

**RESOLUTION**

**PLANNING BOARD  
BEACON, NEW YORK**

**AMENDED  
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, on June 12, 2018 the Beacon Planning Board received a revised set of plans for the Project which included revisions to the site plan, in part to comply with Local Law No. 9-2018 adopted by the City Council on May 21, 2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts; and

WHEREAS, the revisions to the Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms), a reduction in the number of parking spaces, a reduction in the amount of impervious surface coverage, and approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River (“Amended Project” or “Amended Proposed Action”); and

WHEREAS, the Planning Board has reviewed the Amended Project to determine whether the revisions affect its determination of consistency with the Local Waterfront

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Revitalization Program (“LWRP”) as set forth in its Resolution dated December 12, 2017 and its findings are set forth herein; 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 June 26, 2018, 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

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;

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WHEREAS, the Planning Board adopted a Negative Declaration pursuant to SEQRA on December 12, 2017; and

WHEREAS, on July 10, 2018 after taking a “hard look” at each of the relevant areas of environmental concern through review of the Revised Environmental Assessment Form and all associated materials prepared in connection with the Amended Proposed Action the Planning Board adopted an Amended Negative Declaration pursuant to SEQRA finding that the Amended Proposed Action does not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED, that there are a number of LWRP policies which do not apply to the Amended Project which policies are those that are contained in the LWRP but not listed below, and the Planning Board hereby makes the following consistency findings with respect to the LWRP policies which apply to the Amended 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.*

As noted in the SEQRA Amended 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 Amended Project. In December 2017, the Planning Board noted in its LWRP Consistency Determination that 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. The Planning Board further noted that a Stormwater Pollution Prevention Plan (SWPPP) had 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 was proposed to consist of minimal conveyance systems which included culverts and grass-lined swales/dikes where required. It was anticipated that most, if not all perimeter diversion swales/dikes will be unnecessary and removed after installation;

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however, there may be a need for some as site conditions warrant. The remainder of the drainage area would remain undisturbed with natural vegetation remaining.

The Amended Project includes a reduction in impervious surface coverage. Based on this reduction, the SWPPP will be updated to include the reduction in impervious area which was contributing to each stormwater management facility (Bioretention Areas 1 & 2 and Infiltration Basin 3). The reduction in impervious surface coverage will reduce overall stormwater impacts.

Further, the Amended Project continues to propose the implementation of green infrastructure practices 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. The Amended Project continues to propose parking spaces and drive aisles that 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 continue to be implemented.

As in December 2017, 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.

In December 2017, the proposed bioretention areas 1 and 2 did 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. It was proposed at that time that 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 Volume. As the SWPPP is updated by the Applicant to include the reduced impervious surface coverage, the City Engineer will review to confirm whether these practices remain applicable and issue his recommendations to the Planning Board. Moreover, 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.*

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The location of the proposed buildings has not changed from that which was reviewed for the December 2017 LWRP Consistency Determination. 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.”

There is no physical change to the overall layout, massing and exterior design of the proposed buildings in the Amended Project as compared to that reviewed by the Planning Board in issuing its December 2017 LWRP Consistency Determination.

The Amended Project remains 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.

### **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.*

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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 Amended 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 Amended Project will be connected to the existing public water distribution system. The Project reviewed for the Planning Board's December 2017 LWRP Consistency Determination was expected to require 45,430 gallons of water per day at full build out based on 307 dwelling units (413 bedrooms). The Amended Project is now expected to require 38,500 gallons of water per day at full build out based on 246 dwelling units (350 bedrooms x 110 gpd/bedroom).

Notably, the Amended Project does not propose to use public water for irrigation purposes. Rather, the Amended Project includes an underground cistern for harvesting roof runoff for irrigation purposes. This is consistent with the original Project that was the subject of the December 2017 LWRP Consistency Determination.

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

Resolution Adopted: July 10, 2018  
Beacon, New York

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John Gunn, Chairman  
City of Beacon Planning Board

\_\_\_\_\_, 2018  
Dated