

CITY OF BEACON
One Municipal Plaza - Courtroom
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026

The Zoning Board of Appeals will meet on **Wednesday, January 17, 2018** in the Municipal Center Courtroom. A workshop/training session will take place at 7:00 p.m. and the regular meeting starts at 7:30 PM.

1. Consideration of resolutions for application submitted by Scenic Beacon Developments, LLC, 22 Edgewater Place, Tax Grid No.'s 30-5954-25-581985, 574979, & 566983-00; and 30-5955-19-590022-00, RD-1.7 Zoning District, seeking relief from Section 223-17(C) to construct a new residential development as follows: allow buildings to have 5 stories (*4.5 maximum permitted*); allow buildings to exceed 36 units per building; allow less than 30 ft. between buildings ***This item is not a public hearing***
2. Application submitted by Beacon Lofts & Storage, 39 Front Street (Mason Circle), Tax Grid No. 30-6055-04-590165-00, LI Zoning District, for relief from Section 223-17(C) to construct a new building with a height of 66 ft. (*35 ft. maximum permitted*)
3. Application submitted by Beacon Todd, LLC, 18 West Main Street, Tax Grid No. 30-5954-26-647966-00, Linkage Zone, seeking relief from Section 223-15(E)(1)(c) for a sign that projects above the eaves of the building (Brett's True Value Hardware Store)
4. Application submitted by DKH Realty, LLC, 410 Fishkill Avenue, Tax Grid No. 30-6055-80-416064-00, GB Zoning District, seeking relief from the following: Section 223-15(E)(2) to allow two free standing signs (*one sign permitted*); Section 223-15(E)(2)(a) to allow signs to exceed 20 sq. ft.; and Section 223-5(E)(2)(c) to allow signs to exceed 12 ft. in dimension
5. Application submitted by DKH Realty, LLC, 409 Fishkill Avenue, Tax Grid No. 30-6055-80-416064-00, GB Zoning District, seeking relief from Section 223-15(E)(1) to install three new signs affixed to the building's outer wall (*one sign permitted*), and Section 223-15(E)(1)(b) to allow signs to exceed 2 ft. in height
6. Application submitted by River Ridge Views, LLC, Wolcott Avenue (a.k.a. Parcel "L"), Tax Grid No.'s 5954-26-637879, 649885 & 630770-00, RD-7.5 Zoning District, seeking relief from Section 223-17(C) to construct a new residential development with buildings that have less than 18.9 ft. between buildings where 70 ft. is required
7. Continue review of application submitted by Rina Shuman, corner lot at Madison Avenue and Prospect Street, Tax Grid No. 30-6054-46-208527-00, R1-10 Zoning District, seeking relief from Section 223-17(C) to construct a new single family house with a 12.2 ft. side yard setback (*15 ft. required*) and 24.7 ft. total side yard setbacks (*40 ft. required*) (***applicant requested postponement to March 2018 meeting***)

City of Beacon Planning Board
1/17/2018

Title:

Edgewater

Subject:

Consideration of resolutions for application submitted by Scenic Beacon Developments, LLC, 22 Edgewater Place, Tax Grid No.'s 30-5954-25-581985, 574979, & 566983-00; and 30-5955-19-590022-00, RD-1.7 Zoning District, seeking relief from Section 223-17(C) to construct a new residential development as follows: allow buildings to have 5 stories (*4.5 maximum permitted*); allow buildings to exceed 36 units per building; allow less than 30 ft. between buildings ***This item is not a public hearing***

Background:

ATTACHMENTS:

Description	Type
Edgewater Cover Letter	Cover Memo/Letter
Edgewater Supplemental Submission	Backup Material



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
Tpalmer@cuddyfeder.com

December 26, 2017

BY HAND AND E-MAIL

Chairman John Dunne
and Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater – Supplemental Submission – Application for Area Variances
Premises: 22 Edgewater Place, Beacon New York

Dear Chairman Dunne and Members of the Zoning Board of Appeals:

On behalf of Scenic Beacon Developments, LLC (the “Applicant”), we respectfully submit this letter and its enclosures in furtherance of the above-referenced application for Area Variances. The particular purpose of this letter is not to introduce new information, but rather to provide copies of the plans that were shown at the December 19th Public Hearing, following which, the Public Hearing was closed.

In connection with the foregoing, we respectfully submit additional copies of the Site Plans prepared by Aryeh Siegel, AIA, numbered and titled as follows:

- Site Plan – Sheet 1 of 15;
- Gable Building Elevation Study;
- Building Renderings & Site Sections – Sheet 9 of 15; and
- Site Plan Comparison of Landscaped Area.

Enclosed please also find a copy of the Site Plan prepared by Hudson Land Design Professional Engineering, P.C., entitled “8 & 9 Building Layout Plan”, which includes the eight (8) building plan and nine (9) building comparison, which average about +/-40% coverage and would result in the reduction of open space. Please incorporate the enclosed as part of the official record of the proceedings in connection with the above-referenced Application.

The Applicant looks forward to appearing at this Board’s January meeting. In the meantime, please feel free to reach out should you have any questions regarding the materials presented herein.

Very truly yours,



Taylor M. Palmer, Esq.

Enclosures;

cc: Drew Victoria Gamils Esq., Attorney to the Zoning Board of Appeals

Zoning Regulations Table

[illegible]

** Abutting residential districts or where driveway is proposed between building and lot line

Zoning Summary

Zoning District: RD 1.7
Tax Map No.: 5955-19-590022 = 10.560 Acres or 460,004 Sq. Ft.
5954-25-581985 = 0.682 Acres or 29,727 Sq. Ft.
5954-25-574979 = 0.188 Acres or 8,190 Sq. Ft.
5954-25-566983 = 0.579 Acres or 25,234 Sq. Ft.
Lands Underwater = 10.035 Acres or 437,113 Sq. Ft. (UNDERWATER LANDS ARE NOT INCLUDED IN THIS APPLICATION)

Land Use Compliance		
Use	Permitted / Required	Proposed
Residential	307 Dwelling Units	307 Dwelling Units
Parking	387 Parking Spaces	387 Parking Spaces

Parking & Loading		
Use & Parking Requirements	Area / Count	Proposed Parking Requirement
Residential 1 space for each dwelling unit plus 1/4 space per bedroom	367 apartments + 317 bedrooms	367 spaces
Total Required Parking Spaces		367 spaces
Total Proposed Parking Spaces		367 spaces (354 provided) (308 surface + 46 podium) + 33 landbanked

Notes:

1. A variance to exceed the maximum number of stories from 4 ½ stories to 5 stories will be requested from the Zoning Board of Appeals for buildings 3, 4, and 6 in order to consolidate the built area on the site and maximize open space
2. A variance to exceed the maximum number of units in a building will be requested from the Zoning Board of Appeals for buildings 1, 2, 3, and 6 in order to consolidate the built area on the site and maximize open space
3. A variance to allow less than 30 feet between buildings will be requested from the Zoning Board of Appeals in order to consolidate the built area on the site and maximize open space
4. The requested variances DO NOT add to the permitted number of units on the site. 307 units are allowed by the Zoning Code regulations
5. The Applicant proposes to land bank 33 of the 387 proposed parking spaces, as demonstrated on the site plan
6. The Applicant is proposing directional signage around the property. No other signage is proposed.
7. Trash will be collected within the buildings, and taken out by building personnel to the enclosed trash containers on the property. Trash and recycling pickup will be scheduled as needed.
8. The applicant is proposing a total of 307 apartment units. The floor plans presented demonstrate that 307 apartments can be situated in the buildings. The Applicant may change the layout of the floor plans to suit market demand, but the total number of apartments and bedrooms will not exceed what is proposed in the Application.
9. The renderings of the exterior elevations show, in general, the proposed building designs and material specifications. Depending on the final layout of the apartments, the window and door arrangements may be modified, but the floor plans, while maintaining the overall appearance of the design as presented.
10. Note that the project will comply with Section 22-34.1-3 of the Beacon Zoning Code regarding below market rate units in effect at the time of Site Plan approval. The below Market Rate (BMR) units shall have exterior finishes and general amenities comparable to the market-rate units within the development. BMR units shall be reasonably distributed throughout the project. The BMR units shall be provided in a mix of unit types in the same proportion as all other units in the development.

Hudson River

Park

Location Plan

Scale: NTS

Index of Drawings

Sheet 1 of 15	Site Plan
Sheet 2 of 15	Existing Conditions Plan / Survey
Sheet 3 of 15	Landscape Plan
Sheet 4 of 15	Lighting Plan
Sheet 5 of 15	Lower Level / Podium Parking Floor
Sheet 6 of 15	1st Floor Plan (2nd & 3rd Floors Typo)
Sheet 7 of 15	5th Floor / Roof Plan
Sheet 8 of 15	Renderings
Sheet 9 of 15	Building Elevations
Sheet 10 of 15	Grading and Utility Plan
Sheet 11 of 15	Erosion and Sediment Control Plan
Sheet 12 of 15	Profiles
Sheet 13 of 15	Site Details
Sheet 14 of 15	Stormwater Details
Sheet 15 of 15	Water and Sewer Details

REVISIONS:			
NO.	DATE	DESCRIPTION	AUS
1	02/28/17	REVISE PER PLANNING BOARD COMMENTS	AUS
2	03/28/17	REVISE PER PLANNING BOARD COMMENTS	AUS
3	04/25/17	REVISE PER PLANNING BOARD COMMENTS	AUS
4	05/30/17	REVISE PER PLANNING BOARD COMMENTS	AUS
5	07/25/17	REVISE PER PLANNING BOARD COMMENTS	AUS
6	08/29/17	REVISE PER PLANNING BOARD COMMENTS	AUS
7	09/26/17	REVISE PER PLANNING BOARD COMMENTS	AUS
8	10/31/17	REVISE PER PLANNING BOARD COMMENTS	AUS
9	11/28/17	NO CHANGE	AUS

Site Plan

Sheet 1 of 15

Edgewater

Beacon, New York
Scale: 1" = 30'
January 31, 2017

Scale: 1" = 30'
January 31, 2017

January 31, 2017



APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAN AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS _____ DAY OF _____, 20____ BY _____

CHAIRMAN

SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY
RESPECTIVELY MAY SIGN IN THIS PLACE.

Owner:
Scenic Beacon Developments, LLC
25 East Main Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Land Surveying, P.C.
15C Tloronda Avenue
Beacon, New York 12508

Landscape Designer:
Landscape Restorations
P.O. Box 286
Beacon, New York 12508

Scale: 1" = 30'
January 31, 2017



Gable End Elevation

Scale: $\frac{1}{8}$ " = 1'-0"

- GALVANIZED ALUMINUM STANDING SEAM ROOF
- GALVANIZED ALUMINUM HALF ROUND GUTTERS WITH GALVANIZED ROUND LEADERS
- EQUITONE FIBER CEMENT PANEL WITH $\frac{1}{8}$ " REVEAL JOINTS, COLOR N251 GRAY (TYP)
- BLACK ALUMINUM CASEMENT WINDOWS AND TRIM (TYP)
- BLACK ALUMINUM DOORS AND TRIM (TYP)
- CLEAR TEMPERED GLASS RAILINGS OFFSET 4" FROM FACE OF WALL (TYP)
- GALVANIZED ALUMINUM SIDING AT INFILL AREAS
- STEEL AND GALVANIZED ROOF AWNING WITH STEEL RODS
- GRAY CONCRETE FOUNDATION WALL, WITH IVY PLANTERS



Side Elevation

Scale: $\frac{1}{8}$ " = 1'-0"

Gable Building Elevation Study

Owner:
Scenic Beacon Developments, LLC
25 East Main Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
514 Main Street
Beacon, New York 12508

Edgewater
Beacon, New York
Scale: $\frac{1}{8}$ " = 1'-0"
June 21, 2017

CONCRETE FOUNDATION WALLS



CONCRETE FOUNDATION WALLS



CONCRETE FOUNDATION WALLS



CONCRETE FOUNDATION WALLS



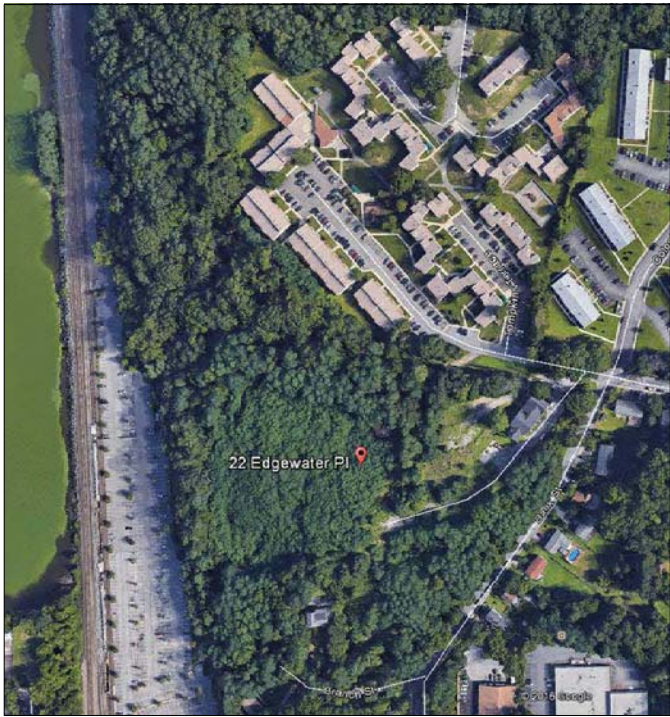
CONCRETE FOUNDATION WALLS



CONCRETE FOUNDATION WALLS



REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	02/28/17	PROGRESS SUBMISSION	AJS
2	03/28/17	REVISE PER PLANNING BOARD COMMENTS	AJS
3	04/25/17	REVISE PER PLANNING BOARD COMMENTS	AJS
4	05/30/17	NO CHANGE	AJS
5	07/25/17	NO CHANGE	AJS
6	08/29/17	NO CHANGE	AJS
7	09/26/17	NO CHANGE	AJS
8	10/31/17	NO CHANGE	AJS
9	11/28/17	NO CHANGE	AJS



- Tompkins Terrace
- 193 Apartments
 - 16.2 Acres
 - Over 50% impervious coverage
 - Minimal Landscaping

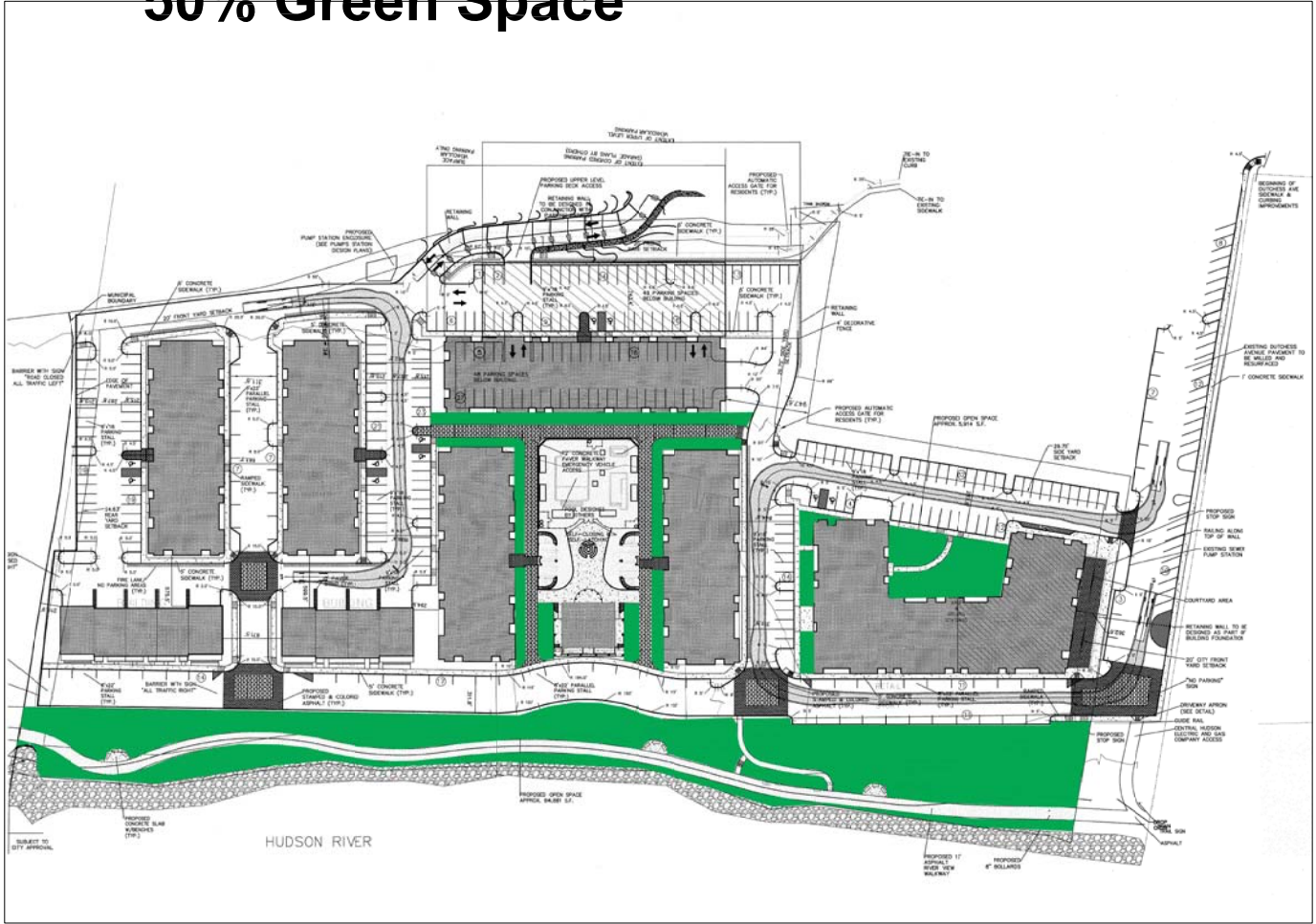
- Edgewater
- 307 Apartments
 - 12 Acres
 - 33% impervious coverage
 - New and existing landscaping

- Poughkeepsie Development
- 300 Apartments
 - 10.8 Acres
 - Over 75% impervious coverage
 - Minimal Landscaping

- Edgewater
- 307 Apartments
 - 12 Acres
 - 33% impervious coverage
 - New and existing landscaping

Site Plan - Tompkins Terrace

50% Green Space



Site Plan - Poughkeepsie Development

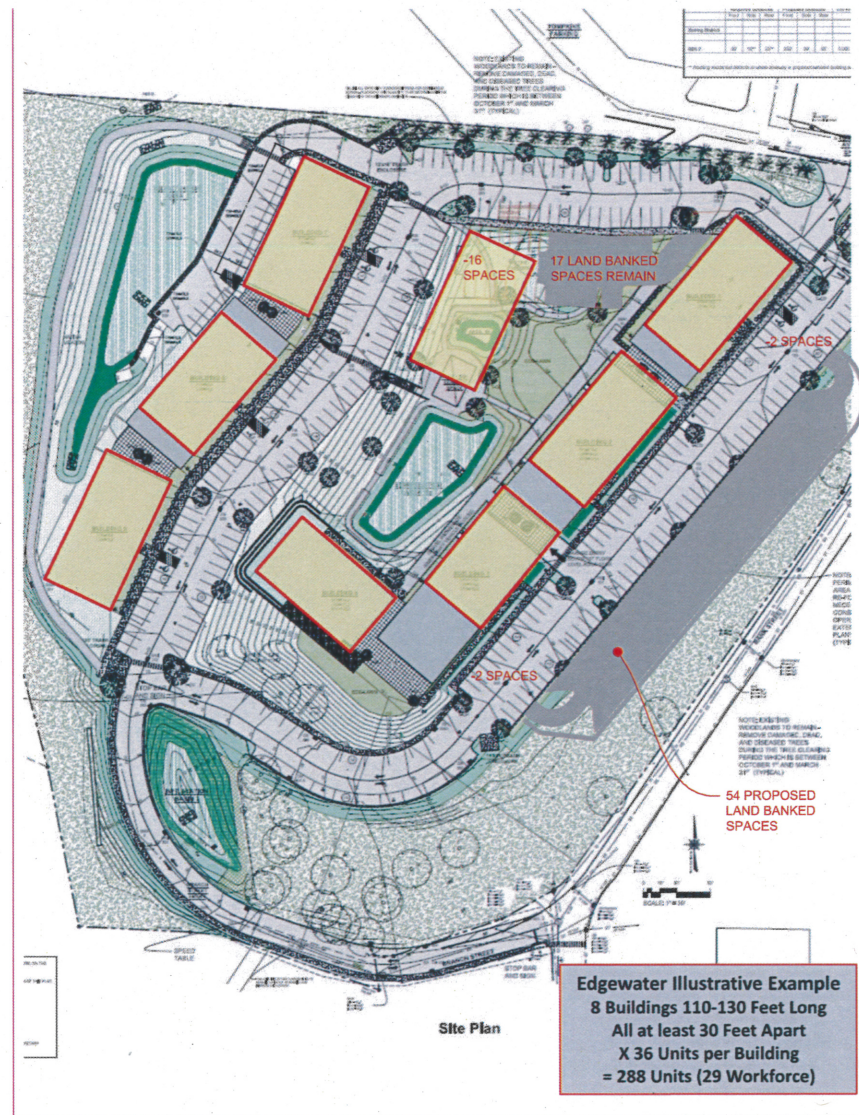
20% Green Space



Site Plan - Edgewater

65% Green Space

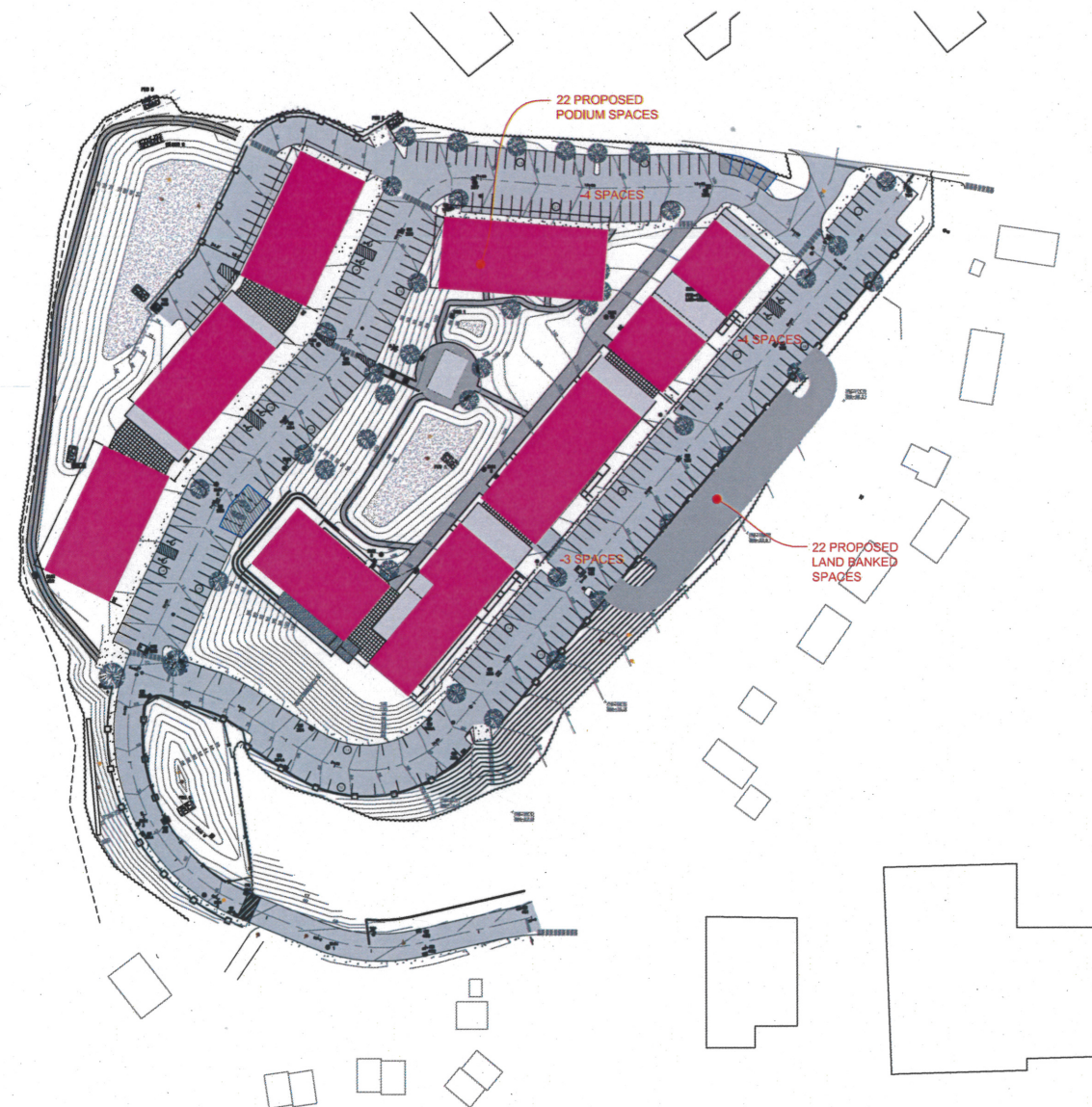
Site Plan Comparison of Landscaped Area



8 Building Plan Overlay - $\pm 40\%$ Coverage
Scale: 1" = 50'

Notes:

1. 8 building plan would require a number of the units to be larger with additional bedrooms to recoup rents lost in 19 units which would require a higher parking multiplier than current site plan.
2. Parking count would be based upon 288 units plus 532 bedrooms totaling 421 required parking spaces.
3. The position of the 8th building would require 16 of the land-banked parking spaces to be re-located.
4. The plan will require 54 additional land-banked parking spaces along the east side of the site to provide a total of 421 parking spaces.
5. Installation of the east side land-banked parking spaces will require 4 permanent spaces to be re-located and accounted for in the land-banked area.



9 Building Plan Overlay - $\pm 40\%$ Coverage
Scale: 1" = 50'

Notes:

1. 9 building plan would keep the same number of number of units and bedrooms as the original site plan; thus requiring 387 spaces.
2. The 9th building would provide 22 spaces in podium parking. The entrance drive would require 4 permanent spaces to be re-located, and the building position would require 33 land-banked spaces to be re-located.
3. The plan will require 22 additional land-banked parking spaces along the east side of the site to keep the parking count at 387.
4. Installation of the east side land-banked parking spaces will require 7 permanent spaces to be re-located and accounted for in the land-banked area.

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	12/26/17	FOR DISCUSSION ONLY	MAB

City of Beacon Planning Board
1/17/2018

Title:

39 Front Street (Mason Circle)

Subject:

Application submitted by Beacon Lofts & Storage, 39 Front Street (Mason Circle), Tax Grid No. 30-6055-04-590165-00, LI Zoning District, for relief from Section 223-17(C) to construct a new building with a height of 66 ft. (35 ft. *maximum permitted*)

Background:

ATTACHMENTS:

Description	Type
Front Street - Application	Application
Front Street Part 3 EAF (Exhibit A)	EAF
Front Street Cover Letter	Cover Memo/Letter
Front Street Site Plan	Plans
Front Street Building Elevations	Backup Material
Front Street Exhibit B	Backup Material
Front Street Exhibit C	Backup Material

ZONING BOARD OF APPEALS

City of Beacon, New York

Application for Appeal

APPLICANT: Beacon Lofts & Storage, LLC ADDRESS: 16 Squadron Boulevard

New City, NY 10956 TELEPHONE: (845) 639-7700

REPRESENTED BY: Aryeh Siegel Architect ADDRESS: 84 Mason Circle

Beacon, NY 12508 TELEPHONE: 845-838-2490

LOCATION: 39 Front Street ZONING DISTRICT: LI

TAX MAP: SECTION 6055 BLOCK 04 LOT 590165

DECISION APPEALED FROM, OR INTERPRETATION DESIRED:

Allow new construction of a 4 story building, 66' high.

REASON SUPPORTING REQUEST:

A previous variance for this project was granted for new construction of a 4 story building, 47' high.

The applicant is consolidating the previously approved 4 story building into the reconstruction of

another approved building to eliminate the additional building and create more landscaped area.

SUPPORTING DOCUMENTS SUBMITTED HERewith: (Site Plan, Survey, etc. as required)

Site Plan, elevations

August 29, 2017

Date


Owner's Signature

Fee: \$100 with application


Applicant's Signature

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Beacon Lofts & Storage, LLC

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

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

Applicant Address: 16 Squadron Boulevard, New City, NY 10956

Project Address: 39 Front Street

Project Tax Grid # 6055-04-590165

Type of Application Zoning Variance for Amendment to Special Use Permit

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, Gabriel Alexander, 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 ☒
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 ☒
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 ☒



Signature of Owner

Managing Member

Title if owner is corporation

Office Use Only:	NO	YES	Initial
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)	___	___	___

Project: 39 Front Street

Date: December 12, 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 EAF 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 _____ 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: 39 Front Street - HIP Lofts

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., Keane & Beane, P.C.

Date:

For Further Information:

Contact Person: Etha Grogan, Planning Secretary

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: egrogan@cityofbeacon.org

For Type 1 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>

PRINT FULL FORM

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR AMENDED SPECIAL USE PERMIT AND AMENDED
SITE PLAN APPROVAL FOR 39 FRONT STREET (HIP LOFTS)**

39 Front Street: Tax Grid No. 6055-04-590165

CONCLUSIONS

The Planning Board circulated its Notice of Intent to declare itself Lead Agency to all known Involved and Interested agencies and later declared itself Lead Agency on October 11, 2017. The Proposed Action is an Unlisted action undergoing a coordinated review.

Project Description: The subject property consists of 8.74 acres. The Proposed Action is for an amendment of the previously approved Special Permit and Site Plan for redevelopment of the property. The scope of work for the amendment to the project generally encompasses the following:

1. Eliminate proposed new construction of Building 9A. This building was a 4-story building with 24 live work lofts (16 one-bedroom and 8 2-bedroom)
2. Eliminate the existing commercial laundry use consisting of Buildings 18, 24 and 25.
3. Eliminate the proposed artist studio use in Building 12. Retain the existing structure of Building 12 for use as a community garden amenity.
4. Per the assessment of the structural engineer, demolish existing Building 16 (36 live work lofts (27 one-bedroom and 9 2-bedroom)
5. Rebuild Building 16 with 87 artist live work lofts. Note that the total number of lofts in the completed project will be 172 instead of the 143 originally approved by the current Special Use Permit. This is an addition of 29 artist live work lofts. The reconstructed building will require a variance to allow a building height of 52'-6" to the main roof level, plus 13'-6" to the roof level of the setback 4th floor for an overall roof height of 66'-0". The existing Building 16 is pre-existing nonconforming at 45'-3" where a maximum of 35' is permitted in the Light Industrial (LI) District.
6. Extend existing Building 9 to add 2 live work lofts (1 bedroom each)
7. Minor reconfiguration of parking and landscaping around the area of work
8. Note that the reconfiguration of parking, and the proposed revisions to the scope of work allows for all the required parking for this parcel to be provided on the parcel. The originally approved land banked parking on the adjacent parcel (6055-

04-535128) is no longer required to satisfy parking requirements, and has been eliminated from the scope of work.

At the completion of the project, there will be a total of 172 live work apartments with a total of 196 bedrooms.

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 will not result in any significant adverse impacts on the environment. In summary, the Planning Board noted the following items in support of its determination of significance:

1. The Proposed Action results in a reduction of approximately 25,624 gallons per day of water and sewer demand than the originally approved project.
2. The Proposed Action will result in a decrease of 0.04 acres of impervious surface coverage.
3. Review of the Applicant's Traffic Study, prepared by Harry Baker & Associates, revised October 25, 2017 and November 28, 2017, demonstrated that although there are minor changes to the volume to capacity (v/c) ratio, the comparison shows that there is no adverse impact to the Level-of-Service (LOS) to the intersections previously studied for the project.
4. The land banked parking on the adjacent parcel has been eliminated because it is no longer necessary to support the parking needs of the project.
5. The construction will comply with all requirements of Chapter 123 of the City Code regarding floodplains. Building 9 was shortened so that it is in line with Building 9A and therefore will have no effect on current the currently floodplain or floodway.
6. The "Phase 1A Literature Search and Sensitivity Assessment Beacon Lofts Site Plan Amendment Building 16 and Building 9A Addition," prepared by Hudson Valley Cultural Resource Consultants, Ltd, Poughkeepsie, NY, dated November 2017, concludes that the "proposed design of reconstruction for Building 16 and the design of the addition to Building 9 are in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and effectively mitigate any adverse impacts to the Grovetown Mills Historic District."
7. The "Threatened and Endangered Species Habitat Suitability Assessment Report," prepared by Ecological Solutions LLC, Southbury, CT, dated October 30, 2017, confirms that the "proposed project will not impact any potential Indiana bat activity since there is no habitat on the site."

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.



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Jennifer L. Van Tuyl
jvantuyl@cuddyfeder.com

December 22, 2017

By Hand and E-mail

Chairman John Dunne
and Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Supplemental Submission – Height Area Variance for Beacon HIP Lofts
Premises: 39 Front Street, Beacon NY 12508 (SBL: 6055-04-590165)

Dear Chairman Dunne and Members of the Zoning Board of Appeals:

Beacon HIP Lofts (the “Project”) is an ongoing, phased, mixed-use redevelopment of an old industrial site, which is approximately 8.74 acres in size and is located within the Light Industrial (“LI”) Zoning District. The above height variance application was filed with the ZBA in August, as part of the amended application to reconfigure the site plan. For the past several months the Planning Board, as Lead Agency under SEQR, has been conducting the environmental review, which is a necessary prerequisite to any other permits. Last month, the Planning Board determined that the project would not have a significant adverse effect on the environment, and adopted a SEQR Negative Declaration confirming that determination. A copy of the Negative Declaration is attached (Exhibit A).

Therefore, the height variance application is now back before the ZBA for hearing and determination. This letter is submitted in advance of the public hearing to be held on Tuesday, January 17, 2018, to provide further information demonstrating how the requested area variance meets the applicable standards for the issuance of variances.

Project Background

The plan to redevelop the HIP Lofts received initial approvals several years ago to restore the old factory complex at Groveville. As part of those approvals, the ZBA granted a building height variance (permitting 4 stories/42 ft.) for then-proposed Building 9A. The LI District provides for 3 stories/35 ft height. The approved project included the construction of Building 9A, a 4-story building featuring 24 artist live/work lofts, renovate Building 16 to house 36 artist live/work units, and retain the existing commercial laundry use of Buildings 18, 24, and 25. Phase 1 of the Project was completed in 2013, and Phase 2 construction of Building 11 has also been completed.

However, engineering tests subsequently revealed that Building 16 is structurally unsound, and cannot be renovated in accordance with the original plans. Therefore, the current proposal is to



December 22, 2017

Page 2

construct a new Building 16, with 87 artist live/work units. The proposed revised project would increase the number of artist live/work units by 29 from the original proposal (for a total of 172 live/work apartments), and would eliminate of the commercial laundry use and building 9A.

Proposed Building Design: Height Variance

The revised plans seek to maximize retention of open space and optimize circulation around the buildings, while designing the new Building 16 to fit in with the existing mill complex. Building 16 (“the proposed building”) is proposed to be a taller building, nestled behind the existing community gardens and within the central portion of the building complex. Submitted herewith is Exhibit B, a series of rendered elevations and photographs of other buildings in the HIP Lofts Mill Complex. These drawings and photographs show the visual impact of the requested height variance for the proposed building.

The height limit in the LI District is 3 stories/35 feet (Bulk schedule 223-17 (C)). The applicant requests a variance for the proposed building to allow 4 stories (the fourth floor being set back from the main roof line), and a height of 52 feet to the main roof line and 66 feet to the upper roof line, most of which is set back, as shown in the rendered elevations in Exhibit B.

While the variance appears large on the surface, it is important to note that the appearance of height in the proposed building is substantially reduced by several factors. First, the property sits in a valley, at an elevation approximately 30 feet lower than Route 52, and also lower than the elevation of the City Water Department on the opposite side of the Creek. Submitted herewith is Exhibit C, a Section drawing which shows the change in elevation. Second, the proposed new building is placed behind other buildings in the central part of the site, thus providing distance from off-premises viewpoints, limiting appearance of height. Thirdly, the proposed fourth floor of the building is largely set-back from the building line, making it appear less substantial from a distance, and rendering it not visible from the ground level near the building. Fourth, the building design incorporates varying roof lines in the various portions of the building, so it fits in with similar variations in roof line throughout the Groverville Mill complex.

Analysis of the 5 Factors for Area Variances

Pursuant to N.Y. Gen. City Law § 81-b and City of Beacon Zoning Code § 223-55(C)(2), the proper test for area variances is a balancing of 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 applying the overall balancing test, the Board considers 5 specific factors. We hereby submit an analysis of these factors for the Board’s consideration:

- 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;***

C&F: 3532460.3

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. The proposed height is not out of character with the existing mill complex, since the complex already contains a building which is approximately 67 ft. high. Moreover, the proposed new building (at its main roof line at 52 feet) is only 6 feet taller than the existing building that it will replace. The fourth story of the proposed building (66 ft. at highest point) is largely set back 10 ft. from the edge of the main building walls, so that this tallest portion minimizes its visual impact. The scale of the proposed building is in keeping with the overall massing of the other buildings (see Exhibit B). The architectural style of the building is in keeping with the existing buildings.

Furthermore, the proposed building is located at the center of the property, and a previously approved 47 foot-tall building at the property line along Fishkill Creek is being eliminated. Relocating the units to a more central portion of the property greatly reduces any potential visual impacts of the Project as seen from across Fishkill Creek. The visual impacts on properties located across Fishkill Creek will be negligible, as those properties are densely vegetated with mature trees, and the only building directly across the river is a City Water Department industrial building. Therefore, the proposed height variance will have no negative effects on neighborhood character or surrounding properties.

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;*

There is no other feasible method for the Applicant to pursue besides requesting the building height variance. The range of appropriate alternatives is limited by two standards: first, the alternative must still provide the benefit sought by the Applicant, and second, it must be feasible for the Applicant to pursue. The Applicant is working within an existing developed site and context of an historic industrial site. The Applicant has already successfully redeveloped Building 11 on the property as loft apartments with mezzanines. Building 11 is two stories tall, with 20 ft. ceilings. The minimum ceiling height to permit sufficient space for a mezzanine is 17 ft. The proposed building is designed to incorporate the units that were originally to be housed in Building 9A, which is being eliminated. Together, these circumstances require that the proposed building be constructed at a taller height than originally proposed, and the requested variance is the minimum variance that can accommodate the requested building program.

3. *Whether the requested area variance is substantial; and as a related question, whether the variance is the minimum necessary and adequate to achieve the benefit to the applicant while preserving the health, safety, and welfare of the neighborhood;*



December 22, 2017

Page 4

While the requested variance appears substantial on the surface, consideration of the facts and circumstances in the instant Application demonstrates that the requested height variance is not substantial in its effect. “Substantiality” is not solely a matter of the mathematical proportion of the permitted maximum/minimum that an Applicant is seeking to vary. Rather, the important test is always whether the variance will actually have a detrimental effect on the neighborhood.¹

The requested height variance is not substantial in its effect, when the industrial context of the site, the topography, the surrounding uses, and relative heights of existing and proposed buildings are considered. The tallest building located on the site is approximately 67 ft. high, which is 1 ft. taller than the highest portion of the proposed Building (66 ft). The proposed building has also been thoughtfully designed with a top-story setback to minimize the visual impact of its height to the greatest possible extent while still being able to accommodate the artist live/work units originally proposed for Building 9A. The other features that minimize the apparent height of the proposed building are stated above. When all these factors are considered, the requested height variance is not substantial in its effect.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

The proposed height variance 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 granting of this variance. In fact, the removal of the commercial laundry and substitution of artist live/work units decreases the intensity of the site’s water use. The consolidation of the artist live/work units into the proposed building also permits tighter clustering of the development, resulting in more open space. Further, the building height is in keeping with the industrial character of the other onsite buildings, and the architectural design carefully minimizes visual impact (Exhibit B). The Planning Board, as lead agency, has confirmed that there will be no adverse impacts on the physical or environmental conditions in the neighborhood or district with its decision to issue a negative declaration, finding that the entire action has no potential to cause any significant adverse environmental impacts. (Exhibit A)

¹ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003)(“consideration of the percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality....[A] large deviation can have little or no impact depending on the circumstances of the variance application.”); Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, Misc.3d 1120(A), 873 N.Y.S.2d 512 (Table), 2007 WL 56495232007 N.Y. Slip. Op. 52571(U)(“Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.”); Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dept. 2008)(although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); see also Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3d Dept. 2013)(upholding ZBA determination that an area variance).



December 22, 2017

Page 5

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.*

The alleged difficulty was not self-created, but arises out the unanticipated engineering problems in the existing building which prevent its use, the design constraints created by the existing configuration of buildings, and the desire to maximize circulation and open space around the complex. The Applicant's intent is to stay true to the character of the existing industrial buildings, while retaining the artist live/work units originally slated for Building 9A.

However, even if the hardship *were* self-created, this factor does not alone justify denial of an area variance under N.Y. Gen. City Law § 81-b(4)(b)(v).²

Conclusion

The overall test for the grant of an area variance is whether the benefit to the applicant if the variance is granted, as weighed against any detriment to the health, safety and welfare of the neighborhood or community by such grant. After considering each of the 5 factors discussed above, the Applicant respectfully submits that there is no harm to the community that weighs against the benefit to the Applicant, and that the proposed variance is the minimum necessary that meets the Applicant's needs and at the same time fully protects the character of the neighborhood and the health, safety and welfare of the community.

The Applicant looks forward to further discussions with the Zoning Board of Appeals meeting on January 17, 2018. Should there be any questions in the meantime, I am available at my direct line 914-872-1941.

Very truly yours,

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

Jennifer L. Van Tuyl

Attachments

cc: Aryeh J. Siegel, AIA

² See Matter of Daneri v. Zoning Bd. of Appeals of Town of Southold, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).

BEACON
E. LEVEL IN NONRESIDENCE DISTRICTS. IN NONRESIDENCE DISTRICTS, THE FOLLOWING SIGNS ARE HEREBY AUTHORIZED:

- (1) NOT MORE THAN ONE SIGN AFFIXED TO THE OUTER WALL OF THE STRUCTURE WITHIN WHICH THE PERMITTED USE IS SITUATED WHICH OUTER WALL FACES THE PRINCIPAL STREET GRIDS ACCESS TO SUCH STRUCTURE. PROVIDED THAT:
- (a) THE AGGREGATE AREA OF EACH SUCH SIGN SHALL NOT EXCEED ONE SQUARE FOOT FOR EACH LINEAR FOOT OF BUILDING FACING THE STREET.
- (2) NO SIGN SHALL EXCEED TWO FEET IN HEIGHT, EXCEPT THAT A VERTICAL PROJECTING WALL SIGN SHALL NOT EXCEED SEVEN FEET IN HEIGHT. A VERTICAL PROJECTING WALL SIGN BEING AN ARCHED SIGN WHICH IS ATTACHED TO THE BUILDING WALL OR STRUCTURE WHICH IS PERPENDICULAR TO THE FACE OF SUCH WALL OR STRUCTURE.
- (3) NO SIGN SHALL PROJECT ABOVE THE EAVES OF THE BUILDING ON WHICH IT IS AFFIXED OR, IF NO EAVES EXIST THEREON, THE ROOF. NO SIGN SHALL EXCEED MORE THAN SIX FEET INTO ANY REQUIRED YARD.
- (4) NO SIGN SHALL FACE AN ABUTTING RESIDENTIAL ZONING DISTRICT IF LOCATED WITHIN 50 FEET OF SUCH DISTRICT.
- (5) VERTICAL PROJECTING WALL SIGNS SHALL NOT HAVE MORE THAN TWO FACES.
- (6) THE EXTENSIVE EDGE OF A VERTICAL PROJECTING WALL SIGN SHALL NOT EXTEND MORE THAN FIVE FEET FROM THE OUTER WALL OF THE STRUCTURE OR 10% THE WIDTH OF THE SIGN, WHICHEVER IS LESS.
- (7) NO PART OF A VERTICAL PROJECTING WALL SIGN SHALL EXTEND INTO VEICULAR TRAFFIC AREAS, AND ANY PART OVER PEDESTRIAN AREAS SHALL HAVE A MINIMUM CLEARANCE OF SEVENTEEN (17) FEET.
- (8) NOT MORE THAN ONE FREESTANDING SIGN FACING EACH STREET ON WHICH THE LOT ABUTS, PROVIDED THAT:
- (a) THE BUILDING IS SET BACK NOT LESS THAN 50 FEET FROM THE STREET LINE, IN WHICH CASE THE SIGN SHALL NOT EXCEED 25 SQUARE FEET IN AREA.
- (b) THE BUILDING IS SET BACK NOT LESS THAN 100 FEET FROM THE STREET LINE, IN WHICH CASE THE SIGN SHALL NOT EXCEED 35 SQUARE FEET IN AREA.
- (c) NO DIMENSION SHALL EXCEED 12 FEET.
- (9) ONE IDENTIFICATION SIGN, NOT EXCEEDING 10 SQUARE FEET IN AREA, TO THE OUTER WALL OF THE STRUCTURE FACING UPON A STREET OR PARKING LOT, NOT FACED BY A SIGN AS PROVIDED IN SUBSECTION (E)1) ABOVE.
- (10) IN ADDITION TO OTHER PERMITTED SIGNS, NECESSARY SMALL DIRECTIONAL SIGNS ARE PERMITTED ON ACCESS ROADS AND PARKING AREAS, PROVIDED THAT THE AREA OF EACH SIGN SHALL NOT EXCEED TWO SQUARE FEET.

SIGNAGE.
NOTE: STORAGE SHALL BE 20" HIGH MAXIMUM. THE AGGREGATE AREA OF THE SIGNAGE SHALL NOT EXCEED 1 SQUARE FOOT FOR EACH LINEAR FOOT OF BUILDING FACING THE STREET.
THERE IS A TOTAL OF 866 LINEAR FEET OF BUILDING FACING THE STREET. THEREFORE, THE TOTAL ALLOWABLE AREA OF SIGNAGE IS 866 SQUARE FEET.
THERE IS A 2 SIDED SIGN (10'X20' EACH SIDE) PROPOSED ABOVE THE ROOF AT THE STORAGE BUILDING. ADDITION, THE TOTAL AREA OF THE 2 SIDED SIGN IS 400 SF.
THERE ARE 2 4'X8' SIGNS MOUNTED ON POSTS AT THE ENTRANCES TO THE SITE, FOR A TOTAL OF 64 SF.
THERE ARE DIRECTIONAL SIGNS THROUGHOUT THE SITE WHICH ARE A MAXIMUM OF 2 SF EACH. THESE SIGNS DO NOT CONTRIBUTE TO THE OVERALL SIGNAGE AREA.
THE TOTAL PROPOSED AREA OF SIGNAGE IS 464 SF. THE ALLOWABLE AREA OF SIGNAGE IS 866 SQUARE FEET.

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TWO 4'X8' SIGNS MOUNTED ON POSTS AT THE ENTRANCES TO THE SITE, FOR A TOTAL OF 64 SF.
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Zoning Regulations Table

Zoning District	Required Setbacks			Existing Setbacks			Maximum Building Coverage	Proposed Building Coverage	Maximum Density	Proposed Density	Maximum Building Height	Proposed Building Height	Site Area	Allowable FAR	Allowable Floor Area	Total Proposed Floor Area after project completion
	Front	Side	Rear	Front	Side	Rear										
LI	0	20'	25'	12.5	6.5	11	N/A	N/A	253 Permitted number of dwelling units equals site area (380,982 sf) divided by: 1,500 sf per dwelling unit.	172 Total proposed dwelling units after project completion 143 Units construction and/or approved 29 Additional dwelling units under consideration per Amendment application	35'	Existing building heights are not proposed to change Building 4 (Existing) = 43'-2" Building 6 (Addition) = 41'-0" Building 9 (Existing) = 16'-0" Building 10 (Addition) = 47'-0" Building 11 (Existing) = 44'-0" Building 12 (Tower) = 64'-0" Building 13 (Existing) = 25'-0" Building 16 (Rebuild) = 66'-0"	380,982 sf	2	761,964 sf	278,280 sf

** Abutting residential districts or where driveway is proposed between building and lot line. Note that all setbacks are existing

LIGHTING NOTES:

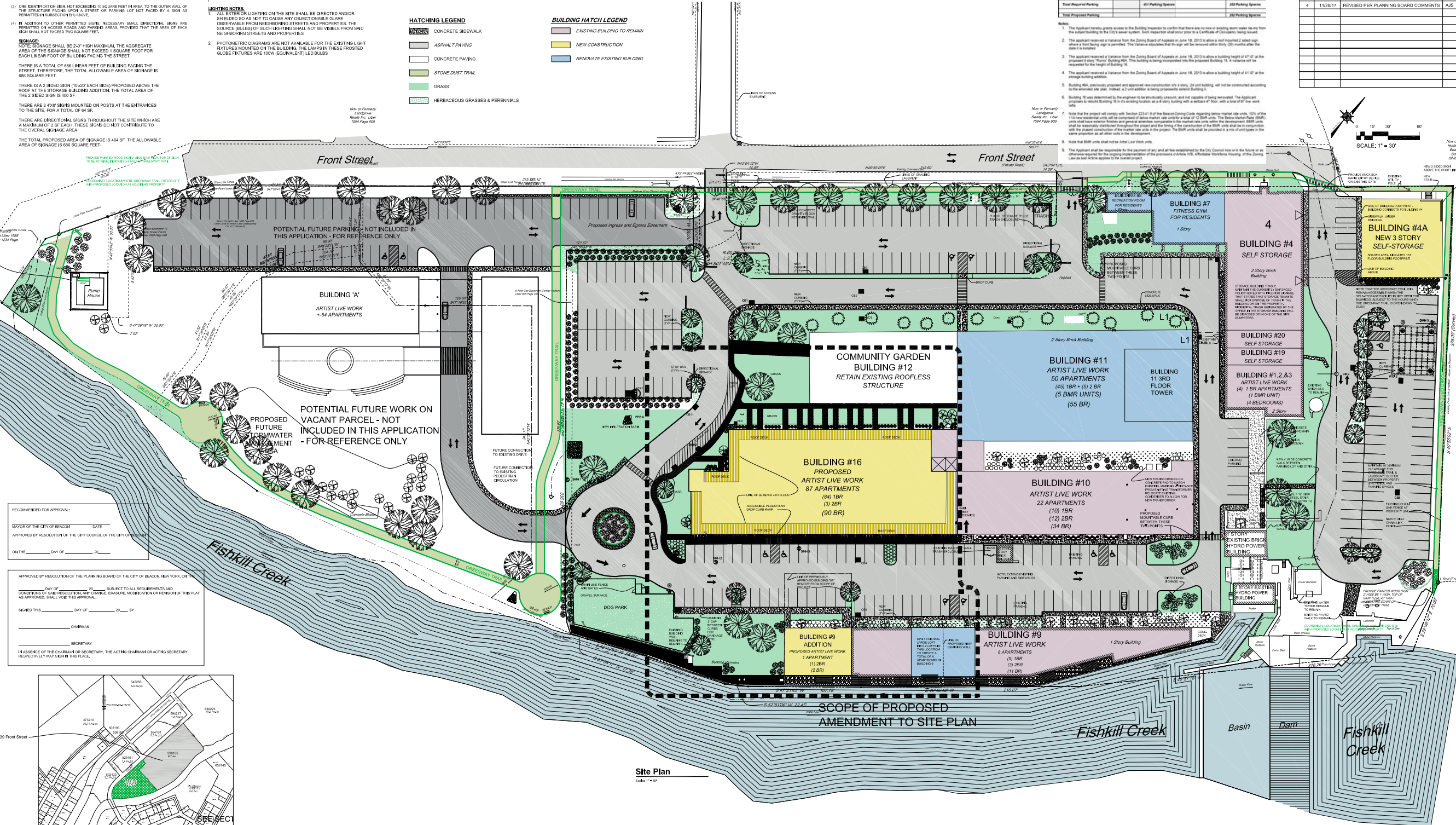
- ALL EXTERIOR LIGHTING ON THE SITE SHALL BE DIRECTED AND/OR SHIELDED SO AS NOT TO CAUSE ANY OBSTACULAR GLARE OBSERVABLE FROM NEIGHBORING STREETS AND PROPERTIES, THE SOURCE (BULBS) OF SUCH LIGHTING SHALL NOT BE VISIBLE FROM SAID NEIGHBORING STREETS AND PROPERTIES.
- PHOTOMETRIC DIAGRAMS ARE NOT AVAILABLE FOR THE EXISTING LIGHT FIXTURES MOUNTED ON THE BUILDING. THE LAMPS IN THESE FROSTED GLOBE FIXTURES ARE 100W (EQUIVALENT) LED BULBS.

HATCHING LEGEND

- CONCRETE SIDEWALK
- ASPHALT PAVING
- CONCRETE PAVING
- STONE DUST TRAIL
- GRASS
- HERBACEOUS GRASSES & PERENNIALS

BUILDING HATCH LEGEND

- EXISTING BUILDING TO REMAIN
- NEW CONSTRUCTION
- RENOVATE EXISTING BUILDING



Amendment to Special Use Permit Application Site Plan - Sheet 1 of 10

Beacon HIP Lofts

Beacon, New York
Scale: As Noted
July 25, 2017

Owner:
Beacon HIP Lofts, LLC
For Parcel 6055-04-590165
39 Front Street
Beacon, NY 12508

Owner:
Beacon Lofts and Storage, LLC
For Parcel 6055-04-535125
39 Front Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
104 Main Street
Beacon, New York 12508

Site/Civil Engineer:
Hudson Land Design
P.O. Box 264
Beacon, New York 12508

Landscape Design:
LQ Design
P.O. Box 264
Beacon, NY 12508

Surveyor:
TEC Land Surveying
Beacon, New York 12508

Beacon Lofts



Beacon, New York

ARYEH SIEGEL
ARCHITECT





View



View

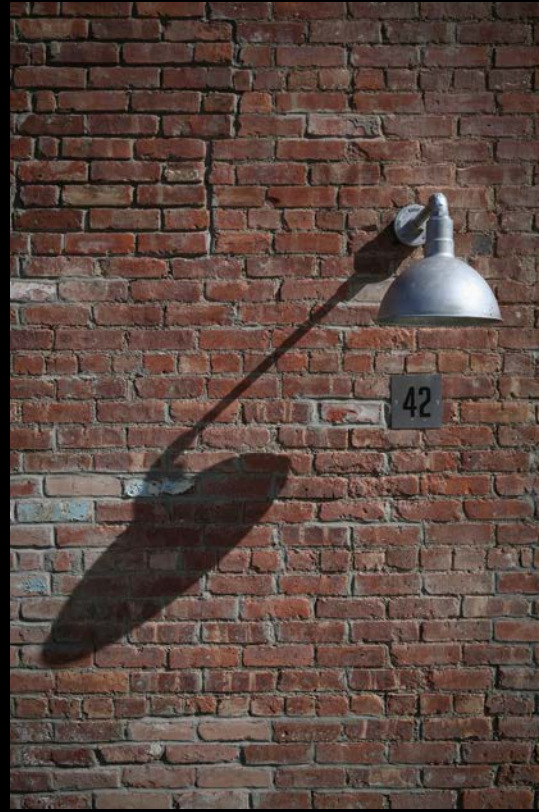


View







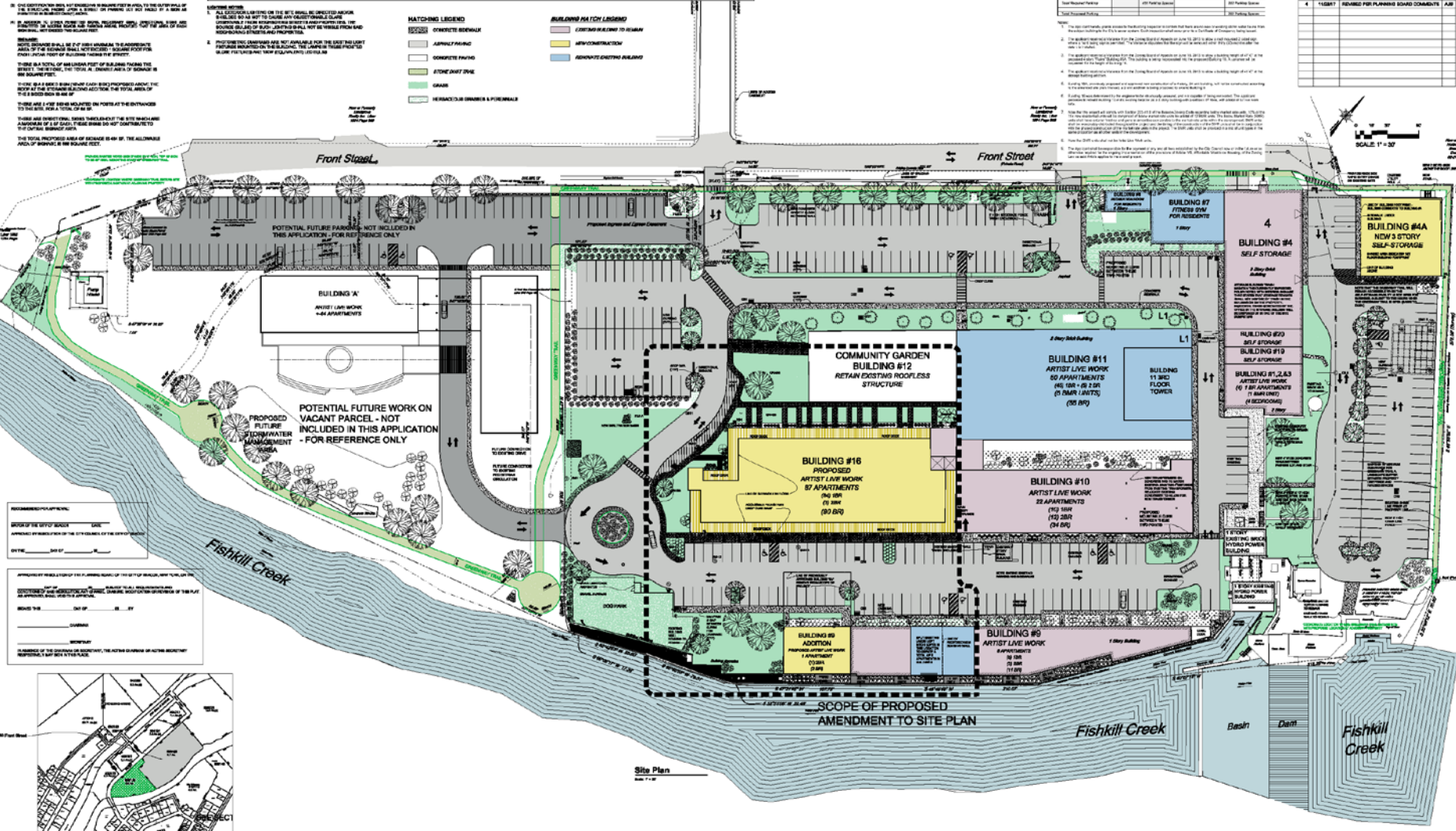


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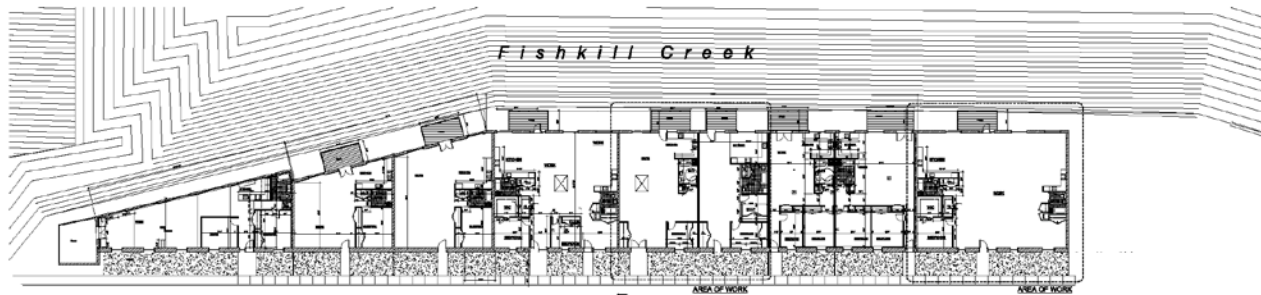
Index of Drawings

Sheet 1 of 10	Site Plan
Sheet 2 of 10	Survey/Existing Conditions Plan
Sheet 3 of 10	Landscapes, Plant & Lighting
Sheet 4 of 10	Building Plans
Sheet 5 of 10	Excavation
Sheet 6 of 10	Grading & Utility Plan
Sheet 7 of 10	Erosion & Sediment Control Plan
Sheet 8 of 10	Site Details
Sheet 9 of 10	Stormwater Details
Sheet 10 of 10	Notes & General Details

NOTE THAT SHEETS FROM THIS PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION ARE INCLUDED IN THIS SET FOR REFERENCE



Site Plan



1st Floor Part Plan: Building 9 Addition
Sheet 4 of 10

NOTE: COORDINATE
INSTALLATION OF NEW DECK
WITH EXISTING UTILITIES IN FIELD

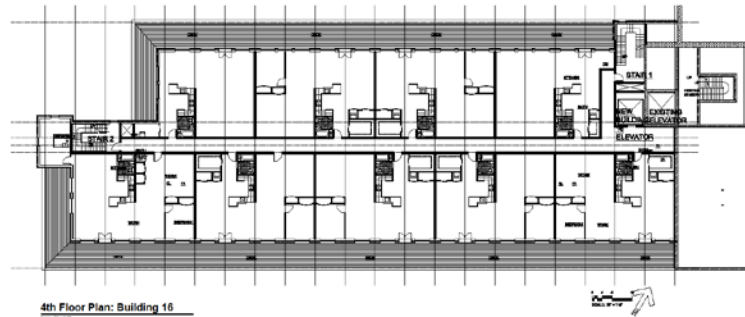
RECOMMENDED FOR APPROVAL
BY THE BOARD OF THE CITY OF BEACON, NEW YORK, TO THE
CITY ENGINEER
APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEACON
ON THE _____ DAY OF _____, 2017.

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, TO THE
CITY ENGINEER
APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEACON
ON THE _____ DAY OF _____, 2017.

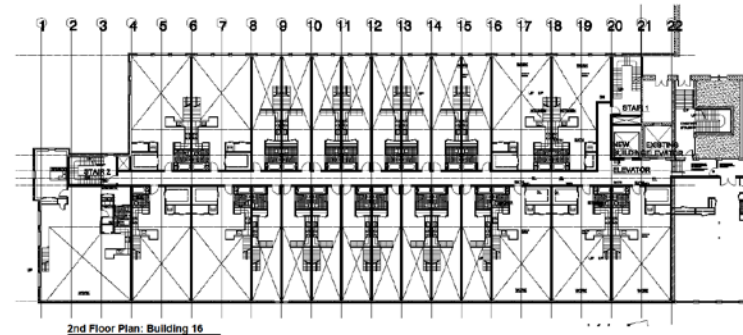
CITY ENGINEER

CITY CLERK
IN WITNESS WHEREOF, THE CHAIRMAN OF THE PLANNING BOARD AND THE CITY ENGINEER HAVE HEREBY SET THEIR HANDS AND SEALS ON THE _____ DAY OF _____, 2017.

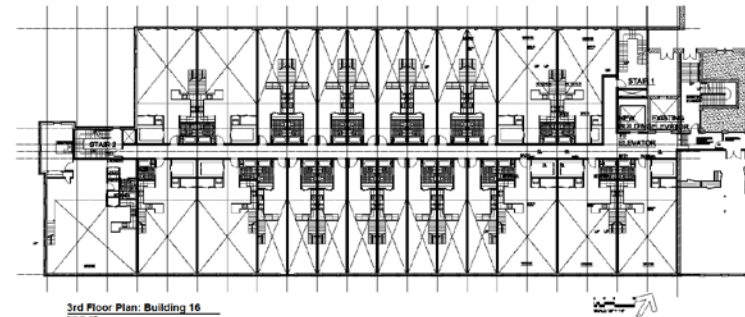
NO.	DATE	DESCRIPTION	BY
1	2/28/17	PREPARED FOR PLANNING BOARD COMMENTS	LAJ
2	3/28/17	REVISED FOR PLANNING BOARD COMMENTS	LAJ



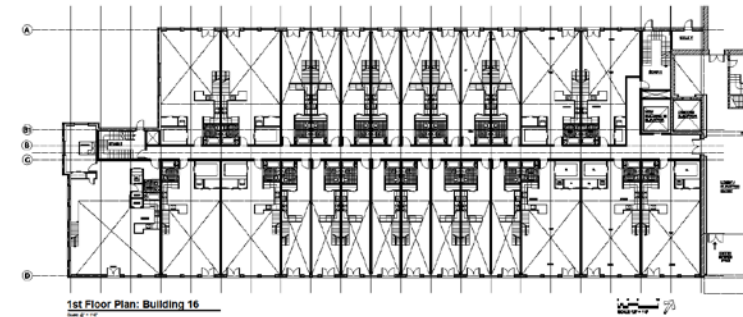
4th Floor Plan: Building 16
Sheet 4 of 10



2nd Floor Plan: Building 16
Sheet 4 of 10



3rd Floor Plan: Building 16
Sheet 4 of 10



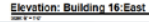
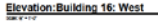
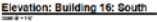
1st Floor Plan: Building 16
Sheet 4 of 10

Building
Plans

Amendment to Special Use Permit Application
Floor Plans - Buildings 16 - Sheet 4 of 10

Beacon HIP Lofts

Beacon, New York
Scale: As Noted
July 25, 2017



RECOMMENDED FOR APPROVAL:

APPROVED BY THE CITY OF BEACON _____ DATE _____

APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEACON _____

ON THE _____ DAY OF _____, 20____

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS IN SAID RESOLUTION, THE (DESIGNER, ARCHITECT, ENGINEER, LANDSCAPE ARCHITECT, PLANNING BOARD, MODIFICATION OR VARIATION OF THIS PLAN, ALL APPLICABLE ZONING, USE AND/OR APPLICABLE).

(SIGNED THIS _____ DAY OF _____, 20____, BY _____, CHAIRMAN, _____, SECRETARY

RESIDENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY ONLY IN THIS PLACE.

Owner:
Beacon HIP Lofts, LLC
26 Front Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
514 Main Street
Beacon, New York 12506

Site/Civil Engineer
Hudson Land Design
174 Main Street
Beacon, New York 12508

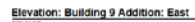
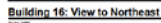
Landscape Design:
LQ Design
P.O. Box 244
Beacon, NY 12508

Surveyor:
TEC Land Surveying
Main Street
Beacon, New York 12508

Beacon HIP Lofts
Beacon, New York
Scale: As Noted
July 25, 2017

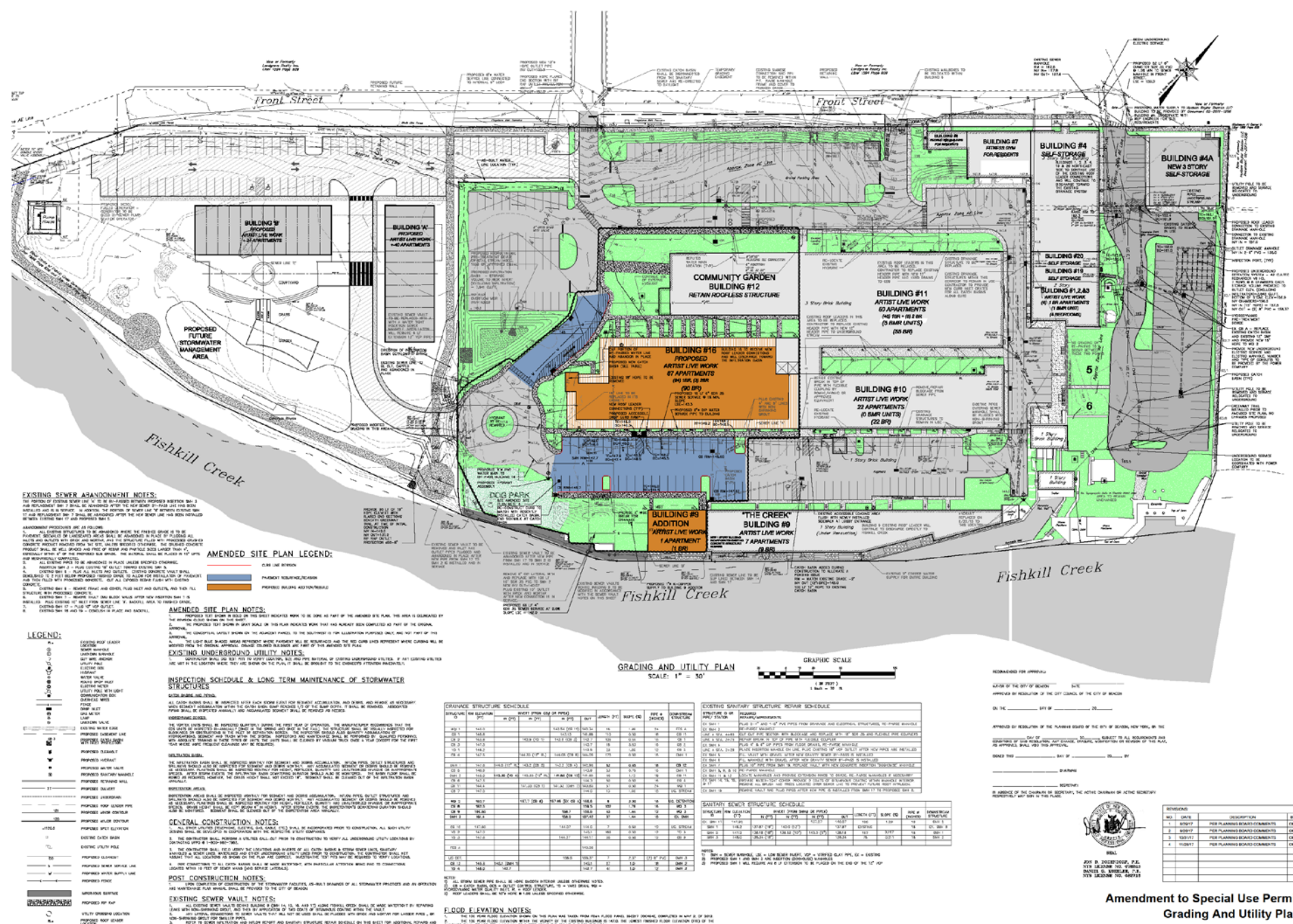


Building Elevations



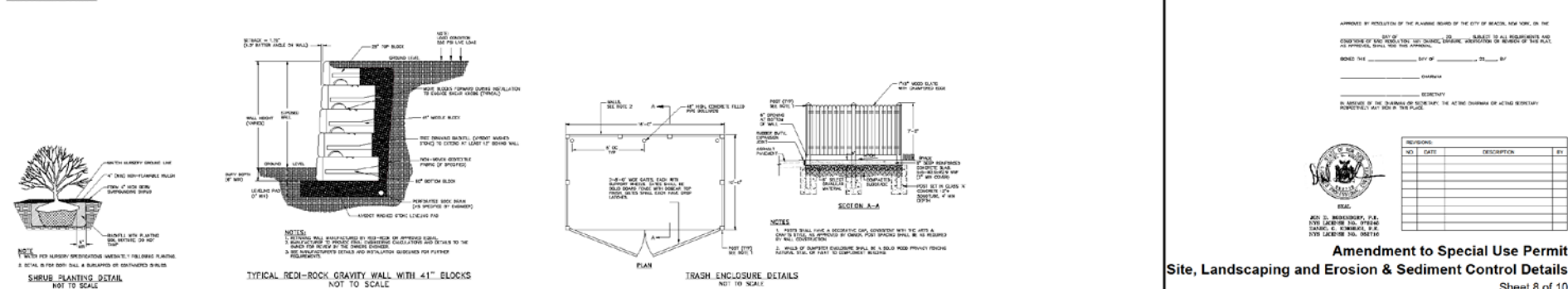
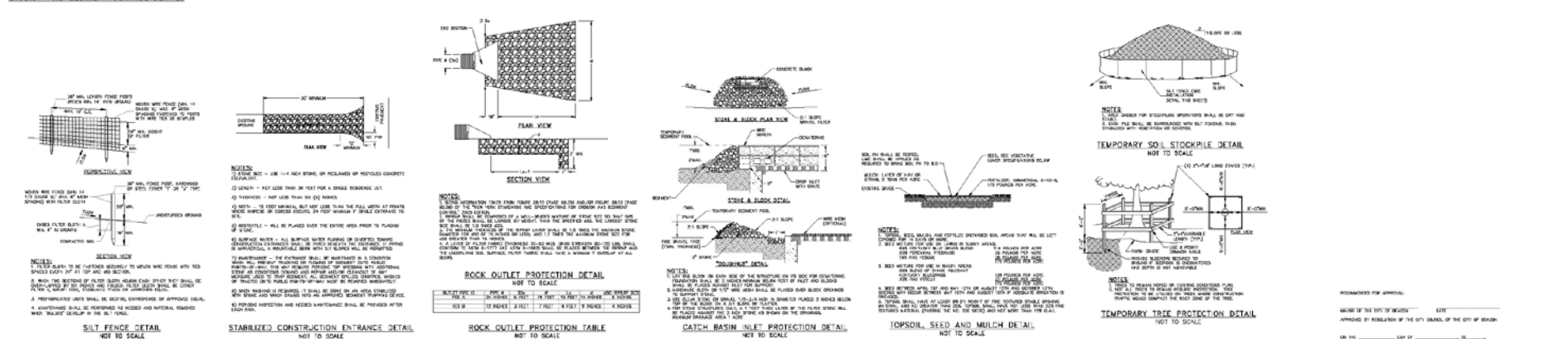
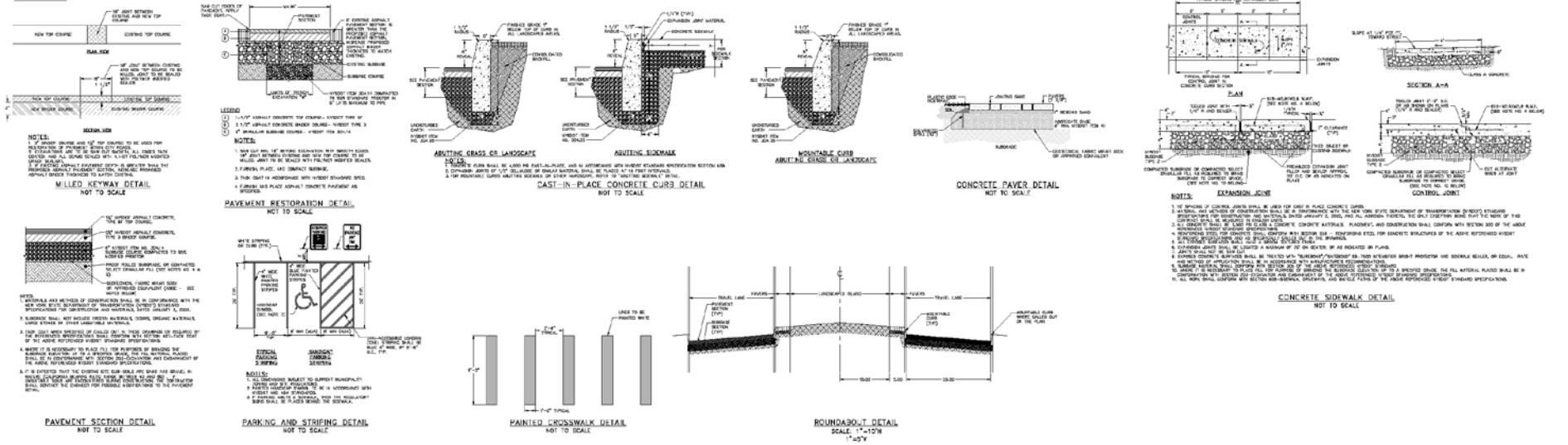
Amendment to Special Use Permit Application
Building Elevations - Sheet 5 of 10



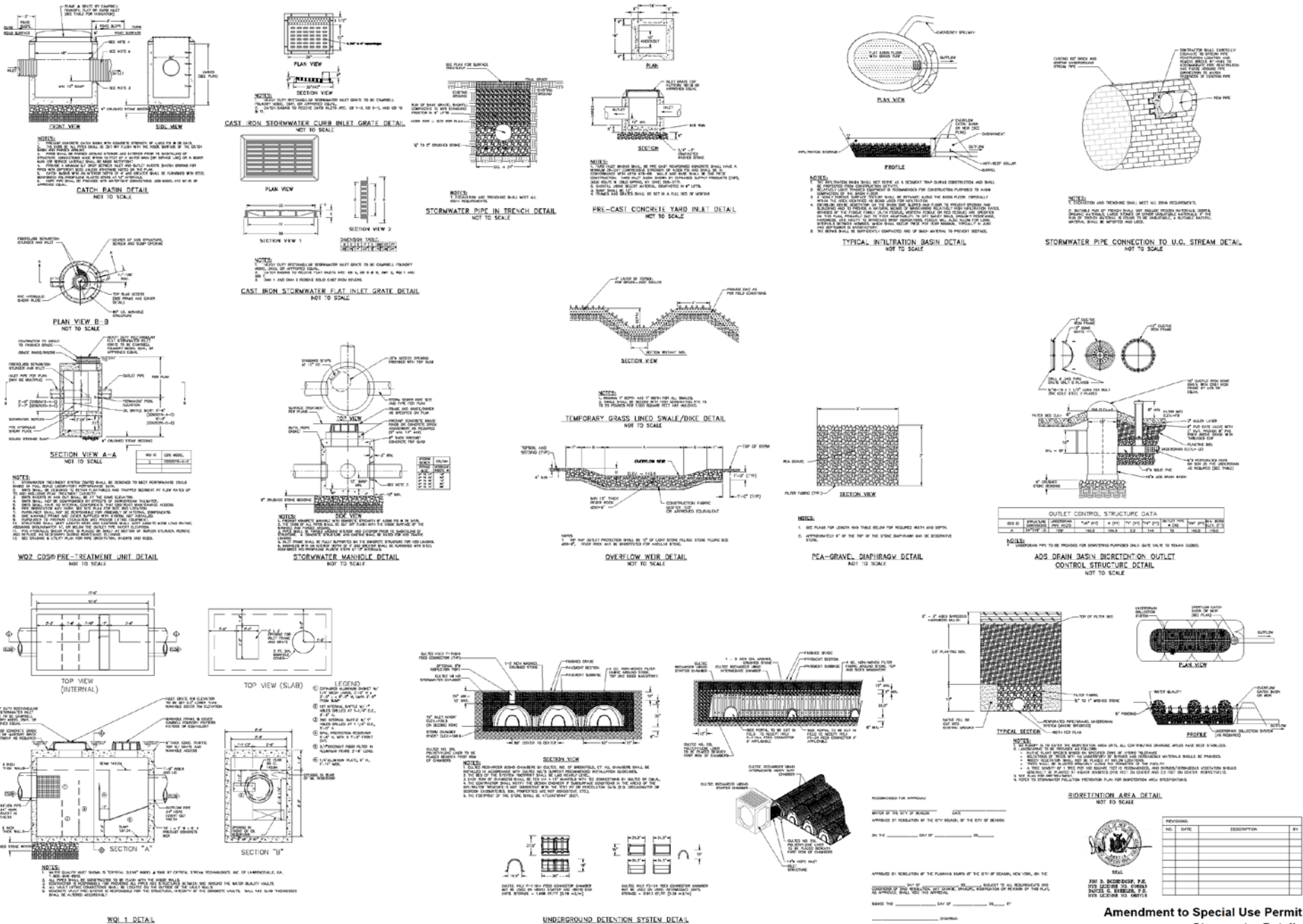


Grading & Utility Plan

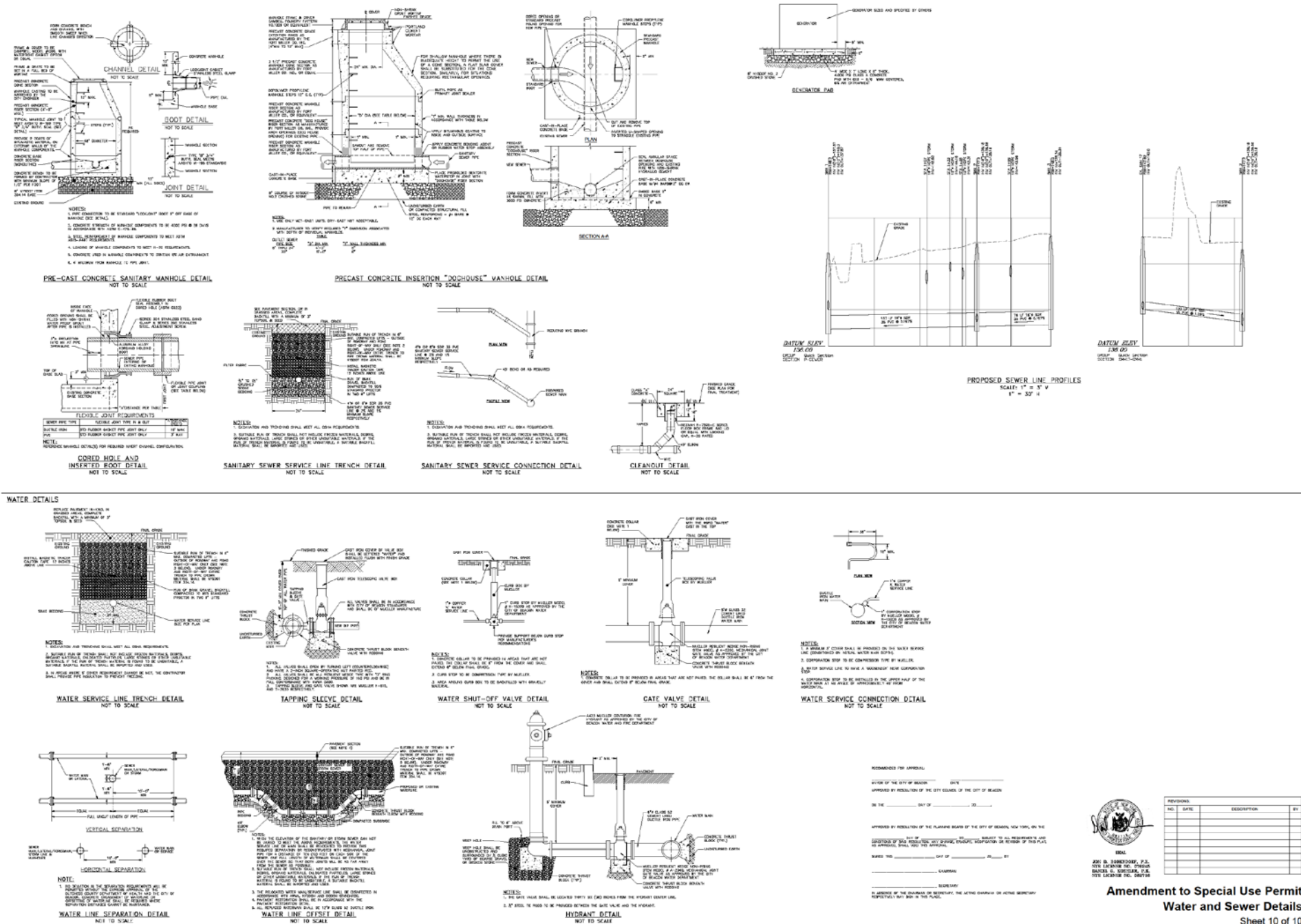
Amendment to Special Use Permit
Grading And Utility Plan
Sheet 6 of 10



Site Details



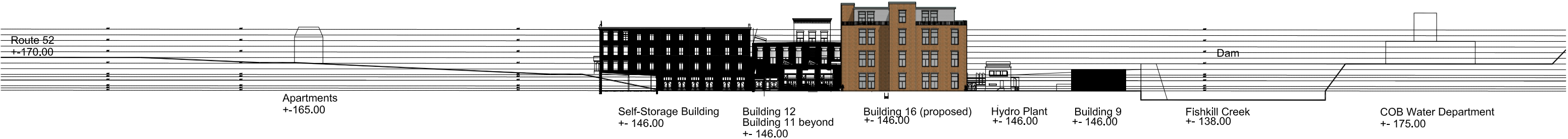
Stormwater Details



Water & Sewer Details

Amendment to Special Use Permit
Water and Sewer Details
Sheet 10 of 10

Beacon HIP Lofts
Station, New York
Scale: As Noted
July 25, 2017



Site Section Diagram

City of Beacon Planning Board
1/17/2018

Title:

18 West Main Street

Subject:

Application submitted by Beacon Todd, LLC, 18 West Main Street, Tax Grid No. 30-5954-26-647966-00, Linkage Zone, seeking relief from Section 223-15(E)(1)(c) for a sign that projects above the eaves of the building (Brett's True Value Hardware Store)

Background:

ATTACHMENTS:

Description	Type
18 West Main Application	Application
18 West Main EAF	EAF
18 West Main Sign	Backup Material

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: BEACON TODD LLC

ADDRESS: 4 CROSS ST
BEACON, NY 12508

TELEPHONE: 646.284.3118

E-MAIL: JDONOVAN@HUDSONTODD.COM

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: DPBA Architects, PLLC

ADDRESS: 46 VERPLANCK AVE
BEACON, NY 12508

TELEPHONE: 732.371.6471

E-MAIL: SHASAN@DPBARHITECTURE.COM
DBURKE@DPBARHITECTURE.COM

PROPERTY LOCATION: 18 WEST MAIN STREET
BEACON, NY 12508

ZONING DISTRICT: LINKAGE, L-ZONE

TAX MAP DESIGNATION: SECTION 5954

BLOCK 26 LOT 647966

Section of Zoning Code appealed from or Interpretation desired:

RELIEF FROM SECTION 223-15. E.1.C. "NO SIGN SHALL PROJECT ABOVE THE EAVES OF THE BUILDING ON WHICH IT IS AFFIXED OR, IF NO EAVES REST THEREON, THE ROOF, NOR SHALL ANY SIGN EXTEND MORE THAN SIX INCHES T ANY REQUIRED YARD."

Reason supporting request:

THE BUILDING IS LOCATED LOWER THAN STREET LEVEL, AND VISIBILITY OF SIGNS LOCATED BELOW THE ROOF EAVES, AS PER 223-15.E.1.C., WILL BE OBSCURED BY STREET PARKING. THIS REQUEST SEEKS TO LOCATE TENANT RETAIL SIGNAGE ABOVE THE ROOF EAVE.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

SITE PLAN, ELEVATION, PHOTOGRAPHS OF STREET VIEWS

Date: 19 DECEMBER 2017



Owner's Signature

Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250

Applicant's Signature

****escrow fees may apply if required by Chairman****

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: JOSEPH DONOVAN

646-284-3118

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

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

SEE ATTACHED LIST OF OWNED PROPERTIES IN BEACON, NY 12508

Applicant Address: 4 CROSS STREET, BEACON, NY 12508

Project Address: 18 W. MAIN STREET, BEACON, NY 12508

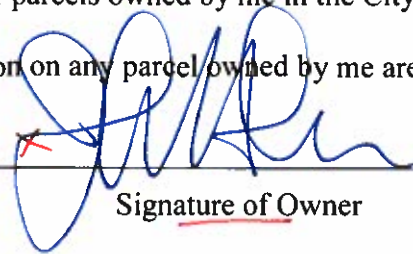
Project Tax Grid # 647966

Type of Application Variance

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, JOE DONOVAN, 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 ✓
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon NO
3. ALL tax payments due to the City of Beacon are current YES
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon NO
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon NO
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current YES



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.)

NO ✓

YES

Initial

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

✓

JD

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

Oct 2011 ✓
4 cross

✓

JD

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 entity)

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. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

IF AFFIANT IS A PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity <i>Beacon Todd LLC</i>	Address of Entity <i>4 Cross St, Beacon, NY 12508</i>
Place where such business entity was created <i>NYS</i>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <i>NYS Dept of State</i>
Date such business entity or partnership was created <i>28-Nov-2014</i>	Telephone Contact Information <i>646-284-3118</i> <i>jDonovan@HudsonTodd.com</i>

IF AFFIANT IS A CORPORATION:

Name of Entity	Telephone Contact Information
Principal Place of Business of Entity	Place and date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

[illegible]

SECTION C. 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.
Beacon Todd LLC			purchase 27-Jul-2015	Dutchess Co.

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?



YES



NO

Name	Employer	Position
Joseph H Donovan	self	investor/manager/builder
Janet T. StGoar	"	" " "

SECTION E. Is any party identified in Sections A- C 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 F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ YES ☒ NO

[illegible]

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
<u>Beahat LLC</u>	<u>60 Cronomet Heights Dr, Hawthburgh 12550</u>

SECTION H. 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.

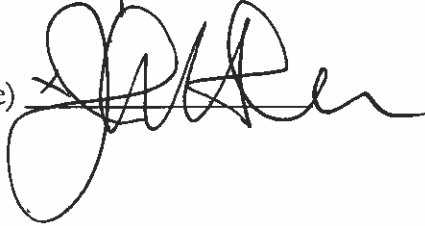
SECTION I. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES

☒ NO

I, Joseph H. Donovan being first duly sworn, according to law, deposes and says that I am (Title) managing mbr, an active and qualified member of the Beacon Todd LLC a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) X Joseph H. Donovan

(Signature) 

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information																		
Name of Action or Project:																		
Project Location (describe, and attach a location map): 18 W. MAIN STREET, BEACON, NY 12508																		
Brief Description of Proposed Action: LOCAL HARDWARE STORE OWNER SEEKS TO LOCATE RETAIL SIGNAGE ABOVE ROOF EAVE. THE BUILDING WHERE THE HARDWARE STORE IS LOCATED, IS LOWER THAN STREET LEVEL, AND VISIBILITY OF SIGN LOCATED BELOW THE ROOF EAVE WILL BE OBSCURED BY STREET PARKING.																		
Name of Applicant or Sponsor: BEACON TODD LLC		Telephone: 646.284.3118																
		E-Mail: JDONOVAN@HUDSONTODD.COM																
Address: 4 CROSS STREET																		
City/PO: BEACON		State: NY	Zip Code: 12508															
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%;"><tr><td style="width: 50%;">NO</td><td style="width: 50%;">YES</td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%;"><tr><td style="width: 50%;">NO</td><td style="width: 50%;">YES</td></tr><tr><td style="text-align: center;"><input checked="" type="checkbox"/></td><td style="text-align: center;"><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
NO	YES																	
<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		2.346 acres																
b. Total acreage to be physically disturbed?		— acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.346 acres																
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input checked="" type="checkbox"/> Urban</td><td><input type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
EASTING STORMWATER HANDLING REMAINS UNCHANGED			<input checked="" type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>underground tanks on adjoining parcel have been removed more than 10 years ago to date.</u>	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>X Beacon Todd LLC</u>	Date: <u>X 19-Dec-2017</u>	
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

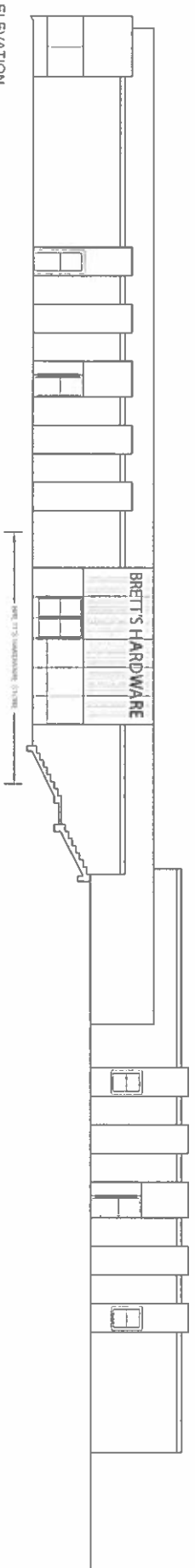
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

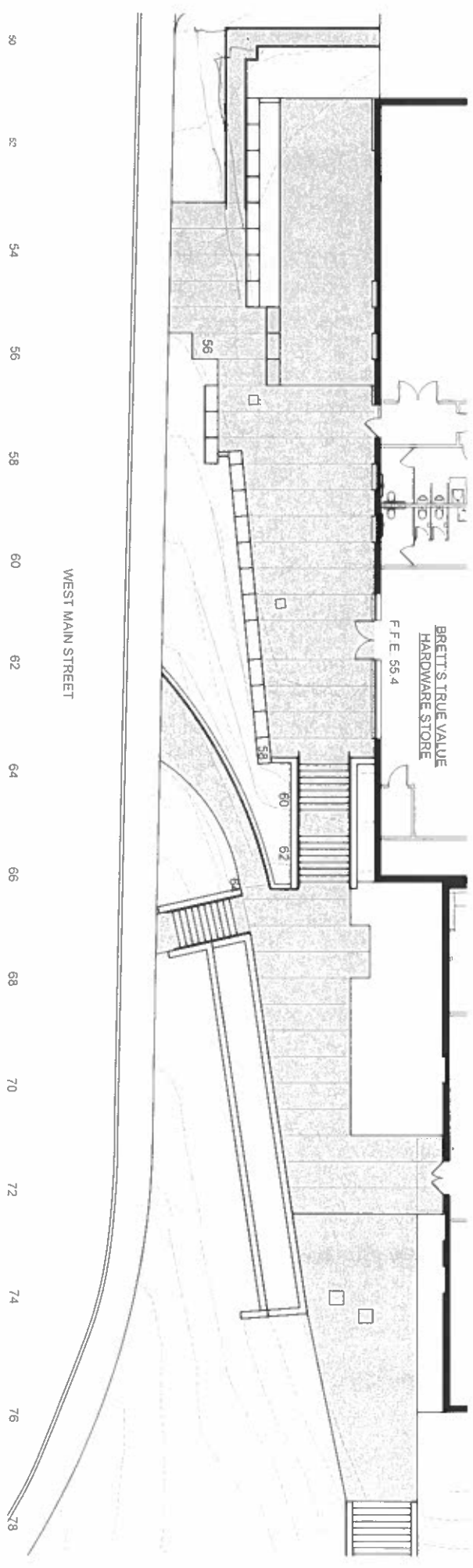
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

1 SOUTH ELEVATION

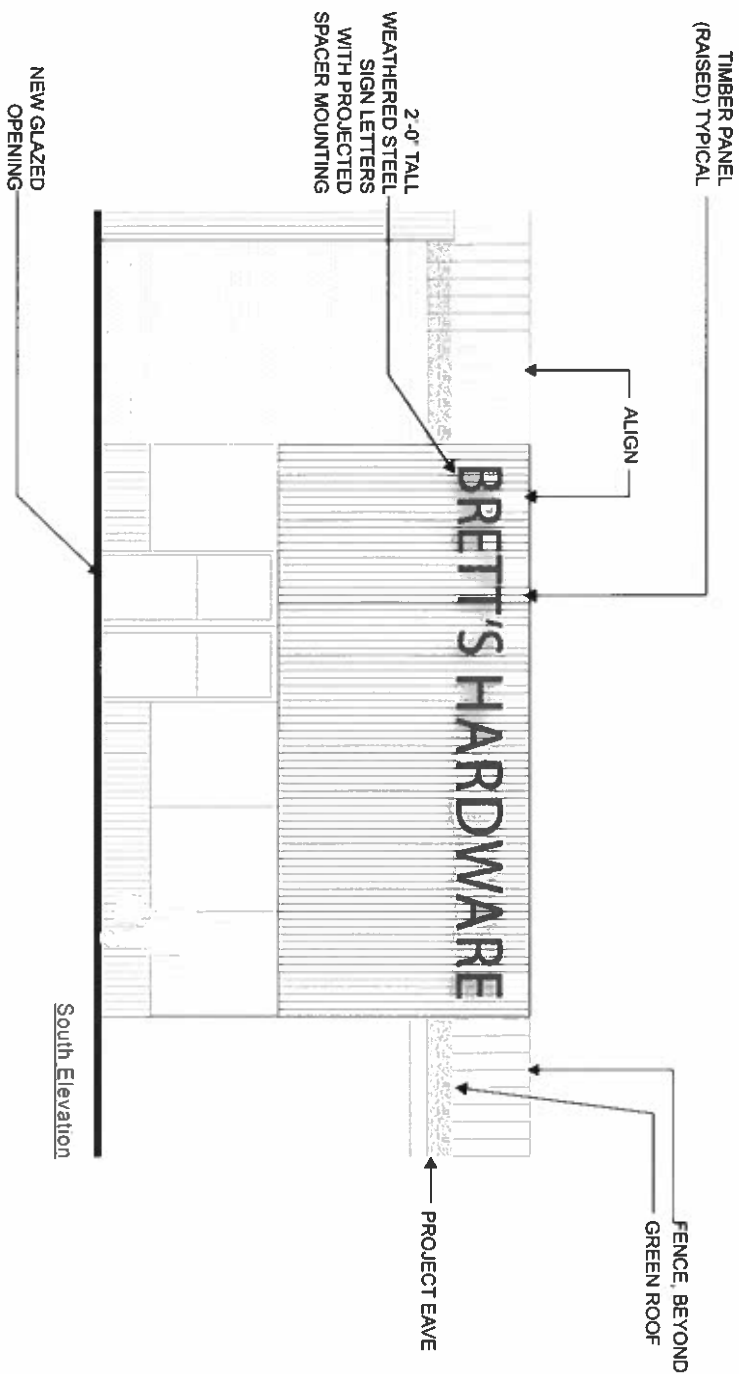


2 SITE PLAN



ALLOWABLE SIGNAGE CRITERIA
FOR 70'-0" LF STREET FACING
ALLOWABLE SIGNAGE AREA = 70 SF
MAX ALLOWABLE HEIGHT = 2'-0"
SIGN MUST BE BELOW PROJECT EAVES

PROPOSED SIGNAGE
ACTUAL SIGN AREA = 50 SF
ACTUAL SIGN HEIGHT = 2'-0"
SIGNAGE LOCATION = ABOVE EAVE



EXISTING STREET VIEWS



VIEW LOOKING NORTHEAST ON WEST MAIN STREET



VIEW LOOKING NORTHEAST ON WEST MAIN STREET



VIEW LOOKING NORTHWEST ON WEST MAIN STREET



VIEW LOOKING NORTHWEST ON WEST MAIN STREET

City of Beacon Planning Board
1/17/2018

Title:

410 Fishkill Avenue

Subject:

Application submitted by DKH Realty, LLC, 410 Fishkill Avenue, Tax Grid No. 30-6055-80-416064-00, GB Zoning District, seeking relief from the following: Section 223-15(E)(2) to allow two free standing signs (*one sign permitted*); Section 223-15(E)(2)(a) to allow signs to exceed 20 sq. ft.; and Section 223-5(E)(2)(c) to allow signs to exceed 12 ft. in dimension

Background:

ATTACHMENTS:

Description	Type
410 Fishkill Avenue Application	Application
410 Fishkill Avenue EAF	EAF
410 Fishkill Avenue Sign	Backup Material

ZONING BOARD OF APPEALS
City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Dwight Healey ADDRESS: 410 Fishkill Avenue Beacon NY 12508

TELEPHONE: 845-220-9400 E-MAIL: dhealey@healeybrothers.com

APPLICANT (if not owner): Sign Here Sign Company ADDRESS: 808 Pennsylvania Ave Matamoras PA 18336

TELEPHONE: 670-491-4373 E-MAIL: signhere@signheresignco.com

REPRESENTED BY: _____ ADDRESS: _____

TELEPHONE: _____ E-MAIL: _____

PROPERTY LOCATION: 410 Fishkill Avenue ZONING DISTRICT: GB

TAX MAP DESIGNATION: SECTION 6056 BLOCK 80 LOT 424048

Section of Zoning Code appealed from or Interpretation desired:

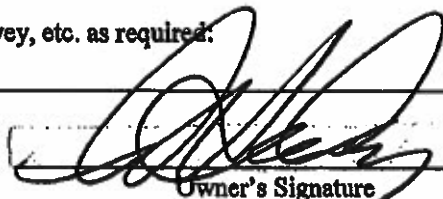
223-15E (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that (a) The building is set back not less than 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area (b) The building is set back not less than 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area. (c) No dimension shall exceed 12 feet.

Reason supporting request:

Per Dealership agreement dealer is obligated to utilize a pylon sign that states "Certified Pre-Owned". No provisions are made to accommodate existing free standing structure.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

Date: _____


Owner's Signature

Fee Schedule
AREA VARIANCE \$ 250
USE VARIANCE \$ 500
INTERPRETATION: \$ 250

Applicant's Signature

****escrow fees may apply if required by Chairman****

- Section 223-15(E)(2) to allow two free standing signs (one permitted)
Section 223-15(E)(2)(a) to allow signs to exceed 20 sq. ft.
Section 223-15(E)(2)(c) to allow signs to exceed 12 ft. in dimension

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: DKH REALTY

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

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

409 Fishkill Avenue Beacon NY 12508

Applicant Address: 2528 Route 17M Goshen NY

Project Address: 410 Fishkill Avenue Beacon NY 12508

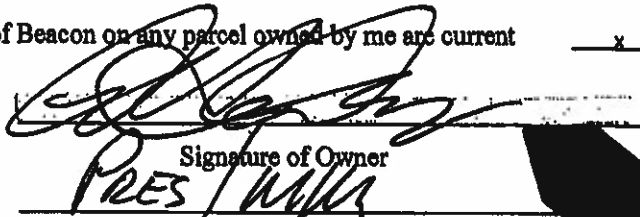
Project Tax Grid # _____

Type of Application Sign Variance

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, Dwight Haaley, 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


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
<u>✓</u>	<u>—</u>	<u>EB</u>
<u>—</u>	<u>✓</u>	<u>g</u>
<u>—</u>	<u>✓</u>	<u>g</u>

FOR OFFICE USE ONLY
Application #

CITY OF BEACON
1 Municipal Plaza, Beacon, NY
Telephone (845) 838-5000 • <http://cityofbeacon.org/>

INDIVIDUAL 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) 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 A

Name of Applicant: Dwight Healey

Address of Applicant: 410 Fishkill Avenue Beacon NY 12508

Telephone Contact Information: 845-220-9400

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.

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

(Print) Dwight Healey
(Signature) [Signature]

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 entity)

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. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.**IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:**

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

IF AFFIANT IS A CORPORATION:

Name of Entity Healey Hyundai	Telephone Contact Information 914-474-3305
Principal Place of Business of Entity Goshen NY	Place and date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Dwight Healey	5 Andrea Court Goshen NY	914-474-3305	100%

SECTION C. 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.
DHK Realty	2528 Route 17m Goshen NY	914-474-3305		Beacon Town Hall Beacon NY

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☒

YES

☐

NO

Name	Employer	Position
Dwight Healey	DKH Realty	Principle

SECTION E. Is any party identified in Sections A- C 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 F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ YES ☒ NO

Current Name	Other Names

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
DKH Realty	2520 Route 17m Goshen NY 10925

SECTION H. 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 I. 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, Dwight Henney being first duly sworn, according to law, deposes and says that I am (Title) Owner, an active and qualified member of the DKH Realty, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Dwight Henney

(Signature) 

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Healey Hyundai			
Name of Action or Project: Healey Hyundai			
Project Location (describe, and attach a location map): 410 Fishkill Avenue Beacon NY 12508			
Brief Description of Proposed Action: Installing Hyundai "Certified Pre-Owned" pylon. As per dealer and manufacturer agreement.			
Name of Applicant or Sponsor: Sign Here Sign Co		Telephone: 570-491-4373	
		E-Mail: signhere@signheresignco.com	
Address: 808 Pennsylvania Avenue			
City/PO: Matamoras	State: PA	Zip Code: 18336	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		N/A acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		N/A acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Dina Goss Office Manager/Sign Here Sign Co</u>		Date: <u>12/13/17</u>
Signature: <u><i>Dina Goss</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div style="display: flex; justify-content: space-between;"> <div>_____ Name of Lead Agency</div> <div>_____ Date</div> </div>	
<div style="display: flex; justify-content: space-between;"> <div>_____ Print or Type Name of Responsible Officer in Lead Agency</div> <div>_____ Title of Responsible Officer</div> </div>	
<div style="display: flex; justify-content: space-between;"> <div>_____ Signature of Responsible Officer in Lead Agency</div> <div>_____ Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT



Location:

AGI Rep: J.B.

Drawn by: M. Johnson

Survey ID: N/A

Project Title: Hyundai GDSI

Site ID: N/A

Scale: NTS

Date: 12/6/2017

Date Revised:



**AGI YOUR IMAGE.
OUR PRIORITY.**

2635 Interlaken Parkway, Virginia Beach, VA 23452
PHONE: (757) 427-1900 • Fax (757) 420-1297
www.AGI.com

This document is the sole property of AGI. It is to be used for the purpose of the project only and is not to be reproduced, stored, or used for any other purpose without the written consent of AGI. AGI is not responsible for any errors or omissions in this document. AGI is not responsible for any damage or loss of data or equipment resulting from the use of this document. AGI is not responsible for any consequences arising from the use of this document. AGI is not responsible for any claims, damages, losses, or expenses of any kind or nature, including reasonable attorneys' fees, that may be incurred by or for any party as a result of the use of this document. AGI is not responsible for any claims, damages, losses, or expenses of any kind or nature, including reasonable attorneys' fees, that may be incurred by or for any party as a result of the use of this document.

City of Beacon Planning Board
1/17/2018

Title:

409 Fishkill Avenue

Subject:

Application submitted by DKH Realty, LLC, 409 Fishkill Avenue, Tax Grid No. 30-6055-80-416064-00, GB Zoning District, seeking relief from Section 223-15(E)(1) to install three new signs affixed to the building's outer wall (*one sign permitted*), and Section 223-15(E)(1)(b) to allow signs to exceed 2 ft. in height

Background:

ATTACHMENTS:

Description	Type
409 Fishkill Avenue Application	Application
409 Fishkill Avenue EAF	EAF
409 Fishkill Avenue Signs	Backup Material

ZONING BOARD OF APPEALS
City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Dwight Healey

ADDRESS: 409 Fishkill Avenue Beacon NY 12508

TELEPHONE: 845-220-9400

E-MAIL: dhealey@healeybrothers.com

APPLICANT (if not owner): Sign Here Sign Company

ADDRESS: 808 Pennsylvania Ave Matamoras PA 18336

TELEPHONE: 570-491-4373

E-MAIL: signhere@signheresignco.com

REPRESENTED BY: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 409 Fishkill Avenue

ZONING DISTRICT: GB

TAX MAP DESIGNATION: SECTION 6055 BLOCK 80 LOT 416064

Section of Zoning Code appealed from or Interpretation desired:

223-15E (1)(B)- No sign shall exceed 2' in height and Section 223-15(E)(1) to install three new signs affixed to the building's outer wall (one sign permitted)

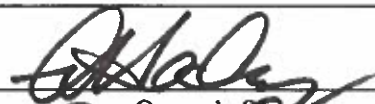
Reason supporting request:


Per Dealership agreement dealer is obligated to utilize a larger sign than code allows.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

Attached is survey from Mitsubishi with their Sign package

Date: 11-21-17


Owner's Signature


Applicant's Signature

Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250

*****escrow fees may apply if required by Chairman*****

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: DKH REALTY

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

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

410 Fishkill Avenue Beacon NY 12508

Applicant Address: 2528 Route 17M Goshen NY

Project Address: 409 Fishkill Avenue Beacon NY 12508

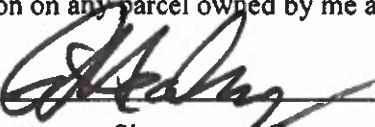
Project Tax Grid # _____

Type of Application Sign Variance

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, Dwight Healey, 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 | <u> x </u> |
| 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon | <u> </u> |
| 3. ALL tax payments due to the City of Beacon are current | <u> x </u> |
| 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon | <u> </u> |
| 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon | <u> </u> |
| 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current | <u> x </u> |


Signature of Owner

MEM. MGR
Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	<u>✓</u>	<u> </u>	<u>EH</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<u> </u>	<u> / </u>	<u> </u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<u> </u>	<u> / </u>	<u> </u>

FOR OFFICE USE ONLY

Application #

CITY OF BEACON**1 Municipal Plaza, Beacon, NY****Telephone (845) 838-5000 • <http://cityofbeacon.org/>****INDIVIDUAL 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) 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: Dwight HealeyAddress of Applicant: 409 Fishkill Avenue Beacon NY 12508Telephone Contact Information: 845-220-9400**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.

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

(Print)

DW/6H/ATKIN

(Signature)



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 entity)

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. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

IF AFFIANT IS A CORPORATION:

Name of Entity HEALEY BROTHERS MITSU	Telephone Contact Information 8 914- 474-3305
Principal Place of Business of Entity Goshen NY	Place and date of incorporation GOSHEN NY, 6-26-2000
Method of Incorporation L.L.C.	Official place where the documents and papers of incorporation were filed GOSHEN NY

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

[illegible]

SECTION C. 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.
DKH REALTY	2528 ROUTE 17m Goshen NY	914-474-3305	6-26-2000 REAL ESTATE TRANSACTION	BEACON TOWN HALL

BEACON NY

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?



YES



NO

Name	Employer	Position
Dwight Heavey	DKH Realty	Principle

☐ YES ☒ NO

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

☐ YES ☒ NO

[illegible]

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
DKH REALITY	2520 Route 17 m GOOSHEN NY 10925

SECTION H. 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 I. 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, Dwight Healey being first duly sworn, according to law, deposes and says that I am (Title) Principle, an active and qualified member of the DKH Reality, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) DWIGHT HEALEY

(Signature) [Signature]

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Healey Mitsubishi			
Name of Action or Project: Healey Mitsubishi			
Project Location (describe, and attach a location map): 409 Fishkill Avenue Beacon NY 12508			
Brief Description of Proposed Action: Replacing former brand (Hyundai) signage with new brand (Mitsubishi) signage as required by Manufacturer/Dealership agreement.			
Name of Applicant or Sponsor: Sign Here Sign Co		Telephone: 570-491-4373	
		E-Mail: signhere@signheresignco.com	
Address: 808 Pennsylvania Avenue			
City/PO: Matamoras		State: PA	Zip Code: 18336
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		N/A acres	
b. Total acreage to be physically disturbed?		N/A acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		N/A acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Dina Goss Office Manager/Sign Here Sign Co</u>		Date: <u>11/27/17</u>
Signature: <u><i>Dina McGoss</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

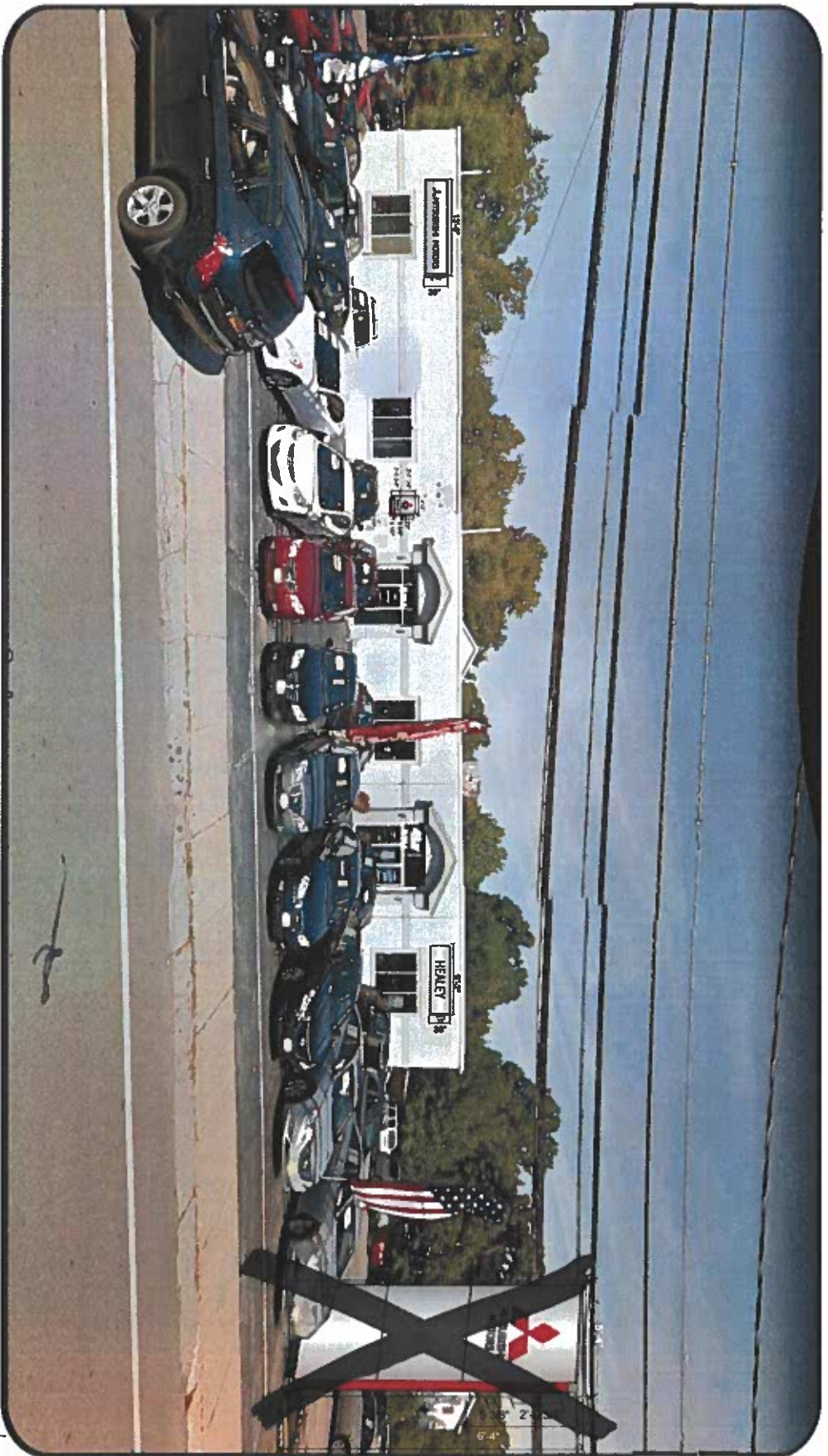
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT



16 3" OAH

Rylen Approved
by Dave Buckle,



S40 Badge

A

FRONT VIEW @ S40 BADGE (*PRE-OWNED)
 S40 WALL CABINET
 ILLUMINATED CABINET SIGN
 40 SQ.FT.



S34 Dealer Name

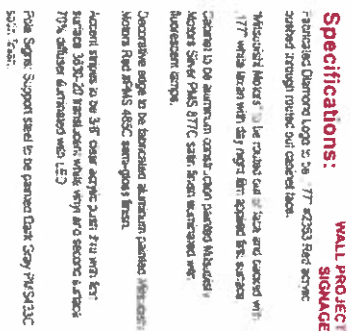
B

FRONT VIEW @ S34 DEALER NAME
 S34 WALL CABINET
 ILLUMINATED CABINET SIGN
 34 SQ.FT.

GI YOUR IMAGE.
OUR PRIORITY.

2655 International Parkway
 P.O. Box 9145
 Virginia Beach, VA 23450
 (757) 427-1300

Date	Project Name	Order #	Inst.	Installer	Site	Revision Notes
11/17/17	Highway 10000000					
Scale: As Shown	Address: 409 E. 2nd St. Norfolk					
Drawn: J. Smith	City/State: Norfolk, VA					
Sales: J. Smith	Estimate: 17-1278	Qty:				
	Client Approval:					



City of Beacon Planning Board
1/17/2018

Title:

Wolcott Avenue - "Parcel L"

Subject:

Application submitted by River Ridge Views, LLC, Wolcott Avenue (a.k.a. Parcel "L"), Tax Grid No.'s 5954-26-637879, 649885 & 630770-00, RD-7.5 Zoning District, seeking relief from Section 223-17(C) to construct a new residential development with buildings that have less than 18.9 ft. between buildings where 70 ft. is required

Background:

ATTACHMENTS:

Description	Type
River Ridge Cover Letter	Cover Memo/Letter
River Ridge Application	Application
River Ridge Entity Disclosure Form	Application
River Ridge Affidavit of Property Owner	Application
River Ridge Exhibit A Site Plan	Plans
River Ridge Exhibit B Building Elevation	Backup Material
River Ridge Exhibit C	Backup Material
River Ridge Exhibit D	Backup Material



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Jennifer L. Van Tuyl
jvantuyl@cuddyfeder.com

December 22, 2017

By e-mail and by hand

Chairman John Dunne
and Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: **River Ridge Views, LLC –application for area variance for “Minimum distance between facing buildings” (bulk schedule for RD- 7.5 District)**
Parcel L, Beacon, New York 12508 (SBL: 5954-34-630770, 637879 and 649885)

Dear Chairman Dunne and Members of the Zoning Board of Appeals:

Documents submitted in support of application:

The Applicant respectfully requests submits the following documents in support of its Application for a variance from the required 70 feet separation between buildings so as to authorize the proposed building layout, which provides a minimum separation of 18.9 feet at the corner between Building Group 2 and Building Group 3.

Enclosed are the following:

1. Application for variance.
2. \$250 application fee.
3. Entity disclosure form and related materials.
4. Site Plan showing proposed 18-unit single-family townhouse project, located on Wolcott, just south of the Reformed Church, on property known as “Parcel L” (**Exhibit A**).
5. Rendered elevations which show the appearance of the proposed project from all sides (**Exhibit B**).
6. Materials discussing impact of project on community character, and showing how the proposed layout has been designed to enhance community character to the maximum extent possible (**Exhibit C—“Project Materials Relating to Community Character”—separately submitted**).
7. Alternate layouts considered at the Planning Board (**Exhibit D**).

C&F: 3618234.2



December 22, 2017

Page -2-

Brief Factual Summary of Application:

River Ridge Views, LLC has applied for Site Plan approval to build 18-unit single-family townhouse Project (the “Project”) (see **Exhibit A**). The appearance of the Project is shown in the rendered elevations provided in **Exhibit B**.

The proposed building layout serves a particular purpose: it provides maximum protection and privacy to the Reformed Church immediately to the north because it presents a finished appearance toward the Church, blocking views of the private service areas behind the townhouses. It also provides maximum privacy to Hammond Plaza to the southwest, by keeping the River Ridge townhouses at the higher elevation. Representatives of the Church and Hammond Plaza have appeared at the Planning Board and supported the proposed building layout. This layout provides an attractive and finished view to the streetscape and the neighborhood, which is located within the Historic Landmark Overlay District (“HLOD”).

The proposed layout requires one variance. Building Group 2 and Building Group 3 on the Site Plan are placed in the shape of an “L.” In the area closest to the inside corner of the “L,” the buildings do not meet the minimum building separation, which is 70 feet (“twice the height of the facing buildings”).¹ At its narrowest point, the proposed separation between the buildings is 18.9 feet (i.e., at the inner “corner” of the “L”). But this minimal separation extends only for a short distance. The separation grows increasingly wider along the wings of the “L,” until the minimum separation distance of 70 feet is met. Overall, the Project has a very open feel, and preserves substantial portions of the site as open space.

At the hearing, the Applicant will describe the factual nature of the Application in further detail.

THE LEGAL TEST FOR AREA VARIANCES

As background for our appearance, the following is a brief summary of how our Application meets the applicable balancing test for issuance of an area variance.

The overall legal test is a balancing test: weighing the *benefit* of the variance to the Applicant, as against the actual *detriment*, if any, to the neighborhood from the granting of the variance.² If the benefit to the Applicant outweighs the actual harm to the community, the Applicant is legally entitled to receive the area variance. The law does not require an Applicant for an area variance to establish any “hardship.” The hardship standard applies only to use variances.

¹ The small unmarked “connector” between Building Group 2 and Building Group 2 is an accessory building, which has no effect on the separation requirement.

² See GEN. CITY LAW § 81-b; CITY OF BEACON ZONING CODE § 223-55(C)(2).



December 22, 2017

Page -3-

In this case, the benefit to the Applicant of the proposed layout is actually shared by the community. There is no detriment to the community. In fact, the proposed layout provides the neighbors which a much better view of the Property than they would otherwise have.

5 FACTOR ANALYSIS OF THE BUILDING SEPARATION VARIANCE

In applying the overall balancing test, five particular factors must also be considered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance.

Community character has been studied at length during the Planning Board review. (see **Exhibit C**). 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. The proposed Project lies within the HLOD and is in proximity to historic resources, including the National Register-listed Old Dutch Reformed Church. The Project is also located within the Waterfront Revitalization Management Area, which requires preservation of significant viewsheds, of which one of the identified viewing points is at Rombout Avenue and Route 9D, directly across the street from the entrance of the Project. Finally, the rear of the Project is adjacent to Hammond Plaza, an existing multifamily residential complex.

The Project has been sensitively designed to minimize the impact on all its neighbors, and the proposed layout is that which is most compatible with community character. The layout is favored by the Project's neighbors – including residents of Hammond Plaza and the representative of the Old Dutch Reformed Church – because it promotes both a neat neighborhood appearance and privacy for neighboring properties.

The proposed “L-shape” pattern of building layout is not foreign to the neighborhood. In fact, the proposed layout is very similar to that of Hammond Plaza, which also presents an “L-shape” angle at the intersection of its eastern and northern building. The layout of Hammond Plaza is shown on the Site Plan (**Exhibit A**) as well as in the Neighborhood Map (part of **Exhibit C**). The narrowest point of River Ridge’s “corner” separation (18.9 feet) is akin to, and actually slightly larger than, the narrowest point of Hammond Plaza’s separation at the similar corner (13.3 feet). The proposed building layout also helps the Project maintain its substantial distance from Hammond Plaza, providing privacy for both projects, separated by a generously landscaped retaining wall featuring native plantings.

The “L-shape” layout also does the best job of separating the residential uses from the Church. The proposed layout provides long-term privacy for the Church by avoiding views from the churchyard into the parking areas of the residential Project and presents a neat and uniform appearance facing the Church. The building length and layout have been designed to be of a scale

C&F: 3618234.2



December 22, 2017

Page -4-

that relates well to the adjacent Church and is supported by the Church, but also to be consistent with the nearby single-family homes located across Wolcott Avenue in the HLOD.

In summary, the variance plan actually has a better effect on community character than the alternative plans that do not require a 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.

There is no other feasible method for the Applicant to pursue besides requesting the building separation variance. To be considered feasible, the alternative must still provide the benefit sought by the Applicant and must be feasible for the Applicant to pursue.

The Applicant and Planning Board explored several alternate options for site layout to the Planning Board (see **Exhibit D**), but there was a consensus that the proposed layout is the most beneficial for all neighbors. The overall “L-shape” pattern is congruent with the nearby Hammond Plaza, which also presents an “L-shape” angle at the intersection of its eastern and northern building. Further, this layout provides the maximum possible separation distance between the Project and Hammond Plaza. The Church prefers the proposed layout to the other alternatives, as the “L-shape” layout does the best job of separating the residential uses from the Church. Each of the alternate layouts has substantial areas where the churchyard would look in to paved parking areas next door. Plantings alone would not totally screen these views, and plantings can lose their screening effect as they get older and more open. The proposed layout provides long-term privacy for the Church by avoiding views from the churchyard into the parking areas of the residential Project, and presents a neat and uniform appearance facing the Church.

Therefore, based on all the necessary considerations in layout out a plan consistent with community needs, the Applicant has no other feasible method to pursue as an alternative to requesting the instant variance.

3. Whether the requested area variance is substantial, and as a related question, whether the variance is the minimum necessary and adequate to achieve the benefit to the applicant while preserving the health, safety, and welfare of the neighborhood.

Upon the consideration of the facts and circumstances in the instant Application, the requested area variance is not substantial. “Substantiality” is not solely a matter of the mathematical proportion of the permitted minimum that the Applicant is seeking to vary.³ Rather, the

³ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003)(“consideration of the percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality....[A] large deviation can have little or no impact depending on the circumstances of the variance application.”); Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, Misc.3d 1120(A), 873 N.Y.S.2d 512 (Table), 2007 WL 56495232007 N.Y. Slip. Op. C&F: 3618234.2



December 22, 2017

Page -5-

important test of substantiality is whether the variance will actually have a detrimental effect on the surrounding neighborhood.⁴

Here, the requested variance is not substantial in its effect, since the nonconformity exists at its most extreme only at the narrowest point of the “L”, and widens thereafter until the minimum 70-foot separation requirement is met. The zoning compliance problem is inherent in the L-shape configuration, which necessarily results in the close proximity of buildings at the “corner” of the L.” The layout has a positive purpose in project design and echoes the layout of its closest neighbor.

Substantiality also should be considered in the context of the purpose of the regulation. The separation requirement applies to “facing” buildings. The buildings in an “L-shape” layout don’t really “face” each other in a traditional sense. While the regulation makes sense in the context of large apartment buildings that actually face each other along the entire length of a building, it has less apparent a purpose in an “L-shape” townhouse layout, where the overall arrangement is very open.

In any event, even if a variance is deemed “substantial,” this factor alone does not preclude the granting of a variance, since the Applicant meets the overall balancing test.⁵

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed area variance will have no adverse impacts 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 building separation variance. In fact, the Project will improve the existing neighborhood conditions as it is more protective of neighbors’ views and is sensitive to nearby historic resources.

52571(U)(“Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.”); Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (3d Dept. 2008)(although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); *see also* Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824, 968 N.Y.S.2d 702, 705 (3d Dept. 2013)(upholding ZBA determination that an area variance).

⁴ *See* Crystal Pond Homes, Inc. v. Prior, 305 A.D.2d 595 (2d Dept. 2003) (Court overturned lot area application for 12,750 square foot lot where 21,780 was required where there were a substantial amount of substandard lots in area); Gonzalez v. ZBA of Putnam Valley, 3 A.D.3d 496 (2d Dept. 2004) (denial overturned where record showed substandard lots next to subject lot and other nearby nonconforming structures similar to that sought by applicant); Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this “does not relieve [the ZBA] from engaging in the balancing test” and the application can still be granted.”).

⁵ *See* Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this “does not relieve [the ZBA] from engaging in the balancing test” and the application can still be granted.”).



December 22, 2017

Page -6-

The Project will have little or no significant traffic impacts.⁶ A photometric lighting plan has been submitted to the Planning Board demonstrating that there will be no light spillage off the property. A stormwater pollution prevention plan (“SWPPP”) for the Project has been submitted, which ensures that the Project will mitigate its stormwater impacts. Substantial landscape screening is proposed along the Project’s northern property line, which buffers the views of the Project from the Church in a manner that has been deemed acceptable by SHPO.⁷ The plantings take a naturalistic form that provides visual interest, rather than a simple, linear buffer planted along the property line. The generous native plantings at the rear of the site serve to screen views of the retaining wall from Hammond Plaza. The area behind Units 9 to 12, located at the southwest corner of the site, will remain undisturbed. The Project layout provides a wide opening of 70 feet at the entrance, framing a view through to the River. The Site Plan features an attractive central green immediately within the viewshed, which also preserves an historic gazebo.

The Project is a Type I action undergoing coordinated SEQRA review. A Full Environmental Assessment Form (“EAF”) has been submitted to the Planning Board as Lead Agency, which confirms that the Project will have no significant adverse environmental impacts.

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.

The alleged difficulty resulting in the need to request this variance was not self-created, but instead is a result of the shape and topography of the Property, coupled with the planning considerations and needs of neighboring properties.

It is also a well-established legal principle that, even if the hardship *were* self-created, this factor does not alone justify denial of an area variance under N.Y. General City Law §81-b(4)(b)(v).⁸

CONCLUSION

The overall test for the grant of an area variance is whether the benefit to the Applicant if the variance is granted, as weighed against any detriment to the health, safety and welfare of the neighborhood or community by such grant. After considering each of the five factors discussed above, for each of the requested variances, the Applicant respectfully submits that there is no harm to the community that weighs against the benefit to the Applicant, and that the proposed variances are the minimum variances that meet the Applicant’s needs and at the same time fully protect the character of the neighborhood and the health, safety and welfare of the community.

⁶ See Creighton Manning Letter, dated October 31, 2017.

⁷ A revised landscaping plan separating the Project from the Church was reviewed by SHPO and SHPO has submitted a letter dated December 21, 2017 confirming that the plan is acceptable.

⁸ See *Matter of Daneri v. Zoning Bd. of Appeals of Town of Southold*, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).



December 22, 2017

Page -7-

The Applicant looks forward to appearing at the Zoning Board of Appeals meeting on January 17th, 2018. Should there be any questions in the meantime, I am available at the office. My direct line is 914-872-1941.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JL Van Tuyl". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer L. Van Tuyl

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Beacon Ridge Associates, Inc.

ADDRESS: P.O. Box 391
Beacon, NY 12508

TELEPHONE: (845) 831-1700

E-MAIL:

One East Main Street, Unit 10

APPLICANT (if not owner): River Ridge Views, LLC

ADDRESS: ~~445 Main Street~~
Beacon, NY 12508

TELEPHONE: (845) 416-1808

E-MAIL:

REPRESENTED BY: Jennifer L. Van Tuyl, Esq.

ADDRESS: Cuddy & Feder
300 Westage Business Center
Suite 380
Fishkill, NY 12524

TELEPHONE: (914) 872-1941

E-MAIL: jvantuyl@cuddyfeder.com

PROPERTY LOCATION: Wolcott Avenue, Beekman Street

ZONING DISTRICT: RD-7.5

TAX MAP DESIGNATION: SECTION 5954 BLOCK 34 LOTS 630770, 637879 and 649885

Section of Zoning Code appealed from or Interpretation desired: Section 223-55 C(2) and 223-17 C: bulk schedule for RD-7.5 District "minimum distance between buildings: twice the average height of the facing buildings" to permit L-shape building configuration shown on proposed site plan, with minimum separation of 18.9 feet where 70 feet required.

Reason supporting request: See attached letter & materials.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required: Listed in letter.

Date: December 22, 2017


Owner's Signature


Applicant's Signature

Fee Schedule

AREA VARIANCE \$ 250

USE VARIANCE \$ 500

INTERPRETATION: \$ 250

****escrow fees may apply if required by Chairman****

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 entity)

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. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A. IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity River Ridge Views, LLC	Address of Entity One East Main Street, Unit #101, Beacon, NY 12508
Place where such business entity was created County of Dutchess, State of New York	Official Registrar's or Clerk's office where the document and papers creating entity were filed New York State Department of State – NYSDOS#5122791
Date such business entity or partnership was created April 20, 2017	Telephone Contact Information (845) 416-1808

IF AFFIANT IS A CORPORATION:

Name of Entity	Telephone Contact Information
Principal Place of Business of Entity	Place and date of incorporation
Method of Incorporation	Official Place where the documents and papers of incorporation were filed

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

[illegible]

SECTION E. Is any party identified in Sections A- C 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?

 X 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 and Nature of Relationship
Jean Marie Joseph City of Beacon	Receiver of Taxes	Unknown	Sister-in-law
George Joseph City of Beacon	Water Department	Unknown	Son

SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

 YES X NO

Current Name	Other Names

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
Beacon Ridge Associates, Inc.	P.O. Box 391, Beacon, NY 12508

SECTION H. 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 I. 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.

 x YES

 NO

I, Gary Joseph being first duly sworn, according to law, deposes and says that I am (Title) Managing Member, an active and qualified member of the River Ridge Views, LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Gary Joseph

(Signature) 

APPLICATION PROCESSING RESTRICTION LAW
Affidavit of Property Owner

Property Owner: Beacon Ridge Associates, Inc.

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

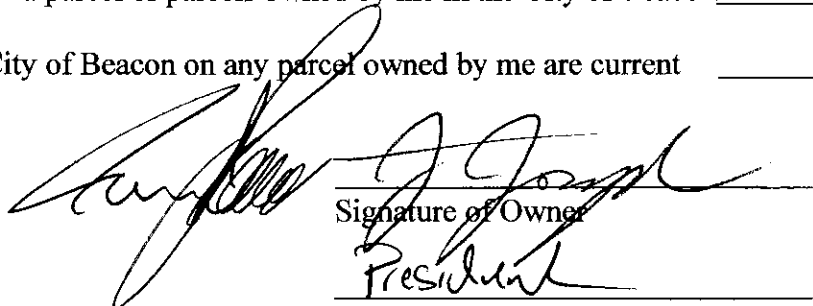
List all properties in the City of Beacon that you hold a 5% interest in:

Applicant Address: One East Main Street, Unit 101, Beacon, NY 12508
Project Address: Wolcott Avenue, Beekman Street
Project Tax Grid # 5954-34-630770, 637879 and 649885
Type of Application Area Variance

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, Ronald J. Piccon, 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 _____
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 _____
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 _____



Signature of Owner
President

Title if owner is corporation

Office Use Only:	NO YES Initial
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)	_____

Bulk Zoning Regulations Table							Required Minimum Setbacks					Proposed Setbacks																
Zoning District	Minimum Lot Area	Entire Tract Area	Lot Area Per Dwelling Unit	Dwelling Units Permitted	Lot Width	Lot Depth	Front	Side	Side total of 2	Rear	Front	Side	Rear	Proposed Building Footprint	Maximum Building Coverage	Proposed Building Coverage	Minimum Distance Between Buildings	Proposed Distance Between Buildings	Maximum Building Height	Average Building Height	Maximum Number of Stories	Proposed Number of Stories	Max. # of Units per Building	Proposed # of Units per Building	Minimum Townhouse Lot Size	Proposed Townhouse Lot Size	Maximum Building Length	Proposed Building Length
RD-7.5-1 ¹	2 acres	2,963 acres or 128,641 sf	7,500 sf	128,641 / 7500 = 17 plus 1 for density bonus for providing 2 BMR units 18 Total Proposed	200'	200'	No less than 20' and no more than 35'	25'	50'	50'	20'	25'	50'	17,907 sf	Multi-Family 15% Other Uses 20%	Multi-Family 14%	Twice the average height of the facing buildings	70' between building groups 1 and 2, 18.9' between building groups 2 and 3 (at the nearest point)	3 stories and 35'	Building Group 1 = 31.4' Building Group 2 = 31.3' Building Group 3 = 31.5'	3	3	12	11	1800 sf	1800 sf	150'	169' at south building with BMR 144' at north building 193' at building parallel to church

Notes:
k. For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required

l. In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semiatached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.

Note that a 0.62 acre portion of the entire tract is in the Linkage Zone. Density for the entire tract has been calculated at the lower density of the RD-7.5 district. No development is proposed in the Linkage portion of the property.

HATCHING LEGEND

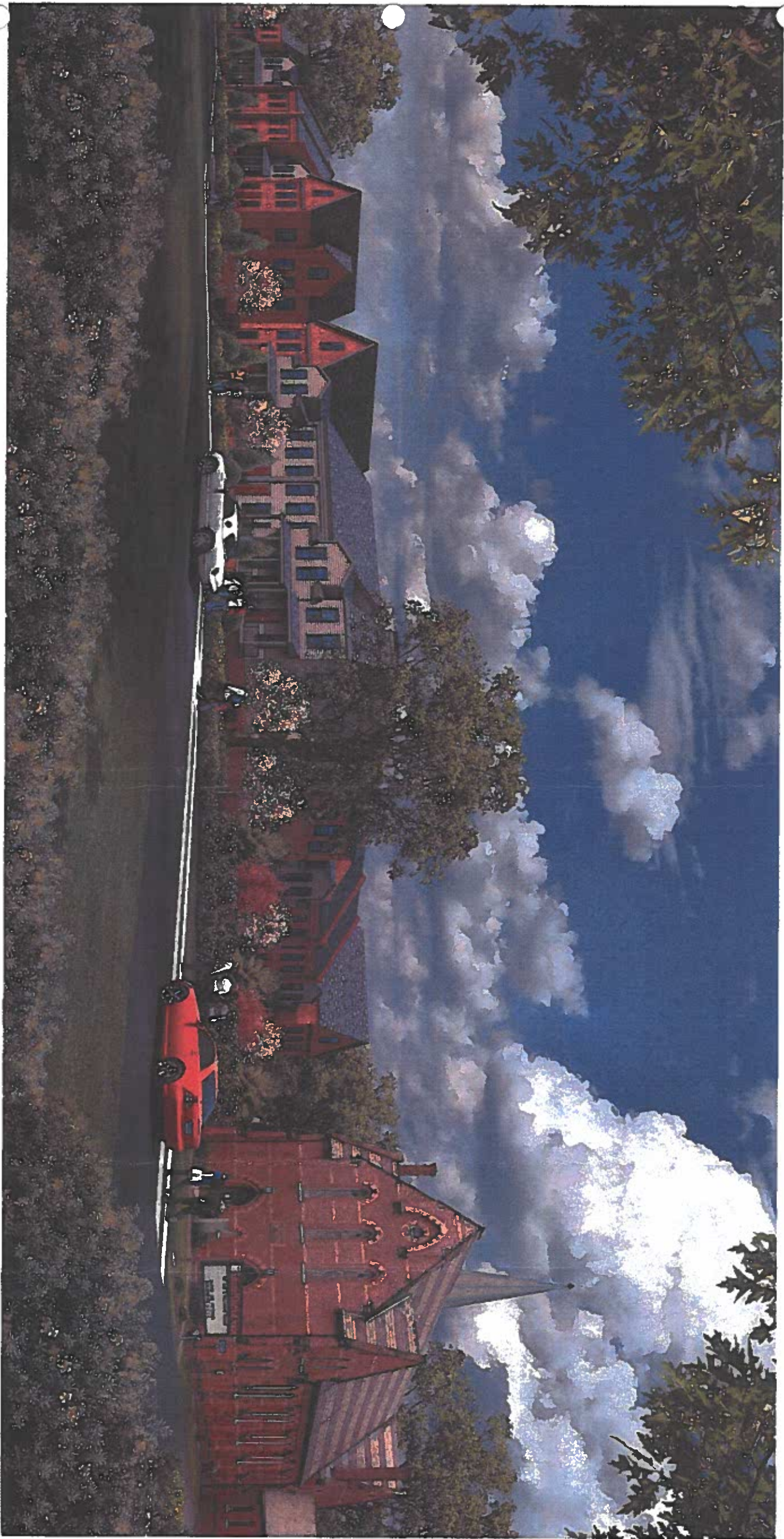
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- ASPHALT PAVING
- STONE DUST TRAIL
- GRASS
- HERBACEOUS GRASSES & PERENNIALS

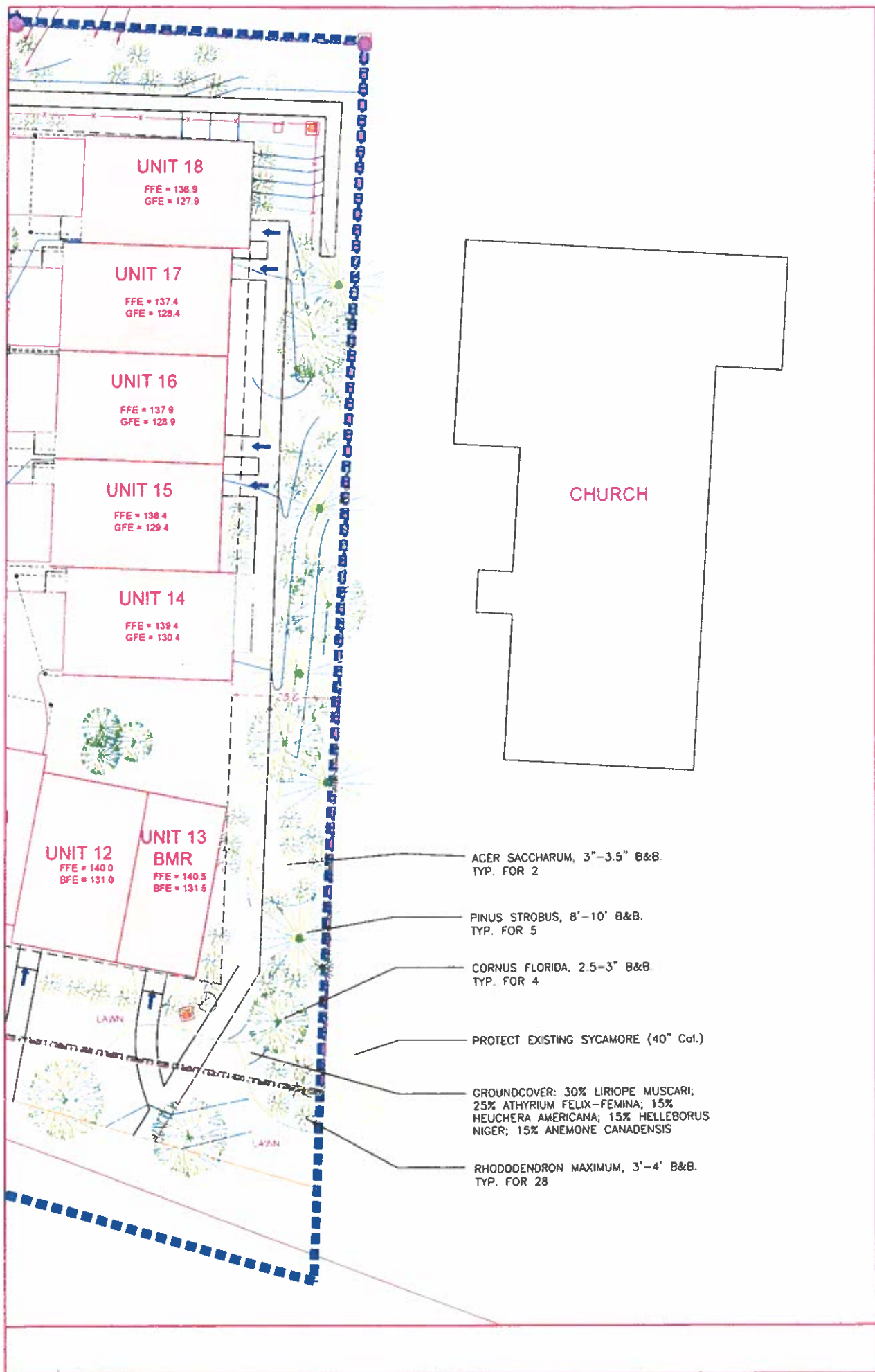
LEGEND

- CATCH BASIN
- CATCH BASIN
- WATER VALVE
- FIRE HYDRANT









Alternate Site Plan Layouts

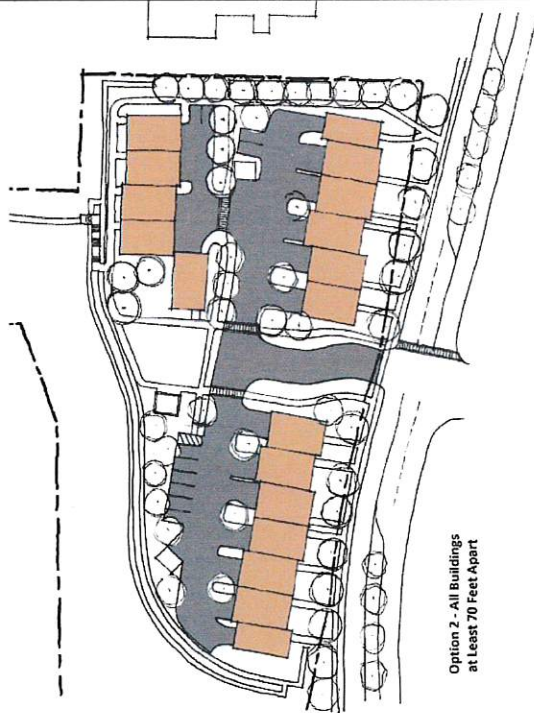


Option A



Option B

Alternate Site Plan Layouts



City of Beacon Planning Board
1/17/2018

Title:

Madison Avenue/Prospect Street

Subject:

Continue review of application submitted by Rina Shuman, corner lot at Madison Avenue and Prospect Street, Tax Grid No. 30-6054-46-208527-00, R1-10 Zoning District, seeking relief from Section 223-17(C) to construct a new single family house with a 12.2 ft. side yard setback (*15 ft. required*) and 24.7 ft. total side yard setbacks (*40 ft. required*) (***applicant requested postponement to March 2018 meeting***)

Background: