



**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

October 7, 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.

Presentations:

- 2020 Budget Presentation

Public Hearings:

- Public Hearing for a Special Use Permit Application for 305 Main Street
- Public Hearing Resuming from August 19, 2019 Regarding 248 Tioronda Avenue
- Public Hearing to Discuss a Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance

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 Approving the Promotion of George Joseph to Water and Sewer Maintenance Mechanic
2. Resolution Approving Hiring a Part-Time Employee in the Transfer Station
3. Resolution to Enter into an Agreement with New Windsor Treatment, LLC
4. Resolution Setting a Public Hearing to Discuss the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street for October 21, 2019
5. Resolution Setting a Public Hearing to Discuss a Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance for October 21, 2019
6. Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Conformity Required for Land Use Approvals for October 21, 2019
7. Resolution Setting a Public Hearing to Discuss a Special Use Permit for 23-28 Creek Drive, LLC for November 4, 2019

Approval of Minutes:

- City Council Meeting Minutes September 16, 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.

Adjournment:**Upcoming Agenda Items:**

**City of Beacon Council Agenda
10/7/2019**

Title:

2020 Budget Presentation

Subject:

Background:

City of Beacon Council Agenda
10/7/2019

Title:

Public Hearing for a Special Use Permit Application for 305 Main Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Planning Board Referral to City Council 305 Main Street	Cover Memo/Letter
Dutchess County Planning Comments Regarding 305 Main Street	Cover Memo/Letter
Special Use Permit Application Regarding 305 Beacon LLC	Backup Material
Site Plan 305 Main Street	Plans
Entity Disclosure Form 305 Main Street	Backup Material
Public Hearing Affidavit of Posting	Backup Material
Public Hearing Sign Notice Photographs	Backup Material
Affidavit of Posting Public Hearing Notice in the Poughkeepsie Journal	Backup Material
Poughkeepsie Journal Notice Confirmation	Backup Material
Affidavit of Mailing	Backup Material
City of Beacon Code Regarding Special Permit Uses	Backup Material
City of Beacon Code Regarding the Central Main Street District	Backup Material

BEACON PLANNING BOARD
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026
John Gunn, Chairman

August 19, 2019

Mayor Casale & City Council Members
One Municipal Plaza - Suite One
Beacon, New York 12508

RE: Special Use Permit – Wine and Tapas Bar
305 Main Street

Applicant: Douglas Ballinger

Dear Mayor Casale & Council Members:

At its July 9, 2019 and August 13, 2019 meetings, the Planning Board reviewed a Special Use Permit application from Douglas Ballinger to convert an existing one-story building at 305 Main Street into a wine and tapas bar with a new storefront and rear patio. The parcel is located in the Central Main Street (CMS) zoning district. The Board members discussed the proposed stone façade of the storefront, proposed positioning of the signage and awning, and the use of the rear patio. The Board recommended to the Applicant that they provide the City Council with information pertaining to available public parking in the vicinity of the proposed use since off-street parking is not feasible on this parcel. After careful review, five Board members present voted to recommend the City Council issue a Special Use Permit for the wine and tapas bar subject to the applicant returning to the Planning Board for final Site Plan Approval.

A copy of the application and Site Plan are attached for your information. If you have any questions regarding the Planning Board's action, please call me.

Yours truly,

A handwritten signature in blue ink that reads "John Gunn". The signature is written in a cursive style with a small circle at the end of the last name.

John Gunn, Chairman

**Dutchess County Department of
Planning and Development**

Fax Info

To
Dept
Fax #

Date 8/26 # pgs 1
From
Phone #

REC-2019 AUG 26 10:17 JOP

239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

Referring Agency: ☒ Planning Board ☐ Zoning Board of Appeals ☒ Municipal Board

Tax Parcel Number(s): 5954-36-908866

Project Name: 305 Main Street - Early Terrible Wine Bar

Applicant: ~~John~~ Ballinger

Address of Property: 305 Main Street

Please fill in this section

**Parcel(s) within
500 feet of:**

- ☐ State Road _____
- ☐ County Road _____
- ☐ State Property (w/public building or recreation area)
- ☐ County Property (w/public building or recreation area)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Rezoning involving all map changes
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☒ Site Plans (all)
- ☒ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses

Exempt Actions:*

239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days):

If subject of a previous referral, please note County referral number(s):

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- ☐ Matter of Local Concern
- ☒ No Jurisdiction
- ☐ No Authority
- ☐ Project Withdrawn
- ☐ Exempt from 239 Review

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete — *municipality must resubmit to County*
- ☐ Incomplete with Comments — *municipality must resubmit to County*
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: 8/22/19

Date Received: 8/26/19

Date Requested:

Date Required: 9/20/19

Date Response Faxed: 8/26/19

Notes:

☐ Also mailed hard copy

☐ Major Project

Referral #: 2219-271

Reviewer: Jennifer Flouys

APPLICATION FOR SPECIAL USE PERMIT

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

Name: Douglas Ballinger
Address: PO Box 268
Spencertown NY 12165
Signature: _____
Date: May 29, 2019
Phone: (917) 346-0056

(For Official Use Only)

Application & Fee Rec'd
Initial Review

Date Initials

PB Public Hearing

Sent to City Council

City Council Workshop

City Council Public Hearing

City Council Approve/Disapprove

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Brad Will, AIA, NCARB, LEED AP
Address: 15 Railroad Ave. #101
Kingston, NY 12401

Phone: (845) 616-8664

Fax: _____

Email address: bwill@ashokanarchitecture.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 305 Main Street, Beacon NY 12508
Tax Map Designation: Section 130200 Block 5954-36 Lot(s) 908866
Land Area: 1,260 S.F. (0.029 acres) Zoning District(s) CMS - Central Main Street District

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Wine and Tapas Bar
Gross Non-Residential Floor Space: Existing 945 S.F. Proposed 945 S.F.
TOTAL: 945 S.F.
Dwelling Units (by type): Existing N/A Proposed _____
TOTAL: _____

ITEMS TO ACCOMPANY THIS APPLICATION

- Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- Five (5) **folded** copies and One (1) digital copy of additional sketches, renderings or other information.
- An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20_____
subject to all conditions as stated therein**

Chairman, City Planning Board

Date

APPLICATION FEES

Site Plan	<u>Residential</u> \$500 + \$250 per dwelling unit <u>Commercial</u> \$500 + \$250 per 1,000 s.f.
Special Use Permit	<u>Residential</u> \$500 + \$250 per dwelling unit <u>Commercial</u> \$500 + \$250 per 1,000 s.f.
Subdivision	\$ 750 for 2-4 lots + \$100 per lot \$1,000 for 5 or more lots + \$300 per lot
Zoning Board of Appeals	Use Variance \$500 Area Variance \$250 Interpretation \$250

ESCROW FEES

ALL SUBDIVISIONS, AND RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

No. of Lots or Dwelling Units	Initial Deposit	Depleted to	Replenishment
1-5 (including lot-line realignment)	\$ 2,500	\$ 1,000	Current bills + \$1,000
6-15	\$ 7,500	\$ 2,500	Current bills + \$1,000
Over 15	\$ 15,000	\$ 5,000	Current bills + \$5,000

NON-RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

	Initial Deposit	Depleted to	Replenishment
Existing Buildings/Change of Use with no site development	\$ 1,500	\$ 1,000	Current bills + \$500
Up to 3,000 s.f. gross floor area	\$ 2,500	\$ 1,000	Current bills + \$1,000
3,000 to 10,000 s.f. gross floor area	\$ 2,500 + \$0.50 per sq.ft. over 3,000	\$ 2,500	Current bills + \$2,500
Over 10,000 s.f. gross floor area	\$ 7,500 + \$0.50 per sq.ft. over 10,000	\$ 2,500	Current bills + \$2,500

ZONING

<i>* if required by Chairman</i>	Initial Deposit	Depleted to	Replenishment
Use Variance*	\$ 1,000	\$500	Current bills + \$500
Area Variance*	\$ 1,000	\$500	Current bills + \$500
Interpretation*	\$ 1,000	\$500	Current bills + \$500

ARCHITECTURAL REVIEW OR CERTIFICATE OF APPROPRIATENESS *(if not currently before PB)*

<i>* if required by Chairman</i>	Initial Deposit	Depleted to	Replenishment
Single Family House*	\$500	\$250	Current bills + \$250
All others*	\$500	\$250	Current bills + \$250

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: 305 Beacon LLC

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

Douglas Ballinger

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

305 Beacon LLC

Applicant Address: PO Box 268, Spencertown NY 12165

Project Address: 305 Main Street, Beacon NY 12508

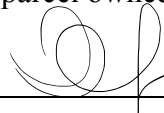
Project Tax Grid # 130200-5954-36-908866

Type of Application Special Use Permit ("SUP")

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Douglas Ballinger, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon X
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon
3. ALL tax payments due to the City of Beacon are current X
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current X



Signature of Owner

Principal, 305 Beacon LLC

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

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

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

NO	YES	Initial
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: Early Terrible Wine Bar

PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	X	
LEGAL DATA		
Name and address of the owner of record.	X	
Name and address of the applicant (if other than the owner).	X	
Name and address of person, firm or organization preparing the plan.	X	
Date, north arrow, and written and graphic scale.	X	
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.		X
Approximate boundaries of any areas subject to flooding or stormwater overflows.		X
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.		X
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	X	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.	X	
Other existing development, including fences, retaining walls, landscaping, and screening.	X	
Sufficient description or information to define precisely the boundaries of the property.	X	
The owners of all adjoining lands as shown on the latest tax records.	X	
The locations, names, and existing widths of adjacent streets and curb lines.	X	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.		X

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	x	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.	x	
Any proposed division of buildings into units of separate occupancy.		x
The location, direction, power, and time of use for any proposed outdoor lighting.	x	
The location and plans for any outdoor signs.	x	
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	x	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.	x	
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.	x	
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		x
Any contemplated public improvements on or adjoining the property.		x
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.		x
Elevations of all proposed principal or accessory structures.	x	
Any proposed fences or retaining walls.	x	
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	x	
Erosion and sedimentation control measures.		x
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.	x	
An indication of proposed hours of operation.	x	
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.		x

For all items marked “NO” above, please explain below why the required information has not been provided:

1. “Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.”

— RESPONSE: Project Site is an existing masonry structure located in a commercially-zoned, flat section of Main Street
2. “Approximate boundaries of any areas subject to flooding or stormwater overflows.”

— RESPONSE: Project Site is not located in any Flood Area or within FEMA DFIRM Flood Map; stormwater is managed by municipal system
3. “Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.”

— RESPONSE: No features noted exist on the Project Site
4. “Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.”

— RESPONSE: Project Site is zoned as ‘zero setback’, no known easements exist within or adjacent to Project Site
5. “Any proposed division of buildings into units of separate occupancy.”

— RESPONSE: Project Site will have a single occupancy and use on one habitable, conditioned level
6. “Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.”

— RESPONSE: Project Site has no known easements, restrictions, or covenants
7. “Any contemplated public improvements on or adjoining the property.”

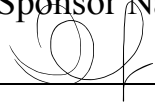
— RESPONSE: No public improvements are planned or proposed
8. “Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.”

— RESPONSE: Project Site is accessed from existing public sidewalk at grade, and will be handicapped accessible
9. “Erosion and sedimentation control measures.”

— RESPONSE: Not required and not applicable
10. “If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.”

— RESPONSE: Proposed design, use, and occupancy is single stage / phase only

Applicant/Sponsor Name: Douglas Ballinger

Signature: 

Date: 5/29/2019

FOR OFFICE USE ONLY

Application #

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

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION AName of Applicant: Douglas Ballinger, Principal, 305 Beacon LLCAddress of Applicant: PO Box 268 Spencertown NY 12165Telephone Contact Information: (917) 346-0056**SECTION B.** List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
305 Beacon LLC	PO Box 268 Spencertown NY 12165	(917) 346-0056	October 17, 2018 Private Party purchase & sale	October 22, 2018 Dutchess County Recorder Doc. #02 2018 7616

SECTION B. Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐ YES ☒ NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

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

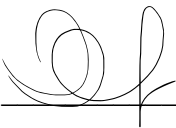
SECTION C. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

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

☐ YES ☒ NO

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

(Print) Douglas Ballinger

(Signature)  _____

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: Early Terrible Wine & Tapas Bar		
Project Location (describe, and attach a general location map): 305 Main Street Beacon NY		
Brief Description of Proposed Action (include purpose or need): Single story commercial use facility serving alcoholic, non-alcoholic, and coffee beverages, wood-fired tapas and pizza dishes in a casual, comfortable setting, with ecology, nature and endangered species-conscious themed graphics and tiled surfaces.		
Name of Applicant/Sponsor: Douglas Ballinger	Telephone: (917) 346-0056	
	E-Mail: douglas@themudclub.com	
Address: PO Box 268		
City/PO: Spencertown	State: NY	Zip Code: 12165
Project Contact (if not same as sponsor; give name and title/role): Brad Will, AIA, NCARB, LEED AP	Telephone: (845) 616-8664	
	E-Mail: bwill@ashokanarchitecture.com	
Address: 15 Railroad Ave. #101		
City/PO: Kingston	State: NY	Zip Code: 12401
Property Owner (if not same as sponsor): Same as Applicant/Sponsor	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City of Beacon Planning Board, Special Use Permit	6/3/2019
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	City Council, Special Use Permit	
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State Liquor Authority	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" 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

C.1. Planning and zoning actions.

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? ☒Yes☐No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

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? ☐Yes☒No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☐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?) ☐Yes☒No

If Yes, identify the plan(s):

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? ☐Yes☒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?

CMS - Central Main Street & Parking Overlay District

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

c. Which fire protection and emergency medical services serve the project site?

City of Beacon Fire Department

d. What parks serve the project site?

N/A

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)? Commercial

b. a. Total acreage of the site of the proposed action? _____ 0.03 acres

b. Total acreage to be physically disturbed? _____ 0.0 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.03 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? ☐ 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: _____ 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
<i>i.</i> Total number of structures _____ <i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length <i>iii.</i> Approximate extent of building space to be heated or cooled: _____ 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
<i>i.</i> Purpose of the impoundment: _____ <i>ii.</i> If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ <i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____ <i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres <i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length <i>vi.</i> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
<i>i.</i> What is the purpose of the excavation or dredging? _____ <i>ii.</i> 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? _____ <i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
<i>iv.</i> Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe. _____ _____ _____	
<i>v.</i> What is the total area to be dredged or excavated? _____ acres <i>vi.</i> What is the maximum area to be worked at any one time? _____ acres <i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet <i>viii.</i> Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>ix.</i> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</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? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 1,100 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: Water and Sewer Department, City of Beacon
- 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? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 1,100 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 wastewater**

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 Sewage Treatment Plant
- Name of district: Dutchess County Water and Wastewater Authority
- 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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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): _____ _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>	
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. 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)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? _____</p> <p>If Yes:</p> <p>i. 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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input checked="" type="checkbox"/> Evening <input checked="" type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>			
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 AM - 7:00 PM • Saturday: _____ 7:00 AM - 7:00 PM • Sunday: _____ 11:00 PM - 6:00 PM • Holidays: _____ varies, +/- 9:00 AM - 5:00 PM </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 4:00 PM - 1:00 AM • Saturday: _____ 12:00 PM - 1:00 AM • Sunday: _____ 12:00 PM - 11:00 PM • Holidays: _____ varies </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 AM - 7:00 PM • Saturday: _____ 7:00 AM - 7:00 PM • Sunday: _____ 11:00 PM - 6:00 PM • Holidays: _____ varies, +/- 9:00 AM - 5:00 PM 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 4:00 PM - 1:00 AM • Saturday: _____ 12:00 PM - 1:00 AM • Sunday: _____ 12:00 PM - 11:00 PM • Holidays: _____ varies
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: 1-2 light fixture sources at front sidewalk entrance and 1-2 sources at rear entrance, approx. 8'-10' above grade, downward, shaded direction, approx. 1'-6' to nearest occupied structures to either side (property is less than 13' in width)</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ (25 Cubic Yards) - 35 tons per _____ Project Duration (unit of time) • Operation : _____ (2 Cubic Yards) - 2.8 tons per _____ Month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

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:
N/A

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site																																							
<p>a. Existing land uses.</p> <p>i. Check all uses that occur on, adjoining and near the project site.</p> <p> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) </p> <p> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </p> <p>ii. If mix of uses, generally describe: Public library is adjacent use, commercial and mixed use is predominant land use for subject property block and several blocks in both directions _____ </p>																																							
<p>b. Land uses and coverytypes on the project site.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Land use or Coverytype</th> <th style="width: 15%;">Current Acreage</th> <th style="width: 20%;">Acreage After Project Completion</th> <th style="width: 25%;">Change (Acres +/-)</th> </tr> </thead> <tbody> <tr> <td>• Roads, buildings, and other paved or impervious surfaces</td> <td style="text-align: center;">0.030</td> <td style="text-align: center;">0.030</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Forested</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Agricultural (includes active orchards, field, greenhouse etc.)</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Surface water features (lakes, ponds, streams, rivers, etc.)</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Wetlands (freshwater or tidal)</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Non-vegetated (bare rock, earth or fill)</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">0.0</td> <td style="text-align: center;">no change</td> </tr> <tr> <td>• Other Describe: _____</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)	• Roads, buildings, and other paved or impervious surfaces	0.030	0.030	no change	• Forested	0.0	0.0	no change	• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	no change	• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	no change	• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	no change	• Wetlands (freshwater or tidal)	0.0	0.0	no change	• Non-vegetated (bare rock, earth or fill)	0.0	0.0	no change	• Other Describe: _____			
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<p>c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? If Yes, <i>i. Identify Facilities:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p><i>ii. Dam's existing hazard classification:</i> _____</p> <p><i>iii. Provide date and summarize results of last inspection:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____</p> <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): _____</p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
<ul style="list-style-type: none"> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explain: _____ _____ 																			
E.2. Natural Resources On or Near Project Site																			
a. What is the average depth to bedrock on the project site? _____ unknown feet																			
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																			
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;">sand, gravel, clay</td> <td style="width: 40%; border-bottom: 1px solid black; text-align: right;">unkn %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">limestone and clay</td> <td style="border-bottom: 1px solid black; text-align: right;">unkn %</td> </tr> <tr> <td style="border-bottom: 1px solid black;">shale and limestone</td> <td style="border-bottom: 1px solid black; text-align: right;">unkn %</td> </tr> </table>		sand, gravel, clay	unkn %	limestone and clay	unkn %	shale and limestone	unkn %												
sand, gravel, clay	unkn %																		
limestone and clay	unkn %																		
shale and limestone	unkn %																		
d. What is the average depth to the water table on the project site? Average: _____ +/-7 feet																			
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 70%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site												
<input checked="" type="checkbox"/> Well Drained:	100 % of site																		
<input type="checkbox"/> Moderately Well Drained:	_____ % of site																		
<input type="checkbox"/> Poorly Drained	_____ % of site																		
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 70%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site												
<input checked="" type="checkbox"/> 0-10%:	100 % of site																		
<input type="checkbox"/> 10-15%:	_____ % of site																		
<input type="checkbox"/> 15% or greater:	_____ % of site																		
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____ _____																			
h. Surface water features. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
• Streams:	Name _____	Classification _____																	
• Lakes or Ponds:	Name _____	Classification _____																	
• Wetlands:	Name _____	Approximate Size _____																	
• Wetland No. (if regulated by DEC)	_____																		
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____																			
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">i. Name of aquifer: _____</td> <td style="width: 20%;"></td> </tr> </table>		i. Name of aquifer: _____																	
i. Name of aquifer: _____																			

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ </div>	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify resource: <u>1</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>State Park, preserve, trails and scenic byway</u> iii. Distance between project and resource: _____ miles. </div>	
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: <div style="margin-left: 20px;"> i. Identify the name of the river and its designation: <u>Hudson River</u> ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? </div>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

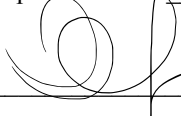
Attach any additional information which may be needed to clarify your project.

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 Douglas Ballinger Date 7/9/2019

Signature  Title Principal, 305 Beacon LLC

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project : _____

Date : _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <div style="text-align: right;"> <input type="checkbox"/> NO <input type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input type="checkbox"/>NO <input type="checkbox"/>YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/>NO <input type="checkbox"/>YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, 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.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Yes”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If “Yes”, answer questions a - e. If “No”, go to Section 12.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If “Yes”, answer questions a - c. If “No”, go to Section 13.			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form

Part 3 - Evaluation of the Magnitude and Importance of Project Impacts

and

Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☐ Type 1
☐ Unlisted

Identify portions of EAF completed for this Project:

☐ Part 1
☐ Part 2
☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

FOR OFFICE USE ONLY

Application #

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

ENTITY DISCLOSURE FORM

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any entity)

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-61.4 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

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

Name of Entity 305 Beacon LLC	Address of Entity PO Box 268 Spencertown NY 12165
Place where such business entity was created Office of Tracy M. Kellogg 63 John St. Kingston NY 12401	Official Registrar's or Clerk's office where the documents and papers creating entity were filed NYS DOS Albany NY
Date such business entity or partnership was created October 2018	Telephone Contact Information (917) 346-0056

IF AFFIANT IS A CORPORATION:

Name of Entity N/A	Telephone Contact Information
------------------------------	-------------------------------

Principal Place of Business of Entity	Place and Date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

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

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Douglas Ballinger	43 Mill Hill Rd. 2nd fl. Woodstock NY 12498	(917) 346-0056	Owner, 100%

SECTION C. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
305 Beacon LLC	PO Box 268 Spencertown NY 12165	(917) 346-0056	October 17, 2018 Private Party purchase & sale	October 22, 2018 Dutchess County Recorder, doc. #02 2018 7616

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

☐ YES ☒ X - **NO**

Name	Employer	Position

SECTION E. Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐

YES

☒

X - NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

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

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

☐

YES

☒

X - NO

Current Name	Other Names

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

Name	Address
N/A (newly formed entity)	

SECTION H. If the applicant is not a record owner of the subject property, describe the applicant's interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

SECTION I. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application. Any sensitive or confidential information may be redacted from the contract prior to production.

SECTION J.

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted:

Name of the Corporation N/A	Telephone Contact Information
Principal Business Address	Place and Date of Incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	Residence or business address	Telephone number
N/A		

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

YES ☐ ☒ X - **NO**

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address
------	---------

N/A	

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

☐

YES

☐

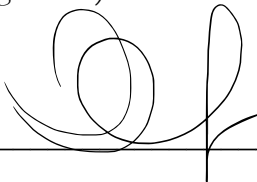
x - NO

I, **Douglas Ballinger** being first duly sworn, according to law, deposes and says that I am **Principal**, an active and qualified member of **305 Beacon LLC**, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print)

Douglas Ballinger

(Signature)



City of Beacon City Council
Beacon, New York

AFFIDAVIT OF POSTING

In the matter of the application for

Special Use Permit

305 Main Street
(Property Address)

5954-36-908866
(Tax Map ID Number)

The undersigned, Douglas Ballinger, 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 9-7-19, in anticipation of the Public
Hearing on October 2nd / 19, the public notice sign 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 Sept 7, 2019 showing the sign and the
location is attached.

(Signature)

Douglas Ballinger
(Printed Name)

NOTARY ACKNOWLEDGEMENT.

Donna M Casey
DONNA M CASEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 4976225
Qualified in Columbia County
Commission Expires Jan 14, 2023



September 7th 2019



September 7/19

AFFIDAVIT OF PUBLICATION
FROM



LeHane

being duly sworn says that he/she is the principal clerk of THE

POUGHKEEPSIE JOURNAL, a newspaper published in the County of Dutchess and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper on the date (s) below:

Zone:

Run Dates:
09/10/19

[Signature]

Signature

Sworn to before me, this 10 day of September, 2019

[Signature]

Notary Signature State of Wisconsin County of Brown

8-25-23

My commission expires

SHELLY HORA
Notary Public
State of Wisconsin

Ad Number: 0003779704

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, October 7, 2019 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider a Special Use Permit relative to the conversion of an existing one-story building into a wine and tapas bar with a new storefront and rear patio on property located at 305 Main Street, identified on the City Tax Maps as Section 5954, Block 36, Lot 908866, submitted by Douglas Ballinger (property owned by 305 Beacon, LLC).

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:00a.m.-4:00 p.m.)

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

Dated: September 5, 2019

Amanda C. Caputo, Deputy City Clerk
3779704

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(For Info Only - NOT A BILL)

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USA

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Run Dates: 09/10/19

Text of Ad:

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, October 7, 2019 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider a Special Use Permit relative to the conversion of an existing one-story building into a wine and tapas bar with a new storefront and rear patio on property located at 305 Main Street, identified on the City Tax Maps as Section 5954, Block 36, Lot 908866, submitted by Douglas Ballinger (property owned by 305 Beacon, LLC). A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:00a.m.-4:00 p.m.) All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Dated: September 5, 2019

Amanda C. Caputo, Deputy City Clerk
3779704

**City of Beacon City Council
Beacon, New York**

AFFIDAVIT OF MAILING

In the matter of the application for

Special Use Permit

305 Main Street
(Property Address)

5954-36-908866
(Tax Map ID Number)

The undersigned, Douglas Ballinger, 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
Sept 9 / 19, I mailed copies of the annexed NOTICE OF PUBLIC HEARING
relating to the premises known and designated as 305 Main Street, 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 305 Main Street are attached hereto as Exhibit "B" and the Certified Mail receipts
are annexed hereto as Exhibit "C."

(Signature)

(Printed Name)

NOTARY ACKNOWLEDGEMENT:

Christine Pitcher

CHRISTINE PITCHER
Notary Public, State of New York
No. 01PI6200366
Qualified in Columbia County
Commission Expires 01-26-21

Dear Neighboring Property Owner:

Douglas Ballinger has applied to the City Council for Special Use Permit Approval for property located at 305 Main Street to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio. A copy of their proposal is available for inspection at the Municipal Center, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:30 a.m. – 3:30 p.m.)

Plans are also available online at <http://www.cityofbeacon.org/Government/novusagenda.htm>
To find the plans, please click on the Planning Board agenda from August 13, 2019.

Hedgestone Associates Inc
17 Stonehedge Dr
West Nyack, NY 10994
For Property 13020000595400368998640000

Hudson Todd LLC
4 Cross St
Beacon, NY 12508
For Property 13020000595400369238430000

Howland Public Library
307 Main St
Beacon, NY 12508
For Property 13020000595400369128610000

Jennifer Burnley
12 Brett St S
Beacon, NY 12508
For Property 13020000595400368928530000

291 Main Street LLC
55B Heritage Hls
Somers, NY 10589
For Property 13020000595400368938750000

Sabry Gheberial
745 Wolcott Ave
Beacon, NY 12508
For Property 13020000595400369398650000

Maureen Neary
15 Cedar St S
Beacon, NY 12508
For Property 13020000595400368978370000

Field Properties LLC
36 Winston Ln
Garrison, NY 10524
For Property 13020000595400369338660000

Avalon PDF LLC
277 Fairlawn Ave
Berkeley, CA 94708
For Property 13020000595400369288510000

Victor M. DeJesus
9 Brett St S
Beacon, NY 12508
For Property 13020000595400368838650000

Movil Development Corp
284 Main St
Beacon, NY 12508
For Property 13020000595400289208760000

Thomas C. Di Perno, Jr
40 De Windt St
Beacon, NY 12508
For Property 13020000595400358748680000

11 Brett Street LLC
114-11 Lefferts Blvd
South Ozone Park, NY 11420
For Property 13020000595400368808610000

Eileen Ohare
11 Cedar St N
Beacon, NY 12508
For Property 13020000595400289338860000

Anthony Risicato
8 Cedar St N
Beacon, NY 12508
For Property 13020000595400369388720000

Christopher J. Dimilia
10 Main St I
Wappingers Falls, NY 12590
For Property 13020000595400368878450000

Hudson Todd LLC
4 Cross St
Beacon, NY 12508
For Property 13020000595400369238470000

Lydia Panko Treanor, LT
7 Cedar St N
Beacon, NY 12508
For Property 13020000595400289308810000

Movil Development Corp
284 Main St
Beacon, NY 12508
For Property 13020000595400289218820000

Andrew Szustka
7 Brett St S
Beacon, NY 12508
For Property 13020000595400368868690000

Lucky Spot Beacon Plaza LLC
114-11 Lefferts Blvd
South Ozone Park, NY 11420
For Property 13020000595400288858810000

Michael Pomarico
274 Main St
Beacon, NY 12508
For Property 13020000595400289038880000

Theodore Henry
8 Brett St N
Beacon, NY 12508
For Property 13020000595400289208930000

Movil Development Corp
284 Main St
Beacon, NY 12508
For Property 13020000595400369268710000

Movil Development Corp
284 Main St
Beacon, NY 12508
For Property 13020000595400289158790000

Movil Development Corp
284 Main St
Beacon, NY 12508
For Property 13020000595400289178890000

Be Bhatki LLC
15 Dewindt St
Beacon, NY 12508
For Property 1302000059540036888380000

Atlantic Horizon Intl Inc
80 Fair St
Cold Spring, NY 10516
For Property 13020000595400369058660000

Daniel Murgatroyd
PO Box 187
Beacon, NY 12508
For Property 13020000595400369158350000

305 Beacon LLC
PO Box 268
Spencertown, NY 12165
For Property 13020000595400369088660000

Beacon Center Associates LLC
 244 39th St W 5th flr
 New York, NY 10018
 For Property 13020000595400288968900000

J & S Ritter Realty
 2 Cedarcliff Ln
 Poughkeepsie, NY 12601
 For Property 13020000595400369228410000

RUBIQ LLC
 170 Second Ave Apt 15D
 New York, NY 10003
 For Property 13020000595400369188300000

Ramroop Bhagwandin
 14 Richmond Pl
 Cortlandt Manor, NY 10567
 For Property 13020000595400369098530000

Movil Development Corp
 284 Main St
 Beacon, NY 12508
 For Property 13020000595400369218740000

Movil Development Corp
 284 Main St
 Beacon, NY 12508
 For Property 13020000595400289108840000

Movil Development Corp
 284 Main St
 Beacon, NY 12508
 For Property 13020000595400289138810000

Alfredo J. Gneiting
 11 Cedar St S
 Beacon, NY 12508
 For Property 13020000595400369068490000

Ana I. Santos
 10 Brett St S
 Beacon, NY 12508
 For Property 13020000595400368958570000

Donaciano C. Cruz, Trustee
 2377 via firenze
 Henderson, NV 89044
 For Property 13020000595400369268530000

315 Beacon Realty LLC
 278 Mill St Ste 100
 Poughkeepsie, NY 12601
 For Property 13020000595400369248550000

Juana M. Rivera
 13 Cedar St S
 Beacon, NY 12508
 For Property 13020000595400369038450000

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Street and Apt. No., or PO Box No. **13 Cedar St. S.**
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City, State, ZIP+4® **HENDERSON NY 14904**

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J+S Ritter Realty
2 Cedar Cliff Lane
Poughkeepsie NY 12601

City, State, ZIP+4®
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80 Fair Street
Cold Springs NY 10516

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RUBIQ LLC
170 Second Ave Apt # 15D
NY NY 10003

City, State, ZIP+4®
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Alfredo J Gneiting
11 Cedar St. S.
Beacon NY 12508

City, State, ZIP+4®
Beacon NY 12508

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Ramroop Bhagwandin
14 Richmond Place
Cortlandt Manor NY 10567

City, State, ZIP+4®
Cortlandt Manor NY 10567

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Postage
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Total Postage and Fees
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Sent To
305 Beacon LLC
c/o P.O. Box 268
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§ 223-18. Special permit uses.

- A. General provisions. The special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Application for a special permit. **[Amended 12-20-1993 by L.L. No. 5-1993; 12-18-2000 by L.L. No. 22-2000; 6-17-2013 by L.L. No. 12-2013; 4-21-2014 by L.L. No. 1-2014]**
- (1) Application for required special permits shall be made to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. 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 regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving such application, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council must render its decision may be extended by mutual consent of the applicant and the Board. The City Council may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met: **[Amended 5-2-2016 by L.L. No. 7-2016]**
- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of

the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

- (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
- (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
- (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- (2) The decision of the City Council on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
- C. A plan for the proposed development of a lot for a permitted special use shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, type and location of exterior lighting, drainage improvements in accordance with § 223-25F of this chapter, special features and any other pertinent information, including information about neighboring properties, that may be necessary to determine and provide for the enforcement of this chapter. The Planning Board, in preparing its report, as required in Subsection B, shall give particular study to the plan and shall recommend any changes that should be made in the plan to meet the conditions enumerated in §§ 223-17D and 223-18B. **[Amended 3-1-1993 by L.L. No. 2-1993; 4-5-1993 by L.L. No. 3-1993]**
- D. A current certificate of inspection issued pursuant to § 179-6 of this Code shall be submitted prior to rendering a final decision on an application for a special permit. **[Added 7-18-2011 by L.L. No. 11-2011¹; amended 10-3-2011 by L.L. No. 12-2011]**
- E. Conditions and safeguards. The City Council shall attach such conditions and safeguards to the special permit as are necessary

1. Editor's Note: This local law also provided for the redesignation of former Subsections D through I as Subsections E through J, respectively.

to assure continual conformance to all applicable standards and requirements.

F. Expiration of special permits. **[Amended 10-18-1993 by L.L. No. 4-1993; 12-21-1998 by L.L. No. 16-1998; 4-18-2016 by L.L. No. 6-2016]**

(1) A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if:

(a) A bona fide application for a building permit is not filed within one year of the issuance of the special permit; or

(b) If all required improvements are not made:

[1] For special permits that do not include construction of a new building or addition, within one year from the date of the issuance of the building permit.

[2] For special permits that include construction of a new building or addition, within two years from the date of issuance of the building permit.

(c) Said use or uses shall cease for more than six months for any reason.

(2) The City Council may grant one or more extensions, of up to six months each, to:

(a) Complete the conditions of approval for the special permit use, upon a finding that an 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 within one year of the issuance of the special permit. No further extensions may be granted if the conditions are not completed within two years following the issuance of the special permit; and

(b) Complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.

(3) The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.

G. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter.

- H. ² In the event that the improvements set forth in the special permit have commenced prior to the expiration date, but are not completed by that time, the applicant shall pay a daily fine of \$25 until a certificate of occupancy has been issued by the Building Department. **[Added 8-1-1994]**
- I. Revocation. The Building Inspector may revoke a special permit where it is found that the use of the premises does not conform with the limitations and conditions contained in the special permit. **[Added 5-2-1994]**

2. Editor's Note: Former Subsection H, Notice of hearing, added 10-18-1993 by L.L. No. 4-1993, was repealed 6-17-2013 by L.L. No. 12-2013. This local law also provided for the redesignation of former Subsections I and J as Subsections H and I, respectively.

B. Uses by special permit.

- (1)** The following uses are allowed by special permit from the City Council, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § **223-18B(1)(a)** through **(d)** have been met:
 - (a)** A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.
 - (b)** A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.
- (2)** In considering the appropriateness of the proposed use, the City Council shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the City Council shall follow the regulations in § **223-18** of this chapter.

**City of Beacon Council Agenda
10/7/2019**

Title:

Public Hearing Resuming from August 19, 2019 Regarding 248 Tioronda Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from John Clark Regarding 248 Tioronda Avenue	Cover Memo/Letter
Package Cover Letter from Chazen Company to City Council	Cover Memo/Letter
Concept Plan Regarding 248 Tioronda Avenue	Plans
Summary of Concept Plan Changes and Significant Project Advancements	Backup Material
248 Tioronda Avenue Photo Simulations	Backup Material
248 Tioronda Avenue Site Section Elevations	Backup Material
Consistency with FCD Concept Plan Approval Criteria	Backup Material
Full Environmental Assessment Form	Backup Material
Letter from the Army Corps of Engineers Regarding the Jurisdictional Determination at 248 Tioronda	Cover Memo/Letter
Jurisdictional Determination	Map
Affidavit of Mailing	Backup Material
Confirmation of Posting Public Hearing Notice in Poughkeepsie Journal	Backup Material
Affidavit of Posting	Backup Material
Public Hearing Notice Sign I	Backup Material
Public Hearing Notice Sign II	Backup Material
Public Hearing Notice Sign III	Backup Material

John Clarke Planning and Design

25 Beech Street, Rhinebeck NY 12572

jclarkeplandesign@gmail.com

845.797.4152

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



Hudson Valley Office

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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:

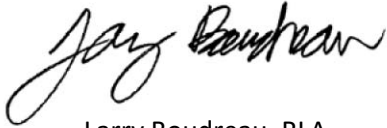
- Document entitled Consistency with FCD District Criteria for Granting Concept Plan Approval by the City Council (8 copies)
- Letters to the Planning Board, including responses to comments and attachments.
- Full Environmental Assessment Form Part 1 (8 copies)
- Architectural Section and Elevation Drawings (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 24th, 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, appearing to read "Larry Boudreau". The signature is fluid and cursive, with the first name "Larry" being more prominent than the last name "Boudreau".

Larry Boudreau, RLA
Director of Land Development

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.

SITE PLAN

248 TIORONDA AVE, BEACON NY

PREPARED FOR

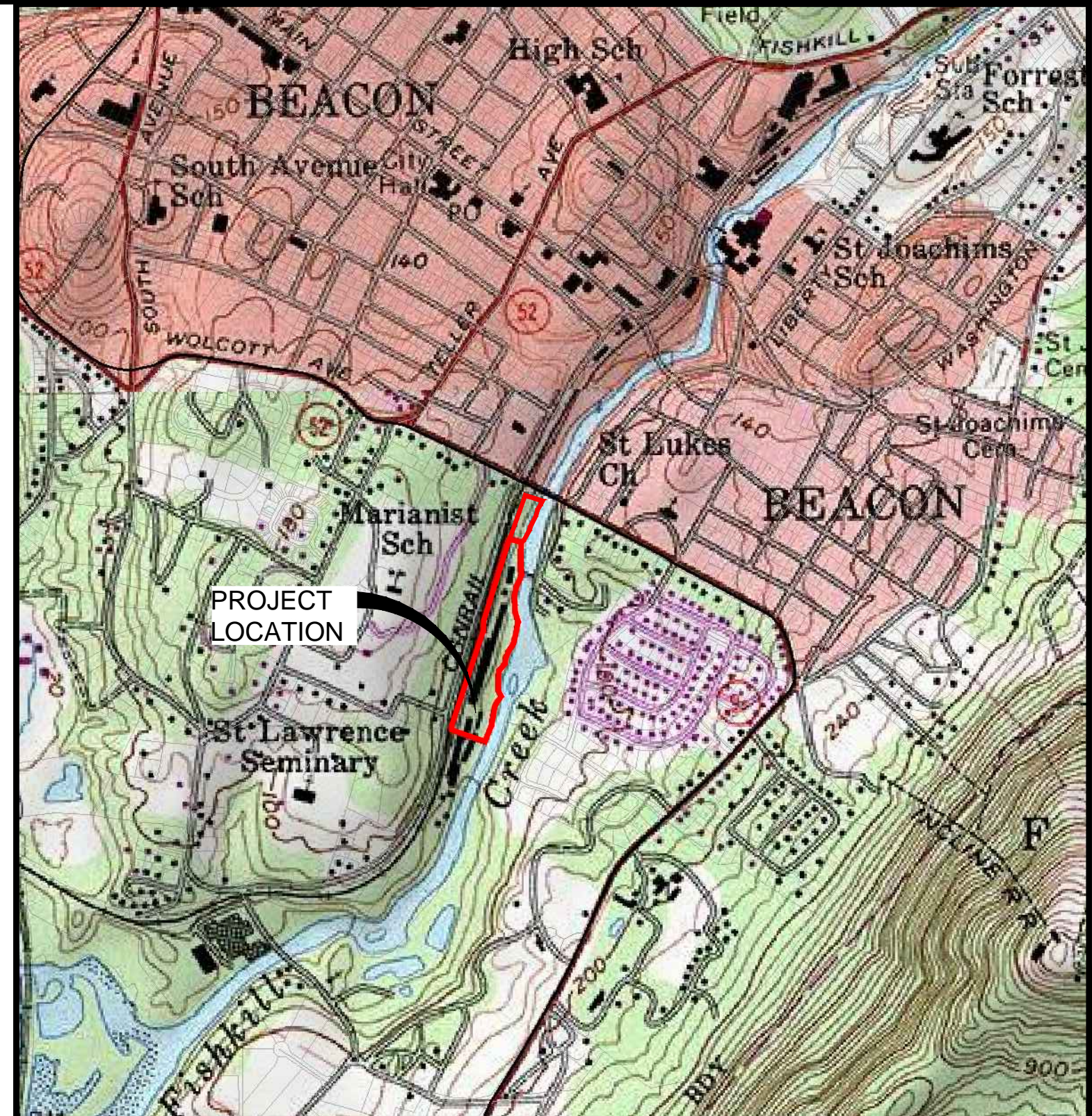
CHAI BUILDERS

CITY OF BEACON

DUTCHESS COUNTY, NEW YORK

SEPTEMBER 2018

LAST REVISED: MAY 2019



LOCATION MAP
SCALE: 1"=1000'
SOURCE: USGS CATSKILL, NY QUADRANGLE
(USGS REF. CODE: WEST POINT-41073-D8-1F-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 CHANGE, ERASURE, MODIFICATION, OR REVISION OF THIS PLAT 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.		

OWNER'S CERTIFICATION
FOR ALL SHEETS

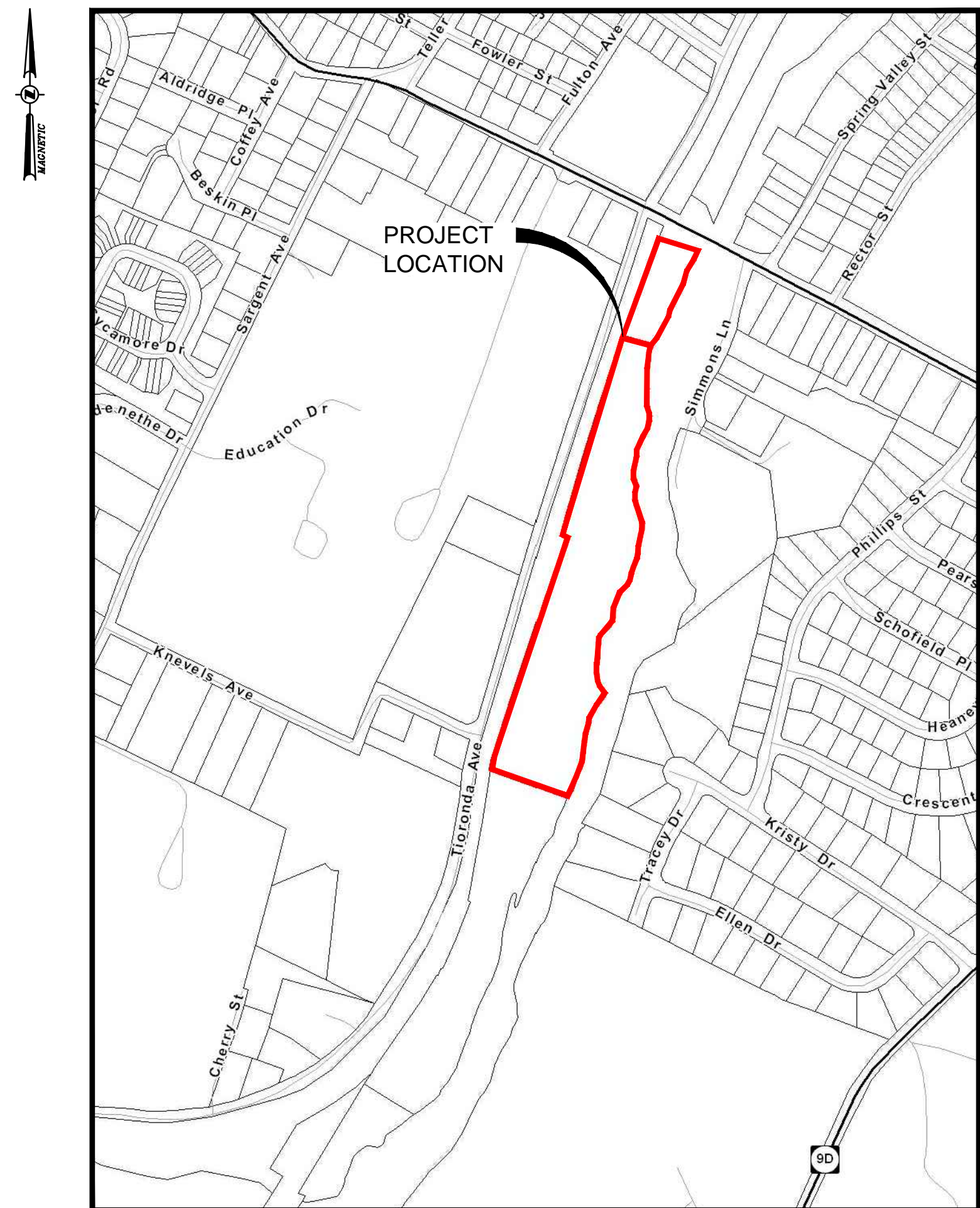
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATE THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND LEGENDS AND HEREBY CONSENT TO ALL TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THE PLAN IN THE OFFICE OF THE CLERK OF THE COUNTY OF DUTCHESS, IF REQUIRED.

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



AREA PARCEL MAP
SCALE: 1"=400'

BULK TABLE		
FISHKILL CREEK DEVELOPMENT DISTRICT: FCD		
ZONING REQUIREMENTS:	REQUIRED	PROVIDED
MINIMUM LOT AREA	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 15 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:	218 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 (64 UNITS + NON RESIDENTIAL USE)
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.

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
62 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 50, SUITE 201
SUFFERN, NY 10901
(917) 696-4402

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

TAX MAP INFORMATION:
CITY OF BEACON, NEW YORK
SECTION 5054, 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

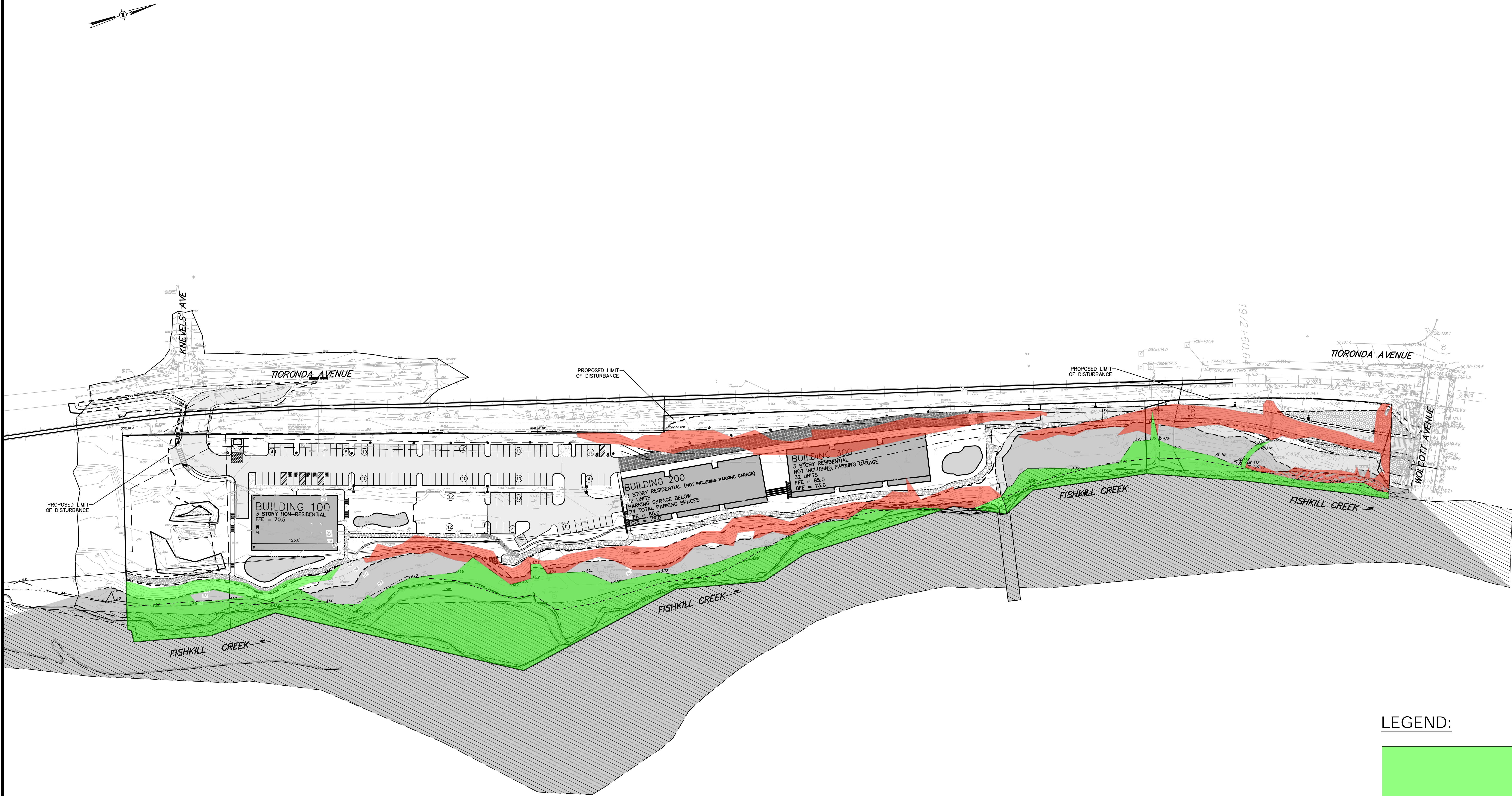
WATER & SEWER DISTRICT:
CITY OF BEACON

REV.	DATE	DESCRIPTION
5	04/30/19	REVISED PER PLANNING BOARD COMMENTS
4	02/26/19	REVISED PER CITY COUNCIL COMMENTS
3	09/17/19	REVISED PER CITY COUNCIL COMMENTS
2	11/26/18	REVISED PER CITY COUNCIL COMMENTS
1	10/12/18	REVISED PER CITY COUNCIL COMMENTS

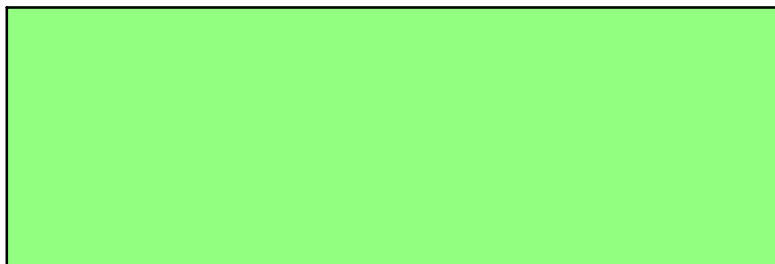
TIORONDA AVE., BEACON, N.Y.

TITLE SHEET

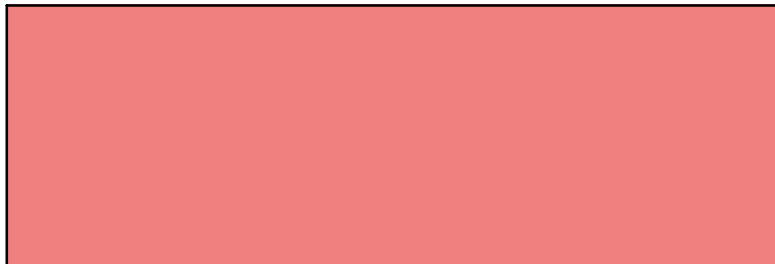
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK



LEGEND:



FLOODWAY, WETLAND,
SURFACE WATER

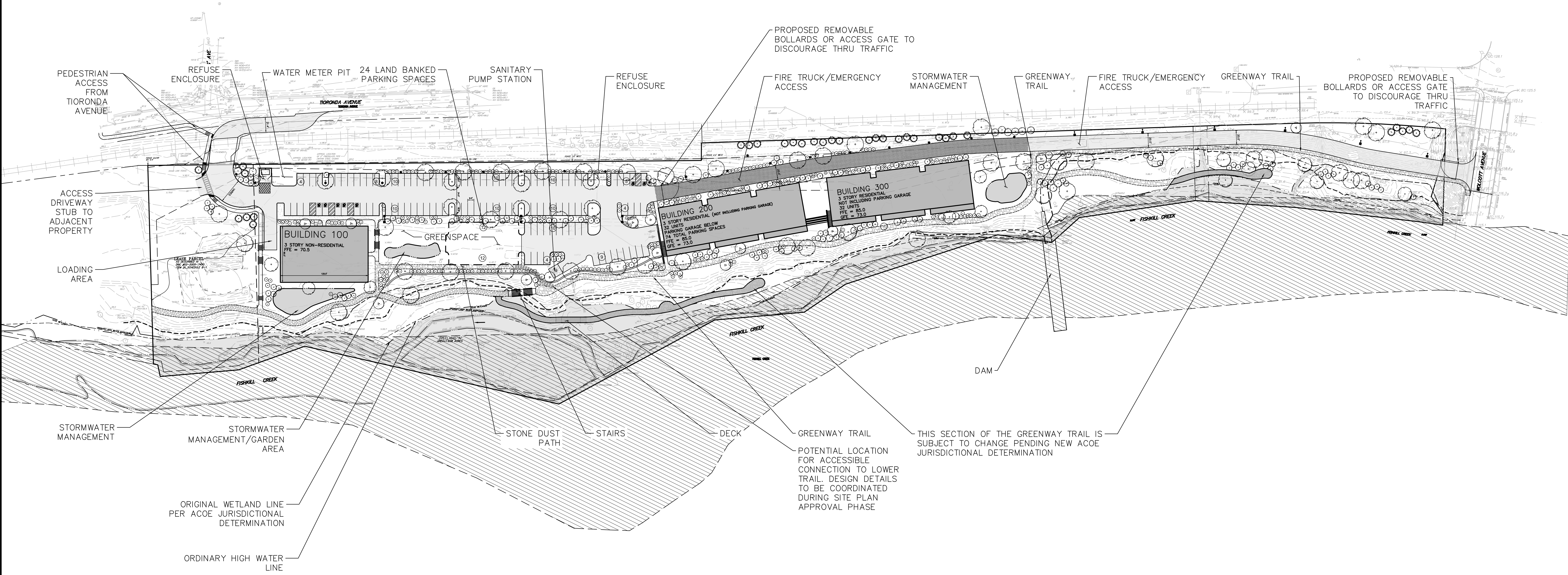


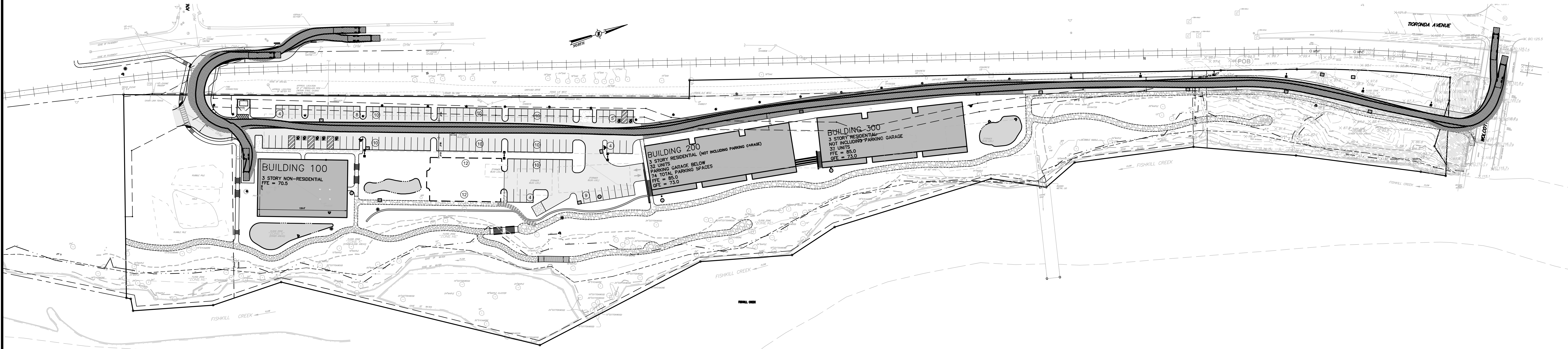
SLOPES > 25% COVERING
AN AREA GREATER THAN
10,000 SF

Allowable Residential Units

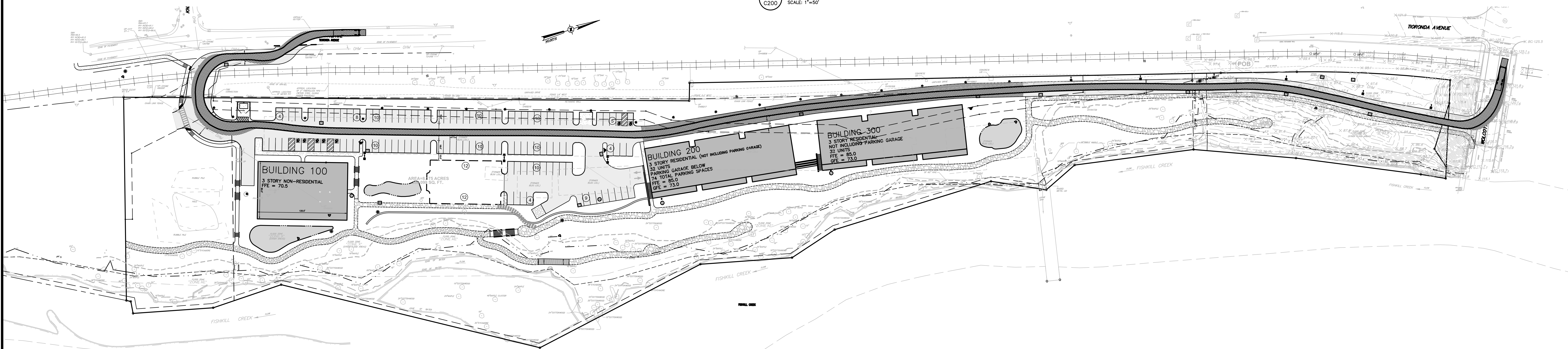
1	Total lot area	9.18 acres
2	Lot area with slopes over 25% and 10,000 SF, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland.	3.29 acres
3	Remaining lands for dwelling unit calculation (line 1 - line 2)	5.89 acres
4	Maximum dwelling units (line 3 * 11)	64 units

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

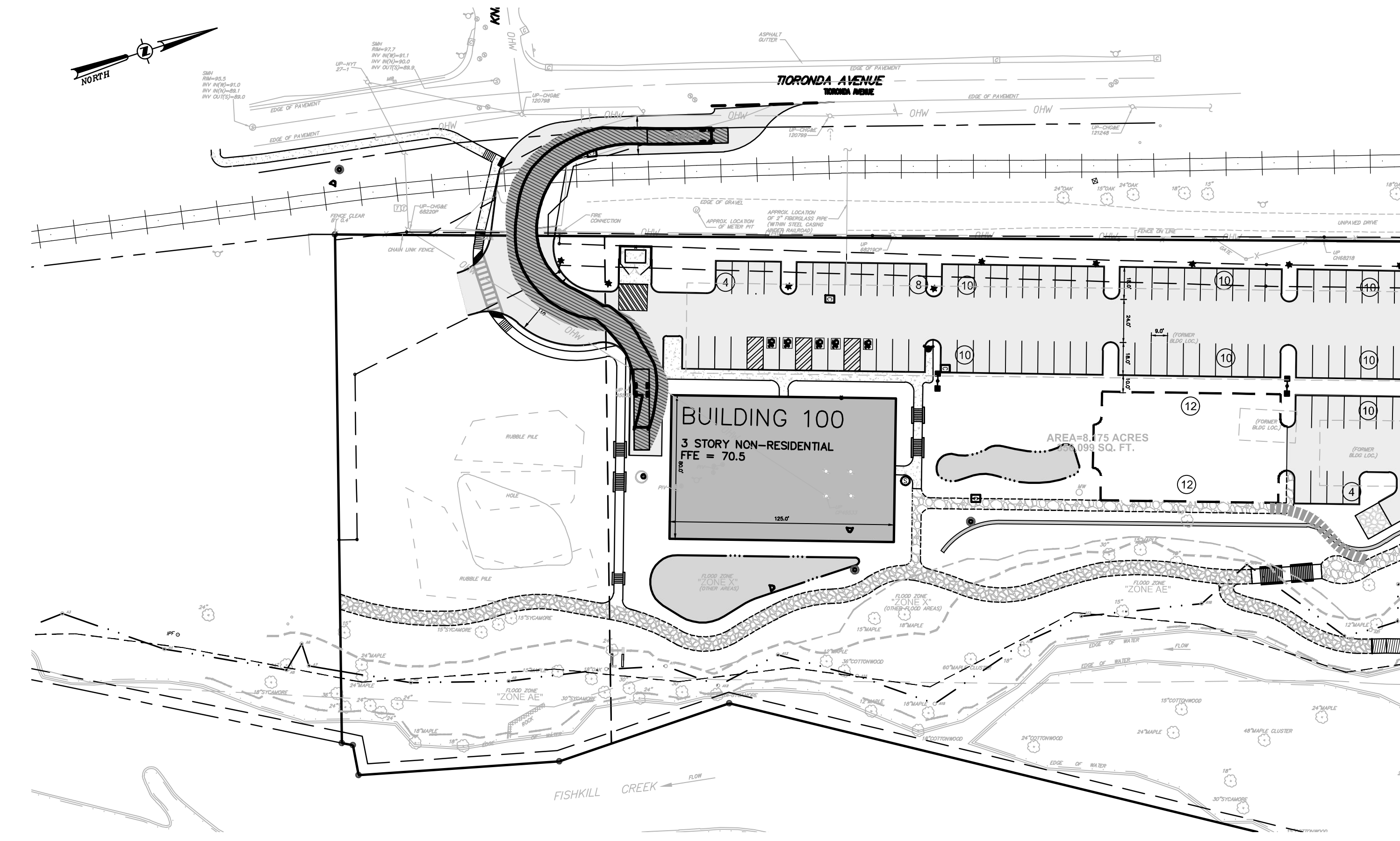




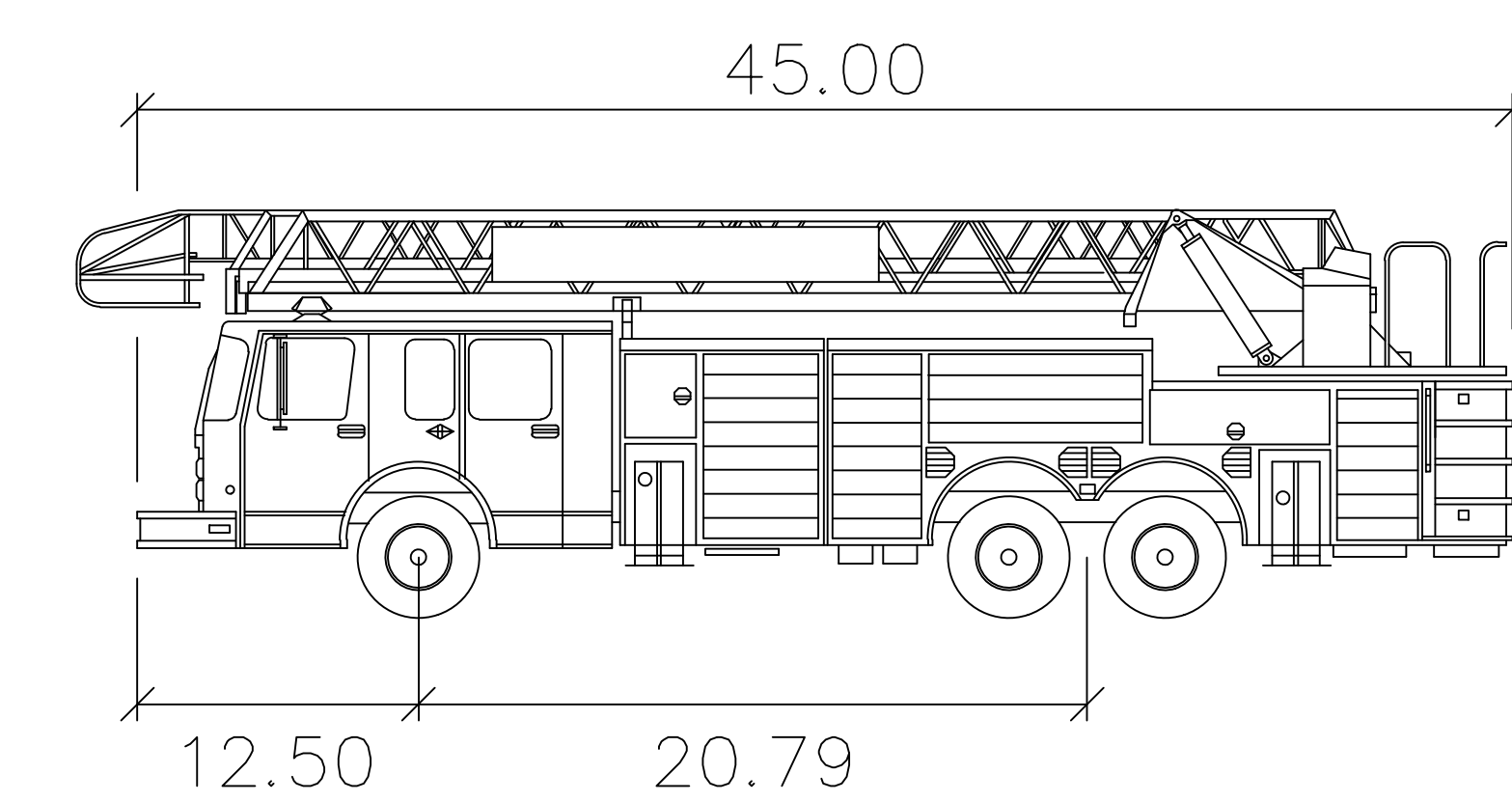
1 **SOUTHWEST SITE ACCESS MANEUVERING PLAN**
SCALE: 1"=50'



2 **NORTH SITE ACCESS MANEUVERING PLAN**
SCALE: 1"=50'



3 **LOWER COMMERCIAL ACCESS**
SCALE: 1"=50'



BEACON FIRE TRUCK

	feet
Width	: 8.50
Track	: 8.50
Lock to Lock Time	: 6.0
Steering Angle	: 26.5

Hudson Valley Office

21 Fox St., Poughkeepsie, NY 12601
P: (845) 454-3980 F: (845) 454-4026
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:

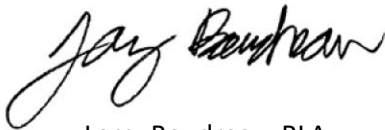
The purpose of this letter is to summarize the most significant enhancements made to the Concept Plan which have been developed through the Planning Board process. Additional detail is outlined in the comment response letters included with today's submittal. All comments, including public, are noted 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 24th, 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, appearing to read "Larry Boudreau". The signature is fluid and cursive, with the first name "Larry" being more prominent than the last name "Boudreau".

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 Hutani, 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 CO₂ 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 "Coyne 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 on 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 DENNINGS 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.

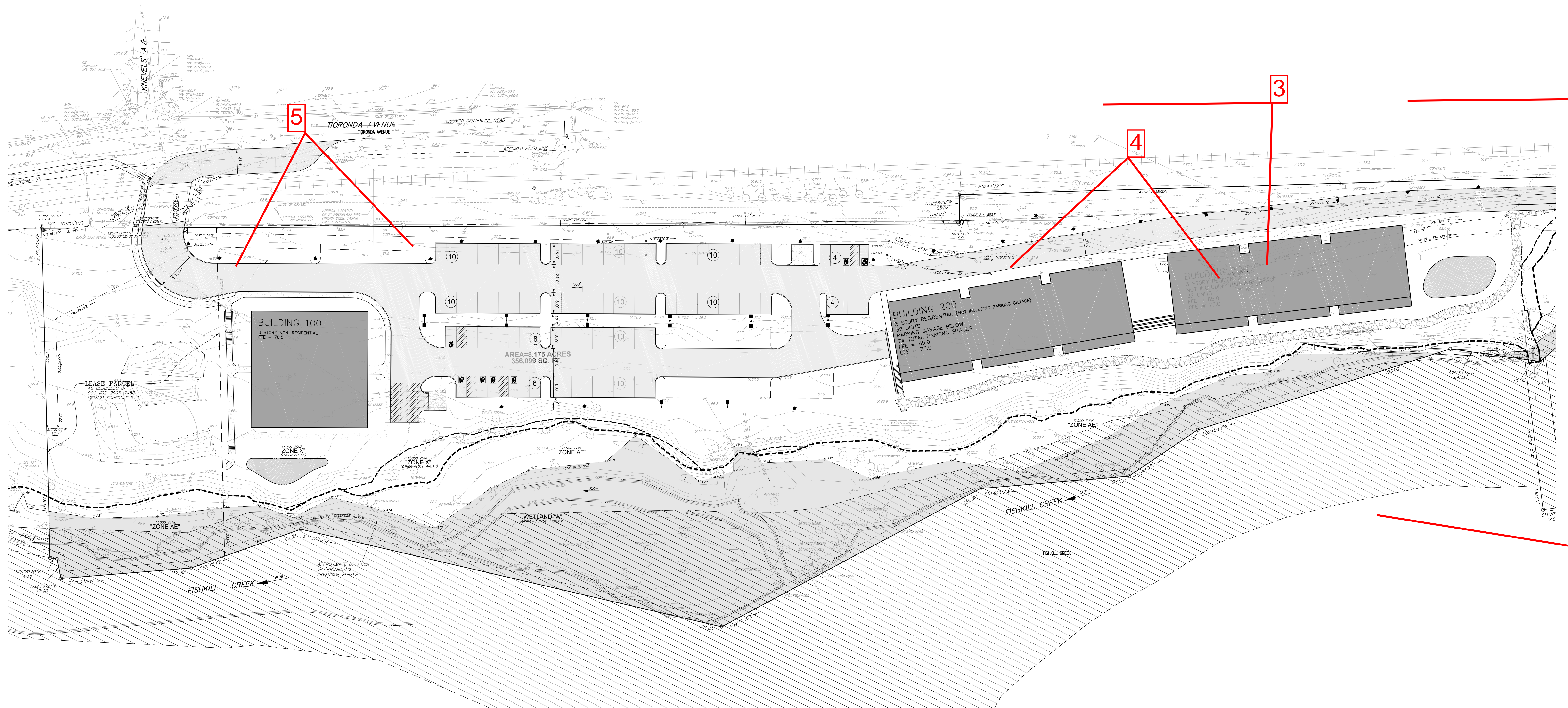
Frank Filiciotto with Creighton Manning reported worked with the applicant on updating their traffic study. He confirmed that sufficient capacity exists at the intersection of Wolcott and Tioronda Avenue to accommodate the additional vehicular traffic that will be generated from this project.

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 SECTION

248 TIORONDA AVENUE
BEACON, NEW YORK

PROPOSED REVISIONS
JAN 17, 2019

abarchitekten



SITE SECTION

248 TIORONDA AVENUE
BEACON, NEW YORK

PROPOSED REVISIONS
JAN 17, 2019

abarchitekten



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



WEST ELEVATION BLDG B



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

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 § 223-41.13l(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 § 223-41.13l, 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.l, 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 FEAF 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 FEAF 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 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.

(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).

Full Environmental Assessment Form Part 1

for
Proposed Multifamily Development and Office Building

248 Tioronda Avenue
City of Beacon
Dutchess County, New York



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Note: Site Plan submitted separately.

PROJECT NARRATIVE

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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 4th, 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, 10th 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 1st and March 31st 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

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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. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Refer to FEAF Narrative Section 2.3. 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

C.1. Planning and zoning actions.

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? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

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? ☒ Yes ☐ No
[Refer to FEAF Narrative Section 2.2.](#)

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ 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?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:314044 , Remediation Sites:546031 ([Refer to response to Question E.1.h.iv](#))

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? ☐ Yes ☒ 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. 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, (lot consolidation)	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: _____ 24 months	
ii. If Yes:	
<ul style="list-style-type: none"> • 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>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):</p> <p>NA _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>NA _____</p>	
<p>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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center; color: blue;">Refer to FEA Narrative Section 5.2.</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or <u>2.78</u> acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or <u>9.18</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>To be determined</u></p>	
<p>iii. 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)?</p> <p>Stormwater management system which will discharge to Fishkill Creek _____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p style="margin-left: 40px;"><u>Fishkill Creek</u></p>	
<ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. 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) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Refer to FEAF Narrative Section 6.1.</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>To be determined</p> <p>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.</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ NA • Holidays: _____ NA </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations: office building hours to be determined based on individual tenants</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential) </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ NA • Holidays: _____ NA 	<p>ii. During Operations: office building hours to be determined based on individual tenants</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential)
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ NA • Holidays: _____ NA 	<p>ii. During Operations: office building hours to be determined based on individual tenants</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential) 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>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.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ NA tons per _____ NA (unit of time) • Operation : _____ 2 tons per _____ month (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: NA _____ • Operation: _____ Recyclable materials will be separated and hauled to the DC Resource Recovery Agency Facility in Poughkeepsie for recycling. <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • 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. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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.

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																			
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Udorthents, smoothed</td> <td style="width: 20%; text-align: right;">100 %</td> <td style="width: 20%;"></td> </tr> <tr> <td>_____</td> <td style="text-align: right;">%</td> <td></td> </tr> <tr> <td>_____</td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		Udorthents, smoothed	100 %		_____	%		_____	%										
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: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 30%; text-align: right;">45 % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">45 % of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">10 % of site</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	45 % of site		<input checked="" type="checkbox"/> Moderately Well Drained:	45 % of site		<input checked="" type="checkbox"/> Poorly Drained	10 % of site										
<input checked="" type="checkbox"/> Well Drained:	45 % of site																		
<input checked="" type="checkbox"/> Moderately Well Drained:	45 % of site																		
<input checked="" type="checkbox"/> Poorly Drained	10 % of site																		
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 30%; text-align: right;">15 % of site</td> <td style="width: 30%;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">40 % of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">45 % of site</td> <td></td> </tr> </table> Refer to Figure 5.		<input checked="" type="checkbox"/> 0-10%:	15 % of site		<input checked="" type="checkbox"/> 10-15%:	40 % of site		<input checked="" type="checkbox"/> 15% or greater:	45 % of site										
<input checked="" type="checkbox"/> 0-10%:	15 % of site																		
<input checked="" type="checkbox"/> 10-15%:	40 % of site																		
<input checked="" type="checkbox"/> 15% or greater:	45 % of site																		
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____																			
h. Surface water features. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">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.</td> <td style="width: 20%; text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name <u>Fishkill Creek (NYSDEC Stream H-95)</u></td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name <u>NA</u></td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>Federal Waters, Federal Waters</u></td> <td>Approximate Size Refer to Section 4.2</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2"><u>NA</u></td> </tr> </table>		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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	• Streams:	Name <u>Fishkill Creek (NYSDEC Stream H-95)</u>	Classification _____	• Lakes or Ponds:	Name <u>NA</u>	Classification _____	• Wetlands:	Name <u>Federal Waters, Federal Waters</u>	Approximate Size Refer to Section 4.2	• Wetland No. (if regulated by DEC)	<u>NA</u>	
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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																		
ii. Do any wetlands or other waterbodies adjoin the project site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																		
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																		
• Streams:	Name <u>Fishkill Creek (NYSDEC Stream H-95)</u>	Classification _____																	
• Lakes or Ponds:	Name <u>NA</u>	Classification _____																	
• Wetlands:	Name <u>Federal Waters, Federal Waters</u>	Approximate Size Refer to Section 4.2																	
• Wetland No. (if regulated by DEC)	<u>NA</u>																		
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																			
j. Is the project site in the 100 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																			
k. Is the project site in the 500 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																			
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">i. Name of aquifer:</td> <td><u>Principal Aquifer</u></td> </tr> </table>		i. Name of aquifer:	<u>Principal Aquifer</u>																
i. Name of aquifer:	<u>Principal Aquifer</u>																		

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Common urban species _____</p> <p>Refer to FEAF Narrative Section 10.0. _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="color: blue;">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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	



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.



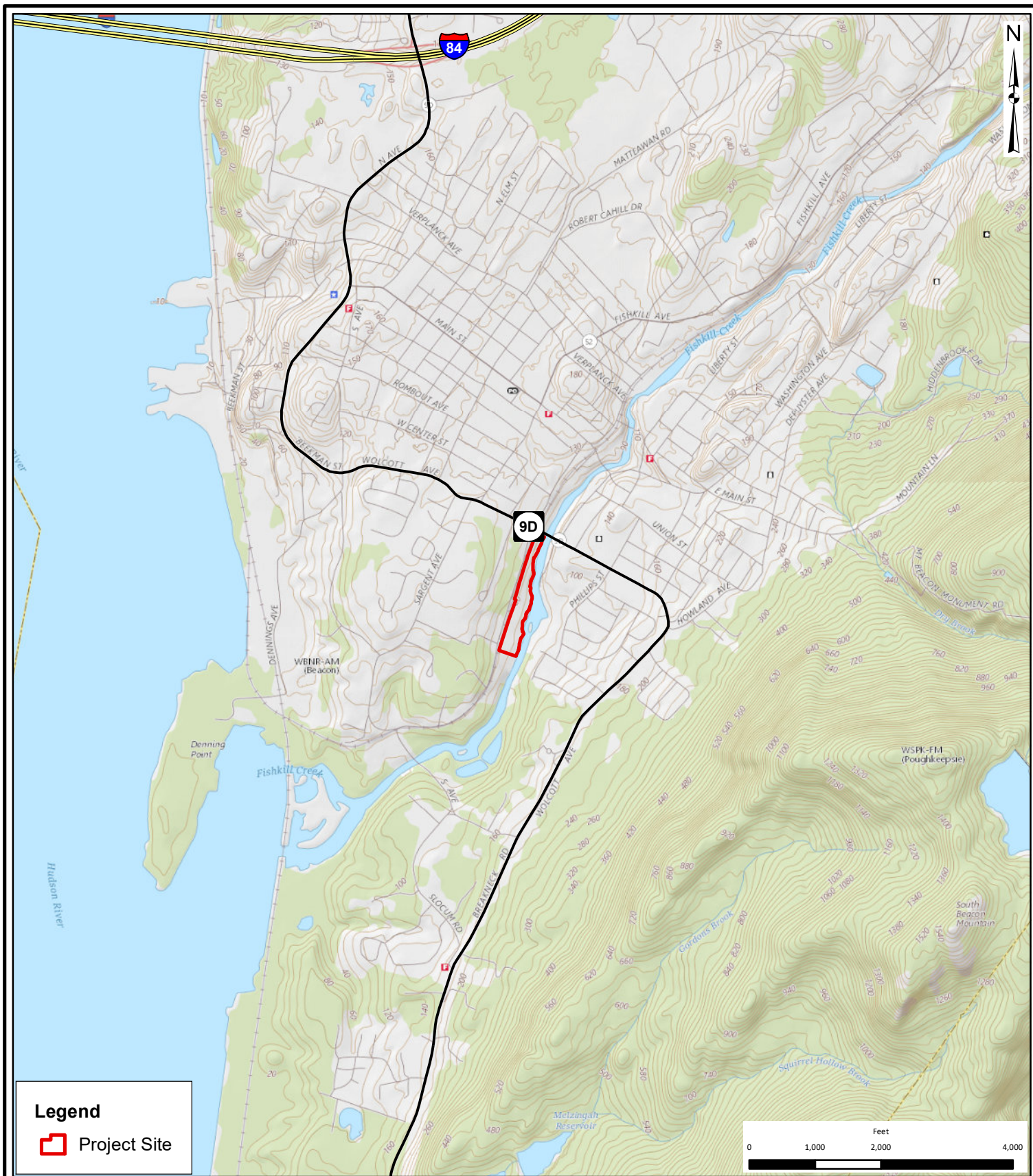
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:314044 , Remediation 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

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FIGURES

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Legend

 Project Site

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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

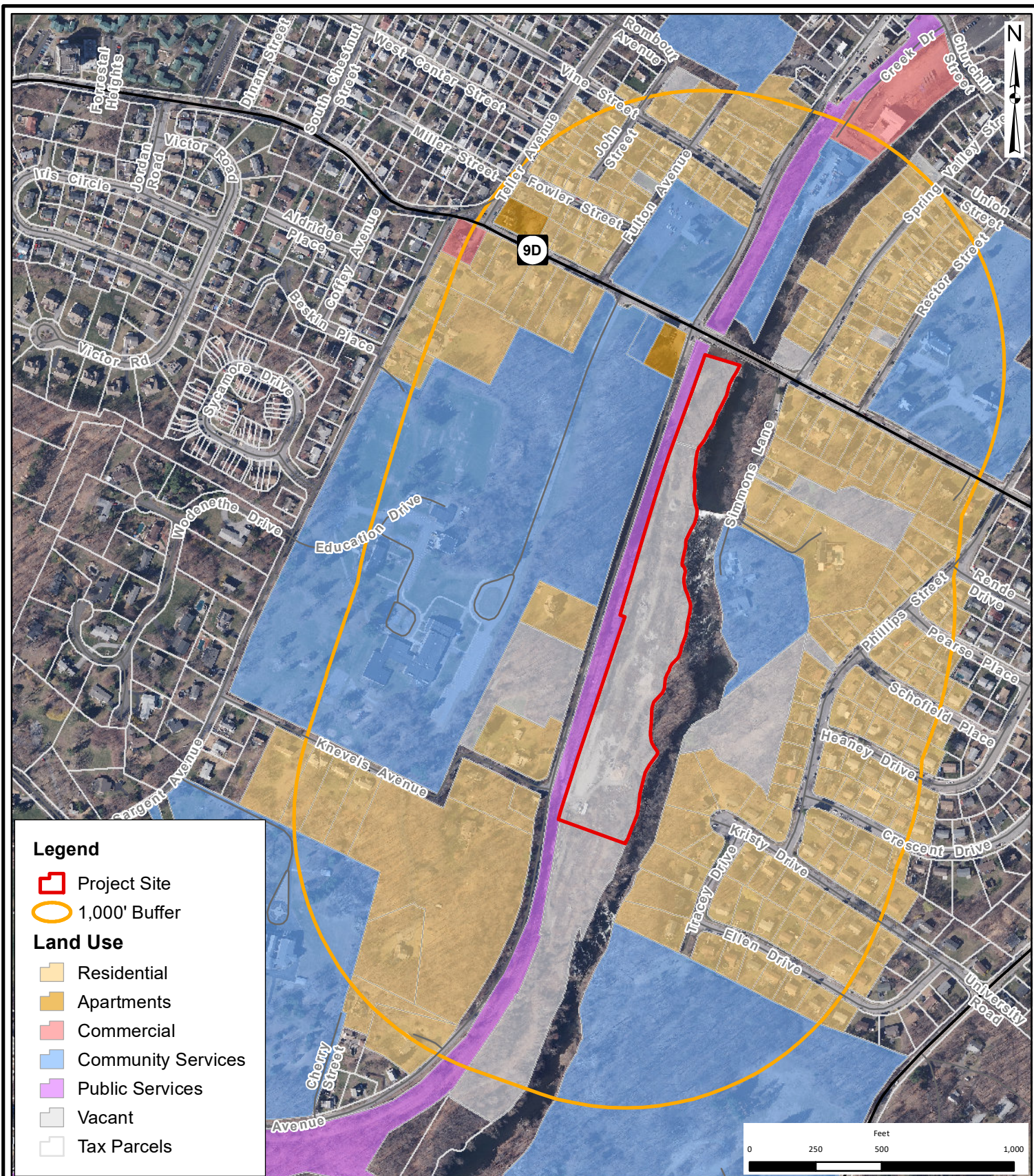


Proposed Fishkill Creek Development (FCD) Site Plan

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



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



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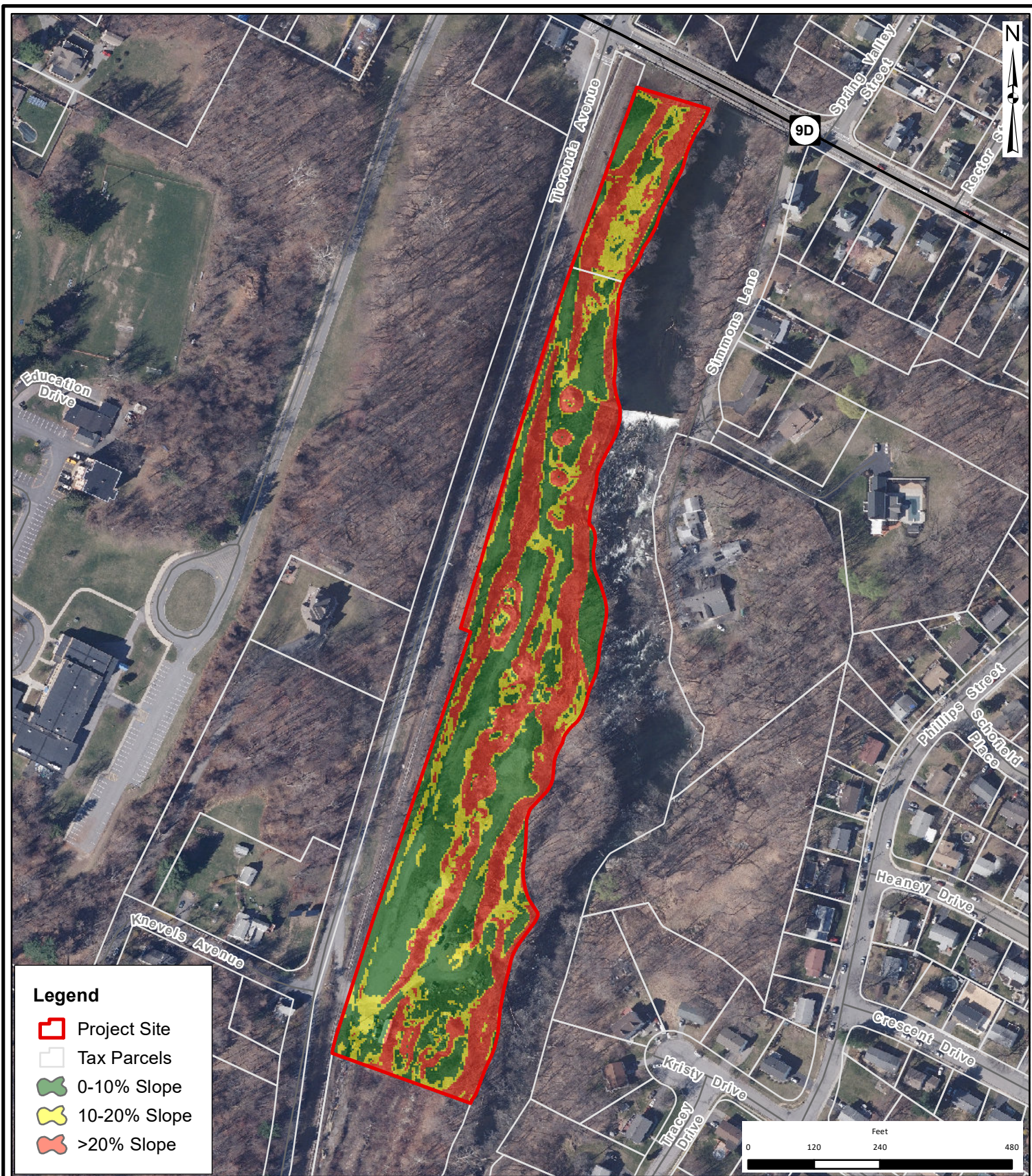
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Proposed Fishkill Creek Development (FCD) Site Plan

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



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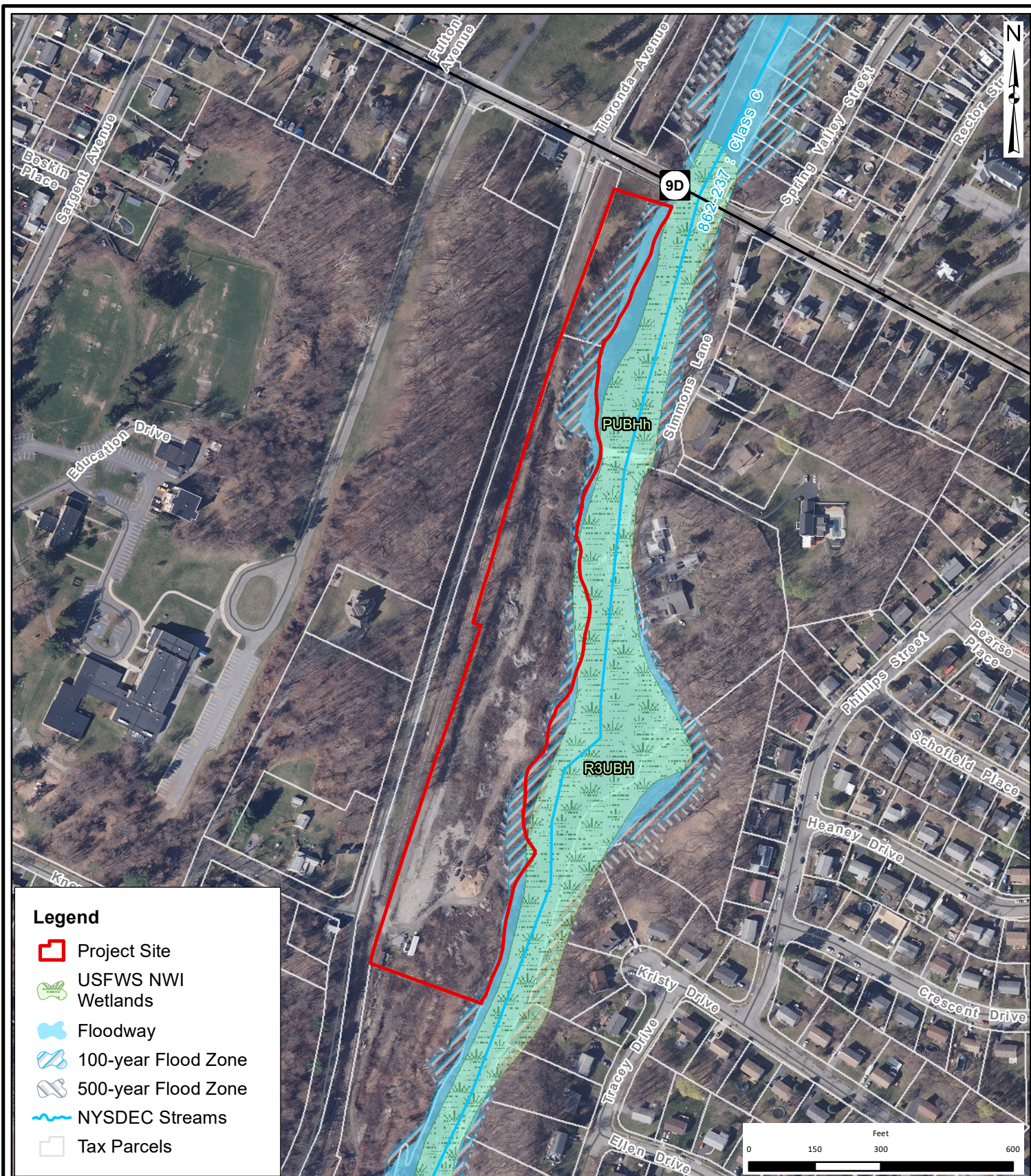
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Phone: (518) 812-0513

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



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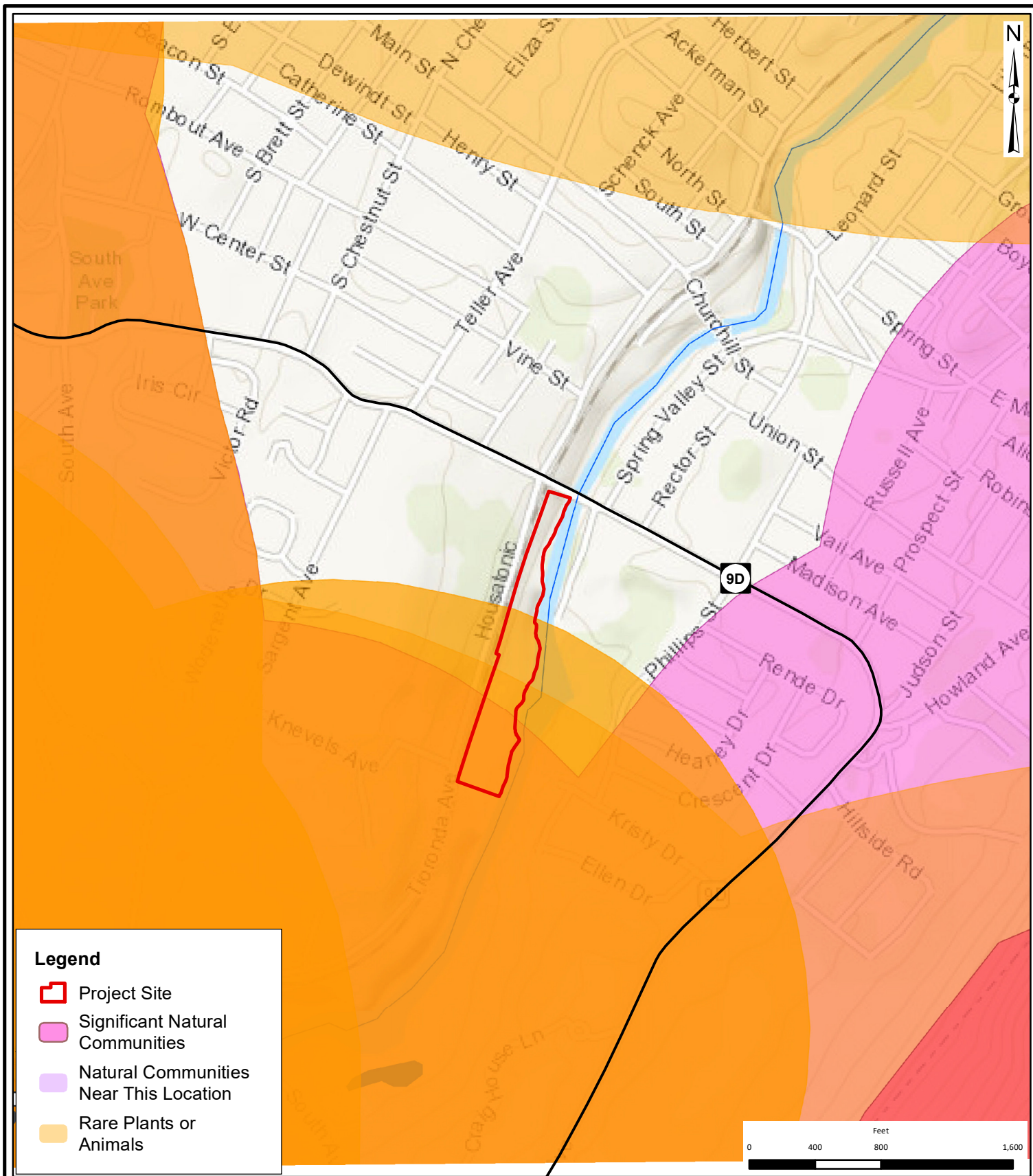
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Proposed Fishkill Creek Development (FCD) Site Plan

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



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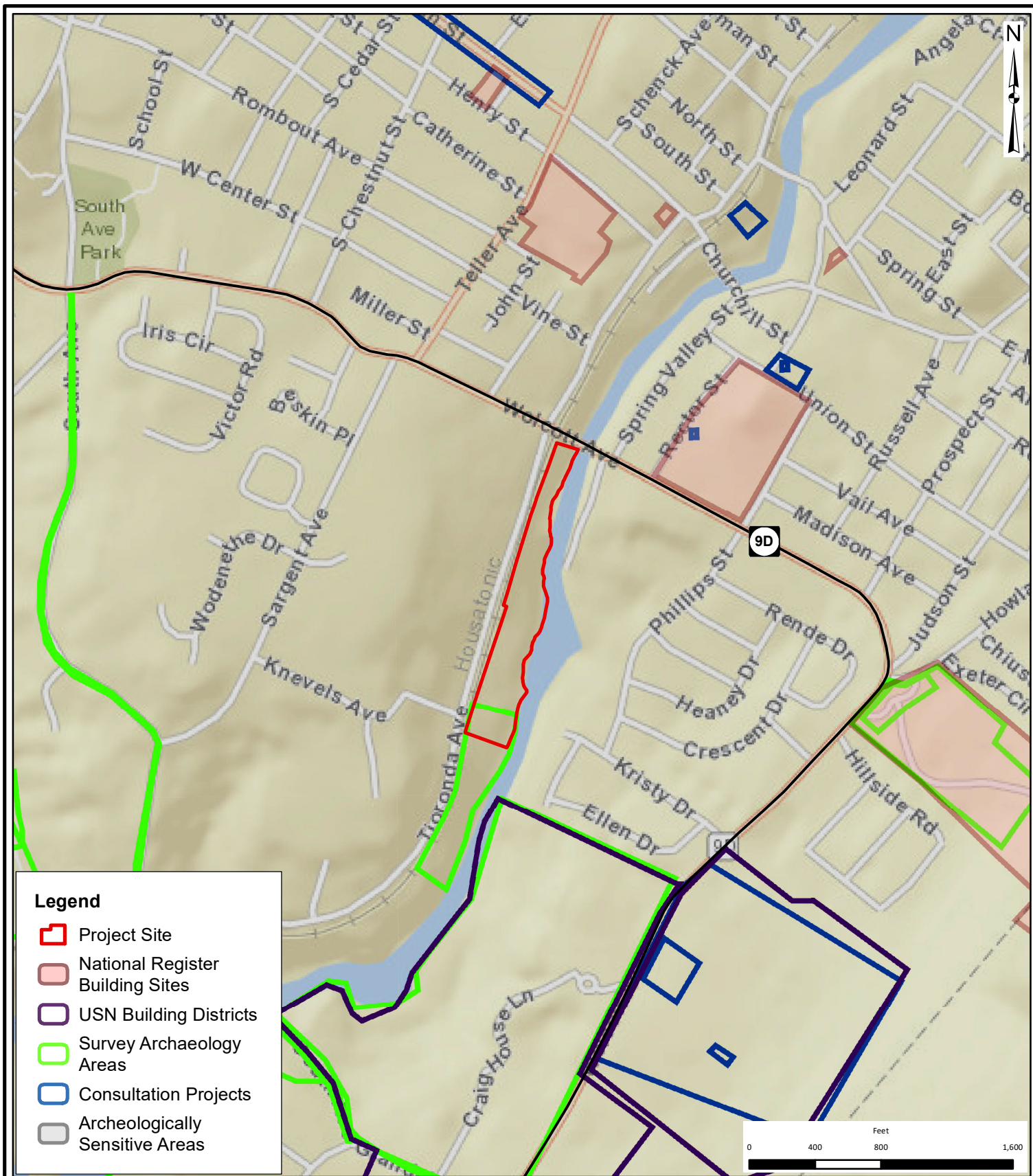
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Proposed Fishkill Creek Development (FCD) Site Plan

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



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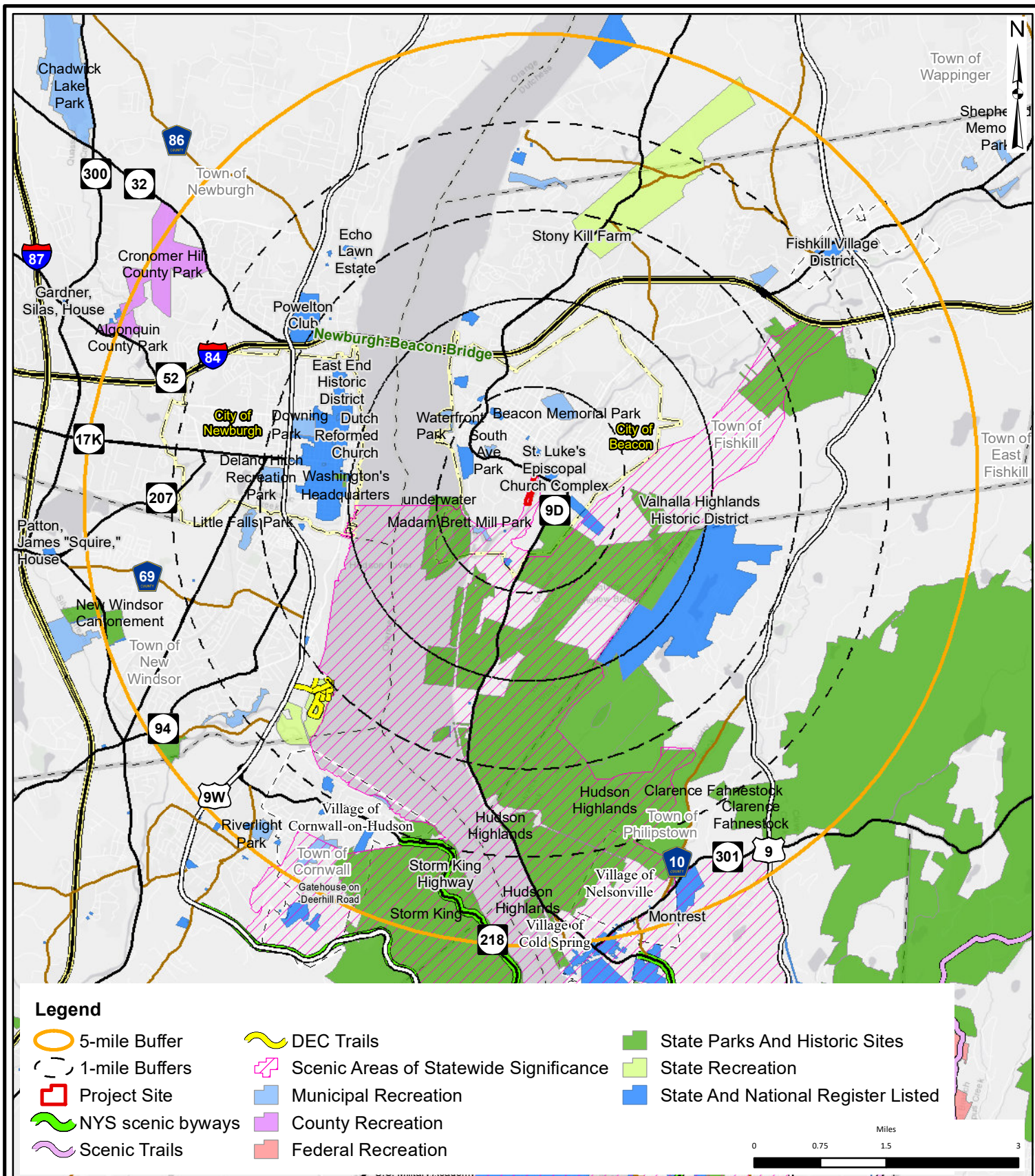
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Proposed Fishkill Creek Development (FCD) Site Plan

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



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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

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ATTACHMENT A

Updated Traffic Synchro Analysis

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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
www.chazencompanies.com

From: Larry Boudreau
Sent: Friday, October 26, 2018 2:53 PM
To: 'Ward-Willis, Nicholas M.' <NWard-Willis@kblaw.com>; 'John Russo' <jdr@lanctully.com>
Cc: 'Anthony Ruggiero' <aruggiero@cityofbeacon.org>; 'John Clarke' <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.

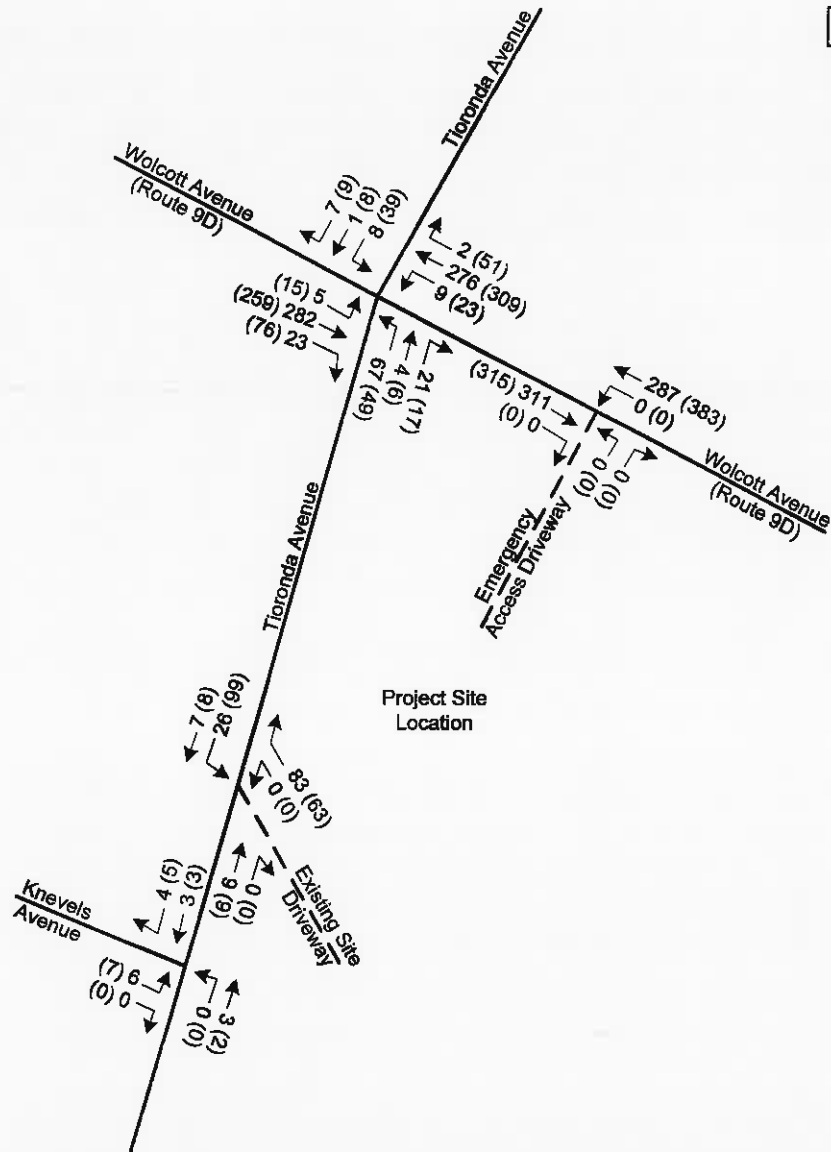
Larry

From: Ward-Willis, Nicholas M. <NWard-Willis@kblaw.com>
Sent: Friday, October 26, 2018 1:51 PM
To: Larry Boudreau <lboudreau@chazencompanies.com>; 'John Russo' <jdr@lanctully.com>
Cc: 'Anthony Ruggiero' <aruggiero@cityofbeacon.org>; 'John Clarke' <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)

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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
Frt		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	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	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		Left	Thru		Left	Thru		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		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		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		Perm	NA		Perm	NA		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
Frt		0.971			0.982			0.968			0.977	
Flt Protected		0.998			0.997			0.967			0.966	
Satd. Flow (prot)	0	1805	0	0	1824	0	0	1744	0	0	1758	0
Flt 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	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	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		Left	Thru		Left	Thru		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		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		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		Perm	NA		Perm	NA		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

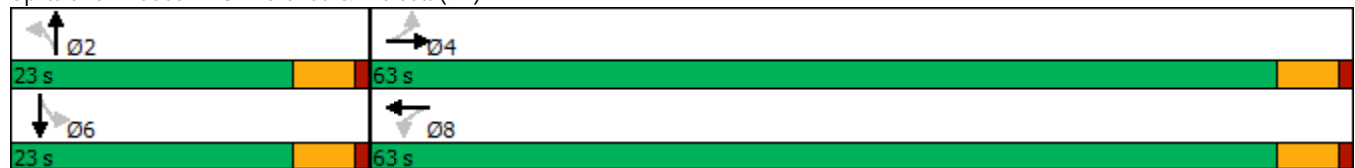
Intersection LOS: B

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
Frt		0.995						0.969			0.986	
Flt Protected					0.999			0.965			0.958	
Satd. Flow (prot)	0	1853	0	0	1861	0	0	1742	0	0	1760	0
Flt 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	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	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		Left	Thru		Left	Thru		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		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		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		Perm	NA		Perm	NA		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
Frt		0.981			0.988			0.968			0.988	
Flt Protected		0.999			0.998			0.967			0.960	
Satd. Flow (prot)	0	1826	0	0	1837	0	0	1744	0	0	1767	0
Flt 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	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	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		Left	Thru		Left	Thru		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		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		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		Perm	NA		Perm	NA		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

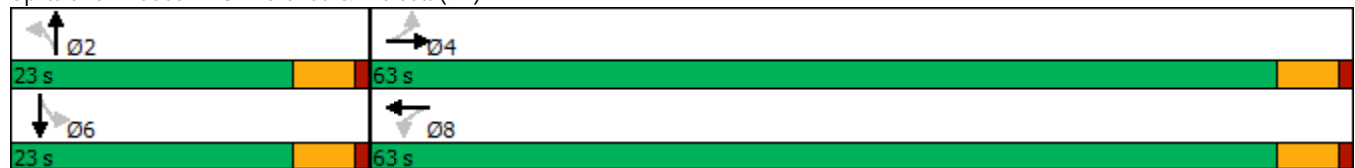
Intersection LOS: B

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

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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

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.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



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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 Fisheries¹, 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 final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

Regulatory Branch

SEP 30 2019

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon 248 Holdings, LLC

Beacon 248 Holdings, LLC
C/o Berry Kahn
120 Route 59
Suite 201
Suffern, New York 10901

Dear Mr. Kahn:

On April 16, 2019, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by The Chazen Companies, as consultant for the Chai Builders Corp. The site consists of approximately 9.18 acres, in the Fishkill Creek watershed, in the City of Beacon, Dutchess County, New York. The proposed project would involve mixed use residential and commercial development.

In the letter received on April 16, 2019, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on July 10, 2019, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On August 2, 2019, this office received the modified delineation.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark, as determined by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawing entitled "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated April 12, 2019. This drawing indicates that there are 1,941 linear feet of Fishkill Creek, encompassing a 1.55 acre area below the ordinary high water line on the project site which is part of a tributary system, and is considered to be waters of the United States.

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon Chai Builders Corp.

SEP 30 2019

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Interim Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers on October 1, 2015. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:
<http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/RecentJurisdictionalDeterminations.aspx>

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Program Manager, CENAD-PD-OR
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by NOV 29 2019. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon Chai Builders Corp.

SEP 30 2019

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please contact Brendan Newell, of my staff, at (917) 790-8417.

Sincerely,



Rosita Miranda
Chief, Western Section

Enclosures



®

Regulatory Program



®

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): SEP 30 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAN-2019-00513-WNE

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NY

County/parish/borough: Dutchess

City: Beacon

Center coordinates of site (lat/long in degree decimal format): Lat. 41.495399, Long. -73.968139.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☒ in report/map titled Map: "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated August 10, 2018 / Report: "Aquatic Resources Delineation Report, 248 - Beacon Chai Builders Corp., 248 Tioronda Avenue, Village of Beacon, Dutchess County, New York," prepared by The Chazen Companies, dated April 12, 2019.

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

☐ Office (Desk) Determination Only. Date:

☒ Office (Desk) and Field Determination. Office/Desk Dates: September 20, 2019 Field Date(s): July 10, 2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated August 10, 2018.

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date:

☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

☐ Data sheets prepared by the Corps. Title/Date:

☐ Corps navigable waters study. Title/Date:

☐ CorpsMap ORM map layers. Title/Date:

☐ USGS Hydrologic Atlas. Title/Date:

☐ USGS, NHD, or WBD data/maps. Title/Date:

☒ USGS 8, 10 and/or 12 digit HUC maps. HUC number: 020200080306.

☐ USGS maps. Scale & quad name and date:

☒ USDA NRCS Soil Survey. Citation: Web soil survey - project location.

☒ USFWS National Wetlands Inventory maps. Citation: NWI Mapper - project location.

☐ State/Local wetland inventory maps. Citation:

☐ FEMA/FIRM maps. Citation:

☒ Photographs: ☐ Aerial. Citation: Submitted by consultant. or ☐ Other. Citation:

☐ LiDAR data/maps. Citation:

☐ Previous JDs. File no. and date of JD letter:

- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

- ☐ "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

- ☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• **Complete Table 1 - Required**

- ☐ This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- ☐ (a)(2): All interstate waters, including interstate wetlands.

• **Complete Table 2 - Required**

- ☐ (a)(3): The territorial seas.

• **Complete Table 3 - Required**

- ☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

• **Complete Table 4 - Required**

- ☒ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 5 - Required**

- ☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

• **Complete Table 6 - Required**

- ☐ Bordering/Contiguous.

Neighboring:

- ☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- ☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- ☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- ☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- ☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- ☐ The review area is comprised entirely of dry land.
- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- ☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- ☐ (b)(2): Prior converted cropland.
- ☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- ☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- ☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- ☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- ☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- ☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- ☐ (b)(4)(iv): Small ornamental waters created in dry land.¹
- ☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- ☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- ☐ (b)(4)(vii): Puddles.¹
- ☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- ☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- ☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- ☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: Onsite waters include the main stem of Fishkill Creek and a small oxbow. The OHW was delineated as the OWH of Fishkill Creek by the consultant and is being included as part of one (a)(5) water onsite, which is Fishkill Creek above the head of tide.

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
19-513	Perennial	Tidal portion of Fishkill Creek	Yes	Water includes mainstem and oxbow portion of Fishkill Creek approximately 2000 linear feet upstream of the tidal portion of Fishkill Creek. Tidal influence in Fishkill Creek ends at the dam at South Avenue.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

[illegible]

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

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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

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

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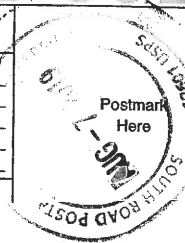
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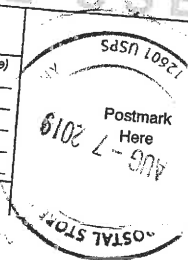
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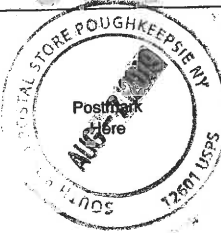
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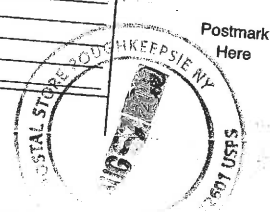
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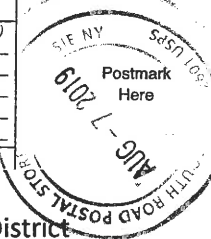
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Street and 10 Education Dr

City, State Beacon, NY 12508

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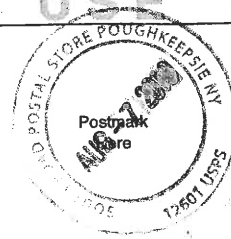
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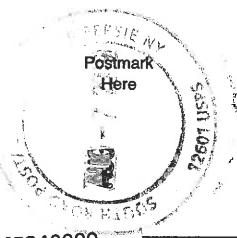
Se Crossix LLC

For Property: 13020000605400450665340000

Street and 50 Simmons Ln

City, State Beacon, NY 12508

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Certified Mail Fee

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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

\$

Sent To Terrance Davis

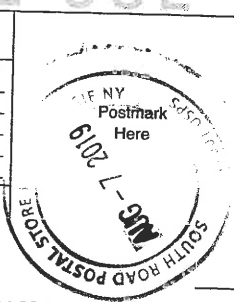
For Property: 13020000595400169594930000

Street and 94 Knevels Ave

City, State Beacon, NY 12508

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

See Reverse for Instructions



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

Postage

\$

Total Postage a

\$

Sent To Dolores J. Durkin, LT

For Property: 13020000605400450515660000

Street and Apt. 871 Wolcott Ave

City, State, ZIP+ Beacon, NY 12508

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



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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

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Total P

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Sent To

For Property:

Street a

City, Sta

Beacon, NY 12508

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

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7017 1450 0001 4756 4424

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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

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Total Postage an

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Sent To

For Property:

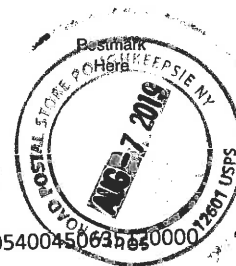
Street and Apt. No

City, State, ZIP+4

Beacon, NY 12508

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7017 1450 0001 4756 4493

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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

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Total Post

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Sent To

For Property:

Street and

City, State,

Beacon, NY 12508

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

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

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

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Postage

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Total P

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Sent To

For Property:

Street a

City, Sta

Beacon, NY 12508

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

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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

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Total Postag

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Sent To

For Property:

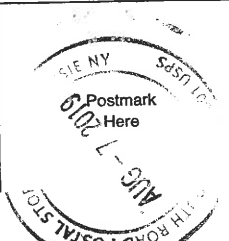
Street and Ap

City, State, Zi

Beacon, NY 12508

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

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7017 2620 0000 7746 3099

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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

\$

Sent To

For Property:

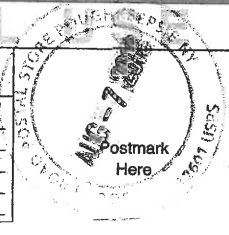
Street

City, S

New York, NY 10017

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

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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**

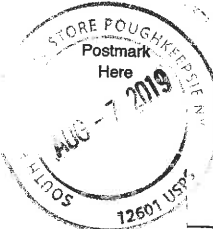
For Property: 13020000605400130214250000

Street and **23 Kristy Dr**

City, State **Beacon, NY 12508**

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<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**

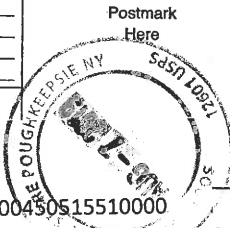
For Property: 13020000605400450515510000

Street and **22 Simmons Ln**

City, State **Beacon, NY 12508**

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<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**

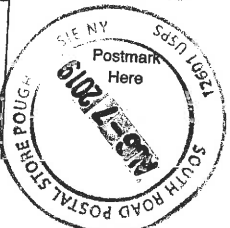
For Property: 13020000595400529985940000

Street and **87 Spring Valley St**

City, State **Beacon, NY 12508**

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<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**

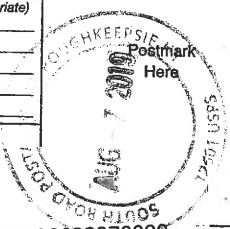
For Property: 13020000605400130023970000

Street and **3 Tracey Dr**

City, State **Beacon, NY 12508**

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

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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

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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 **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

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Postmark
Here

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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.

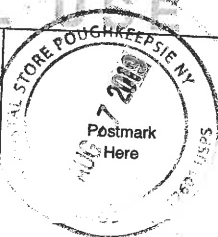
22 Kristy Dr

City, State, ZIP

Beacon, NY 12508

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

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7017 1450 0001 4756 4410

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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

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Total Postage

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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

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7017 1450 0001 4756 4431

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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.

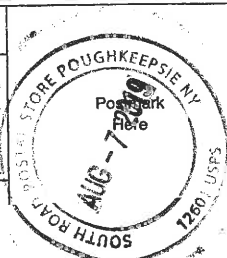
156 Highland Ave

City, State, ZIP

Marlboro, NY 12542

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

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7017 1450 0001 4756 4042

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

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Total Postage

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Sent To

Diana Vargas

For Property: 13020000595400169983870000

Street and Apt.

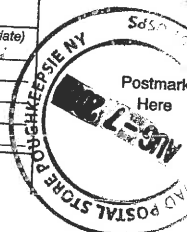
5 Tracey Dr

City, State, ZIP

Beacon, NY 12508

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

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<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

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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

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

Customer: CITY OF BEACON

Address: 1 MUNICIPAL PLZ
BEACON NY 12508
USA

Ad No.: 0003723722
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

City of Beacon City Council
Beacon, New York

AFFIDAVIT OF POSTING

In the matter of the application of

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

(Concept Plan approval)

248 Tioronda Avenue

(Property Address)

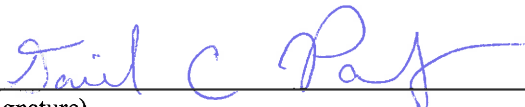
5954-16-993482 & 6054-45-012574

(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^{were} 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 S. Campbell

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

AREA
SPEED
LIMIT
25

PUBLIC NOTICE

A Public Hearing will be held on
July 15, 2015, 7:00 PM, at the
Brewer-Walsh Chapter, 1000 E. 1st St.,
Brewer, ME 04412, to discuss the
proposed changes to the City of Brewer
Zoning Ordinance.
The City of Brewer City Hall
One Municipal Plaza, Brewer, ME
Additional information is available at
Brewer-Walsh Chapter, 1000 E. 1st St.



City of Beacon Council Agenda
10/7/2019

Title:

Public Hearing to Discuss a Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon	Local Law

DRAFT LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 159 Article II of Code of the City of Beacon, concerning public nuisance abatement.

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

Section 1. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby repealed in its entirety.

Section 2. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby created as follows:

Article II Public Nuisance Abatement

§ 159-2 Findings and intent.

- A. The City Council finds that public nuisances exist in the City of Beacon in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law, New York State Uniform Building and Fire Code and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public, in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Beacon and its neighborhoods thereof, businesses thereof and visitors thereto.
- B. As a result of the activities occurring at these properties, and/or the conditions in which they are maintained, these properties tend to receive and require more than the general, acceptable level of police and code enforcement services. As a result they place an undue and inappropriate burden on the City’s taxpayers. The City Council has determined that existing laws do not sufficiently encourage such property owners to take reasonable steps to abate the nuisances that their properties are creating, and has determined that enhanced penalties will give such property owners additional incentives to ameliorate said problems and help to compensate the City for the increase in code enforcement services.
- C. This local law is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not adversely affect their neighborhoods, unduly burden the City’s resources and provide a mechanism for the City to take action against property owners who fail to ensure property they own does not require a disproportionate level of the City’s resources to be devoted to such property.

- D. This Article is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.
- E. This Article does not affect a property owner's duty to comply with all other laws governing residential tenancies which are contained in New York State Statutes.

§ 159-3 Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

MORTGAGEE

The person who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Dutchess County Clerk.

OWNER

The person in whose name the premises affected by an order, issued in accordance with this article, is recorded as the owner in the office of the Dutchess County Clerk.

PANEL

The Chief of Police of the City of Beacon or their designee, the Fire Chief of the City of Beacon or their designee, the City Administrator of the City of Beacon or their designee and the Building Inspector of the City of Beacon or their designee and a member of the Human Relations Commission.

PREMISES

The building, place or property whereon a public nuisance is being conducted or exists.

PUBLIC NUISANCE

- A. The below definition of public nuisance is not intended and shall not be interpreted to cover or include requests for assistance from police, medical, fire or ambulance services from an owner, tenant or occupant of a building or premises.
- B. For purposes of this article, a public nuisance shall be presumed to exist pursuant to § 159-5.B for any building, structure or real property as follows:
 - (1) Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marijuana, as defined by the State Penal Law.
 - (2) Any building, structure or real property used for prostitution as defined by the State Penal Law.
 - (3) Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material as defined by the State Penal Law.
 - (4) Any building, structure or real property used for illegal gambling activity as defined by the State Penal Law.
 - (5) Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons as defined by the State Penal Law.
 - (6) Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages as defined by the State Alcohol Beverage Control Law.

- (7) Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.
- (8) Any building, structure or real property used for loitering, as defined by the State Penal Law.
- (9) Any building, structure or real property wherein there exists or has occurred any violation of the City Code, including, but not limited to, Chapter 223, Zoning, and the New York State Uniform Fire Prevention and Building Code, including the property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.

§ 159-4 Nuisance forbidden.

No owner, operator, manger or tenant of any premises shall conduct, maintain, permit or allow the existence of a public nuisance at the premises.

§ 159-5 Prima Facie Evidence of Public Nuisance.

- A. Notice by first-class mail or personal service, from the City of Beacon, of the activities entailing a public nuisance to the owner, operator, manger or tenant of premises shall be prima facie evidence of knowledge of a public nuisance.
- B. The following shall constitute prima facie evidence of a public nuisance:
 - (1) The existence of two or more incidents of the following activities at any premises within the three-year period prior to the commencement of a civil action pursuant to this Chapter shall be prima facie evidence of the existence of a public nuisance:
 - (a) Any conviction or adjournment in contemplation of dismissal for any of the activities set forth in the definition of “public nuisance” in § 159-3 occurring on the premise.
 - (b) Service of an accusatory instrument (i.e. notice of violation or order to remedy) for a violation of the New York State Uniform Fire Prevention and Building Code and/or any violation of the Code of the City of Beacon occurring on the premise.
 - (c) Service of a search warrant on the building, structure or real property where controlled substances, marijuana and/or weapons are seized.
- C. The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

§ 159-6 Determination by Panel.

Whenever any Panel member has evidence to support a presumption of public nuisance, they shall notify the other members of the Panel to discuss the public nuisance. The Panel shall meet to review all supporting documentation, including copies of tickets and/or arrest paperwork. After its review, the Panel shall make a determination on whether a presumption of public nuisance exists at the premise.

§ 159-7 Service of notice.

- A. Once the Panel determines that a presumption of public nuisance exists, the Panel shall give notice to the property owner, and any other person directly or indirectly in control of the premises, and any tenants and/or occupants of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service.
- B. The notice provided for in Subsection A of this section shall:
- (1) Specify the activity creating the public nuisance;
 - (2) Provide 30 days for elimination of the public nuisance;
 - (3) Inform the owner or any other person directly or indirectly in control of the premises that, within five days after the 30 days has expired, the property owner must contact the City to schedule a meeting with the Panel to demonstrate to the Panel that the nuisance has been eliminated;
 - (4) Inform the owner or any other person directly or indirectly in control of the premises of their right to request a meeting with the Panel within 10 days of service of the notice;
 - (5) Inform the owner or any other person directly or indirectly in control of the premises that, upon expiration of 35 days after service without a meeting with the Panel, or upon noncompliance with any written agreement reached with the Panel, the City shall act to obtain compliance as provided by this article; and
 - (6) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days of receipt of said notice, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that, upon expiration of 30 days after service of the notice, the City shall proceed under § 159-10.

§ 158-8 Meeting with the Panel.

- A. Upon receipt of notice, any person served with a notice described in § 158-7, shall have 10 days upon receipt of notice to request a meeting with the Panel to devise an abatement plan to remedy the nuisance activity.
- (1) If an abatement plan is not agreed upon, or the owner fails to abide by the abatement plan and a nuisance activity occurs within 12 months following the date of the meeting, the Panel shall advise the City Council that a presumption of public nuisance exists on the premises.
 - (2) If the owner abides by the abatement plan and no new nuisance activity occurs within the 12 months following the date of the abatement plan, the public nuisance determination shall

be waived. Any presumption of public nuisance after 12 months shall require a new determination by the Panel and additional notice pursuant to § 158-7.

- B. If the property owner or any other person directly or indirectly fails to schedule a meeting with the Panel within 10 days of receipt of the notice described in § 158-7, they shall have 30 days after service of the notice to eliminate the public nuisance.
- (1) The property owner shall be required to appear before the Panel within five days after the 30 days has expired to demonstrate to the Panel that the nuisance has been eliminated. The property owner must contact the City to request a meeting with the Panel within such time.
 - (2) The Panel shall make a determination about whether the public nuisance has been eliminated. If Panel determines that the nuisance has been abated, the public nuisance determination shall be waived. Any presumption of a public nuisance after such waiver, shall require a new determination by the Panel and additional notice pursuant to § 158-7. If the Panel determines that the nuisance has not been abated, then the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.
 - (3) If the property owner fails to schedule the required meeting with the Panel, the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.

§ 159-9 Remedies enumerated.

- A. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil proceeding in the name of the City for the following types of relief:
- (1) Civil penalties. Civil penalties may be pursued in Dutchess County Supreme Court or in the City Court of the City of Beacon.
 - (2) Permanent injunction. Permanent injunction may only be pursued in Dutchess County Supreme Court.
 - (3) Temporary closing order, as set forth under § 159-13. Temporary closing of any structure may only be issued by the Dutchess County Supreme Court.
 - (4) Temporary restraining order. A temporary restraining order may only be pursued in Dutchess County Supreme Court.
 - (5) Temporary injunction. A temporary injunction may only be pursued in Dutchess County Supreme Court.

§ 159-10 Summons and complaint for civil action.

- A. If the nuisance is not corrected within 30 days of the date of service of the notice set forth in § 159-7, or upon noncompliance with any written agreement reached with the Panel, the Panel shall notify the City Council that a public nuisance exists.
- B. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil action in the name of the City to abate a public nuisance and shall commence a civil action by filing a summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.

- C. The summons and complaint shall name as defendant at least one of the owners of some portion of or having some interest in the property, as set forth in the last filed tax roll, and shall describe the owner's premises by tax number and/or street address.
- D. The summons and complaint may also name as defendant any owner, operator, manager or tenant of the premises.
- E. The complaint shall allege the facts constituting the public nuisance.
- F. The complaint shall be accompanied by an affidavit, to affirm that the owner or their agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- G. Because the public nuisance is conducted, maintained, permitted or allowed in the City of Beacon, the venue of such action shall be in Dutchess County Supreme Court or in the City Court of the City of Beacon.
- H. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested, to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- I. With respect to any action commenced or to be commenced, the City Attorney may file a notice of pendency pursuant to the New York State Civil Practice Laws and Rules.

§ 159-11 Civil penalty.

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment in Supreme Court or in City Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, notwithstanding any other provision in the Beacon City Code concerning penalties, a penalty may be awarded as follows for each day it is found that the defendant conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the City:

Period of noncompliance	Penalty per day
1-15 days	\$ 1,000
16-30 days	\$ 2,500
31 days or more	\$ 5,000

§ 159-12 Permanent injunction.

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment in Dutchess County Supreme Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendant from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the City to remove and correct any condition(s) in violation of the City Code. The judgment may further order that the cost of removing and correcting the violation(s), plus a charge of 50% as compensation to the City of administration and supervision expenses, be charged against defendant(s) and awarded to the City. The judgment may further order that the cost of removing and correcting the violation(s), plus the charge of

50% as compensation to the City for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner as provided by law for the collection of real property taxes within the City.

- D. A judgment ordering a permanent injunction may direct the closing of the premises by the City, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Laws and Rules and of the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

§ 152-13 Closing of the building, structure or real property.

- A. If the judgment directs the closing of the building, structure or real property, the City shall serve the judgment upon defendant(s) in the manner required by the New York State Civil Practice Laws and Rules and shall post a copy of the judgment upon one (1) or more of the doors at entrances of the building, structure or real property, or in another conspicuous place on the building, structure or real property.
- B. In addition, the City shall affix upon one (1) or more of the doors at entrances of the building, structure or real property or in another conspicuous place on the building, structure or real property, a printed notice stating "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending to enter the premises. Mutilation or removal of such posted judgment or notice while it remains in force will be considered a separate violation and shall be punishable as contempt of court.
- C. After posting, the City may then command all persons present in the building, structure or real property to vacate the property forthwith. After the building, structure or real property has been vacated, the City may secure the premises.
- D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than a year from the posting of the judgment.
- E. A closing by the City shall not constitute an act of possession, ownership or control by the City.

§ 159-14 Administrative liability.

Neither the City of Beacon, nor any officer, agent or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this article.

§ 159-15 Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to other persons or circumstances shall not be rendered invalid thereby.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law

shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

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 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Approving the Promotion of George Joseph to Water and Sewer Maintenance Mechanic

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving the Promotion of George Joseph to the Position of Water and Sewer Mechanic	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION APPROVING THE APPOINTMENT OF GEORGE JOSEPH TO
THE POSITION OF WATER AND SEWER MAINTENANCE MECHANIC**

WHEREAS, George Joseph is currently employed in the position of Water and Sewer Maintenance Helper; and

WHEREAS, Mr. Joseph meets the qualifications for the position of Water and Sewer Maintenance Mechanic; and

WHEREAS, based on the recommendation of the City Administrator, the Mayor has appointed/promoted Mr. Joseph to the position of Water and Sewer Maintenance Mechanic in the City of Beacon Water Department; and

WHEREAS, the City Council wishes to approve the Mayor's appointment/promotion of Mr. Joseph to the position of Water and Sewer Maintenance Mechanic in the City of Beacon Water Department.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment/promotion of George Joseph to the position of Water and Sewer Maintenance Mechanic, effective as of October 8, 2019.

BE IT FURTHER RESOLVED that such appointment is subject to a probationary period of twenty-six weeks.

Resolution No. ____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Approving Hiring a Part-Time Employee in the Transfer Station

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving Hiring a Part-Time Employee in the Transfer Station	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO HIRE DAVID SECOR FOR
THE POSITION OF HIGHWAY DEPARTMENT LABORER**

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the City of Beacon to hire David Secor to a part-time position in the Highway Department as Laborer.

Resolution No.____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
10/7/2019

Title:

Resolution to Enter into an Agreement with New Windsor Treatment, LLC

Subject:

Background:

ATTACHMENTS:

Description	Type
Agreement Between the City of Beacon and New Windsor Treatment, LLC	Agreement
Resolution Authorizing an Agreement with New Windsor Treatment, LLC	Resolution

AGREEMENT

Between City of Beacon and New Windsor Treatment, LLC

This Agreement is entered into this ____ day of ____, 2019 by and between New Windsor Treatment, LLC, a domestic limited liability company, with corporate offices located at 117 Green Road, Sparta, New Jersey and local offices located at 77 Lehigh Avenue Chester, New York (hereinafter “New Windsor”) and the City of Beacon, a municipal corporation, duly organized and existing under the laws of the State of New York, having its principal office at One Municipal Plaza, Beacon, New York (hereinafter the “City”) (collectively referred to herein as the “Parties”).

WHEREAS, the City’s Wastewater Treatment Facility Plant (the “Plant”) receives all the wastewater produced in the City of Beacon and the Dutchess Park area of Fishkill; and

WHEREAS, the Treatment Facility also accepts and processes septage and sewer sludge from New Windsor, an outsider hauler, to generate revenue to assist in the Plant’s operation and maintenance.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

1. PURCHASE AND USE OF UNUSED SEWAGE CAPACITY.

- a. New Windsor may purchase from the City of Beacon portions of the permitted, unused leachate/sewage capacity as determined by the City of Beacon.
- b. New Windsor shall pay the City, one-month in advance, two (2) cents per gallon, in 20,000-gallon increments for the above-referenced capacity.
- c. Only sewage pre-approved by the City of Beacon Waste Water Treatment Plant may be delivered to the Plant and placed in a storage tank supplied by New Windsor.
- d. Every vehicle delivering sewage shall have a current, valid New York State Department of Environmental Conservation (DEC) permit.
- e. New Windsor shall provide the Plant Operator a list of all delivery vehicles. The list shall include, at a minimum, the following information for each vehicle: (i) New York State DEC permit number, (ii) capacity and (iii) license plate number.
- f. If at any time, the Plant requires maintenance or there is a Plant malfunction delivery will cease immediately and resume only when the Plant maintenance or malfunction has been corrected. The Plant Operator shall provide reasonable notice to New Windsor, if feasible, of any scheduled maintenance. The Plant Operator shall notify New Windsor when deliveries are permitted to continue.

2. **PERMITTED STORAGE TANK.** New Windsor shall install one storage tank in a location approved by the Wastewater Superintendent. The Wastewater Superintendent, may at any time, in his or her sole discretion, select a new location for the storage tank. New Windsor shall be required to move the storage tank to the approved location upon ten (10) days written notice.
3. **OPERATIONS.**
 - a. The Wastewater Superintendent must approve any and all waste before it can be dumped into a storage tank.
 - b. New Windsor shall pay the City of Beacon a one-time \$75.00 waste acceptability verification approval fee for each new customer.
 - c. The Wastewater Superintendent shall review and approve the analyticals for each new customer.
 - d. Hauled wastes are subject to sampling by the City. The hauler may be required to suspend the discharging of wastes until the analysis is complete. The City reserves the right to refuse permission to dump any load.
 - e. Any waste that may cause pass-through of pollutants or interfere with the wastewater treatment plant operations, or that violates Federal, State, or local restrictions, shall not be discharged to the Plant.
4. **DUTY TO MITIGATE.** New Windsor shall take all reasonable steps to minimize or correct any adverse impact to the Plant or the environment resulting from New Windsor's use of the Plant and any noncomplying discharge or release, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge or release.
5. **MONTHLY RENTAL FEE.** New Windsor shall pay the City a monthly rental fee of \$100.00 by the last day of every month, to receive and process septage and sewer sludge from New Windsor.
6. **TERM.** This Agreement shall commence on the date set forth herein and shall continue in effect for ten (10) years, unless terminated earlier as provided herein.
7. **TERMINATION.** This Agreement can be terminated by either party at any time upon thirty (30) days written notice to the other party for any reason. Upon termination of the Agreement, New Windsor shall stop all work and remove all equipment from the site.
8. **DEFENSE AND INDEMNIFICATION.** New Windsor agrees to the fullest extent permitted by law to defend, indemnify and hold the City, its Administrator, officers, officials, and employees harmless from any and all losses, claims, liens, demands and causes for action, including but not limited to, judgments, penalties, interest, court costs, and legal fees, which, in whole or in part, arise from, relate to, or are connected with the

willful, reckless or negligent actions of New Windsor, its employees, directors, officers, agents or assigns under this Agreement; and any breach or violation by New Windsor of any provision of this Agreement, or any federal, state or local law or regulation.

9. **INSURANCE.**

- a. New Windsor shall, at its sole cost and expense, maintain and keep in full force and effect during the Term of this Agreement the following types of insurance:
 - i. General Liability Insurance, with limits of no less than \$1,000,000 each occurrence and \$2,000,000.00 annual aggregate limits. The City of Beacon shall be named as an additional insured on the policy. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, New Windsor waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents.
 - ii. Workers' Compensation, Employers Liability Insurance and New York State Disability Insurance, covering operations in New York State. Policy shall include all employees. Proof of coverage must be on the approved specific form, as required by the New York State Workers' Compensation Board. ACORD certificates are not acceptable. To the extent permitted by New York law, New Windsor waives all rights of subrogation or similar rights against City of Beacon, its assigns, officers, employees, representatives and agents.
 - iii. Comprehensive Automobile Policy, with limits no less than \$1,000,000 Bodily Injury and Injury and Property Damage liability including coverage for owned, non-owned, and hired private passenger and commercial vehicles. The policy shall be written on a primary and non-contributing coverage basis. To the extent permitted by New York law, New Windsor waives all rights of subrogation or similar rights against City of Beacon, its assigns, officers, employees, representatives and agents. The City of Beacon shall be named as an Additional Insured on the policy.
 - iv. Umbrella Liability, with limits no less than \$5,000,000, including coverage for General Liability and Automobile Liability. The City of Beacon shall be named as an Additional Insured on the policy. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, the New Windsor waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents.
 - v. Environmental Contractors Liability (Pollution Liability) in the amount of \$2,000,000 occurrence/\$2,000,000 aggregate, including products and completed

operations. If a retroactive date is used, it must pre-date the inception of the contract. If the contractor is using motor vehicles for transporting hazardous materials, the contractor shall provide pollution liability broadened coverage (ISO endorsement CA 9948 or equivalent) as well as proof of MCS 90. The Additional Insured status should also be primary and non-contributory with all rights of subrogation waived for the City of Beacon, its assigns, officers, employees, representatives and agents.

- b. Certificates shall provide that thirty (30) days written notice, by registered mail with return receipt requested, prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during term of work shall be recertified and received by the City of Beacon no less than thirty (30) days prior to expiration or cancellation.
 - c. New Windsor shall furnish to the City of Beacon Certificates of Insurance as evidence of coverage naming the City of Beacon as an Additional Insured by endorsement. The cost of furnishing the above insurance shall be borne by New Windsor. Copies of the required insurance certificates shall be provided by June 15th of each year.
10. **COMPLIANCE.** New Windsor, at its sole cost and expense, shall comply with all federal, state and municipal laws, rules and regulations applicable to the work and/or services to be performed hereunder.
11. **NOTICES.** Wherever in this Agreement notices are required to be delivered by one party to the other, then the same shall be in writing by first-class mail or personal delivery and addressed to the City at One Municipal Plaza, Beacon, New York 12508, and to New Windsor at both addresses set forth above.
12. **NON-ASSIGNMENT.** New Windsor, shall not assign, transfer or convey any of its respective rights or obligations under this Agreement or subcontract any portion of the services set forth herein, without the prior written consent of the City, which consent may be withheld for any reason whatsoever.
13. **NON-WAIVER.** No failure by the City to insist upon the strict performance of any term, covenant, agreement or provision of this Agreement or to exercise any right or remedy upon a breach thereof, and no acceptance by the City of any services during the continuance of any breach, shall constitute a waiver of any breach or of any term, covenant, agreement or provision.
14. **MODIFICATION OR AMENDMENT.** No amendment, change or modification of this Agreement shall be valid unless in writing, signed by both parties hereto.

15. **ENTIRE UNDERSTANDING.** This Agreement shall constitute the entire understanding between the parties and any and all prior agreements, commitments, understandings and representations are merged herein and are of no further force and effect.
16. **GOVERNING LAW.** This Agreement shall be governed by the laws of the State of New York. Any litigation between the parties shall be venued in an appropriate court located in Dutchess County, New York.
17. **SEVERABILITY.** If any provision of this Agreement shall be held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby but shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year last written above.

BY:

BY:

Frank G. Coppola
New Windsor Treatment, LLC

Anthony Ruggiero
City Administrator, City of Beacon

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
COUNTY OF DUTCHESS) ss.:

On the ____ day of _____, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF DUTCHESS) ss.:

On the ____ day of _____, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signatures on the instrument, the individual, and the person upon behalf of which the individual acted, executed the instrument.

Notary Public



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION AUTHORIZING AN AGREEMENT WITH
NEW WINDSOR TREATMENT, LLC**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Administrator or Mayor to enter into an Agreement between the City of Beacon with New Windsor Treatment, LLC, subject to the approval of the City Attorney and City Administrator as to the form and substance of the Agreement.

Resolution No.____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Setting a Public Hearing to Discuss the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street for October 21, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting a Public Hearing to Discuss the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park for October 21, 2019	Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ 2019

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE SUBMISSION OF THE
FISCAL YEAR 2020 DUTCHESS COUNTY COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM APPLICATION FOR CONSTRUCTION OF A WALKWAY IN
MEMORIAL PARK FOR OCTOBER 21, 2019**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to Discuss the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park for October 21, 2019.

Resolution No. ____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Setting a Public Hearing to Discuss a Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance for October 21, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting A Public Hearing to Discuss the Proposed Local Law to Amend Chapter 149 and Chapter 223, Section 29 of the Code of the City of Beacon Regarding Noise Regulations	Resolution
Proposed Local Law to Amend Chapter 149 and Chapter 223 Section 29 of the Code of the City of Beacon	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A PROPOSED LOCAL LAW
TO AMEND CHAPTER 149 AND CHAPTER 223 SECTION 29 OF THE CODE OF THE
CITY OF BEACON REGARDING NOISE REGULATIONS FOR OCTOBER 21, 2019**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to Discuss the Proposed Local Law to Amend Chapter 149 and Chapter 223, Section 29 of the Code of the City of Beacon Regarding Noise Regulations.

Resolution No.____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

DRAFT LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 149 AND CHAPTER 223 SECTION 29 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 149 and Chapter 223 Section 29 of Code of the City of Beacon, concerning noise regulations.

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

Section 1. Chapter 149 of the Code of the City of Beacon entitled “Noise” is hereby repealed in its entirety.

Section 2. Chapter 149 of the Code of the City of Beacon entitled “Noise” is hereby adopted as follows:

§ 149-1 Title.

This Chapter shall be known and cited as the "City of Beacon Noise Control Law."

§ 149-2 Legislative Intent.

The intent of this Chapter is to supersede the present Noise Control Law of the City of Beacon by the enactment of the following provisions, definitions and standards for noise elimination or abatement in the City of Beacon.

§ 149-3 Findings and declarations.

It is hereby found and declared that:

- A. The making, creation or maintenance of loud, unnatural or unusual noises, which are prolonged and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the City of Beacon.
- B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Beacon and its inhabitants.

§ 149-4 Definitions.

As used in this Chapter, the following terms shall have the meanings as indicated:

AFFECTED PERSON

Any person who has lodged a Noise complaint with the Building Department or Police Department that he or she is the receptor of Noise on property within the City, and said Affected Person has an interest in the property as an owner, tenant, or employee.

AMBIENT SOUND

The sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of the source or sources under investigation for potential violation of this Chapter and excluding the contribution of extraneous sound sources. Ambient sounds are differentiated from extraneous sounds by the fact that ambient sounds are being emitted the majority of the time although they may not be continuous. Examples of ambient sounds may include steady traffic of properly muffled vehicles, summer insects in the distance, pedestrians talking, and adjacent commercial/industrial operations or mechanical equipment.

COMMERCIAL DISTRICT

All commercial districts as defined § 223-2 of the Code of the City of Beacon.

COMMON WALL BUILDING

Any building wherein there are two or more dwelling units.

COMMERCIAL FACILITY

Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking or other financial institutions.
- B. Dining establishments.
- C. Establishments providing retail services.
- D. Establishments providing wholesale services.
- E. Establishments for recreation and entertainment, including the serving of alcohol.
- F. Office buildings.
- G. Transportation.
- H. Warehouses.
- I. Establishments providing commercial living accommodations and commercial property used for human habitation, when such is the source of the sound under investigation.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

CONTINUOUS SOUND

Sound with a duration of one second or longer measured by the slow response of a sound level meter. Impulsive sounds that are rapidly repetitive and occur over a period of time with a

duration of one second or longer shall be measured as continuous sound.

CORRECTED SOURCE SOUND LEVEL

The sound level attributable to the source or sources under investigation for potential violation of this Chapter, which is calculated by subtracting the measured ambient sound level from the measured total sound level.

DAYTIME HOURS

The hours between 7:00 a.m. and 9:00 p.m.

dB(A)

The sound level as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(A). The "A" weighting network discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear.

DECIBEL

The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated as "dB."

DEMOLITION

Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

EXTRANEIOUS SOUND

Any sound that is intense and intermittent, and is neither ambient sound nor sound attributable to a source or sources under investigation for a potential violation of this chapter. Such sound includes but is not limited to sirens of emergency vehicles, unusually loud motor vehicle exhaust or braking, people shouting or talking next to the sound level meter, animal vocalizations, aircraft or trains passing, car door slams, etc. When conducting compliance measurements, such extraneous sound sources may be noted but their sound levels are excluded.

INDUSTRIAL PROPERTY

Property used for the production and fabrication of durable and nondurable man-made goods.

IMPULSE SOUND

Any sound with a rapid onset and rapid decay with either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

LEGAL HOLIDAYS

New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

MOTORIZED EQUIPMENT

Any power equipment utilizing an electric or internal-combustion engine.

MOTOR VEHICLE

Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER

A sound-dissipative device or system for abating the sounds of escaping gasses of an internal-combustion engine.

MULTI-USE PROPERTY

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent thereto.

NIGHTTIME HOURS

The hours between 9:00 p.m. and 7:00 a.m.

NOISE CONTROL ADMINISTRATOR

The Code Enforcement Officer, the Building Inspector of the City of Beacon or the City of Beacon Police Department.

NOISE DISTURBANCE

Any sound that:

- A. Endangers the safety or health of any person.
- B. Disturbs a reasonable person of normal sensitivities, or
- C. Endangers personal or real property.

OUTDOOR SOUND

Sound or noise originating or emanating from outside a building or structure.

PERSON

Any individual, corporation, company, association, society, firm, partnership or joint-stock company.

PLAINLY AUDIBLE

Any sound that can be detected by an investigator using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a sound production device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The investigator need not determine the title, specific words, or the artist performing the song.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

PUBLIC SPACE

Any real property or structures therein that are either owned, leased or controlled by a governmental entity. Public space includes but is not limited to parks, sports fields or lots.

REAL PROPERTY LINE

Either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a common wall building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit).

RESIDENTIAL PROPERTY

Property used for human habitation, including but not limited to:

- A. Private property used for human habitation.
- B. Commercial living accommodations and commercial property used for human habitation.
- C. Recreational and entertainment property used for human habitation.
- D. Community service property used for human habitation.
- E. Hospitals, long-term medical or residential care facilities.

SOUND LEVEL

Unless otherwise stated, the sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

SOUND-LEVEL METER

An instrument used to measure sound level which conforms to Type 1 or Type 2 standards specified by the American National Standards Institute "Specifications for Sound Level Meters" S1.4-1984 (or subsequent revisions).

SOUND LEVEL METER CALIBRATOR

An instrument used to conduct field calibration checks of a sound level meter, and which conforms to the American National Standards Institute "Specifications and Verification Procedures for Sound Calibrator" S1.40-2006 (or subsequent revisions).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

TOTAL SOUND LEVEL

The measured level which represents the sum of sound from the source or sources under investigation for potential violation of this code and the ambient sound sources, excluding any extraneous sound, when measured on the property of an affected person or at another specified location.

§ 149-5 Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause or allow, orally or mechanically, any noise disturbance affecting persons in the City of Beacon.

- A. The general standards to be considered in determining whether such noise disturbance exists include, but are not limited to, the following:
- (1) The intensity of the noise under investigation for violation of this Chapter.
 - (2) Whether the nature of the noise is usual or unusual.
 - (3) Whether the origin of the noise is natural or unnatural.
 - (4) The volume and intensity of the ambient noise, if any.
 - (5) The proximity of the noise to parks or other public places, hospitals, nursing homes, day-care centers or schools, and houses of worship.
 - (6) The nature and the zoning district of the area within which the noise emanates.
 - (7) Whether the noise trespasses into a residential dwelling and infringes on the ability of an affected person to repose or sleep, or trespasses into a commercial establishment and infringes on the ability of an affected person to conduct normal business activities.
 - (8) The time of day or night the noise occurs.
 - (9) The duration of the noise.
 - (10) Whether the sound source is temporary.
 - (11) Whether the noise is continuous or impulsive.
 - (12) The presence of discrete tones
 - (13) Whether the emission of the noise is purposeful or unnecessary and serves no legitimate purpose.

§ 149-6 Sound level limits.

- A. No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table 1, when measured at or within the property line of an affected person.
- (1) Continuous Sound. The limit in Table 1 may not be exceeded in three or more measurement periods within any one-hour period. Each measurement period must be no less than one half minute. If the total duration of the sound under investigation is less than

one and one half minute, the requirement for a minimum of three measurements shall be waived.

TABLE 1
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
BY RECEIVING LAND USE
dB(A)

Residential ¹ Daytime	Residential Nighttime	Commercial 24 hours	Industrial 24 hours
OUTDOORS			
60	50	65	70
INDOORS ¹			
50	40	55	60

1. Indoor measurements for compliance with Table 1 shall only be taken if the sound source is on or within the same building as the receiving building, as in the case of a common wall building or a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, floor or ceiling

(2) Impulsive Sound:

- (a) No person shall make, cause, allow or permit the operation of any impulsive source of sound that has a maximum sound level in excess of eighty (80) dBA, when measured at or within the real property line of an affected person. If an impulsive sound occurs more frequently than ten (10) times in any half hour period the levels set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table 1 shall apply.
- (b) If measurements of impulsive sound are conducted indoors, the permissible limit is sixty (60) dBA. If an impulsive sound occurs more frequently than ten (10) times in any half hour the levels set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table 1 shall apply.

§ 149-7 Specific prohibited acts, restricted uses and activities

In addition to the general prohibitions set out above and the maximum permissible sound levels set out in Table 1, and unless otherwise exempted in this Chapter, the following specific acts are hereby declared to be in violation of this Chapter. This enumeration shall not be deemed to be exclusive.

- A. Sound production devices, commercial or residential: operating, playing or permitting the operation or playing of any sound production device, in such a manner as to create a noise disturbance at or within the property line of any affected person..

- (1) Prima facie evidence of a violation of this section and the creation of a noise disturbance

shall include but not be limited to the operation of such a device during nighttime hours in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.

(2) The limits in Table I shall also apply at all times.

- B. Loudspeakers and public-address systems mounted outdoors: using or operating any loudspeaker, public-address system or similar device at any commercial or industrial facility is prohibited during nighttime hours, unless it is for the purposes of safety..
- C. Animals: it shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which creates a noise disturbance or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the noise disturbance when ordered to do so by a Noise Control Administrator. Prima facie evidence of a violation of this section shall include but not be limited to:
- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for ten (10) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.
 - (3) It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.
- D.
- E. Motor vehicles:
- (1) Operating or permitting the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any sixty-minute period so out of repair or in such a condition as to create a noise disturbance.
 - (2) No motor vehicle may be operated without a properly functioning muffler on a public right-of-way. The operation of a vehicle which is unmuffled or is equipped with straight pipes is a violation of this Chapter.
 - (3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator.
 - (4) The registered owner of the vehicle, if present when the violation occurs, is in violation of this section. If the owner of the vehicle is not present, the violation will be served upon the person in charge or control of the vehicle, or anyone who assists in the production of the sound that is found to be in violation.
 - (5) The horn or signaling device on any motor vehicle may not be operated, except when used as a danger or traffic warning signal, and such operation must terminate when the danger has passed.
 - (6) An exterior alarm of a motor vehicle must not audibly sound for more than five minutes

continuously or 10 minutes intermittently. While operating within these parameters, the limits in Table 1 do not apply.

- (7) It shall be unlawful to create a noise or disturbance or operate a motor vehicle in such a manner as to cause excessive squealing or other excessive noise of the tires.
- F. Construction, repair and demolition: excluding emergency work, operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation shall not be permitted during nighttime hours on any day unless it can meet the limits in Table 1. At all other times the limits set forth in Table 1 do not apply. This section shall not apply to road maintenance/ improvement on preexisting roads or preventative maintenance on the sewer mains and pipes, on which daytime construction would prove disruptive to traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler.
- G. Power tools: operating power tools used for landscaping and yard maintenance, excluding emergency work, within 200 feet of a residential property line shall not be permitted during nighttime hours, unless such activities can meet the limits set forth in Table I. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits in Table 1 do not apply.
- I. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, shout, bell, musical instrument, tool or engine.
- J. The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during daytime hours and for the minimum duration suggested by the manufacturer. Such testing/exercising of a generator shall not be conducted on any Legal Holiday. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in Table 1 apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a Residential District unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.
- K. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a frequent, repetitive or continuous noise disturbance across the real property line of an affected person or during nighttime hours is prohibited. When these activities are conducted during daytime hours, and do not cause a noise disturbance, the limits in Table 1 do not apply.

§ 149-8 Exemptions.

The following sounds are exempt from the restrictions of this Chapter:

- A. Sounds from motorized equipment such as power tools, lawn mowers and garden equipment when operated during daytime hours.
- B. Sound from bells or chimes, which may include electronic devices that imitate the sound of bells or chimes, while being used in conjunction with religious services.

- C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal.
- D. Sound from an exterior burglar alarm of any building, provided that such alarm shall terminate within 15 minutes after it has been activated.
- E. Sound used for the purposes of alerting a person of an emergency.
- F. Sound from the performance of emergency work.
- G. Sound from a municipally sponsored event. Permitted events are subject to the conditions of the permit, which may include restrictions on the hours of operation and alternative sound level limits.
- H. National warning system (NAWAS); systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane.
- I. Sounds from municipal-sponsored projects, work or repairs as ordered by the City Administrator, or his or her designee, including public or private garbage pickup.
- J. Motor vehicles on public roadways otherwise in compliance with §149-7E
- K. The unamplified human voice **is exempt from the sound level limits of this Chapter, however, it may be determined that an individual is creating a noise disturbance pursuant to § 149-5.**
- L. Surface carriers engaged in commerce by railroad.
- M. Noise of aircraft flight operations.

§ 149-9 Inspections.

- A. For the purpose of determining compliance with the provisions of this Chapter, the Noise Control Administrator or his or her designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- B. No person shall refuse to allow the Noise Control Administrator or his or her designated representative to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.
- C. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Noise Control Administrator and/or designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere

with any authorized person while in the performance of his/her duties under this Chapter.

§ 149-10 Sound production at commercial establishments serving alcohol or food, or presenting live or recorded musical performances.

- A. Notwithstanding any other provisions of this chapter, commercial establishments such as bars, restaurants, cabarets, or performance venues shall conform to the following standards:
- (1) There shall be no use of an amplified sound production device outdoors, except where such outdoor music is played in connection with any special event permitted under § 211-13.2, including Spirit of Beacon Day.
 - (2) Commercial facilities operating, playing or permitting the operation or playing of any amplified sound production device indoors shall keep their doors and windows closed, except as necessary for entrance or egress.
 - (3) The use of non-amplified acoustic musical instruments is permitted outdoors, with the exception of any percussion instrument (e.g., drums). The limits in Table 1 shall apply to their use.
 - (4) The limits in Table 1 shall apply at all times.
 - (5) During nighttime hours a sound production device may not be operated in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.
 - (6) The use of outdoor amplified sound production devices shall be permitted for the purposes of providing low-level background music for outdoor dining if the device is more than 50 feet from the property line of any affected person and the sound level does not exceed 60 dBA when measured at a distance of 10 feet from that device.

§ 149-11 Outdoor music permits for private or public events and certain construction projects.

- A. For purposes of this section, the following sound sources shall require permit approval from the City of Beacon:
- (1) Private or public events. Any person seeking to hold a public or private celebration which may violate provisions of this Chapter may apply for a permit which will allow the event to exceed the restrictions within this Chapter, subject to the restrictions set forth in said permit. A separate noise permit will not be required where the Applicant is required to obtain a permit in connection with any special event permit defined in § 211-13.2.
 - (2) Construction projects outside of permissible hours.
- B. Noise Permit Application Procedures
- (1) Applications for permits shall be made to the City Clerk and shall be reviewed and approved by the City Administrator, Chief of Police and Building Inspector. The permit shall be issued by the City Clerk. The City shall have the power to impose restrictions and conditions upon any sound source site.
 - (2) Applicants shall submit an application at least 30 days prior to the proposed occurrence/event. The City may, in its sole discretion, accept applications on less than 30 days notice upon good cause shown for not timely submitting
 - (3) Applications for a noise permit shall set forth the following information. The applicant's failure to supply the foregoing information shall be cause for rejection of the application.
 - (a) The name and address of the applicant.
 - (b) The name and location of the noise source for which such application is made.
 - (c) The nature and intensity of noise that will occur during the period of the permit.
 - (d) Applications for after-hours construction permits shall also include an explanation as to why the construction could not be completed during regular hours, as well as a presentation of adequate proof that compliance with this Chapter would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public
 - (4) The permit shall enumerate the specific date(s) and times for which the permit is valid and may establish specific sound level limits that apply during the period of the permit which may not be exceeded at the nearest affected residential or noise sensitive property
 - (5) The permit shall be posed conspicuously within the facility.
 - (6) No permit issued under the provisions of this Chapter may be transferred or assigned from one owner to another owner or from one establishment to another

establishment.

(7) A permit fee as set forth on the City of Beacon fee schedule shall be required.

C. The following factors shall be taken into consideration when determining said noise permit application:

- (1) The character and degree of injury to, or interference with, the health and welfare of the reasonable use of property which is caused or threatened to be caused by the sound to result from the permit.
- (2) The social and economic value of the activity for which the permit is sought.
- (3) The ability of the applicant to apply best practical noise control measures, if appropriate.
- (4) The number of permits previously issued to the applicant.
- (5) The number of permits issued permitting sound source operations at the subject property.
- (6) The number of previous noise complaints received in connection with the operation of any sound source at the subject property.

D. If the noise permit is denied, the reasons for the denial shall be provided to the applicant in writing.

E. Revocation of permit. The permit may be immediately revoked by the Building Inspector, Chief of Police and/or City Administrator if:

- (1) There is a violation of one or more conditions of the permit, including but not limited to sound level limits specified in the permit; or
- (2) There is a material misrepresentation of fact in the permit application; or
- (3) There is a material change in any of the circumstances relied upon in granting the permit.

§ 149-12 Enforcement

The Code Enforcement Officer, the Building Inspector of the City of Beacon or the City of Beacon Police Department is hereby empowered and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter.

§ 149-13 Penalties for offenses.

Any violation of any provision of this chapter or violation of a lawful abatement order shall constitute an offense.

- A. For a first offense, a fine of \$100 shall be imposed.
- B. For a second offense occurring within one year of the first offense, a fine of up to \$250 may be imposed for each such additional violation.
- C. For a third or further violation, a fine of no more than \$500, and/or a class B misdemeanor punishable by imprisonment for up to 30 days.
- D. Each day that a violation of this chapter exists may constitute a separate violation. If the sound source found to be in violation is a sound production device, each separate hour in which a violation of this chapter exists may constitute a separate violation. The owner of the property and/or the owner of the commercial establishment from which sound is emitted and the person causing the generation of the sound are separately liable for a violation of this Chapter.

Section 3. Chapter 223, Article IV Section 29 of the Code of the City of Beacon entitled “Noise” is hereby deleted in its entirety.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the Code of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 6. Severability

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 filing with the Office of the Secretary of State.

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Conformity Required for Land Use Approvals for October 21, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Conformity Required for Land Use Approvals	Resolution
Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION TO SET A PUBLIC HEARING TO DISCUSS A PROPOSED LOCAL LAW
TO AMEND CHAPTER 22, ARTICLE III, SECTION 7 OF THE CODE OF THE CITY OF
BEACON REGARDING CONFORMITY REQUIRED FOR LAND USE APPROVALS**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to discuss the Proposed Local Law to Amend Chapter 22, Article III, Section 7 of the Code of the City of Beacon Regarding Conformity Required for Land Use Approvals for October 21, 2019.

Resolution No.____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW TO AMEND CHAPTER 223, ARTICLE III, SECTION 7, OF
THE CODE OF THE CITY OF BEACON**

A LOCAL LAW amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon concerning conformity required for land use approvals.

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

Section 1. Chapter 223, Article III, Section 7 of the Code of the City of Beacon entitled “Conformity Required” is hereby amended as follows:

§ 223-7. Conformity required.

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or any manner, except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located. The details of any plan or site plan approved by the City Council, Planning Board or Board of Appeals acting under the terms of this chapter and any conditions attached to such approval as set forth on the plan or Resolution shall be deemed to be such requirements.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Article III, of the Code of the City of Beacon is otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this

Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective date.

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

City of Beacon Council Agenda
10/7/2019

Title:

Resolution Setting a Public Hearing to Discuss a Special Use Permit for 23-28 Creek Drive, LLC for November 4, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting A Public Hearing to Discuss a Special Use Permit for 23-28 Creek Drive, LLC for November 4, 2019	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A SPECIAL USE PERMIT
FOR 23-28 CREEK DRIVE, LLC FOR NOVEMBER 4, 2019**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to Discuss a Special Use Permit for 23-28 Creek Drive, LLC for November 4, 2019.

Resolution No.____ of 2019			Date: <u>October 7, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
10/7/2019

Title:

City Council Meeting Minutes September 16, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
City Council Meeting Minutes September 16, 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 September 16, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/360427599>

Council Members Present:

Lee Kyriacou, At Large
Terry Nelson, Ward One
John Rembert, Ward Two
Jodi McCredo, Ward Three
Amber Grant, Ward Four
Randy Casale, Mayor

Council Members Absent:

George Mansfield, At Large

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.

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.

Mayor Casale thanked Council Person Mansfield for running the Council Workshop on September 9, 2019 in his absence.

Speakers:**Elaine Ciaccio**

Ms. Ciaccio suggested that language such as “awful” or “ugly” should not be used when describing properties proposed under the HDLO designation.

Theresa Kraft

Ms. Kraft said that the proposed velodrome at Camp Beacon looks like a big white bubble and that is not ideal. She asked how the project work with only one access for ingress and egress on an already heavily-travelled road. Opening tunnel road will not help because of the already-busy 9D corridor.

The interior of homes should not be included in the HDLO. Also, be clear that this will protect properties from encroaching development. These properties should not be allowed to undertake serious exterior alterations, regardless of the ownership.

Nationally registered structures should be protected by the City.

Do not consider concept plans such as 2 and 4 Cross Street and 174 Main Street, regardless of how much tax revenue it may bring. The city should work for its current residents.

The city should focus on developing a transportation system.

Willow Street by the M&T Bank should have a stop sign coming onto Main Street. Also, the yellow signs should be on both sides of the sign.

Mayor Casale

Mayor Casale asked the Council to add two items to the agenda, first is a resolution to sign a contract with a new Climate Smart Communities Coordinator, the second is a resolution authorizing a contract with Hudson River Maritime Museum. The Council agreed to add these two items to the agenda.

Council Reports

Council Person Grant

Landlords in Beacon are still charging more than one month's security deposit. There doesn't seem to be a centralized spot to report violations – we should consider a way to make it easy for the tenants to report violations. We should work with the City Attorney to send a letter to the landlords in Beacon informing them of new laws pertaining to landlord/tenant regulations passed this year in New York State. She requested that landlords refund any money collected over the legal amount allowed.

If tenants are running into this issue, please reach out to Council Person Grant and she will work with you and elected officials.

She asked when the nuisance local law will be back on the agenda.

Danskammer has released their proposed stipulations for public comment. There is a public comment period. You can post your comments on the New York State Board on electric generation siting and the environment. If anyone needs a link, please contact her. Beacon is not listed as an "Interested Party" although it should be. She asked if the city submitted the paperwork to be designated as such?

Anthony Ruggiero, City Administrator

Mr. Ruggiero said that Dutchess County is holding an educational event for landlords to learn about the new landlord/tenant laws.

Council Person Rembert

Mr. Rembert said he hopes to continue workshopping the HDLO regulations, particularly focusing on excluding the interior of homes from regulations and exploring new incentives to entice home owners to accept the designation.

Council Person Kyriacou

Mr. Kyriacou spoke about the HDLO. He said that it was unintentional but still inappropriate to insult any of the properties or their homeowners. The city needs to workshop the HDLO, setting it up so that in the residential area owners are not required to do anything. They can maintain their homes the way they are. Heightened obligations should be the city's responsibility. Any properties that are owned by the city in the Historic Overlay should be maintained carefully and thoroughly.

Council Person Jodi McCredo

Ms. McCredo said she attended the September 11th Ceremonies at Patriot Park and the Elk's Club. They were beautiful ceremonies. It was important for her children to attend these events. She thanked everyone who made it happen.

Ms. McCredo brought up some traffic issues in Ward Three. She said that the east end of Main Street is a problem and parking is an issue. On Leonard Street many vehicles drive the wrong way. There is signage, but the cars are still going the wrong way. Something needs to be done about the hill on Grove Street between Highland Place and Overlook Ave. It can be very dangerous for people walking when there are no sidewalks. The city should look into extending the one-way from Leonard Street up through that hill on Grove Street.

Terry Nelson

There is a beautiful exhibit of Spirit of Beacon Day through the years on display at the Howland Library.

The Beacon Independent Film Festival starts Friday, September 20th at 7 pm at Story Screen, please support them.

Mayor Casale

Mayor Casale read a letter from Kelly Ellenwood regarding the Beacon Free Loop. Please see the letter below:

Dear Mayor Casale, City Administrator Ruggiero and Members of the City Council,

I could not be at the meeting tonight to express this in Person, so I am writing to tell you how happy and grateful I am that the City of Beacon and Dutchess County recognize the success of the Beacon Free Loop (also known as Route

G), and that tonight the Council will be approving a contract to continue this important service that greatly benefits our residents as well as visitors to our city.

Earlier today I had a conversation with our Marist College student partners at North Road Communications. Together with BeaconArts, we are planning more ways to promote the Beacon Free Loop, as well as to continue to provide information and updates via the BeaconArts website, social media, and print. We are also planning to create a video on how to ride the bus safely. We will be in touch soon to discuss this and to get any feedback from you on how we can help to make the Beacon Free Loop even more successful and reach more riders.

I also have just learned that BeaconArts will be announcing before the end of the month new artwork installations in each of the 5 bus shelters located throughout the city - so look for those changes soon. It is our privilege to transform everyday places through art, as well as to showcase our arts community.

Once again, thank you, for this and for your service to our great City.

Sincerely,

Kelly Ellenwood

Mayor Casale reminded the public that Spirit of Beacon Day is September 29th on Main Street starting at 12 pm.

He told the public that the deadline to apply for large scale home repair assistance through Rebuilding Together is September 30th. If anyone would like to apply, please visit rebuildingtogetherdutchess.org or call (845) 454-7310.

Mayor Casale read a letter from Barry Nelson informing the Mayor that he resigned from the Human Relations Commission.

He said that Dutchess County Division of Solid Waste Management will hold a Household Hazardous Waste Disposal and Electronics Recycling Event on Saturday, October 5th from 8 a.m. to 12:30 p.m. at the Dutchess County Department of Public Works at 626 Dutchess Turnpike in the Town of Poughkeepsie.

Mayor Casale read a letter from the Dutchess County Chamber of Commerce in which the Chamber expressed their support of DocuWare Corporation moving to Beacon. The entire letter can be found at the end of these minutes, labeled Attachment A.

He announced that Beacon residents can apply for a municipal identification card during normal business hours as well as two new additional dates, October 7th from 5 – 7 pm and October 12th from 12 – 3 pm. The City has issued 52 Municipal Identification Cards so far.

Mayor Casale proclaimed September as National Sickle Cell Awareness Month in Beacon. To find the full proclamation, please see Attachment B.

He reminded the public that free use of the transfer station ends on Saturday, September 28th. Each taxpayer whose taxes are paid in full can dump up to 250 pounds per tax parcel.

Resolutions, Ordinances and Local Laws:

1. A Resolution Authorizing a Contract with Eleanor Peck for Climate Smart Communities Coordinator Services

City administrator Anthony Ruggiero told the public that the former Climate Smart Communities Coordinator resigned and that Eleanor Peck is a strong candidate who is already being brought up to speed.

- Motion by Council Person Grant
- Second by Council Person McCredo
- Resolution passes 6 - 0

2. A Resolution Setting a Public Hearing to Discuss A Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance for October 7, 2019

- Motion by Council Person Nelson
- Second by Council Person Rembert
- Resolution passes 6 - 0

3. A Resolution Approving the Teller Avenue Supplemental Agreement

- Motion by Council Person Rembert
- Second by Council Person McCredo
- Resolution passes 6 - 0

4. A Resolution Approving the Fishkill Avenue Supplemental Agreement

- Motion by Council Person Nelson
- Second by Council Person Rembert
- Resolution Passes 6 - 0

5. A Resolution Approving a Contract with Dutchess County for Transit Services

Mayor Casale said that the ridership was about 3,000 people prior to the free bus program. This year, Dutchess County is projecting about 40,000 riders. The new contract is for two years.

- Motion by Council Person McCredo
- Second by Council Person Rembert
- Resolution passes 6 - 0

6. Resolution Authorizing a Contract with Hudson River Maritime Museum for Ferry Services for Certain Dates

Anthony Ruggiero

The City Administrator explained that the City of Beacon will sign a contract with Hudson River Maritime Museum for use of a solar powered ferry. Beacon will be fully reimbursed from Dutchess County.

Mayor Casale

The Mayor said that he spoke with businesses in Beacon and some are not happy with the idea of running a weekend ferry between Beacon and Newburgh because it may take away revenue from their business. He said he thinks that the restaurants in Newburgh will benefit at the expense of the businesses in Beacon. He believes that the businesses in Beacon should have been allowed to comment.

Council Person McCredo

Ms. McCredo said she thinks that people will use the ferry to visit both the Beacon businesses and the Newburgh restaurants.

- Motion by Council Person McCredo
- Second by Council Person Nelson
- Resolution Passes 6 - 0

Approval of Minutes

Motion to approve council minutes from August 19, 2019

- Motion by Council Person Grant
- Second by Council Person Rembert

- Motion passes 6-0

Motion to approve council minutes from September 3, 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:

Harvey Kaplan

Mr. Kaplan is the co-owner of Max's on Main. He said that he believes allowing the ferry to run between Newburgh and Beacon on weekends will be a greater benefit for the Newburgh businesses than the Beacon businesses. He cautioned the Council to think about it very carefully before allowing the ferry to run every day in the future.

Council Person McCredo

Ms. McCredo asked Beacon businesses to provide feedback regarding the impact of the ferry on their businesses.

Motion to enter Executive Session:

- Motion by Council Person Rembert
- Second by Council Person McCredo
- Motion passes 6-0

Adjournment:

- Motion by Council Person Nelson
- Second by Council Person McCredo
- Motion passes 6-0

Next Workshop: September 30, 2019

Next Meeting: October 7, 2019

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CareMount Medical

September 4, 2019

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



One Civic Center Plaza, 4th Floor
Poughkeepsie, New York 12601
Tel: 845.454.1700 | Fax: 845.454.1702

Re: DocuWare Moving Too Beacon

Dear Mr. Casale and members of the Beacon City Council,

I am writing in support of DocuWare's efforts to move to the city of Beacon.

The project aims to build a permanent location for their current employees, along with additional employees this location will allow them to hire. With walkability being a necessary aspect of where DocuWare wishes to relocate, I believe that Beacon is the perfect match.

Not only does the company currently employ 70 high-skilled employees, but they plan to expand staff to between 90 and 120 within the next 3 to 5 years. And with a training center being built into the facility, the hospitality industry can expect 800 to 1,000 additional hotel guest nights per year. This in turn will lead to additional revenue for the other businesses in the area, and help to fill the demand for mid-week business.

DocuWare also sees the value of investing in future generations, and has a track-record of helping the community. Currently located in New Windsor, DocuWare is working with the Newburgh Armory Unity Center and Nora Cronin Presentation Academy to support youth STEM education and sports, including providing internships at DocuWare. Additionally, they support the local sports community because they see the value in having diverse opportunities for youth to take advantage of to discover their passion.

On behalf of the Chamber's nearly 1,500 members, Board of Directors, and local economy, I emphasize our support of this proposed project, as we believe it will empower the community and catalyze further smart development.

Thank you for your consideration.

Sincerely yours,


Frank M. Castella, Jr., President & CEO

Kelly Ellenwood Letter about Free Bus

Please read this at the meeting this evening::

Dear Mayor Casale, City Administrator Ruggiero and Members of the City Council,

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