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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

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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,<sup>1</sup> 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.<sup>2</sup> 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,<sup>3</sup> 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"<sup>4</sup> 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.<sup>5</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> 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 14<sup>th</sup>, at which time the Applicant was referred to the City Council in connection with the Applicant’s Special Use Permit Application (“SUP Application”).<sup>6</sup> Since that time, in connection with the 307-Unit Proposal the Applicant appeared at the City Council’s Work Sessions on March 12, March 26<sup>th</sup>, April 9<sup>th</sup> and again on April 16<sup>th</sup>, 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”),<sup>7</sup> the Applicant appeared at the City Council’s Workshop on Tuesday, May 29<sup>th</sup>, 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

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<sup>6</sup> 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...”

<sup>7</sup> 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,<sup>8</sup> 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 29<sup>th</sup>, the Applicant's consultants met again with City's consultants on June 11<sup>th</sup> 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"<sup>9</sup>

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

<sup>9</sup> **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.<sup>10</sup> 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 29<sup>th</sup> 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;

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<sup>10</sup> **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;<sup>11</sup>
    - 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;

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<sup>11</sup> **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.<sup>12</sup> 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.

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<sup>12</sup> 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".<sup>13</sup> 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*

<sup>9</sup> **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 12<sup>th</sup> 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 12<sup>th</sup>, and that it be placed on the Planning Board's July 10<sup>th</sup> meeting Agenda for the continued Site Plan Public Hearing.



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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,

A handwritten signature in blue ink, appearing to read 'Taylor M. Palmer', is written over a large, light blue circular stamp or watermark.

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  
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Aryeh J. Siegel, Architect  
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