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July 27, 2018

**VIA HAND AND E-MAIL**

Mayor Randy Casale  
and Members of the City Council  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, New York 12508

Re: Edgewater – Special Permit Application – Responses to Comments

Dear Mayor Casale and Members of the City Council,

We look forward to appearing before the Council at its July 30<sup>th</sup> Workshop to continue the review of the Edgewater Special Use Permit Application. We are writing in advance of our appearance to provide informational responses to comments we received from the Council and the public at the July 16 public hearing, and to briefly summarize a few important aspects of the current project.

The Edgewater project represents a unique opportunity for the City of Beacon. The Applicant, who is also a local developer, has been and remains committed to producing a product that respects the natural environment and Beacon's rich history, while providing meaningful public benefits and important pathway connections between Main Street and the Train Station – all in furtherance of the vision set forth in the City's Comprehensive Plan. The reduced density Edgewater project combines input from the City and the public, incorporating green building design and construction, and maximizing open green space, whereby the proposed building coverage is less than half of what is permitted under the Code (i.e., 12% where 25% is allowed).

The project also creates important linkages for on-site and nearby residents to the Train Station and Main Street (including residents from Tompkins Terrace and Colonial Springs), offers live-work amenity space and bike storage, and provides public walking paths and viewing points of the Hudson River for use by residents of the area. The reduced project offers these features, while decreasing the potential for perceived impacts – for example – water usage is down 15%, projected school children is down 13% and parking is down 15%, to name a few. The reduced project doesn't obstruct any designated scenic views and by reducing parking and increasing vegetation near Tompkins Ave and Bank Street, the project substantially limits visibility to neighbors.

The City zoned the Edgewater property for dense residential transit-oriented development. The Applicant has the experience in Beacon and expressed the vision to make this project one that will fulfill the City's planning and zoning objectives. Much like the Applicant's adaptive reuse projects on the east end of Main Street along the Fishkill Creek, providing public access to the Fishkill Creek over former industrial properties, the Edgewater project balances design and function, while also improving housing resources for current and future residents of the City of Beacon.

**Informational Responses to Comments:**

We received a handful of comments from the Council and the Public at the July 16 public hearing, including questions from the City Council relative to housing, school analyses and the demolition of an existing building on the Edgewater property.

We appreciate the Council's interest in these topics, and while we are providing informational responses below, we must respectfully remind the Council that these issues are not within its Special Use Permit purview. The Council's role in this matter, unlike very different instances where the Council is considering adopting new laws, is limited to applying the criteria it previously set for all Special Permit applicants (which we summarized in our prior submissions to the City).<sup>1</sup> The Applicant has diligently presented this project and shown compliance with all applicable provisions of the Code. We, nonetheless, offer the following informational responses for reference.

***The Edgewater Project Will Improve The Housing Stock in the City of Beacon.***

Although the Edgewater project has been significantly reduced from 307 to 246 units, the reduced project will still provide a meaningful increase in the City's transit-oriented housing options and will further provide 25 new "below-market-rate" (BMR) rental units on a property that currently provides none. The Applicant believes that this will help the City move well beyond the status quo.

The Edgewater project is consistent with the multi-family nature of the surrounding neighborhood, which includes the existing Tompkins Terrace and Colonial Springs residential developments. The adjacent Tompkins Terrace rental property provides Section 8 rental assistance housing. The Colonial Springs contains for-sale market rate units. Other pending projects such as the West End Lofts will include mixed-income housing units that include state funding for subsidization. The Edgewater project is uniquely positioned to provide a different piece to the "housing puzzle" in this portion of the City. It will significantly increase affordable and workforce housing. It will provide a diverse stock of market rate units in an area that currently lacks this rental option. And it will bolster the City's tax base, as well as its consumer base with a direct connection to Main Street.

These benefits have been acknowledged, not just by the Applicant and City boards and staff, but have also been echoed by the County Planning Department in a letter dated April 16, 2018, attached as Exhibit A. Therein the Deputy Commissioner of Planning confirmed that Edgewater will provide broad community benefits, such as improving housing affordability in the City.

This development is within walking distance of the Beacon Train Station. We believe the City appropriately enacted higher density zoning in this area which, if built, will provide economic benefits of pedestrian traffic to Main Street, while reducing vehicular impacts

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<sup>1</sup> To avoid unnecessary repetition, we respectfully incorporate all of our prior submissions to the Planning Board and City Council dated January 30, 2018; February 20, 2018; April 6, 2018; May 11, 2018, June 12, 2018; June 26, 2018; June 29, 2018 and July 9, 2018; copies of which are on file with the City. Additional copies are available upon request.



on the street system. The City Council and many residents have called for the need for affordable housing, public transit, and an active Main Street for Beacon's residents through the Comprehensive Plan. *In order to achieve these important goals, density is necessary.* [Emphasis added.]

We believe City and County opinions are rooted in the record and accepted planning principles. The Applicant has shown that Edgewater is designed to provide diverse and much-needed rental apartment housing in a manner consistent with the goals identified in the City's 2007 Comprehensive Plan and 2017 Comprehensive Plan Updates.<sup>2</sup> Additionally, the 246-unit Reduced Density Proposal will also provide 25 BMR housing units in addition to market-rate units in accordance with the City's "Affordable-Workforce Housing" (AWH) provisions, which expressly note: "Maintaining and ensuring a balanced mix of housing types and sizes that are affordable to a range of incomes is essential to ensuring the long-term health of the community."<sup>3</sup>

The City's planning policies further confirm that the property's close proximity to Main Street and the Beacon Train Station make this site a desired location for denser residential projects to improve the local housing stock, as well as an important opportunity for maintaining a balanced tax base in the City. The City's AWH Law acknowledges this and the need to attract and maintain an adequate workforce, a healthy business environment and foster a tax base that supports local services and the City's quality of life.<sup>4</sup> In seeking to achieve these goals, the City Council previously determined, by adopting this legislation, the appropriate mix of market-rate units and affordable BMR units for new developments in the City.<sup>5</sup> Notably, as a result of providing 25 below-market-rate units, the Applicant is actually entitled to 6 *more* market-rate units than is proposed.<sup>6</sup> While the Applicant is entitled to up to 10 additional *market-rate* units for developing 25 below market rate units under the Code,<sup>7</sup> the Applicant is only utilizing 4 of the bonus units.

As we discussed during our prior appearances before the Council, it is very difficult for a single project to meet the objectives and "wants" of everyone. That said – we believe that the Applicant with the Edgewater project has come very close. We ask that the Council evaluate the record and consider that the Edgewater project is in fact consistent with the character of the neighborhood; it will provide a significant economic "jolt" to Main Street; and will offer a diversity of housing that is unique to the area and important for the health of the overall housing market in Beacon.

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<sup>2</sup> See CITY OF BEACON, 2007 COMPREHENSIVE PLAN, at pages, 7, 13 & 44, *available at:* [http://www.cityofbeacon.org/pdf/Beacon Comprehensive Master Plan.pdf](http://www.cityofbeacon.org/pdf/Beacon%20Comprehensive%20Master%20Plan.pdf); *see also* CITY OF BEACON, 2017 COMPREHENSIVE PLAN UPDATE, at page 23 *available at:* [http://cityofbeacon.org/pdf/Beacon Comprehensive Plan Final-040417.pdf](http://cityofbeacon.org/pdf/Beacon%20Comprehensive%20Plan%20Final-040417.pdf).

<sup>3</sup> CITY OF BEACON ZONING CODE § 223-41.8.

<sup>4</sup> CITY OF BEACON ZONING CODE § 223-41.8.

<sup>5</sup> CITY OF BEACON ZONING CODE § 223-41.9.

<sup>6</sup> CITY OF BEACON ZONING CODE § 223-41.10M.

<sup>7</sup> A straight calculation under the City's formula results in 13 bonus units, but CITY OF BEACON ZONING CODE § 223-41.10M limits the maximum number of additional developer incentive units to 10.

***The Reduced Density Proposal for the Edgewater Project Will Result in Even Fewer Projected School Age Children as a Result of Fewer Units and Bedrooms.***

The Council commented on the projected students from the Reduced Proposal of 246 units, compared to the original 307-unit proposal. To assist with our response, we are reattaching correspondence from Cleary Consulting, dated June 5<sup>th</sup> and from July 9<sup>th</sup> as Exhibit B.

As discussed and summarized by the City Planner at prior meetings, the potential impacts to the Beacon City School District (“BCSD”) from the Edgewater project have been analyzed in great depth for many months. Such analysis has actually extended across multiple school year budgets. Thus, the Applicant and the City have not only completed and reviewed detailed technical analyses addressing this topic, but have also obtained “real time” data and evidence showing that there will be no adverse impact on the school system as a result of the Edgewater project.

As originally designed, the 307-unit proposal comprised of 413 total bedrooms. The Applicant’s consultant, Pat Cleary, AICP, CEP, PP, LEED AP, of Cleary Consulting (“Cleary Consulting”), prepared a School Impact Study, which involved very conservative analyses that considered both the instructional budget and the total budget of the BCSD in determining any potential impacts on the BCSD. The Study demonstrated that the 307-unit proposal would only produce 47 school age children under the *most conservative analysis* and would certainly not have a significant impact on the BCSD. The City Planner and Planning Board, after extensive review, determined that the Study was overly conservative, and found 42 children to be the most accurate number.

The Applicant’s reduced proposal now contains 61 less units (i.e., 246) and 63 less bedrooms (i.e., 350), where more than 60% of all the units are either studios or 1-bedroom units. In response to the significantly reduced bedroom and unit counts, Cleary Consulting prepared and submitted an updated Memoranda to the City demonstrating that the reduced proposal will further decrease the conservative number of projected school age children – from 42 to 36. See Exhibit B.

The City Planner reviewed and concurred with these calculations in his letter, dated July 5, 2018. All methods of these analysis and in reaching these conclusions comply with accepted industry standards and best practices. Additionally, as noted at the Planning Board’s July 10<sup>th</sup> meeting, where the Board issued a Negative Declaration and LWRP Consistency Determination for the reduced Edgewater proposal, the BCSD’s budget for the coming year identified that *enrollment went down by an additional 54 students*. This is significant for many reasons, but in part because it dispels the notion that this type of residential development in Beacon will negatively impact schools. We see that the reality is quite different.

Indeed, while the number of potential school children is decreased under the reduced density Edgewater proposal, the projected tax benefits are not. This is confirmed by the City Assessor in her correspondence dated, July 3, 2018, attached as Exhibit C. The estimated valuation of the reduced proposal remains the same, resulting in a net gain for the City and the BCSD. Therefore, the fiscal impacts to the BCSD from even few potential school age children will similarly be even less than that which was previously studied for the 307-unit Edgewater project.



***The Applicant Has Been in Communication with Tenants on the Premises; and the Applicant Has Fully Complied with the Public Hearing Notice Requirements.***

During the Public Hearing, a tenant from an existing small building on the property known as 6 Edgewater Place, confirmed her receipt of the Hearing Notice, but also mentioned that she was unaware of the current project. In response, the Applicants met with this individual after the July Public Hearing and communicated further thereafter.

The Applicants were pleased to be able to speak with the tenant again as they have put much effort into being open and available to the tenants of the existing property. It is worth noting that while the City's detailed Public Hearing Notice requirements have been fully complied with at all stages (i.e., multiple notices for Hearings held at the Planning Board, Zoning Board of Appeals and City Council over the course of several months), the Applicant has also done more than is required by the City's requirements.<sup>8</sup> This includes sending certified mailings with notice of Public Hearing to tenants (i.e., non-owner occupants) of the 6 Edgewater Place building. The Applicant also hosted informal roundtable discussions with tenants and neighbors in May 2017, after mailing invitations offering to discuss and review the project with the Applicant's design consultants.

Further, the Applicant has received letters from other 6 Edgewater Place tenants during this process, as well as phone and e-mail correspondence from tenants confirming their receipt of certified mailings and their understanding that the 6 Edgewater Place building will be replaced by new rental housing in connection with the Edgewater project. See e.g., Exhibit D.

As noted at the Public Hearing, the Applicant has redeveloped other properties in Beacon, and will continue to assist existing tenants of 6 Edgewater Place to relocate, if needed, in the future and to keep them informed of the status of the Edgewater project. Indeed, the Applicant has previously provided similar assistance to tenants in other redevelopment properties in the City.

**CONCLUSION**

As we indicated during our most-recent appearances before the Council, the Edgewater property is unique and is the only property the City zoned to be in the RD-1.7 Zoning District. The City's recent adoption of the Local Law concerning the calculation of Lot Area per Dwelling Units has resulted in a substantial reduction in the project's unit count by 61 units or about 20%. The Applicant is not seeking to construct any additional density other than what is permitted under the City Code, and in fact is proposing less – further reducing the total number of units under what is permitted in response to the City Council's prior comments.

It is respectfully submitted that the record for the Edgewater project is responsive to comments and fully satisfies the criteria for issuance of the Special Use Permit as set forth in Zoning Code.

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<sup>8</sup> Earlier this year the Council amended the City's Notice requirements in Beacon Zoning Code Section 223-61.3 to provide for additional notice mechanisms, including signage. In addition to mailing public hearing notices for Hearings held at the Planning Board, Zoning Board of Appeals and City Council, Public Hearing Notice Signage was also posted at the entrance to 6 Edgewater Place Premises noticing multiple Hearings.



We appreciate the opportunity to appear before you on Monday.

Thank you for your consideration in this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "A. Morando".

Anthony F. Morando, Esq.

cc: Nicholas M. Ward-Willis, Esq., City Council Attorney  
Anthony Ruggiero, City Administrator  
Iola Taylor, City Clerk  
Jennifer Gray, Esq., Planning Board Attorney  
Etha Grogan, Planning Board Secretary  
Taylor Palmer, Esq.

# Exhibit A

MARCUS J. MOLINARO  
COUNTY EXECUTIVE



EOIN WRAFTER, AICP  
COMMISSIONER

**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

April 16, 2018

To: City Council, City of Beacon  
Re: Referral #18-081, LL Regulating Net Development Area in R1, RD, and FCD Districts

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

**ACTION**

The City is proposing a net development area calculation that would exclude certain constrained lands from the calculation of allowable density on parcels of land 3 acres or more in the R1, RD and FCD districts.

**COMMENTS**

The City has established residential densities in each zoning district in accordance with the Comprehensive Plan. As we have previously stated, as long as a proposed development meets the zoning criteria for a project, including staying off steep slopes and out of wetland buffers or floodways, and is adhering to setbacks, height standards and parking requirements, we do not see reasons to further limit density with this calculation. If municipal water and sewer is provided, the impact of development on raw land is even further reduced.

After viewing the Council's public workshop of April 9<sup>th</sup>, it appears that the allowable density of the proposed development, "Edgewater" would be reduced by a significant 71 units. This development is within walking distance of the Beacon Train Station. We believe the City appropriately enacted higher density zoning in this area which, if built, will provide economic benefits of pedestrian traffic to Main Street, while reducing vehicular impacts on the street system.

The City Council and many residents have called for the need for affordable housing, public transit, and an active Main Street for Beacon's residents through the Comprehensive Plan. In order to achieve these important goals, density is necessary. The law proposes an allowable density of 11 dwelling units per acre after environmental constraints have been removed, however, this number is on the low side for an urban area, especially a City. In fact, other, more suburban areas of Dutchess County allow greater density (14 dwelling units per acre) and are located in the County's more suburban areas.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP  
Commissioner

By

A handwritten signature in black ink, appearing to read "Jennifer F. Cocozza", is written over a horizontal line.

Jennifer F. Cocozza  
Deputy Commissioner



# Exhibit B



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.

<b>PROJECTED NUMBER OF SCHOOL AGED CHILDREN GENERATED BY EDGEWATER</b>					
<b>Unit Type</b>	<b>Student Multiplier</b>	<b>307 Unit Plan</b>		<b>246 Unit Plan</b>	
		<b>Number of Units</b>	<b>Public School Students</b>	<b>Number of Units</b>	<b>Public School Students</b>
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
		<b>307</b>	<b>46.66</b>	<b>246</b>	<b>40.86</b>

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

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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			<b>35.99</b>

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





July 9, 2018

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

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

Dear Mayor Casale and Members of the City Council,

In response to John Clark's comment that the 246 unit Reduced Density Proposal should include 25 below market rate units (not the 24 previously noted), the projection of school aged children resulting from the Edgewater project has been revised accordingly – from 35.99 students to 36.28 students. As more fully documented in the School Impact Study dated June 26, 2017, the 307-unit proposal projected 47 students, and so the Reduced Density Proposal and its modified unit mix projects a net reduction of over 10 students.

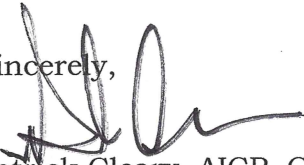
Units	#	Market	Ratio	PSAC	Workforce	Ratio	PSAC	Total SAC
Studio	25	23	0.07	1.61	2	.27	.54	2.15
1 BR	126	113	0.07	7.91	13	.27	3.51	11.42
2 BR	86	77	.16	12.32	9	.45	4.05	16.37
3 BR	9	8	.63	5.04	1	1.3	1.3	6.34
Totals	246	221			25			<b>36.28</b>

In addition, since our last submission on June 5<sup>th</sup>, the City Assessor has issued an opinion indicating that even though the number of units in the project would be reduced from 307 to 246, the square footage of the project would remain roughly equivalent (unit sizes would increase from an average of 850 square feet to 1,000 square feet). As such, her estimated assessed value for the project would remain unchanged at between \$34 to \$40 million dollars.

Therefore, consistent with the original finding, and as documented in significant detail in prior submissions, the 246 unit Reduced Density Proposal will result in a net surplus in tax revenue to all taxing jurisdictions, including the Beacon City School District.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Cleary', with a stylized, flowing script.

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

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

# Exhibit C



City of  
Beacon

Kathleen Martin  
Office of the Assessor  
One Municipal Plaza  
Suite 4  
Beacon, NY 12508-2530

Telephone 845-838-5025  
Fax 845-838-5026

*July 3, 2018*

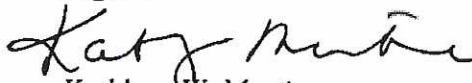
*Chairman John Gunn  
City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, NY 12508*

*RE: Edgewater Development*

*Dear Chairman Gunn,*

*I have reviewed Edgewater's revised plans which reduce the number of proposed dwelling units from 307 to 246 but maintain roughly the same overall square footage. While there are fewer dwelling units, some of the dwelling units now are larger resulting in very little net difference in the overall square footage of the development. Utilizing the three approaches to value (Market Approach, Cost Approach and Income Approach) and weighing on the Income Approach, and based on the information provided to me for the Edgewater Development, the estimated assessed value remains \$34 to \$40 million dollars.*

*Regards-*



*Kathleen W. Martin  
KAM/mag*

*Cc: Jennifer Grey*

# Exhibit D

**LETTER IN SUPPORT AND APPROVAL RECOMMENDATION**

DATE: \_\_\_\_\_

5/8/17

Chairman Jay C. Sheers and  
Members of the Planning Board  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

**Re: Edgewater Place – 22 Edgewater Place – SEORA Hearing**


I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

This letter will serve to confirm that I (we) have had a chance to review the application of Scenic Beacon Developments, LLC (the "Applicant"), to the Planning Board of the City of Beacon, requesting site plan approval to build new market-rate apartments, parking and open space amenities on the Premises.

I (We) have reviewed the application materials and/or have walked the property and have become familiar with the proposal. This shall confirm that I (we) have no objection to the issuance of a Negative Declaration for the approval described above because the proposal will have no adverse impact on the environment or the neighborhood. Indeed, I (we) feel the proposed development will be an enhancement to the community and the proposal is in keeping with the character of the neighborhood.

I (We) therefore recommend the Planning Board adopt a Negative Declaration for the Applicant's application for site plan approval.

Very truly yours,

  
Signature(s)

Beatrice Williams  
Print Name(s)

6 Edgewater Pl. Apt. 3 Beacon, NY 12508  
Address



July 25, 2018

Dear City Council Members,

My name is Elizabeth Recendiz and I reside at 6 Edgewater Place apartment 1, Beacon NY. I have been a resident there since August 2016. Tina and Rodney made me aware of the proposed Edgewater project and the future demolition before I even moved into my place.

I have been notified of Public Hearings via certified mail on numerous occasions about the Edgewater application. Tina and I have spoken several times about the expected timelines for demolition. She has always stated that unfortunately she has no estimated time to give me because they are still before the City seeking approvals, and just don't know when that will happen. I have been told that as soon as they have the approvals and an expected demolition date, then I would be notified and given a reasonable time to find another place to live.

I would like the Council to know that Rodney and Tina have always been very forthcoming and helpful in answering any questions I have had.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Elizabeth Recendiz', with a stylized flourish at the end.

Elizabeth Recendiz.