



CITY OF BEACON, NEW YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508

Mayor Randy Casale  
Councilmember Lee Kyriacou, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember John E. Rembert, Ward 2  
Councilmember Jodi M. McCredo, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

August 19, 2019  
7:00 PM  
City Council Agenda

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Public Comment:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

**Public Hearings:**

- Public Hearing Regarding Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments
- Public Hearing Regarding Concept Plan for 248 Tioronda Avenue

**Reports:**

- Council Member Amber J. Grant
- Council Member John E. Rembert
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Terry Nelson
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

**Local Laws and Resolutions:**

1. Resolution Authorizing the City of Beacon to Hire Joseph Oaks for the Vacant Water and Sewer Helper Maintenance Position
2. Resolution Rejecting Bids for the Main Street Improvement Project
3. Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction for the Teller Avenue Sanitary Sewer Replacement Project
4. Resolution Scheduling a Public Hearing for September 3, 2019 Regarding Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon Concerning a Stop Sign at the Intersection of North Elm Street and Oak Street
5. Resolution Authorizing the City of Beacon to Enter into a Dog Housing Agreement with the Dutchess County SPCA
6. Resolution Granting a Special Use Permit Extension for Edgewater (22 Edgewater Place)
7. Resolution Authorizing the City of Beacon to Enter into a Contract with Balanced Builders, Inc. for the Memorial Building Window Replacement and Exterior Painting Project

**Approval of Minutes:**

- City Council Meeting Minutes August 5, 2019

**2nd Opportunity for Public Comments:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

**Executive Session:**

1. Real Estate
2. Real Estate

**Adjournment:****Upcoming Agenda Items:**

1. Noise Ordinance Local Law
2. Main Street Parking Discussion
3. Rent Stabilization
4. City of Beacon Grant Writer
5. Nuisance Local Law
6. Linkage/CMS Zones Discussion

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Public Hearing Regarding Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Local Law Regarding Enactment of a Moratorium	Local Law
Dutchess County Planning and Development Comments Regarding Moratorium	Cover Memo/Letter
City of Beacon Planning Board Comments Regarding Local Law to Enact Moratorium	Cover Memo/Letter

**LOCAL LAW NO. \_\_\_\_ OF 2019**

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW REGARDING  
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to  
enact moratorium on  
residential and  
commercial  
development

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

**SECTION 1. TITLE**

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to land use approvals to review certain special use, site plan, and subdivision applications involving residential, commercial and mixed use developments within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

**SECTION 2. LEGISLATIVE INTENT AND PURPOSE**

The City Council hereby finds as follows:

1. The City of Beacon has seen an increase in development over the past several years. In 2017, the City was concerned that development of a large number of residential units in such a short period of time would stress the City's water supply. In response, on October 16, 2017, the City Council adopted a moratorium on residential development, including single family and mixed use developments, within the City of Beacon to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the increased rate of development in the City.
2. Thereafter, the City of Beacon retained the services of WSP (Formerly LBG Hydrogeologic & Engineering Services) in order to perform a Comprehensive Water Supply Plan (the “Plan”) for the City. The Plan included evaluating the storage

capacity of the City’s three reservoirs to estimate the safe yield of the reservoirs; conducting an extended yield test on the existing bedrock water-supply wells to determine the safe yield of the bedrock wells; conducting a groundwater exploration program at the City’s Pump House Road well field to evaluate the potential to develop a high yielding sand and gravel production well; and the evaluation of current and projected City build-out populations to determine if the City has an adequate supply of drinking water to meet the current and projected water demand. The Plan was issued in March 2018 and concluded that the City had an adequate water supply to meet the City’s current demands and projected demands through 2035 with existing resources.

3. The City’s Water Supply is made up of the following resources:

<b>Water Supply</b>	<b>Water Supply Capacity (Million Gallons Per Day-MGD)</b>
Melzingah Reservoir	0.38 mgd
Mount Beacon Reservoir	0.43 mgd
Cargill Reservoir	0.60 mgd
Well #1	0.58 mgd
Well #2	1.15 mgd
Village of Fishkill	1.20 mgd
<b>Total Water Production</b>	<b>4.34 mgd</b>

4. In February 2019, Well #2 was taken off line because tests of the well showed high turbidity from silting. WSP examined Well #2 and determined that the excessive silting was entering the well from a fracture about 240 feet down. Well #2 has remained off line while the City developed a mitigation plan to restore the well.
5. WSP performed a Water Supply Adequacy review with Well #2 out of service, incorporating and assessing the water needs of existing developments, and projects in the process of being built, recently approved and pending before the Planning Board. WSP’s review concluded that there is an adequate supply of water and an approximate surplus of 170,000 gpd (gallons per day).
6. The City has developed a course of action to correct the silting and bring Well #2 back on line. It is estimated that this work will take approximately three (3) months. The City is concerned that approving new development proposals while repairs are being made to Well #2 would be imprudent and it would not be fair to applicants to entertain new applications during this time of uncertainty because the success of the repairs to Well #2 will be unknown until the work is completed in three (3) months.
7. It is the intent and purpose of this Local Law to establish another temporary moratorium on residential and commercial development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City’s water supply given the condition of Well #2. Imposition

of this moratorium will allow the City sufficient time to repair Well #2 and regulate residential and commercial development within the City of Beacon to further protect the City's water supply.

8. In addition, the intent and purpose of this Local Law is to allow the City a measured amount of time to review and revise targeted zoning laws, specifically focusing on amending the City's use and dimensional tables and establishing new regulations for the Linkage Zoning District. The City Planner is in the process of amending the City's Schedule of Dimensional Regulations, in its entirety, and Schedule of Use Regulations, in its entirety, for all residential and non-residential zoning districts in the City of Beacon. The proposed amendments will greatly impact the type and scale of development permitted in each Zoning District. The moratorium will allow the City to complete and adopt these new comprehensive regulations to promote efficient and sustainable long-term growth in the City of Beacon. As the City of Beacon grows, the current land use regulations are inadequate to deal with the sale of and resulting pressure of such development on the City and its resources. The City's updates to its zoning will create a comprehensive guide for the City to encourage and regulate progressive development that will benefit the community and minimize the impacts of future development.

### **SECTION 3. MORATORIUM**

1. Effective immediately and continuing for a period of six (6) months from June 11, 2019, no application for a building permit (other than a building permit for a project previously approved by a land use board), area variance, use variance, special use permit, site plan approval, or subdivision approval will be processed by the Building Department, or City Council, Planning Board or Zoning Board of Appeals ("Land Use Boards"), and no permit or approval will be issued by the Building Department or any Land Use Board for the modification, expansion or establishment of residential, commercial or mixed use developments within the City until this ordinance has expired or has been repealed according to applicable law.
2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before June 11, 2019, or pending before the Building Department or Land Use Board are exempt from this moratorium. Any application submitted after June 11, 2019 may be heard and reviewed by any Land Use Board, but may not be subject to a vote. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium and any residential application that would result in an increase in water usage of less than 330 gallons of water per day, as determined by the City Building Inspector, is exempt from this moratorium. Any non-residential application that would result in an increase in water

usage of less than 2,000 gallons per day, as determined by the City Building Inspector, is exempt from this moratorium. In addition, this moratorium shall not apply to the reuse of any existing non-residential building for industrial or manufacturing uses, as determined by the Building Inspector, where such use does not increase the existing building footprint or otherwise increase the building square footage.

3. The City Council may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of ninety (90) days or such other time period, as the City Council, in its sole discretion, deems necessary to allow for repair of the City's water system.

#### **SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM**

4. In order to prevent an unlawful taking of property and to prevent irreparable harm, the City Council is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property due solely to the moratorium; that the moratorium prohibits fulfillment of the applicant's reasonable investment-backed expectations; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium.
5. An application may be made in writing to the City Council requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the City Council may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary.
6. All such applications to the City Council shall be deemed Unlisted actions under SEQRA. In the event relief from the moratorium is granted by the City Council, the applicant shall proceed to the City's Land Use Boards to apply for required development approvals. Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.
7. The applicant or any other person aggrieved by a decision of the City Council made pursuant to this section may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

#### **SECTION 5. CONFLICTING LAWS SUPERSEDED**

All local laws, ordinances, or parts of local laws and ordinances, of the City of Beacon that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State General City Law for the entire duration of this moratorium, including any extension thereof.

**SECTION 6. SEPARABILITY**

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

**SECTION 7. EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

**MARCUS J. MOLINARO**  
COUNTY EXECUTIVE



**Eoin Wrafter, AICP**  
COMMISSIONER

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

July 26, 2019

To: City Council, City of Beacon  
Re: Referral #19-210, LL: Enactment of a Moratorium

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

**ACTION**

The City Council is considering the adoption of a city-wide moratorium that would limit development (with some exceptions) for a period of up to 6 months, beginning June 11, 2019.

**COMMENTS**

In the Legislative Intent and Purpose, the City states the moratorium would be "to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the condition of Well #2" and "to give the City time to review and revise proposed zoning legislation that would amend the City's dimensional tables and establish new regulations for the Linkage District."

The establishment of a moratorium to halt development is not a small consideration and has cascading effects on residents, business owners and developers. Not enough information has been provided regarding the City's concerns with the current zoning code. As presented, the proposed zoning changes under consideration could appear to be more of a review and tweaking of the zoning code and not as a result of a pointed concern, or to address a significant issue not currently covered in the code. Without this information, it is difficult to justify the use of a moratorium as routine changes are more regularly handled without the need for one.

Regarding the turbidity and repair of Well #2, the City's consultant has determined that even without well #2 online, there is an adequate supply of water and even a surplus of ~170,000 gpd which takes into account both current and pending projects.

**RECOMMENDATION**

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

Eoin Wrafter, AICP, Commissioner

By

Jennifer F. Coccozza  
Deputy Commissioner

<b>Dutchess County Department of Planning and Development</b>		Fax Info	To Jennifer Cocozza	Date 6/28/19	# pgs 2	
		Dept Co./Dept. Planning	From Collin Milone			
		Fax # 845-486-3610	Phone # 845-838-5010			
<b>239 Planning/Zoning Referral - Exemption Communities</b>						
Municipality: City of Beacon						
Referring Agency: <input type="checkbox"/> Planning Board <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> Municipal Board						
Tax Parcel Number(s):						
Project Name: Local Law Regarding Enactment of a Moratorium						
Applicant: City of Beacon						
Address of Property: n/a						
Please fill in this section	<b>Parcel(s) within 500 feet of:</b> <input checked="" type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property (w/public building or recreation area) <input checked="" type="checkbox"/> County Property (w/public building or recreation area) <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District		<b>Actions Requiring 239 Review</b> <input type="checkbox"/> Comprehensive/Master Plans <input type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.) <input type="checkbox"/> Rezoning Involving all map changes <input checked="" type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.) <input type="checkbox"/> Site Plans (all) <input type="checkbox"/> Special Permits for all non-residential uses <input type="checkbox"/> Use Variances for all non-residential uses <input type="checkbox"/> Area Variances for all non-residential uses		<b>Exempt Actions:* 239 Review is NOT Required</b> <ul style="list-style-type: none"> <li>• Administrative Amendments (fees, procedures, penalties, etc.)</li> <li>• Special Permits for residential uses (accessory apts, home occupations, etc.)</li> <li>• Use Variances for residential uses</li> <li>• Area Variances for residential uses</li> <li>• Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals</li> <li>• Subdivisions / Lot Line Adjustments</li> <li>• Interpretations</li> </ul> <input type="checkbox"/> Exempt Action submitted for informal review	
	Date Response Requested (if less than 30 days): Public Hearing Scheduled for July 15, 2019					
	If subject of a previous referral, please note County referral number(s): Previous Moratorium LL referral # ZR17-327 and ZR17-355					

\* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY			
<b>Response from Dutchess County Department of Planning and Development</b>			
<b>No Comments:</b> <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn <input type="checkbox"/> Exempt from 239 Review		<b>Comments Attached:</b> <input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County <input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted:	6/28	Notes:	<input type="checkbox"/> Major Project
Date Received:	6/28		
Date Requested:			Referral #: ZR 19-210
Date Required:	7/26	<input type="checkbox"/> Also mailed hard copy Reviewer:	
Date Response Faxed:	7/26		



# Memorandum

## *Planning Board*

---

TO: Mayor Randy Casale and City Council Members

FROM: Etha Grogan  
for Planning Board Chairman Gunn and Planning Board Members

RE: Moratorium

DATE: July 12, 2019

The Planning Board reviewed the proposed Local Law Regarding Enactment of a Moratorium on Residential and Commercial Development at its July 9, 2019 meeting. A lengthy discussion took place about the stated legislative intent and purpose of the moratorium, as well as the terms and scope of the moratorium.

The Planning Board members present did not support the enactment of the moratorium. The board members discussed the stated reasons for the moratorium (i.e. to protect against potential impacts of new development on the City's water supply while Well #2 is under repair, and to allow a measured amount of time to review and revise targeted zoning laws, specifically focusing on the City's use and dimensional tables, Linkage District, and evaluating properties eligible for the Historic District and Landmark Overlay Zone). The board members unanimously agreed that whether the moratorium is based upon the stated issues of Well #2, the stated zoning amendments, or both, there does not seem to be a necessity for a moratorium to address these stated objectives, particularly a moratorium extending 4-6 months. The board members did not see the need to adopt a moratorium for zoning amendments that could be reviewed and adopted in regular due course. If the City Council decides to adopt the moratorium, the Planning Board recommends consideration of a shorter term. For further details of the Planning Board's comments, please refer to the video of the July 9, 2019 Planning Board meeting.

If you have any questions, please feel free to contact me.

**City of Beacon Council Agenda  
8/19/2019**

**Title:**

**Public Hearing Regarding Concept Plan for 248 Tioronda Avenue**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from City Planner Regarding 248 Tioronda Avenue	Cover Memo/Letter
Public Hearing Notice Poughkeepsie Journal	Backup Material
Affidavit of Mailing	Backup Material
Affidavit of Posting Sign Announcing Public Hearing	Backup Material
Public Notice Sign Picture 1/3	Backup Material
Public Notice Sign Picture 2/3	Backup Material
Public Notice Sign Picture 3/3	Backup Material
Package Cover Letter from Chazen Company to City Council	Cover Memo/Letter
Summary of Concept Plan Changes and Significant Project Advancements	Cover Memo/Letter
Concept Plan Regarding 248 Tioronda Avenue	Plans
248 Tioronda Avenue Photo Simulations	Backup Material
248 Tioronda Aveune Site Section Elevations	Backup Material
Full Environmental Assessment Form	EAF
Consistency with FCD Concept Plan Approval Criteria	Backup Material
City of Beacon Code Section 223-41.13 Regarding the Fishkill Creek Development District	Backup Material

To: John Gunn, Chair, and the City of Beacon Planning Board

Date: June 6, 2019

Re: **248 Tioronda Avenue, Concept Plan and Site Plan Application**

The proposed Concept Plan has been reviewed by the City Council and forwarded to the Planning Board for a SEQR determination, LWRP consistency review, and advisory recommendations. If the Council approves the Concept Plan, specific architectural, landscaping, lighting, and engineering details will be covered by the Planning Board during the subsequent Site Plan review process.

I have reviewed the May 24, 2019 response letter from The Chazen Companies, May 6, 2019 "No Adverse Impact" letter from NYS Office of Parks, Recreation and Historic Preservation, three letters from NYSDEC confirming the deletion of the site from the Registry of Inactive Hazardous Waste Disposal Sites, and a 4-sheet Concept Plan set with the first two sheets dated April 30, 2019, Sheet C130 dated May 24, 2019, and the C200 sheet dated February 26, 2019.

### **Proposal**

The applicant is proposing to construct two multifamily buildings with a total of 64 units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres in the Fishkill Creek Development district and the LWRP area. The two lots will need to be consolidated, and a Greenway Trail is proposed as part of the project.

### **Comments and Recommendations**

1. The applicant has sufficiently addressed my previous planning-related questions to move forward on the LWRP and SEQR determinations and a positive recommendation to the City Council on the Concept Plan.
2. The applicant should be prepared to update the Board regarding any review of the wetland analysis by the Army Corps of Engineers.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c: Dave Buckley, Building Inspector  
Jennifer L. Gray, Esq., City Attorney  
Arthur R. Tully, P.E., City Engineer  
John Russo, P.E., City Engineer  
Larry Boudreau, RLA, Project Representative

**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** CITY OF BEACON

**Ad No.:** 0003723722

**Address:** 1 MUNICIPAL PLZ  
BEACON NY 12508  
USA

**Pymt Method** Credit Card

**Net Amt:** \$35.79

**Run Times:** 1

**Run Dates:** 08/09/19

**Text of Ad:**

CITY OF BEACON  
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Beacon City Council hereby schedules a public hearing for Monday, August 19th, 2019 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment on the 248 Tioronda Avenue Concept Plan.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Amanda C. Caputo, Deputy City Clerk

Dated: August 6, 2019

3723722

In the matter of the application for

Beacon 248 Holdings, LLC, Proposed Multifamily Development & Office Building  
(Concept Plan Approval)

248 Tioronda Avenue  
(Property Address)

5954-16-993482 & 6054-45-012574  
(Tax Map ID Number)

The undersigned, Kathryn Sorce, being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of New York.
2. Pursuant to § 223-61.3.B of the Zoning Code of the City of Beacon, on August 7, 2019, I mailed copies of the annexed NOTICE OF PUBLIC HEARING relating to the premises known and designated as 248 Tioronda Avenue, Beacon, New York, by certified mail. The Notice of Public Hearing is attached hereto as Exhibit "A," and the list of property owners named on the Assessment Roll of the City of Beacon within 250 feet of 248 Tioronda Avenue are attached hereto as Exhibit "B" and the Certified Mail receipts are annexed hereto as Exhibit "C."

Kathryn Sorce  
(Signature)

Kathryn Sorce  
(Printed Name)

NOTARY ACKNOWLEDGEMENT:

Kellene D. Campbell

**KELLENE STEPHANIE CAMPBELL**  
**NOTARY PUBLIC STATE OF NEW YORK**  
**DUTCHESS COUNTY**  
**LIC. #01CA6291562**  
**COMM. EXP. 12/9/2021**

August 6, 2019

Dear Neighborhood Property Owner:

The Chazen Company, on behalf of Beacon 248 Holdings, LLC, has applied to the City of Beacon City Council for Concept Plan Approval for property located at 248 Tioronda Avenue. The Applicant is proposing to construct two multifamily buildings that total 76,202 SF and a separate 25,400 square foot office building on two parcels containing 9.18 acres in the Fishkill Creek Development district and the LWRP area. The two lots will need to be consolidated, and a Greenway Trail is proposed as part of the project. A copy of their proposal is available for inspection online at <http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=7068&MeetingID=483>.

The City of Beacon City Council is holding a Public Hearing on this matter to receive public comments on August 19, 2019 at 7 pm in the Courtroom at 1 Municipal Plaza, Beacon NY 12508.

Elvia Ramon Astudillo  
30 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450405470000

City Of Beacon  
1 Municipal Plz  
Beacon, NY 12508  
For Property:13020000605400450455930000

Richard J. Nover  
3 Tracey Dr  
Beacon, NY 12508  
For Property:13020000605400130023970000

Suzana Qelaj  
87 Spring Valley St  
Beacon, NY 12508  
For Property:13020000595400529985940000

Stacy King  
7 Tracey Dr  
Beacon, NY 12508  
For Property:13020000595400169923720000

City of Beacon School District  
10 Education Dr  
Beacon, NY 12508  
For Property:13020000595400529085300000

John D. Shaw  
22 Kristy Dr  
Beacon, NY 12508  
For Property:13020000605400130134050000

Diana Vargas  
5 Tracey Dr  
Beacon, NY 12508  
For Property:13020000595400169983870000

Beacon 248 Holdings LLC  
15 Sycamore Ln  
Suffern, NY 10901  
For Property:13020000605400450125740000

City of Beacon School District  
10 Education Dr  
Beacon, NY 12508  
For Property:13020000595400529905970000

Charles B. Werner  
165 Spring Valley St  
Beacon, NY 12508  
For Property:13020000605400450495980000

Crossix LLC  
50 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450665340000

Sisters Properties LLC  
5-44 47th Ave  
Long Island, NY 11101  
For Property:13020000595400169513570000

August Eriksmoen  
98 Knevels Ave  
Beacon, NY 12508  
For Property:13020000595400169424420000

William C. Metzger  
95 Knevels Ave  
Beacon, NY 12508  
For Property:13020000595400169264320000

Cynthia Guarneri  
50 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450635120000

Animal Rescue Foundation Inc  
PO Box 1129  
Beacon, NY 12508  
For Property:13020000605400130364990000

Frederick N. Antalek, LT  
75 Knevels Ave  
Beacon, NY 12508  
For Property:13020000595400169243890000

Dolores J. Durkin, LT  
871 Wolcott Ave  
Beacon, NY 12508  
For Property:13020000605400450515660000

City Of Beacon  
1 Municipal Plz  
Beacon, NY 12508  
For Property:13020000605400130324520000

Robert L. Infante  
103 Knevels Ave  
Beacon, NY 12508  
For Property:13020000595400169454220000

Karina N. Pietrowski  
22 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450515510000

Gary M. Popp, Trustee  
40 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450345360000

Larry Brown  
24 Kristy Dr  
Beacon, NY 12508  
For Property:13020000605400130064120000

Stephen Spaccarelli  
156 Highland Ave  
Marlboro, NY 12542  
For Property:13020000595400169464640000

Terrance Davis  
94 Knevels Ave  
Beacon, NY 12508  
For Property:13020000595400169594930000

Juan C. Morales  
23 Kristy Dr  
Beacon, NY 12508  
For Property:13020000605400130214250000

City Of Beacon  
1 Municipal Plz  
Beacon, NY 12508  
For Property:13020000605400370376250000

Gino A. Riccoboni  
46 Simmons Ln  
Beacon, NY 12508  
For Property:13020000605400450455280000

Alicia Arce  
25 Kristy Dr  
Beacon, NY 12508  
For Property:13020000605400130094230000

8/1/2019

<https://gis.dutchessny.gov/parcelaccess/addListResults.asp>

**Lauren Baideme**  
875 Wolcott Ave  
Beacon, NY 12508  
For Property:13020000605400450455720000

**Midtown Trackage Ventures LLC**  
347 Madison Ave  
New York, NY 10017  
For Property:13020000605400370967150000

**Beacon 248 Holdings LLC**  
15 Sycamore Ln  
Suffern, NY 10901  
For Property:13020000595400169934820000

**B P O E**  
900 Wolcott Ave  
Beacon, NY 12508  
For Property:13020000605400370046300000

**Justin Conway**  
18 Coyne Hill Rd  
Beacon, NY 12508  
For Property:13020000595400169514770000

[Printing tips for labels.](#)  
[Download or Open CSV file.](#)

7017 1450 0001 4756 4059

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

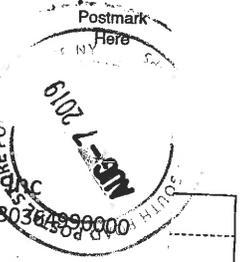
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 3.50
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$ 0.50
Total Postage	\$ 4.00

Sent To **Animal Rescue Foundation Inc**  
 For Property: 1302000060540013036990000  
 Street and Apt. No. **PO Box 1129**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 1450 0001 4756 4394

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
Total Postage	\$

Sent To **Frederick N. Antalek, LT**  
 For Property: 13020000595400169243890000  
 Street and Apt. No. **75 Knevels Ave**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 1450 0001 4756 4509

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
Total Postage	\$

Sent To **Alicia Arce**  
 For Property: 13020000605400130094230000  
 Street and Apt. No. **25 Kristy Dr**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 1450 0001 4756 4004

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

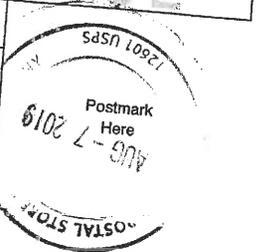
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$ 4.00
Total Postage	\$

Sent To **Elvia Ramon Astudillo**  
 For Property: 13020000605400450405470000  
 Street and Apt. No. **30 Simmons Ln**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 2620 0000 7746 3075

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

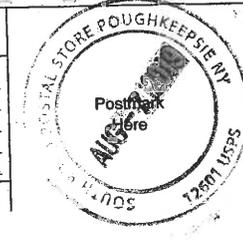
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
Total Postage and	\$

Sent To **BPOE**  
 For Property: 13020000605400370046300000  
 Street and Apt. No. **900 Wolcott Ave**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 1450 0001 4756 4516

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

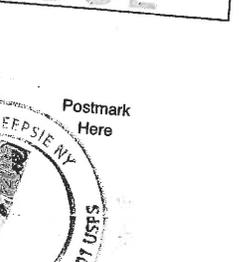
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
Total Postage	\$

Sent To **Lauren Baideme**  
 For Property: 13020000605400450455720000  
 Street and Apt. No. **875 Wolcott Ave**  
 City, State, ZIP+4® **Beacon, NY 12508**



7017 1450 0001 4756 4387

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

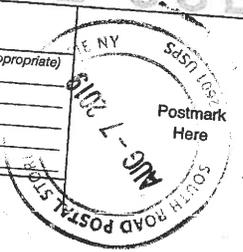
Total Po \$

Sent To **Beacon 248 Holdings LLC**

Street and Apt. For Property: 13020000605400450125740000

City, State, ZIP+4® **15 Sycamore Ln  
Suffern, NY 10901**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 2620 0000 7746 3082

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

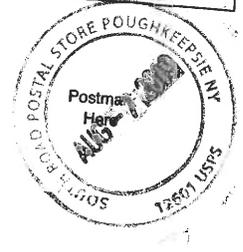
Total Postag \$

Sent To **Beacon 248 Holdings LLC**

Street and Apt. For Property: 13020000595400169934820000

City, State, ZIP+4® **15 Sycamore Ln  
Suffern, NY 10901**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 1450 0001 4756 4097

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

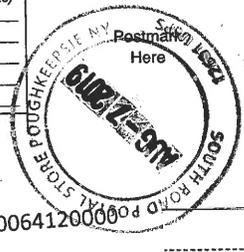
Total Po \$

Sent To **Larry Brown**

Street and Apt. For Property: 13020000605400130064120000

City, State, ZIP+4® **24 Kristy Dr  
Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 1450 0001 4756 4035

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

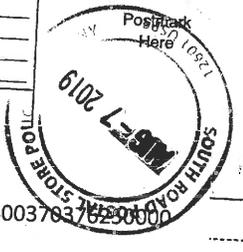
Total Po \$

Sent To **City of Beacon**

Street and Apt. For Property: 1302000060540037837620000

City, State, ZIP+4® **1 Municipal Plz  
Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 1450 0001 4756 4134

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

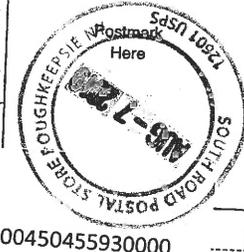
Total Postag \$

Sent To **City of Beacon**

Street and Apt. For Property: 13020000605400450455930000

City, State, ZIP+4® **1 Municipal Plz  
Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 1450 0001 4756 4158

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

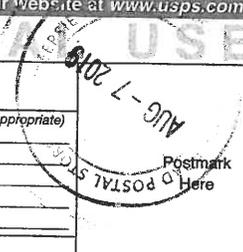
Total Postage \$

Sent To **City of Beacon**

Street and Apt. For Property: 13020000605400130324520000

City, State, ZIP+4® **1 Municipal Plz  
Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 1450 0001 4756 4073

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post:

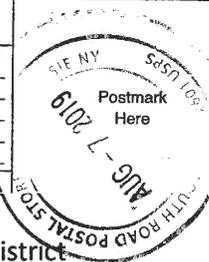
\$

City of Beacon School District

Sent To For Property: 13020000595400529085300000

Street and, 10 Education Dr

City, State, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 1450 0001 4756 4011

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post:

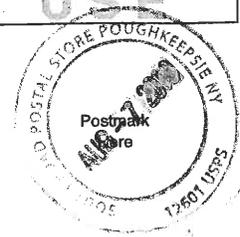
\$

City of Beacon School District

Sent To For Property: 13020000595400529905970000

Street and, 10 Education Dr

City, State, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 2620 0000 7746 3297

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post:

\$

Justin Conway

Sent To For Property: 13020000595400169514770000

Street and, 18 Coyne Hill Rd

City, State, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 1450 0001 4756 4486

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

To

\$

Crossix LLC

Sent To For Property: 13020000605400450665340000

Street and, 50 Simmons Ln

City, State, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 1450 0001 4756 4066

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Post:

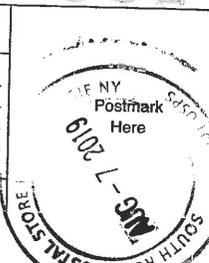
\$

Terrance Davis

Sent To For Property: 13020000595400169594930000

Street and, 94 Knevels Ave

City, State, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 1450 0001 4756 4028

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage a

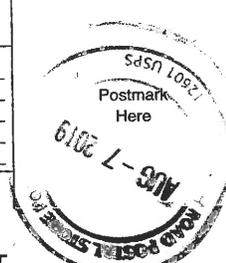
\$

Dolores J. Durkin, LT

Sent To For Property: 13020000605400450515660000

Street and Apt. 7, 871 Wolcott Ave

City, State, ZIP+, Beacon, NY 12508



PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7017 1450 0001 4756 4455

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total P	\$

Sent To **August Eriksmoen**  
 For Property: 13020000595400169424420000  
 Street and Apt. No. **98 Knevels Ave**  
 City, State, ZIP+4 **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4493

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Robert L. Infante**  
 For Property: 13020000595400169454220000  
 Street and Apt. No. **103 Knevels Ave**  
 City, State, ZIP+4 **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

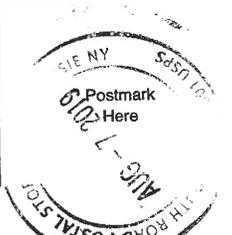
7017 1450 0001 4756 4080

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **William C. Metzger**  
 For Property: 13020000595400169264320000  
 Street and Apt. No. **95 Knevels Ave**  
 City, State, ZIP+4 **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4424

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage and	\$

Sent To **Cynthia Guarneri**  
 For Property: 13020000605400450638650000  
 Street and Apt. No. **50 Simmons Ln**  
 City, State, ZIP+4 **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

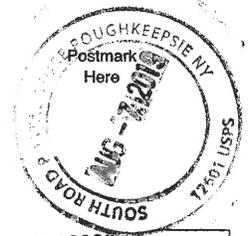
7017 1450 0001 4756 4448

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Pr	\$

Sent To **Stacy King**  
 For Property: 13020000595400169923720000  
 Street and Apt. No. **7 Tracey Dr**  
 City, State, ZIP+4 **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

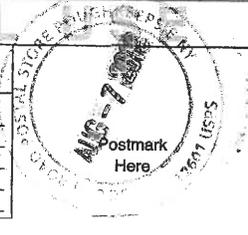
7017 2620 0000 7746 3099

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total	\$

Sent To **Midtown Trackage Ventures LLC**  
 For Property: 13020000605400370967150000  
 Street **347 Madison Ave**  
 City, State, ZIP+4 **New York, NY 10017**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4400

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Juan C. Morales**  
For Property: 13020000605400130214250000  
Street and **23 Kristy Dr**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

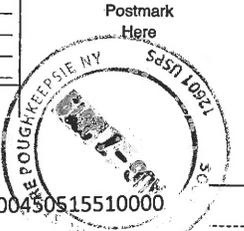
7017 1450 0001 4756 4427

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Karina N. Pietrowski**  
For Property: 13020000605400450515510000  
Street and **22 Simmons Ln**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

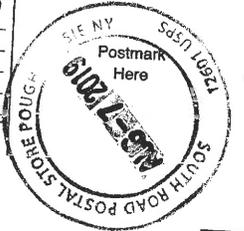
7017 1450 0001 4756 4103

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Suzana Qelaj**  
For Property: 13020000595400529985940000  
Street and **87 Spring Valley St**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

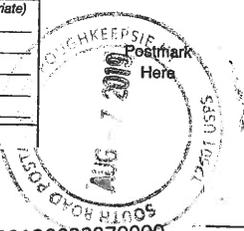
7017 1450 0001 4756 4479

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Richard J. Nover**  
For Property: 13020000605400130023970000  
Street and **3 Tracey Dr**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4462

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Post	\$

Sent To **Gary M. Popp, Trustee**  
For Property: 13020000605400450349360000  
Street and **40 Simmons Ln**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4370

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark Here

Postage	\$
Total Post	\$

Sent To **Gino A. Riccoboni**  
For Property: 13020000605400450455280000  
Street and **46 Simmons Ln**  
City, State **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

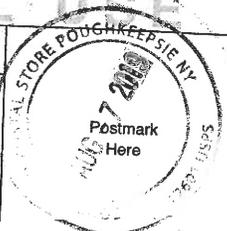
7017 1450 0001 4756 4417

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **John D. Shaw**  
 For Property: 13020000605400130134050000  
 Street and Apt. **22 Kristy Dr**  
 City, State, ZIP **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4110

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **Sisters Properties LLC**  
 For Property: 13020000595400169513570000  
 Street and Apt. **5-44 47th Ave**  
 City, State, ZIP **Long Island, NY 11101**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4431

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **Stephen Spaccarelli**  
 For Property: 13020000595400169464640000  
 Street and Apt. **156 Highland Ave**  
 City, State, ZIP **Marlboro, NY 12542**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

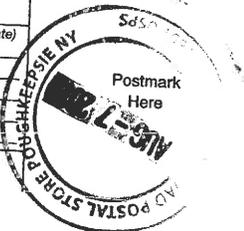
7017 1450 0001 4756 4042

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **Diana Vargas**  
 For Property: 13020000595400169983870000  
 Street and Apt. **5 Tracey Dr**  
 City, State, ZIP **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 1450 0001 4756 4111

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	\$
Total Postage	\$

Sent To **Charles B. Werner**  
 For Property: 13020000605400450495980000  
 Street and Apt. **165 Spring Valley St**  
 City, State, ZIP **Beacon, NY 12508**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

In the matter of the application of

Beacon 248 Holdings, LLC, Proposed Multifamily Development & Office Building

(Concept Plan approval)

248 Tioronda Avenue

(Property Address)

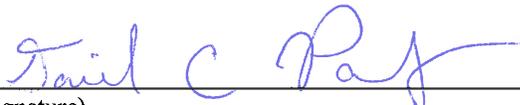
5954-16-993482 & 6054-45-012574

(Tax Map ID Number)

The undersigned, Daniel Panko of The Chazen Companies, being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of New York
2. That on August 2, 2019, in anticipation of the Public Hearing on August 19, 2019, the public notice signs <sup>were</sup> at the referenced address ~~was~~ posted to reflect the Public Hearing in accordance with the City of Beacon's Zoning Ordinance.

A photograph was taken on August 2, 2019 showing the sign and the location is attached.

  
(Signature)

Daniel Panko  
(Printed Name)

NOTARY ACKNOWLEDGEMENT: 

KELLENE STEPHANIE CAMPBELL  
NOTARY PUBLIC STATE OF NEW YORK  
DUTCHESS COUNTY  
LIC. #01CA6291562  
COMM. EXP. 12/9/2021

## **PUBLIC NOTICE**

A Public Hearing for a  
*CONCEPT PLAN APPROVAL*  
Application will be held by The City of Beacon  
*CITY COUNCIL*

On *10-19-19* At *7:00* P.M.

At The City of Beacon City Hall  
One Municipal Plaza, Beacon, NY  
Additional information is available at:  
Beacon Building Dept. (845) 838-5020







Engineers  
Land Surveyors  
Planners  
Environmental Professionals  
Landscape Architects

**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
[www.chazencompanies.com](http://www.chazencompanies.com)

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

June 21, 2019

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

VIA HAND DELIVERY

*Re: Chai Builders - Fishkill Creek Development Concept Plan for 248 Tioronda Avenue  
Formerly Beacon 248 Development, LLC, Multifamily Development  
248 Tioronda Avenue, City of Beacon, Dutchess County, NY  
Chazen Project #81056.00*

Dear Mayor Casale and Members of the City Council:

At its June 11, 2019, Planning Board meeting, the City of Beacon Planning Board issued a SEQR Negative Declaration, LWRP Consistency Determination, and provided a positive recommendation to the City Council for concept plan approval. The Applicant is now seeking Concept Plan Approval by the City Council. As requested by the City attorney, the following items are enclosed:

- Document entitled Consistency with FCD District Criteria for Granting Concept Plan Approval by the City Council (8 copies)
- Letters to the Planning Board, including responses to comments and attachments.
- Full Environmental Assessment Form Part 1 (8 copies)
- Architectural Section and Elevation Drawings (8 copies)
- Photo Simulations (8 copies)
- Concept Plan Set (8 copies)

A link to pdfs of the submitted documents will be provided via email.

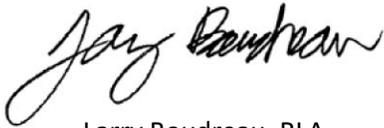
Mayor Randy Casale and Members of the Beacon City Council

June 21, 2019

Page 2

Please place this project on the agenda of the of the Monday, June 24<sup>th</sup>, City Council workshop meeting if possible. If you have any questions or need anything further, please call me at 845-486-1510. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Larry Boudreau". The signature is written in a cursive, flowing style.

Larry Boudreau, RLA

Director of Land Development



**Hudson Valley Office**

21 Fox St., Poughkeepsie, NY 12601  
P: (845) 454-3980 F: (845) 454-4026  
[www.chazencompanies.com](http://www.chazencompanies.com)

Capital District Office (518) 273-0055  
North Country Office (518) 812-0513

June 21, 2019

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

VIA EMAIL

*Re: Summary of Concept Plan Changes and Significant Project Advancements  
Chai Builders - Fishkill Creek Development Concept Plan for 248 Tioronda Avenue  
Formerly Beacon 248 Development, LLC, Multifamily Development  
248 Tioronda Avenue, City of Beacon, Dutchess County, NY  
Chazen Project #81056.00*

Dear Mayor Casale and Members of the City Council:

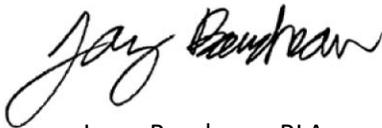
The purpose of this letter is to summarize the most significant enhancements made to the Concept Plan which have been developed through the Planning Board process. Additional detail is outlined in the comment response letters included with today's submittal. All comments, including public, are noted and were responded to. Also attached are all available Planning Board minutes.

- 1) Greenway Trail – The Greenway Trail has been designed iteratively in close coordination with John Clark, City of Beacon Planning Consultant, and Thomas Wright, Chair of the Greenway Trail committee. The most significant change since the last City Council submittal is the addition of a handicapped accessible component to the trail connecting the upper greenspace area to the lower trail.
- 2) Wetlands – The Army Core of Engineers is scheduled to visit in the month of July. The project is designed to the previous more conservative wetland line. The only area that would be impacted if the new line is not accepted is the spurs of the greenway trail, which would be redesigned to avoid any wetland impacts.
- 3) Greenspace – Through modification of the parking layout and land banking of parking spaces, a larger greenspace is provided between the residential and commercial buildings.
- 4) Access to Sister's property – A curb cut, driveway stub and crosswalk has been added to accommodate future access to the Sister's property. The updated concept plan set has been provided to the attorney for the Sister's.

- 5) NYSOPRHP Review - The current plans were submitted to NYSOPRHP, and correspondence from NYSOPRHP dated May 6, 2019, (attached) indicated that it is NYSOPRHP's opinion that the proposed project, as amended, will have "No Adverse Impact" to historic and cultural resources.
- 6) The FEAF was revised to include calculations for public school children anticipated to be generated by the project, and John Clarke indicated that the new students were not expected to result in any significant adverse impacts on the school district.
- 7) The Planning Board held a Public Hearing on March 12, 2019. At its June 11, 2019, Planning Board meeting, the City of Beacon Planning Board issued a SEQR Negative Declaration, LWRP Consistency Determination, and provided a positive recommendation to the City Council for concept plan approval.

In an effort to keep this project moving forward, we respectfully request that this project be placed on the Monday, June 24<sup>th</sup>, City Council workshop meeting to allow us to present an update on the project in person, and perhaps to schedule the public hearing. If you have any questions or need anything further, please call me at 845-486-1510. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Larry Boudreau". The signature is written in a cursive, flowing style.

Larry Boudreau, RLA  
Director of Land Development



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

May 6, 2019

Ms. Doborah Hubbard  
The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY 12601

Re: DEC  
Beacon 248 Development LLC; Tioronda Avenue  
248 Tioronda Avenue  
Beacon, NY 12508

Dear Ms. Hubbard:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We understand that the proposed project plan has changed since our last review, and that the current proposal consists of a 64-unit multifamily residential development within two buildings (reduced from 100 units) and a 25,400 SF office building.

Based on this review, it is the opinion of the SHPO that the proposed project, as amended, will have No Adverse Impact to historic and cultural resources.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Weston Davey  
Historic Site Restoration Coordinator  
weston.davey@parks.ny.gov

via e-mail only

**Planning Board  
February 13, 2019**

The Planning Board meeting was held on Wednesday, February 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Rick Muscat, David Burke, Jill Reynolds and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Administrator Anthony Ruggiero, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Member Randall Williams was absent.

**Training Session**

Mr. Gunn explained the City Council is undertaking plans to replace the former Tioronda Bridge, once listed in the National Register of Historic Places and situated in the City's Historical Landmark and Overlay District on South Avenue. During the Council's review of the project, discussion of whether Chapter 134 of the City Code regarding Historic Preservation and the requirement to obtain a Certificate of Appropriateness would apply to the design of a new bridge. City Administrator Anthony Ruggiero reported the bridge will be designed as one-lane with a pedestrian walkway. He explained a study done to determine whether historic spans of the bridge could be reused for structural purposes revealed that their condition would only allow use as a demonstrative feature. A lengthy discussion took place with regard to the existing abutments, location of the bridge relative to the historic nature of buildings on either side of the creek, and whether the new design should come before the Board for review and comment. Consideration was given to establishing a provision in the City's law to remove parcels or items from the historic individual list of structures. After reviewing the matter, members felt a new bridge would qualify for review under Chapter 134, that it should be reviewed for a Certificate of Appropriateness, and recommended a provision be added to the law for delisting items or areas no longer deemed historical.

**Regular Meeting**

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the January 8, 2019 meeting. Mr. Muscat made a motion to approve the minutes of the January 8, 2019 meeting as presented, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the March 12, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS**

This item was adjourned to the March 12, 2019 meeting.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the March 12, 2019 meeting.

**Miscellaneous Business**

Consider request for two 90-day extensions of Subdivision Approval – 25 Townsend Street, submitted by AK Property Holding, LLC

On behalf of AK Property Holding, LLC, a letter was submitted by Attorney Taylor Palmer of Cuddy & Feder requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Mr. Lambert. All voted in favor. Motion carried.

Consider request for two 90-day extensions of Subdivision Approval – 22 Edgewater Place, submitted by Scenic Beacon Developments, LLC

On behalf of Scenic Beacon Developments, LLC, a letter was submitted by Engineer Michael Bodendorf of Hudson Land Design requesting two 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Muscat made a motion to grant two 90-day extensions as requested, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Consider request for one 90-day extension of Subdivision Approval – 1181 North Avenue, submitted by Normington Schofield (North Avenue Properties, LLC

On behalf of Normington Schofield, a letter was submitted by Engineer Daniel Koehler of Hudson Land Design requesting one 90-day extensions of Subdivision Approval to finalize items that must be completed before the plat can be filed with the County. After some consideration, Mr. Barrack made a motion to grant one 90-day extension as requested, seconded by Mr. Burke. All voted in favor. Motion carried. City Attorney Jennifer Gray noted they also requested an administrative amendment to the resolution, specifically General Condition B(4) to change the individual “Normington Schofield” to the entity “North Avenue Properties, LLC”. After some consideration, Mr. Lambert made a motion to include the name change with the extension as requested, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O’NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel described his client’s proposal to amend the existing Site Plan Approval for Industrial Arts Brewery and event space, warehouse space, and commercial recreation/arcade space. Site Plan drawings were revised to include a new sidewalk connection to the parking lot and removal of the chain link fence along Fishkill Avenue. Discussion took place with regard to shared parking and Mr. Siegel explained zoning requirements for the warehouse and brewery parking are higher than what they will actually need. He reported work has begun on the traffic study which will include response to NYS Department of Transportation’s comment letter.

Mr. Clarke summarized his review comments and asked for a clearer explanation on the use of the mezzanine and office area, and to include those in the Shared Parking Report. He recommended the ramp and landing area in front of the entrance include a handrail for ADA compliance. Mr. Russo reviewed his comments and advised the applicant to utilize components from standard parking manuals to provide more accurate parking data. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked how parking, water use, and sewer use for the brewery would be handled. She expressed concern that hours of operation may change or an increase in use could occur in the future which would affect the parking requirements.

Discussion took place with regard to parking and how water use estimates were determined. Mr. Siegel reminded members that the laundry facility on Front Street is no longer operational so water use should balance. He reported snow will be stored on the grass so as not to affect or reduce the number of parking spaces available. The traffic study will be prepared in time for the March meeting. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting.

**ITEM NO. 5 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

Architect Tomasz Mlynarski of Barry Donaldson Architects described the church's proposal to renovate an existing abandoned building to create three residential apartments (two one-bedroom on first floor and one three-bedroom on the second floor) at 21 South Avenue. The plan was reviewed to show the number of new shrubs, the caliper of trees, and six over six windows with exterior dividing muntins. The building will be restored to its original character with restored windows and soffits, and clapboard siding.

Discussion took place with regard to the location of the sewer lateral which may run over neighboring property because it is unclearly noted on the site plan. The location of the sewer lateral must be shown on the plan to determine if an easement is needed, or if it should be re-routed altogether. Mr. Gunn opened the floor for public comment.

Gary Simmons, 226 Liberty Street and financial secretary of Tompkins Hose Firehouse, reported they own the lot behind the church and spoke about parking spaces that were set aside for use by the Historical Society. He felt traffic should be directed out to Beacon Street. Mr. Simmons explained they are having difficulty securing the parking lot so will be fencing it in which will block access for the Historical Society. Lastly, he asked that signage be put into place to direct people to the Historical Society's parking spaces so no one parks in their lot.

A lengthy discussion took place with regard to parking for the Historical Society, location of the sewer line, and the need for an easement or relocation of the sewer lateral. There were no further comments and the public hearing will remain open for the March 12, 2019 meeting. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration if the sanitary sewer location is finalized, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, CONVERT EXISTING RETAIL AND GARAGE TO RESTAURANT, 296 MAIN STREET, SUBMITTED BY RIVER VALLEY RESTAURANT GROUP**

Aryeh Siegel described his client's proposal to convert an existing retail storefront and one-story rear garage into a restaurant at 296 Main Street at the corner of North Cedar Street. He noted the City Attorney's office was authorized to draft a resolution of approval for consideration.

Mr. Clarke advised the applicant that the window between the garage doors on North Cedar Street should have the same vertical proportions as the existing window. Mr. Russo said the plans have been revised to correct the illegal connection to the sanitary sewer system, and advised a performance bond for the public improvements and escrow for construction observation must be posted. Discussion took place with regard to the style of the rounded gate which accesses the outdoor garden area and it was suggested it be changed to an arch.

Members reviewed the draft resolution and City Attorney Jennifer Gray explained the resolution was updated to require a performance bond and construction observation escrow for corrections needed to address the I & I condition. After careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval as amended, seconded by Mr. Lambert. All voted in favor. Motion carried. The applicant agreed to create an arched, rather than circular, gateway to the garden area.

**ITEM NO. 7 REVIEW APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, EMPLOYEE PARKING LOT, 3 BEEKMAN STREET, SUBMITTED BY DIA CENTER FOR THE ARTS**

Engineer Tom DePuy, of T.M. DePuy Engineering and Land Surveying, introduced Tom Shannon representing Dia Center for the Arts at 3 Beekman Street. He described their proposal to construct a 28-space employee parking lot off the secondary road near the rear portion of the bus entrance. They are starting to have a problem with parking due to the art center's popularity therefore this lot will be for employees only.

Mr. Clarke summarized his review comments, advising the applicant to show species and label all trees over 6-inches in diameter within the area of disturbance. He reported the property is located in the LWRP area therefore LWRP consistency justification is required. A sidewalk or gravel path from the new parking lot to the building should be provided. Mr. Russo summarized his review comments, pointing out photometrics of the proposed lighting should be provided on the plan. Discussion took place with regard to parking lot material, the degree of stone removal needed, lighting, and hours of operation.

Mr. Muscat made a motion to authorize the circulation of the Planning Board's notice of intent to act as Lead Agent in the SEQRA environmental review process if any other interested agencies are discovered, seconded by Mr. Barrack. All voted in favor. Motion carried.

There were no further comments and Ms. Reynolds made a motion to schedule a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Burke.

All voted in favor. Motion carried. Mr. Gunn made a motion to authorize the City Attorney to draft a resolution of approval for consideration if appropriate, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 REVIEW APPLICATION FOR SITE PLAN APPROVAL, 2 ART GALLERIES, 1154 NORTH AVENUE, SUBMITTED BY PAOLA OCHOA**

Engineer Dan Koehler of Hudson Land Design, described his client's proposal to convert an existing two-story building previously used for storage into two art galleries. The .11 acre parcel is located in the CMS zoning district which allows galleries as a permitted use. Mr. Koehler reported the galleries will be open mainly on weekends. A total of nine parking spaces are required however the site lacks space for parking. Mr. Koehler requested the board consider exercising their right to waive the required parking as the lot is under 8,000 sq. ft. and the building is under 5,000 sq. ft. This is a Type II action under new SEQRA regulations therefore environmental review is not necessary. Mr. Koehler explained they will be upgrading the mechanical system to provide heat to the second floor however no other interior work will be done until Site Plan Approval is granted. He respectfully asked members to consider scheduling a public hearing and authorize the City Attorney to draft a resolution of Site Plan Approval for the next meeting.

Discussion took place with regard to an easement that exists over 1156 North Avenue which provides access to the rear of 1154 North Avenue. A gravel walk will be provided to the rear access which will also serve as a loading area for artwork. A removable barricade to delineate the easement line was considered, and hours/days of operation were reviewed.

Mr. Clarke summarized his review comments and explained that although the property is not currently located in the Historic District and Landmark Overlay zone, it is on a list of parcels being considered for inclusion. He suggested opening up the large scale window areas that were sealed up to bring the building back to its original architecture when used as a car dealership. Mr. Koehler explained the owners have a larger grand scheme for the entire corner of North Avenue and Main Street so they are hesitant to make changes at this time. He noted the office space within the building is specific to the art galleries.

Discussion took place with regard to parking, loading and unloading artwork from the second floor rear access, the parcel's proximity to Main Street, and available municipal parking. Gallery owner Paola Ochoa said they don't anticipate displaying any large artwork. After careful consideration of the applicant's request, members were generally in favor of waiving the parking requirement as requested.

Mr. Lambert made a motion to set a public hearing on the application for Site Plan Approval for March 12, 2019, seconded by Mr. Barrack. All voted in favor. Motion carried. Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval for consideration, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**ITEM NO. 9 REVIEW CONCEPT PLAN, UNDERTAKE SEQRA AND LWRP REVIEW AS REQUESTED BY CITY COUNCIL, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Owner/Applicant Berry Kohn, Engineers Larry Boudreau and Chris LaPorta of Chazen Companies, and Architect Alexander Blakely of AB Architekten were in attendance to present the revised proposal for 248 Tioronda Avenue. Mr. Boudreau reported the applicant was before the Board 13 months ago with a model of the site's buildings and layout to introduce the project. He provided members with a paper handout to go along with a Power Point presentation of the project. Mr. Boudreau reported that after several meetings with the City Council on the concept plan, the application was referred to the Planning Board for a report and recommendation, as well as for SEQRA and LWRP review. Mr. Boudreau explained that once the SEQRA and LWRP process is completed, the applicant will return to the City Council for Concept Plan Approval before returning to the Planning Board for Site Plan review.

Mr. Boudreau described his client's proposal to construct two multi-family buildings with a total of 64 units and a separate non-residential office building on the 9.18 acre parcel at 248 Tioronda Avenue. Although there are no view sheds, the LWRP extends into the development site thus requiring an LWRP consistency review. The development features parking under each of the three buildings and a Greenway Trail traversing the site.

The City Council tentatively approved the concept plan, however architectural aspects of the building will be reviewed as the approval process continues. Architect Alexander Blakely of AB Architekten summarized the site layout which includes three brick clad buildings, three stories in height facing Tioronda Avenue and four stories facing the Fishkill Creek.

After some consideration, Mr. Muscat made a motion to declare the Planning Board's intent to act as Lead Agency in the SEQRA environmental review process and authorize circulation of a Notice of Intent to act as Lead Agency, seconded by Mr. Lambert. All voted in favor. Motion carried. Mr. Barrack made a motion to schedule a SEQRA environmental review public hearing for the March 12, 2019 meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

**Architectural Review**

Single Family House – 19 Russell Avenue; elevations approved 9/11/18; colors/materials only

Paula Dowd reported elevations for the new house under construction at 19 Russell Avenue were approved at the September 11, 2018 meeting subject to returning for approval of colors and materials. Members reviewed proposed color schemes and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Muscat, to approve the color and material scheme as presented with the following: Siding – Hardi Plank Clapboard in Benjamin Moore Iron Gray; Roof Shingles – GAF SG Timberland Architectural Charcoal; Windows – Jeld Wen Aluminum Clad with Black Exterior; Trim – Benjamin Moore Iron Gray Satin. All voted in favor. Motion carried.

**Planning Board  
March 12, 2019**

The Planning Board meeting was held on Tuesday, March 12, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Gary Barrack, Rick Muscat, David Burke (in at 7:05 p.m.), Jill Reynolds, Pat Lambert and Randall Williams (in at 7:30 p.m.). Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke.

**Training Session**

Mr. Clarke reviewed new zoning charts and zoning changes under consideration by the City Council. The new charts will consolidate many changes that have taken place over the years making them much more user friendly. Mr. Clarke explained this is the first step in the process and noted changes to the text of the zoning code will be necessary. Dimensional tables are also being revised and updated to include minimal lot sizes and related setback information. Mr. Williams joined the meeting at 7:30 p.m.

**Regular Meeting**

The regular meeting started at 7:30 with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the February 13, 2019 meeting. Mr. Gunn made a motion to approve the minutes of the February 13, 2019 meeting as presented, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the April 9, 2019 meeting.

**ITEM NO. 2 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

This item was adjourned to the April 9, 2019 meeting.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

Mr. Williams made a motion to reopen the public hearing (which was re-noticed since it was first opened in June 2018), seconded by Mr. Muscat. All voted in favor. Motion carried. Tom Elias described his client’s proposal to construct a six-unit condominium building on property located on Beekman Street. Discussion took place with regard to a paved snow storage area and members advised that it should be a landscaped or grassy area rather than pavement.

Chris Mansfield of Tinkelman Architecture provided a digital virtual reality view of the project which included models of neighboring homes to depict view sheds from all angles of the property. The four story building height is 44 ft. and will be below the view of houses that sit

above the site. The fourth floor is set back as required which also breaks up the building's appearance when approaching from the train station. The building is brick on ground floor and gray Hardee Board on the upper floors. Discussion took place with regard to sight distance and landscaping which will be tucked near the building. Written responses to the City's traffic consultant reported are needed before a SEQRA determination can be made. Mr. Gunn opened the floor for public comment.

Charles Kelly, 5 Bayview Avenue, handed out a copy of Policy 25 of the City's LWRP as it relates to his objections. He felt the size of the building does not maintain the character of the City's intentions because it exceeds standards in terms of height, bulk and scale; and expressed concern that it is located directly behind a steep vertical rock outcropping. Mr. Kelly felt the applicant's proposal was not consistent with LWRP requirements and believed the community's strong dislike for four story buildings is well known. The video simulation of the project appears inaccurate because trees and bushes have been cut back and the presentation shows full, untrimmed trees. Mr. Kelly was not opposed to the development but felt this project is overreaching and will adversely impact the neighborhood. He felt the four-story building was not appropriate for the character of Beacon.

Mr. Clarke reported the height restriction for this zoning district is 48 ft. and permits four stories with a 15 ft. setback on the top floor. This proposal does not exceed the maximum restrictions.

Theresa Kraft, 315 Liberty Street, opined that just because it is permitted, doesn't mean you have to construct a building that large. She felt the building was too big for the lot, that it will impact neighboring properties, and urged the board to save the City's quality of life.

John Bono, 10 Stratford Avenue, announced that they had not received proper notice. He felt the building too tall and one less story would be much more appropriate. He asked where additional cars will park and felt there would be a problem with snow removal and storage.

Stosh Yankowski, 86 South Chestnut Street, had concern that this is an entrance to the City therefore the property should only be used for a Welcome Center. He felt four story buildings to be inappropriate and recommended the City proceed to the property over through eminent domain.

George Mansfield, 5 Churchill Street, supported the project because it meets standards set for in the Linkage District and aligns with the intention of TOD development. It provides higher density near a transit hub and is appropriate for the area. He reported that 10 years ago the owner allowed a "Welcome to Beacon" installation, and has maintained the property and sign ever since. Mr. Mansfield felt the project will still welcome visitors to Beacon.

Bradley, Dillon, 8 Bayview Avenue, felt the architectural presentation and renderings do not appropriately reflect the conditions of houses that sit above the project. He reported the trees have been trimmed and shrubbery sits lower than shown in the presentation. Mr. Dillon believed they will now see at least half a story and full roof of the four story building. He put his life

savings into new windows of this recently purchased house to take advantage of the view which will now be obscured. Mr. Dillon asked that the building be reduced to three stories.

Mr. Clarke asked that the building height (44 ft.) be added to the zoning table and elevation drawings. Discussion took place with regard to the LWRP, height limits, and setback requirements. Mr. Clarke reported this application has met all code conditions in terms of protecting river views, albeit the neighbors may see the roof.

Mr. Gunn explained the Planning Board is an administrative body only, noting City Council establishes laws that the board must follow. The board makes decisions based on those laws and rights of property owners considering nuances of property surroundings with as much care as possible. He pointed out the Planning Board cannot change the law and members understand the importance that this particular property is Beacon's front door. Care will be given about what is there, just as attention is given to every development.

Mr. Clarke explained that property along this corridor was built up before Urban Renewal removed blighted buildings, and thereafter zoning was changed to make key use of the train station. The applicant worked with the architectural review committee on elevations and has been responsive to requests of the board. The project is in compliance and has changed quite a bit from the original design.

Mr. Gunn spoke about the Comprehensive Plan which is updated every ten years and encouraged the public to get involved to steer the direction of development in the City. Being involved in the last update, Mr. Gunn noted public hearings and outreach workshops were held yet lightly attended.

After some consideration Mr. Lambert made a motion to schedule a public hearing on the application Site Plan Approval for the April 3, 2019 meeting, seconded by Mr. Muscat. All voted in favor. Motion carried. Mr. Williams made a motion to schedule a public hearing on the application for Subdivision Approval for the April 3, 2019 meeting, seconded by Mr. Barrack. All voted in favor. Motion carried.

Mr. Muscat made a motion to authorize the City Attorney to draft a Negative SEQRA Declaration and LWRP Consistency Determination for consideration at the next meeting, seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 4 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, RESIDENTIAL/PROFESSIONAL OFFICE/RESTAURANT WITH OUTDOOR SEATING AND ENTERTAINMENT AREA, 554 MAIN STREET, SUBMITTED BY DANA COLLINS**

Engineer Steve Burns reported his client hired a sound consultant who prepared a sound mitigation plan, and proposed the creation of a musician's nook in the southwest corner of the pavilion. Sound panels will be added and sound will be controlled with a compact Bose speaker system. Mr. Burns reported they removed two spaces to improve circulation in the parking lot leaving 16 regular spaces and two handicap spaces. He felt the planters recommended for screening will compromise sight distances exiting the site. Mr. Clark explained design standards

must be followed and screening from parking lot is required. He recommended planting a small hedge which would provide adequate sight distance. After some discussion about ownership of fencing surrounding the site, the applicant agreed to remove the chain link fence along Verplanck Avenue and replace it with an alternative approved fence.

Attorney Patrick Moore Hedge felt installation of a hedge or planters to screen the parking area will create a safety concern due to reduced sight distance. Mr. Clarke advised the applicant to the sight distance issue on the site plan.

Ron Sanderson of Audio Video Forensic Lab reviewed the space and believed it more a sound design challenge rather than noise abatement. He believed proper low level high quality equipment and appropriate controls will allow use of the space without loud or projected sound. Mr. Sanderson recommended use of the L1 Bose system which has a small mixer, no monitors, and provides no feedback. They reviewed the City consultant's report and agreed to add the recommended measures. Mr. Sanderson advised that he will be on site for testing and will monitor sound in order to make adjustments that keep levels within the City's noise ordinance. Discussion took place with regard to the location of the musician's nook and protections that will contain the sound.

City Attorney Jennifer Gray summarized comments from the City's consultant Eric Zwerling, of The Noise Consultancy, and advised members that he was also hired to advise the City Council on changes to the outdated noise ordinance. Discussion took place with regard to decibel readings and the applicant agreed to undertake recommendations outlined in Mr. Zwerling's report.

Roger Goodhill, 10 Ackerman Street, felt the applicant should be required to provide data on actual music levels, how many meals will be served, and more information on specifics of the entire operation before approvals are granted. He expressed concern that the operation will have a negative impact on the neighborhood and that all standards of the CMS district should be followed. Mr. Goodhill also asked that the parking situation along Main Street should be considered due to congestion in the area.

Rachel Hutami, 10 Ackerman Street, had concerns about use of the smoker and musician noise levels so near a residential area. She felt more businesses will want to do the same type of operation if this project is approved.

Theresa Kraft, 315 Liberty Street, expressed concerns for pedestrian safety of the music venue because the internal parking lot is mixed with alcohol consumption. She reported the public hearing signage was not properly maintained which is not fair to the public. Ms. Kraft felt the project will adversely affect nearby residents' quality of life.

There were no further comments and the public hearing was closed on a motion made by Mr. Lambert, seconded by Mr. Muscat. All voted in favor. Motion carried.

The applicant was advised to add the hours that the pavilion will be used, and that use of the smoker will be limited to one weekday per week. Mr. Clarke advised the public to provide the City Council with input when public hearings are held for the noise ordinance.

After careful consideration, Mr. Muscat made a motion to authorize the City Attorney to draft a resolution of approval to include conditions as discussed, submission of a noise findings report, meeting with the City's noise consultant, and returning to the Planning Board after operating for three months for follow-up review. The motion was seconded by Mr. Lambert. All voted in favor. Motion carried.

**ITEM NO. 5 CONTINUE PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, BREWERY AND RELATED USES, SUBMITTED BY JEFF O'NEIL, 511 FISHKILL AVENUE**

Architect Aryeh Siegel described his client's proposal to amend Site Plan Approval for 511 Fishkill Avenue to include a brewery, warehouse space and arcade use. Response was received from NYSDEC and the tree removal schedule will be coordinated to stay within boundaries established to protect the Indiana Bat species. Response was also received from NYSDOT and a traffic report was submitted. Mr. Siegel reviewed changes that were made to the site plan and a revised shared parking study was submitted. The brewery portion of the project will be approximately a year out with other proposed uses to be completed. A study done by WSP on behalf of the City determined adequate water supply is available for the brewery. A note will be added to the plan indicating the fire access road behind the building will be properly maintained.

Richard D'Andrea, P.E. of Maser Consulting reviewed their traffic study, which included the intersection of Red Schoolhouse Road, and in general found no significant impacts. Timing changes at the intersection of Red Schoolhouse Road were recommended and a stop sign must be added at the flashing light at the Mill Street intersection of Route 52.

Frank Filiciotto, P.E. of Creighton Manning on behalf of the City, reviewed his traffic study comments and in general agreed with findings outlined in Maser Consulting's report. He asked that more information on uses in the event space be provided, additional site control around the tear-shaped island in the entrance area be added, and dimensions of the emergency fire access road should be confirmed. In terms of parking for the event space, Mr. Siegel explained they considered square footage and occupancy limits based on building code standards. Brewery owner Jeff O'Neil reported Saturday afternoons will typically be the highest use of the site.

Mr. Clarke suggested monitoring the shared parking scheme to see if it needs to be reconfigured. He asked that that new fencing match the entire site frontage. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, had concern for water usage and advised the brewery will emit CO<sub>2</sub> gasses which will contribute to global warming. She also expressed concern for odor emissions.

Stosh Yankowski, 86 South Chestnut Street, cautioned that arcade users should be aware that virtual reality games are harmful to eye retinas.

Brewery owner Jeff O'Neil reported he is not new to complying with various regulating entities and explained his operation is not in violation of any regulations. The brewery operation will not be in violation of CO2 emissions as the technology they use does not create any adverse discernable odors outside the property line.

After careful consideration Ms. Reynolds made a motion to authorize the City Attorney to draft a Negative SEQRA Declaration for consideration, seconded by Mr. Muscat. All voted in favor. Motion carried.

There were no further comments from the public and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 6 PUBLIC HEARING ON APPLICATION TO AMEND AN EXISTING SITE PLAN APPROVAL, EMPLOYEE PARKING LOT, 3 BEEKMAN STREET, SUBMITTED BY DIA CENTER FOR THE ARTS**

Mr. Williams made a motion to open the public hearing to amend an existing Site Plan Approval, seconded by Mr. Lambert. All voted in favor. Motion carried. Engineer Tom DePuy, of T.M. DePuy Engineering and Land Surveying, described his client's proposal to construct a 28-space employee parking lot off the secondary road near the rear portion of the bus entrance. More people are visiting the art center and this will shift employee parking to a separate parking area. The lot will be lit with low level lighting until 7:00 p.m. and just before 7:00 a.m. as needed. A walkway and stairway will be provided from the new parking lot leading to the main building. Most trees that will be removed are Locust and Ash, the lot will be landscaped, and additional evergreens will be planted toward the residential area. The area to the south near the bleachers because was not chosen for parking because it is used for occasional outdoor exhibition space. Mr. Gunn opened the floor for public comment.

William Wyche, 315 Hudson Avenue, has a view of the site and had concern for the storm drain between his and the neighbors' property. Mr. DePuy reported the water will be channeled appropriately down to the site and all fallen trees and pallets will be removed.

Laura Parker-Bey, 326 Hudson Avenue, reported this is the first certified letter she received to announce a public hearing. She asked if an ordinance exists to allow helicopters landing at the Dia site because she had concern that they would be landing in the new employee parking lot. Tom Shannon representing Dia reported owners and trustees utilize helicopters to access the site occasionally and permission is regulated through federal aviation regulations.

Patricia Lassiter, 328 Hudson Avenue, had concern for the additional parking because they will be encroaching on wildlife open space. She suggested they utilize the bus parking area or that employees could be bussed into the site. Mr. Shannon explained the staff parking lot will be used mostly on the weekends. They have worked on balancing open space by planting additional shrubs and landscaping on other portions of the site. He explained utilizing the bus parking area is not practical because vehicles would need to be stacked.

There were no further comments from the public and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Muscat. All voted in favor. Motion carried.

Members reviewed the SEQRA Parts 2 and 3 drafted by the City Attorney and circulated prior to the meeting. It was noted that approximately 60 trees over 6-inches in diameter will be removed and 42 trees will be planted on various locations on the site. Tree removal must take place before March 31, 2019 as required by the DEC to protect the Indiana Bat population. After careful consideration Ms. Reynolds made a motion to issue a Negative SEQRA Declaration, seconded by Mr. Muscat. All voted in favor. Motion carried.

Members reviewed the draft resolution for LWRP Consistency Determination and after careful consideration Mr. Muscat made a motion to approve the resolution, seconded by Mr. Lambert. All voted in favor. Motion carried.

Members reviewed the draft resolution of Site Plan Approval and after careful consideration, Mr. Muscat made a motion to approve the resolution of Site Plan Approval, seconded by Ms. Reynolds. All voted in favor. Motion carried. The applicant was advised to submit a revised Site Plan showing the location of trees that will be planted on the property.

**ITEM NO. 7 PUBLIC HEARING ON THE APPLICATION FOR SITE PLAN APPROVAL, 2 ART GALLERIES, 1154 NORTH AVENUE, SUBMITTED BY PAOLA OCHOA**

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval at 1154 North Avenue, seconded by Mr. Barrack. All voted in favor. Motion carried. Engineer Dan Koehler of Hudson Land Design described his client's proposal to create art galleries (Mother Gallery and Parts & Labor Gallery) in two stories of the building at 1154 North Avenue. A new gravel path, new overhead door, and lighting will be installed as part of the project. The applicant is seeking relief from the parking requirement based on the site size, geometry, and location as permitted by zoning.

Mr. Clarke reported the project qualifies for a parking waiver because the lot is under 8,000 sq. ft. and parking spaces cannot be safely provided on site. Discussion took place with regard to temporary barriers proposed to guide visitors to the rear of the building. The right-of-way documentation with 1156 North Avenue revealed the easement is for ingress and egress therefore the owner's consent to create the gravel walkway must be provided. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked if the application would go through architectural review. She was informed that there are no exterior changes proposed and the property is not located in the historical overlay district at this time.

There were no further public comments and Mr. Lambert made a motion to close the public hearing, seconded by Mr. Burke. All voted in favor. Motion carried.

Members reviewed the draft resolution of Site Plan Approval which was circulated prior to the meeting. After careful consideration, Ms. Reynolds made a motion to approve the resolution of Site Plan Approval, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 8 PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN AND SITE PLAN APPROVAL, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Engineers Larry Boudreau, with Chris LaPorta, of Chazen Engineering described the proposal to construct two residential buildings (64 units) and one commercial building on the site at 248 Tioronda Avenue located in the Fishkill Creek Development zoning district. The Planning Board is tasked with the SEQRA environmental review and LWRP consistency determination. A greenway trail will traverse through the property to Wolcott Avenue.

Mr. Clarke summarized his review comments and explained that although they are waiting for a final determination from the Army Corp. of Engineers with regard to wetland delineation, the proposed layout will not change. The only change their determination will make is with regard to the greenway trail spurs. Mr. Clarke advised justification that Section 223-16(B) regarding very steep slopes has been satisfied to the maximum degree feasible before a SEQRA determination can be made. Although response is needed from the NYSDOT regarding impacts to traffic, the thresholds are less than the previously approved plan. Mr. Tully reported the applicant has adequately addressed engineering comments on the concept plan. Mr. Gunn opened the floor for public comment.

Erin Giunta, 9 Knevels Avenue, spoke about traffic speeding above the 15 m.p.h. limits on Wolcott Avenue and had concern about additional traffic considering Sargent Elementary School is nearby. She believed a crossing guard should be posted at the traffic light because it is a dangerous and busy intersection. Ms. Giunta reported the applicant reported no endangered species will be affected however she often sees Bald Eagles near the site. She questioned the steep driveway as it is near the Knevels Avenue intersection and felt sight distance could be compromised. She felt the new private road "Coyn Hill Road" should be noted on the site plan. Lastly Ms. Giunta asked if consideration had been given to the number of students that would be added to the school system.

Attorney Taylor Palmer, Cuddy & Feder, PC representing the neighboring property owner The Sisters Properties, LLC, asked about access space to their property. Mr. Taylor reported his client supports the project but wanted to be certain adequate space for access to their site and emergency access will be maintained. Mr. Clarke asked that the stub driveway access be shown of the site plan. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked the developer to do the right thing by making certain the greenway trail has full ADA compliance with no stairs.

The public hearing will remain open for the April 9, 2019 meeting.

**Planning Board**  
**April 9, 2019**

The Planning Board meeting was held on Tuesday, April 9, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn; Members Rick Muscat, Jill Reynolds, Pat Lambert and David Burke (in at 7:25 p.m.). Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Members Gary Barrack and Randall Williams were excused.

**Training Session**

Mr. Clarke reviewed updates to the City's zoning code and mapping changes under consideration by the City Council. Changes include elimination of the PB and OB zoning districts along Main Street as they will become a new Transitional zoning district permitting low impact uses that blend in with the adjacent residential districts. Discussion took place with regard to additions to the Historical and Landmark Overlay District. Mr. Burke joined the meeting at 7:25 p.m.

**Regular Meeting**

The regular meeting started at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the March 12, 2019 meeting. Mr. Gunn made a motion to approve the minutes of the March 12, 2019 meeting as presented, seconded by Mr. Burke. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNING AVENUE**

This item was adjourned to the May 14, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL RELATED TO SPECIAL USE PERMIT, THREE-UNIT RESIDENTIAL, 21 SOUTH AVENUE, SUBMITTED BY PROTESTANT EPISCOPAL DIOCESE OF NEW YORK**

Architect Tomasz Mlynarski of Barry Donaldson Architects returned to finalize approval for renovations to the existing residential church owned building to create three residential apartments at 21 South Avenue. The location of the sewer line was determined to be completely on their property which connects to the sewer main in Beacon Street therefore no easement is needed. Mr. Mlynarski reported revised plans include improved grading lines and adjustment to the accessible parking space as requested.

Mr. Gunn opened the floor for public comment. No one from the public wished to speak and Ms. Reynolds made a motion to close the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

Members reviewed the draft resolution of approval prepared by the City Attorney and circulated to members for review prior to the meeting. After careful consideration, Mr. Muscat made a motion to adopt the draft resolution of Site Plan Approval and Certificate of Appropriateness, seconded by Ms. Reynolds. Barrack. All voted in favor. Motion carried.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW AND OPEN PUBLIC HEARINGS ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the May 14, 2019 meeting at the request of the applicant and Mr. Gunn opened the floor for public comment.

Lee Kyriacou, 1076 Wolcott Avenue, thanked Planning Board members for their service. He spoke about zoning changes under consideration by the City Council and explained their review will be thorough and well thought out. Mr. Kyriacou recognized the Planning Board serves as the executor of the zoning code and expressed his appreciation for the board’s hard work in administering the zoning code. He looked forward to the joint meeting with members of the City Council, Planning Board, and Zoning Board of Appeals on Monday, April 22, 2019.

Theresa Kraft, 315 Liberty Street, reported at least 10 people were present to talk about this project but left because the agenda listed the item as adjourned. She asked members to visit Bayview Avenue to see the spectacular views that would be compromised by this development, and urged members to protect view sheds.

Arthur Camins, 39 Rombout Avenue, was not in favor of this development. He reported the developer cut down virtually all trees on the property, even on the cliff where no construction is proposed. He felt something amiss in the process because the developer appears to presume approvals will be granted. Mr. Camins understood zoning may permit this development yet felt it should not be built because this property is the first thing one sees when coming from the train station. He believed this parcel should not be developed.

Kevin Byrne, 61 Tioronda Avenue, was pleased the zoning code is being updated because it is not currently user friendly. He requested zoning changes be done in a transparent manner.

Stosh Yankowski, 86 South Chestnut Street, felt nothing should be developed on this property and that the City Council should pay the developer to take it over by eminent domain. He understood a four story structure is permitted however pointed out that mechanical equipment on the roof turns into a fifth story. Mr. Yankowski was amazed that trees were cut and asked that the project be denied.

Theresa Kraft, 315 Liberty Street, reported the site was formerly a gas station and investigation should be done to see if there is underground contamination.

**ITEM NO. 4 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Mr. Gunn summarized progress on the application process, and engineers Larry Boudreau, with Chris LaPorta, of Chazen Engineering were present to continue review of the proposed residential/office project located along Tioronda Avenue. Mr. Boudreau provided an overview of the environmental constraints, described building layouts and elevations, and outlined the proposed greenway trail location. Photo simulations of the project were presented.

Mr. Clarke asked that a detailed explanation of how the City's steep slope legislation is satisfied in regard to the proposal be submitted for review. He compared the applicant's school impact study with Rutgers multipliers and determined the development would potentially add 9-16 students. This would not be a significant impact considering the school district has experienced an enrollment decline. Mr. Clarke explained the ADA compliant section of the greenway trail should be shown on the concept plan with the understanding that more details will be worked out during Site Plan review. He asked that the "no adverse impact" statement issued in 2013 from the Office of Historic Preservation be made part of the EAF narrative.

Mr. Boudreau reported the Army Corp of Engineers has been contacted and the NYS Department of Transportation is currently reviewing their traffic study. In response to public comment about the site entrance, he explained this location was part of the previous approval and was also the MTA approved location for crossing. In addition a guiderail will be installed, signage will be added, and clearing will take place to increase sight distance. Mr. Gunn opened the floor for public comment.

Lisa Alvarez, 23 Hammond Plaza, felt the board should look at the number of apartment units that are currently empty before approving more projects. She felt attention should be given to the impacts the development will have on water usage, flooding, and infrastructure. Ms. Alvarez asked who will clean up creek and dead fish when the water is low. She estimated nearly 300 unoccupied apartment units exist and urged the board wait until there is 80% occupancy before approving another lasting development that will be harmful to Beacon.

Theresa Kraft, 315 Liberty Street, felt attention should be given to stormwater runoff that will cause oil and gas to drain into the creek. The environment should be protected.

Arthur Camins, 39 Rombout Avenue, thought a four story building required a variance and believed the argument that fewer stories would not be economically viable to be an invalid justification for a variance. He felt it should not be the City's responsibility to make a development economically viable for an applicant. Mr. Camins expressed concern for the loss of existing views of the creek and dam.

Kevin Byrne, 61 Tioronda Avenue, had concern for environmental impact mitigations to protect landscaping, steep slopes, and stormwater runoff. He felt the dam should be available and open to the public.

Mr. Tully explained areas on the site are set aside for stormwater mitigation however the design is not finalized yet. He added that if space set aside for mitigation is not adequate the applicant must adjust the site plan to make it comply with all environmental requirements. Ms. Reynolds had concern for proper remediation because in its day the former Tuck Tape site was one of the biggest polluters. Mr. Boudreau explained the previous owner went through complete site remediation and upon completion the DEC decommissioned the property from their list of contaminated sites.

Mr. Clarke explained building height is measured from the side of the building that faces the public street. In this case the side of the building that faces Tioronda Avenue is three stories therefore a variance is not needed for building height. No protected view sheds exist on this site, and one of the two proposed greenway trail spurs extends to the dam located on the creek. Discussion took place with regard to the easement which provides access to the adjacent Sisters' property. Further negotiations will be taking place with them in regard to extending an easement to the Wolcott Avenue emergency access. Mr. Boudreau reported their traffic study considered potential future development of the Sisters' property and 555 South Avenue. The applicant will return to continue review at the May meeting.

**ITEM NO. 5 PUBLIC HEARING ON APPLICATION FOR SITE PLAN APPROVAL, 9 APARTMENTS IN 3 BUILDINGS, 53 ELIZA STREET, SUBMITTED BY PIE DEVELOPMENT COMPANY**

Design team Attorney Taylor Palmer, Engineer Mike Bodendorf and Architect Aryeh Siegel were present to review their client's proposal to change the existing commercial operation at 53 Eliza Street into a residential development. Mr. Palmer reported the application was referred to the Architectural Review Subcommittee however work on changes to the elevations had not been completed in time for submission deadline. The public hearing was subject to a meeting with the Subcommittee however it was properly noticed and the applicant was willing to continue review of other site plan aspects. Mr. Muscat made a motion to open the public hearing, seconded by Mr. Lambert. All voted in favor. Motion carried.

Mr. Siegel described his client's proposal to change the commercial contractor yard and offices into nine condominium units within three buildings organized around a landscaped court yard. Work has taken place on adjusting building design and elevations to make certain the height and number of stories are within permitted limits. Floor and landscape plans will be submitted for review at the next meeting, and building elevation renderings will be done next week to meet with the Architectural Review Subcommittee. Discussion took place with regard to the covered driveway entrance, and height of the arch covered drive was reviewed and accepted by the City's Fire Chief.

Mr. Clarke reviewed his comments and advised front yard setbacks must fit in with adjacent houses and porches need to be at least five feet wide. He felt the proposed portico entry into the site would not fit in with the neighborhood. Mr. Tully advised the applicant to be aware that the Health Department has different requirements for a condo development, and explained more information on soil testing is needed. Remaining comments are listed in his review letter. Mr. Gunn opened the floor for public comment.

**Planning Board**  
**May 14, 2019**

The Planning Board meeting was held on Tuesday, May 14, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:10 p.m. with Acting Chairman Randall Williams (in at 7:35 p.m.), Members Rick Muscat, Jill Reynolds, and Pat Lambert. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer John Russo (in for Art Tully), and City Planner John Clarke. Chairman John Gunn and Member David Burke were excused.

**Training Session**

City Attorney Jennifer Gray reviewed the application process pre-application process – review with city attorney, building inspector, secretary, and board consultants. Reviewed the application procedures outlined in the Code for subdivisions, as well as specifications required for plats and site plans. General provisions for Special Use Permits were reviewed.

**Regular Meeting**

The regular meeting started at 7:38 p.m. with Mr. Williams calling for corrections/additions or a motion to approve minutes of the April 9, 2019 meeting. Mr. Lambert made a motion to approve the minutes of the April 9, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

**ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE**

This item was adjourned to the June 11, 2019 meeting.

**ITEM NO. 2 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW AND OPEN PUBLIC HEARINGS ON APPLICATIONS FOR SUBDIVISION APPROVAL AND SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL “FERRY LANDING AT BEACON”, BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.**

This item was adjourned to the June 11, 2019 meeting at the request of the applicant.

**ITEM NO. 3 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR CONCEPT PLAN, SUBDIVISION AND SITE PLAN APPROVAL, MIXED USE DEVELOPMENT, 248 TIORONDA AVENUE, SUBMITTED BY CHAI BUILDERS CORP.**

Engineer Larry Boudreau, with Chris LaPorta, of Chazen Engineering were present to continue review of the proposed residential/office project located along Tioronda Avenue. Mr. Boudreau summarized progress on the project and provided responses to consultant and public comments. The EAF was revised with regard to the number of school children that would be generated from the project, work with the NYS Department of Transportation and Creighton Manning on traffic information took place, and sight line information for the Tioronda Avenue access point was provided. Mr. Williams opened the floor for public comment.

Kevin Byrne, 61 Tioronda Avenue, commended the applicant on the building design. He felt the grade change at the Wolcott Avenue emergency access should be reviewed because it appeared too steep and asked that amenities to greenway trail be improved by working with the Greenway Committee. Mr. Byrne suggested the trail remain by the creek by creating a cantilevered walkway under the bridge to avoid steep grade changes where the trail meets Wolcott Avenue.

Theresa Kraft, 315 Liberty Street, expressed concern that there could be additional contaminants unearthed during construction because it is a former industrial site. She thought materials could still be remaining underground and new contaminants introduced from the development.

Arthur Camins, 39 Rombout Avenue, felt use of permeable pavement and a green roof system would be better for the environment.

Frank Filiciotto with Creighton Manning reported worked with the applicant on updating their traffic study. He confirmed that sufficient capacity exists at the intersection of Wolcott and Tioronda Avenue to accommodate the additional vehicular traffic that will be generated from this project.

Mr. Clarke reported the applicant sufficiently addressed his comments in order to move forward with the LWRP and SEQRA determinations for a recommendation to the City Council on the Concept Plan. The wetland delineation from Army Corps of Engineers remains but the environmental review process is complete and further site plan review will take place once conceptual approval is granted by the City Council. Mr. Clarke reported his environmental review comments have been addressed.

Mr. Boudreau reported the greenway trail follows the emergency access to Wolcott Avenue which is 20 ft. wide with a 10% grade as permitted. They will consider permeable pavement and green roofing as suggested. He reported remediation of the site was completed and the property was delisted. Concern was raised that new standards may be in place since it was delisted however NYSDEC does not require an applicant to revisit a site unless there is indication that more contaminants were introduced to the site. Mr. Boudreau reported each building has their own sanitary sewer pump station with generator back up. He will provide the board with a letter from SHPPO with regard to archeological and historic resources on the site.

Members will advise the City Council that they support the use of permeable pavement and green measures but don't feel it should be mandatory since the applicant agreed to work in good faith during the site plan review. The number of land banked spaces will also be reevaluated during site plan review. Members were comfortable with the conceptual layout knowing that specific site plan issues will be dealt with after conceptual review.

After careful consideration, Mr. Barrack made a motion to close the SEQRA public hearing, and direct the City Attorney to draft SEQRA documents, an LWRP Consistency Determination, and a recommendation to the City Council for consideration at the June meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

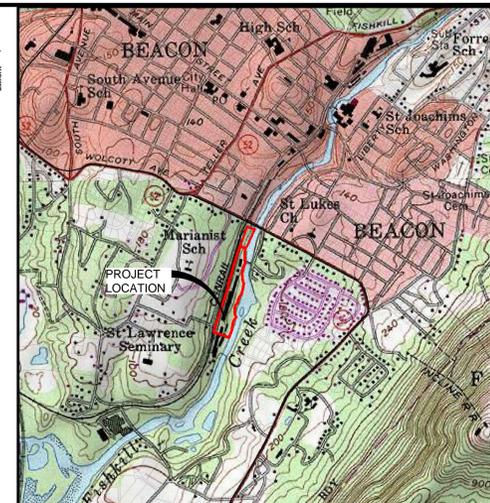
# SITE PLAN

## 248 TIORONDA AVE, BEACON NY

PREPARED FOR  
**CHAI BUILDERS**  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK

SEPTEMBER 2018  
LAST REVISED: MAY 2019

BEST MANAGEMENT PRACTICES FOR INDIANA BATS	
1.	THE PROJECT WILL AVOID CUTTING TREES TO THE MAXIMUM EXTENT PRACTICABLE.
2.	LARGER TREES WILL BE RETAINED.
3.	TREE CLEARING LIMITS WILL BE MARKED IN THE FIELD PRIOR TO ANY CLEARING, AND CONTRACTORS WILL BE INFORMED ABOUT CLEARING LIMITS PRIOR TO THE INITIATION OF WORK.
4.	TREES WILL BE REMOVED BETWEEN OCTOBER 1 AND MARCH 31 IN ORDER TO AVOID ANY INCIDENTAL TAKE TO INDIANA BATS, OR OTHER BATS THAT MAY USE TREES FOR ROOSTING.
5.	ALL SITE LIGHTING ON THE SITE WILL BE FULL CUT-OFF.
6.	THERE WILL BE NO USE OF HERBICIDES OR PESTICIDES IN ANY STORMWATER MANAGEMENT BASINS.



LOCATION MAP  
SCALE: 1"=1000'  
SOURCE: USGS CATSKILL, NY QUADRANGLE  
(USGS REF. CODE: WEST POINT-41073-D8-TF-024)

INDEX OF DRAWINGS			
PAGE NO.	SHEET NO.	DATE	DESCRIPTION
1	G001	04/30/19	TITLE SHEET
2	C011	02/26/19	EXISTING CONDITIONS
3	C100	04/30/19	ENVIRONMENTAL CONDITIONS/CONSTRAINTS
4	C130	05/24/19	CONCEPT PLAN
5	C200	02/26/19	VEHICLE MANEUVERING PLAN

**CITY OF BEACON  
PLANNING BOARD APPROVAL  
CITY OF BEACON, NEW YORK**

APPROVED BY RESOLUTION NUMBER \_\_\_\_\_  
OF THE PLANNING BOARD OF BEACON, NEW YORK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGES, ERASURE, MODIFICATION, OR REVISION OF THIS PLAN AS APPROVED SHALL VOID THIS APPROVAL. SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CHAIRMAN \_\_\_\_\_

**CITY OF BEACON PLANNING BOARD APPROVAL  
OWNER / APPLICANT SIGNATURE**

THE UNDERSIGNED APPLICANT FOR THE PROPERTY AND THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON STATE THAT THEY ARE FAMILIAR WITH THIS MAP, ITS NOTES AND ITS CONTENTS, AND HEREBY CONSENT TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

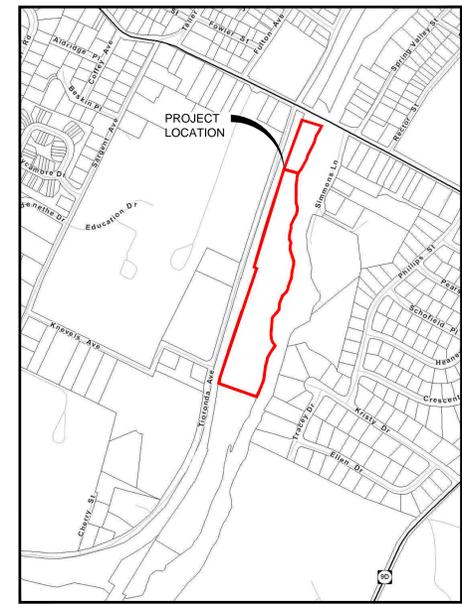
THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE CITY TO KEEP THIS SITE AS PER SITE PLAN APPROVAL BY THE CITY PLANNING BOARD UNTIL A NEW OR REVISED SITE PLAN IS APPROVED FOR THE SITE. THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE TOWN NOT TO OCCUPY THE PREMISES BEFORE A CO IS ISSUED BY THE TOWN CODE ENFORCEMENT OFFICER.

APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

Allowable Residential Units		
1	Total lot area	9.18 acres
2	Lot area with slopes over 25%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland.	3.29 acres
3	Remaining lands for dwelling unit calculation (line 1 - line 2)	5.89 acres
4	Maximum dwelling units (line 3 x 11)	64 units*

\*Subject to change with new jurisdictional determination by Army Corps.



AREA PARCEL MAP  
SCALE: 1"=400'

BULK TABLE		
FISHKILL CREEK DEVELOPMENT DISTRICT: FCD		
<b>ZONING REQUIREMENTS:</b>		
MINIMUM LOT AREA	REQUIRED	PROVIDED
2 ACRES		9.18 ACRES
MAXIMUM # OF DWELLINGS*	64 UNITS	64 UNITS
NON-RESIDENTIAL FLOOR AREA	25,400 SF	25,400 SF
MAXIMUM BUILDING COVERAGE	35%	9.5%
MINIMUM OPEN SPACE	30%	70.8%
MINIMUM FRONTAGE OF OVERALL FCD SITE ON PUBLIC STREET ROW	50 FT	135'
MINIMUM BUILDING SETBACK FROM EDGE OF PAVEMENT OF PUBLIC AND PRIVATE STREETS	12 FT	700'
MINIMUM SETBACK AND BUFFER WIDTH ALONG FISHKILL CREEK	AVG 50 FT MIN 25 FT	AVG = 75 FT MIN. = 45 FT
MAXIMUM BUILDING HEIGHT	3 STORIES (40')	3 STORIES (36')
MINIMUM NUMBER OF PARKING SPACES		
RESIDENTIAL:	1 SPACE PER DWELLING UNIT PLUS 1/4 SPACE FOR EACH BEDROOM = 89 SPACES	89 SPACES TOTAL (WHICH INCLUDES 16 SURFACE SPACES, AND 74 SPACES BELOW BUILDING)
NON-RESIDENTIAL:	1 SPACE PER 200 SF GROSS FLOOR AREA EXCLUDING UTILITY AREAS = 127 SPACES	103 SPACES TOTAL
LAND BANKED:	0 SPACES	24 SPACES
TOTAL:	216 SPACES 9 ACCESSIBLE SPACES REQUIRED	216 SPACES 9 ACCESSIBLE SPACES PROVIDED

SITE STATISTICS FOR PROPOSED MULTIFAMILY HOUSING & NON-RESIDENTIAL		
PROPOSED USE	MULTIFAMILY HOUSING & NON-RESIDENTIAL	
ZONING DISTRICT	FISHKILL CREEK DEVELOPMENT	
TOTAL BUILDING FLOOR AREA (SF)	101,602 SF	
PARKING PROVIDED	216	

DEVELOPMENT SCHEDULE					
BUILDING	UNITS	1-BR	2-BR	APPROX. SQUARE FT	% OF PROJECT AREA
RES.	64	28	36	76,202	75
NON-RES.	-	-	-	25,400	25
TOTAL	64	28	36	101,602	100

**DEVELOPMENT NOTE:**  
THE PROJECT SHALL NOT EXCEED A TOTAL OF 64 UNITS, IN A MIX OF ONE AND TWO BEDROOM UNITS. TEN PERCENT (10%) OF THE UNITS WILL MEET THE REQUIREMENTS OF ARTICLE 16B, AFFORDABLE-WORKFORCE HOUSING, OF THE ZONING LAW.

**OWNER'S CERTIFICATION  
FOR ALL SHEETS**

THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATE THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND LEGENDS AND HEREBY CONSENT TO ALL TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THE PLAN IN THE OFFICE OF THE CLERK OF THE COUNTY OF DUTCHESS, IF REQUIRED.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**DUTCHESS COUNTY DEPARTMENT OF HEALTH  
APPROVAL**

THIS IS TO CERTIFY THAT THE PROPOSED ARRANGEMENTS FOR WATER SUPPLY AND SEWAGE DISPOSAL FOR \_\_\_\_\_ IN THE \_\_\_\_\_ WERE APPROVED ON \_\_\_\_\_ IN ACCORDANCE WITH PLANS ON FILE IN THE OFFICE OF THE DUTCHESS COUNTY DEPARTMENT OF HEALTH. CONSENT IS HEREBY GIVEN TO THE FILING OF THE MAP ON WHICH THIS ENDORSEMENT APPEARS IN THE OFFICE OF THE COUNTY CLERK OF DUTCHESS COUNTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 TITLE 2 OF THE NEW YORK STATE PUBLIC HEALTH LAW, AND ARTICLE 17 TITLE 15 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW, AND ARTICLE 11 OF DUTCHESS COUNTY SANITARY CODE.

SUPERVISING PUBLIC HEALTH ENGINEER \_\_\_\_\_

**SITE ENGINEER:**  
CHAZEN ENGINEERING, LAND SURVEYING, & LANDSCAPE ARCHITECTURE, D.P.C.  
21 FOX STREET, POUGHKEEPSIE, NY 12601  
PHONE: (845) 454-3980

**PROJECT ARCHITECT:**  
AB ARCHITECTEN  
92 ALLEN STREET, 2ND FLOOR  
NEW YORK, NY 10002  
PHONE: (212) 334-1232

**SITE SURVEYOR:**  
CHAZEN ENGINEERING, LAND SURVEYING, & LANDSCAPE ARCHITECTURE, D.P.C.  
21 FOX STREET, POUGHKEEPSIE, NY 12601  
PHONE: (845) 454-3980

**DEVELOPER / APPLICANT:**  
CHAI BUILDERS  
120 ROUTE 59, SUITE 201  
SUFFERN, NY 10901  
(917) 656-4402

**OWNER(S) INFORMATION:**  
BERRY KOHN  
BEACON 248 HOLDINGS, LLC  
15 SYCAMORE LANE  
SUFFERN, NY 10901

**TAX MAP INFORMATION:**  
CITY OF BEACON, NEW YORK  
SECTION 5954, BLOCK 10, LOT 993482 (8.18 ACRES)  
SECTION 6054, BLOCK 45, LOT 012574 (1 ACRE)

**AREA:**  
TOTAL PROJECT AREA: 9.18± ACRES

**ZONING DISTRICT:**  
FISHKILL CREEK DEVELOPMENT (FCD) ZONING DISTRICT

**WATER & SEWER DISTRICT:**  
CITY OF BEACON



ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING AND SURVEYING, A LANDSCAPE ARCHITECTURE CO. IS STRICTLY PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED AND FOR WHICH IT WAS REVIEWED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT OR ANY USE FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS INTENDED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING AND SURVEYING, A LANDSCAPE ARCHITECTURE CO., D.P.C.

IF IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY MANNER, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT), IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL ATTEST TO THE DRAWING OR DOCUMENT AS HIS OR HER OWN, THE REASON FOR THE ALTERATION, AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



**CHAZEN ENGINEERING, LAND SURVEYING**  
Office Locations:  
North Country Office: 20 Elm Street, Suite 110, Glen Falls, New York 12801  
Poughkeepsie, New York 12601  
Phone: (845) 454-3980  
Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601  
Phone: (914) 997-8500  
Nashville Tennessee Office: 2418 21st Ave S, Suite 103, Nashville, Tennessee 37212  
Phone: (615) 380-1368  
Chattanooga Tennessee Office: 437 E. 57th St, (Suite 203), Chattanooga, Tennessee 37403  
Phone: (423) 241-6275

REV.	DATE	DESCRIPTION
5	04/20/19	REVISED PER PLANNING BOARD COMMENTS
4	02/26/19	REVISED PER CITY COUNCIL COMMENTS
3	01/17/19	REVISED PER CITY COUNCIL COMMENTS
2	11/29/18	REVISED PER CITY COUNCIL COMMENTS
1	10/12/18	REVISED PER CITY COUNCIL COMMENTS

TITLE SHEET	
PROJECT NO.	81750.00
SHEET NO.	G001

TIORONDA AVE., BEACON, N.Y.

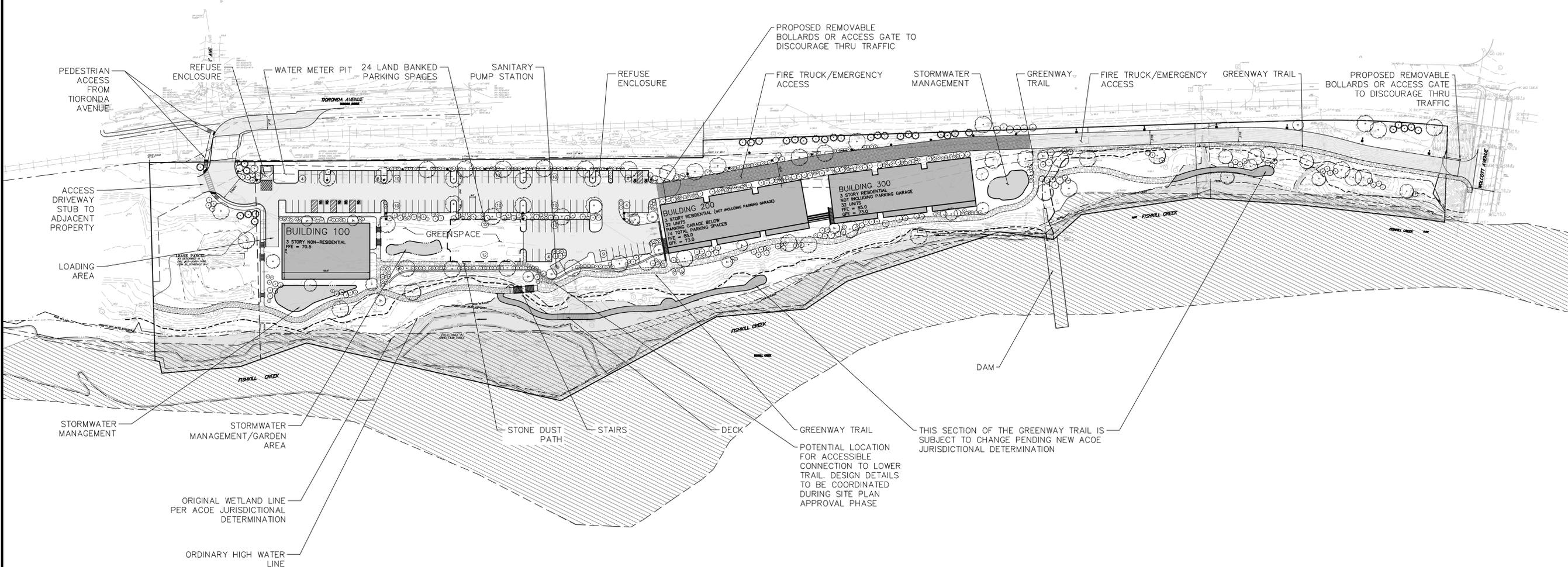
**TITLE SHEET**

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
CL	LAB
date	scale
09/10/18	AS NOTED
PROJECT	81750.00
sheet no.	G001



Parking		
Use Type	Required	Provided
Residential	89	89
Non-Residential	127	103
Banked	0	24
<b>Total</b>	<b>216</b>	<b>216</b>



**Dig Safely.**  
New York  
Call Before You Dig  
Mark The Required Time  
Confirm Utility Response  
Respect The Marks  
800-962-7962  
www.digsafely.com

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING AND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED OR INTENDED FOR WHICH IT WAS DESIGNED. ANY MODIFICATION OF THIS DRAWING OR DOCUMENT OR ANY USE FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS DESIGNED, WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING AND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY MANNER UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERED DESIGN PROFESSIONAL SHALL STATE TO THE DRAWING OR DOCUMENT OF HIS SEAL, THE NATURE, DATE AND EXTENT OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

**Chazen Companies**  
Provided to Employer Only  
Engineers  
Land Surveyors  
Planners  
Environmental & Safety Professionals  
Landscape Architects

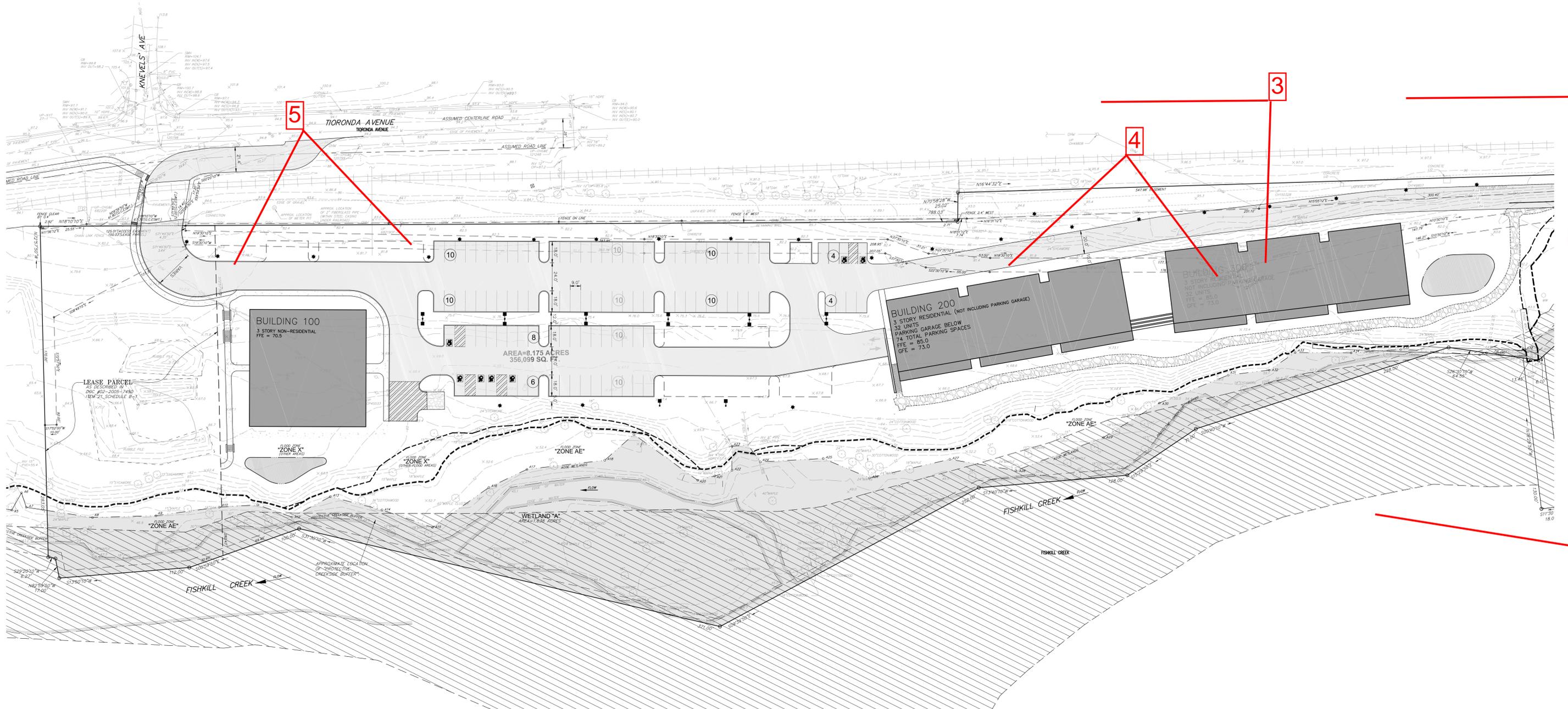
**CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.**  
Office Locations:  
Dutchess County Office: 21 Van Street, Newburgh, NY 12551, Phone: (845) 544-3300  
North Country Office: 22 Elm Street, Suite 1100, Glens Falls, New York 12801, Phone: (518) 812-0013  
Nashville Tennessee Office: 2415 21st Ave S, Suite 1033, Nashville, Tennessee 37212, Phone: (615) 380-1308  
Westchester NY Office: 1 North Broadway, Suite 803, White Plains, New York 10601, Phone: (914) 997-8200  
Chattanooga Tennessee Office: 437 E 9th St, Suite 203, Chattanooga, Tennessee 37403, Phone: (423) 241-6275

rev.	date	description
4	05/24/19	REVISED FOR CITY COMMENTS
3	04/30/19	REVISED PER CITY COUNCIL COMMENTS
2	02/26/19	REVISED PER CITY COUNCIL COMMENTS
1	01/17/19	NEW SHEET ADDED TO SET

TIORONDA AVE., BEACON, N.Y.  
**CONCEPT PLAN**  
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
SCP	LAD
date	scale
09/10/18	1"=50'
project no.	
81750.00	
sheet no.	
<b>C130</b>	





5

4

3

2

1

TIORONDA AVENUE  
TIORONDA AVENUE

**BUILDING 100**  
3 STORY NON-RESIDENTIAL  
FFE = 70.5

AREA=8.175 ACRES  
356,099 SQ. FT.

**BUILDING 200**  
3 STORY RESIDENTIAL (NOT INCLUDING PARKING GARAGE)  
32 UNITS  
PARKING GARAGE BELOW  
74 TOTAL PARKING SPACES  
FFE = 85.0  
GFE = 73.0

ZONE X  
(OTHER AREAS)

ZONE X  
(OTHER AREAS)

ZONE AE

WETLAND "A"  
AREA=8.32 ACRES

FISHKILL CREEK

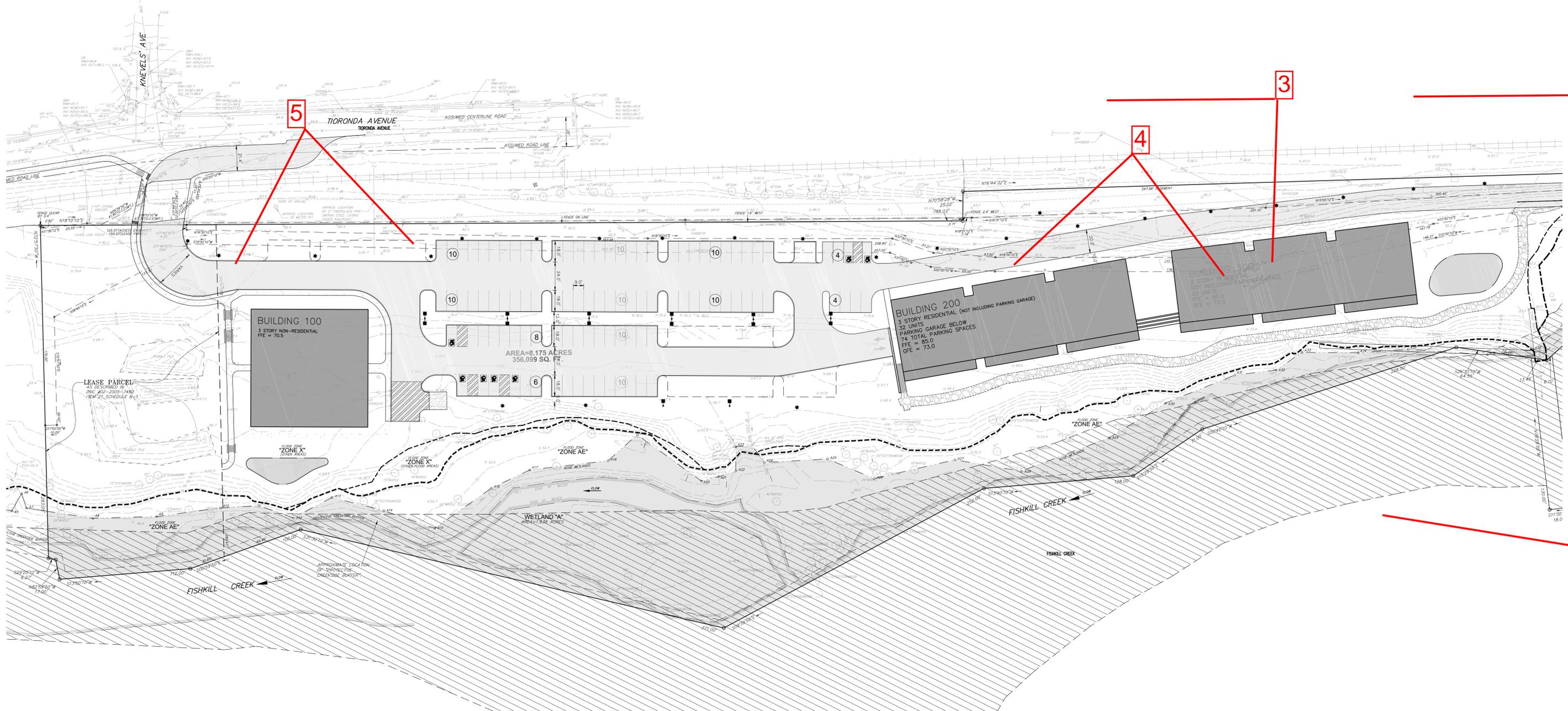
FISHKILL CREEK

FISHKILL CREEK

KNEVELS AVE

LEASE PARCEL  
AS DESCRIBED IN  
D&W 100-1000-7480  
ITEM 21, SCHEDULE B

APPROXIMATE LOCATION  
OF PROTECTIVE  
CHECKDAM DIVERTER















FISHKILL CREEK

GREENWAY TRAIL

PROPOSED STREET

RAILROAD

TIORONDA AVE.

SITE SECTION BLDG A

FISHKILL CREEK

GREENWAY TRAIL

PROPOSED STREET

RAILROAD

TIORONDA AVE.

SITE SECTION BLDG B

SITE SECTION

248 TIORONDA AVENUE  
BEACON, NEW YORK

PROPOSED REVISIONS  
JAN 17, 2019

abarchitekten



SITE SECTION BLDG A



SITE SECTION BLDG A



WEST ELEVATION BLDG B

WEST ELEVATION BLDG A



EAST ELEVATION BLDG A

EAST ELEVATION BLDG B



SOUTH ELEVATION BLDG A



NORTH ELEVATION BLDG A



NORTH ELEVATION BLDG B



— — — — — **ROOF**  
+36'-0"

— — — — — **3RD FLOOR**  
+24'-0"

— — — — — **2ND FLOOR**  
+12'-0"

— — — — — **1ST FLOOR**  
+0'-0"

WEST ELEVATION BLDG B



— — — — — **ROOF**  
+36'-0"

— — — — — **3RD FLOOR**  
+24'-0"

— — — — — **2ND FLOOR**  
+12'-0"

— — — — — **1ST FLOOR**  
+0'-0"

EAST ELEVATION BLDG A



WEST ELEVATION BLDG A

ROOF  
+36'-0"

3RD FLOOR  
+24'-0"

2ND FLOOR  
+12'-0"

1ST FLOOR  
+0'-0"

CELLAR  
-12'-0"



EAST ELEVATION BLDG B

ROOF  
+36'-0"

3RD FLOOR  
+24'-0"

2ND FLOOR  
+12'-0"

1ST FLOOR  
+0'-0"

CELLAR  
-12'-0"



WEST ELEVATION



EAST ELEVATION

Full Environmental Assessment Form Part 1  
for  
*Proposed Multifamily Development and Office Building*

**248 Tioronda Avenue**  
**City of Beacon**  
**Dutchess County, New York**



Issued: September 10, 2018  
Reissued: October 15, 2018  
Reissued: November 26, 2018  
Reissued: January 17, 2019  
Reissued: January 30, 2019  
Reissued: March 26, 2019  
Reissued: April 30, 2019

Prepared for:

248 Beacon Holdings LLC.  
120 Route 59 Suite 201  
Suffern, New York 10901

Prepared by:

Chazen Engineering, Land Surveying &  
Landscape Architecture Co., D.P.C.  
21 Fox Street Suite 201  
Poughkeepsie, NY 12601  
845-454-3980

Chazen Project No. 81750.00

This page intentionally left blank

## TABLE OF CONTENTS

### PROJECT NARRATIVE

<b>1.0</b>	<b>PROJECT DESCRIPTION</b> .....	<b>1</b>
1.1	Introduction .....	1
1.1	Project History.....	1
1.2	Current Project.....	2
<b>2.0</b>	<b>LAND USE AND ZONING</b> .....	<b>2</b>
2.1	Land Use.....	2
2.2	City of Beacon Comprehensive Plan .....	2
2.3	City of Beacon Zoning.....	4
2.4	City of Beacon Local Waterfront Revitalization Plan (LWRP).....	6
<b>3.0</b>	<b>COMMUNITY SERVICES</b> .....	<b>6</b>
3.1	Police and Fire Protection Services .....	6
3.2	School District .....	6
<b>4.0</b>	<b>SOILS, TOPOGRAPHY, AND WATER RESOURCES</b> .....	<b>7</b>
4.1	Soils and Topography .....	7
4.2	Water Resources .....	8
4.3	Floodplain.....	8
<b>5.0</b>	<b>UTILITIES</b> .....	<b>8</b>
5.1	Water and Wastewater.....	8
5.2	Stormwater .....	9
<b>6.0</b>	<b>TRAFFIC AND PARKING</b> .....	<b>9</b>
6.1	Traffic .....	9
6.2	Parking.....	11
<b>7.0</b>	<b>NOISE AND LIGHTING</b> .....	<b>12</b>
7.1	Noise .....	12
7.2	Lighting.....	12
<b>8.0</b>	<b>SOLID WASTE</b> .....	<b>12</b>
<b>9.0</b>	<b>CONTAMINATION HISTORY</b> .....	<b>13</b>
<b>10.0</b>	<b>ENDANGERED, THREATENED AND RARE SPECIES AND SIGNIFICANT HABITAT</b> .....	<b>13</b>
<b>11.0</b>	<b>HISTORIC AND ARCHEOLOGICAL RESOURCES</b> .....	<b>14</b>
<b>12.0</b>	<b>COMMUNITY CHARACTER</b> .....	<b>14</b>

**LIST OF TABLES**

Table 3-1: Anticipated Public School Children Generated by the Project..... 6  
Table 4-1: Characteristics of Soil Types within Project Site ..... 7  
Table 6-1: Traffic Generation ..... 10

**FULL ENVIRONMENTAL ASSESSMENT FORM PART 1 FORM**

**FIGURES**

- Figure 1: USGS Location Map
- Figure 2: Orthophoto Tax Map
- Figure 3: Land Use Map
- Figure 4: Soils Map
- Figure 5: Slopes Map
- Figure 6: Wetland, Stream, and Floodplain Map
- Figure 7: NYSDEC Environmental Resource Map
- Figure 8: NYSOPRHP Cultural Resource Information System (CRIS) Map
- Figure 9: Scenic and Aesthetic Resources Map

**ATTACHMENTS**

- Attachment A: Updated Traffic Synchro Analysis
- Attachment B: NYSDEC Correspondence and US Fish & Wildlife Service (USFWS) Official Species List

Note: Site Plan submitted separately.

## PROJECT NARRATIVE

---

This page intentionally left blank

## 1.0 PROJECT DESCRIPTION

### 1.1 Introduction

The Applicant, 248 Beacon Holdings LLC, proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as parcels 5954-16-993482 and 6054-45-012574 on the City of Beacon tax map, which are proposed to be consolidated. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area.

The FEAF was completed utilizing the NYSDEC EAF Mapper, which provides automated responses to certain questions. The EAF Mapper tool sometimes indicates limited availability for some digital data. This narrative provides clarification for responses and/or reference used for the responses.

### 1.1 Project History

The project site is located in the Fishkill Creek Development (FCD) District, according to the City of Beacon Zoning Map. Development within this District requires both City Council and Planning Board approvals. The current property owner and previous Applicant, Beacon 248 Development, LLC, received Concept Plan and Special Permit Approvals by the City of Beacon City Council on August 4<sup>th</sup>, 2014, for the redevelopment of the site for a 100-unit multifamily residential development. The Planning Board was Lead Agency for the State Environmental Quality Review (SEQR), and a Negative Declaration was adopted on April 8, 2014, after determination that the project would not have any significant adverse environmental impacts. Planning Board Approvals for Subdivision (lot consolidation) and Site Plan were granted on January 13, 2015. The approved site plan layout included four residential buildings, a 1,200 SF clubhouse, and a swimming pool for use by residents only. The site plan also included a Greenway Trail along the Fishkill Creek for public use. An access easement was granted by MTA for the Tioronda Avenue access drive. The property owner subsequently was granted extensions of the Planning Board approvals for site plan and subdivision.

In 2017, the City Council adopted zoning amendments which included amendments to the FCD regulations. "Attached apartment and multifamily dwellings" is a permitted principal use that previously required a special permit from the City Council in the FCD District. However, the adopted zoning amendments eliminate the need for a special permit. "Professional and business offices in buildings that face streets" are also permitted in the FCD District. A FCD project requires concept approval and SEQR by the City Council and site plan approval by the Planning Board. The zoning amendments also result in a reduction in the number of dwelling units that would be permitted for this property.

## 1.2 Current Project

The current Applicant has presented a new concept plan that meets the amended FCD requirements. The number of dwelling units has been reduced from 100 units to 64 units, which include 28 one-bedroom units and 36 two-bedroom units (100 bedrooms). The proposed site plan includes two residential buildings and a 25,400 SF office building. Many of the features that were incorporated into the approved plan have been retained in the currently proposed site plan, including the Greenway Trail and emergency access drive. The current plan continues to be located mostly within the area of development for the former Tuck Industries facility.

## 2.0 LAND USE AND ZONING

### 2.1 Land Use

The project site is located on Tioronda Avenue with additional road frontage on Wolcott Avenue. Figure 3 shows land uses within 1,000 feet of the site. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. The proposed residential and office uses will blend in with the other residential uses in the area and will be consistent with future development of the FCD properties to the north and south. The project involves the redevelopment of a deteriorated former industrial site. The project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as providing a public Greenway Trail along the Fishkill Creek.

### 2.2 City of Beacon Comprehensive Plan

The City of Beacon Comprehensive Plan adopted December 17, 2007, proposed a combination of new open spaces and parks balanced with new opportunities for commercial and residential development in several key areas of the City, including the former industrial sites along the Fishkill Creek. The 2007 Comprehensive Plan encouraged residential development at these old industrial sites, and actually provided for greater density (15 dwelling units per acre), stating that: *“Allowing these lands to be built at greater densities represents an efficient use of land in a location capable of supporting this level of development. The City expects to benefit from this through the physical revitalization of these areas.”*

The Comprehensive Plan Update adopted April 3, 2017, (the “Plan”) reflects land use, demographic and socioeconomic changes that have taken place since the 2007 plan was adopted. The updated recommendations in the Plan address environmental protection, economic development, affordable housing and improved community services and facilities. The primary focus of the 2017 Plan is the waterfront and train station area; therefore, many of the policies and recommendations of the 2007 Comprehensive Plan that applied to the project site are still applicable.

One of the Goals of the Plan is to *“encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City’s objectives for economic development”* (page 66), and Objectives and Recommendations under this Goal for vacant industrial sites is to *“encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City”* (page 68).

The goals of the Plan that relate to *“Environmental Resources”* include to *“preserve environmentally significant features and create an open space system of sufficient size to reserve adequate areas for the protection of water related resources, wildlife, and land forms of particular environmental value. The rare assets of the City, such as the Hudson River and Fishkill Creek, should be protected, as should the Hudson Highlands on the slopes of Mt. Beacon”* and to *“encourage high environmental standards for development and infrastructure, develop sources of renewable energy and improve the environmental performance of City-owned property* (page 24).” One of the objectives of this goal is to *“establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mt. Beacon”*. The proposed public Greenway Trail is consistent with this goal and objective, as the trail area along the creek is preserved with a conservation easement, and extends across the site to allow connection to adjacent properties along the creek.

The goal of the Comprehensive Plan that relates to *“Population and Residential Development”* includes *“(1) strive to maintain a variety of housing opportunities that area accessible to a wide variety of income levels”; “(4) encourage residential development of vacant and underutilized former industrial sites”; and “(5) ensure continued racial, ethnic, age and economic diversity of the population through encouraging a wide range of housing choices”* (page 52). The City’s creation of the Fishkill Creek Development (FCD) district represents implementation of this goal and these objectives. The project is consistent in that it is a mix of uses which include market rate residential housing along with a public Greenway Trail. The project will comply with the requirements for affordable-workforce housing per Article IVBX of the zoning code. Stormwater management will include green infrastructure practices such as bioretention.

The goal of the Comprehensive Plan that relates to *“Commercial, Office, and Industrial Development”* is to *“encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City’s objectives for economic development”* (page 66). An objective of this goal (Objective F) is to *“encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City”* (page 68).

The project consists of the redevelopment of the former Tuck Industries manufacturing site for a multifamily residential development and office building. The project site was listed in the NYSDEC’s Environmental Remediation Database as a Site Code 314044, formerly operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste which resulted in soil contamination. The industrial buildings were demolished and removed, and the site was remediated to the satisfaction of NYSDEC, and is ready for redevelopment, consistent with this goal and objective of the Comprehensive Plan.

The goal of the Comprehensive Plan that relates to “Recreation and Community Facilities” is that “community services for all age groups should be provided consistent with the economic growth of the City and its available resources. Regional facilities should be encouraged to locate in the City. Develop a recreational open space system of sufficient size and locational qualities to meet the complete range of recreational needs for the people” (page 142). An objective of this goal is to “continue to develop Greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mt. Beacon” and to “determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision” (page 144).

The project includes a Greenway Trail along the Fishkill Creek that will be accessible to the public and which can connect to adjacent properties. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City.

Based on this information, the project is consistent with the City of Beacon Comprehensive Plan.

### **2.3 City of Beacon Zoning**

The project site is situated in the Fishkill Creek Development (FCD) District as designated by the City of Beacon zoning regulations. According to Article IVC, *Fishkill Creek Development (FCD) District*, the purposes of the FCD District include:

- A. *Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District, but offer larger sites for a flexible range of compatible nonresidential uses.*
- B. *Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.*
- C. *Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.*

The project is consistent with the purposes of the FCD District, as it represents redevelopment of an abandoned industrial site, provides a mix of uses, preserves a buffer along the Fishkill Creek, and provides a Greenway Trail for public use which can connect to future trails along the creek on adjacent properties. The trail extends a distance of approximately 1,830 linear feet with an additional 470 linear feet within two spurs, representing a significant addition to the City’s proposed Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan fulfillment. This trail will connect to Wolcott Avenue by means of the emergency access to Wolcott Avenue, and to the Sisters property to the south. Public access to the trail is also provided from Tioronda Avenue.

According to Section 223-41.13.D, each FCD proposal requires SEQR and concept plan approval by the Beacon City Council and site plan approval by the Beacon Planning Board. These reviews may proceed

simultaneously. The Zoning Law Section 223-41.13.B specifically permits “attached apartment and multifamily dwellings” and “professional and business offices in buildings that face streets” in the FCD district. Section 223-41.14 provides the bulk requirements for the FCD District. The proposed density of 64 dwelling units is permitted by zoning, without the use of available incentives that would increase the maximum density. A zoning compliance table is provided on Sheet T1 of the site plan set, and density calculations are provided on Sheet EC1. The maximum residential development density in the FCD district per Section 223-41.14B is 11 dwelling units per acre of lot area, where lot area on all development proposals involving more than three acres is calculated by deducting any lot area with existing, pre-development very steep slopes (25% or more extending over a contiguous land area of at least 10,000 as defined in Section 223- 63), covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

Section 223-41.13(3)(b) provides a list of conditions and standards for the City Council's approval of a FCD concept plan. These standards include the preservation of open space along the Fishkill Creek and the provision of a public Greenway Trail along the creek that would connect to future trails on adjacent properties.

The project provides a buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank varies from approximately 45 feet to 110 feet, with an average setback of 75 feet, which exceeds the minimum required setback of 25 feet and the minimum required average setback of 50 feet. The layout was designed to avoid 100-year floodplain areas, and very steep slopes are avoided to the extent practicable. Site development is fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance. The buffer along the creek will be protected by a conservation easement as required. This will supersede the existing 6-foot easement along the Fishkill Creek shown on the filed subdivision map. The approved site plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail has been relocated to avoid the stream and floodplain areas.

Approximately 5.95 acres of the 9.18-acre site will be disturbed for the project. During construction, protective fencing will be placed at or one foot beyond the drip line of trees that will be preserved as shown on the plan. Temporary vegetation sufficient to stabilize the soil will be provided on all disturbed areas as needed to prevent soil erosion, in accordance with the SWPPP. New planting shall be given sufficient water, fertilizer and protection to ensure establishment.

The project meets the Fishkill Creek development design standards set forth in Section 223-41.13.I, to the extent applicable at the concept plan stage. Parking requirements and information are provided in Section 6.2.

Since the project is consistent with the Zoning regulations, no significant adverse impacts will result from the project.

## 2.4 City of Beacon Local Waterfront Revitalization Plan (LWRP)

The project is consistent with the Beacon LWRP. Policy #25 of the LWRP adopted March 7, 2011, lists 13 viewsheds that should be protected which contribute to the scenic quality of the coastal area. None of the views extends over the subject development site, or over any nearby site in the Fishkill Creek Corridor. The project is consistent with the applicable LWRP recommendations for development in scenic viewsheds, including setback from the Fishkill Creek shoreline to preserve the privacy and some grade-separation of the pedestrian trail along the Creek. Section 12.0, Community Character, provides a description of the proposed architecture and preliminary information regarding visual impacts.

Since the project is consistent with the LWRP, no significant adverse impacts are anticipated. A Coastal Consistency determination will be required.

## 3.0 COMMUNITY SERVICES

### 3.1 Police and Fire Protection Services

Police protection is provided by the City of Beacon Police Department. The project site is within the City of Beacon Fire District, which has three fire stations located at 425 Main Street, 57 East Main Street, and 13 South Avenue. Buildings will be sprinklered, and the proposed site plan includes a gated access drive from Wolcott Avenue for emergency access only, since the main access crosses an MTA railroad line. A truck maneuvering plan is included as Sheet C200. The Police Department and Fire Department will have the opportunity to review and provide further comments on the project during the site plan review process. Therefore, the project is not expected to result in any adverse impacts in regard to police, fire, or emergency services.

### 3.2 School District

The project is located in the Beacon City School District. According to the NY State Education Department website, the 2017-2018 enrollment in the district was 2,812 students, with an additional 270 students who live in the district but attend private schools. Table 3-1 provides estimates for public school children expected to be generated by the project, based on Rutgers University Center for Urban Policy Research, Residential Demographic Multipliers, Estimates of the Occupants of New Housing, June 2006.

**Table 3-1: Anticipated Public School Children Generated by the Project**

Unit Type	Multiplier for 5+ Units – Rent for Total Public School Children	# Public School Children
One-bedroom market rate units (25)	0.07 per dwelling unit	1.75
One-bedroom workforce units (3)	0.27 per dwelling unit	0.81
Two-bedroom market rate units (32)	0.16 per dwelling unit	5.12
Two-bedroom workforce units (4)	0.45 per dwelling unit	1.80
Total:		9.48

Based on these estimates, the project will generate approximately 9 public school children, which represents only a 0.3% increase in students at the Beacon City School District schools. It is anticipated

that the school district has capacity to handle this increase. Additionally, some of these school children may be moving into the apartments from another location within the district, and are already enrolled in the district’s public schools.

## 4.0 SOILS, TOPOGRAPHY, AND WATER RESOURCES

### 4.1 Soils and Topography

Figure 5 shows the soil types that are expected to be present on the project site, and Table 4-1 provides characteristics of these soil types, according to Dutchess County Soil Survey information available in GIS and the Natural Resource Conservation Service website.

**Table 4-1: Characteristics of Soil Types within Project Site**

SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (FT)	DEPTH TO BEDROCK (INCHES)
Ud	Udorthents, smoothed	mostly 0 to 8% but 8 to 25% on sides of excavations and along highways	somewhat excessively to moderately well	>3.0 Nov-Jun	>60
W	Water	NA	NA	0	NA

Figure 5 shows slopes on the site, which vary from 0% to greater than 20%. Areas of “*very steep slopes*”, which are defined in Section 223-63 of the zoning regulations as “*an area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet*”, are shown on Sheet C100. Very steep slopes are avoided to the extent practicable. The following addresses the criteria listed in Section 223-16.B of the zoning regulations to be considered by the Planning Board in allowing development in areas of very steep slopes.

- (1) The proposed development is located in the area of previous development, which is in the most suitable area of the site, consistent with criteria B(1). The Creekside slopes are mostly undisturbed, with the exception of small areas of disturbance necessary for the Greenway Trail. Additionally, the majority of disturbance to very steep slopes occurs in areas where the slopes appear to be manmade by the previous development and Metro North, consistent with the Udorthents, smoothed soil type.
- (2) The activity proposed is the minimum necessary to make reasonable use of the land, consistent with criteria B(2).
- (3) All feasible construction standards and precautions will be outlined in the SWPPP and Erosion & Sediment Control plans and reviewed by the Planning Board during site plan approval, consistent with criteria B(3).
- (4) The purpose of Section 223-16.B is satisfied to the maximum degree feasible, consistent with criteria B(4).

Therefore, the project is not expected to result in any significant adverse impacts related to soils or topography.

## 4.2 Water Resources

According to the NYSDEC Environmental Resource Map (Figure 7), the site does not contain nor is contiguous to a State regulated wetland or associated adjacent area. According to Figure 7, the project site is contiguous to the Fishkill Creek, a NYSDEC stream identified as H-95, a tributary of the Hudson River (NYCRR Title 6 Chapter X Subchapter B Section 862.6 Table 1 Item 237). This stream is classified as a Class C stream in the vicinity of the project site; therefore, it is not regulated by NYSDEC as a protected water. The site was investigated by a Chazen wetland biologist on November 6, 2018, and a Wetland Investigation Memo dated January 30, 2019, was prepared and submitted to the US Army Corps of Engineers (USACOE) for review and determination. The Fishkill Creek flows directly into the Hudson River, a traditionally navigable water, approximately 800 feet to the southwest. The USACOE regulates wetlands and waters with a significant nexus under Section 404 of the Clean Water Act, and specifically regulates the discharge of dredged or fill material into such waters. The USACOE does not regulate a buffer around these aquatic resources. Since this stream flows directly into the Hudson River, a Traditionally Navigable Water, in close proximity to the site, significant nexus is presumed. Since there are no wetlands within the area of disturbance for the proposed project, the project will not result in any wetland impacts or disturbance. If necessary, the Greenway Trail location will be adjusted to avoid any wetland impacts. Therefore, no significant adverse impacts to water resources are anticipated as a result of the project.

## 4.3 Floodplain

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the project site along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. No building construction is proposed within Zone AE.

## 5.0 UTILITIES

### 5.1 Water and Wastewater

The project will be served by City of Beacon municipal water and sewer service. A 12" water main and 8" sewer main are located along Tioronda Avenue. Sewage generated from both residential and non-residential buildings will be conveyed via gravity flow to an onsite sewage pump station, where it will be pumped via force main and tapped in to the existing 2-inch fiberglass pipe which extends under the railroad property and ties into the City sewer system.

According to the NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems, March 2014, an apartment is expected to result in 110 gallons per day (gpd) per bedroom water usage and wastewater generation, which incorporates a reduction for the use of water saving plumbing fixtures. An office building is expected to result in 15 gpd per employee, with an additional 20% reduction for the use of water saving plumbing fixtures. Thus, the project with 100 bedrooms would be expected to result in 11,000± gallons per day water usage and wastewater generation. The Urban Land Institute *Employment and Parking in Suburban Business Parks: A Pilot Study*, 1986, Table 14, estimates a mean employment density of 347 SF per employee, which results in an estimated 73 employees for the 25,400 SF office building. Thus, the office building would be expected to result in 876 gpd, after applying the 20%

reduction. Therefore, the total estimated water usage and wastewater generation for the project is estimated to be 11,876 gpd. Detailed plans and specifications will be submitted to the DCDOH for approval of the proposed water and sewer infrastructure as part of the site plan review.

The previously approved project with 100 two-bedroom units was expected to result in 22,800± gallons per day water usage and wastewater generation (FEAF dated March 24, 2014). Thus, the proposed project represents a reduction in estimated water usage and wastewater generation of 10,924 gpd as compared to the approved site plan.

## 5.2 Stormwater

The project will result in a disturbance area of 5.95 acres of the 9.18-acre site, but virtually all of the disturbance is within the area already disturbed by the factory buildings, parking areas, and other areas associated with the industrial development. The project will increase the impervious area by 0.48 acres. As a redevelopment project with an increase in overall impervious area, treatment of stormwater will be provided for 100% of the additional new impervious area and 25% of the existing disturbed impervious area. The project proposes to use a combination of standard stormwater management practices and alternative practices. The site will continue to discharge stormwater runoff to the Fishkill Creek. A downstream analysis was performed for the previous project. Pre- and post-development surface runoff rates will be evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-development watershed conditions at the design point in the Fishkill Creek will demonstrate that the project will not have a significant adverse impact on the adjacent or downstream properties or receiving water courses. Therefore, extended detention of stormwater will not be required for the proposed redevelopment project. An Erosion and Sediment Control Plan will be provided and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion. Therefore, the project is not expected to result in any adverse impacts in regard to stormwater.

## 6.0 TRAFFIC AND PARKING

### 6.1 Traffic

Access to the project site is provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. This access was used for many years when the Tuck Industries manufacturing facility was in operation. The grade crossing provides access both to the project site and to the adjoining Sisters property, avoiding multiple accesses onto Tioronda Avenue. The Filed Subdivision Map (FM #10970 filed February 20, 2000) provides for a shared access. The Applicant will offer emergency access to other owners of the FCD properties subject to contribution of a fair share of the costs of building the emergency access. The 555 South Avenue property has its own entrance, at a point approximately 2,400 feet south of the entrance to Beacon 248.

The general interior configuration of the project road system is shown on the plans. The road system provides for circulation by means of a left turn inside the site to reach the proposed buildings, and a right turn inside the site to reach Sisters property.

The project will generate new traffic in the vicinity of the project site, since the site is currently vacant. All traffic will be oriented to travel to and from the site via the intersection of Tioronda Avenue with Wolcott

Avenue/Route 9D. The present access design is to prohibit arrivals to the site from the south, and prohibit left turns out of the site to travel south on Tioronda Avenue. This traffic routing meets the needs of travelers, since Wolcott Avenue provides the best routing in either direction to I-84, the train station, and Route 9D going either north or south. It also protects the neighborhoods to the south and west of the site from additional traffic through local neighborhoods. The limitation on turning movements does not create any traffic difficulties for the residents of the project or for the local community.

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition, 2017, provides trip generation rates by land use categories, using different variables. Table 6-1 provides estimates for traffic generation for the two proposed uses on the site for the weekday a.m. peak hour of adjacent street traffic and the weekday p.m. peak hour of adjacent street traffic.

**Table 6-1: Traffic Generation**

LAND USE	Land Use Code	AM Peak		PM Peak	
		Rate	vte's	Rate	vte's
Multifamily Housing (Mid-Rise) (64 dwelling units)	221	0.36 vte's per dwelling unit	23	0.44 vte's per dwelling unit	28
General Office Building (25,400 SF)	710	1.16 vte's per 1,000 SF GFA	29	1.15 vte's per 1,000 SF GFA	29
Total			52		57
vte = vehicle trip end					

Thus, the project with 64 dwelling units and 25,400 SF of office space is expected to generate 52 vte's during the weekday a.m. peak hour of adjacent street traffic and 57 vte's during the weekday p.m. peak hour of adjacent street traffic. These rates do not exceed the SEQR threshold of 100 vte's. Consideration of traffic generated by the previous occupancy of the site would further reduce the impacts of the proposed project on traffic conditions at the site.

The previously approved project with 100 dwelling units was expected to generate slightly more traffic, with 53 vte's during the weekday a.m. peak hour of adjacent street traffic and 73 vte's during the weekday p.m. peak hour of adjacent street traffic. Since the estimated traffic generation for the current project is expected to be less than that of the approved project, no significant adverse impacts to traffic are anticipated.

A Traffic Impact Study dated November 13, 2013, was prepared, and was supplemented by another study dated March 20, 2014. The March 2014 Supplemental study evaluated the traffic movements considering also the traffic to be generated by potential development of the Sisters property and the Beacon Terminals 555 South Avenue property, both of which are also within the FCD district. The March 2014 study concludes that even with the development of the FCD parcels to the south, all intersections studied will continue to operate at a Level of Service (LOS) of "A" (excellent) with the exception of the Wolcott Avenue/Tioronda Avenue intersection, where the Wolcott Avenue approaches will operate at LOS "B" (good) and the Tioronda Avenue approaches will operate at LOS "A" (excellent). The 2015 buildout analysis for the intersection of Wolcott Avenue and Tioronda Avenue showed LOS "B" for AM and PM build conditions using Synchro Version 8. Re-creating the 2015 analysis using Synchro Version 10 shows a LOS "A" for AM and PM using Synchro version 10. A change in the LOS at this intersection from "A" to

“B” for the AM peak would require the addition of 300 vehicles eastbound and westbound on Wolcott Avenue, and 50 vehicles southbound on Tioronda Avenue (with no change in northbound vehicles). Delay in this case would be increased by approximately 3 seconds. A change in the LOS from “A” to “B” for the PM peak would require 200 vehicles eastbound and westbound on Wolcott Avenue, and 50 vehicles southbound on Tioronda Avenue, resulting in an increase in delay of approximately 3 seconds. Based on land use trip generation numbers at the am and pm rates for multifamily and general office, the capacity of the intersection could support an additional 833 multifamily units during the am peak and 681 units on the pm peak OR an additional 258,000 SF of general office at the AM peak and 260,000 SF at the PM peak, and still maintain a LOS of “B”. In conclusion, Wolcott Avenue and Tioronda Avenue can support significantly more traffic and still operate with a very good level of service. An updated Synchro analysis was performed by a Chazen transportation engineer which generates the same conclusion (Attachment A).

Additionally, a significant portion of the former manufacturing facility traffic consisted of truck traffic. Truck traffic generated by the proposed office use will be minimal.

A site distance evaluation was completed in the 2013 Traffic Impact Study which examined the two access drive locations. The evaluation determined that sight distance is excellent for vehicles making either a left or right turn into the driveway from Wolcott Avenue.

The existing driveway on Tioronda Avenue is situated on a north-north-west skew to Tioronda Avenue. Existing vegetation between the driveway and Tioronda Avenue obscures vision. With the removal of this vegetation, sight distance along Tioronda Avenue will be in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards for the operating speed on Tioronda Avenue at or adjacent to the exit driveway/Knevels Avenue. Speed data collected during the 24-hour counts indicated that the 85% speed was between 35 and 39 mph, depending on the direction and the day the data was recorded. AASHTO sight distance design criteria for 40-mph operating speed is 445 feet for a left turn out onto Tioronda Avenue, and 385 feet for a right turn out onto Tioronda Avenue. AASHTO sight distance for a left turn into the site driveway is 325 feet and the stopping sight distance is 305 feet. Once the existing vegetation is removed, all sight distances will meet or exceed AASHTO criteria applicable to this location.

Temporary traffic generated during demolition and construction activities includes construction employees and the delivery of equipment and materials. The project is not expected to result in any adverse impacts in regard to temporary traffic during construction.

## 6.2 Parking

Parking is provided in a surface lot located between the proposed office building and residential buildings, and within a parking garage located below grade that extends under and between the two residential buildings. According to the City of Beacon Zoning Code Section 223-26.F, a multifamily residential use requires 1 space for each dwelling unit plus 1/4 space for each bedroom, and a professional office use requires 1 space for each 200 square feet of gross floor area, excluding utility areas. Therefore, the 64-unit residential development with 28 one-bedroom units and 36 two-bedroom units (100 bedrooms total) requires 89 parking spaces and the 25,400 SF office building requires 127 parking spaces, for a total required parking of 216 spaces. This requirement is both a maximum and minimum for an FCD project.

The proposed site plan provides 89 parking spaces for the residential portion (15 surface lot spaces and 74 garage spaces). The proposed site plan provides the required spaces for the office use, with a portion of the required spaces being land banked spaces which would be reserved for future use if needed.

Per Section 223-26.H(b), a minimum of 1 loading space for the first 20,000 square feet of GFA, is required plus one space for each additional 40,000 square feet of GFA or major portion thereof. Therefore, the project with 25,400 SF of office space is expected to require 1 loading space, which is shown on the site plan.

## **7.0 NOISE AND LIGHTING**

### **7.1 Noise**

The project is not expected to result in an increase in noise levels above local ambient noise levels after completion of construction.

The proposed construction activities may result in temporary noise that exceeds local ambient noise levels. These activities will be limited to the hours of 7:00 AM to 7:00 PM Monday through Saturday, and all motorized equipment used in construction activity shall be operated with a muffler, in compliance with the City of Beacon Code Chapter 149, Noise, Section 149-6.F. Therefore, the project is not expected to result in any adverse impacts with regard to noise.

### **7.2 Lighting**

All exterior lighting will be downward directed, and will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from the street in accordance with Section 223-14.B of the zoning regulations. Lighting will consist of decorative full cut-off lighting with International Dark-Sky Association-approved "dark sky friendly" performance. The average level within the parking lots, access, and sidewalks will be sufficient to promote safety and encourage pedestrian use. Lighting photometrics and details will be provided during the site plan review process. Light pole locations are shown on Sheet C130 of the site plan set.

## **8.0 SOLID WASTE**

FEAF Question D.2.r requests information on solid waste generation for commercial or industrial projects only (not for residential uses). According to the Development Impact Assessment Handbook, Urban Land Institute, 1994, an office use is expected to generate 0.001 tons per employee per day. Thus, the proposed office building with an estimated 73 employees is expected to generate 0.073 tons of solid waste per day or 2 tons per month. Solid waste will be picked up regularly by a licensed solid waste hauler for disposal at the Dutchess County Resource Recovery Agency facility in Poughkeepsie. Recyclable materials will be separated onsite and carted to this facility for recycling.

## 9.0 CONTAMINATION HISTORY

The project site was listed in the NYSDEC's Environmental Remediation Database as Site Code 314044, formerly owned by Tuck Industries and operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste (primarily heptanes and toluene), which resulted in soil contamination. The NYSDEC website indicates that the has been remediated and assigned a classification of C, which means that the NYSDEC has determined that remediation has been satisfactorily completed under a remedial program. The site has been delisted from the NYS Registry of Inactive Hazardous Waste Disposal Sites per NYSDEC correspondence dated October 11, 2002.

## 10.0 ENDANGERED, THREATENED AND RARE SPECIES AND SIGNIFICANT HABITAT

The NYSDEC Environmental Resource Map shows the southern portion of the site within an area with a known occurrence of a rare animal (Figure 7). Correspondence from the NYSDEC New York Natural Heritage Program dated July 24, 2013, identified the site as being near a waterfowl winter concentration area and an anadromous fish concentration area, and also indicated the presence of non-breeding Bald Eagle. By email dated August 8, 2013, the NYSDEC indicated that the non-breeding occurrence was associated with wintering eagles and known roosting location, and that this roosting location was at the mouth of Fishkill Creek at the Hudson River at Denning's Point, approximately 0.77 miles from the project site. However, correspondence from NYSDEC dated November 7, 2018, (Attachment B) in response to a request for updated information indicates that there are currently no records of rare or state-listed animals or plants, or significant natural communities, at the project site. The NYSDEC letter continues to note the presence of anadromous fish, several state-listed animals and plants, and significant natural communities at the mouth of the Fishkill Creek, but no longer indicates the occurrence of the Bald Eagle in the vicinity of the project site. The NYSDEC recommends that the project work be conducted so as to avoid significant impacts to the water quality of Fishkill Creek, including erosion and run-off of sediments, nutrients, and pollutants. The project does not propose any marina or boating activities, and the project will retain much of the wooded vegetation along Fishkill Creek. The activities proposed on the site are less disruptive than previous on-site activities associated with the former manufacturing facility and the Metro-North railroad. As discussed in Section 5.2, an Erosion and Sediment Control Plan will be provided and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion.

The US Fish & Wildlife Service (USFWS) Official Species List (included in Attachment B) indicates the potential for the Indiana Bat, Northern Long Eared Bat, and Dwarf Wedgemussel in the vicinity of the project site. The USFWS List indicates that there are no critical habitats within the project area under USFWS jurisdiction. While the NYSDEC indicated that the closest occurrence of Indiana Bat is more than 2.5 miles away, the USFWS requested that the project limit tree clearing to October 1 to March 31, minimize removal of large trees, use cut-off lighting, and not use pesticides or herbicides in any stormwater basins. The updated Wetland Investigation Memo dated January 30, 2019, indicates that timing of tree removal between November 1<sup>st</sup> and March 31<sup>st</sup> would be adequate to avoid impacts to the bat species, since tree removal is less than 10 acres.

According to the Wetland Investigation Memo, the only known locations for Dwarf Wedgemussels in New York are in Delaware/Sullivan County, Orange County, and a small population in Dutchess County. The NYNHP probable associated ecological community is deepwater river, which is the aquatic community of very large, very deep quiet, base level sections of streams with a very low gradient. In places the water is deep enough so that light cannot reach the bottom. The Fishkill Creek represents potential habitat above the dam, although there is no state record of this species at this location. Given that the stream will not be impacted, the project would result in a determination of “No Take” under Section 10 or a determination of “No Effect” under Section 7 of the Federal Endangered Species Act.

Consultation with NYSDEC and USFWS will be completed as required. Therefore, no significant adverse impacts to endangered, threatened or rare species are anticipated as a result of the project.

## **11.0 HISTORIC AND ARCHEOLOGICAL RESOURCES**

According to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 8), the project site is not substantially contiguous to nor does it contain a building site, or district, listed on the National or State Register of Historic Places. The CRIS mapping indicates that the Wolcott Avenue bridge over the Fishkill Creek (aka Cooperation Bridge) was determined to be eligible for listing on the Register (evaluated under NYSOPRHP Project Number 93PR0331, USN 02741.000362). The mapping also shows the project site as being located within a known archaeologically sensitive area.

A Phase 1A Archeological Investigation dated July 2013 was conducted by Hartgen Archaeological Associates, Inc. The report concluded that as a result of the impacts related to the continuous industrial development of the property combined with the impacts surrounding the removal the buildings associated with the New York Rubber Company facility, it is likely no significant cultural deposits, specific to the early to mid-19th century development of the property remain. The Phase 1A report was submitted to NYSOPRHP for review, under the previously approved project. Correspondence from NYSOPRHP dated September 27, 2013, requested additional project information due to the project’s location adjacent to a National Register-Eligible district to the east. The Applicant then submitted the additional requested information, and in correspondence dated December 23, 2013, NYSOPRHP concluded that the massing of the buildings as proposed at that time was appropriate for the site, and determined that the approved project would have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. Information and plans for the currently proposed project have been uploaded to NYSOPRHP CRIS for review and determination. Since the project is similar to the approved project in regard to disturbance area and architecture, it is anticipated that NYSOPRHP’s determination will remain the same, and no impacts to cultural resources will occur.

## **12.0 COMMUNITY CHARACTER**

The project involves the redevelopment of a deteriorated former industrial site. The project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as providing a public Greenway Trail along the Fishkill Creek. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single family residences and a public school. Adjacent to the project site to the south is a vacant industrial property,

also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. The proposed residential and office uses will blend in with the other uses in the area and will be consistent with future development of the FCD property to the north and south.

Architectural elevations have been provided. The architecture and building materials depicted on the exterior elevations of the buildings are quality examples of urban architecture typical of older City of Beacon structures. The buildings are designed to present a subtly varied, yet ordered and cohesive appearance in terms of architectural style. Architecturally pleasing from all sides, they will be consistent with older industrial buildings in the city, but with more residential proportions. Scales, forms and materials used are appropriate to ensure that buildings and other structures are compatible with and add interest to the landscape. The elevations are clad predominately in brick. Third story and cellar level elevations are set back to mitigate the perceived height of the buildings on all sides. The setbacks are clad in black metal panels which complement the brick cladding well. Windows, doors and trim will be black powder coated aluminum. Painted black steel balconies will be provided for a number of units. Proposed retaining walls on the site will be poured in place concrete with fieldstone veneer. Proposed retaining walls will be segmental concrete block walls in earthtone colors. The proposed refuse container will be screened from view by a cedar fence, and will comply with the City's requirements in Section 223-14.C.

Cross sectional views were submitted which show that the properties to the west are much higher in elevation than the project property, and the site drops off to a lower elevation east of the tracks. Since the project site is much lower than much of the surrounding area, only the higher portions of the proposed buildings are expected to be visible. Photo simulations have been prepared which depict the three proposed buildings as seen from eye level vantage points along Tioronda Avenue. These vantage points are shown on the "Vantage Point Location Plan". Starting at the northwest corner of proposed residential Building 300, the vantage points advance southwards, ending at the west side of the proposed commercial building at the south of the property.

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The applicant's development site is not within any of the designated viewsheds. The proposed development area is not located in a designated LWRP viewshed; however, the project design is consistent with the applicable LWRP recommendations for developing in scenic view sheds.

The proposed layout maintains the original land form, as it utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the creek is preserved. The natural grade changes across the site (west to east), serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

The access road to Wolcott Avenue does not present adverse visual impacts. The new wall required for the access to Wolcott Avenue is substantially lower than the existing wall associated with Tioronda Avenue itself. The new wall serves to hide some of the graffiti on the Tioronda wall. The applicant intends to design plantings to soften views of the new wall (to be refined during site plan review by the Planning Board).

The Greenway Trail will connect to the property to the South. An official “Greenway Trail” on the property to the south does not currently exist; however, there is a 6-foot trail easement along the property boundary with the Fishkill Creek, which was designated at the time the property was subdivided. At the north end of the project site, the Trail connects to Wolcott Avenue. The Greenway Trail will be constructed to the guidelines of the City’s FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City of this project. The trail width is 8 feet, with an easement width of 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the filed subdivision map. The project site contains a very attractive section of waterfront, including views of a waterfall. Extensive existing natural vegetation between the project and the creek will help screen the buildings from views across the creek.

The project will enhance the site, thus improving the value and development capability of nearby properties.

# FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF) PART 1 FORM

---

This page intentionally left blank

**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

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

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

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

**A. Project and Sponsor Information.**

Name of Action or Project: Proposed Multifamily Development and Office Building		
Project Location (describe, and attach a general location map):		Refer to Figures 1 and 2.
248 Tioronda Avenue (along Fishkill Creek), City of Beacon, Dutchess County, NY; Tax Parcels 5954-16-993482 & 6054-45-012574		
Brief Description of Proposed Action (include purpose or need):  The Applicant proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as parcels 5954-16-993482 and 6054-45-012574 on the City of Beacon tax map. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area. Please refer to site plan.		
Name of Applicant/Sponsor: 248 Beacon Holdings LLC (Bernard Kohn)		Telephone: 917-696-4402 E-Mail: berry@chaibuilders.com
Address: 120 Route 59 Suite 201		
City/PO: Suffern	State: NY	Zip Code: 10901
Project Contact (if not same as sponsor; give name and title/role): Same as Applicant		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Beacon 248 Development, LLC		Telephone: E-Mail:
Address: 104 Rochelle Avenue		
City/PO: Rochelle Park	State: NJ	Zip Code: 07662

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FCD Concept Plan Approval	Sep 2018
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval; lot consolidation	Sep 2018
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DCDOH for water/sewer; DC Planning 239m referral	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC GP-0-15-002	To be determined
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <a href="#">Refer to FEAF Narrative Section 2.3.</a>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <a href="#">Refer to FEAF Narrative Section 2.2.</a>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediation Sites:314044 , Remediation Sites:546031 ( <a href="#">Refer to response to Question E.1.h.iv</a> )	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?  
Fishkill Creek Development (FCD) District; refer to FEAF Narrative Section 2.3.

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

c. Is a zoning change requested as part of the proposed action?  Yes  No  
If Yes,  
i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

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

b. What police or other public protection forces serve the project site?  
City of Beacon Police Department with support from Dutchess County Sheriff's Department and NYS Police

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

d. What parks serve the project site?  
Hudson Highlands State Park, Memorial Park, South Avenue Park

**D. Project Details**

**D.1. Proposed and Potential Development**

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

b. a. Total acreage of the site of the proposed action? 9.18 acres  
b. Total acreage to be physically disturbed? 5.95 acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.18 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? (lot consolidation)  Yes  No  
If Yes,  
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed?  Yes  No  
iii. Number of lots proposed? \_\_\_\_\_  
iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
i. If No, anticipated period of construction: 24 months  
ii. If Yes:  
• Total number of phases anticipated \_\_\_\_\_  
• Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
• Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	64
At completion of all phases	_____	_____	_____	64

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures 3 (2 residential buildings and an office building)  
 ii. Dimensions (in feet) of largest proposed structure: 3 stories height; 100' width; and 100' length  
 iii. Approximate extent of building space to be heated or cooled: 101,602 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes: There are no wetlands or streams within the area of disturbance. Refer to Section 4.2.  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? Refer to FEAF Narrative Section 5.1.  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 11,876 gallons/day

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

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

d. Will the proposed action generate liquid wastes? Refer to FEAF Narrative Section 5.1.  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 11,876 gallons/day

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

sanitary sewage

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

If Yes:

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

- Do existing sewer lines serve the project site?  Yes  No
- Will line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

---

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
 NA \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 NA \_\_\_\_\_  
 \_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? [Refer to FEAF Narrative Section 5.2.](#)  Yes  No  
 If Yes:
 

- How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or 2.78 acres (impervious surface)  
 \_\_\_\_\_ Square feet or 9.18 acres (parcel size)
- Describe types of new point sources. To be determined
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 Stormwater management system which will discharge to Fishkill Creek  
 \_\_\_\_\_  
 \_\_\_\_\_
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 Fishkill Creek
  - Will stormwater runoff flow to adjacent properties?  Yes  No

---

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

---

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Refer to FEAF Narrative Section 6.1.  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

To be determined

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
 Central Hudson Gas & Electric Corp. \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00 am to 7:00 pm _____</li> <li>• Saturday: _____ 7:00 am to 7:00 pm _____</li> <li>• Sunday: _____ NA _____</li> <li>• Holidays: _____ NA _____</li> </ul>	<p>ii. During Operations: <span style="color: blue;">office building hours to be determined based on individual tenants</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours (residential) _____</li> <li>• Saturday: _____ 24 hours (residential) _____</li> <li>• Sunday: _____ 24 hours (residential) _____</li> <li>• Holidays: _____ 24 hours (residential) _____</li> </ul>
--	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 Temporary noise from construction activities will be limited to the hours of 7:00 AM to 7:00 PM Monday to Saturday, and all motorized equipment used in construction will be operated with a muffler, in compliance with the City of Beacon Code Chapter 149, Noise, Section 149-6.F.

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 All exterior lighting will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from the street in accordance with Section 223-14.B of the zoning regulations.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally describe proposed storage facilities: \_\_\_\_\_  
 \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? [Refer to FEAF Narrative Section 8.0.](#)  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ NA tons per \_\_\_\_\_ NA (unit of time)  
 • Operation : \_\_\_\_\_ 2 tons per \_\_\_\_\_ month (unit of time)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: NA  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_ Recyclable materials will be separated and hauled to the DC Resource Recovery Agency Facility in Poughkeepsie for recycling.  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: NA  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_ Solid waste will be picked up regularly by a licensed solid waste hauler for disposal at the Dutchess County Resource Recovery Agency facility in Poughkeepsie.  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

### E. Site and Setting of Proposed Action

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

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site. [Refer to Figure 3 and FEA Narrative Section 2.1.](#)  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): school, animal rescue facility  
 ii. If mix of uses, generally describe:  
 City of Beacon highway garage, public school, single family residences, two family residence, vacant residential land, animal rescue facility, vacant FCD property, MTA railroad property

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage *	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.30	2.78	+0.48
• Forested	3.5	2.75	-0.75
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.37	0	-2.37
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.31	0.31	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0.70	0	-0.70
• Other Describe: <u>lawn/landscaped areas</u>	0	3.34	+3.34

\* Prior to demolition of former manufacturing buildings.

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
Beacon City School District public school across Tioronda Avenue from site  
\_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
NYSDEC Remediation Site Code 314044. Refer to FEA Narrative Section 9.0.  
\_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 314044 , 546031  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
NA \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): C314117, 314044 , C314118, 546031  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

Refer to FEA Narrative Section 9.0 for information on Site Code 314044. C314117: Beacon Terminal = Classification A; 546031: Hudson River PCB Contamination = Classification 02; C314118: Churchill Mills = Classification N

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

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

---

**E.2. Natural Resources On or Near Project Site** Refer to Figure 4 and FEAF Narrative Section 4.1.

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

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

c. Predominant soil type(s) present on project site: Udorthents, smoothed \_\_\_\_\_ 100 %  
\_\_\_\_\_ %  
\_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >3 feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ 45 % of site  
 Moderately Well Drained: \_\_\_\_\_ 45 % of site  
 Poorly Drained \_\_\_\_\_ 10 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ 15 % of site  
Refer to Figure 5.  10-15%: \_\_\_\_\_ 40 % of site  
 15% or greater: \_\_\_\_\_ 45 % of site

g. Are there any unique geologic features on the project site?  Yes  No  
If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Refer to Figure 5 and FEAF Narrative Section 4.2.  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

- Streams: Name Fishkill Creek (NYSDEC Stream H-95) Classification \_\_\_\_\_
- Lakes or Ponds: Name NA Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters Approximate Size Refer to Section 4.2
- Wetland No. (if regulated by DEC) NA

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

i. Is the project site in a designated Floodway? Refer to Figure 6 and FEAF Narrative Section 4.3.  Yes  No

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

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

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

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____  Common urban species _____  Refer to FEAF Narrative Section 10.0. _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Describe the habitat/community (composition, function, and basis for designation): _____  ii. Source(s) of description or evaluation: _____  iii. Extent of community/habitat:  <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul> </p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>   Refer to Figure 7 and FEAF Narrative Section 10.0.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If yes, give a brief description of how the proposed action may affect that use: _____  _____</p>	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  i. If Yes: acreage(s) on project site? _____  ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature  ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____  _____  _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  If Yes:  i. CEA name: _____  ii. Basis for designation: _____  iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? <a href="#">Refer to Figure 8 and FEA Narrative Section 11.0.</a>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>St. Luke's Episcopal Church Complex, Wolcott Avenue Bridge (eligible)</u>	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <a href="#">Refer to Figure 8 and FEA Narrative Section 11.0.</a>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <a href="#">Refer to Figure 9.</a>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Refer to Figure 9.</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>SASS, NYSDEC trails, NYS Scenic Byway; Federal, State, County, and municipal recreation, State Park scenic trails; Historic Sites</u>	
<i>iii.</i> Distance between project and resource: _____ 0 (adjacent) miles. <u>Wolcott Ave Bridge</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

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

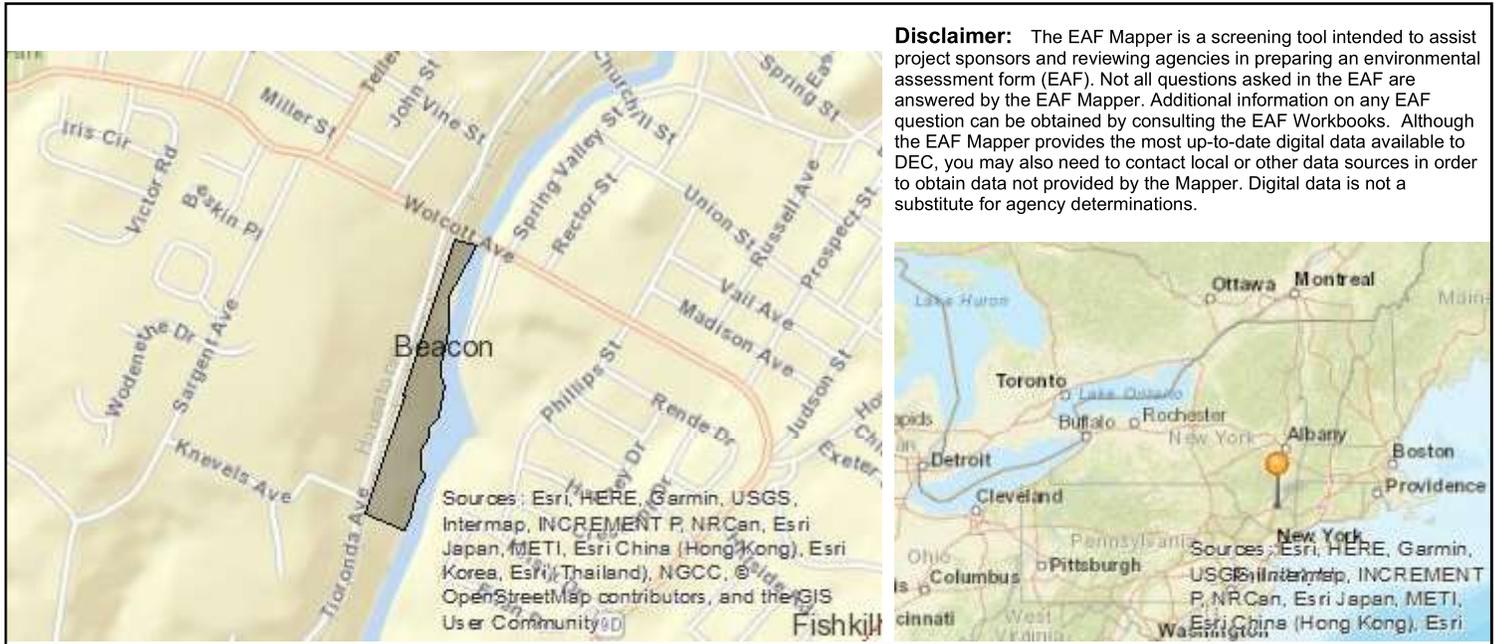
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name 248 Beacon Holdings LLC Date Sep 10, 2018; Last reissued April 30, 2019

Signature  Title Planner  
 Deborah S Hubbard for The Chazen Companies, Agent for Applicant



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:314044 , Remediaton Sites:546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	314044 , 546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C314117, 314044 , C314118, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes

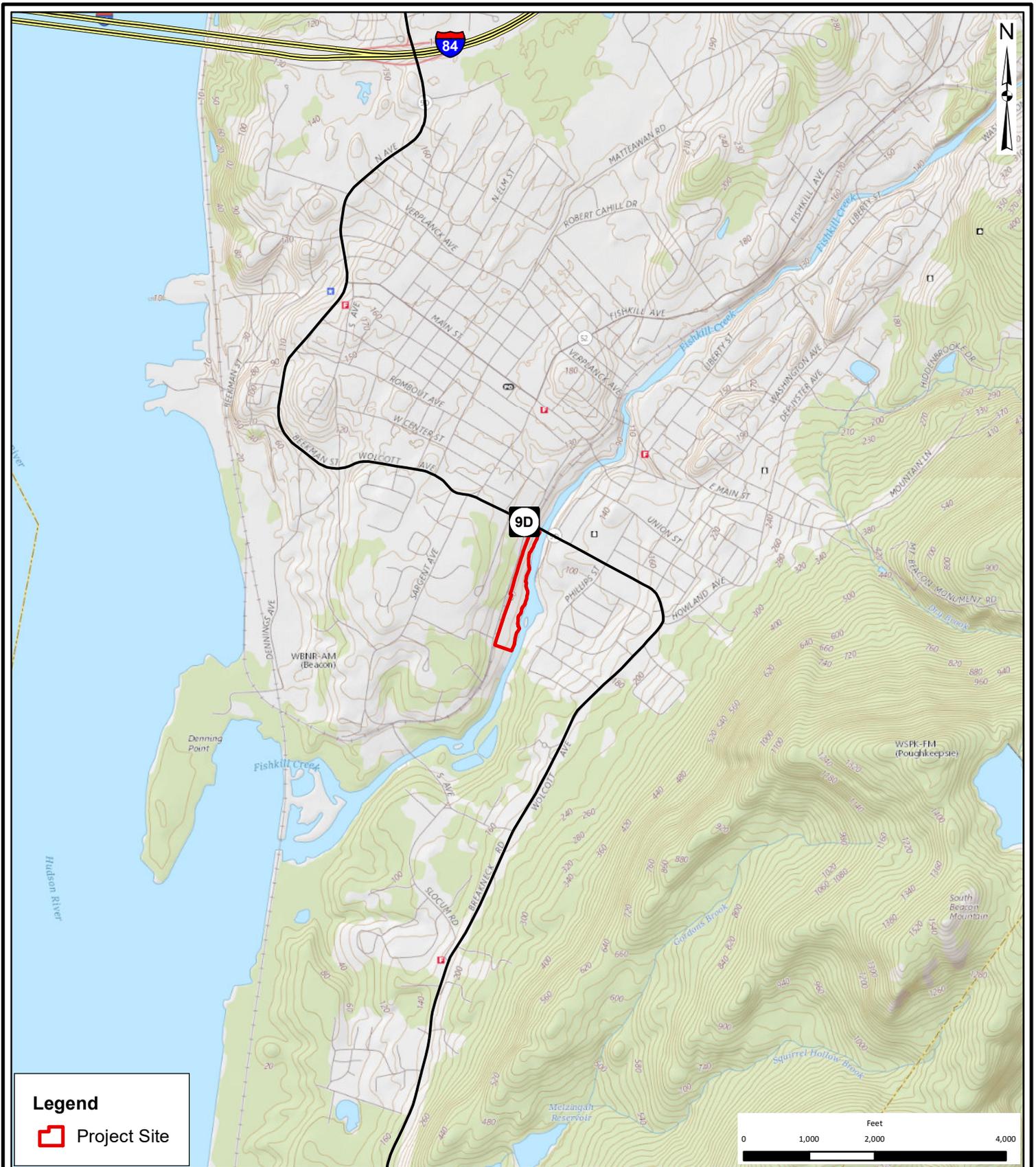
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	St. Luke's Episcopal Church Complex
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

This page intentionally left blank

## FIGURES

---

This page intentionally left blank



**Legend**

Project Site

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

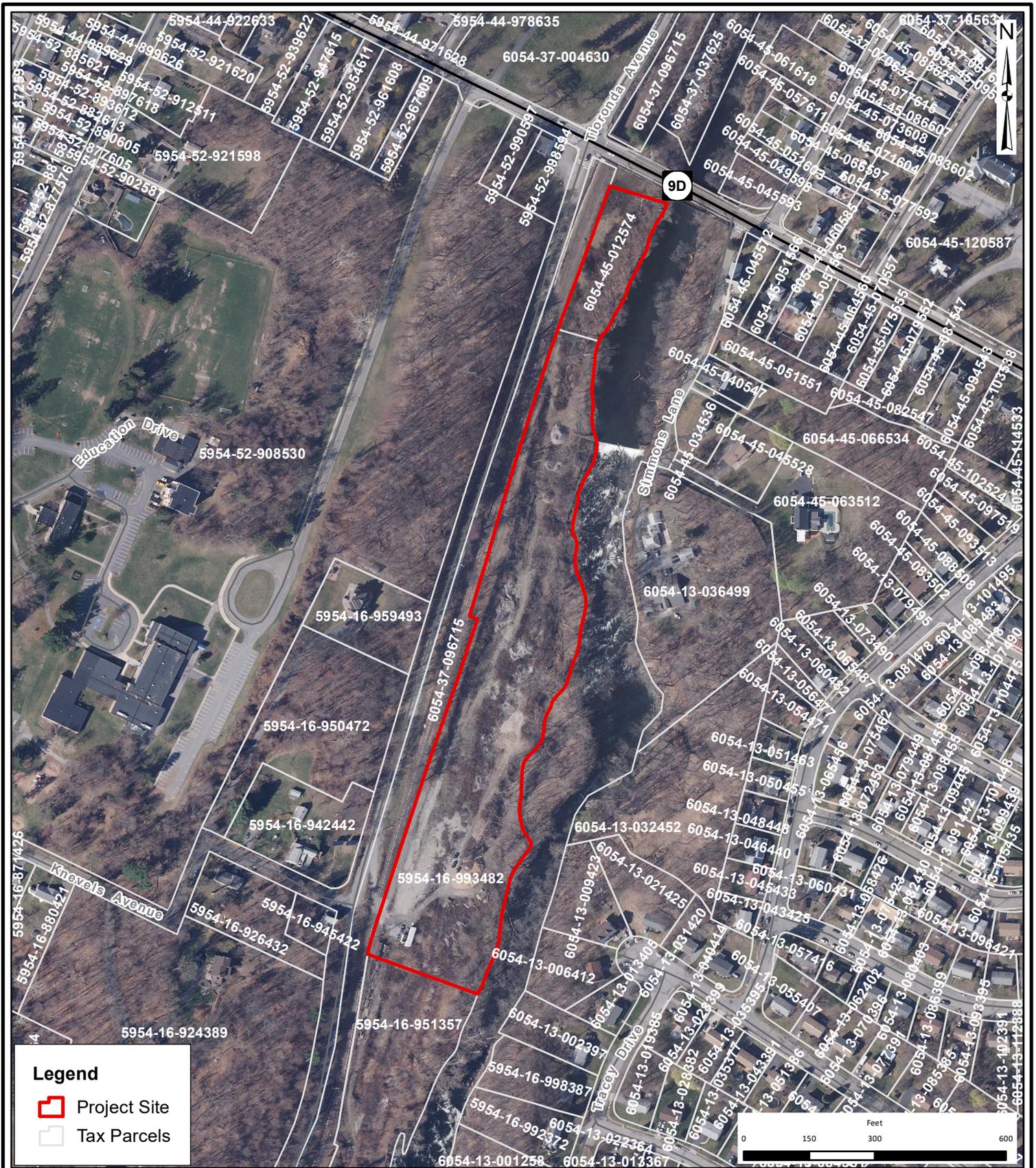
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**USGS Location Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 2,000 feet
Project:	81750.00
Figure:	1



**Legend**

- ▭ Project Site
- Tax Parcels

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

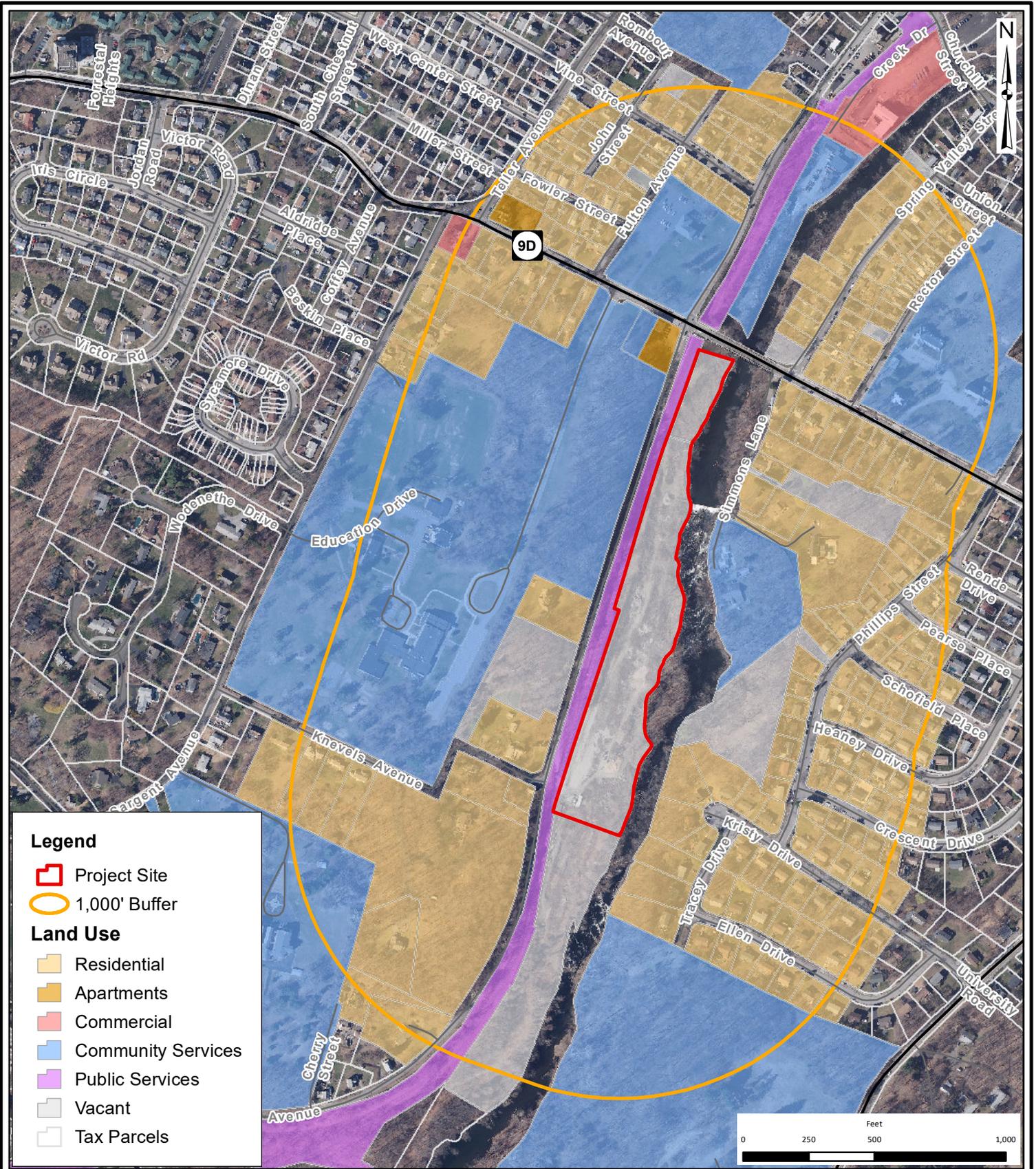
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Orthophoto Tax Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	2



**Legend**

- Project Site
- 1,000' Buffer

**Land Use**

- Residential
- Apartments
- Commercial
- Community Services
- Public Services
- Vacant
- Tax Parcels

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Land Use Map**

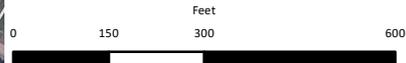
Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 500 feet
Project:	81750.00
Figure:	3



**Legend**

- Project Site
- Site Soils**
- Ud:Udorthents, smoothed
- W:Water
- Tax Parcels



**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

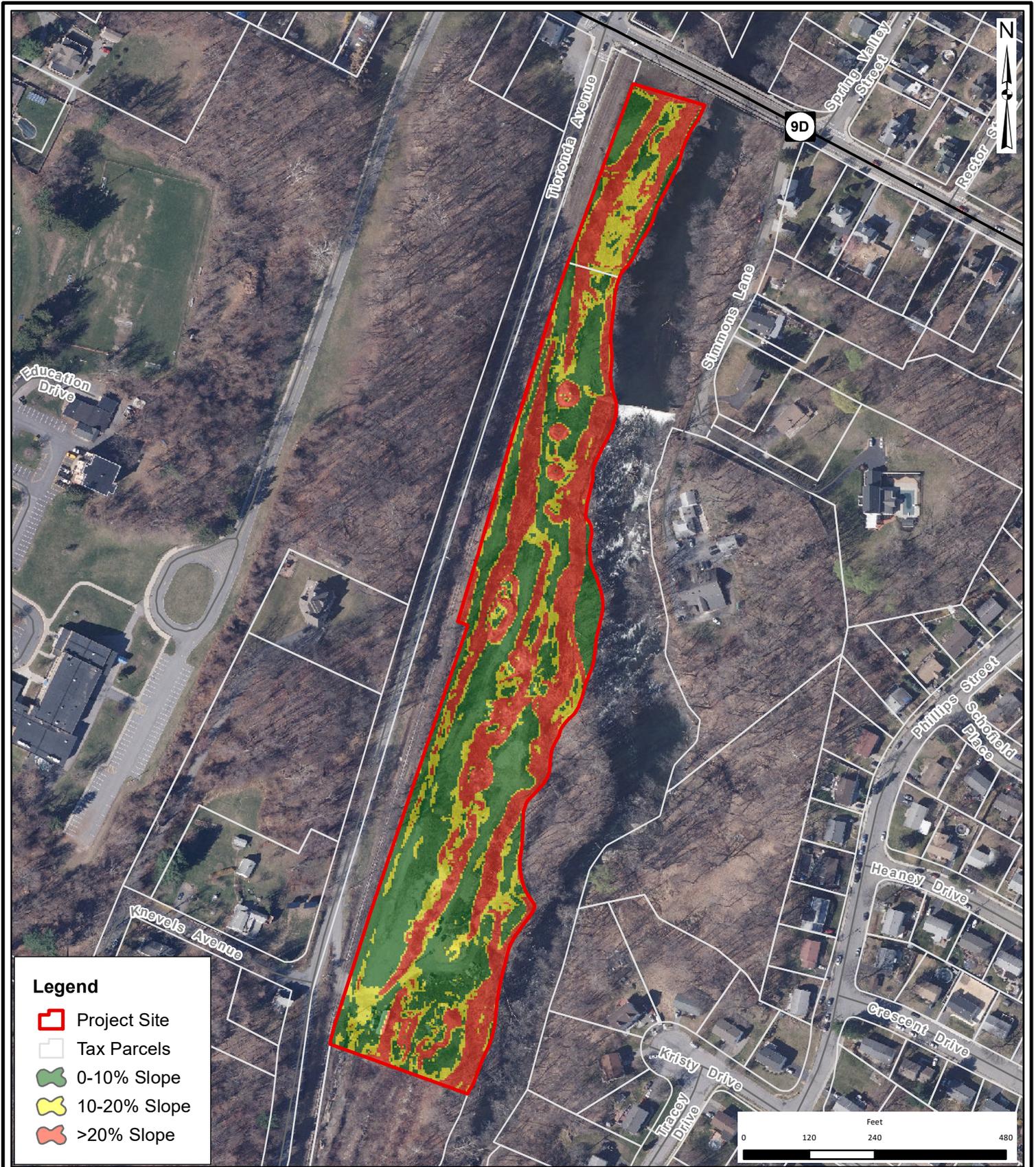
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Soils Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	4



**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

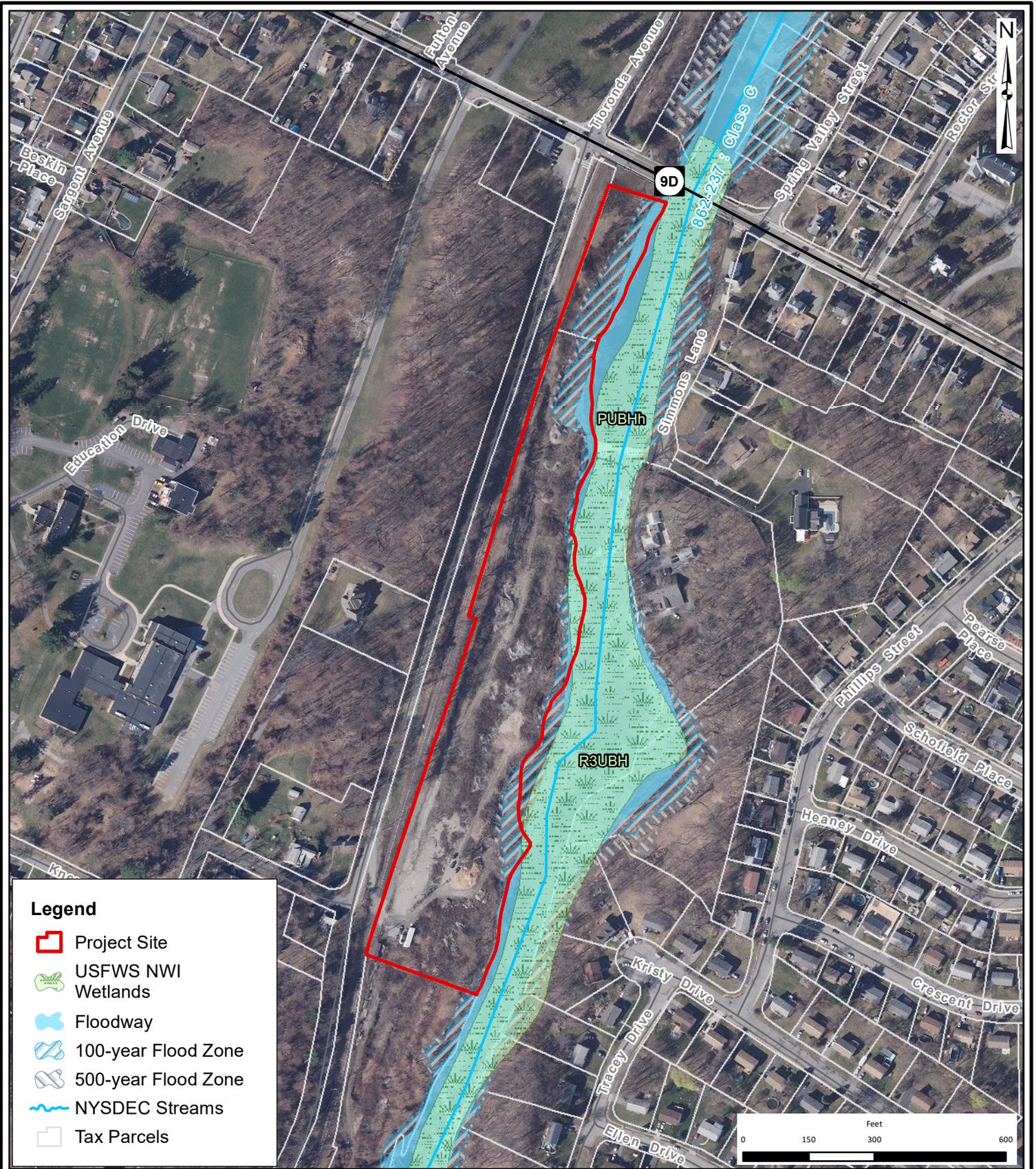
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Slopes Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 240 feet
Project:	81750.00
Figure:	5



**Legend**

- Project Site
- USFWS NWI Wetlands
- Floodway
- 100-year Flood Zone
- 500-year Flood Zone
- NYSDEC Streams
- Tax Parcels

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

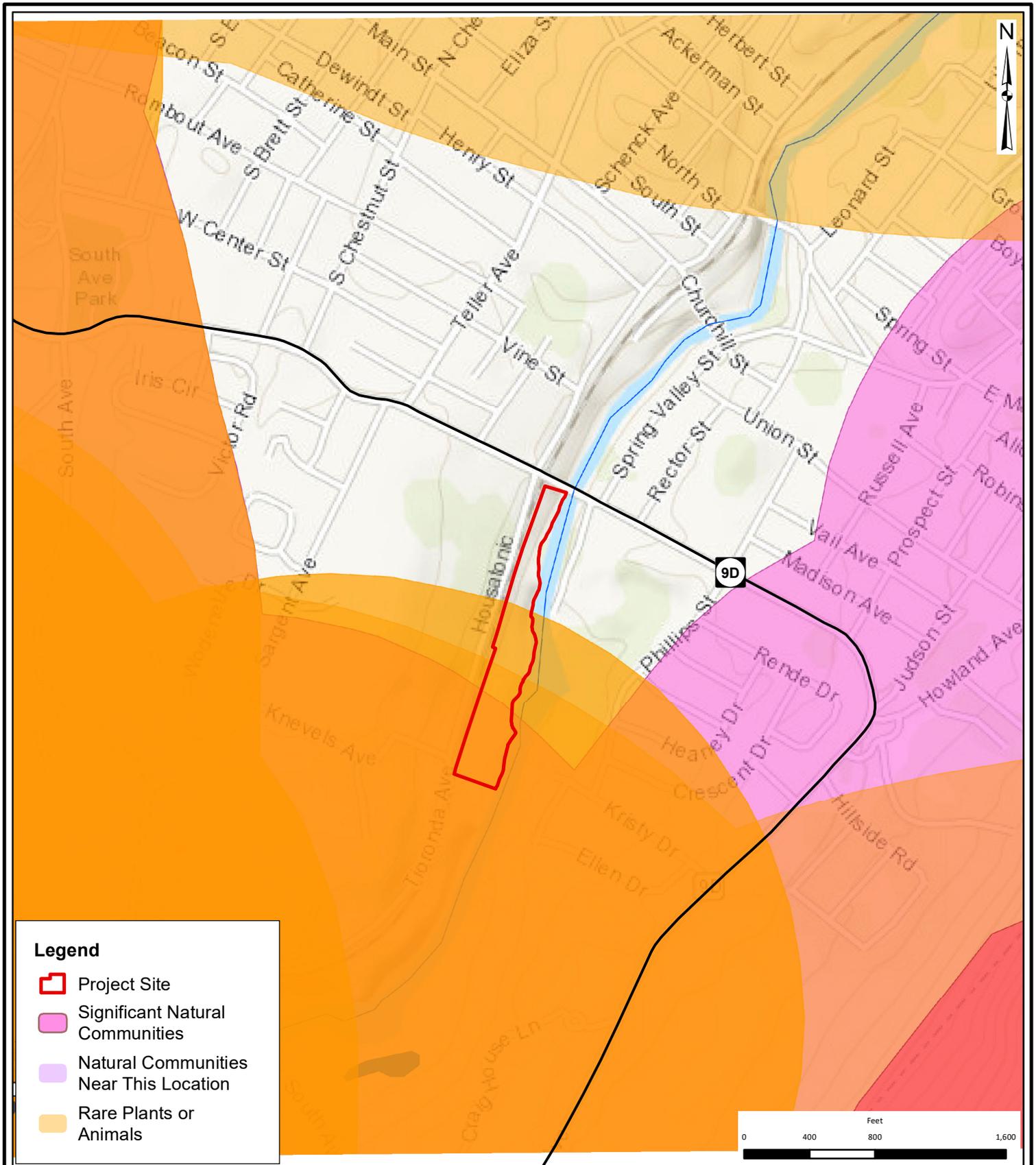
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Wetland, Streams and Floodplain Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	6



**Legend**

-  Project Site
-  Significant Natural Communities
-  Natural Communities Near This Location
-  Rare Plants or Animals

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

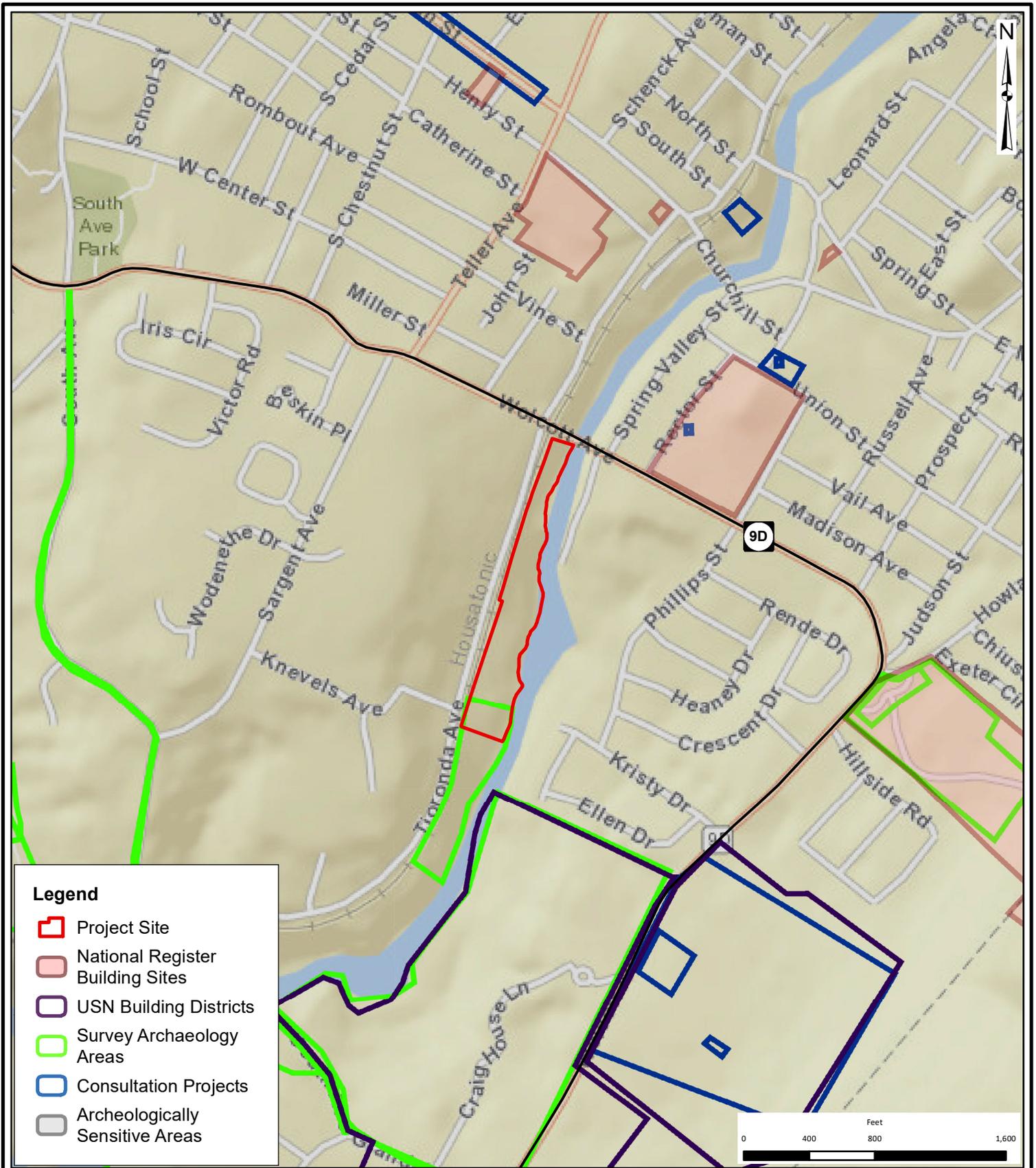
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**NYSDEC Environmental Resource Map**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/07/2018
Scale:	1 in = 800 feet
Project:	81750.00
Figure:	7



**Legend**

- Project Site
- National Register Building Sites
- USN Building Districts
- Survey Archaeology Areas
- Consultation Projects
- Archeologically Sensitive Areas

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

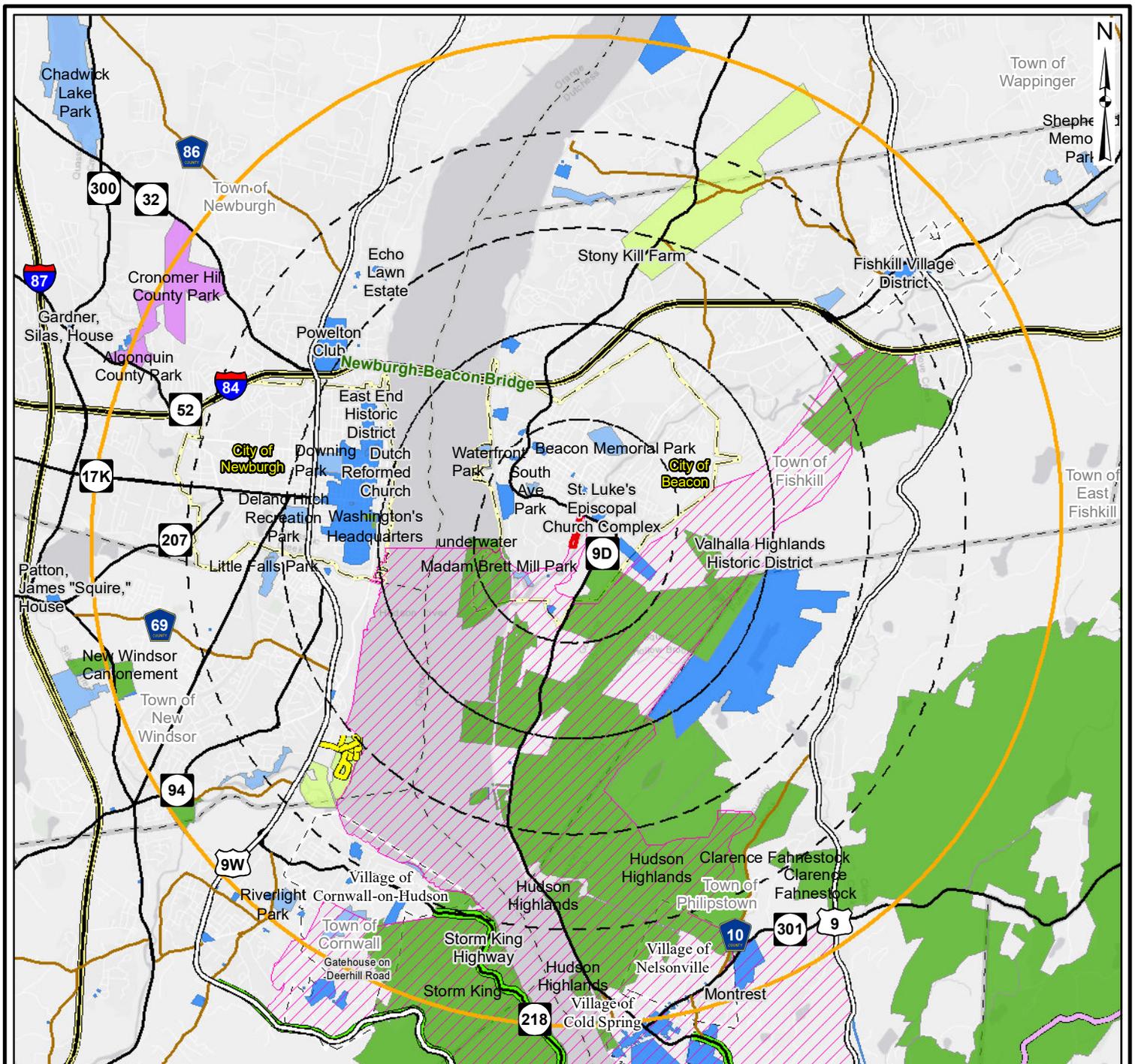
**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**NYSOPRHP Cultural Resource Information System (CRIS)**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/07/2018
Scale:	1 in = 800 feet
Project:	81750.00
Figure:	8



**Legend**

- 5-mile Buffer
- 1-mile Buffers
- Project Site
- NYS scenic byways
- Scenic Trails
- DEC Trails
- Scenic Areas of Statewide Significance
- Municipal Recreation
- County Recreation
- Federal Recreation
- State Parks And Historic Sites
- State Recreation
- State And National Register Listed

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980

**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055

**North Country Office:**  
 375 Bay Road, Queensbury, NY 12804  
 Phone: (518) 812-0513

**Proposed Fishkill Creek Development (FCD) Site Plan**

**Publicly Accessible  
 Federal, State, or Local Scenic or Aesthetic  
 Resources within 5 Miles**

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn: RL-B
Date: 09/07/2018
Scale: 1 in = 1.5 miles
Project: 81750.00
Figure: 9

This page intentionally left blank

ATTACHMENT A  
Updated Traffic Synchro Analysis

---

This page intentionally left blank

## Tom Johnson

---

**From:** Tom Johnson  
**Sent:** Monday, October 29, 2018 9:45 AM  
**To:** Larry Boudreau  
**Subject:** RE: Beacon - 248 Tioronda

Larry, previous traffic analysis files are not in the project folder so I re-created them. Here is summary of updated analysis for Wolcott/Tioronda intersection:

1. The 2015 analysis showed LOS B for AM and PM build using Synchro version 8
2. Re-creating the 2015 analysis showed LOS A for AM and PM using Synchro version 10 which is 2 versions after 8
3. To change LOS A to B for AM peak I added 300 vehicles EB on Wolcott, 300 vehicles WB on Wolcott, and 50 vehicles SB on Tioronda (kept NB the same). Delay increased by about 3 seconds.
4. To change LOS A to B for PM peak I added 200 vehicles EB on Wolcott, 200 vehicles WB on Wolcott, and 50 vehicles SB on Tioronda (kept NB the same). Delay increased by about 3 seconds.

Bottom line: intersection can handle a lot more traffic and still operate with very good levels of service.

Thomas R. Johnson, P.E., PTOE  
Transportation Services Manager  
*The Chazen Companies*  
547 River Street  
Troy, NY 12180  
Direct: (518) 266-7369  
[tjohnson@chazencompanies.com](mailto:tjohnson@chazencompanies.com)  
[www.chazencompanies.com](http://www.chazencompanies.com)

---

**From:** Larry Boudreau  
**Sent:** Friday, October 26, 2018 2:53 PM  
**To:** 'Ward-Willis, Nicholas M.' <[NWard-Willis@kblaw.com](mailto:NWard-Willis@kblaw.com)>; 'John Russo' <[jdr@lanctully.com](mailto:jdr@lanctully.com)>  
**Cc:** 'Anthony Ruggiero' <[aruggiero@cityofbeacon.org](mailto:aruggiero@cityofbeacon.org)>; 'John Clarke' <[jclarkeplandesign@gmail.com](mailto:jclarkeplandesign@gmail.com)>  
**Subject:** RE: Beacon - 248 Tioronda

Yes I understand. The TIS completed at that time indicated that all studied intersections were operating at a health good to excellent service (LOS A and B), and the 2015 build volumes did not change the LOS at the studied intersections. I will prepare a ppt slide to review this Monday night. Thanks Nic.

Larry

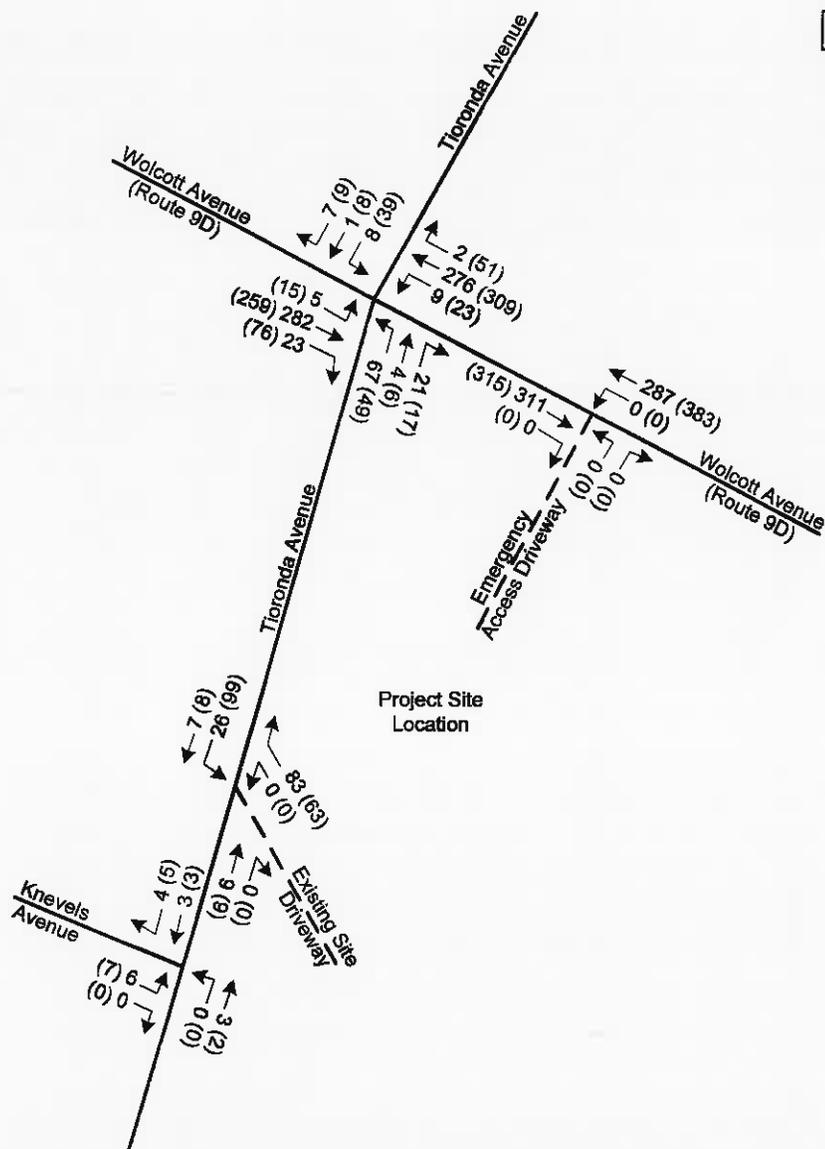
---

**From:** Ward-Willis, Nicholas M. <[NWard-Willis@kblaw.com](mailto:NWard-Willis@kblaw.com)>  
**Sent:** Friday, October 26, 2018 1:51 PM  
**To:** Larry Boudreau <[lboudreau@chazencompanies.com](mailto:lboudreau@chazencompanies.com)>; 'John Russo' <[jdr@lanctully.com](mailto:jdr@lanctully.com)>  
**Cc:** 'Anthony Ruggiero' <[aruggiero@cityofbeacon.org](mailto:aruggiero@cityofbeacon.org)>; 'John Clarke' <[jclarkeplandesign@gmail.com](mailto:jclarkeplandesign@gmail.com)>  
**Subject:** RE: Beacon - 248 Tioronda

Larry, thanks. I read that language in the EAF, but my question is more focused on whether given the changes in Beacon in the last 5 years since the report was done, have the traffic counts on Route 9D and Tioronda Avenue and traffic patterns changed, such that the 2013 Study should be updated. As the attorney, I don't know the answer, but in my mind, it is a legitimate question.

Nick

Scenario 1



AM PEAK HOUR TRAFFIC VOLUMES (PM PEAK HOUR TRAFFIC VOLUMES)



**Beacon 248 Development, LLC**  
 Tioronda Avenue  
 City of Beacon  
 Dutchess County, New York

2015 Build  
 Traffic Volumes  
 (Scenario 1)

Project #: 81056.00

Date: October 2013

Figure: #A3

Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

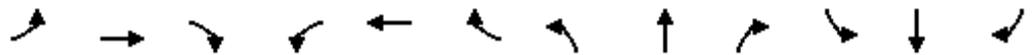
03/22/2019



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	5	282	23	9	276	2	67	4	21	8	1	7
Future Volume (vph)	5	282	23	9	276	2	67	4	21	8	1	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Flt		0.990			0.999			0.969			0.940	
Flt Protected		0.999			0.998			0.965			0.976	
Satd. Flow (prot)	0	1842	0	0	1857	0	0	1742	0	0	1709	0
Flt Permitted		0.992			0.983			0.815			0.902	
Satd. Flow (perm)	0	1829	0	0	1829	0	0	1471	0	0	1579	0
Right Turn on Red			Yes			Yes			No			No
Satd. Flow (RTOR)		10			1							
Link Speed (mph)		15			30			25			30	
Link Distance (ft)		964			1319			984			876	
Travel Time (s)		43.8			30.0			26.8			19.9	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	6	320	26	10	314	2	76	5	24	9	1	8
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	352	0	0	326	0	0	105	0	0	18	0
Enter Blocked Intersection	No											
Lane Alignment	Left	Left	Right									
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru										
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex										
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Perm	NA										
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Detector Phase	4	4		8	8		2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		2.5	2.5		2.5	2.5	

Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019

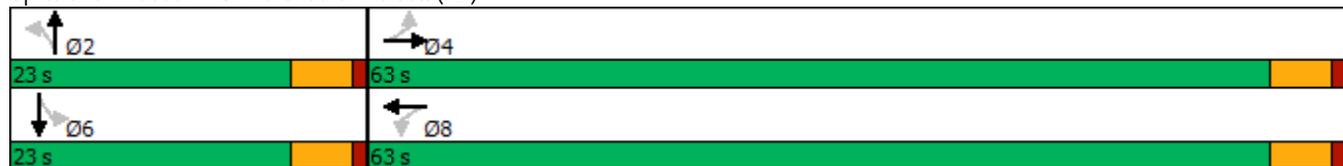


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	23.0	23.0		23.0	23.0		8.0	8.0		23.0	23.0	
Total Split (s)	63.0	63.0		63.0	63.0		23.0	23.0		23.0	23.0	
Total Split (%)	73.3%	73.3%		73.3%	73.3%		26.7%	26.7%		26.7%	26.7%	
Maximum Green (s)	58.0	58.0		58.0	58.0		18.0	18.0		18.0	18.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)		0.0			0.0			0.0			0.0	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	7.0	7.0		7.0	7.0					7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0					11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0					0	0	
Act Effect Green (s)		13.3			13.3			18.1			18.1	
Actuated g/C Ratio		0.32			0.32			0.44			0.44	
v/c Ratio		0.59			0.56			0.16			0.03	
Control Delay		15.8			15.4			9.2			8.4	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		15.8			15.4			9.2			8.4	
LOS		B			B			A			A	
Approach Delay		15.8			15.4			9.2			8.4	
Approach LOS		B			B			A			A	

Intersection Summary

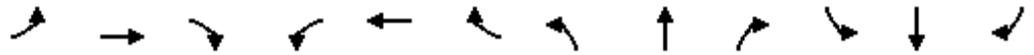
Area Type: Other  
 Cycle Length: 86  
 Actuated Cycle Length: 41.5  
 Natural Cycle: 50  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.59  
 Intersection Signal Delay: 14.6  
 Intersection LOS: B  
 Intersection Capacity Utilization 35.6%  
 ICU Level of Service A  
 Analysis Period (min) 15

Splits and Phases: 3: Tioronda & Wolcott (9D)



Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	15	259	76	23	309	51	49	5	17	39	8	9
Future Volume (vph)	15	259	76	23	309	51	49	5	17	39	8	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr <sub>t</sub>		0.971			0.982			0.968			0.977	
Fl <sub>t</sub> Protected		0.998			0.997			0.967			0.966	
Satd. Flow (prot)	0	1805	0	0	1824	0	0	1744	0	0	1758	0
Fl <sub>t</sub> Permitted		0.971			0.960			0.808			0.811	
Satd. Flow (perm)	0	1756	0	0	1756	0	0	1457	0	0	1476	0
Right Turn on Red			Yes			Yes			No			No
Satd. Flow (RTOR)		35			20							
Link Speed (mph)		15			30			25			30	
Link Distance (ft)		964			1319			984			876	
Travel Time (s)		43.8			30.0			26.8			19.9	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	18	305	89	27	364	60	58	6	20	46	9	11
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	412	0	0	451	0	0	84	0	0	66	0
Enter Blocked Intersection	No											
Lane Alignment	Left	Left	Right									
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru										
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex										
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Perm	NA										
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Detector Phase	4	4		8	8		2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		2.5	2.5		2.5	2.5	

# Lanes, Volumes, Timings

## 3: Tioronda & Wolcott (9D)

03/22/2019

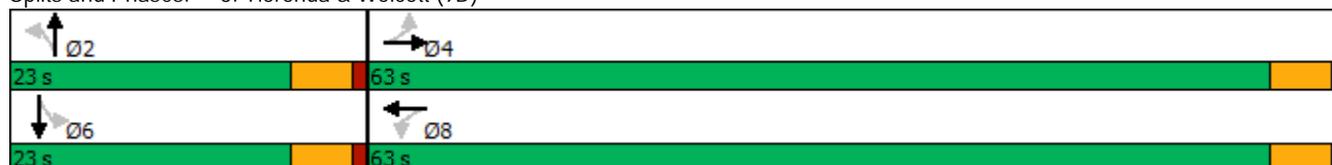


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	23.0	23.0		23.0	23.0		8.0	8.0		23.0	23.0	
Total Split (s)	63.0	63.0		63.0	63.0		23.0	23.0		23.0	23.0	
Total Split (%)	73.3%	73.3%		73.3%	73.3%		26.7%	26.7%		26.7%	26.7%	
Maximum Green (s)	58.0	58.0		58.0	58.0		18.0	18.0		18.0	18.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)		0.0			0.0			0.0			0.0	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	7.0	7.0		7.0	7.0					7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0					11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0					0	0	
Act Effect Green (s)		16.0			16.0			18.2			18.2	
Actuated g/C Ratio		0.36			0.36			0.41			0.41	
v/c Ratio		0.63			0.70			0.14			0.11	
Control Delay		15.0			17.6			10.6			10.3	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		15.0			17.6			10.6			10.3	
LOS		B			B			B			B	
Approach Delay		15.0			17.6			10.6			10.3	
Approach LOS		B			B			B			B	

### Intersection Summary

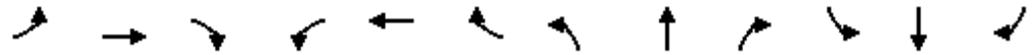
Area Type: Other  
 Cycle Length: 86  
 Actuated Cycle Length: 44.2  
 Natural Cycle: 50  
 Control Type: Actuated-Uncoordinated  
 Maximum v/c Ratio: 0.70  
 Intersection Signal Delay: 15.5  
 Intersection LOS: B  
 Intersection Capacity Utilization 41.0%  
 ICU Level of Service A  
 Analysis Period (min) 15

### Splits and Phases: 3: Tioronda & Wolcott (9D)



Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	5	582	23	9	576	2	67	4	21	60	1	7
Future Volume (vph)	5	582	23	9	576	2	67	4	21	60	1	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr <sub>t</sub>		0.995						0.969			0.986	
Fl <sub>t</sub> Protected					0.999			0.965			0.958	
Satd. Flow (prot)	0	1853	0	0	1861	0	0	1742	0	0	1760	0
Fl <sub>t</sub> Permitted		0.995			0.989			0.765			0.721	
Satd. Flow (perm)	0	1844	0	0	1842	0	0	1381	0	0	1324	0
Right Turn on Red			Yes			Yes			No			No
Satd. Flow (RTOR)		5										
Link Speed (mph)		15			30			25			30	
Link Distance (ft)		964			1319			984			876	
Travel Time (s)		43.8			30.0			26.8			19.9	
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	6	661	26	10	655	2	76	5	24	68	1	8
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	693	0	0	667	0	0	105	0	0	77	0
Enter Blocked Intersection	No											
Lane Alignment	Left	Left	Right									
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru										
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex										
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Perm	NA										
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Detector Phase	4	4		8	8		2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		2.5	2.5		2.5	2.5	

Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019

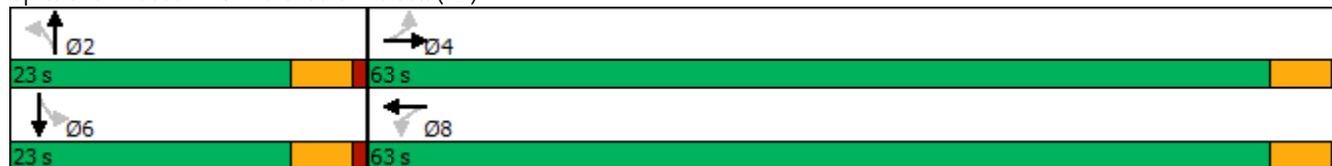


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	23.0	23.0		23.0	23.0		8.0	8.0		23.0	23.0	
Total Split (s)	63.0	63.0		63.0	63.0		23.0	23.0		23.0	23.0	
Total Split (%)	73.3%	73.3%		73.3%	73.3%		26.7%	26.7%		26.7%	26.7%	
Maximum Green (s)	58.0	58.0		58.0	58.0		18.0	18.0		18.0	18.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)		0.0			0.0			0.0			0.0	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	7.0	7.0		7.0	7.0					7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0					11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0					0	0	
Act Effect Green (s)		28.8			28.8			18.4			18.4	
Actuated g/C Ratio		0.50			0.50			0.32			0.32	
v/c Ratio		0.75			0.72			0.24			0.18	
Control Delay		16.4			15.7			19.7			19.2	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		16.4			15.7			19.7			19.2	
LOS		B			B			B			B	
Approach Delay		16.4			15.7			19.7			19.2	
Approach LOS		B			B			B			B	

Intersection Summary

Area Type:	Other
Cycle Length:	86
Actuated Cycle Length:	57.5
Natural Cycle:	60
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	0.75
Intersection Signal Delay:	16.5
Intersection LOS:	B
Intersection Capacity Utilization:	49.7%
ICU Level of Service:	A
Analysis Period (min):	15

Splits and Phases: 3: Tioronda & Wolcott (9D)



Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Volume (vph)	15	459	76	23	509	51	49	5	17	90	8	9
Future Volume (vph)	15	459	76	23	509	51	49	5	17	90	8	9
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Fr <sub>t</sub>		0.981			0.988			0.968			0.988	
Fl <sub>t</sub> Protected		0.999			0.998			0.967			0.960	
Satd. Flow (prot)	0	1826	0	0	1837	0	0	1744	0	0	1767	0
Fl <sub>t</sub> Permitted		0.976			0.965			0.767			0.714	
Satd. Flow (perm)	0	1783	0	0	1776	0	0	1383	0	0	1314	0
Right Turn on Red			Yes			Yes			No			No
Satd. Flow (RTOR)		21			12							
Link Speed (mph)		15			30			25			30	
Link Distance (ft)		964			1319			984			876	
Travel Time (s)		43.8			30.0			26.8			19.9	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	18	540	89	27	599	60	58	6	20	106	9	11
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	647	0	0	686	0	0	84	0	0	126	0
Enter Blocked Intersection	No											
Lane Alignment	Left	Left	Right									
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2		1	2		1	2	
Detector Template	Left	Thru										
Leading Detector (ft)	20	100		20	100		20	100		20	100	
Trailing Detector (ft)	0	0		0	0		0	0		0	0	
Detector 1 Position(ft)	0	0		0	0		0	0		0	0	
Detector 1 Size(ft)	20	6		20	6		20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex										
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Perm	NA										
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2			6		
Detector Phase	4	4		8	8		2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		2.5	2.5		2.5	2.5	

Lanes, Volumes, Timings  
3: Tioronda & Wolcott (9D)

03/22/2019

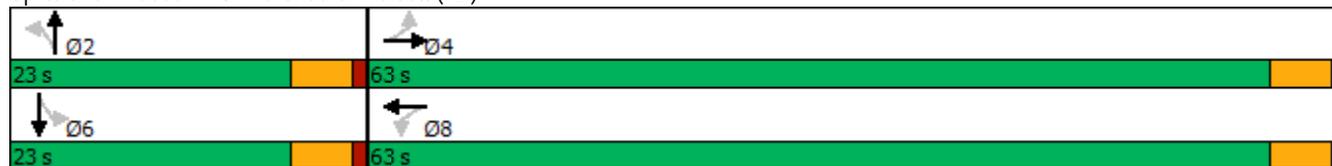


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Split (s)	23.0	23.0		23.0	23.0		8.0	8.0		23.0	23.0	
Total Split (s)	63.0	63.0		63.0	63.0		23.0	23.0		23.0	23.0	
Total Split (%)	73.3%	73.3%		73.3%	73.3%		26.7%	26.7%		26.7%	26.7%	
Maximum Green (s)	58.0	58.0		58.0	58.0		18.0	18.0		18.0	18.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
All-Red Time (s)	1.0	1.0		1.0	1.0		1.0	1.0		1.0	1.0	
Lost Time Adjust (s)		0.0			0.0			0.0			0.0	
Total Lost Time (s)		5.0			5.0			5.0			5.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Recall Mode	None	None		None	None		Max	Max		Max	Max	
Walk Time (s)	7.0	7.0		7.0	7.0					7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0					11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0					0	0	
Act Effect Green (s)		26.9			26.9			18.4			18.4	
Actuated g/C Ratio		0.48			0.48			0.33			0.33	
v/c Ratio		0.74			0.79			0.18			0.29	
Control Delay		16.3			18.7			17.8			19.2	
Queue Delay		0.0			0.0			0.0			0.0	
Total Delay		16.3			18.7			17.8			19.2	
LOS		B			B			B			B	
Approach Delay		16.3			18.7			17.8			19.2	
Approach LOS		B			B			B			B	

Intersection Summary

Area Type:	Other
Cycle Length:	86
Actuated Cycle Length:	55.5
Natural Cycle:	60
Control Type:	Actuated-Uncoordinated
Maximum v/c Ratio:	0.79
Intersection Signal Delay:	17.7
Intersection LOS:	B
Intersection Capacity Utilization:	56.1%
ICU Level of Service:	B
Analysis Period (min):	15

Splits and Phases: 3: Tioronda & Wolcott (9D)



**ATTACHMENT B**  
**NYSDEC Correspondence and**  
**USFWS Official Species List**

---

This page intentionally left blank

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program

625 Broadway, Fifth Floor, Albany, NY 12233-4757

P: (518) 402-8935 | F: (518) 402-8925

[www.dec.ny.gov](http://www.dec.ny.gov)

November 7, 2018

Deborah Hubbard  
The Chazen Companies  
21 Fox Street  
Poughkeepsie, NY 12601

Re: Chai Builders Multifamily Development and Office Building (formerly Beacon 248 Development)

County: Dutchess Town/City: City Of Beacon

Dear Ms. Hubbard:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site.

The project site is situated on Fishkill Creek. From just downstream of the project site to its mouth, Fishkill Creek is a designated significant concentration area for anadromous fish, including alewife and blueback herring. At the mouth of Fishkill Creek are several state-listed animals and plants, and significant brackish tidal marsh and brackish intertidal mudflats. We recommend that the project work be conducted so as to avoid significant impacts to the water quality of Fishkill Creek, including erosion and run-off of sediments, nutrients, and pollutants.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 3 Office, Division of Environmental Permits, at [dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov).

Sincerely,



Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program

1164



Department of  
Environmental  
Conservation

This page intentionally left blank



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

September 10, 2018

Consultation Code: 05E1NY00-2018-SLI-3255

Event Code: 05E1NY00-2018-E-09923

Project Name: Chai Builders Proposed Multifamily Development and Office Building

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle\\_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

---

## Project Summary

Consultation Code: 05E1NY00-2018-SLI-3255

Event Code: 05E1NY00-2018-E-09923

Project Name: Chai Builders Proposed Multifamily Development and Office Building

Project Type: DEVELOPMENT

Project Description: The Applicant, Chai Builders Corp., proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The proposed development is contained almost entirely within the former Tuck Industries development area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.49552009435731N73.96812773240211W>



Counties: Dutchess, NY

---

## Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

### Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

### Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/784">https://ecos.fws.gov/ecp/species/784</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf</a>	Endangered

### Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

**248 BEACON HOLDINGS LLC**  
**PROPOSED MULTIFAMILY DEVELOPMENT AND OFFICE BUILDING**  
**CONSISTENCY WITH FCD DISTRICT CRITERIA FOR GRANTING CONCEPT PLAN APPROVAL BY CITY COUNCIL**

The following demonstrates the project's consistency with the Fishkill Creek Development (FCD) District criteria to be considered by the City Council for granting concept plan approval per Section 223-41.13.F(3)(b).

**[1] *The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.***

According to Article IVC, *Fishkill Creek Development (FCD) District*, the purposes of the FCD District include:

- A. *Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District, but offer larger sites for a flexible range of compatible nonresidential uses.*

The project will fulfill this purpose, as it represents redevelopment of an abandoned industrial site with a mix of residential and non-residential uses. The Zoning Law Section 223-41.13(B)(1) specifically permits "attached apartment and multifamily dwellings" and "professional and business offices in buildings that face streets" in the FCD district. The proposed density of 64 dwelling units is permitted by zoning, as shown in the density calculations which are provided on Sheet EC1 of the concept plan set.

- B. *Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.*

The proposed project provides a buffer along the Fishkill Creek, with setbacks that range from 45 feet to 110 feet, with an average setback of 75 feet from the Fishkill Creek. The proposed layout avoids any development along the steep areas that surround the creek, as well as floodplain areas. This will supersede the 6-foot easement along the Fishkill Creek shown on the filed subdivision map.

- C. *Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.*

The project includes the construction of a Greenway Trail that extends along the easterly boundary of the property along the Fishkill Creek. The trail extends a distance of approximately 1,830 linear feet, with an additional 470 linear feet within two spurs, representing a significant addition to the City's Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan fulfillment. This trail will connect to Wolcott Avenue, and to the Sisters property to the South. Public access to the trail is also provided from Tioronda Avenue.

In summary, the project is consistent with the purposes of the FCD District, as it represents redevelopment of an abandoned industrial site, provides a mix of uses, preserves a buffer along the Fishkill Creek, and provides a Greenway Trail for public use which can connect to future trails along the creek on adjacent properties.

**[2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.**

The project provides a buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank varies from approximately 45 feet to 110 feet, with an average setback of 75 feet, which exceeds the minimum required setback of 25 feet and the minimum required average setback of 50 feet. The layout was designed to avoid 100-year floodplain areas, and very steep slopes are avoided to the extent practicable. Site development is fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance. The buffer along the creek will be protected by a conservation easement as required. This will supersede the existing 6-foot easement along the Fishkill Creek shown on the filed subdivision map. The approved site plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail location avoids the stream and floodplain areas.

**[3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.**

The approved project was determined to meet these standards, and the proposed project is similar in many ways to the approved project. Many of these standards are related to other FCD requirements, and design details are described in the FEAF Narrative and "Summary of Consistency with FCD Application Requirements", as well as throughout this document. The project meets the current Fishkill Creek development design standards set forth in Section 223-41.13.I, to the extent applicable at the concept plan stage, as described below. Some of these standards will be addressed during the site plan review process.

- (1) *All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.*
- (2) *Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.*
- (3) *General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.*
  - (a) *Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.*
  - (b) *Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).*

- (c) *The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.*

The project has been planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. The concept plan builds on the existing Beacon environmental and historic context. Please refer to concept plans and architectural plans, as well as the FEA narrative.

- (4) *Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.*

The plans will be refined during the site plan review process.

- (5) *Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.*

The project will incorporate various energy saving features such as low flow toilets, energy star appliances and electric standards, double-paned windows, and energy efficient lighting. Additional energy saving features may be incorporated as more detailed architectural plans are developed.

- (6) *Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.*

(a) *Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.*

(b) *The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.*

(c) *All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.*

(d) *Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.*

Architectural elevations and landscape plan have been provided, and architectural details are described in the FEA Narrative.

- (7) *Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.*

All exterior lighting will be downward directed, and will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from

the street in accordance with Section 223-14.B of the zoning regulations. Lighting will consist of decorative full cut-off lighting with International Dark-Sky Association-approved "dark sky friendly" performance. The average level within the parking lots, access, and sidewalks will be sufficient to promote safety and encourage pedestrian use. Lighting photometrics and details will be provided during the site plan review process.

(8) *Signage.*

(a) *All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review process.*

(b) *All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.*

Signage details will be determined during the site plan review process, consistent with the City's sign regulations.

(9) *Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.*

Access to the project site is provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. This access was used for many years when the Tuck Industries manufacturing facility was in operation. The grade crossing provides access both to the project site and to the adjoining Sisters property, avoiding multiple accesses onto Tioronda Avenue. The Filed Subdivision Map (FM #10970 filed February 20, 2000) provides for a shared access. The Applicant will offer emergency access to other owners of the FCD properties subject to contribution of a fair share of the costs of building the emergency access. The 555 South Avenue property has its own entrance, at a point approximately 2,400 feet south of the entrance to Beacon 248.

The general interior configuration of the project road system is shown on the plans. The road system provides for circulation by means of a left turn inside the site to reach the proposed buildings, and a right turn inside the site to reach Sisters property.

The project will generate new traffic in the vicinity of the project site, since the site is currently vacant. All traffic will be oriented to travel to and from the site via the intersection of Tioronda Avenue with Wolcott Avenue/Route 9D. The present access design is to prohibit arrivals to the site from the south, and prohibit left turns out of the site to travel south on Tioronda Avenue. This traffic routing meets the needs of travelers, since Wolcott Avenue provides the best routing in either direction to I-84, the train station, and Route 9D going either north or south. It also protects the neighborhoods to the south and west of the site from additional traffic through local neighborhoods. The limitation on turning movements does not create any traffic difficulties for the residents of the project or for the local community.

*(10) Public access for greenway trails.*

- (a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.*

The project provides a Greenway Trail for public use which can connect to future trails along the creek on adjacent properties. The trail extends a distance of approximately 1,830 linear feet with an additional 470 linear feet within two spurs, representing a significant addition to the City's proposed Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan fulfillment. This trail will connect to Wolcott Avenue by means of the emergency access to Wolcott Avenue, and to the Sisters property to the south. Public access to the trail is also provided from Tioronda Avenue.

- (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.*

Please refer to the consistency description provided for Conceptual Approval Criterion #4.

- (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.*

The project developer will be responsible for construction and maintenance of the trail.

*(11) Off-street parking and loading.*

- (a) General parking requirements.*

*[1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.*

*[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.*

*[3] The construction of any proposed parking structures to accommodate the FCD project shall be integrated into the development.*

Parking is provided in a surface lot located between the proposed office building and residential buildings, and within a parking garage located below grade that extends under and between the

two residential buildings. The parking garage enables more green space on the site. Please refer to concept plan.

- (b) *Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.*

According to the City of Beacon Zoning Code Section 223-26.F, a multifamily residential use requires 1 space for each dwelling unit plus 1/4 space for each bedroom, and a professional office use requires 1 space for each 200 square feet of gross floor area, excluding utility areas. Therefore, the 64-unit residential development with 28 one-bedroom units and 36 two-bedroom units (100 bedrooms total) requires 89 parking spaces and the 25,400 SF office building requires 127 parking spaces, for a total required parking of 216 spaces. This requirement is both a maximum and minimum for an FCD project. The proposed concept plan provides 89 parking spaces for the residential portion (15 surface lot spaces and 74 garage spaces). The proposed concept plan provides the required spaces for the office use, with a portion of the required spaces being land banked spaces which would be reserved for future use if needed.

- (c) *With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.*
- (d) *Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.*

No compact spaces are proposed.

- (e) *Off-street loading shall be provided as the Planning Board may find appropriate.*

Per Section 223-26.H(b), a minimum of 1 loading space for the first 20,000 square feet of GFA, is required plus one space for each additional 40,000 square feet of GFA or major portion thereof. Therefore, the project with 25,400 SF of office space is expected to require 1 loading space, which is shown on the concept plan.

(12) *Utilities and services.*

- (a) *Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.*

All utility installations will be underground. Details will be determined during the site plan review process.

- (b) *Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.*

The project will be served by City of Beacon municipal water and sewer service. A 12" water main and 8" sewer main are located along Tioronda Avenue. Sewage generated from both residential and non-residential buildings will be conveyed via gravity flow to an onsite sewage pump station, where it will be pumped via force main and tapped in to the existing 2-inch fiberglass pipe which extends under the railroad property and ties into the City sewer system. The project proposes to use a combination of standard stormwater management practices and alternative practices as described in the FEAF Narrative. The site will continue to discharge stormwater runoff to the Fishkill Creek.

- (c) *Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.*

Details will be determined during the site plan review process, consistent with this standard.

- (d) *Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.*

Details will be determined during the site plan review process, consistent with this standard.

- (e) *Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.*

Details will be determined during the site plan review process, consistent with this standard.

- (f) *Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.*

Details will be determined during the site plan review process, consistent with this standard.

- (g) *Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.*

Details will be determined during the site plan review process, consistent with this standard.

- (13) *Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.*

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the project site along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. No building construction is proposed within Zone AE.

- (14) *Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.*

A Phase 1A Archeological Investigation dated July 2013 was conducted by Hartgen Archeological Associates, Inc. The report concluded that as a result of the impacts related to the continuous industrial development of the property combined with the impacts surrounding the removal the buildings

associated with the New York Rubber Company facility, it is likely no significant cultural deposits, specific to the early to mid-19th century development of the property remain. The Phase 1A report was submitted to NYSOPRHP for review, under the previously approved project. Correspondence from NYSOPRHP dated September 27, 2013, requested additional project information due to the project's location adjacent to a National Register-Eligible district to the east. The Applicant then submitted the additional requested information, and in correspondence dated December 23, 2013, NYSOPRHP concluded that the massing of the buildings as proposed at that time was appropriate for the site, and determined that the approved project would have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. Information and plans for the currently proposed project have been uploaded to NYSOPRHP CRIS for review and determination. Since the project is similar to the approved project in regard to disturbance area and architecture, it is anticipated that NYSOPRHP's determination will remain the same, and no impacts to cultural resources will occur.

*(15) Fishkill Creek vegetative buffer.*

- (a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.*
- (b) The protective creekside buffer dimension in § 223-41.14(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.*
- (c) With respect to development near the creekside buffer, the site plan shall address the following requirements:*
  - [1] Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.*
  - [2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.*
  - [3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.*
- (d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.*
- (e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.*

The proposed layout maintains the original land form, as it utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the creek is preserved. Most of the development is within the limits of previous development. No impacts to wetlands or the stream will occur. A Greenway Trail is proposed which will include a conservation easement. The project provides a buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank varies from approximately 45 feet to 110 feet, with an average setback of 75 feet, which exceeds the minimum required setback of 25 feet and the minimum required average setback of

50 feet. The layout was designed to avoid 100-year floodplain areas, and very steep slopes are avoided to the extent practicable. Site development is fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance. The buffer along the creek will be protected by a conservation easement as required. This will supersede the existing 6-foot easement along the Fishkill Creek shown on the filed subdivision map. The approved site plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail location avoids the stream and floodplain areas.

**[4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.**

*City Comprehensive Plan*

The City of Beacon Comprehensive Plan adopted December 17, 2007, proposed a combination of new open spaces and parks balanced with new opportunities for commercial and residential development in several key areas of the City, including the former industrial sites along the Fishkill Creek. The 2007 Comprehensive Plan encouraged residential development at these old industrial sites, and actually provided for greater density (15 dwelling units per acre), stating that: "Allowing these lands to be built at greater densities represents an efficient use of land in a location capable of supporting this level of development. The City expects to benefit from this through the physical revitalization of these areas."

The Comprehensive Plan Update adopted April 3, 2017, (the "Plan") reflects land use, demographic and socioeconomic changes that have taken place since the 2007 plan was adopted. The updated recommendations in the Plan address environmental protection, economic development, affordable housing and improved community services and facilities. The primary focus of the 2017 Plan is the waterfront and train station area; therefore, many of the policies and recommendations of the 2007 Comprehensive Plan that applied to the project site are still applicable.

One of the Goals of the Plan is to "encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City's objectives for economic development" (page 66), and Objectives and Recommendations under this Goal for vacant industrial sites is to "encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City" (page 68).

The goals of the Plan that relate to "Environmental Resources" include to "preserve environmentally significant features and create an open space system of sufficient size to reserve adequate areas for the protection of water related resources, wildlife, and land forms of particular environmental value. The rare assets of the City, such as the Hudson River and Fishkill Creek, should be protected, as should the Hudson Highlands on the slopes of Mt. Beacon" and to "encourage high environmental standards for development and infrastructure, develop sources of renewable energy and improve the environmental performance of City-owned property (page 24)." One of the objectives of this goal is to "establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mt. Beacon". The proposed public Greenway Trail is consistent with this goal and objective, as the trail area along the creek is preserved with a conservation easement, and extends across the site to allow connection to adjacent properties along the creek.

The goal of the Comprehensive Plan that relates to “Population and Residential Development” includes “(1) strive to maintain a variety of housing opportunities that area accessible to a wide variety of income levels”; “(4) encourage residential development of vacant and underutilized former industrial sites”; and “(5) ensure continued racial, ethnic, age and economic diversity of the population through encouraging a wide range of housing choices” (page 52). The City’s creation of the Fishkill Creek Development (FCD) district represents implementation of this goal and these objectives. The project is consistent in that it is a mix of uses which include market rate residential housing along with a public Greenway Trail. The project will comply with the requirements for affordable-workforce housing per Article IVBX of the zoning code. Stormwater management will include green infrastructure practices such as bioretention.

The goal of the Comprehensive Plan that relates to “Commercial, Office, and Industrial Development” is to “encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City’s objectives for economic development” (page 66). An objective of this goal (Objective F) is to “encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City” (page 68).

The project consists of the redevelopment of the former Tuck Industries manufacturing site for a multifamily residential development and office building. The project site was listed in the NYSDEC’s Environmental Remediation Database as a Site Code 314044, formerly operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste which resulted in soil contamination. The industrial buildings were demolished and removed, and the site was remediated to the satisfaction of NYSDEC, and is ready for redevelopment, consistent with this goal and objective of the Comprehensive Plan.

The goal of the Comprehensive Plan that relates to “Recreation and Community Facilities” is that “community services for all age groups should be provided consistent with the economic growth of the City and its available resources. Regional facilities should be encouraged to locate in the City. Develop a recreational open space system of sufficient size and locational qualities to meet the complete range of recreational needs for the people” (page 142). An objective of this goal is to “continue to develop Greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mt. Beacon” and to “determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision” (page 144).

The project includes a Greenway Trail along the Fishkill Creek that will be accessible to the public and which can connect to adjacent properties. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City.

Based on this information, the project is consistent with the City of Beacon Comprehensive Plan.

#### *LWRP*

The Planning Board made a determination on June 11, 2019, that the project is entirely consistent with the LWRP policies that apply to the project. Policy #25 of the LWRP adopted March 7, 2011, lists 13 viewsheds that should be protected which contribute to the scenic quality of the coastal area. None of the views extends over the subject development site, or over any nearby site in the Fishkill Creek Corridor. The project is consistent with the applicable LWRP recommendations for development in scenic viewsheds, including setback from the Fishkill Creek shoreline to preserve the privacy and some grade-separation of the pedestrian

trail along the Creek. Section 12.0, Community Character, provides a description of the proposed architecture and preliminary information regarding visual impacts.

*Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT)*

The Greenway Trail will be constructed to the guidelines of the City's Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT) as approved by the Planning Board. The approved site plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail has been relocated to avoid the stream and floodplain areas. The proposed Greenway Trail represents a significant addition to the City's proposed FCG&HT Master Plan fulfillment. This trail will connect to Wolcott Avenue by means of the emergency access to Wolcott Avenue, and to the Sisters property to the south. Public access to the trail is also provided from Tioronda Avenue. The width of the proposed trail easement is 20 feet, while presently, the City has only a 6-foot wide easement at the property edge, pursuant to the filed subdivision map. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City, and is a major benefit to the City. The proposed project will enhance the site, thus improving the value and development capability of nearby properties.

- [5] *The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.***

The project has been planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. The concept plan builds on the existing Beacon environmental and historic context.

- [6] *The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.***

The project involves the redevelopment of a deteriorated former industrial site. The project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as providing a public Greenway Trail along the Fishkill Creek. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. The proposed residential and office uses will blend in with the other uses in the area and will be consistent with future development of the FCD property to the north and south.

Architectural elevations have been provided. The architecture and building materials depicted on the exterior elevations of the buildings are quality examples of urban architecture typical of older City of Beacon structures. The buildings are designed to present a subtly varied, yet ordered and cohesive appearance in terms of architectural style. Architecturally pleasing from all sides, they will be consistent with older industrial buildings in the city, but with more residential proportions. Scales, forms and materials used are appropriate to ensure that buildings and other structures are compatible with and add interest to the landscape. The elevations are clad predominately in brick. Third story and cellar level elevations are set back to mitigate the perceived height of the buildings on all sides. The setbacks are clad in black metal panels which complement the brick cladding well. Windows, doors and trim will be black powder coated aluminum. Painted black steel balconies will be provided for a number of units. Proposed retaining walls on the site will be poured in place

concrete with fieldstone veneer. Proposed retaining walls will be segmental concrete block walls in earthtone colors. The proposed refuse container will be screened from view by a cedar fence, and will comply with the City's requirements in Section 223-14.C.

**[7] *The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.***

The Greenway Trail will be constructed to the guidelines of the City's FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City. The width of the proposed trail easement varies from 10 feet to 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the subdivision map. The project site contains a very attractive section of waterfront, including views of a waterfall.

**[8] *The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.***

The architecture and building materials depicted on the exterior elevations of the buildings are quality examples of urban architecture typical of older City of Beacon structures. The buildings are designed to present a subtly varied, yet ordered and cohesive appearance in terms of architectural style. Architecturally pleasing from all sides, they will be consistent with older industrial buildings in the city, but with more residential proportions. Scales, forms and materials used are appropriate to ensure that buildings and other structures are compatible with and add interest to the landscape. Cross sectional views were submitted which show that the properties to the west are much higher in elevation than the project property, and the site drops off to a lower elevation east of the tracks. Since the project site is much lower than much of the surrounding area, only the higher portions of the proposed buildings are expected to be visible. Photo simulations were provided which depict the three proposed buildings as seen from eye level vantage points along Tioronda Avenue. These vantage points are shown on the "Vantage Point Location Plan". Starting at the northwest corner of proposed residential Building 300, the vantage points advance southwards, ending at the west side of the proposed commercial building at the south of the property.

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The applicant's development site is not within any of the designated viewsheds. The proposed development area is not located in a designated LWRP viewshed; however, the project design is consistent with the applicable LWRP recommendations for developing in scenic view sheds.

The proposed layout maintains the original land form, as it utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the creek is preserved. The natural grade changes across the site (west to east), serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

The access road to Wolcott Avenue does not present adverse visual impacts. The new wall required for the access to Wolcott Avenue is substantially lower than the existing wall associated with Tioronda Avenue itself. The new wall serves to hide some of the graffiti on the Tioronda wall. The applicant intends to design plantings to soften views of the new wall (to be refined during site plan review by the Planning Board).

**§ 223-41.13. Uses; plan review; design standards.**

- A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.
- B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:
- (1) Apartment, attached and multifamily dwellings.
  - (2) Artist live/work spaces, artist studios and workshops of artisans.
  - (3) Bed-and-breakfast establishments and inns.
  - (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face streets.
  - (5) Restaurants and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face streets. No individual restaurant use shall contain more than 5,000 square feet of gross floor area.
  - (6) Professional and business offices in buildings that face streets.
  - (7) Galleries, exhibit spaces and museums.
  - (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
  - (9) Assembly and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.

- (10) Other nonresidential uses similar to the above uses as determined by resolution of the City Council.
- C. Permitted accessory uses. Permitted accessory uses may include:
- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
  - (2) Parking and bicycle facilities, including parking structures.
- D. Procedure for review of Fishkill Creek development proposals.
- (1) Each Fishkill Creek development project shall require:
    - (a) Concept plan approval by the City Council; and
    - (b) Site plan approval by the Planning Board.
  - (2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development concept plan has been submitted to the City Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the City Council.
- E. Application fees. Applications to the City Council and Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- F. Procedure for Fishkill Creek development concept plan review.
- (1) Application. The concept plan application for a Fishkill Creek development for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least

five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the City Council meeting at which it will be considered. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:

- (a) A written description of the Fishkill Creek development project(s) concept plan, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.
- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.
- (d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.
- (e) A general indication of any phasing of construction.
- (f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.
- (g) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.
- (h) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.

- (i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.
  - (j) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.
  - (k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.
- (2) City Council review of Fishkill Creek development concept plan application.
- (a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.
  - (b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing a fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.
  - (c) City Council referrals.
    - [1] The City Council shall refer the application for a Fishkill Creek development concept plan approval to the Planning Board for a recommendation. The Planning Board shall review all documents and materials relating to the application and may make any advisory recommendations it deems appropriate.
    - [2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-1 and 239-m. In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.

- (d) Public hearing. The City Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on Fishkill Creek development concept plan.
- (a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval after it has held the required public hearing, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings, and, if applicable, has made the consistency determination under the City's Local Waterfront Consistency Law.<sup>1</sup>
  - (b) Concept plan approval. The City Council may approve the concept plan upon a finding that the following conditions and standards have been met:
    - [1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.
    - [2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.
    - [3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.
    - [4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.
    - [5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage,

---

1. Editor's Note: See Ch. 220, Waterfront Consistency Review.

circulation and utility service and the land uses are complementary.

[6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

[7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

[8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

(c) Conditions. In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.

(4) Revisions to FCD concept plan. After approval, any proposed revisions shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.

G. Site development plan review. After approval of the Fishkill Creek development concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set

forth in § 223-25B of this chapter. In addition, the applicant shall submit the following:

- (a) Information to establish that the proposed site plan complies with § 223-41.13 I(15), Fishkill Creek vegetative buffer, of this chapter.
  - (b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection I below.
  - (c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan.
  - (d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.
  - (e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).
  - (f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
  - (g) Application fees as required pursuant to Subsection E above.
- (2) Planning Board review of site plan.
- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire FCD District, as it is finally developed.
  - (b) In acting on any site development plan application, the Planning Board shall take into consideration the Fishkill Creek development concept plan, the proposed design and layout of the entire FCD District, including the

proposed location, height and landscaping of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the Fishkill Creek development design standards set forth in Subsection I below.

- (c) The proposed site development plan shall be in substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek development concept plan approved by the City Council. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the Fishkill Creek development concept plan.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
  - (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector

or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5) below. If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.
- H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter 195, Subdivision of Land, of the City Code. The setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
  - I. Fishkill Creek development design standards.
    - (1) All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment

efforts, while still allowing contemporary architectural flexibility.

- (2) Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in and unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.
- (3) General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.
  - (a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.
  - (b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).
  - (c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.
- (4) Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.
  - (a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-

pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

- (b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.
- (c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and walking/bicycle path system to allow residents access to the street and Greenway Trail along the creek frontage.
- (d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.
- (e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.
- (f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.
- (g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

- (h) Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.
  - (i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.
  - (j) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.
- (5) Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.
- (6) Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.
- (a) Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
  - (b) The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.
  - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.

- (d) Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.
- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.
- (8) Signage.
  - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review process.
  - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.
- (10) Public access for greenway trails.
  - (a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on

adjacent lands to facilitate future linkages in a continuous pedestrian path system.

- (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.
- (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.

(11) Off-street parking and loading.

(a) General parking requirements.

- [1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.
- [2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.
- [3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.
- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.
- (d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.
- (e) Off-street loading shall be provided as the Planning Board may find appropriate.

(12) Utilities and services.

- (a) Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.
- (b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.
- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.

- (d) Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
  - (e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
  - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.
  - (g) Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.
- (13)Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.
- (14)Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.
- (15)Fishkill Creek vegetative buffer.
- (a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.
  - (b) The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.
  - (c) With respect to development near the creekside buffer, the site plan shall address the following requirements:
    - [1] Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.

- [2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
  - [3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.
- (d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.
  - (e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Authorizing the City of Beacon to Hire Joseph Oaks for the Vacant Water and Sewer Helper Maintenance Position**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Hire Joseph Oaks for the Vacant Water and Sewer Helper Maintenance Position	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO HIRE JOSEPH OAKS TO FILL THE VACANT WATER AND SEWER HELPER MAINTENANCE POSITION**

**WHEREAS**, the City of Beacon Water and Wastewater Department currently has a vacant position for Water and Sewer Helper Maintenance; and

**WHEREAS**, the Water and Wastewater Superintendent and the Water Department HMEO have both recommended hiring Joseph Oaks, a qualified candidate, to fill the vacant Water and Sewer Helper Maintenance position.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council authorizes the City of Beacon to hire Joseph Oaks for the position of Water and Sewer Helper Maintenance.

**BE IT FURTHER RESOLVED**, that Joseph Oaks' contract with the City of Beacon shall begin on September 3, 2019.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Rejecting Bids for the Main Street Improvement Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Reject All Bids for the Main Street Pedestrian Improvements Project	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO REJECT ALL BIDS FOR  
THE MAIN STREET PEDESTRIAN IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Beacon received two bids for the Main Street Pedestrian Improvements Project; and

**WHEREAS**, the lowest responsible bidder was Sun Up Enterprises for a total of \$1,972,085.00; and

**WHEREAS**, the engineer estimated the project to cost \$1,232,422.00; and

**WHEREAS**, the lowest responsible bid is \$739,663.00 over the estimate.

**NOW, THEREFOR BE IT RESOLVED**, that the City Council authorizes the Mayor or City Administrator to reject all bids for the Main Street Pedestrian Improvements Project.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction for the Teller Avenue Sanitary Sewer Replacement Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Contract with Sun Up Construction Corporation for the Teller Avenue Sewer Replacement Project	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO CONTRACT WITH SUN UP CONSTRUCTION CORPORATION FOR THE TELLER AVENUE SEWER REPLACEMENT PROJECT**

**WHEREAS**, the City of Beacon received a bid from Sun Up Construction Corporation of \$222,085.00 for the Teller Avenue Sanitary Sewer Replacement project, which is below the estimate of \$255,552.00; and

**WHEREAS**, Sun Up Construction Corporation has successfully completed a number of projects in the City of Beacon;

**WHEREAS**, references supplied by Sun Up Construction Corporation were called and checked to verify their work was completed and found to be acceptable; and

**WHEREAS**, the City of Beacon’s contracted engineer, Lanc & Tully, P.C. recommends that the City of Beacon City Council enter into a contract with the lowest responsible bidder, Sun Up Construction Corporation for the Teller Avenue Sewer Replacement project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council authorizes the Mayor or City Administrator to enter the City of Beacon into a contract with Sun Up Construction Corporation for \$222,085.00 for the Teller Avenue Sewer Replacement project.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required.</b>		
<input type="checkbox"/> <b>Not on roll call.</b>					<input type="checkbox"/> <b>3/4 Required</b>		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Scheduling a Public Hearing for September 3, 2019 Regarding Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon Concerning a Stop Sign at the Intersection of North Elm Street and Oak Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting Public Hearing Regarding Proposed Local Law to Amend Chapter 211, Article II, Section 10	Resolution



**CITY OF BEACON**  
**CITY COUNCIL**  
**RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION TO SET PUBLIC HEARING REGARDING LOCAL LAW TO AMEND  
 CHAPTER 211, ARTICLE II, SECTION 10 OF THE CODE OF THE CITY OF BEACON  
 CONCERNING A STOP SIGN AT THE INTERSECTION OF NORTH ELM STREET AND  
 OAK STREET FOR SEPTEMBER 3, 2019**

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby sets a Public Hearing to discuss the proposed Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon for September 3, 2019.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required.</b>		
<input type="checkbox"/> <b>Not on roll call.</b>					<input type="checkbox"/> <b>3/4 Required</b>		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Dog Housing Agreement with the Dutchess County SPCA**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Dog Control Housing Agreement with the Dutchess County SPCA	Resolution
City of Beacon and SPCA Housing Agreement	Agreement



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO A DOG CONTROL HOUSING AGREEMENT WITH THE DUTCHESS COUNTY SPCA**

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the Mayor or City Administrator to enter the City of Beacon into a dog control housing agreement with the Dutchess County SPCA.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

## DOG CONTROL HOUSING AGREEMENT

THIS AGREEMENT, made this \_\_\_ day \_\_\_\_\_, 20\_\_\_, by and between

DUTCHESS COUNTY SPCA,  
A New York Not for Profit Corporation,  
Having an address of 636 Violet Avenue, Hyde Park, New York 12538  
Hereinafter referred to as the “DCSPCA”

&

CITY OF BEACON  
Having an address of 1 Municipal Plaza, Beacon, New York 12508  
A municipal corporation  
Hereinafter referred to as the “CITY”

**WHEREAS**, the CITY OF BEACON Animal Control Officer, hereinafter referred to as the “ACO”, is empowered to seize dogs pursuant to the provisions of Agriculture and Markets Law Article 7, §117; and

**WHEREAS**, this Agreement applies only to dog(s) seized by the ACO; and

**WHEREAS**, pursuant to Agriculture and Markets Law Article 7, §117, dogs seized by the ACO are required to be properly fed and watered during the applicable redemption period; and

**WHEREAS**, DCSPCA maintains a kennel for boarding dogs and other animals at its office located at 636 Violet Avenue, Hyde Park, New York 12538; and

**WHEREAS**, the CITY wishes to contract with the DCSPCA to provide shelter for dogs seized by the ACO upon terms and conditions hereinafter set forth

**NOW, THEREFORE**, it is hereby agreed by and between DCSPCA and the CITY as follows:

- 1) **RECITATION INCORPORATED:** These recitations above set forth are incorporated in this Agreement as if fully set forth and recited herein.
- 2) **TERM OF AGREEMENT:** This Agreement shall become effective January 1, 2020 and shall continue until December 31, 2020. This agreement may be terminated by either party upon thirty (30) days written notice to the other.
- 3) **BOARDING:** DCSPCA hereby agrees to provide boarding, which includes shelter, food and water, as required by the Law for the following dogs:
  - a. Any and all dogs running at large (unidentified) seized by the ACO as outlined by the Agriculture and Markets Law Article 7, §117 (1) & (2) ; and
  - b. Any and all dogs who have been seized by a court order pending a “dangerous dog” hearing, as outlined by the Agriculture and Markets Law Article 7, §123 (2)

All dogs seized by the ACO shall be delivered to the offices of DCSPCA and 636 Violet Avenue, Hyde Park, New York 12538.

- 4) DOGS SEIZED FOR REASONS OTHER THAN §117 (1) & (2) AND §123 (2):** Any and all dogs seized for reasons other than those listed under Article 7, §117 (1) & (2) and §123 (2), which sections were in full force and effect at the time of this agreement, are not to be boarded and held other than for safekeeping purposes. The DCSPCA must not refuse to board and hold dogs seized for safekeeping purposes or pursuant to this paragraph. These include dogs seized for reasons such as owner death, car accident, cruelty, owner arrest, etc. Said dogs must be released to City of Beacon Animal Control upon his/her request. Therefore, the City of Beacon Animal Control Officer may make corrections or amendments to an impoundment form if a determination is made that the reasons for dog seizure are for reasons other than pursuant to §117 (1) & (2) AND §123 (2). The holding periods for unidentified and identified dogs pursuant to §117 (4) & (6) respectively, will be applicable.
- 5) HOLDING PERIOD:** In order to provide the owners a reasonable time period in which to reclaim their seized dog, the DCSPCA and the CITY agree to the following:
- a. For dogs running at large (unidentified):
    - i. Dogs that are not appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117 (4), will be held for five (5) days from the date they enter the shelter;
    - ii. Dogs that are appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(6), will be held for a maximum of nine (9) days from the date they enter the shelter. The CITY is responsible for notifying the owner of the seizure, as per the Agriculture and Markets Law Article 7, §117(6).
    - iii. Upon expiration of the above stated holding periods, any and all dogs that have NOT been redeemed by their owner, will become the property of the DCSPCA, as outlined by the Agriculture and Markets Law Article 7, §117 (7-a).
  - b. For dogs seized under a court order pending a “dangerous dog hearing”, as outlined by the Agriculture and Markets Law Article 7, §123 (2), said dogs will be held until final disposition by the court OR a maximum of fourteen (14) days, whichever comes first. If the final hearing has not been held by the end of the fourteenth day, the CITY will be responsible to make alternate arrangements for the housing of such dogs. The DCSPCA may consider continued housing on a case by case basis to be negotiated with the CITY. If it is agreed by both parties that the dog shall be euthanized, either pursuant to a Court order or otherwise, said costs of euthanasia procedure shall be the responsibility of CITY.
  - c. For dogs that are being held for a 10-day Rabies observation period:
    - i. DCSPCA may take ownership of said dog upon expiration of the 10-day Rabies holding period if there is no owner to reclaim said dog; or

- ii. If an owner becomes known to DCSPCA or CITY, owner may reclaim said dog during the 10-day rabies observation holding period if the Dutchess county Department of Health provides written approval of the dog's release to its owner.

6) **UNCLAIMED DOG DISPOSITION:** Unclaimed dogs will be evaluated by the DCSPCA staff to determine if a dog's disposition and temperament will enable it to be adopted. If the dog is determined to be adoptable, it will be placed for adoption by the DCSPCA. If the dog is determined to not be adoptable, the DCSPCA will determine the best option for the dog. The DCSPCA reserves the right to handle the final disposition of dogs determined to be unadoptable within the mission statement of the DCSPCA. If it is determined that the dog shall be euthanized, either pursuant to a Court order or otherwise, said costs of euthanasia procedure shall NOT be the responsibility of CITY. CITY shall not be liable for determinations made by the DCSPCA pursuant to this paragraph.

7) **RABIES VACCINATION:** As outlined by the Agriculture and Markets Law Article 7, §109 (1) (a), for all dogs that are to be redeemed, the owner must provide proof of city license, including proof of Rabies vaccination. As such, the DCSPCA will not release any dog to its owner without proof of the current city license and the Rabies vaccination. In the event that the dog is not up to date on its Rabies vaccine and/or the owner is unable to provide proof of such vaccine to the CITY, the DCSPCA will administer a Rabies vaccine to the dog prior to redemption and will charge the owner for the cost of this service.

8) **EMERGENCY VETERINARY CARE:** In the event that an impounded dog is determined, by best judgement of the DCSPCA medical staff, to need emergency veterinary care, the DCSPCA will arrange medical care for the dog. All expenses related to such care will be the responsibility of the owner. If there is no owner or said dog is not redeemed by the owner, said costs shall be borne by DCSPCA.

9) **FEES:**

a. Boarding:

- i. The DCSPCA boarding fee shall be **FIFTY DOLLARS (\$50.00)** per day. The first day is charged upon admission to the shelter and each subsequent day is calculated upon the dog being on the DCSPCA property at 12:00 pm each day.
- ii. For dogs that are reclaimed by their owner, the owner will be required to pay the boarding fees, medical expenses, seizure fees, and licensing fees to the CITY CLERK'S OFFICE. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period. DCSPCA will invoice the CITY monthly for boarding fees paid by owner.

- iii. For dogs that are not redeemed by the owner, the DCSPCA will invoice the CITY for the boarding fee for the period running from the date of seizure until the expiration of the applicable redemption period.
- b. Vaccination(s):
  - i. The fee for core vaccinations (Rabies, Bordetella and Distemper) shall be **SIXTY (\$60.00) DOLLARS.**
  - ii. For dogs that are redeemed by their owner, the owner will be required to pay the vaccine fee to the CITY CLERK'S OFFICE at time of redemption. DCSPCA will invoice the CITY monthly for vaccine fees paid by owner.
  - iii. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
  - iv. For dogs that are not redeemed by the owner, the CITY will not be billed for the Rabies vaccine.
- c. Veterinary Care:
  - i. For services provided by the DCSPCA medical team, the DCSPCA usual and customary fees will be applied.
  - ii. For care that requires services from a community-based veterinarian, the actual fee from the veterinarian will be applied. The CITY will make the determination of which community-based veterinarian will be utilized.
  - iii. For dogs that are reclaimed by their owner, the owner will be required to pay the medical care fees to the CITY CLERK'S OFFICE. DCSPCA will invoice the CITY monthly for DCSPCA veterinary fees paid by owner.
  - iv. If an owner is unable or unwilling to pay the fees within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
  - v. For dogs that are not redeemed by the owner, the CITY will NOT be responsible for any DCSPCA administered medical care fees incurred during the redemption holding period.

#### **10) RECLAIM/REDEMPTION OF DOGS:**

- a. All owners will be informed by the CITY and DCSPCA of the necessary documentation and redemption, license and/or other fees to be paid in order to reclaim their dog as well as the process to accomplish this task. The DCSPCA shall provide such information to the owner as part of its notice given pursuant to Paragraph 5 (a) (ii) of the agreement.
- b. Upon payment of all city fees, the CITY will issue a license tag and certificate for said dog, and a receipt of payment. The owner will be instructed to present this documentation to the DCSPCA in order to reclaim their dog. The DCSPCA will release the dog after proper documentation has been presented and the owner of

the dog has signed the dog's Agriculture and Markets Department Form DL-18 (or comparable form).

- c. The DCSPCA shall be available to process reclaims of dogs at its office on the following days:
  - i. Monday thru Friday: 9:00 am to 4:00 pm.
  - ii. Saturday and Sunday: 12:00 pm to 4:00 pm
  - iii. Dogs may not be reclaimed on observed holidays

**11) KENNEL SPACE:** At all times, the DCSPCA will provide kennel space for all dogs that are seized; the ACO will have 24 hour access to the DCSPCA kennels for the delivery of dogs. The ACO will be required to complete the DCSPCA paperwork and ensure the dog has food, water and bedding in its kennel.

**12) IDEMNIFICATION:** The DCSPCA shall defend, indemnify and hold the CITY, its officials, officers, and employees, harmless from and against all actions, proceedings, claims, damages, liabilities, losses, and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions or omissions of the DCSPCA. The CITY shall defend, indemnify and hold the DCSPCA, its officials, officers, and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses, and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions or omissions of the CITY.

**13) APPLICABLE LAW:** This Agreement shall be governed by, construed and conformed in accordance with the laws of New York State with regard to conflicts of laws and principles of laws.

**14) WAIVER:** No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by both parties. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause for reception of such or any other breach unless the waiver shall specifically include the same.

**15) MODIFICATION:** This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

**16) NOTICES:** All notices, demands, requests, consents, approvals or other communications (for the purpose of this paragraph collectively called "Notices") required or permitted to be given hereunder to any party to this Agreement shall be in writing and shall be sent overnight delivery service or registered or certified mail with return service requested, and/or e-mail.

**17) SUCCESSORS AND ASSIGNS:** This Agreement shall apply to bind the successors and heirs, administrators and executor of the parties hereto.

**18) ENTIRE AGREEMENT:** This written Agreement, when signed by both parties' forms the entire Agreement between the parties and replaces and supersedes all prior Agreements or undertakings between the parties, if any.

**19) BINDING EFFECT:** This Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the parties hereto.

**20) PAYMENT:** All bills properly submitted to the CITY in accordance with this Agreement will be paid within sixty (60) days.

IN WITNESS WHEREOF, the parties have executed this Agreement in two (2) counterparts, each of which shall constitute an original, the day and year first above written.

DUTCHESS COUNTY SPCA

By: \_\_\_\_\_

Lynne Meloccaro, Executive Director

Date: \_\_\_\_\_

CITY OF BEACON

By: \_\_\_\_\_

Randy Casale, Mayor

Date:

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Granting a Special Use Permit Extension for Edgewater (22 Edgewater Place)**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Granting a Special Use Permit Extension for Edgewater (22 Edgewater Place)	Resolution

City of Beacon  
CITY COUNCIL

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT EXTENSION FOR  
EDGEWATER (22 EDGEWATER PLACE)**

**WHEREAS**, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the “Applicant”) to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the “Special Permit Resolution”). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

**WHEREAS**, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

**WHEREAS**, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

**WHEREAS**, the Applicant’s request was timely, as one (1) year had not elapsed since the date of the August 6, 2018 Special Permit Resolution; and

**WHEREAS**, the City Council is in receipt of a letter from Michael A. Bodendorf, P.E., dated July 26, 2019, requesting two (2) six (6) month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018; and

**WHEREAS**, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 of the Special Permit Resolution, the City Council may grant one (1) or more extensions of up to six (6) months each, to “(a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit;” and

**WHEREAS**, Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board's Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office; and

**WHEREAS**, the Applicant appeared at the Council's August 5, 2019 Work Session meeting and answered questions from the Council and the Council discussed that granting two (2) six (6) month extensions was not warranted.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Beacon hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants one (1) six (6) month extension of the City Council's Resolution Granting a Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2019.

**BE IT FURTHER RESOLVED**, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Dated: August 19, 2019

<b>Resolution No. ____ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>		<input type="checkbox"/> <b>2/3 Required.</b>			
<input type="checkbox"/> <b>Not on roll call.</b>				<input type="checkbox"/> <b>3/4 Required</b>			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**8/19/2019**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Contract with Balanced Builders, Inc. for the Memorial Building Window Replacement and Exterior Painting Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Contract with Balanced Builders, Inc. for the Memorial Building Window Replacement and Exterior Painting Project	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2019**

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO CONTRACT WITH BALANCED BUILDERS, INC. FOR THE MEMORIAL BUILDING WINDOW REPLACEMENT AND EXTERIOR PAINTING PROJECT**

**WHEREAS**, the City of Beacon received a bid from Balanced Builders, Inc. of \$200,708.00 for the Memorial Building Window Replacement and Exterior Painting project; and

**WHEREAS**, references supplied by Balanced Builders, Inc. were called and checked to verify their work was completed and found to be acceptable; and

**WHEREAS**, the City of Beacon’s contracted engineer, Lanc & Tully, P.C. recommends that the City of Beacon City Council enter into a contract with the lowest responsible bidder, Balanced Builders, Inc., for the Memorial Building Window Replacement and Exterior Painting project.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council authorizes the Mayor or City Administrator to enter the City of Beacon into a contract with Balanced Builders, Inc. for \$200,708.00 for the Memorial Building Window Replacement and Exterior Painting project.

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>August 19, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>		<input type="checkbox"/> <b>2/3 Required.</b>			
<input type="checkbox"/> <b>Not on roll call.</b>				<input type="checkbox"/> <b>3/4 Required</b>			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
<b>Motion Carried</b>							

**City of Beacon Council Agenda  
8/19/2019**

**Title:**

**City Council Meeting Minutes August 5, 2019**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City Council Meeting Minutes August 5, 2019	Minutes

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on August 5, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/352259118>

**Council Members Present:**

Lee Kyriacou, At Large  
George Mansfield, At Large  
Terry Nelson, Ward One  
Jodi McCredo, Ward Three  
Amber Grant, Ward Four  
Randy Casale, Mayor

**Council Members Absent:**

John Rembert, Ward Two

**Also Present:**

Anthony Ruggiero, City Administrator  
Nick Ward Willis, City Attorney

---

*A moment of silence was observed for those who serve and have served in the US military. A second moment of silence was observed for the victims of the mass shootings in El Paso, Texas on August 3, 2019 and in Dayton, Ohio on August 4, 2019. Mayor Casale said that we need to come together to denounce white supremacy, hate, and terrorism.*

---

**First Opportunity for Public Comments:** Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

**Speakers:**

Theresa Kraft

Ms. Kraft discussed preserving our historic landscapes and structures. Cultural assets, history and charm are all being lost in Beacon. Developments are smothering Beacon. Parking throughout the city is a disaster. Every resident has felt the burden. The west end of Main Street parking has been reduced and cars are parking on the grass precariously close to the MTA tracks, the same place where tourists are walking. Council focused too much time for smaller items on the agenda last week. The Council did not discuss the building moratorium. The Noise Ordinance discussion favored the profiteers and restaurant owners and not the residents.

Ms. Kraft asked if the bar at the bottom of Verplank violates the rules of second egress fire exits? If the Council cannot resolve the noise ordinance in a timely manner, maybe the residents should call New York State. You must protect the resident's quality of life. This is our investment. If you're not part of the solution for a better Beacon, you are a part of the problem. Do not say you are going to vote no on a pending resolution and then vote yes. That is unacceptable.

Joanna Fallert

Dutchess County was rated a D for air quality by the American Lung Association. This affects people with asthma, bronchitis, allergies, and people who have impaired immune systems. The laws we currently have by the Clean Air Act acknowledge that certain segments of the population are especially vulnerable; infants, unborn children, elderly, and people with chronic heart and lung disease. Your constituents are among those vulnerable populations. I beg you not to add to the air pollution in Beacon. Danskammer is not alone. We have Cricket Valley and the Competitive Power Ventures Plant that are contributing methane to the atmosphere. We have just a dozen years or so left. We have to radically change the way we live. You have to think global and act local. I hope you oppose Danskammer tonight.

Joe Lowebrown

Mr. Lowebrown spoke on the Resolution Commenting on the Proposed Danskammer Buildout. It should say "Resolution Condemning the Danskammer Buildout." We now have the Hudson Valley Black Triangle of Cricket Valley, CPV and Danskammer. As a teacher from New York City Public Schools for 31 years, I've seen the result of what happens when kids breathe in polluted air. I think that in changing this resolution to "condemning" here are some things you might want to consider. Climate migration is happening in Africa and the Middle East. People get crazy as a result of climate change. There is no food, there's no water, they can't grow anything on their land, they migrate. Europe is up in arms because of nationalism. We are starting to see this on our southern border. The Joint Chiefs of Staff have said that climate change is our number one existential threat to our very existence. In this part of New York, we pay a higher cost for energy so these plants can be profitable. The Danskammer buildout is nothing more than rich people's efforts to make money at our expense.

Wayne Kocher

Mr. Kocher stated that he spent 31 years for three different railroads. Life expectancy was 64 years old at the last railroad he worked for. You don't want any part of this Danskammer project. We don't want to go back to the coal mining days. I know a family with a girl who has to take a steroid nebulizer everyday to breathe. Don't let the Danskammer buildout happen. The money isn't worth it. Clean water, clean air and clean food is key. The tides are rising. We have to go for conservation. You don't need the areas around here to be lit up the way they are. We don't need electric if we don't waste electric. We can do better than this and I hope you do.

Sandra Kissa

Ms. Kissa came from Newburgh to discuss the Danskammer issue. Every time a body of voters takes an action it has a ripple effect. I am here to attempt to engage you so you vote no on this Danskammer expansion. You already have heard

reasons why it is unwise. It is not in line with our state's policy. It is possible that by the time this would be built, it would be mute. The goal is to move to complete renewables by 2050. If you vote against this unwise, 1955 project, you are setting an example for other communities in the Hudson Valley. Please consider that there is an impact beyond the City of Beacon.

As we speak, Greenland is melting at an unbelievable rate. This is probably affecting sea level rise, other things are happening as well; fires, storms, etc. She told the Council members that what they do is important beyond this room.

Jana Burger

Ms. Burger is on the Board of the New York Public Interest Group Board. She came to the meeting to recommend the Council vote against the proposed Danskammer buildout. Allowing the power plant to go through is going backwards in the fight against climate change. It would further exacerbate the climate crises. Danskammer is proposing to be permitted through 2053. This exceeds the NY State goal to turn on 100% carbon free electricity by 2040. The negative impacts would disproportionately impact lower class citizens. It would include public health risks for asthma and other health risks. There would be expected sea level rise. This would be an enormous threat to nearby waters if there were any spills of dangerous stores of material on the site. NY State does not need Danskammer to meet its' energy needs. NYPIRG urges the Council to pass this resolution. New York State must follow through on its climate goals.

Charles Davenport

Mr. Davenport watched the July 29<sup>th</sup> Council meeting. The Danskammer representatives went to great pains to make it clear this was a complicated issue. Mr. Davenport said he can make it simple. Dutchess County has 5,000 cases of pediatric asthma, 22,000 case of adult asthma, and 13,000 cases of COPD. It's not complicated, polluted air is bad and more polluted air is worse. The DEC gets involved with poisonous stuff and they are involved in this. There were two lies that Danskammer espoused last week. The Iroquois Pipeline does have fracked gas. The representative went through great pains to debunk the NYSO study saying that we don't need Danskammer. The New England Independent System Operator also says we don't need Danskammer. Natural gas plants in the area are going bankrupt. Let's stop this plant.

Tamsin Hollo

Ms. Hollo spoke out against the proposed Danskammer buildout. One thing that no one has brought up is that Danskammer is a limited liability company. We have to keep that in mind when thinking about the benefits of this plant to this area. They have a limited liability to this community. They are here to make money. In Newburgh we are dealing with a lot of cumulative health effects. She asked that the Council oppose Danskammer.

Tania Seager

Ms. Seager is against fracking and wants to stop the Danskammer plant. Speaking to the Council, she said that in the past you have done a little too much expansion in Beacon. This is your chance to redeem yourselves and realize the responsibility you have. You will make a statement that will really help the Hudson Valley if you vote against the Danskammer proposal.

Toni Hacker

Ms. Hacker spoke out against Danskammer.

She also spoke about the construction on South Elm Street and Main Street. The driveways in her neighborhood are being blocked. The traffic is left to do whatever it wants to do. The traffic direction is reversed. There are no flaggers. You can't see beyond the construction blockades. Residents in the area have been living with the construction for two years. Residents in the neighborhood been good about that but the construction has started on South Elm Street with vehicles blocking driveways. The driveways were taped over without any notification. As if residents don't need to go to work. What about elderly neighbors? What if something happened to them? The neighborhood residents are hoping that the City can step in. They hope to start to get some notification for when there is going to be construction. That would be a really great first step. Also, the power is being turned out without any notification. There is no air conditioning when that happens. It's becoming a little much and it feels lawless and wild. There have been car accidents in the corridor because of the construction.

Mayor Casale

Mayor Casale responded to Ms. Hacker and said that Central Hudson has been blocking driveways and he is not happy about it.

City Administrator Anthony Ruggiero

Mr. Ruggiero told Ms. Hacker that the City is aware and has put Central Hudson on notice.

Benjamin Harnatt

The street lights on South Elm are out and have been all week with no notice. There has been two years of noise. It starts before 7 am sometimes. Trucks are blocking driveways. There have been accidents on the corner of North Elm.

### **Community Segment:**

John Penny spoke about the upcoming 2020 Census. He explained that 95 percent of people will complete the census by filling out a form that is mailed to their homes. He urged people to fill it out, the form takes 10 – 15 minutes. If you do not fill it out, a census worker may visit your home and you will be asked to fill it out then. You do not have to answer every question on the

census. To see Mr. Penny's entire presentation please visit this link  
<http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=7121&MeetingID=387>

### **Public Hearings:**

#### **No. 1:**

#### **Public Hearing Public Hearing Regarding Moratorium with Respect to Land Use Approvals for Residential, Commercial, and Mixed-Use Developments - It is Anticipated Council Will Adjourn to August 19, 2019**

Motion to adjourn the Public Hearing until August 19, 2019

- Motion by Council person Mansfield
- Second by Council person McCredo
- Motion passes 6-0

City Attorney Nick Ward-Willis said that the Moratorium Public Hearing was adjourned because the public gave their input however, it hasn't been workshopped yet. Once the proposed local law is workshopped on August 12<sup>th</sup>, the Council will reopen the Public Hearing on August 19<sup>th</sup> to continue to receive public input.

#### **No. 2:**

#### **Public Hearing Regarding Local Law to Amend Chapter 211, Article III, Sections 14.1 and 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue**

Nick Ward Willis, City Attorney,

Mr. Ward-Willis explained why the language is changing in the law. The Traffic Safety Committee received resident input and decided to make the roadways safer, particularly to improve line of sight.

- Motion by Council person Grant
- Second by Council person Nelson
- Motion passes 6-0

Council person Mansfield

Mr. Mansfield asked how this new law would impact the people dropping their kids off for soccer.

Mayor Casale

The Mayor said that people can drop their kids off in the parking lot and that is safer anyway.

**Council Member Reports:**Amber Grant:

Ms. Grant said that the farmer's market is looking for 5-10 more people to join their committee. The committee helps steer the market and advise the Market Manager. If anyone is interested, please reach out to Paloma Wake at [market@commongroundfarm.org](mailto:market@commongroundfarm.org). She thanked all of the people who came and spoke out against Danskammer and she looks forward to continuing the discussion.

John Rembert: (absent)Lee Kyriacou:

Mr. Kyriacou thanked everyone for coming. He noted that there are four items on the agenda that will take only five minutes after comments, so don't go away. He said the Council will get to the meatier topics at the bottom of the agenda.

George Mansfield:

Mr. Mansfield thanked everyone who came out to the meeting and reminded people that there is a second public comment section at the end of the meeting.

Jodi McCredo:

Ms. McCredo thanked everyone who came out to speak. She reminded people that all of the Council members' emails are on the city website at [cityofbeacon.org](http://cityofbeacon.org). She apologized to those who weren't able to speak on the Moratorium.

Ms. McCredo mentioned that she wants to take parking off of one side of Main Street to improve the safety of the street. Doing so would widen the driving lanes and add a dedicated bike lane. She asked residents to please provide their feedback on this proposal. She made it clear that this community is for all of us.

Terry Nelson:

Mr. Nelson said that he appreciates the feedback from residents and thanked everyone who came out and spoke. He asked if there was a timetable for the paving project on Verplank Avenue.

Mayor Casale said the paving project will start around August 20<sup>th</sup>.

Mayor Casale:

Mayor Casale thanked everyone who came to speak. He reminded the public that there is a free Citizen Preparedness Corps Training on August 8<sup>th</sup> at 6:30 pm at Lewis Tompkins Hose.

The Mayor entered the following letters into the minutes. The first is a letter from Danskammer Energy LLC, the second from Manna Jo Greene and the third from Nikki Chung of Scenic Hudson.

Letter #1: From Danskammer Energy LLC. to Mayor Casale and City Council

August 5, 2019

Mayor Casale and Beacon City Council Members,

We would like to thank you for the opportunity to speak at your meeting last Monday night. We appreciate your effort to understand the complex issues surrounding our repowering project, its impact on the grid, and how Beacon can demonstrate leadership in the climate change fight. Both the Hudson Valley Building and Construction Trades and Danskammer Energy would like to correct several inaccuracies in your proposed resolution as well as misconceptions presented by Monday night's speakers.

First, regarding paragraph number four, the current plant is in operation. It is not the largest source of air pollution in the Hudson Valley and while it could have been one of the largest in the 1970's when it burned coal, it burns natural gas today.

Second, regarding paragraphs seven and eight, we burn natural gas supplied by Central Hudson as our primary fuel. It is identical to the natural gas used in homes and buildings throughout the region. It is not specifically "tracked gas". Our operations have no impact on the State's policy on oil and gas drilling other than we will use 50% less natural gas than most competing plants.

Regarding paragraph twelve, when built, the new Danskammer facility should be one of the most efficient and lowest emitting power plants in New York State. When it runs, it will be supplanting older, higher emitting facilities leading we believe to lower levels of air pollution in the region. This is one of the issues being studied by independent consultants as part of the Article 10 process.

We'd also like to address the state's energy objectives under the new CLCPA legislation as mentioned in paragraph 12. Governor Andrew Cuomo said in a radio interview on July 19th that the new legislation does not block fossil fuel projects. He said "You cannot end fossil fuels until you have an alternative.

You can't stop society... until we have an alternative that is achievable from a market point of view and accessible." The Governor knows that less than 5% of the state's energy is currently from wind and solar, we have maxed out on hydropower, and even when renewables are built, we will need back-up power to manage their intermittency. This point is clear in the CLCPA legislation which refers only to renewable targets. Provisions 3 and 4 in the Act say the Climate Commission "may

temporarily suspend or modify the obligations..." if it "makes a finding that the program impedes the provision of safe and adequate electric service."

The Public Service Commission will review our application and all of the data collected regarding emissions, water and air impact, need for the facility, etc. It will make the expert determination about whether we are a necessary component of the grid. If our project isn't needed, we won't get permitted. If we do not comply with all environmental laws, the State will not allow us to move forward.

Additionally, the resolution refers to living wage and not prevailing wage in paragraph 13. We would like the Council to acknowledge that the Building Trades is committed to providing prevailing wages to its members. It is also important to note that Danskammer made a commitment to the Building Trades to pay prevailing wages and committed to a Project Labor Agreement for the project.

Finally, one of the biggest points made the other night by Scenic Hudson and others is that NYISO has stated that new power plants are not needed to protect reliability once Indian Point closes. That is correct. We do not need additional generation in the Lower Hudson Valley. Danskammer is not additional generation. All NYISO analyses on reliability include Danskammer's current 511 megawatt facility. We have never argued that the lights would go out if we don't repower our facility. What we have argued is that regional power needs will increase in the future and Danskammer will be called on to run more often. This is true whether we repower or continue our current operations.

Interestingly, NYISO announced last week that when 3,300 megawatts of old, dirty oil plants are shut down by 2025, it believes there will be risks to reliability then and that "replacement resources would be required".

Danskammer and the Building Trades feel the City should enter into party status for the Article 10 proceedings and wait for all the studies to be completed before taking a position on the project. We believe that this would be the best way for the City's voice to be heard. If you would like to review the data, we can provide you with that information in a matter of months -within 90 days. We would ask that you table your resolution until you have had a chance to review the Article 10 conclusions, as the City of Newburgh has. If the Council decides to move forward with a resolution, we would ask that it correct its inaccuracies to present an accurate picture of the project

We thank you for your time and consideration of this matter.

DANSKAMMER

## **Letter # 2: From Manna Jo Greene to Mayor Casale and the City Council**

Mayor Casale and City Council Members:

On tonight's agenda for Monday, August 5, the City of Beacon City Council will be voting on a very important resolution regarding the proposed Danskammer expansion on the Hudson River. On behalf of Hudson River Sloop Clearwater, we hope that you appreciate that it's urgent to stop investing in more fossil fuel infrastructure, and to transition instead to a renewable energy

economy with storage and efficiency. We urge the City of Beacon to join a growing list of towns and cities that oppose the expansion of this plant from a peaker facility that runs < 5% of the year to a year-round facility that will operate 60 - 70% of the time.

The Town of Rosendale, the Village of New Paltz and the Town of New Paltz, the Village of Cold Spring and the Town of Phillipstown have all passed strong resolutions in opposition to the Danskammer Expansion. The Town of Lloyd, Town of Esopus, City of Kingston, and the Village of Saugerties are each considering strong municipal resolutions at their upcoming Council meetings. The City of Newburgh is intervenor, but and their intervenor resolution indicates opposition. If Beacon passes a resolution in opposition to the expansion, it will send a strong message to Governor Cuomo and the Public Service Commission, who is overseeing this proceeding, that they needs to take climate change seriously and ensure communities along the Hudson are heard. We also urge that you seek intervenor status, but that you not wait to vote on the Danskammer resolution before you tonight.

With 1,700 MW of offshore wind recently announced by Governor Cuomo and 1,250 MW of grid improvements to remove major transmission bottlenecks coming on line by 2023, there is clearly no need for this facility -- even with Indian Point scheduled to close in 2020 and 2021. There are clearly better alternatives that do not worsen the air pollution that harms our communities or add to the burden of greenhouse gas emissions that exacerbates the global climate crisis.

Many thanks for considering these comments.

Manna

**Letter #3: From Nikki Chung of Scenic Hudson**

All,

We would like to thank you again for having us on Monday for our presentation on the Danksammer proposal.

In response to Bill Reid's statement about the release of the 2019 NYISO report (which is based on the 2018 Reliability Needs Assessment), the Comprehensive Reliability Plan (CRP) does caution that there could be potential risks to reliability if all 3300 MW of oil-fired facilities in NYC/Long Island shut down in 2023. It emphasizes throughout the report that its conclusion in the 2018 Reliability Needs Assessment that there are no anticipated reliability needs over the ten-year study period remains valid. NYISO has well-established protocols in place to evaluate any power plant closures once they are announced to ensure reliability is not jeopardized.

Here is a direct quote of the conclusion of NYISO's press release on the report:

“Conclusion

The CRP baseline analysis found no reliability needs for the forecasted system conditions over the ten- year study period. The scenario analyses conducted, however, highlight that risks to reliability exist. In the event that there is a potential loss of resources due to a proposed generator retirement or mothballing, the NYISO will administer its Generator Deactivation Process for generator deactivation notices that it receives. If necessary, the NYISO will seek solutions to address any reliability needs identified through that process.”

As you are gearing up to vote on the resolution this Monday (8/5), should you have any further questions or concerns, please do not hesitate to contact me.

Best, Nikki

N.K. Chung

Environmental Outreach Organizer

Scenic Hudson, Inc.

**Resolutions, Ordinances and Local Laws:**

**1. A Resolution Adopting Local Law to Amend Chapter 211, Article III, Sections 14.1 and 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue**

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 6 – 0

**2. A Resolution Approving the Appointment of a Conservation Advisory Committee Member**

- Motion by Council person Nelson
- Second by Council person McCredo
- Resolution passes 6 – 0

**3. A Resolution to Set Public Hearing Regarding 248 Tioronda Avenue for August 19, 2019**

- Motion by Council person Grant

- Second by Council person Mansfield
- Resolution Passes 6 – 0

**4. A Resolution to Set Public Hearing for September 3, 2019 Designating 35 Properties as Landmarks Pursuant to the City of Beacon Chapter Code Chapter 134, Historic Preservation and Amend the Historic District Landmark Overlay Map and Zoning Map**

- Motion by Council person Nelson
- Second by Council person Mansfield
- Resolution passes 6 – 0

**5. A Resolution Commenting on the Proposed Danskammer Buildout**

- Motion by Council person McCredo
- Second by Council person Grant
- Resolution passes 6 – 0

Nick Ward-Willis, City Attorney

Mr. Ward-Willis read the resolution which can be found below:

**RESOLUTION REGARDING DANSKAMMER POWER PLANT PROPOSAL**

**WHEREAS**, Danskammer Energy, LLC (“Danskammer”), seeks a permit through the State’s Article 10 power plant siting process to build and operate a new gas-fired power plant with a potential generating capacity of 525-575 megawatts on the shores of the Hudson River in the Town of Newburgh, referred to as the Facility Repowering Project, and

**WHEREAS**, Danskammer has filed a Preliminary Scoping Statement with the Siting Board, which informs the Siting Board, other public agencies, and communities about the project, including a description of the proposed facility, potential environmental and health impacts, proposed studies to evaluate those impacts, proposed mitigation measures and reasonable alternatives to the project; and

**WHEREAS**, a number of communities in the Hudson Valley have already passed resolutions regarding the proposed plant, some supporting and others opposing, while other communities may have deferred taking a position, or have taken no position to date; and

**WHEREAS**, the City Council received requests from residents and others to take a position on the proposed plant, and has received materials and oral presentations from representatives of Danskammer, Scenic Hudson, Laborers’ International, and Food & Water Watch, written comments from Green Beacon Coalition and others, and public comments from residents; and

**WHEREAS**, gas-powered plants emit pollutants that harm local air quality and public health; the Hudson Valley has ongoing air quality issues, as evidenced, e.g., by Dutchess County’s “D” ozone rating by the American Lung Association; and

**WHEREAS**, the existing power plant located at the site is an older higher-polluting facility, currently operating as a “peaker” facility that is used only during periods of peak electric demand (less than 5% of the year); when the existing plant operated as a “base load” facility, its environmental impact on the Hudson Valley was much greater than at present; and

**WHEREAS**, the proposed new power plant would produce electricity at a lower environmental impact per kilowatt hour, including use of an air-cooled condensing system, but is expected to operate year-round as a base load facility and if built would have a decades-long lifespan; as a base load facility, the proposed power plant would emit more pollutants than the current plant does as a peaker facility, but less pollutants than the current plant when it was a base load facility; and

**WHEREAS**, the 2018 Reliability Needs Assessment of the New York Independent System Operator (dated October 2018), found no statewide gap in power generation or transmission capacity in the next decade, notwithstanding the impending closing of the Indian Point nuclear power plants, although this may be dependent on operating existing peaker facilities at higher percentages; and

**WHEREAS**, two new power plants in the Hudson Valley have recently been built, partly in response to Federal incentives to provide capacity for the New York metropolitan region, as opposed to providing capacity to serve only the Hudson Valley; and

**WHEREAS**, New York State recently passed the Climate Leadership and Community Protection Act, which sets targets of 70% renewable electricity by 2030, 100% carbon-free electricity by 2040, and net zero carbon emissions economy-wide by 2050; and

**WHEREAS**, the proposed power if constructed is expected to employ hundreds of local workers at prevailing wages under a project labor agreement; and

**WHEREAS**, the property taxes and other financial payments from the proposed plant will not benefit Beacon.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon based on the information currently before it, opposes the construction of a new power plant on the Hudson River in the Mid-Hudson Valley; noting that the Council will fully and objectively take into account any new and additional information provided by way of the full formal Article 10 application process; and further noting that for a positive recommendation, such additional information would have to demonstrate the statewide necessity of such additional power generation capacity, as well as the statewide inability to provide any alternative timely sources with lesser impacts on air quality and economic harm in less populated areas.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Beacon urges Governor Cuomo and the Power Plant Siting Board convened under Article 10 of the State Public Service Law to take into account the concerns and position stated herein when considering Danskammer’s

proposal to build and operate a new facility; and

**BE IT FURTHER RESOLVED**, that the City Council of the City of Beacon urges Governor Cuomo and New York State to focus additional economic development resources into the Hudson Valley to provide prevailing wage jobs for the construction and operation of clean power generation, brownfield clean-up, or other appropriate economic development projects in the Hudson Valley; and

**BE IT FURTHER RESOLVED**, that the City Clerk of the City of Beacon is directed to submit this statement to the Public Service Commission and to send a copy of this resolution to Governor Andrew Cuomo.

Council person Kyriacou

Mr. Kyriacou proposed an amendment to the resolution which would read “Therefore be it further resolved that the City Council of the City of Beacon supports the City of Beacon entering into party-status for the projects’ Article 10 proceedings.”

Entering into party status gives the City of Beacon greater access to information as the Danksommer buildout proposal works its way through the approval process. He continued, stating that one of the core arguments in favor of the plant was a demonstration of necessity, and the Council does not see the need.

Motion to amend by Council person Kyriacou

Second by Council person Grant

Motion passes 6 - 0

Council person Nelson

Mr. Nelson clarified to the public that the City Council is passing this resolution to tell New York State that they are against the proposed buildout.

Council person Grant

Ms. Grant seconded Council person Kyriacou’s motion to amend the resolution. She said that she doesn’t want to see the Hudson Valley become the gas power plant region in the state. She continued by stating that the resolution speaks to the lack of proof of necessity for the plant.

Council person McCredo

Ms. McCredo told the public that the City Council is not the decision-maker in this process. They can however take a roll in the process.

**6. A Resolution Authorizing the Submission of a New York State Consolidated Funding Application on Behalf of the City of Beacon**

- Motion by Council person Nelson
- Second by Council person Grant
- Resolution passes 6 – 0

**7. A Resolution Authorizing the Submission of an Application for a New York State Climate Smart Communities Grant**

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 6 – 0

**8. A Resolution Approving the Transfer of Funds for Summer Youth Employment**

- Motion by Council person Mansfield
- Second by Council person McCredo
- Resolution passes 6 – 0

Mayor Casale

The Mayor said that the funding in this resolution is short of what the recipients were asking for. In addition to the funding being approved today, Mayor Casale proposed to include the funding in next year's budget and allow the Dutchess County Workforce Investment Board to administer the allocation of funds for youth employment in Beacon. The City of Beacon could essentially provide funds for the board but will not run the program.

**Approval of Minutes**

Motion to approve council minutes from July 1, 2019 and July 15, 2019

- Motion by Council person Grant
- Second by Council person McCredo
- Motion passes 6-0

**Second Opportunity for Public Comments:** Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

**Speakers:**

Louis Amoroso Jr.

Mr. Amoroso Sr. discussed parking on Main Street. He stated that all of the parking spots on Main Street are illegal. The Traffic Safety Board should determine what a legal parking spot should be. Then, our own City employees should repaint the parking spots based on the Traffic Safety Committee recommendation. There should be just one straight line eight feet off the curb and let people park there. As it is, there are a lot of cars over the line. He thinks that there are 50 cars parked on Main street right now that are parked illegally.

Tina Bernstein

Ms. Bernstein said that she appreciated the Mayor's comments regarding fighting hate. She said she understands that the City of Beacon has limited jurisdiction around gun control, but the Council should express their opinion to the state legislators.

Charles Kelly

Mr. Kelly spoke about the moratorium and the Local Waterfront Revitalization Program. He said there was a dispute about the viewshed protection. All of the viewsheds from Bayview Avenue should be protected. The Council should take action now. Once we lose a viewshed, we can never get it back.

Gail Moran

Ms. Moran discussed conservation and said that people should use less energy.

Nicole Wooten

Ms. Wooten is a member of the Conservation Advisory Committee. They meet the first Wednesday of the month at 7 pm in the Classroom on the lower level of City Hall and all are welcome to attend. Ms. Wooten made four points. They can be found below.

1. The CAC welcomed new member Eleanor Peck
2. The new Climate Smart Communities Task Force Mission is in progress
3. The Hudson River Estuary Program has the draft of the Natural Resources Inventory
4. She thanked the Council for passing the Danskammer buildout resolution

Arthur Camins

Mr. Camins said that the proposed moratorium resolution has a start date of June 1, 2019. He thinks that is inappropriate. It should be a year long moratorium and should start when the resolution is passed.

Sergei Krasikov

Mr. Krasikov thanked the Council for passing the Resolution Commenting on the Proposed Danskammer Buildout. He went on to discuss bicycling in the City and asked that there be an education campaign to teach motorists how to drive with cyclists. Secondly, there should be dedicated bike lanes.

Stosh Yankowski

Mr. Yankowski thanked the Council for the opportunity to speak. He discussed the dangers of electromagnetic radiation. Further, he talked about the moratorium. He said he doesn't want to see anymore four-story buildings. Mr. Yankowski wants to see a moratorium, however eliminate the Fishkill Creek zoning from the moratorium in order to protect a project that is planned to bring multiple jobs. We should add as many items as we can to the resolution in order to extend the moratorium.

**Adjournment:**

- Motion by Council person Mansfield
- Second by Council person Nelson
- Motion passes 6-0

Next Workshop: August 12, 2019

Next Meeting: August 19, 2019

**City of Beacon Council Agenda  
8/19/2019**

**Title:**

**Real Estate**

**Subject:**

**Background:**

**City of Beacon Council Agenda  
8/19/2019**

**Title:**

**Real Estate**

**Subject:**

**Background:**