significant as compared to the BSCD's annual budget of approximately \$66.75 million (2016-2017 final budget), and therefore does not rise to the level of a significant adverse environmental impact.

Project: Edgewater

Date: October 11, 2017

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.

Please see attached

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☒ Type 1

☐ Unlisted

Identify portions of EAP 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
All application materials submitted by the Applicant, memoranda from City staff and consultants, agency and public comment, and testimony from
meetings held on the application.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Beacon Planning Board 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: Edgewater

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: Jay Sheers

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:

Date: December 18, 2017

Signature of Preparer (if different from Responsible Officer): Jennifer L. Gray, Esq.

Date:

For Further Information:

Contact Person: Etha Grogan, Planning Secretary

Address: 1 Municipal Plaza, Beacon, New York 12508

Telephone Number: 845-838-5002

E-mail: egrogan@cityofbeacon.org

For Type I 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>

Received in the Office of the
City Clerk
December 20, 2017

PRINT FULL FORM

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 October 31, 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

Local Waterfront Revitalization Program (LWRP) Consistency Determination
Edgewater

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 December 12, 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.

Local Waterfront Revitalization Program (LWRP) Consistency Determination

Edgewater

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/bioretenction 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

Local Waterfront Revitalization Program (LWRP) Consistency Determination
Edgewater

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.

Local Waterfront Revitalization Program (LWRP) Consistency Determination
Edgewater

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

December 18, 2017
Dated

Received in the Office of the
City Clerk
February 5, 2018

CITY OF BEACON



Iola C. Taylor
City Clerk
One Municipal Plaza, Suite One
Beacon, New York 12508

Telephone (845) 838-5003
Facsimile (845) 838-5032

I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 09 of 2018 entitled:

A LOCAL LAW TO AMEND CHAPTER 223, CONCERNING CALCULATION OF THE LOT AREA PER DWELLING UNIT IN THE R1, RD, AND FISHKILL CREEK DEVELOPMENT DISTRICTS

adopted by the Beacon City Council at a regular meeting held on May 21, 2018. Council Member McCredo made the motion to adopt the proposed local law. The motion was seconded by Council Member Nelson. On roll call Council Members Nelson, McCredo, Kyriacou, Rembert and Grant voted in favor (5). Council Members Mansfield and Mayor Casale were opposed (2).
Motion Carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 22nd day of May, 2018.

Signed

Iola C. Taylor
Iola C. Taylor, City Clerk

SEAL

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 09 of 2018 of the City of Beacon was duly passed by the City Council on May 22, 2018 in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the * _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~

~~3. (Final adoption by referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the _____ was duly passed by _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

~~* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.~~

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county considered as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Yvonne C. Taylor
Deputy Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal) _____

Date: May 22, 2018

(Certification to execute by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Richard W. W. W.
Signature
City Attorney
Title
City of Beacon
Date: May 22, 2018

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City ofBeacon.....
Town
Village

Local Law No....09...of the year....2018.....

FILED
STATE RECORDS

MAY 29 '2018

DEPARTMENT OF STATE

A LOCAL LAW TO AMEND CHAPTER 223, CONCERNING CALCULATION OF THE LOT AREA PER DWELLING UNIT IN THE R1, RD, AND FISHKILL CREEK DEVELOPMENT DISTRICTS

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223, Attachment 1 of the Code of the City of Beacon entitled "§ 223-17C, Schedule of Regulations For Residential Districts" is hereby amended to add the following footnote "q" after "Lot Area per Dwelling Unit" and in the attached "Notes" list:

q. For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.

Section 2. Chapter 223 of the City Code, Article IVC entitled "Fishkill Creek Development District" § 223-41.14B is hereby amended as follows:

B. Development Potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

Section 3. Chapter 223 of the City Code, Article VI entitled "§ 223-63, Definitions" is hereby amended as follows:

VERY STEEP SLOPE

An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

4



*Civil & Environmental Engineering Consultants
174 Main Street, Beacon, New York 12508
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com*

June 12, 2018

Mr. John Gunn, Chairman
City of Beacon Planning Board
1 Municipal Center
Beacon, NY 12508

Re: Edgewater Site Plan and Subdivision
Tax IDs 5954-25-566983, 574979, 582985, & 5955-19-590022
City of Beacon, New York

Dear Chairman Gunn:

On behalf of the Applicant for the above referenced project, Hudson Land Design (HLD) has prepared a revised steep slopes analysis with regard to the recently adopted Local Law to amend §223-16, §223-17, §223-41.14B and §223-63 of the City of Beacon code. HLD worked with TEC Land Surveying (TEC) after additional topography was compiled. The original topography was compiled using standard survey practices where survey shots are taken at set intervals where slopes are generally uniform, and at strategic locations where there are breaks in grade, structure or other surface features. The bluff area adjacent to the MTA parking lot was not field surveyed originally because it is very steep slopes in excess of 25% or even greater preventing survey personnel from entering this area. As such, available GIS 5' contours were used in that area, and for the purposes of the preliminary steep slopes study, this entire bluff area was assumed to be in excess of 25% slopes.

TEC recently prepared new topography using available USGS LiDAR data that provides a more accurate terrain surface model as data points are much denser than a traditional Total Station survey. The USGS LiDAR data was collected in 2014. The revised Steep Slopes Analysis was conducted using the criteria outlined in the recently adopted Local Law (LL) where "very steep slopes" are now defined as "An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet", where previously, the threshold called for "100' X 100' area". The new definition of "very steep slopes" results in a significant reduction in the pre-development lot area, which significantly reduces the total number of units.

The revised steep slopes analysis results are summarized in the following table:

Total Area of On-site Slopes 25% or Greater	162,281 sqft
Area of On-site Slopes 25% or greater Without 10,000 sqft Contiguous Area to be Deducted From the Total	51,997 sqft
Net Area of On-site Very Steep Slopes With 10,000 sqft Contiguous Area	$162,281 - 51,997 = 110,284$ sqft
Net Developable Area After Reduction due to Contiguous On-site Very Steep Slope Areas	$523,155$ sqft $- 110,284$ sqft = $412,871$ sqft
Total Number of Allowable Units	$412,871$ sqft/ $1,700$ sqft per unit = 242.86 , or 242 units
Anticipated Units Lost as a Result of Contiguous On-site Very Steep Slopes	$307 - 242 = 65$ Units Lost

The results show a loss of 65 units. Therefore, the new maximum unit count as a result of the reduction of 65 units from 307 is 252 units. The Applicant's revised Site Plan will provide twenty-five (25) below-market rate units, so the developer has the right to ten (10) additional market-rate units, as provided in the City's recently amended Affordable-Workforce Housing Law, which would bring the total permitted to $242 + 10$, or 252 units.

We look forward to continuing discussing the design details of the project with you and your Board members at the next meeting. Should you have any questions or require additional information, please feel free to call me at 845-440-6926.

Sincerely,



Michael A. Bodendorf, P.E.
Principal

cc: Weber Projects, LLC
Tina Andress-Landolfi
Taylor Palmer, Esq.
Anthony Morando, Esq.
Aryeh Siegel, AIA
Jon D Bodendorf, P.E. (HLD File)

ARYEH SIEGEL
ARCHITECT

June 11, 2018

**Local Waterfront Revitalization Program
Statement of Consistency**

Edgewater (22 Edgewater Place, Beacon NY)

The City of Beacon Planning Board adopted a Resolution of Approval on December 12, 2017 issuing a Local Waterfront Revitalization Program ("LWRP") Consistency Determination for the proposed redevelopment of the property located at 22 Edgewater Place¹ ("Project"). The Project included the construction of seven (7) apartment buildings containing a total of 307 units (413 bedrooms) following the demolition of two (2) existing structures and the merger of four (4) lots into a single 12-acre parcel, along with installing associated infrastructure. Project details such as building height, bulk, and scale were shown on drawings entitled "Site Plan Edgewater," Sheets 1-15, last revised October 31, 2017.² The Project also received variance approvals from the Zoning Board of Appeals on January 17, 2017.

The City Council subsequently adopted a Local Law to amend the City Code to reduce the permitted unit density on the subject property by modifying the formula for calculating lot area per dwelling unit in the underlying RD Zoning District. The Applicant has modified the Project and associated Site Plan in compliance with this Local Law and is presenting this updated LWRP Statement of Consistency in acknowledgement of a substantial reduction in total number of units proposed for the Project. This Statement of Consistency confirms that the reduced Project is consistent with the 2017 LWRP Consistency Determination.

The Local Law amended the local definition of a "Very Steep Slope" and the manner in which the City calculates the number of permitted dwelling units on the property that has qualifying Very Steep Slope(s). The Local Law did not, however, modify the engineering details and environmental conditions of the property, or affect the Project's consistency with the applicable LWRP Policies addressed in the 2017 LWRP Consistency Determination.

In accordance with the newly adopted Local Law, the Applicant has reduced the number of dwelling units for the Project from 307 to 246, a loss of 61 units or about a 20% reduction.³ There is no physical change proposed to the overall layout, massing, or exterior design of the (7) seven buildings previously evaluated by the Planning Board and approved by the Zoning Board of Appeals and Architectural Review Board Subcommittee. The main physical change to the Site Plan is the reduction of impervious

¹ Designated on the City tax maps as Parcel Nos. 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979.

² See also Subdivision drawing entitled, "Lot Consolidation Map prepared for Weber Projects LLC," dated March 6, 2017.

³ Note: The pre-development lot area actually permits 252 total units, which is inclusive of ten (10) density bonus units because the development includes affordable-workforce housing (below market rates units) as a part of the Project.

ARYEH SIEGEL

ARCHITECT

surface as a result of the reduction in parking requirements caused by significantly reducing the number of units. The reduced Project includes 15% less parking spaces and additional green space. The reduced Project also has 140 feet of additional walkways along the western side of the property, facing the Hudson River.

It is my professional opinion that the Reduced Density Proposal remains consistent with the Planning Board's 2017 LWRP Consistency Determination for the Project as it relates to the subject property. The Reduced Density Proposal and its environmental qualities remain consistent with the goals and policies of the LWRP and the Planning Board's findings in the 2017 LWRP Consistency Determination for the Project. For ease of the Board's reference, attached please find a copy of the Board's 2017 LWRP Consistency Determination, together with the original, approved LWRP Statement of Consistency – both of which remain applicable to the reduced Project.

I further submit that maintaining the building layout of the Project as accepted in the 2017 LWRP Consistency Determination confirms continued compliance with the language and the spirit of the applicable LWRP Policies, in particular by clustering buildings, maintaining setback distances and preserving and reinforcing the wooded hillsides to the greatest extent possible. The attached rendered views from the river and from the train station demonstrate that seasonal views of the new buildings would contribute to the scenic qualities of Beacon, as defined in Policy 25. The Applicant demonstrates through photorealistic renderings that the tops of the buildings will be visible to some degree, and that the level of visibility will change with the seasonal leaf coverage.

The proposed building layout and the site design adhere to both the language and the spirit of the LWRP Policy 25. The condensed layout of this reduced Project on this otherwise relatively large property in the City of Beacon continues to fit into modern day environmental best practices, maximizes natural and designed landscapes, and continues to deploy the erosion protection strategies recently accepted by the Planning Board and its staff and consultants.

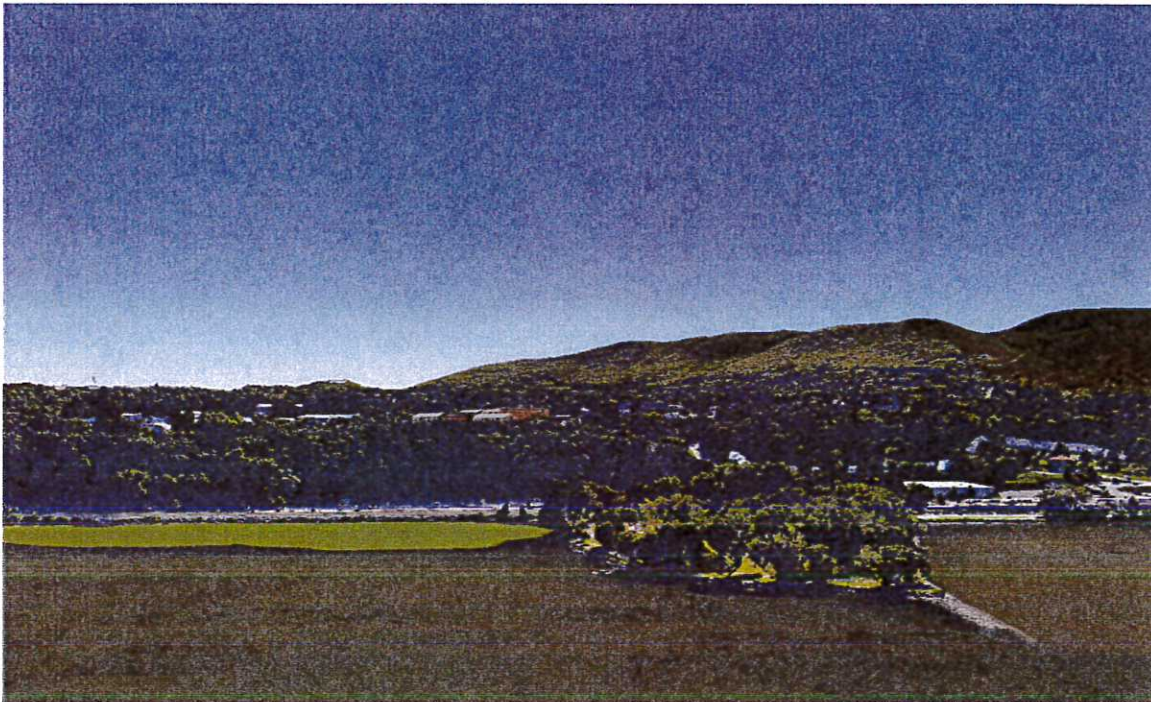
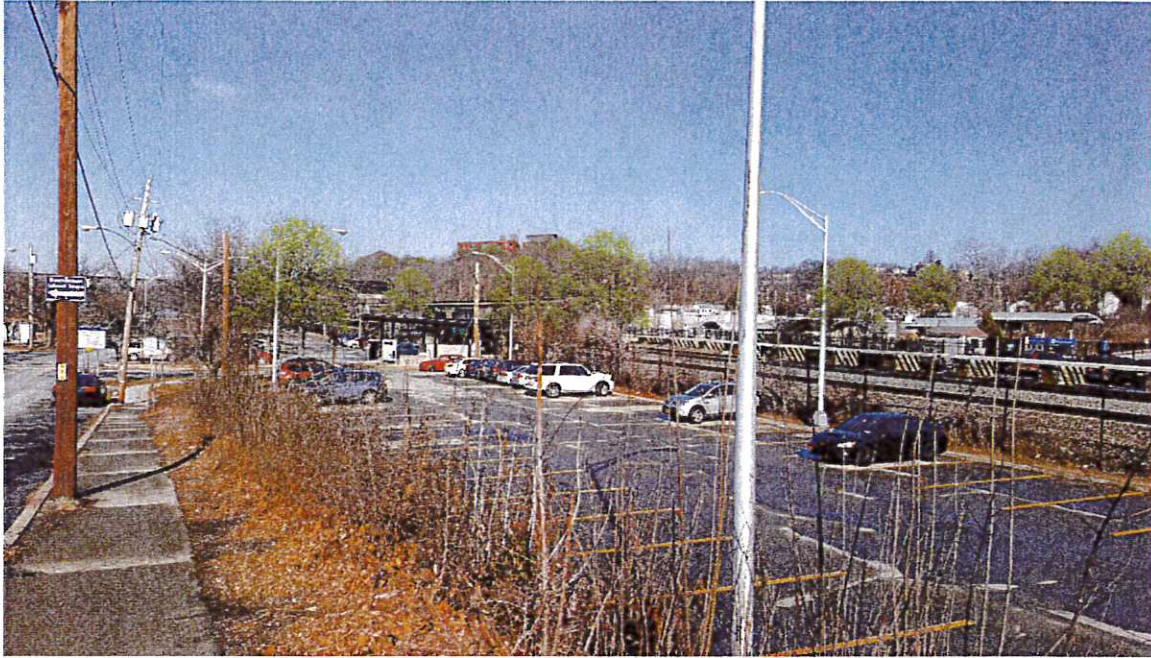
Sincerely,

Aryeh Siegel, AIA

Attachments:

1. Planning Board Resolution of Approval, dated December 21, 2017 adopting Local Waterfront Revitalization Program Consistency Determination for the Edgewater Project
2. Local Waterfront Revitalization Program Statement of Consistency for the Edgewater Project, dated May 18, 2017.
3. Green Space Plan last revised June 11, 2018; Site Plan, Sheet 1 of 15, dated January 31, 2017, last revised June 11, 2018; Photorealistic Renderings.

ARYEH SIEGEL
ARCHITECT



ARYEH SIEGEL
ARCHITECT

Edgewater

LWRP Consistency Statement

1. Review of City of Beacon LWRP (amended April 5, 2012) consistency indicates the following policies which address the development of the property at 22 Edgewater . Note that the property was re-zoned to RD1.7 after the writing of the LWRP:

- a. Section II – Page 4

Section II notes that the property is being re-zoned from RD-3 to RD-6, and describes the properties as “rugged in terrain and this terrain effectively limits their future redevelopment potential. The RD-6 density is in keeping with the actual development potential of the properties for the dwelling unit type (townhouses) most likely to be constructed on the sites.”

The property was subsequently re-zoned to the unique RD1.7 zone, in apparent recognition of the potential for additional development density. Careful planning of building placement and site work consistent with the site’s terrain, as well as the development of apartment building as opposed to townhouses, allows the proposed project to fit within the required density of the RD1.7 zone.

- b. Section IV – Page 4

The property is mentioned again in Section IV as related to the previous zoning designation that was since changed to RD1.7. The previous and now outdated zoning change from Medium High to Medium density is discussed in this section of the LWRP.

The current RD1.7 zoning allows higher density than either of the previous zoning designations, and the proposed project fits within the current allowable density without the need to seek density variances.

- c. Section V – Page 6

The property is mentioned again in Section IV as related to the previous zoning designation that was since changed to RD1.7. See the comments above regarding Section II and Section IV regarding the outdated zoning designations.

- d. The LWRP does not specifically mention the RD1-7 zoning district that includes this property. There are no listed view sheds from the property, or obscured by development of the property. The site is not a historic property and is not adjacent to a historic property.

ARYEH SIEGEL

ARCHITECT

Policy 25 states – “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 building will be important factors in maintaining the character of the City, as will the preservation of the wooded hillsides that intersperse the developed areas”

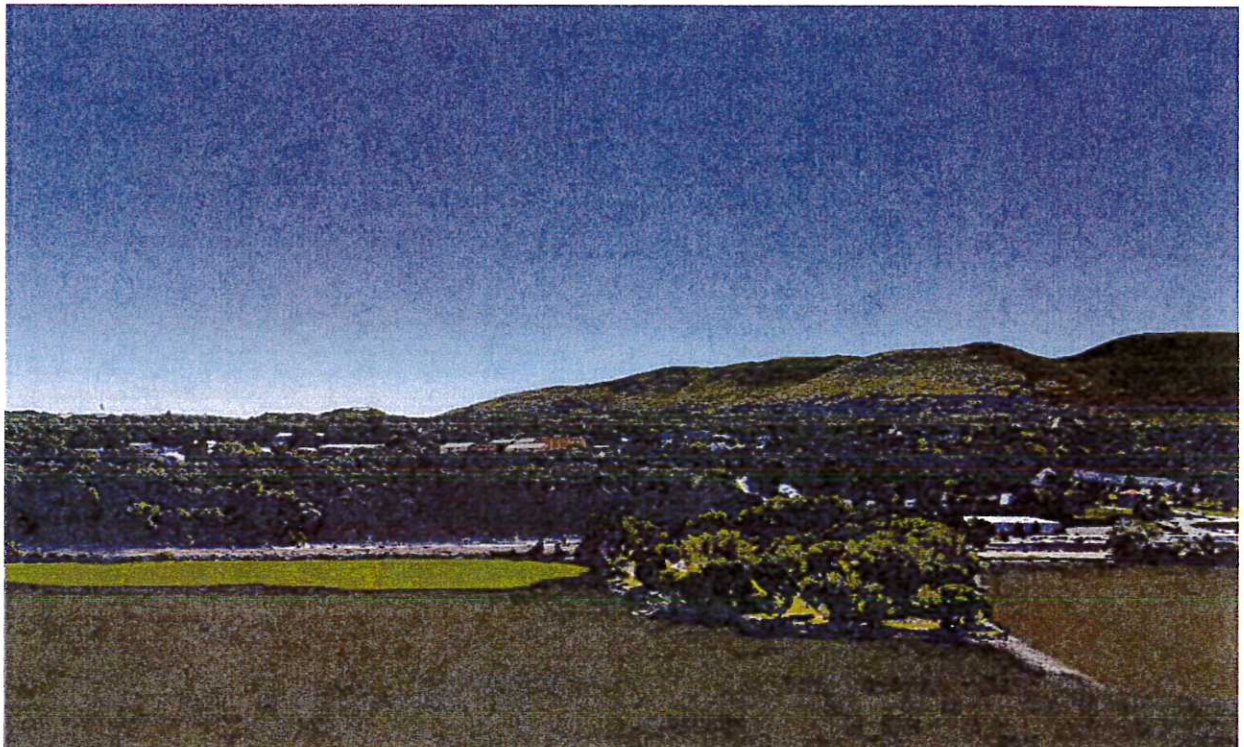
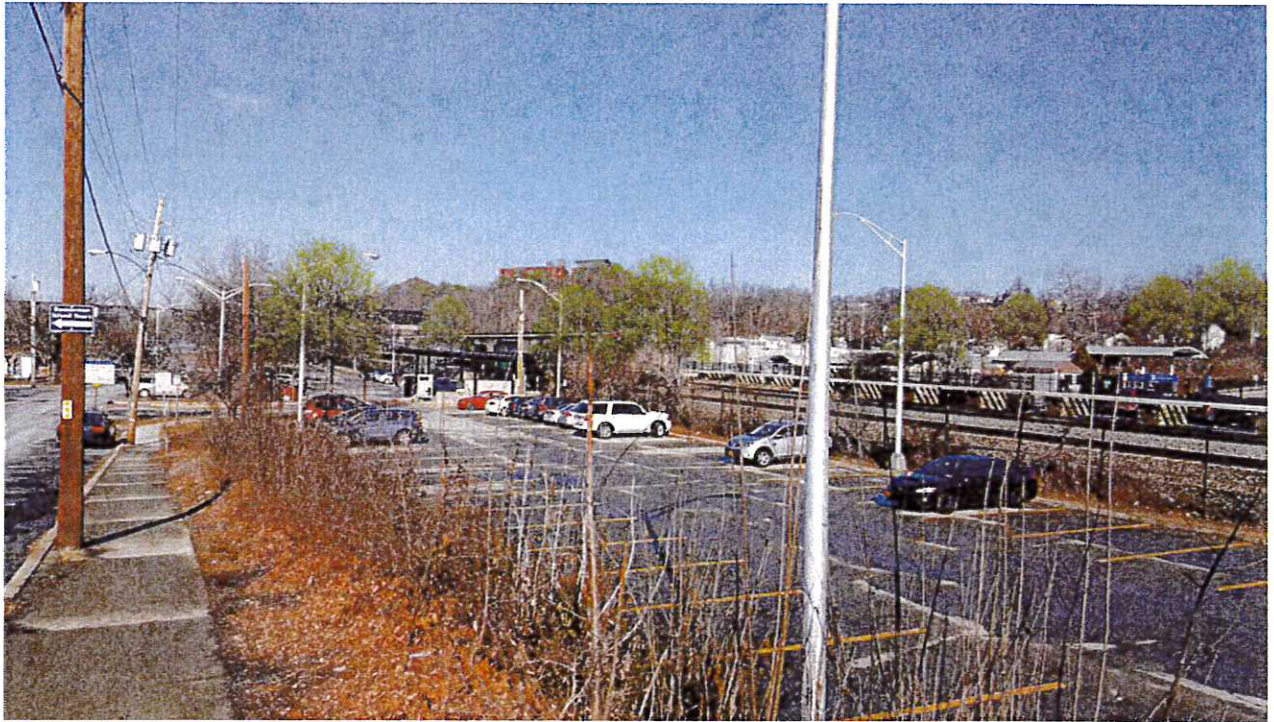
The proposed project is consistent with Policy 25 in its condensing and clustering of the footprint of buildings and impervious surfaces to achieve the clustered effect recommended by the LWRP policy. The buildings are well set back from the property lines, which allows for the maintenance, reinforcement, and integration of the existing wooded hillsides around the proposed developed areas.

The project will also follow Policy 33, which states that “Best management practices will be used to ensure the control of storm water runoff and sewer overflows draining into coastal waters.” Policy 41 will be followed: Land use or development in the coastal area will not cause national or state air quality standards to be violated.

The Applicant believes that the proposed project is consistent with the City of Beacon LWRP as it relates to the subject property. The attached rendered views from the river and from the train station demonstrate that seasonal views of the new buildings would contribute to the scenic qualities of Beacon, as defined in Policy 25. The Applicant demonstrates through photorealistic renderings that the tops of the buildings will be visible to some degree, and that the level of visibility will change with the seasonal leaf coverage.

The proposed site strategy and building layout design adhere to both the language and the spirit of the LWRP Policy 25, in its use of clustered buildings in combination with the strategy of preserving and reinforcing the wooded hillsides to the greatest extent possible. The design proposes to condense the building and paving footprint in order to fit into modern day environmental practice and to maximize area of natural and designed landscapes.

ARYEH SIEGEL
ARCHITECT



6

**EDGEWATER
ENVIRONMENTAL ASSESSMENT FORM**

APPLICATION FOR SITE PLAN, SUBDIVISION & SPECIAL USE PERMIT APPROVAL

SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC

For Property Located at:

22 Edgewater Place

Beacon, NY

SUBMITTED TO:

CITY OF BEACON PLANNING BOARD

**January 9, 2017
Revised 6/11/2018**

CONTRIBUTORS

Applicant:	Scenic Beacon Developments, LLC 11 Creek Drive Suite 102A Beacon, NY 12508
Architect:	Aryeh Siegel, Architect 514 Main Street Beacon, NY 12508
Civil Engineer:	Hudson Land Design 174 Main Street Beacon, NY 12508
Traffic Engineer:	Maser Consulting , P.A. 11 Bradhurst Avenue Hawthorne, NY 10532
Surveyor:	TEC Land Surveying PC 15 Tioronda Ave. Beacon, NY 12508
Schools:	Cleary Consulting 529 Asharoken Ave Northport, NY 11768
Attorney:	Cuddy & Feder LLP 445 Hamilton Avenue, 14 th Floor White Plains, NY 10601

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Development Plan Overview and Description

Site Plan, Subdivision and Special Use Permit Application Submitted by Scenic Beacon Developments, LLC, for Property Commonly Referred to as, Edgewater, 22 Edgewater Place, City of Beacon, Dutchess County, NY

Project Description

This 12-acre site, identified herein as "Edgewater" is located at 22 Edgewater Place, City of Beacon, Dutchess County, New York, and is further identified as tax parcels: **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979.**

This Application and the revised submissions are for the Reduced Density Proposal for the development of the above-referenced tax parcels, collectively referred herein as "Edgewater", in order to construct approximately 246 residential units (including market-rate and below market rate units) comprised of 25 studios, 126 one-bedroom, 86 two-bedroom and 9 three-bedroom units with 350 total bedrooms in seven (7) apartment buildings, together with associated infrastructure.

Zoning

The entire site is located within the RD-1.7 (1,700 square feet of lot area per dwelling unit) Designed Residence zoning district. Consequently, the development proposed and described herein is permitted subject to Site Plan, Subdivision and Special Use Permit approvals.

Stormwater

As the site disturbance will exceed 1-acre when the mostly vacant parcels are built out, a full Stormwater Pollution Prevention Plan (SWPPP) is required to be prepared in order to obtain coverage under the NYSDEC SPDES General Permit GP-0-15-002. The proposed disturbance area requires quality and quantity control of the stormwater per New York State requirements along with erosion and sediment control measures.

Drainage calculations for the proposed conveyance system and any quality and quantity control facilities will be included in the SWPPP. Design of an underground site stormwater conveyance system and three (3) infiltration basins are anticipated.

Water Supply

At full build-out, the Reduced Density Proposal is expected to require 38,500 gallons of water per day, which represents a reduction in the expected usage under the 307-Unit Proposal,

which expected a usage of around 45,430 gallons of water per day. Based on previous conversations with the City of Beacon Water and Sewer Superintendent, the anticipated increase in daily water demand is readily available. There is a 6" ductile iron (DI) water main that runs beneath Tompkins Terrace, and an 8" DI main that runs beneath Bank Street. An 8" DI spur that runs into the site beneath Branch Street from Bank Street to an existing hydrant. It is proposed to connect to the 8" DIP on Bank Street with 8" ductile iron pipe (DIP). The 8" DIP will be brought through the site to provide water supply to the new buildings which will continue down to Branch Street and connect to the 8" DIP forming a looped connection to the City water system. The new 8" water main will be dedicated to the City once installed and certified. New fire hydrants and periodic isolation valves will be provided within the site. A 20' wide utility easement will be granted to the City for maintenance purposes. Flow and pressure tests have been conducted on existing hydrants near the site to confirm that adequate flow and pressure is available for the project.

Sewage Disposal

At full build-out, the Reduced Density Proposal is expected to generate 38,500 gallons of wastewater per day, which represents a reduction in the expected usage under the 307-Unit Proposal, which expected a usage of around 43,430 gallons of wastewater per day. Based on previous conversations with the City of Beacon Sewer Superintendent, the City's existing sewer infrastructure and sewer treatment plant have sufficient capacity to handle the anticipated increase in daily sewage load; however the West Main Street sewer pump station may require upgrades to handle the additional flows generated from this site, and other new construction sites that flow toward this pump station. Hudson Land Design has engaged in conversations with the City Engineer and Sewer Superintendent regarding the sewer pump station and forcemain. Discussions will continue with the engineer and superintendent as City's hydraulic model of the sewer system is updated. The site currently contains an apartment building, and a single-family residence. Both structures will be demolished and removed; thereby eliminating any current inflow and infiltration (I&I) entering the City sewer system from the site. The following table provides estimated water usage/wastewater generation at full buildout of the project, according to the NYSDEC *Design Standards for Wastewater Treatment Works, 2014*.

Use	Flow Rate	Daily Water Usage/Wastewater Generation
Residential (350 bedrooms*)	110 per bedroom	38,500 gpd
TOTAL		38,500

*The current bedroom breakdown is as follows: 25 studios, 126 one-bedroom, 86 two-bedroom, and 9 three-bedroom apartments.

Summary

The Reduced Density Proposal, as further described herein and in the attached Full Environmental Assessment Form and associated reports, would allow for the development of Edgewater to allow a total of 246 new single-family dwelling units, which will be a mix of studio, one-bedroom, two-bedroom and three-bedroom spaces.

The additional residents occupying the new units will contribute to the viability of a vibrant street life in the area, as Beacon continues to attract new residents to its historic and culturally rich City.

To avoid unnecessary repetition, we respectfully incorporate by reference all of our prior submissions and presentations to the Planning Board and Zoning Board of Appeals. The Applicant's submission summarizes the Applicant's prior submissions, which more fully address traffic; community character; density; impacts to schools and parking. As to the more-detailed studies and analyses prepared, including detailed analyses pertaining to water, stormwater, sewer and related utilities, we respectfully refer this Board to our past submissions and the reviews by the Board's consultants that confirm adequate water and sewer, and reduced inflow and infiltration. Copies of the prior correspondence are available at the Council's request, and are on file with the Building Department.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Edgewater Multi-Family Apartments		
Project Location (describe, and attach a general location map): 22 Edgewater Place Beacon, NY 12508		
Brief Description of Proposed Action (include purpose or need): The proposed action is to construct seven residential apartment buildings with a total of 246 single-family dwelling units. This will require the demolition of an existing one family dwelling and an existing residential apartment building. The 246 new units will be a mix of studio, one-bedroom, two-bedroom and three-bedroom apartments, with a combined equivalent (i.e., including studios) total of 350 bedrooms.		
Name of Applicant/Sponsor: Scenic Beacon Developments, LLC		Telephone: 917-622-0657
		E-Mail: rodney@weberprojectsllc.com
Address: 11 Creek Drive Suite 102A		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Rodney Weber		Telephone: 917-622-0657
		E-Mail: rodney@weberprojectsllc.com
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council - Special Use Permit	1/2018
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Site Plan & Subdivision	12/27/2016
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ZBA - Building Separation, Story Height and Number of Units Per Building Variances	2/2017
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Architectural Review Subcommittee	12/27/2016
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DCDOH - Water & Sewer; Cnty Planning referral	3/2017
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - SPDES GP-0-015-002; NYSDOT	3/2017
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? City of Beacon

b. What police or other public protection forces serve the project site?
City of Beacon

c. Which fire protection and emergency medical services serve the project site?
City of Beacon

d. What parks serve the project site?
Pete & Toshi Seeger Riverfront Park; Long Dock

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential

b. a. Total acreage of the site of the proposed action? 12 acres

b. Total acreage to be physically disturbed? 9.31 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 12 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☒ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated 2
 - Anticipated commencement date of phase 1 (including demolition) 9 month 2017 year
 - Anticipated completion date of final phase 9 month 2018 year
 - Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
- All phases shall not exceed 5 acres of disturbance.

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	0			
At completion of all phases	246			

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Grading and building foundations; blasting may be required</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): <u>17,259 cubic yards (6,800 cy rock estimated)</u> • Over what duration of time? <u>6 months</u> 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>To be used on another site in Beacon</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? <u>9.34</u> acres	
vi. What is the maximum area to be worked at any one time? <u>5</u> acres	
vii. What would be the maximum depth of excavation or dredging? <u>15</u> feet	
viii. Will the excavation require blasting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	
<u>The excavated area will be reclaimed to either stable hardscapes, building, paved areas or landscaped areas. Excess material will be trucked off site to other projects within Beacon. Rock removal will be accomplished by mechanical means as much as possible.</u>	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 38,500 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Beacon
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 38,500 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: City of Beacon
- Name of district: City of Beacon
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ 4.2 acres (impervious surface) _____ Square feet or _____ 12 acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p><u>The storm water runoff will be directed to two on site bioretention areas, and one infiltration basin, and then conveyed offsite, or to the City of Beacon closed storm water system.</u></p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Heavy equipment will be used during construction. Delivery vehicles (garbage trucks, parcel service etc.) will be used after construction completion.</u></p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>Generators or rock processing equipment (e.g., crushers) could be utilized</u></p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input checked="" type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing <u>13</u> Proposed <u>329</u> Net increase/decrease <u>316</u></p> <p>iv. Does the proposed action include any shared use parking? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: <u>Branch Street will be widened to 24' from its current 20' width</u></p>			
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ <u>2,883,023 KWH/ Year</u></p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): <u>Central Hudson</u></p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 7PM</u> • Saturday: <u>8AM - 5PM</u> • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A</u> • Saturday: <u>N/A</u> • Sunday: <u>N/A</u> • Holidays: <u>N/A</u> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 7PM</u> • Saturday: <u>8AM - 5PM</u> • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A</u> • Saturday: <u>N/A</u> • Sunday: <u>N/A</u> • Holidays: <u>N/A</u>
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7AM - 7PM</u> • Saturday: <u>8AM - 5PM</u> • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A</u> • Saturday: <u>N/A</u> • Sunday: <u>N/A</u> • Holidays: <u>N/A</u> 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>General construction related noise during normal business hours</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Tree Removal on-site.</u></p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Parking lot and building mounted lights. All lighting fixtures will be shielded and pointed downward. Parking lot height = 16 feet. Closest occupied structure is approximately 59 feet.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Existing trees will be removed for construction of the proposed features; however, new landscaping will be planted as part of the project.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	
<p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☒ Aquatic ☒ Other (specify): Metro North Train Station

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.2	4.2	(+) 3.0
• Forested	5.9	2.7	(-) 3.2
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	4.6	0	(-) 4.6
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: <u>Grass and Landscaped areas</u>	0.3	5.1	(+) 4.8

Page 10 of 13

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

DwB -- Dutchess - Cardigan	81.7 %
DxB -- Dutchess - Cardigan Urban	8.3 %
NwD -- Nassau - Cardigan	10.0 %

d. What is the average depth to the water table on the project site? Average: _____ >5 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 91 % of site
☒ Moderately Well Drained: _____ 9 % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 34 % of site
☒ 10-15%: _____ 22 % of site
☒ 15% or greater: _____ 44 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

Streams:	Name	Hudson River	Classification	B
Lakes or Ponds:	Name	_____	Classification	_____
Wetlands:	Name	_____	Approximate Size	_____
Wetland No. (if regulated by DEC)	_____			

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No
If Yes:
i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <table style="width: 100%;"> <tr> <td style="width: 33%;">White Tail Deer _____</td> <td style="width: 33%;">Red Fox _____</td> <td style="width: 33%;">_____</td> </tr> <tr> <td>Grey Squirrel _____</td> <td>_____</td> <td>_____</td> </tr> </table>		White Tail Deer _____	Red Fox _____	_____	Grey Squirrel _____	_____	_____
White Tail Deer _____	Red Fox _____	_____					
Grey Squirrel _____	_____	_____					
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 							
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Atlantic Sturgeon; Bald Eagle; Indiana Bat. A habitat Study was completed for the site. The study concluded that approximately 3.2 acres of forest habitat will be removed as part of the project. Mitigation consists of limiting tree clearing to between October 1st through March 31st., providing downward directed and shielded site lighting and implementing erosion and dust control during construction activities.</p>							
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>							
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p>							
<p>E.3. Designated Public Resources On or Near Project Site</p>							
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>							
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>							
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p>							
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>							

e. Does the project site contain, or is it substantially contiguous to, a building, 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <u>Bogardus--DeWindt House</u> iii. Brief description of attributes on which listing is based: <u>Single family dwelling built in 1792 located at 16 Tompkins Avenue.</u> 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: <u>Phase 1A archeological study was done. No further investigation was recommended.</u> 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify resource: <u>Hudson River</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Long Dock Park; Pete & Toshi Seeger Riverfront Park</u> iii. Distance between project and resource: _____ <u>0.2 miles.</u> 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

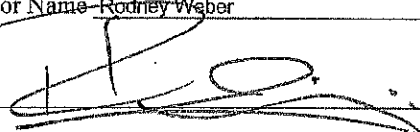
G. Verification

I certify that the information provided is true to the best of my knowledge.

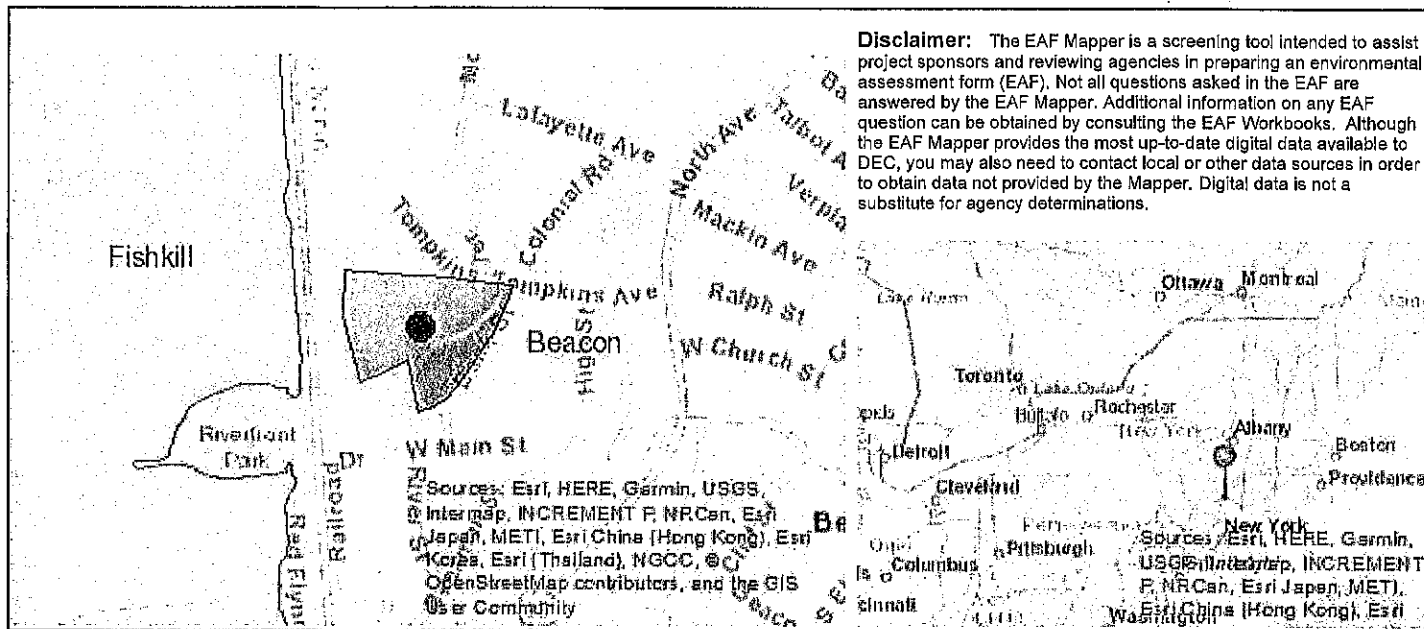
Applicant/Sponsor Name Rodney Weber

Date 9/25/2017, Revised 6/12/18

Signature _____



Title Owner



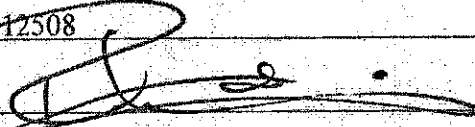
B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	V00293 , V00096 , 314069 , C314112 , 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Bogardus--DeWindt House
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

APPLICATION FOR SPECIAL USE PERMIT

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

Name: Scenic Beacon Developments, LLC
Address: 11 Creek Drive Suite 102A
Beacon, NY 12508
Signature: 
Date: June 6, 2018
Phone: (845) 440-6520

(For Official Use Only)

Application & Fee Rec'd

Initial Review

PB Public Hearing

Sent to City Council

City Council Workshop

City Council Public Hearing

City Council Approve/Disapprove

Date Initials

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Aryeh Siegel Architect
Address: 84 Mason Circle, Beacon, NY 12508

Phone: (845) 838-2490

Fax: (845) 838-2657

Email address: ajs@ajsarch.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 22 Edgewater Place
Tax Map Designation: 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979
Land Area: 12 Acres (total of 4 combined parcels) Zoning District(s) RD-1.7

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Multi-family residential
Gross Non-Residential Floor Space: Existing 0 Proposed 8,168 sf
TOTAL: 8,168 sf of Tenant Amenity Space accessory to the residential use
Dwelling Units (by type): Existing 0 Proposed 246 Apartments
TOTAL: 246

ITEMS TO ACCOMPANY THIS APPLICATION

- Five (5) folded copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- Five (5) folded copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- Five (5) folded copies and One (1) digital copy of additional sketches, renderings or other information.
- An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20_____
subject to all conditions as stated therein

Chairman, City Planning Board

Date

APPLICATION FEES

Site Plan	<u>Residential</u> \$500 + \$250 per dwelling unit
	Commercial \$500 + \$250 per 1,000 s.f.
Special Use Permit	<u>Residential</u> \$500 + \$250 per dwelling unit
	Commercial \$500 + \$250 per 1,000 s.f.
Subdivision	\$ 750 for 2-4 lots + \$100 per lot
	\$1,000 for 5 or more lots + \$300 per lot
Zoning Board of Appeals	Use Variance \$500
	Area Variance \$250
	Interpretation \$250

ESCROW FEES

ALL SUBDIVISIONS, AND RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

No. of Lots or Dwelling Units	Initial Deposit	Depleted to	Replenishment
1-5 (including lot-line realignment)	\$ 2,500	\$ 1,000	Current bills + \$1,000
6-15	\$ 7,500	\$ 2,500	Current bills + \$1,000
Over 15	\$ 15,000	\$ 5,000	Current bills + \$5,000

NON-RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

	Initial Deposit	Depleted to	Replenishment
Existing Buildings/Change of Use with no site development	\$ 1,500	\$ 1,000	Current bills + \$500
Up to 3,000 s.f. gross floor area	\$ 2,500	\$ 1,000	Current bills + \$1,000
3,000 to 10,000 s.f. gross floor area	\$ 2,500 + \$0.50 per sq.ft. over 3,000	\$ 2,500	Current bills + \$2,500
Over 10,000 s.f. gross floor area	\$ 7,500 + \$0.50 per sq.ft. over 10,000	\$ 2,500	Current bills + \$2,500

ZONING

<i>* If required by Chairman</i>	Initial Deposit	Depleted to	Replenishment
Use Variance*	\$ 1,000	\$500	Current bills + \$500
Area Variance*	\$ 1,000	\$500	Current bills + \$500
Interpretation*	\$ 1,000	\$500	Current bills + \$500

ARCHITECTURAL REVIEW OR CERTIFICATE OF APPROPRIATENESS (if not currently before PB)

<i>* If required by Chairman</i>	Initial Deposit	Depleted to	Replenishment
Single Family House*	\$500	\$250	Current bills + \$250
All others*	\$500	\$250	Current bills + \$250

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Scenic Beacon Developments, LLC

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

Richard Schoninger, Owner of SMUV Reality-Beacon LLC, Stephane Bibeau and Rodney Weber.

List all properties in the City of Beacon that you hold a 5% interest in:

5954-25-581985, 5955-19-590022, 5954-25-566983, 5954-25-574979 and 5954-16-751258.

Applicant Address: 11 Creek Drive, Suite 102A, Beacon, NY 12508

Project Address: 22 Edgewater Place, Beacon, NY 12508

Project Tax Grid # 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979

Type of Application Special Use Permit in Furtherance of Site Plan & Subdivision Applications

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Rodney Weber, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon X
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon _____
3. ALL tax payments due to the City of Beacon are current X
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon _____
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon _____
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current X

Scenic Beacon Developments, LLC

By: 

Signature of Owner

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)

ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

NO YES Initial

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: Scenic Beacon Developments, LLC

PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	✓	
LEGAL DATA		
Name and address of the owner of record.	✓	
Name and address of the applicant (if other than the owner).	✓	
Name and address of person, firm or organization preparing the plan.	✓	
Date, north arrow, and written and graphic scale.	✓	
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.	✓	
Approximate boundaries of any areas subject to flooding or stormwater overflows.	✓	
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.	✓	
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures.	✓	
Paved areas, sidewalks, and vehicular access between the site and public streets.	✓	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.	✓	
Other existing development, including fences, retaining walls, landscaping, and screening.	✓	
Sufficient description or information to define precisely the boundaries of the property.	✓	
The owners of all adjoining lands as shown on the latest tax records.	✓	
The locations, names, and existing widths of adjacent streets and curb lines.	✓	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	✓	

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	✓	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.	✓	
Any proposed division of buildings into units of separate occupancy.	✓	
The location, direction, power, and time of use for any proposed outdoor lighting.	✓	
The location and plans for any outdoor signs.	✓	
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	✓	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.	✓	
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.	✓	
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		✓
Any contemplated public improvements on or adjoining the property.		✓
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.	✓	
Elevations of all proposed principal or accessory structures.	✓	
Any proposed fences or retaining walls.	✓	
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	✓	
Erosion and sedimentation control measures.	✓	
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.	✓	
An indication of proposed hours of operation.		✓
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.		✓

For all items marked "NO" above, please explain below why the required information has not been provided:

The items are not applicable to the proposed development. Please see attached project narrative in connection with this corrected

Special Permit Application Form.

Applicant/Sponsor Name: Scenic Beacon Developments, LLC

Signature: 

Date: June 6, 2018

FOR OFFICE USE ONLY

Application #

CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 * <http://cityofbeacon.org/>**ENTITY DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION AName of Applicant: Scenic Beacon Developments, LLCAddress of Applicant: 11 Creek Drive, Suite 102A, Beacon, NY 12508Telephone Contact Information: (845) 440-6520**SECTION B. List all owners of record of the subject property or any part thereof.**

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Scenic Beacon Developments, LLC	11 Creek Drive Suite 102A	(845) 440-6520	Deeds dated 6/20/16	Recorded in the Dutchess County Clerk on 7/1/20/16 as Doc#'s 02-2016-4225 and 02-2016-4226

SECTION B. Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐

YES

☒

NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

SECTION C. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐

YES

☒

NO

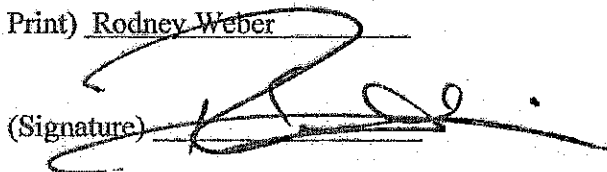
I, Rodney Weber being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

SCENIC BEACON DEVELOPMENTS, LLC

By:

Print) Rodney Weber

(Signature)



City of Beacon
Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Scenic Beacon Developments, LLC** (the "Applicant") to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979; and

WHEREAS, the Applicant is proposing to demolish two existing buildings, construct seven (7) apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District (the "Proposed Project"); and

WHEREAS, the Proposed Project requires variance approvals from the Zoning Board of Appeals, Special Permit approval from the City Council and Site Plan approval from the Planning Board; and

WHEREAS, the Proposed Action is a Type I action pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, 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 adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program ("LWRP") policies which apply to the Project; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on

the application on March 21, 2017 and continued the public hearing to December 19, 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 December 19, 2017; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and Zoning Code Section 223.55(C)(2)(b), when deciding the request for an area 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."

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to each of the requested variances as follows:

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.

A. Maximum Building Height- Number of Stories

The City's Zoning Code Section 223-17.C/223 Attachment 1:6 permits a building height to be no greater than fifty-five (55) feet or 4 ½ stories. Each of the seven proposed buildings will comply with the maximum height of 55 feet permitted by the Zoning Code Section 223-17.C. A height variance of half a story is required for three buildings designed with gabled roofs.

The Board find that no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance of half a story permitting a maximum height of 5 stories for three of the seven buildings where the maximum amount of stories permitted by the code is 4 ½ stories. Under the Zoning Code Section 223-63, the "height of building" is measured as the "vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, whichever is higher, to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type." Under this definition, gabled roofs and angled roofs are measured differently. The gabled roofs are measured with an extra half story because of its design. The three buildings for which variances are required are not as tall at the peak of the angled roofs as the other four buildings that comply with the 4 ½ story height requirement. Furthermore, the roofs of the buildings are all accessible by the Beacon Fire Department apparatuses. As all seven buildings are within the permitted height of 55 feet, the granting of a half story variance for three of the seven buildings does not create a detriment to nearby properties.

B. Maximum Number of Dwelling Units Per Building

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of an area variance permitting more than 36 dwelling units. The Zoning Code Section 223-17.C states that the maximum number of dwelling units per building shall not exceed 36. The Applicant proposes to construct a total of 307 dwelling units, to be distributed among seven buildings, as permitted on the 12-acre parcel by right. The buildings are proposed to contain the following number of units:

- Building 1- 48 units;
- Building 2- 52 units;

- Building 3- 59 units
- Building 4- 32 units (no variance required)
- Building 5- 32 units (no variance required)
- Buildings 6- 51 units; and
- Building 7- 32 units (no variance required)

Three (3) of the buildings are proposed to contain 32 residential dwelling units, this is four less units than permitted. All the buildings will look similar from the exterior, and the total number of units (307 units) proposed for the 12-acre property is permitted. Under the density regulation in 223 Attachment 1.6, the lot area required per dwelling unit is 1,700 square feet. Therefore, on a 12 acre lot, approximately 522,720 square feet, 307 dwelling units may be constructed. The proposed development will not result in any adverse impacts to the neighborhood character because by permitting the Applicant to have more dwelling units per building, the Applicant is able to preserve more open space and decrease overall lot coverage and impervious surface. Otherwise, the Applicant could construct the same number of units (307), but in more buildings which would have greater impacts.

C. Minimum Separation Between Buildings

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of a variance to permit a minimum distance of less than 36 feet between buildings. There are a total of five openings between the proposed seven buildings on the premises. The closest minimum distance between the buildings is 12 feet. By reducing the distance between buildings the Applicant is able to cluster the buildings to preserve a maximum amount of open space. In addition, the buildings include additional fire suppression systems and will utilize fire suppression materials to ensure fire safety and further preserve the welfare of the neighborhood and ensure the safety of all residents. The Fire Department received the plans and had no objection to the reduced separation distance between buildings. Overall, the proposed project enhances the character of the neighborhood, and will not have a detrimental impact to either the neighborhood or adjacent properties.

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

A. Maximum Building Height- Number of Stories

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant may construct 307 dwelling units on the premises by right. The Applicant has presented two other alternatives. Such alternatives require the Applicant to construct eight buildings (providing 288 dwelling units) or nine buildings (providing 307 units). Both alternatives create higher development impacts. The Applicant wants to pursue a sustainable development to maximize open space. Under the

proposed project there is 35% impervious coverage. Both alternatives require at least 40% impervious coverage.

The premises is located in the Coastal Management Zone as defined by the City's Local Water Front Revitalization Program (LWRP). The proposed project condenses and clusters the footprint of the buildings and decreases impervious surfaces to achieve the clustered effect recommended by the LWRP. Specifically the LWRP provides 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." On December 12, 2017, the Planning Board issued a Local Waterfront Revitalization (LWRP) Consistency Determination, which provides in part that the proposed Project is consistent with the policies in the LWRP because it condenses and clusters the footprint of the buildings and impervious surfaces to achieve the clustered effected by the LWRP. The proposed alternatives do not achieve the same effect.

B. Maximum Number of Dwelling Units Per Building

The Applicant is proposing 31 dwelling units as below-market rate units, in accordance with the City's Affordable-Workforce Housing Laws. By granting the variance and permitting more than 36 dwelling units in a building, the Applicant can create a better mix of unit types and overall diversity in unit counts to better achieve the goals of the Affordable-Workforce Housing Law.

The Applicant is permitted to build 307 units on the premises pursuant to the density requirements of the RD-1.7 Zoning District on a 12 acre parcel, subject to special use permit approval by the City Council to approve multifamily complexes. Without the variances, the Applicant will need to construct one or two extra buildings, increasing lot coverage and impervious surface. The Applicant's goal to preserve 65% green space, create diversity in buildings and unit types and provide common gathering space for residents cannot be achieved without the requested variance.

If each building contained the same number of units it would necessitate more buildings, and would therefore create a much higher-impact development. Therefore, there is no other feasible means to achieve the required number of units but for the granting of the variance to permit more than 36 dwelling units per building.

C. Minimum Separation Between Buildings

As discussed above, the relative clustering of the buildings contributes to maximizing the amount of open space provided onsite. The proposed layout allows for the preservation of the maximum amount of green space (65%) and will overall enhance the community. Thus, the benefit the Applicant seeks, to develop 307 residential dwelling units and preserve 65% open space, 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 variances are 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 variances are not substantial in their effect. The project design provides a variety of units, both market-rate and below-market rate units, while preserving the most amount of open space. Moreover, even though the requested variances are mathematically substantial, this factor alone does not preclude the granting of the variances.

The Board reviewed the overall effect of the requested variances to permit the clustering of units on this 12 acre parcel requiring (1) a half story height variance for three buildings, (2) a variance to permit more than 36 residential dwelling units per building and (3) a variance to allow less than 30 feet between the proposed buildings. While the requested variance is mathematically substantial, the variance will result in minimal impacts to the surrounding neighborhood and environment. 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 proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variances. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts. As mentioned above, the Planning Board also granted a LWRP Consistency Determination which provides that the proposed Project is consistent with policies and guidance of the LWRP. The proposed project will preserve 65% open space and utilize green infrastructure practices to reduce runoff, minimize grading and soil disturbance, and minimize impervious surface areas. The proposed project will also incorporate soil conservation and dust control best management practices and utilize native vegetation in all proposed landscaping to enhance wildlife habitat.

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

The need for the variances is self-created since it is presumed the Applicant selected the Property as the location for its proposed development knowing the zoning requirements pertaining to the maximum height of buildings permitted, the maximum number of residential dwelling units per building and the minimum distance required between buildings. However, this does not preclude the granting of the area variance.

NOW THEREFORE, BE IT RESOLVED, that, for the reasons set forth above, the application of Scenic Beacon Developments, LLC (the "Applicant") to allow Building 3, Building 4, and Building 6, as identified on the proposed Site Plan dated January 31, 2017, to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. If the Applicant builds less than 252 units (7 buildings x 36 dwelling units= 252 units), this variance is void. The Applicant will be required to comply with the Zoning Code requirements restricting the number of units per building and may not exceed 36 residential dwelling units per building.
2. The Applicant is permitted to construct a maximum number of four buildings with more than 36 residential dwelling units. The maximum number of dwelling units for any one building may not exceed 59 residential dwelling units per building.


BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. The Applicant shall maintain at least 65% of the 12-acre parcel as open space, but for Planning Board approval of impervious infrastructure including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total amount of open space land preserved after Planning Board approval of said impervious infrastructure shall not be less than 60% of the 12-acre parcel.
2. Impervious surface shall not exceed 35% of the 12-acre parcel, but for Planning Board approval of impervious infrastructure, including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total impervious surface area, including any additional approved impervious surfaces, shall not to exceed 40% of the 12-acre parcel.
3. The distance between any of the proposed buildings shall not be less than 12 feet.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following 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 twelve months from the date of obtaining the last land use approval.
3. The variance shall terminate unless the Proposed Project, as defined herein, has been substantially completed within five years from the date of obtaining the last land use approval or the Applicant appears before the Board for an extension.

Dated: January 17, 2018


Mr. John Dunne, Chairman

Height Variance

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

Maximum Number of Dwelling Units Variance

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

Maximum Distance Between Buildings Variance

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



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www.maserconsulting.com

June 5, 2018

VIA E-MAIL

Mr. John Gunn, Chairman
City of Beacon Planning Board
1 Municipal Plaza
Beacon, NY 12508

Re: Edgewater
City of Beacon
MC Project No. 16003078A

Dear Chairman Gunn:

We are writing on behalf of the Applicant for the proposed Edgewater Project. It is our understanding that based on the Local Law recently passed by the City Council, the proposed project will now be reduced in total size. The City of Beacon's latest ruling to adopt a revised steep slopes law will result in a reduction of the overall project size for the Edgewater Development from the previously proposed 307 units to the currently proposed 246 units. Maser Consulting had previously conducted a complete Traffic Impact Study date February 27, 2017 as well as a supplemental analysis provided in response to comments from the City's Traffic Consultant dated May 9, 2017. These analyses studied the traffic impacts of the 307 unit development and indicated that with specific signal timing improvements at the NYS Route 9D/Beekman Street intersection and future monitoring of the Route 9D/Tompkins Avenue and Beekman Street/W. Main Street intersections for potential signalization, the additional traffic generated by the project can be accommodated without significant traffic impacts to the area roadways. For convenience of review Table No. 1 from our February 27, 2017 study is attached, which summarizes the trip generation estimates for the 307 unit development.

In order to assess the traffic associated with the modified development size of 246 units, revised trip generation estimates were computed utilizing the Institute of Transportation Engineers (ITE) data as contained in their publication entitled *Trip Generation*, 9th Edition dated 2012. The trip generation estimates for the modified development are summarized on Table No. 1-R attached. A comparison of the trip generation estimates for the original 307 unit development and the currently proposed 246 unit development is provided in the table below.



	AM PEAK HOUR			PM PEAK HOUR		
	ENTRY	EXIT	TOTAL	ENTRY	EXIT	TOTAL
307 UNIT DEVELOPMENT (TABLE NO. 1)	31	124	155	122	66	188
246 UNIT DEVELOPMENT (TABLE NO. 1-R)	25	99	124	99	54	153
NET REDUCTION IN TRIP GENERATION	-6	-25	-31	-23	-12	-35

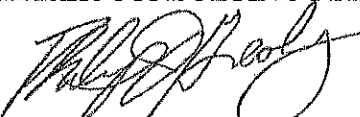
As shown in the table above, the currently proposed 246 unit development will have a net reduction in the projects trip generation during each of the peak hours when compared to the previously proposed 307 unit development. It should be noted, that as with our original study, these trip generation estimates do not account for any mass transit usage by residents of the development to provide a conservative analysis. However, due to the projects proximity to the Beacon Metro-North Train Station, it is likely at a portion of residents will utilize mass transit and therefore the actual trip generation of the project will likely be somewhat lower than estimated.

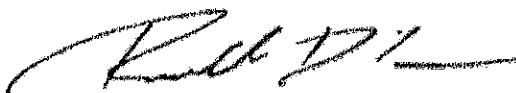
As a result of the reduction in the projects size, it is the opinion of Maser Consulting that the currently proposed Edgewater Development will have a reduced impact on traffic operation conditions in the vicinity of the site and thus the analysis results and traffic mitigations contained in our original study remain applicable to the currently proposed project.

If you have any questions regarding the above, please do not hesitate to contact us.

Very truly yours,

MASER CONSULTING P.A.


Philip J. Grealy, Ph.D., P.E.
Principal/Department Manager


Richard G. D'Andrea, P.E., PTOE
Senior Associate/Project Manager

PJG/jfm
Enclosures

TABLE 1-R

**HOURLY TRIP GENERATION RATES (HTGR) AND ANTICIPATED
SITE GENERATED TRAFFIC VOLUMES**

EDGEWATER BEACON, NY	ENTRY		EXIT	
	HTGR*	VOLUME	HTGR*	VOLUME
APARTMENT (246 DWELLING UNITS)				
PEAK AM HOUR	0.10	25	0.40	99
PEAK PM HOUR	0.40	99	0.22	54

NOTES.

- 1) * HTGR-HOURLY TRIP GENERATION RATES EXPRESSED IN TERMS OF TRIPS PER 1000 S.F. FOR LAND USES - 220 APARTMENT;
BASED ON THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) PUBLICATION ENTITLED "TRIP GENERATION", 9TH EDITION, 2012.

TABLE 1**HOURLY TRIP GENERATION RATES (HTGR) AND ANTICIPATED
SITE GENERATED TRAFFIC VOLUMES**

EDGEWATER BEACON, NY	ENTRY		EXIT	
	HTGR*	VOLUME	HTGR*	VOLUME
APARTMENT (309 DWELLING UNITS)				
PEAK AM HOUR	0.10	31	0.40	124
PEAK PM HOUR	0.39	122	0.21	66

NOTES:

- 1) * HTGR-HOURLY TRIP GENERATION RATES EXPRESSED IN TERMS OF TRIPS PER 1000 S.F. FOR LAND USES - 220 APARTMENT;
BASED ON THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) PUBLICATION ENTITLED "TRIP GENERATION", 9TH EDITION, 2012.



June 5, 2018

Mayor Randy Casale
and Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

**Re: Edgewater – Modified Unit Mix – Revised School Children
Generation**

Dear Mayor Casale and Members of the City Council,

This letter is submitted to the City Council on behalf of Scenic Beacon Developments, LLC to revise the number of school aged children estimated to be generated by Edgewater resulting from the change in the number of units from 307 to 246.

It was previously documented that the 307 units proposed in the prior plan would have generated 47 school aged children. Employing the same methodology accepted by the City during the SEQRA review of the project, the current 246 unit project would reduce the number of school age children from 47 to 41 students.

PROJECTED NUMBER OF SCHOOL AGED CHILDREN GENERATED BY EDGEWATER					
Unit Type	Student Multiplier	307 Unit Plan		246 Unit Plan	
		Number of Units	Public School Students	Number of Units	Public School Students
Studio	0.08	96	7.68	25	2
1 Bedroom	0.08	115	9.2	126	10.08
2 Bedroom	0.23	86	19.78	86	19.78
3 Bedroom	1.0	10	10	9	9
		307	46.66	246	40.86

Employing the refined school aged children calculation formula recommend by John Clarke, the following projection of school aged children results:

529 Asharoken Avenue • Northport, NY 11768
Phone (631) 754-3085 • Fax (631) 754-0701
Email: cleary@optonline.net
www.clearyplanning.com

Units	#	Market	Ratio	PSAC	Workforce	Ratio	PSAC	Total SAC
Studio	25	22	0.07	1.54	3	.27	.81	2.35
1 BR	126	114	0.07	7.98	12	.27	3.24	11.22
2 BR	86	78	.16	12.48	8	.45	3.6	16.08
3 BR	9	8	.63	5.04	1	1.3	1.3	6.34
Totals	246	222			24			35.99

To further reinforce the conservative nature of both of the estimates presented above, the project at 71 Leonard Street contains 78 units (40 two-bedroom and 38 one-bedrooms) generated 3 children from the two-bedroom units, all of which are below school age. That project is comparable to Edgewater in that it is a new rental project with similar amenities.

Should you have any further questions, please do not hesitate to contact me.


Sincerely,

Pat Cleary / dmc

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

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

Memo

To: City of Beacon Planning Board
CC: Rodney Weber, Tina Andress-Landolfi, Aryeh Siegel, AIA, Taylor M. Palmer, Esq.
From: Mike Bodendorf, P.E. 
Date: June 12, 2018
Re: Reduced Density Proposal – Avoidance of Newly Defined Very Steeps Slopes Wherever Practicable

City of Beacon Zoning Code Section 223-16 provides that: "[f]or the purpose of preventing erosion, minimizing stormwater runoff and flooding, preserving the City's underground water resources, and protecting the City's character and property values, it is the intent of this chapter to avoid the development of... very steep slopes, and toward this end, **wherever practicable**, new construction shall avoid such areas, and existing vegetation in such areas shall not be disturbed **wherever practicable**" (emphasis added).

While the Applicant's denser 307-Unit Proposal was previously reviewed by the Planning Board during the 2017 SEQR and LWRP review process, at which time the 307-Unit Proposal *did not* involve development on Very Steep Slopes as previously defined,¹ the Applicant provides the following analysis and comments in response to the City's recent adoption of the density reduction law, which also changed the local definition of a "Very Steep Slope".²

The following is a summary of the ways that the Reduced Density Proposal avoids development or impacts to the newly defined Very Steep Slopes, wherever practicable. Indeed, while it is our professional opinion that the development of 307-Unit Proposal and the stormwater and related mitigation measures proposed therein adequately mitigated and prevented erosion; minimized stormwater runoff and flooding; preserved the City's underground water resources; and protected the City's character and property values, changing the local definition of a Very Steep Slope should not change the technical analysis of how the features are considered or accounted for in the relevant site engineering for the proposed development.

Notwithstanding, in response to the new Law that changed the local definition of what is considered a "Very Steep Slope", the Applicant revised the Site Plan for the Reduced Density Proposal to respond to comments from the City's consultants in reviewing the calculation of pre-development lot area, and to confirm and reaffirm that the Reduced Density Proposal satisfies the criteria outlined in Zoning Code §223-16(B) for the following reasons:

- (1) ***"That there is no other suitable alternative area within the lot available for the proposed use, improvement or development of such lot;"***

A Very Steep Slopes Analysis was prepared to determine how the Law's new definition of "Very Steep Slope" together with the revised pre-development lot area per dwelling unit calculation as applied to the

¹ **Old Definition:** "An area of land with a gradient of 25% or more extending over a horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet."

² **New Definition:** "An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet."

RD-1.7 Zoning District, significantly reduce the density of the project. A copy of the Very Steep Slopes Analysis is included in the Application's submission. In summary, our analysis shows that the new Law results in the loss of 55 units, permitting a maximum of 252 units, which maximum is inclusive of 10 density incentive units as more fully detailed in the Applicant's submission. The Applicant is proposing to develop six (6) fewer units than what is otherwise permitted under the new Law in response to comments from the City Council regarding density. The Reduced Density Proposal avoids and minimizes development on the newly defined Very Steep Slopes as much as possible by clustering the development away from such areas that have not already been disturbed by past developments on the Premises. Said another way, there are on-site Very Steep Slopes that were created by previous development of the property. Additionally, the Reduced Density Proposal includes buildings that have been placed as close to one another as possible to reduce the need for additional area.

Additionally, following a meeting with the City's consultants on June 11th, the revised site plan for the Reduced Density Proposal includes the following modifications to further avoid the newly defined Very Steep Slopes and to mitigate or reduce any perceived impacts:

- A retaining wall is proposed along the parking area along Buildings 1 and 2 to minimize impacts to very steep slopes along Bank Street and to maintain existing vegetation;
- The access trail along the bluff that overlooks the Hudson River and Bioretention Area 2 have been moved approximately 20 to 30 feet away from the ridgeline. In addition, the parking spaces and retaining wall that were once located behind Buildings 6 and 7 have been removed now that there are significantly fewer units;
- Parallel parking spaces have been eliminated from the access road that connects the upper and lower parking areas, which reduces impacts to fragmented interior Very Steep Slopes; and
- The retaining wall along the west side of the site entrance to the Premises off of Branch Street has been moved closer to the road to minimize impacts to Very Steep Slopes.

The Applicant has made every effort to avoid or otherwise mitigate any potential impacts to the newly defined on-site Very Steep Slopes; however, disturbing a small portion of them is necessary for any type of development on this property. A looped road with two (2) points of ingress/egress was recommended by the City for safety purposes. This would likely be required for any type of multi-family and transit-oriented development on this property, which is further evidenced by prior disturbance of these slopes for previous development. Further, the interior travel ways have been positioned and graded to provide ADA accessibility through most of the site and for connectivity to the Metro-North railroad. Moving these travel ways in any direction would decrease ADA accessibility because of the existing tie-in grades at both ingress/egress points (approximately 60 feet in elevation change between Branch Street and Tompkins Avenue). It is important to point out that most of the on-site Very Steep Slopes with the exception of the bluff area overlooking the River appear to be man-made from previous developments on the site and from construction of Bank Street. Historical photos show several former buildings and former development of roads and parking areas on the property in areas where many of these Very Steep Slopes exist. Edgewater Place once extended into the property and continued down to Branch street. The long and thin upper slope adjacent to former Edgewater Place appears to be material that either imported or graded to create a flat road and parking area for the previous house that once stood on the property. Accordingly, there is no other suitable alternative area within the lot available for the proposed use, improvement or development of such lot.

(2) "That the activity proposed is the minimum necessary to make reasonable use of the land;"

Clustering the development and maximizing the number of units located within in each of the proposed seven (7) buildings reduces the need for a larger footprint that would be created by development additional buildings. Parking areas and travel lanes have been reduced from previous standards to allow for maximized green space. The Reduced Density Proposal includes the minimum amount of parking spaces required, and further proposes to land-bank parking and provide parking underneath buildings.

Indeed, as noted in the Applicant's submission, the density reduction law significantly reduced the density of the project from 307 units down to 252 units. The Reduced Density Proposal, and the location of the site components involves the minimum impacts to the newly defined Very Steep Slopes to make reasonable use of the land.

(3) *"That all feasible construction standards and precautions will be taken to assure that environmental impacts will be minimized; and"*

Temporary erosion and sediment control (E&SC) measures will be implemented during construction, and permanent E&SC measures are incorporated into the project design for the Reduced Density Proposal. Proposed temporary E&SC measures on this project include silt fencing, erosion control matting, temporary seed and mulch of disturbed slopes, retaining walls and topsoil and seeding, thus minimizing environmental impacts during and after construction. Weekly inspections of the temporary E&SC measures by a qualified professional is required as part of obtaining the necessary State Pollutant Discharge Elimination System coverage under General Permit GP-0-015-002. The City of Beacon will also have rights to enter the site during construction ensure that the temporary and permanent E&SC measures are being properly implemented. Accordingly, as previously reviewed in the 2017 SEQR review, the project and the Reduced Density Proposal incorporate all feasible construction standards and precautions to assure that the environmental impacts will be minimized. Indeed, while the Applicant has also made every effort to avoid and otherwise mitigate any potential impacts to the newly defined Very Steep Slopes with certain site plan changes recommend by the City's consultants, the site conditions have not changed since the 2017 SEQR determination – only the definition of what constitutes a Very Steep Slope has. Accordingly, the Reduced Density Proposal would have less potential impacts than the denser 307-Unit Proposal.

(4) *"That the purpose and intent of this section are satisfied to the maximum degree feasible."*

The siting of the Reduced Density Proposal is within the footprint of denser 307-Unit Development, and as noted above most of the on-site Very Steep Slopes with the exception of the bluff area overlooking the River appear to be man-made. Indeed, much of the property was also previously disturbed by prior developments. While the purpose and intent of this section are satisfied to the maximum degree feasible as set forth herein and through the Applicant's submissions to this Board to date, in addition to the measures mentioned above, the final grades proposed on the Reduced Density Proposal will also be protected by a vigorous landscaping plan. The Applicant also proposes special seeding requirements on the site plan that will provide permanent stabilization of all disturbed/graded Very Steep Slopes. Given the nature and topography of the site, no additional adjustments are feasible for the internal travel-ways, while providing two (2) points of ingress/egress to the property, which includes ADA accessibility and connectivity to Metro-North as noted above. Accordingly, existing newly defined Very Steep Slopes, particularly on the perimeter of the development area are being avoided to the maximum extent practical and will continue to exist with existing stabilized vegetative cover.

Conclusion

For the aforementioned reasons, and as submitted in the Applicant's site plan and related submissions, the Reduced Density Proposal for Edgewater avoids development and disturbance of newly defined Very Steep Slopes wherever practicable, and further, the stormwater and related mitigation measures included in the Reduced Density Proposal mitigate and prevent erosion; minimize stormwater runoff and flooding; preserve the City's underground water resources; and protected the City's character and property values and satisfy the criteria in Zoning Code Section 223-16(B).