

CITY OF BEACON
Via Video-Conference
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026

The Zoning Board of Appeals will meet on **Tuesday, July 21, 2020** in the Municipal Center Courtroom. The Zoning Board of Appeals will meet on Tuesday, July 21, 2020 at 7:00 PM. Due to public health and safety concerns related to COVID-19, the Planning Board will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, the July 21, 2020 meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public can watch the live meeting online at YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>. If any interested members of the public would like to provide comments on the application, comments can be called in during the meeting at (929) 205-6099; Webinar ID: 859 0328 0286; Password 704986. Comments can also be provided via email no later than 5PM on July 21, 2020 to Etha Grogan, Planning Board Secretary, at egrogan@cityofbeacon.org. Please check the meeting materials posted on the City website (www.cityofbeacon.org) and for further instructions to access the virtual meeting and for updated information. This agenda and the meeting format are subject to change. at 7:00 PM.

1. Review application submitted by Robin Daley, 49 Prospect Street, Tax Grid No. 30-6054-46-249593-00, R1-5 Zoning District, for relief from Section 223-17(C) to construct a one-car garage with a 6.6 ft. side yard setback *(10 ft. required)*
2. Consider request for a six (6) month extension of Area Variance, 23-28 Creek Drive, submitted by 23-28 Creek Drive, LLC
3. Consider request for a six (6) month extension of Use Variance and Area Variance, 53 Eliza Street, submitted by PIE Development Company, Inc.

City of Beacon Planning Board
7/21/2020

Title:

49 Prospect Street

Subject:

Review application submitted by Robin Daley, 49 Prospect Street, Tax Grid No. 30-6054-46-249593-00, R1-5 Zoning District, for relief from Section 223-17(C) to construct a one-car garage with a 6.6 ft. side yard setback (*10 ft. required*)

Background:

ATTACHMENTS:

| Description | Type |
|--------------------------------|-------------|
| 49 Prospect Street Application | Application |
| 49 Prospect Street EAF | EAF |
| 49 Prospect Street Plot Plan | Plans |
| 49 Prospect Street Plans | Plans |

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Robin Daley

ADDRESS: 49 Prospect St.
Beacon, NY

TELEPHONE: 914 475 2095

E-MAIL: rdaleyinc@yahoo.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 49 Prospect St.

ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 6054

BLOCK 46 LOT 249593

Section of Zoning Code appealed from or Interpretation desired:

223-17C - addition of 1-car garage with a 6.6' setback (10' min required)

Reason supporting request:

This would allow for an attached garage as well as space for additional occupancy areas on the second floor.

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

Survey, Plot Plan

Date: 6/8/2020

Robin Daley
Owner's Signature

Fee Schedule

AREA VARIANCE \$ 250

USE VARIANCE \$ 500

INTERPRETATION: \$ 250

- SAME -
Applicant's Signature

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

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Robin Daley

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

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

- 49 Prospect St., Beacon

Applicant Address: 49 Prospect St., Beacon

Project Address: - same -

Project Tax Grid # 6054-46-249593-0000

Type of Application request for variance

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

I, Robin A. Daley, 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 ✓ RD
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 ✓ RD
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 ✓ RD

Robin A. Daley
Signature of Owner

Title if owner is corporation

Office Use Only:

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

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

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

| NO | YES | Initial |
|---------------|---------------|---------------|
| <u>✓</u> | <u> </u> | <u>RD</u> |
| <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> |

FOR OFFICE USE ONLY

Application #

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

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A

Name of Applicant: Robin A. Daley
Address of Applicant: 49 Prospect St., Beacon
Telephone Contact Information: 914-475-2095

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. |
|-------------|-------------------------------|------------------|------------------------------------|--|
| Robin Daley | 49 Prospect St., Beacon | 914-475-2095 | Purchased 6/2005 | Dutchess Cty Clerk 6/2005 |
| | | | | |
| | | | | |
| | | | | |

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

(Print) Robin A. Daley

(Signature) _____

IF AFFLANT IS A CORPORATION:

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

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

[illegible]

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

| Name | Residence or Business Address | Telephone Number | Date and Manner title was acquired | Date and place where the deed or document of conveyance was recorded or filed. |
|-------------|-------------------------------|------------------|------------------------------------|--|
| Robin Daley | 49 Prospect St, Beacon | 914 495 2095 | Purchased 6/2005 | Dutchess Cty Clerk 11/2005 |
| | | | | |
| | | | | |
| | | | | |

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

YES

NO

[illegible]

☐ YES ☒ NO

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

☐ YES ☒ NO[illegible]

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

| Name | Address |
|-------------|------------------------|
| Robin Daley | 49 Prospect St, Beacon |
| | |
| | |
| | |

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

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

☐ YES

☒ NO

I, _____ being first duly sworn, according to law, deposes and says that I am (Title) _____, an active and qualified member of the _____, 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) _____

(Signature) _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

| | | | |
|--|--|---|--|
| Part 1 - Project and Sponsor Information | | | |
| Name of Action or Project: Garage addition with second story living areas. | | | |
| Project Location (describe, and attach a location map): 49 Prospect Street, between 1st Street and Union Street, across the street from the Green Street Park. | | | |
| Brief Description of Proposed Action: Addition of a 2-car garage on the side of the existing home, with a 2nd story living area to include bedroom, office, bathroom and laundry areas. | | | |
| Name of Applicant or Sponsor: Robin Daley | | Telephone: 914-475-2095 E-Mail: rdaleymc@yahoo.com | |
| Address: 49 Prospect St. | | | |
| City/PO: Beacon | | State: NY | Zip Code: 12508 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Approval required from the City of Beacon zoning board for variance of property setbacks. | | | NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | .17 acres | |
| b. Total acreage to be physically disturbed? | | .016 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | .17 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland (Green St.) | | | |

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

| | | |
|--|-------------------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Robin A Daley</u> Date: <u>6/8/2020</u> Signature: <u><i>Robin A Daley</i></u> | | |

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

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

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

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

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

PRINT

FOR OFFICE USE ONLY

Application #

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

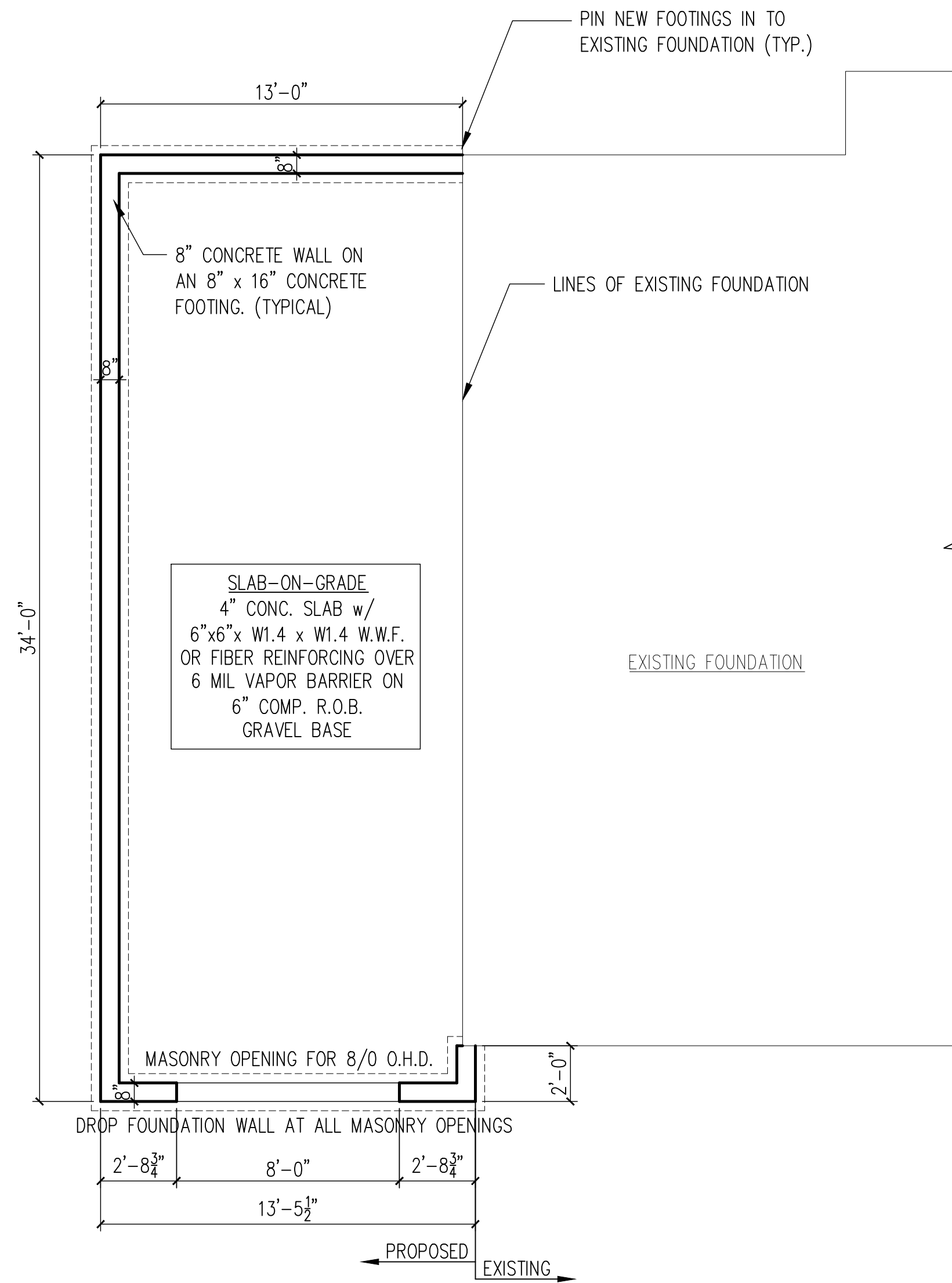
(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any entity)

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

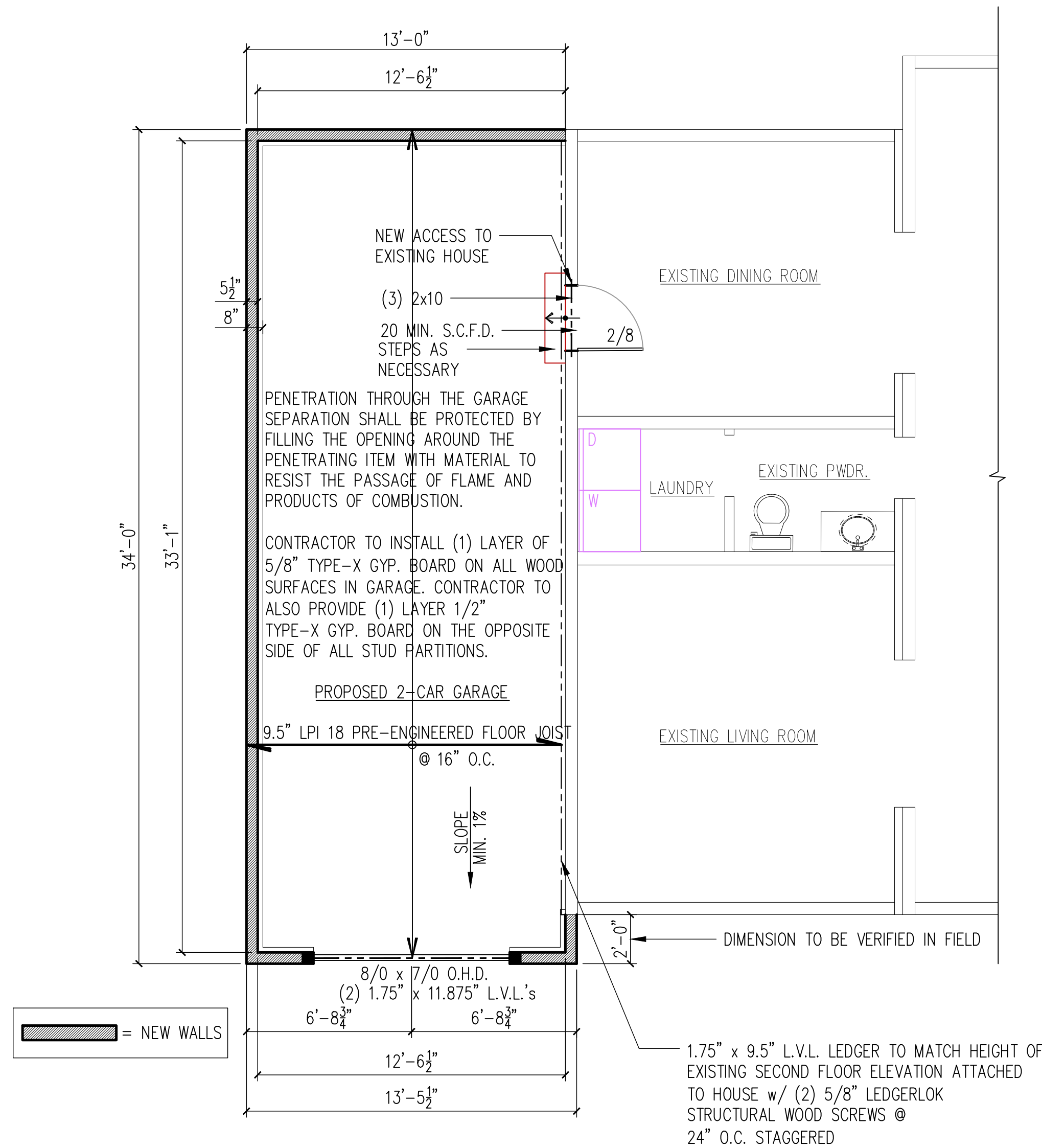
SECTION A.

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

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



A.1 PROPOSED ADDITION PLANS: FIRST FLOOR PLAN
A.1 SCALE: 1/4" = 1'-0"



- ⑤ INTERCONNECTED 110 VOLT SMOKE DETECTOR W/ BATTERY BACKUP TESTED IN ACCORDANCE WITH UL217 & NFPA72
⑥ INTERCONNECTED CARBON MONOXIDE ALARM W/ BATTERY BACKUP TESTED IN ACCORDANCE WITH UL 2034 & CSA 6.19
-TO BE INSTALLED ON EACH FLOOR CONTAINING A SLEEPING AREA OR CARBON MONOXIDE SOURCE. TO BE INSTALLED WITHIN 15 FEET OF EACH SLEEPING AREA

A.1 PROPOSED ADDITION PLANS: FIRST FLOOR PLAN w/SECOND FLOOR FRAMING
A.2 SCALE: 1/4" = 1'-0"

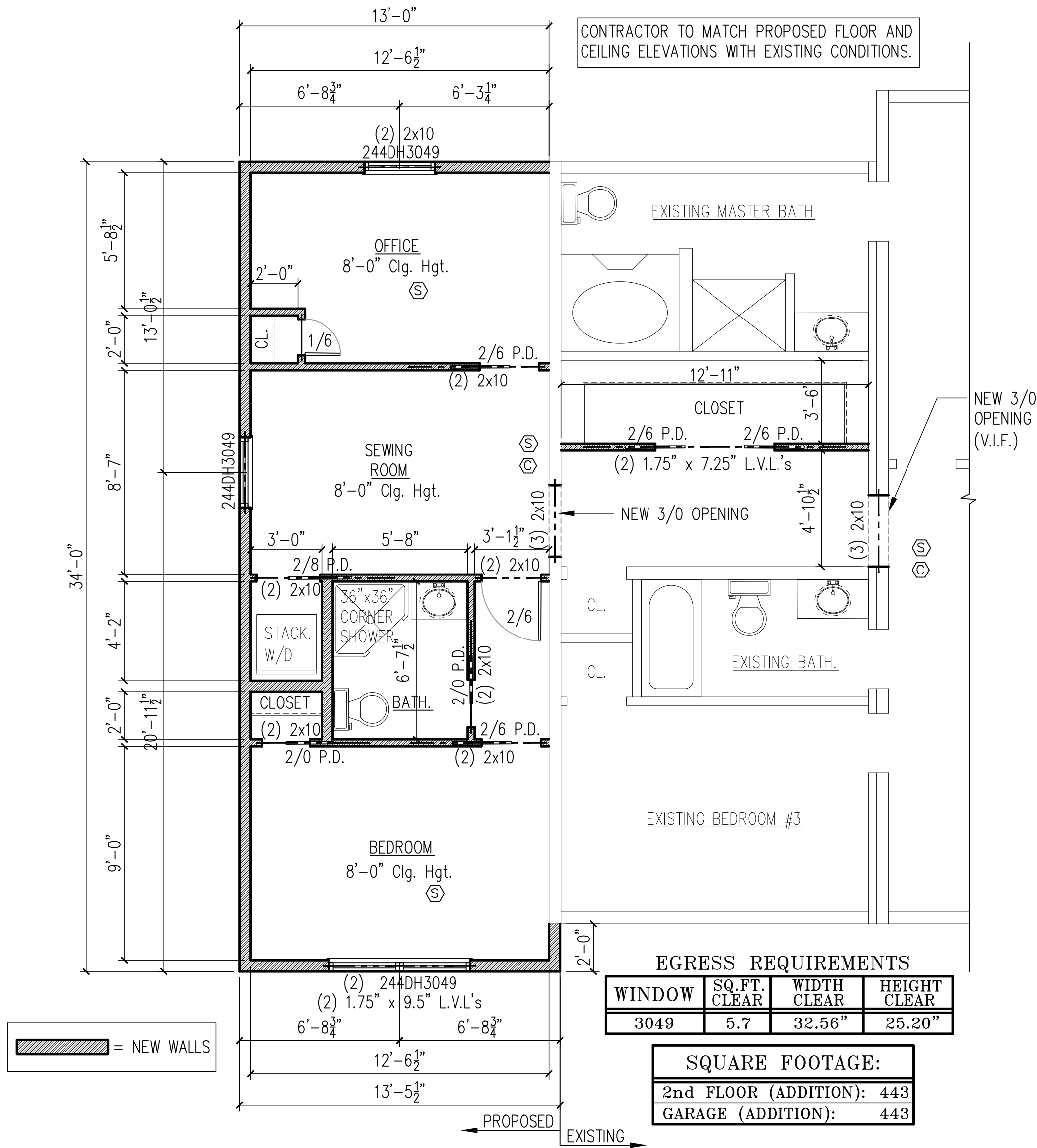
NOTES:
ALL EXTERIOR WALLS ARE TO BE 2X6 WOOD STUDS
ALL INTERIOR WALLS ARE TO BE 2X4 WOOD STUDS
DOUBLE ALL FLOOR JOISTS UNDER WALLS ABOVE THAT ARE FRAMED PARALLEL TO FLOOR FRAMING UNLESS OTHERWISE NOTED ON PLAN.
ALL FLOOR JOISTS, CEILING JOISTS & RAFTERS ARE TO BE S.P.F.
ALL BEAMS, GIRDERS AND HEADERS ARE TO BE DOUG FIR LARCH #2 OR BETTER WITH A F_b RATING OF 875 AND A MODULUS OF ELASTICITY OF 1600000 MINIMUM UNLESS OTHERWISE NOTED ON PLAN.
ALL LAMINATED VENEER LUMBER (L.V.L.) BEAMS, GIRDERS AND HEADERS, LABELED ON PLAN, TO HAVE A F_b RATING OF 2950 AND A MODULUS OF ELASTICITY OF 2,000,000 MINIMUM UNLESS OTHERWISE NOTED ON PLAN. STRUCTURAL LAMINATED BEAMS TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.
CUTS, NOTCHES & HOLES BORED IN TRUSSES, STRUCTURAL COMPOSITE LUMBER, STRUCTURAL GLUE-LAMINATED MEMBERS OR I-JOISTS ARE PROHIBITED EXCEPT WHERE PERMITTED BY THE MANUFACTURER'S RECOMMENDATIONS.
FOR LOAD-BEARING PARTITIONS INSTALL DOUBLE JAMB STUDS UNDER HEADER FOR OPENINGS 6' AND LESS IN WIDTH. TRIPLE JAMB STUDS FOR WIDER OPENINGS. FOR NON-BEARING PARTITIONS INSTALL ONE JAMB STUD FOR OPENINGS LESS THAN 4' IN WIDTH AND DOUBLE JAMB STUDS FOR WIDER OPENINGS.
CONTRACTOR TO PROVIDE SOLID 2 X 10 BLOCKING TO BE LOCATED BETWEEN FLOOR JOISTS WERE POSTS, FROM ABOVE, CARRYING STRUCTURAL HEADERS LAND BETWEEN FLOOR JOISTS BELOW. BLOCKING TO BE BUILT UP TO THE SAME WIDTH AS POST IT IS CARRYING ABOVE.
ALL JOISTS TO OVER LAP GIRDER OR BEARING WALL A MINIMUM OF 3".
ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR BEFORE START OF CONSTRUCTION. ANY DISCREPANCIES ON THE PLANS, OR SPECIFICATIONS, MUST BE REPORTED TO THE ENGINEER PRIOR TO THE START OF CONSTRUCTION.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSONS TO ALTER THESE PLANS, SPECIFICATIONS, OR REPORTS IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR.

| WOOD HEADER SCHEDULE | | |
|---------------------------------|-----|--------|
| 2x6 EXTERIOR WALLS: | | |
| 12" TO 4'-0" = | (3) | 2x8's |
| 4'-1" TO 6'-0" = | (3) | 2x10's |
| 6'-1" TO 9'-0" = | (3) | 2x12's |
| 2x4 INTERIOR WALLS: | | |
| 12" TO 4'-0" = | (2) | 2x8's |
| 4'-1" TO 6'-0" = | (2) | 2x10's |
| 6'-1" TO 9'-0" = | (2) | 2x12's |
| UNLESS OTHERWISE NOTED ON PLAN. | | |

| | |
|--|------------|
| Mark A. Day, PE | |
| 06/17/2020 | |
| 05/31/2020 | |
| 05/20/2020 | |
| 05/12/2020 | |
| 05/01/2020 | |
| Revisions | 04/22/2020 |
| Project No. | 2020-060 |
| License No. | 069646 |
| DAY STOKOSA ENGINEERING P.C. | |
| 3 Van Wyck Lane Suite 2 Wappingers Falls, New York (845)-223-3202 | |
| 49 Prospect Street Beacon, New York | |
| Proposed Addition Plans | |
| SCALE | DRAWN BY |
| AS NOTED | KR |
| DATE | CHECKED BY |
| 04/14/2020 | MAD |
| A.1 | |

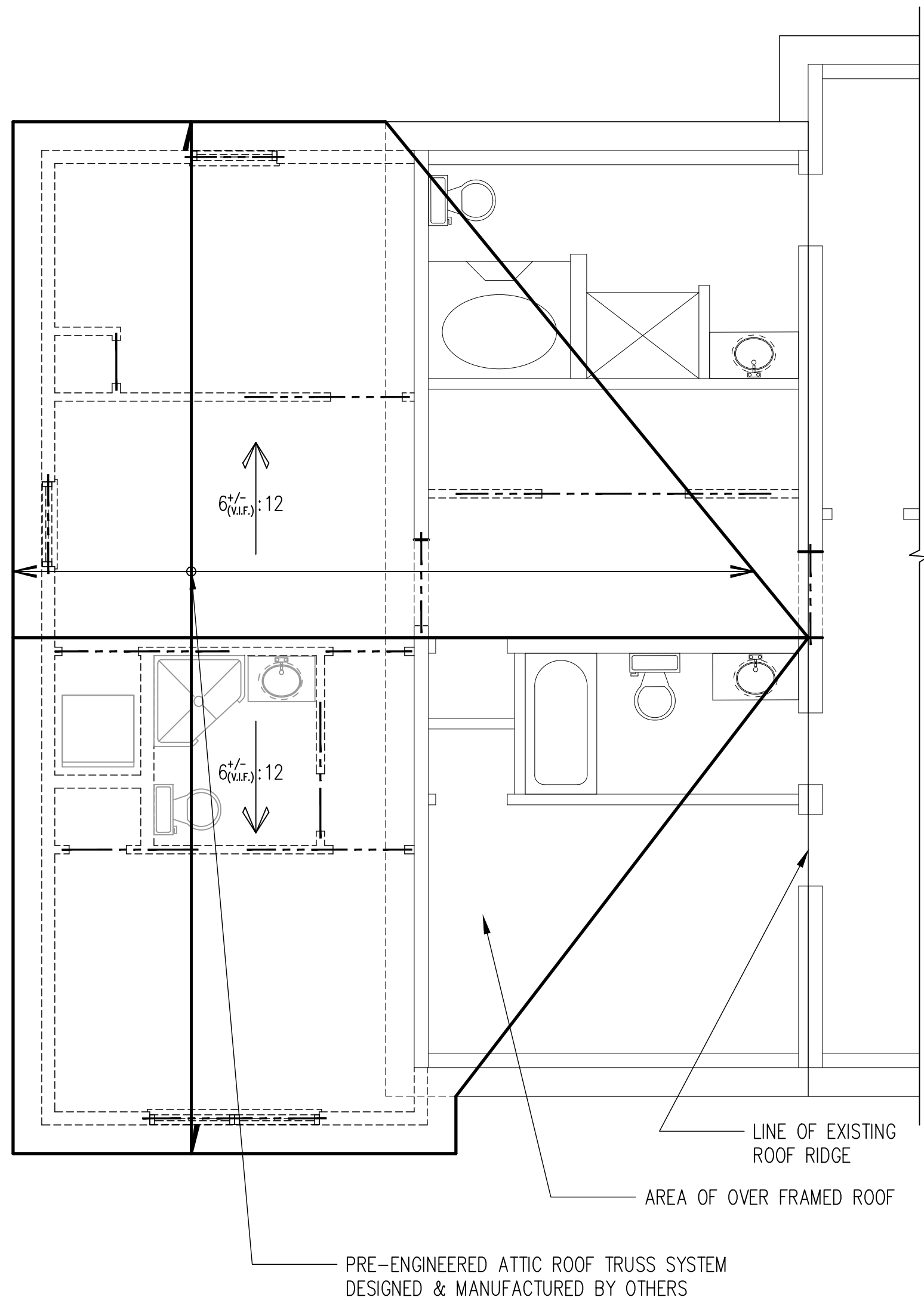
PLEASE NOTE THAT ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION.



- ⑤ INTERCONNECTED 110 VOLT SMOKE DETECTOR W/ BATTERY BACKUP TESTED IN ACCORDANCE WITH UL217 & NFPA72
- ⑥ INTERCONNECTED CARBON MONOXIDE ALARM W/ BATTERY BACKUP TESTED IN ACCORDANCE WITH UL 2034 & CSA 6.19
— TO BE INSTALLED ON EACH FLOOR CONTAINING A SLEEPING AREA OR CARBON MONOXIDE SOURCE. TO BE INSTALLED WITHIN 15 FEET OF EACH SLEEPING AREA

A.2 PROPOSED ADDITION PLANS: SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



NOTES:

- ALL EXTERIOR WALLS ARE TO BE 2X6 WOOD STUDS
- ALL INTERIOR WALLS ARE TO BE 2X4 WOOD STUDS
- DOUBLE ALL FLOOR JOISTS UNDER WALLS ABOVE THAT ARE FRAMED PARALLEL TO FLOOR FRAMING UNLESS OTHERWISE NOTED ON PLAN.
- ALL FLOOR JOISTS, CEILING JOISTS & RAFTERS ARE TO BE S.P.F.
- ALL BEAMS, GIRDERS AND HEADERS ARE TO BE DOUG FIR LARCH #2 OR BETTER WITH A FB RATING OF 875 AND A MODULUS OF ELASTICITY OF 1600000 MINIMUM UNLESS OTHERWISE NOTED ON PLAN.
- ALL LAMINATED VENEER LUMBER (L.V.L.) BEAMS, GIRDERS AND HEADERS, LABELED ON PLAN, TO HAVE A FB RATING OF 2950 AND A MODULUS OF ELASTICITY OF 2,000,000 MINIMUM UNLESS OTHERWISE NOTED ON PLAN. STRUCTURAL LAMINATED BEAMS TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.
- CUTS, NOTCHES & HOLES BORED IN TRUSSES, STRUCTURAL COMPOSITE LUMBER, STRUCTURAL GLUE-LAMINATED MEMBERS OR I-JOISTS ARE PROHIBITED EXCEPT WHERE PERMITTED BY THE MANUFACTURER'S RECOMMENDATIONS.
- FOR LOAD-BEARING PARTITIONS INSTALL DOUBLE JAMB STUDS UNDER HEADER FOR OPENINGS 6' AND LESS IN WIDTH. TRIPLE JAMB STUDS FOR WIDER OPENINGS. FOR NON-BEARING PARTITIONS INSTALL ONE JAMB STUD FOR OPENINGS LESS THAN 4' IN WIDTH AND DOUBLE JAMB STUDS FOR WIDER OPENINGS.
- CONTRACTOR TO PROVIDE SOLID 2 X 10 BLOCKING TO BE LOCATED BETWEEN FLOOR JOISTS WERE POSTS, FROM ABOVE, CARRYING STRUCTURAL HEADERS LAND BETWEEN FLOOR JOISTS BELOW. BLOCKING TO BE BUILT UP TO THE SAME WIDTH AS POST IT IS CARRYING ABOVE.
- ALL JOISTS TO OVER LAP GIRDER OR BEARING WALL A MINIMUM OF 3".
- ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR BEFORE START OF CONSTRUCTION. ANY DISCREPANCIES ON THE PLANS, OR SPECIFICATIONS, MUST BE REPORTED TO THE ENGINEER PRIOR TO THE START OF CONSTRUCTION.

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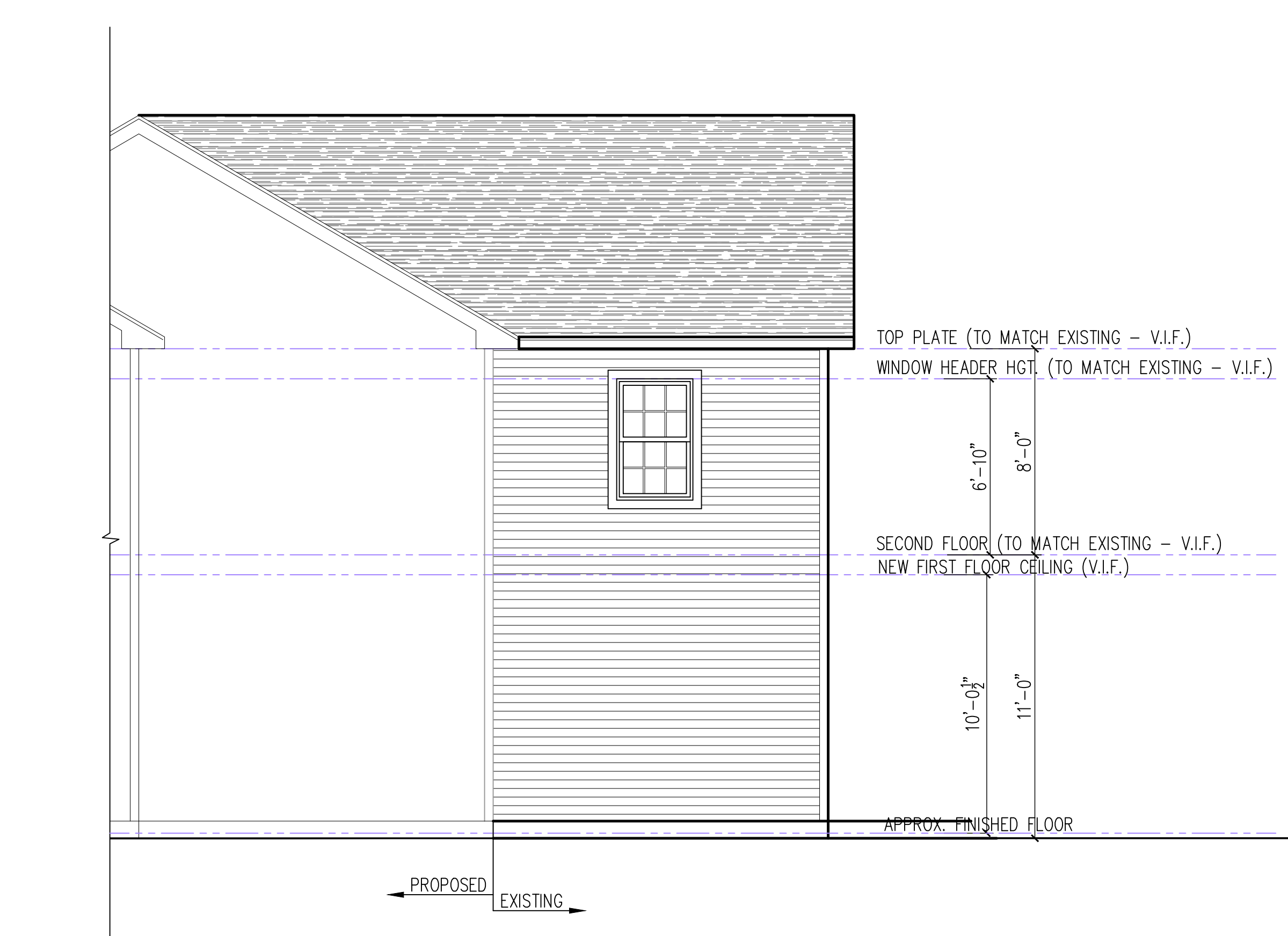
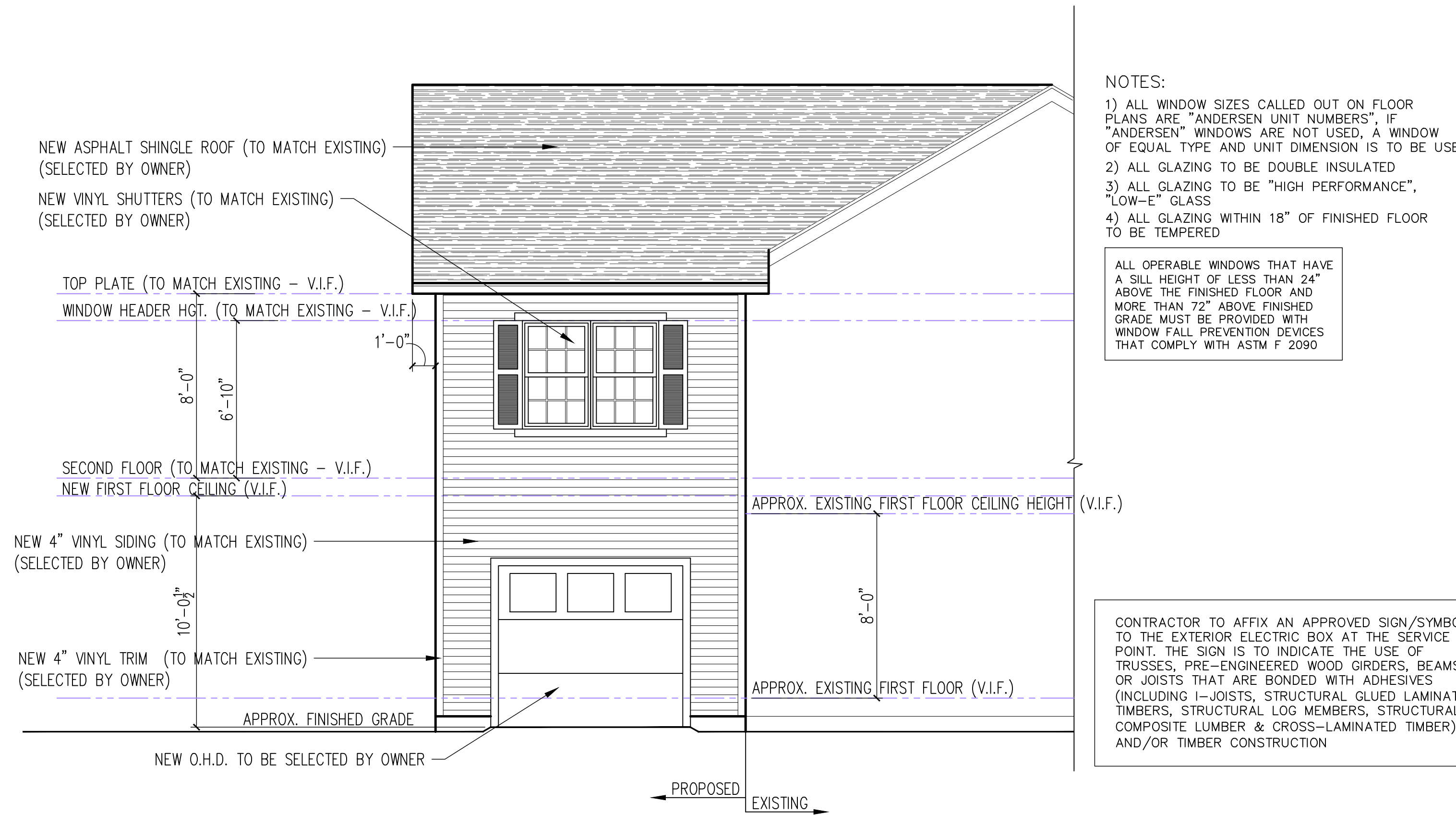
A.1 PROPOSED ADDITION PLANS: ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"

| WOOD HEADER SCHEDULE | | |
|---------------------------------|-----|--------|
| 2x6 EXTERIOR WALLS: | | |
| 12" TO 4'-0" = | (3) | 2x8's |
| 4'-1" TO 6'-0" = | (3) | 2x10's |
| 6'-1" TO 9'-0" = | (3) | 2x12's |
| 2x4 INTERIOR WALLS: | | |
| 12" TO 4'-0" = | (2) | 2x8's |
| 4'-1" TO 6'-0" = | (2) | 2x10's |
| 6'-1" TO 9'-0" = | (2) | 2x12's |
| UNLESS OTHERWISE NOTED ON PLAN. | | |

| | | |
|--|-------------------|--------------------|
| | | Mark A. Day, PE |
| | | |
| 06/17/2020 | | |
| 05/31/2020 | | |
| 05/20/2020 | | |
| 05/12/2020 | | |
| 05/01/2020 | | |
| Revisions | 04/22/2020 | |
| Project No. | 2020-060 | License No. 069646 |
| DAY STOKOSA ENGINEERING P.C. | | |
| 3 Van Wyck Lane Suite 2 Wappingers Falls, New York (845)-223-3202 | | |
| PROJECT 49 Prospect Street Beacon New York | | |
| DRAWING Proposed Addition Plans | | |
| SCALE AS NOTED | DRAWN BY KR | A.2 |
| DATE 04/14/2020 | CHECKED BY MAD | |

PLEASE NOTE THAT ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION.

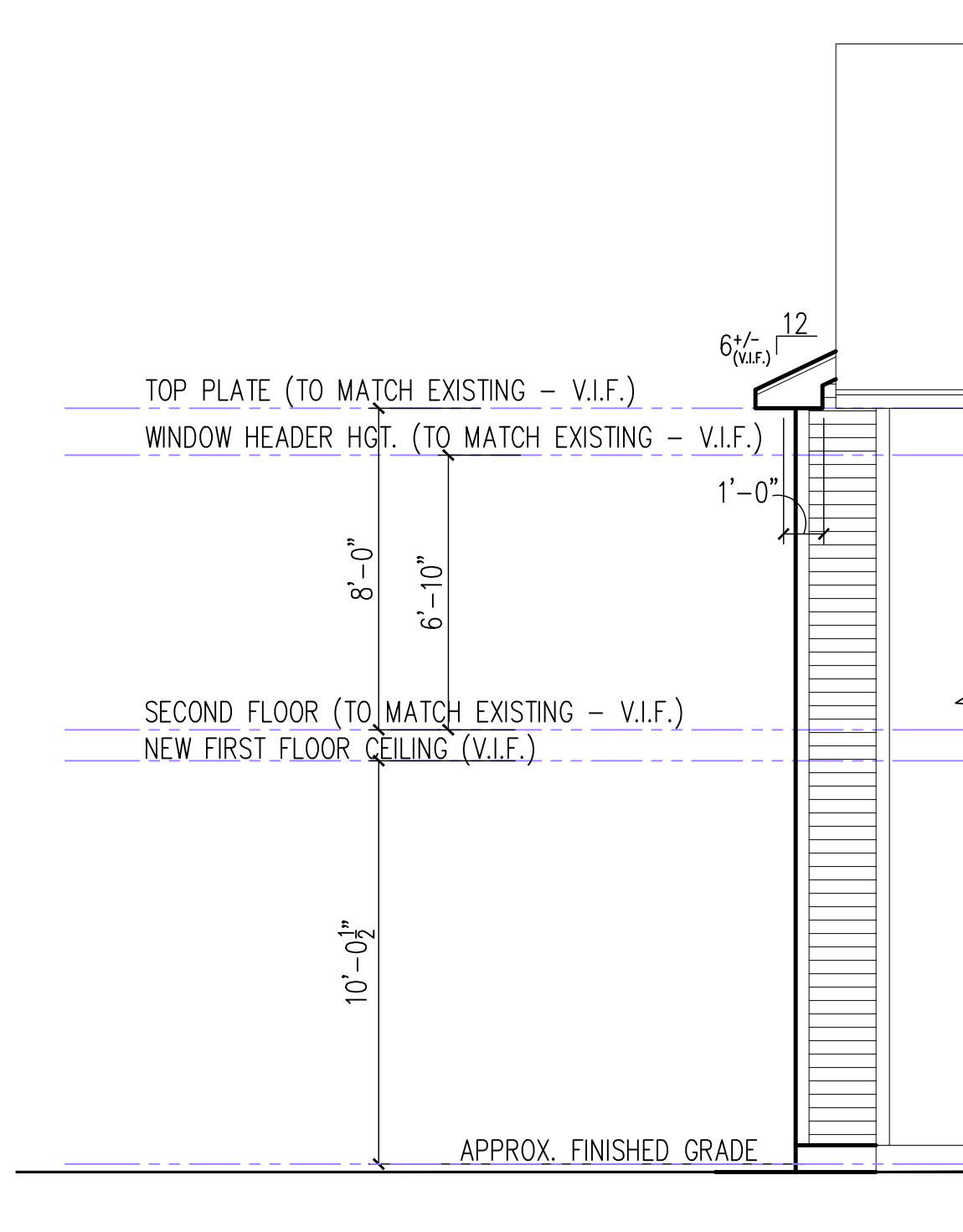


E.1 PROPOSED ADDITION PLANS: FRONT ELEVATION VIEW

A.3 SCALE: 1/4" = 1'-0"

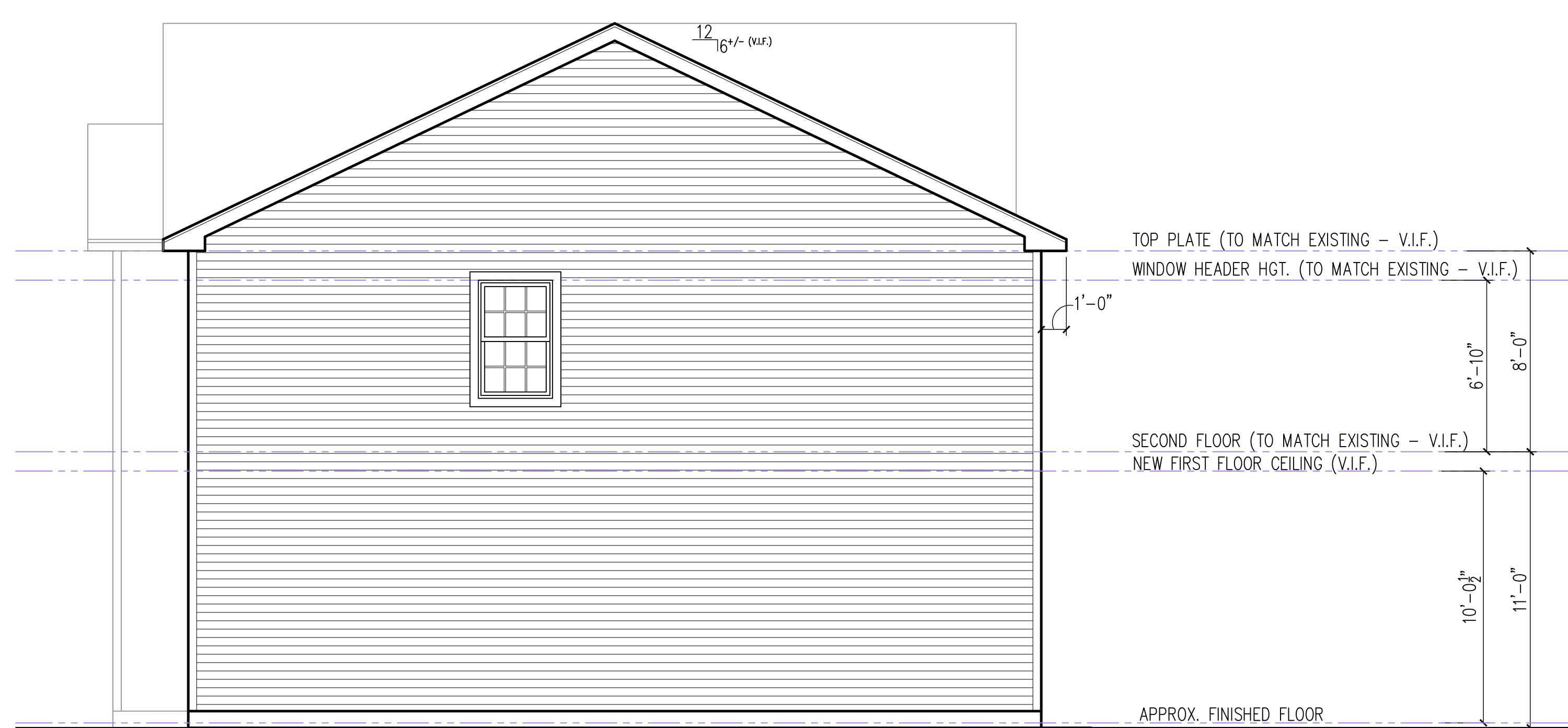
E.2 PROPOSED ADDITION PLANS: REAR ELEVATION VIEW

A.3 SCALE: 1/4" = 1'-0"



E.3 PROPOSED ADDITION PLANS: RIGHT SIDE ELEVATION VIEW

A.3 SCALE: 1/4" = 1'-0"



E.4 PROPOSED ADDITION PLANS: LEFT SIDE ELEVATION VIEW

A.3 SCALE: 1/4" = 1'-0"

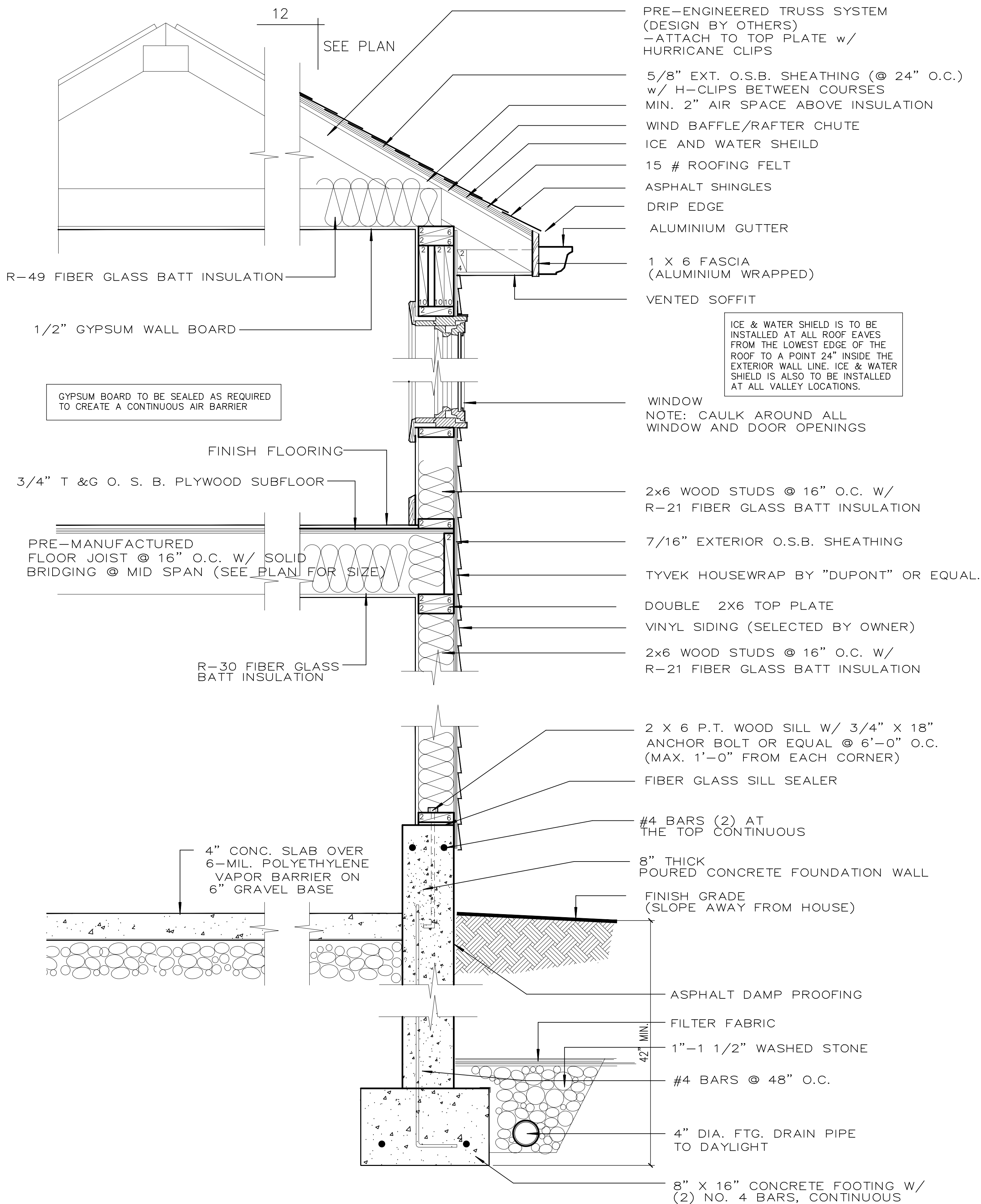
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| 49 Prospect Street Beacon New York | |
| Proposed Addition Plans | |
| SCALE | DRAWN BY |
| AS NOTED | KR |
| DATE | CHECKED BY |
| 04/14/2020 | MAD |
| A.3 | |

PLEASE NOTE THAT ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION.

| TABLE R301.2(1) CLIMATE AND GEOGRAPHIC DESIGN CRITERIA | | | | | | | | | | | | |
|---|-------------|------------------------|------------------------|---------------------------|-------------------------------|------------------------|---------------------|------------|--------------------------|--------------------------------------|------------------|--------------------------|
| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP | ICE BARRIER UNDERLYMT REQUIRED | FLOOD HAZARDS | AIR FREEZING INDEX |
| | SPEED (mph) | TOPOGRAPHIC EFFECTS | SPECIAL WIND REGION | WIND-BORNE DEBRIS ZONE | | WEATHERING | FROST LINE DEPTH | TERMITE | | | | |
| 40 | 115 MPH | NO | YES | NO | B | SEVERE | 42" | MOD.-HEAVY | -1 | YES | MAY 2, 2012 | 1500 |

FOR ASPHALT SHINGLED ROOFS, IN ADDITION TO MEETING THE REQUIREMENTS OF SECTIONS R905.2 ASPHALT SHINGLES OF THE 2015 IRC, SHINGLES SHALL ALSO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER SPECIFICATIONS & RECOMMENDATIONS.



TYPICAL WALL SECTION FOR SLAB ON GRADE CONSTRUCTION

SCALE: 1" = 1'-0"

GENERAL NOTES

DIVISION 1 - GENERAL CONDITIONS:

CODES: ALL WORK & MATERIALS MUST CONFORM TO THE 2020 NYS RESIDENTIAL CODE, LOCAL BUILDING CODES, NATIONAL BOARD OF FIRE UNDERWRITERS CODE AND TO THE REQUIREMENTS OF THE BOARD OF HEALTH & 2018 INTERNATIONAL ENERGY CONSERVATION CODE.

OMISSION: ANYTHING NOT SPECIFICALLY SHOWN HEREON AND/OR SPECS, BUT WHICH IS REASONABLY IMPLIED, SHALL BE FURNISHED AS THOUGH SET FORTH IN THE PLANS AND/OR SPECIFICATIONS. ALL WRITTEN FIGURES, NOTES & DIMENSIONS ON THE FLOOR PLANS, OR SPECIFICATIONS SHALL TAKE PRECEDENCE OVER ANY DRAWN FIGURES. DO NOT SCALE PRINTS. ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR BEFORE START OF CONSTRUCTION. ANY DISCREPANCIES ON THE PLANS, OR SPECIFICATIONS, MUST BE REPORTED TO THE ENGINEER PRIOR TO THE START OF CONSTRUCTION.

ALL PERMITS ARE NOT THE RESPONSIBILITY OF THE ENGINEER.

MATERIALS: ALL MATERIALS SHALL BE NEW AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.

SUBSTITUTIONS: SUBSTITUTIONS MADE FOR STRUCTURAL MATERIALS SPECIFIED BY NAME MAY BE MADE ONLY IF APPROVED BY ENGINEER.

OWNERSHIP OF PLANS: THESE PLANS ARE PROPERTY OF DAY I STOKOSA ENGINEERING, P.C. ANY USE OR REPRODUCTION, IN WHOLE OR PART, WITHOUT THE WRITTEN CONSENT OF DAY I STOKOSA ENGINEERING, P.C. IS PROHIBITED. ANY PERSON, OR CORPORATION, USING PLANS WITHOUT CONSENT WILL BE RESPONSIBLE TO COMPENSATE DAY I STOKOSA ENGINEERING, P.C.

ENGINEER'S STATUS: THE ENGINEER HAS NOT BEEN RETAINED BY OWNER TO PROVIDE PERIODIC JOB INSPECTIONS OR JOB ADMINISTRATION AND SHALL NOT BE RESPONSIBLE FOR CHANGES MADE IN THE FIELD WITHOUT WRITTEN OR GRAPHIC AUTHORIZATION.

DIVISION 2 - SITE WORK:

FOOTINGS: IF SOIL BEARING CONDITIONS ARE QUESTIONABLE, THE CONTRACTOR SHALL CONSULT A SOILS ENGINEER FOR PROPER FOOTING DESIGN. THE PLANS ARE BASED ON A MINIMUM SOIL BEARING CAPACITY 2,000 PSF.

FINISHED GRADING: FINISHED GRADING SHALL BE PERFORMED SO AS TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE HOUSE.

DIVISION 3 - CONCRETE:

ALL CONCRETE USED SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,500 PSI AT 28 DAYS UNLESS OTHERWISE NOTED. ALL CONCRETE WORK SHALL BE DONE IN COMPLETE CONFORMANCE TO APPLICABLE ACI CODES.

DIVISION 5 - METALS:

STRUCTURAL STEEL: ALL STRUCTURAL STEEL SHALL CONFORM TO ASTM SPECIFICATIONS A-36 FOR STRUCTURAL STEEL. ALL STEEL PIPE COLUMNS SHALL BE OF STANDARD WEIGHT PIPE UNLESS OTHERWISE NOTED. STRUCTURAL STEEL HAS BEEN DESIGNED FOR A MAXIMUM BENDING STRESS OF 24,000 PSI, IN ACCORDANCE WITH THE 9TH EDITION OF THE AISC. ALL STEEL BEAMS SHALL BE FACTORY PRIMED WITH A RUST PROHIBITOR AND FIELD PAINTED WHERE EXPOSED TO WEATHER. ALL BEAM CONNECTIONS SHALL BE THROUGH BOLTED UNLESS OTHERWISE NOTED. ALL HOLES SHALL BE DRILLED OR PUNCHED. TORCHED HOLES SHALL NOT BE PERMITTED.

REINFORCING STEEL: ALL REINFORCING STEEL BARS SHALL BE GRADE 60.

DIVISION 6 - WOOD & PLASTICS:

LUMBER: ALL STRUCTURAL LUMBER SHALL HAVE A MINIMUM BENDING STRESS OF 1,200 PSI.

CONTRACTOR TO VENT DRYER TO EXTERIOR SUCH THAT IT SHALL NOT TERMINATE LESS THAN 3 FEET FROM ANY OPENING INTO THE BUILDING. DRYER DUCT IS NOT TO EXCEED 25 FEET IN LENGTH AND IS TO BE CONSTRUCTED OF A MIN. OF 0.016 INCH THICK RIGID METAL DUCTS, HAVING A SMOOTH SURFACE & JOINTS RUNNING IN THE DIRECTION OF AIR FLOW. PROVIDE REDUCTION FOR EACH 90 DEGREE BEND.

CONTRACTOR TO PROVIDE ATTIC SCUTTLE WITH MINIMUM DIMENSIONS OF 30" X 22". CONTRACTOR TO PROVIDE A LARGER SCUTTLE OPENING IF AIR HANDLER UNIT IS LOCATED IN ATTIC SPACE. SCUTTLE OPENING TO BE OF ADEQUATE DIMENSION TO ALLOW FOR PASSAGE OF UNIT THROUGH SCUTTLE OPENING.

EXHAUST AIR FROM BATHROOM FANS SHALL BE EXHAUSTED DIRECTLY TO THE EXTERIOR AND SHALL NOT DISCHARGE INTO AN ATTIC, CRAWL SPACE OR OTHER AREA INSIDE THE BUILDING.

FRAMING: FRAMING SHALL BE ERECTED PLUMB, LEVEL, TRUE AND SECURELY NAILED. JOISTS, STUDS AND RAFTERS ARE TO BE DOUBLED AT ALL OPENINGS. ALL FLUSH JOIST HEADERS TO BE CONNECTED WITH GALVANIZED METAL JOIST HANGERS. ALL FLUSH BEAM CONNECTIONS SHALL HAVE HEAVY DUTY JOIST HANGERS. DOUBLE FRAME UNDER ALL PARTITIONS PARALLEL TO FRAMING. SIZES OF JOISTS AND RAFTERS ARE SHOWN ON THE PLAN. IF A WOOD DECK IS PROVIDED, ALL STRUCTURAL MEMBERS SHALL BE PRESSURE TREATED LUMBER.

SHEATHING & SUBFLOOR: SHEATHING & SUBFLOOR SHALL BE APA ORIENTED STRAND BOARD WITH EXTERIOR GLUE AND NAILED TO EACH FRAMING MEMBER UNLESS OTHERWISE NOTED.

JOIST HANGERS: JOIST HANGERS SHALL BE GALVANIZED STEEL OR IRON, SIZED TO FIT THE SUPPORTED MEMBER AND OF SUFFICIENT STRENGTH TO DEVELOP THE FULL STRENGTH OF THE SUPPORTED MEMBER, AND FURNISHED COMPLETE WITH ANY SPECIAL FASTENERS REQUIRED. MANUFACTURES SHALL BE "SIMPSON" STRONG-TIE, OR EQUAL.

DIVISION 7 - THERMAL & MOISTURE PROTECTION:

ROOFING: ALL CHIMNEYS SHALL BE PROPERLY FLASHED WITH GALVANIZED STEP FLASHING. VALLEY AND VERTICAL ROOF SECTIONS SHALL BE PROPERLY SUPPORTED. ALL ROOFING SHALL BE INSTALLED IN STRICT CONFORMANCE TO THE MANUFACTURER'S SPECIFICATIONS.

ASPHALT SHINGLES: TO BE SELECTED BY OWNER OR CONTRACTOR.

VENTS: VENTILATE ALL ATTIC, RAFTER AND CRAWL SPACE AREAS WITH PROPER SIZED SCREENED VENTS AND/OR LOUVERS.

INSULATION: ALL INSULATION SHALL BE INSTALLED IN ACCORDANCE WITH THE 2018 IECC.

CAULKING: ALL EXTERIOR JOINTS BETWEEN WINDOWS, DOORS AND OTHER SURFACES SHALL BE CAULKED USING A WEATHERPROOF CAULKING.

DIVISION 8 - DOORS & WINDOWS:

WINDOWS: ALL WINDOWS SHALL MEET THE MINIMUM REQUIREMENTS FOR LIGHT, VENTILATION AND EGRESS. ALL WINDOWS SHALL BE OF SUFFICIENT CONSTRUCTION SO AS TO MEET THE 2018 IECC.

INTERIOR DOORS: ALL INTERIOR DOORS SHALL COME COMPLETE WITH HARDWARE. A CLASS "C" SELF-CLOSING FIRE RATED DOOR SHALL BE FURNISHED AND INSTALLED BETWEEN GARAGE & HOUSE. ALL DOORS SHALL MEET THE MINIMUM REQUIREMENTS OF THE 2018 IECC, IF APPLICABLE.

DIVISION 9 - FINISHES:

DRYWALL: DRYWALL SHALL BE 1/2" GYPSUM BOARD SECURELY SCREWED ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS. ALL JOINTS ARE TO BE TAPED AND SHALL RECEIVE (3) COATS OF JOINT COMPOUND. FINISHES TO BE SMOOTH, EVEN AND READY FOR PAINTING.

DIVISION 15 - MECHANICAL:

HEATING: THE CONTRACTOR SHALL FURNISH & INSTALL A HEATING SYSTEM WHICH MEETS THE 2018 IECC.

FLASHING: ALL PIPES PASSING THROUGH ROOF SHALL BE MADE WATER-TIGHT.

ALL PIPES CARRYING WATER OVER 105 DEGREES MUST BE INSULATED WITH A MINIMUM OF R-3.

TESTING: THE CONTRACTOR SHALL TEST ALL WATER SUPPLY AND DRAIN, WASTE AND VENT PIPING IN ACCORDANCE WITH ALL CODES.

DIVISION 16 - ELECTRICAL:

ALL ELECTRICAL WORK SHALL BE DONE IN STRICT CONFORMANCE WITH THE NATIONAL BOARD OF FIRE UNDERWRITERS AND LOCAL CODES. THE SERVICE SIZE SHALL BE A MINIMUM OF 100 AMPS.

FIREBLOCKING SHALL BE PROVIDED TO CUT OFF VERTICLE AND HORIZONTAL DRAFT OPENINGS AND TO FORM A FIRE BARRIER BETWEEN STORIES AND THE TOP STORY AND ROOF SPACE.

FIREBLOCKING IS TO BE PROVIDED IN THE FOLLOWING LOCATIONS:
- IN CONCEALED STUD WALLS VERTICALLY AT CEILING & FLOOR LEVELS AND INTERVALS NOT EXCEEDING 10'
- AT INTERCONNECTIONS BETWEEN CONCEALED VERTICLE AND HORIZONTAL SPACES, SUCH AS SOFFITS, DROP CEILINGS, COVE CEILINGS
- IN CONCEALED SPACES BETWEEN STAIR STRINGERS AT THE TOP & BOTTOM OF THE RUN.
FIREBLOCKING SHALL CONSIST OF NOMINAL TWO-INCH LUMBER, 3/4" PLYWOOD, 3/4" PARTIAL BOARD, 1/2" GYPSUM BOARD, 1/2" CEMENT BASED MILLBOARD OR BATTS/BLANKETS OF MINERAL WOOL OR GLASS FIBER SECURELY RETAINED IN PLACE.

AT OPENINGS AROUND VENTS, PIPES, DUCTS, CABLES, AND WIRES AT THE CEILING AND FLOOR LEVEL AN APPROVED MATERIAL IS TO BE INSTALLED TO RESIST THE FREE PASSAGE OF FLAME & PRODUCTS OF COMBUSTION.

GENERAL NOTES:

1. THE CONTRACTOR IS TO VISIT THE SITE AND THOROUGHLY ACQUAINT HIMSELF WITH ALL EXISTING CONDITIONS TO CHECK AND VERIFY ALL CONDITIONS, DIMENSIONS, ETC. AND REPORT TO THE ENGINEER ANY ERRORS, OMISSIONS OR VARIATION FROM INTENT OF THE PLANS PRIOR TO THE START OF WORK.

2. NO DRAWINGS ARE TO BE SCALED. USE DIMENSIONS ONLY.

3. CONTRACTOR IS TO OBTAIN AND PAY FOR ALL REQUIRED LOCAL PERMITS. NO WORK IS TO COMMENCE UNTIL ALL PERMITS ARE OBTAINED. THIS TO INCLUDE THE FINAL CERTIFICATE OF OCCUPANCY.

4. THOSE ITEMS NOT NOTED, BUT IMPLIED AS NECESSARY FOR THE PERFORMANCE OF THE CONTRACT ARE ARE CONSIDERED PART OF THE WORK.

5. ALL MATERIALS AND WORKMANSHIP IS TO BE GUARANTEED BY THE CONTRACTOR TO BE FREE OF DEFECTS FOR A PERIOD OF ONE YEAR, THE CONTRACTOR AGREES TO CORRECT WITHOUT CHARGE SUCH CONDITIONS AS MAY OCCUR DURING THE GUARANTEE PERIOD.

6. ALL WORK IS TO BE EXECUTED BY MECHANICS SKILLED IN THEIR TRADES.

7. ALL CHANGES AND OR SUBSTITUTIONS ARE TO BE APPROVED IN WRITING BEFORE BEING INCORPORATED INTO THE WORK.

8. ALL TRADES TO COOPERATE WITH EACH OTHER TO FACILITATE THE PROGRESS OF THE ENTIRE JOB.

9. CONTRACTOR IS TO PROTECT THE PUBLIC AND PREMISES DURING THE PERIOD OF CONSTRUCTION WITH ADEQUATE SHORING, BRACING, FENCING, LIGHTING, ETC.

10. CONTRACTOR IS TO REMOVE ALL RUBBISH FROM THE SITE RESULTING FROM HIS WORK DURING THE PROGRESS OF CONSTRUCTION AND SHALL LEAVE THE PREMISES IN A CONDITION SATISFACTORY TO THE OWNER PRIOR TO THE FINAL PAYMENT.

11. ALL MATERIALS, ASSEMBLIES, CONSTRUCTION AND EQUIPMENT SHALL CONFORM TO THE REGULATIONS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE AND SHALL CONFORM TO GENERALLY ACCEPTED STANDARDS.

NOTES:

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ALL INTERIOR WALLS ARE TO BE 2X4 WOOD STUDS

DOUBLE ALL FLOOR JOISTS UNDER WALLS ABOVE THAT ARE FRAMED PARALLEL TO FLOOR FRAMING UNLESS OTHERWISE NOTED ON PLAN.

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| DATE | 04/14/2020 |
| DRAWN BY | KR |
| CHECKED BY | MAD |
| A.4 | |

PLEASE NOTE THAT ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD PRIOR TO THE START OF CONSTRUCTION.

City of Beacon Planning Board
7/21/2020

Title:

23-28 Creek Drive

Subject:

Consider request for a six (6) month extension of Area Variance, 23-28 Creek Drive, submitted by 23-28 Creek Drive, LLC

Background:

ATTACHMENTS:

Description

23-28 Creek Drive Cover Letter

Type

Cover Memo/Letter



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

Taylor M. Palmer
tpalmer@cuddyfeder.com

VIA EMAIL (egrogan@cityofbeacon.org)

June 30, 2020

Hon. David Jensen, Chairman
& Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: 23-28 Creek Drive, LLC (Former DPW Property) Area Variance Approval
Request for Six (6) Month Extension

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

On behalf of 23-28 Creek Drive, LLC (the "Applicant"), we are writing to request a six (6) month extension of the Area Variance Approval Resolution that was adopted by the Zoning Board of Appeals ("ZBA") on September 17, 2019 (the "ZBA Resolution").¹

The ZBA Resolution provides in relevant part that the Applicant shall "... obtain a building permit within six months from the date of the Planning Board's Site Plan approval..." See **Exhibit A** at page 12. The Planning Board granted Site Plan approval at its meeting on January 14, 2020 (the "Planning Board Resolution").² This request is timely, as six (6) months have not elapsed since the date of the Planning Board's Site Plan approval.

Since the Applicant last appeared before the Planning Board, the Applicant has been diligent in its efforts to satisfy the conditions of the ZBA Resolution and the Planning Board Resolution. Specifically, the Applicant:

- 1) Completed the conditions of the Purchase and Sale Agreement with the City;
- 2) Closed on the property;
- 3) Obtained County Health Approval for the subdivision plat;
- 4) Prepared all easement agreements and related agreements for review by the City Attorney; and
- 5) Submitted a bona fide Building Permit Application dated April 24, 2020, a copy of which is enclosed as **Exhibit C**.

¹ A copy of the ZBA Resolution is attached to this letter as **Exhibit A**.

² A copy of the Planning Board Resolution dated January 23, 2020 is attached to this letter as **Exhibit B**.



Page -2-
6-30-20

Accordingly, at this time the Applicant is preparing to have the Final Subdivision Plat ready for signature, so that it may be filed with the County Clerk's Office. Provided the Applicant's diligent efforts to see that the Final Subdivision Plat is approved so that a Building Permit can be issued, we respectfully submit this formal request for a six (6) month extension of the ZBA Resolution, thus extending the approval until January 14, 2021, the date by which the Applicant must satisfy the conditions in the ZBA Resolution.

We respectfully request that you please place this extension request on the next available ZBA meeting Agenda for consideration of the Applicant's request for a six (6) month extension.

In the event that the Applicant is able to secure the filing of the subdivision plat and obtain a Building Permit prior to the July 14th expiration of the ZBA Resolution, the Applicant will withdraw its application for extension.

Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Palmer", written over a horizontal line.

Taylor M. Palmer

Enclosures

cc: Drew V. Gamils, Esq. – ZBA Attorney

Exhibit A

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals (“Board of Appeals” or “Zoning Board”) by **23-28 Creek Drive, LLC** (the “Applicant”) for (1) a variance of 20 parking spaces, where 113 parking spaces are required for a mixed-used building consisting of 20,000 square feet of commercial space and eight (8) residential units pursuant to City Code § 223-26.F and 93 parking spaces are proposed; (2) a 750 square foot variance for two apartment units, where the maximum permitted dwelling unit size is 2,000 square feet pursuant to City Code § 223-41.14.C and two apartment units are proposed to be 2,750 square feet; (3) a one story height variance, where the maximum permitted building height is three stories pursuant to City Code § 223-41.14.F and the proposed building height is four stories; and (4) a 13 foot 4 inch building height variance where the maximum permitted building height is 40 feet pursuant to City Code § 41.14.F and the proposed building height is 53 feet-4 inches, in connection with the Applicant’s proposal to construct a mixed use development with eight (8) apartments and 20,000 square feet of commercial space (the “Proposed Action” or “Project”), on property located at 23-28 Creek Drive in the Fishkill Creek Development (“FCD”) Zoning District, said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-37-037625** (the “Property”); and

WHEREAS, the Project is located on the former City of Beacon Department of Public Works (“DPW”) property which consists of approximately 2.582 acres of land and a 0.228 acre portion of land owned by Weber Projects III, LLC located at 7-15 Creek Drive, as designated on the City tax map as Parcel ID# 6054-37-066670, which said 0.228 acres is the subject of a resubdivision application before the Planning Board and which is not part of this variance application; and

WHEREAS, the Applicant submitted its application to the Zoning Board of Appeals in conjunction with its application to the City Council for Concept Plan approval and its application to the City Planning Board for Site Plan and Subdivision (lot line adjustment) approval; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, on December 3, 2019, the City Council referred the application for Concept Plan approval to the City Planning Board for report and recommendation and asked the Planning Board to be lead agency for the coordinated environmental review of the Project; and

WHEREAS, the City Planning Board considered the Proposed Action at its March 12, 2019, April 9, 2019, May 14, 2019, June 11, 2019 and July 9, 2019 meetings; and

WHEREAS, the City Planning Board held a duly advertised SEQRA public hearing on April 9, 2019 and continued the SEQRA public to May 14, 2019 and June 11, 2019, at which time all those wishing to raise SEQRA concerns were given such opportunity; and

WHEREAS, the City Planning Board closed the SEQRA public hearing on June 11, 2019; and

WHEREAS, on July 9, 2019 after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the City Planning Board, as part of a coordinated review, hereby adopted a Negative Declaration; and

WHEREAS, a duly advertised public hearing on the application for area variances was held on July 16, 2019, and continued to August 20, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on August 20, 2019; and

WHEREAS, pursuant to New York State General City Law Section 81-b(4) and City Code Section 223.55.C(2)(b), when deciding the request for an area variance:

The Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the Board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance; and

WHEREAS, the Board of Appeals, in granting variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community; and

NOW, THEREFORE, BE IT RESOLVED, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City Code, the Zoning Board hereby finds with respect to the requested area variances as follows:

1. Overview of the Project

The Property which is the subject of this variance application was previously used for decades as the City's Highway Garage. The Proposed Project involves demolition of the existing buildings on the site and construction of a new four story mixed use building containing 20,000 square feet for commercial use and eight (8) residential dwelling units. The Applicant has an ownership interest in the adjacent property at 7-15 Creek Drive (owned by Weber Projects III, LLC), which has been redeveloped from a junk yard into a multi-family residential development with a new building, and includes expansion of the Fishkill Creek Greenway & Heritage Trail. The Applicant submitted the Proposed Project for 23-28 Creek Drive in response to the City's Request for Qualifications and Proposals to renovate and develop the Property. The City Council selected the Applicant's proposal and on May 11, 2018, the Applicant entered into a Contract of Sale with the City of Beacon. The Applicant's Contract with the City requires the Applicant to construct a park

and expand the Fishkill Creek Greenway & Heritage Trail, to connect with the Trail at 7-15 Creek Drive.

On March 17, 2015, the Applicant's related entity at 7-15 Creek Drive (Weber Projects III, LLC) received area variances from the Zoning Board of Appeals to allow construction of two new four-story multi-family residential buildings on 9-11 Creek Drive. One of those buildings was constructed. As part of the Proposed Project at 23-28 Creek Drive the height variance for the second building will not be used and the second approved four story building at 9-11 Creek Drive will not be constructed. Instead such building is being proposed to be constructed on this Property.

2. The variances will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variances.

A. *Minimum Number of Parking Spaces*

The Applicant requests a variance of twenty (20) parking spaces. The total number of parking spaces required is 113 as thirteen (13) spaces are required for the residential dwelling units and 100 spaces are required for the commercial space. The Project will provide a total of 93 parking spaces located in several lots on the site, as well as beneath the building. The parking will be screened by landscaping to mitigate views from the street and neighboring properties. The Applicant's parking and traffic consultant prepared a Traffic Impact Study that stated in relevant part that: "... in connection to the nearby CMS District and Linkage District[s] the City Code would only require 48 and 58 spaces respectively, which is a reasonable comparison due to the Project's proximity to Main Street and these districts."

The Applicant will install a combination of fencing and plant material to create a visual buffer between the street and parking areas. In addition, the residential use and commercial use on the site allows for shared parking such that the thirteen (13) residential spaces can be used for commercial space parking.

It should also be noted that the Planning Board discussed the variance for parking and considered the following factors. The Planning Board found that the Fishkill Creek Development zone relies on general parking standards, while similar mixed uses in the adjacent Linkage and CMS Zoning

Districts would require far fewer parking spaces. In addition, a shared parking situation will exist on the Property because some of the employees will live and work on site, and the commercial operation will not be operating when some residents are at home. Lastly fewer parking spaces would cut down the amount of impervious surfaces and add more accessible green space. After careful consideration, the members of the Planning Board unanimously supported a positive recommendation with regard to the parking variance.

Based on the traffic study, trip analysis, review of the City's parking requirements in adjacent zoning districts that mirror the proposed use, shared parking and availability of parking in the vicinity of the site, the variance of 20 parking spaces for this Project, where 113 parking spaces are required for a mixed-used building consisting of 20,000 square feet of commercial space and eight (8) residential units, and will not produce an undesirable change in the character of the neighborhood and will not create a detriment to nearby properties.

B. Maximum Dwelling Unit Size

The Applicant requests a variance to permit two (2) 2,750 square foot residential dwelling units, where the maximum permitted dwelling unit size is 2,000 square feet. The Project includes eight total apartment units comprising 13,515 square feet, which includes three 1,380 square foot two-bedroom units, two 1,325 square foot two-bedroom units, one 1,225 square foot two-bedroom units and two 2,750 square foot three-bedroom units located on the third and fourth floors of the building. The average size of the eight units in the proposed building, including the two 2,750 square foot units, is approximately 1,689 square feet, which is 311 square feet below the maximum permitted unit size. The makeup of the units creates a diversity of unit sizes in the building, without changing the exterior look of the building. In addition the variance requested applies to only two dwelling units.

In 2010 the City Council of the City of Beacon adopted the FCD Zoning District, which established the maximum dwelling unit size restriction of 2,000 square feet of gross floor area. After reviewing the available legislative history and available minutes, memorandums and correspondence pertaining to the adoption of the FCD Zoning District, the Zoning Board is unable to determine the City Council's original intent and justification for this bulk regulation.

At the Planning Board's June 11, 2019 meeting, the Planning Board discussed what "basis" there is for the maximum dwelling unit size restriction in the FCD Zoning District. The City Planner, John Clarke, explained that such a provision was adopted before he was the Planner for the City of Beacon, therefore he did not participate in the drafting of the 2010 legislation. At the Planning Board meeting John Clarke was unable to supply the Planning Board with a reason as to why the 2,000 square foot restriction was adopted. Mr. Clarke explained to the Planning Board that such a provision is not typically found in zoning laws; sometimes a minimum unit size is adopted to prevent developers from constructing dwelling units that are too small, however, in his experience he has not seen a maximum dwelling unit size restriction.

Therefore, the 750 square foot variance per unit for two units, where the maximum permitted dwelling unit size is 2,000 square feet will not result in any adverse impacts to the neighborhood character or nearby properties.

C. Maximum Building Height and Number of Stories

The Applicant requests a one story height and a thirteen foot four inches (13'4") variance to construct a four story building, 53 feet 4 inches in height, where the maximum permitted building height in the FCD Zoning District is three stories and 40 feet. The four story building is set at a low elevation relative to the street. The elevation of the property helps mitigate any potential visual impacts of the building from Tioronda Avenue. Plantings will also be designed to soften the building and enhance views of Fishkill Creek and Mount Beacon. In addition, the height of building will not produce an undesirable change to the character of the neighborhood because the building sits at a lower elevation than the street. The existing topography of the site minimizes the impact of the fourth story from Tioronda Avenue. Furthermore, the proposed landscaping, in conjunction with the existing elevation, will limit views of the roof and mechanical equipment on the roof of the building from the street. The building will be visible from Fishkill Creek; however, the aesthetics of the site will be enhanced when compared to the existing conditions of the DPW facility.

As noted above, the Applicant will not be building the originally approved four-story building, for which the Applicant received a height variance, located on the Applicant's adjacent 7-15 Creek

Drive property. As a result, a significant viewshed towards Mount Beacon from Tioronda Avenue will be maintained. Therefore, this variance will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.

3. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variances.

A. Minimum Number of Parking Spaces

The Project uses a garage underneath the building to house 34 parking spaces. The development is situated and designed to allow for meaningful development that conforms with the 2017 Comprehensive Plan Update, which encourages mixed use developments, and is consistent with recent zoning changes which rezoned the property from the LI- Light Industrial Zoning District to the FCD Zoning District. The Project is also consistent with surrounding uses and structures in the neighborhood. By utilizing a parking garage under the building, the Applicant minimizes the surface parking footprint and amount of impervious coverage while maintaining the proposed amount of commercial and residential space. The requested variance allows the Applicant to enhance the layout and functionality of the site and preserves a significant amount of open space. The Applicant cannot achieve these benefits by any feasible alternatives. While the additional 20 parking spaces could be constructed on site, such construction would intrude into open spaces and as detailed herein such additional spaces are not necessary, and could necessitate additional area variances.

B. Maximum Dwelling Unit Size

The Applicant's goal is to develop a mixed use commercial and residential development building with a diversity of unit sizes in the building. While the Applicant can achieve its goal and stay within the 2,000 square foot requirement, the variance only applies to two units and the rest of the building contains residential units under 2,000 square feet. As a result the average size of all eight units combined (when factoring in the assumption of granting the requested area variance for the two units) is well below the maximum dwelling unit requirement in the FCD Zoning District.

C. Maximum Building Height and Number of Stories

The building consists of 20,000 square feet of commercial space and eight residential rental apartment units. The Project was designed to limit the building footprint. To construct the buildings as permitted on the Property by the City's Zoning Code, without a variance, would result in more impervious surface, encroachment into green space and increase massing of the building. The amount of commercial space, the number of residential units, the preserved open space, the design and flow of the site are all benefits the Applicant can only achieve by developing a fourth story.

4. The requested variances are mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variances.

The Applicant's requested area variances for this Project (1) a variance of 20 parking spaces, where 113 parking spaces are required for a mixed-used building consisting of 20,000 square feet of commercial space and eight (8) residential units pursuant to City Code § 223-26.F and 93 parking spaces are proposed; (2) a 750 square foot variance for two apartment units, where the maximum permitted dwelling unit size is 2,000 square feet pursuant to City Code § 223-41.14.C and two apartment units are proposed to be 2,750 square feet; (3) a one story height variance, where the maximum permitted building height is three stories pursuant to City Code § 223-41.14.F and the proposed building height is four stories; and (4) a 13 foot 4 inch building height variance where the maximum permitted building height is 40 feet pursuant to City Code § 41.14 are mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. Here, the requested variances are not substantial in their effect.

The landscaping of the project site and the large creek-side park will form a cohesive extension to the recent landscaping planted at 7-15 Creek Drive. The Applicant will demolish the existing three (3) bay garages with attached office, main garage, tire shed, tool shed, salt shed and carpenter's shed. The Applicant will construct a new building that is compatible with the neighborhood. The new building will provide a desired mixed used development with substantial commercial space while preserving open space. Additionally, the granting of the requested variances will result in

the second building proposed at 9-11 Creek Drive in not being constructed which will maintain views of Fishkill Creek and Mount Beacon.

5. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the development associated with the granting of this variance. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board determined that the Proposed Action will have no potential significant adverse environmental impacts. The Proposed Project includes a one-acre public park and extension of the Greenway Trail along the Creek. Therefore, the Zoning Board finds that the proposed variances will not have a significant adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

A. Minimum Number of Parking Spaces

As discussed above, a variance from the City's minimum required number of parking spaces in the FCD Zoning District will not result in any adverse effects or impacts on the physical or environmental conditions in the neighborhood or district. The Property is located one block from Main Street, and is adjacent to residential properties and a brewery. Such uses will not be impacted by approval of the requested parking variance.

The construction of additional parking would not only create more impervious surface, but it would eliminate a significant stormwater management area, which would then need to be relocated underground or pushed to the south of the site. In addition, developing the required 20 parking spaces would result in increased impervious surface area development, which would require further stormwater management.

B. Maximum Dwelling Unit Size

This variance addresses the size of the residential dwelling units; such a variance concerns the inside of the building and will not impact the physical or environmental conditions in the

surrounding neighborhood or district. The outside of the building will look the same whether the units are 2,000 square feet or 2,750 square feet. Therefore, the requested variance to permit two residential dwelling units at 2,750 square feet out of the total eight units, where the maximum dwelling unit size in the FCD Zoning District is 2,000 square feet will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

C. Maximum Building Height and Number of Stories

The Project is designed to reduce the footprint of the building and facilitate an efficient design and flow of the site. The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views. Further, public viewing of Fishkill Creek from the Site will be enhanced by providing a Greenway Trail segment and a public park at the south end of the site.

The applicable zoning specifically permits higher residential density on the Property. However, the Applicant is not proposing to construct any additional density. Furthermore, the Applicant will not be building the second approved four-story building located on the Applicant's property (9-11 Creek Drive) north of the subject Property, thereby maintaining the significant viewshed towards Mount Beacon from Tioronda Avenue.

Therefore, the proposed building height variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

6. The alleged difficulty is self-created.

The need for the variances is self-created since it is presumed the Applicant selected the Property as the location for its proposed development knowing the zoning requirements pertaining to the required number of parking spaces, maximum dwelling unit size and maximum building height permitted.

7. The variances requested are the minimum necessary and adequate to address the unnecessary hardship proven by the Applicant and at the same time shall preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of 23-28 Creek Drive, LLC for a variance of 20 parking spaces, where 113 parking spaces are required for a mixed-used building consisting of 20,000 square feet of commercial space and eight (8) residential units are required pursuant to City Code § 223-26.F and 93 parking spaces are proposed, is hereby GRANTED based on the Board's specific findings herein regarding the Project as proposed with 20,000 square feet commercial space and eight (8) residential units, subject to the following conditions:

1. The Applicant shall provide bicycle parking on the site for residents and office workers.
2. The Applicant is encouraged to consider allowing shared weekend parking to the general public on at least a portion of the Property, as a majority of the sites off-street parking spaces are not otherwise anticipated to be used during the weekend.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of 23-28 Creek Drive, LLC for a 750 square foot variance for two apartment units; where the maximum permitted dwelling unit size is 2,000 square feet pursuant to City Code § 223-41.14, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application 23-28 Creek Drive, LLC for a one story height variance, where the maximum permitted building height is three stories pursuant to City Code § 223-41.14.F and the proposed building height is four stories, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of 23-28 Creek Drive, LLC for a 13 foot 4 inch building height variance where the maximum permitted building height is 40 feet pursuant to City Code § 41.14.F and the proposed building height is 53 feet-4 inches, is hereby GRANTED, subject to the following conditions:

1. All variances issued by the Zoning Board of Appeals on March 17, 2015 to Weber Projects III, LLC pertaining to a second four story building approved on property located at 9-11 Creek Drive and not yet constructed, are rescinded and deemed null and void and a statement to that affect by the Applicant's related entity, Weber Projects III, LLC shall be

filed within thirty (30) days after the Planning Board's Site Plan approval and made a part of the records for both this Property and the 7-15 Creek Drive property files.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicant has paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. These variances shall be void if the Applicant fails to (i) obtain a building permit within six months from the date of the Planning Board's Site Plan approval; (ii) commence construction within six months following the date of issuance of the building permit; and (iii) fails to complete construction and obtain a certificate of occupancy within 24 months after the date of issuance of said building permit..
3. The Zoning Board of Appeals may grant six month extensions of this variance approval provided that a written request for an extension is submitted before the variance expires. Such extensions shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variances were originally granted have not substantially change

Dated: September 17, 2019

A handwritten signature in blue ink, reading "Robert K. Lanier", is written over a horizontal line.

Mr. Robert Lanier, Chairman

A VARIANCE OF 20 PARKING SPACES

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|-----------------------|---------------|----------------------------|------------|------------|----------------|----------------|---------------|
| | | Robert Lanier | X | | | | |
| X | | Garrett Duquesne | X | | | | |
| | X | Jordan Haug | X | | | | |
| | | Judy Smith | X | | | | |
| | | David Jensen | X | | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 5 | 0 | | | |

A 750 SQUARE FOOT VARIANCE FOR TWO APARTMENT UNITS

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|-----------------------|---------------|----------------------------|------------|------------|----------------|----------------|---------------|
| | | Robert Lanier | X | | | | |
| | | Garrett Duquesne | X | | | | |
| X | | Jordan Haug | X | | | | |
| | X | Judy Smith | X | | | | |
| | | David Jensen | X | | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 5 | 0 | | | |

A ONE STORY VARIANCE

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|-----------------------|---------------|----------------------------|------------|------------|----------------|----------------|---------------|
| | | Robert Lanier | X | | | | |
| | X | Garrett Duquesne | X | | | | |
| | | Jordan Haug | | X | | | |
| X | | Judy Smith | X | | | | |
| | | David Jensen | | X | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 3 | 2 | | | |

A 13 FOOT 3 INCH BUILDING HEIGHT VARIANCE

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|-----------------------|---------------|----------------------------|------------|------------|----------------|----------------|---------------|
| | | Robert Lanier | X | | | | |
| X | | Garrett Duquesne | X | | | | |
| | | Jordan Haug | | X | | | |
| | X | Judy Smith | X | | | | |
| | | David Jensen | | X | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 3 | 2 | | | |

Exhibit B

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

GRANTING PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS AND SITE PLAN APPROVAL FOR 23-28 CREEK DRIVE

Parcel ID#6054-37-037625

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals (lot line realignment) and Site Plan Approval from 23-28 Creek Drive, LLC (the "Applicant"), to construct a mixed-use development on the former City of Beacon ("DPW") site with a total of eight (8) residential units and 20,000 square feet of commercial space, (the "Proposed Action" or "Project"), on a total of 3.144 acres, 2.807 acres of property located at 23-28 Creek Drive and designated on the Tax Map of the City of Beacon as **Parcel ID# 6054-37-037625** and 0.337 acres from the adjacent parcel which consists of land owned by Weber Projects III, LLC located at 7-15 Creek Drive and designated on the Tax Map of the City of Beacon as **Parcel ID# 6054-37-066670** in the Fishkill Creek Development ("FCD") Zoning District (the "Property"); and

WHEREAS, the Planning Board is the approval authority for the Subdivision and Site Plan pursuant to City of Beacon Code §§195-2 and 223-41.13.G; and

WHEREAS, development within the Fishkill Creek Development District is governed by Chapter 223, Article IVC of the Code of the City of Beacon (the "City Code"), which requires all Creek development projects to obtain (a) Concept Plan approval by the City Council and (b) Site Plan approval by the Planning Board; and

WHEREAS, the application consists of application forms, correspondence, the Full Environmental Assessment Form ("Full EAF") and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Subdivision is shown on the drawing, entitled, "Lot Line Alteration Prepared for 23-28 Creek Drive" Sheet 1 of 1 dated October 28, 2019, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings, entitled "Site Plan Application 23-28 Creek Drive" Sheets 1-12, last revised December 31, 2019, as prepared by Aryeh Siegel, Architect, Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations:

Sheet
1 of 12
2 of 12

Title
Site Plan
Existing Conditions & Demolition Plan

| | |
|----------|--|
| 3 of 12 | <i>Site Section Diagram</i> |
| 4 of 12 | <i>Landscape Plan & Planting Schedule</i> |
| 5 of 12 | <i>Building Plans</i> |
| 6 of 12 | <i>Renderings</i> |
| 7 of 12 | <i>Grading & Utility Plan</i> |
| 8 of 12 | <i>Erosion and Sediment Control Plan</i> |
| 9 of 12 | <i>Profiles</i> |
| 10 of 12 | <i>Site & Erosion Sediment Control Details</i> |
| 11 of 12 | <i>Stormwater Details</i> |
| 12 of 12 | <i>Water and Sewer Details; and</i> |

WHEREAS, the Applicant also submitted a Parking and Traffic Impact Study prepared by Maser Consulting P.A., dated March 25, 2019; and

WHEREAS, the Project incorporates public linkages to the Greenway Trail and includes the construction of a half-acre public park along the Fishkill Creek; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act (SEQRA) and the Planning Board served as Lead Agency in a coordinated environmental review and held a duly noticed SEQRA public hearing on April 9, 2019, continued the public hearing to May 14, 2019 and June 11, 2019, and closed the public hearing on June 11, 2019, at which all times those wishing to provide comment were given the opportunity to do so; and

WHEREAS, WHEREAS, on July 9, 2019 after hearing public comment and taking a “hard look” at the Full EAF and all of the associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts; and

WHEREAS, the Planning Board issued a report to the City Council dated July 11, 2019 issuing a positive recommendation to the Council on the Concept Plan, subject to the Applicant returning to the Planning Board where the Planning Board will review more specific architectural, landscaping, lighting, parking and engineering details as required to complete Site Plan review; and

WHEREAS, pursuant to a letter dated June 19, 2019, the MTA expressed their acceptance for the Applicant’s proposed grading plans to smooth out the transition between the subject parcel and the MTA property including grading and clean-up work and informed the Applicant that an Entry Permit is required to perform the cleanup and grading, which the Applicant should request upon approval and signing of the Site Plans; and

WHEREAS, on May 9, 2019 the Applicant submitted a request to the New York District of the U.S. Army Corps of Engineers for authorization to discharge fill materials into waters of the United States associated with the installation of two (2) new stormwater outfall structures and the removal of three (3) existing stormwater outfall structures located in Fishkill Creek; and

WHEREAS, on September 16, 2019, the Applicant received approval from the New York District of the U.S. Army Corps of Engineers for authorization to discharge fill materials into waters of the United States associated with the installation of two (2) new stormwater outfall structures and the removal of three (3) existing stormwater outfall structures located in Fishkill Creek subject to special conditions to protect the endangered species of the Indiana and Northern Long-Eared bats while clearing trees; and

WHEREAS, on September 17, 2019 the City of Beacon Zoning Board of Appeals granted the Applicant's variance requests including: (i) a variance of 20 parking spaces, where 113 parking spaces are required for a mixed-use building consisting of 20,000 square feet of commercial space and eight residential units pursuant to City Code §223-26.F and 93 parking spaces are proposed; (ii) a 750 square foot variance for two apartment units, where the maximum permitted dwelling unit size is 2,000 square feet pursuant to City Code §223-41.14.O and two apartment units are proposed to be 2,750 square feet; (iii) a one store height variance, where the maximum permitted building height is three stories pursuant to City Code §223-41.14.F and the proposed building height is four (4) stories; and (iv) a 13 foot 4 inch building height variance where the maximum permitted building height is 40 feet pursuant to City Code §41.14.17 and the proposed building height is 53 feet 4 inches; and

WHEREAS, the City Council granted Concept Plan Approval for the Project by resolution dated November 18, 2019; and

WHEREAS, on December 10, 2019, the Planning Board opened a duly noticed public hearing on the application for Subdivision (lot line realignment) and Site Plan approval at which time all those interested were given an opportunity to be heard and the public hearing was closed on January 14, 2019; and

WHEREAS, with respect to the proposed Greenway Trail on the Property the City of Beacon Greenway Trail Committee was consulted and provided input on the design of the trail; and

WHEREAS, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City of Beacon Code including but not limited to City Code Chapter 195 and Sections 223-41.13.G(2) and 223-41.13.I of the City of Beacon Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Project, submitted by 23-28 Creek Drive, LLC, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, as shown on the application materials referenced above, subject to the conditions and modifications set forth herein.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Site Plan meets the standards and criteria set forth at Sections 223-41.13.G(2) and 223-41.13.I of the City of Beacon Zoning Code.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants the Site Plan application submitted by 23-28 Creek Drive, LLC to construct a mixed-use development with a total of eight (8) residential units and 20,000 square feet of commercial space, as shown on the plans referenced herein and submitted to the Planning Board, upon the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project, including but not necessarily limited to approval from the Dutchess County Department of Health for the proposed sewer relocation and the proposed water main extension, and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer's letter to the Planning Board dated January 8, 2020, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner's letter to the Planning Board dated January 10, 2020, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.
5. All easements shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.
6. Easement agreements, declarations of restrictive covenants or other appropriate documents corresponding with the easements shown on the Final Subdivision Plat shall be prepared and submitted to the City Attorney for review as to form and shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat, with a copy of the recorded documents submitted to the City Clerk for filing. Such easements, declarations of restrictive covenants or other documents shall include but not

be limited to: (i) Stormwater Easement and Maintenance Agreement; (ii) Greenway Trail Easement.

7. The Applicant shall post a performance bond with the City of Beacon for all public improvements in an amount acceptable to the City Engineer. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.

When the conditions above have been satisfied, four (4) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

B. Prior to the signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer's letter to the Planning Board dated January 8, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner's letter to the Planning Board dated January 10, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant shall return to the Planning Board to complete architectural review of the Project and obtain approval thereof.
6. The comments of the Beacon Greenway Trail Committee set forth in a letter to the Planning Board dated January 14, 2020, including the representations of the Applicant stated therein and confirmed by the Applicant at the January 14, 2020 Planning Board meeting, shall be fulfilled to the satisfaction of the City Planner and City Engineer.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one

set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

C. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled:

1. The Applicant shall submit documentation from NYSDEC demonstrating that the site remediation has been performed and has been closed out to the satisfaction of NYSDEC pursuant to the remediation work plan prepared for the Site. A copy of the remediation work plan as approved by NYSDEC for the required remediation work based upon review of the Phase II Environmental report, which identified petroleum contamination, shall be provided to the City of Beacon. Any additional contamination discovered during construction which requires remediation shall be remediated in accordance with all State and local laws, rules and regulations.
2. Prior to commencement of any site work for the Project, the Applicant shall fund an escrow account with the City of Beacon for the construction observation and monthly stormwater inspections of the proposed utilities and site improvements in an amount as determined by the City Engineer. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.

D. Prior to the issuance of a Certificate of Occupancy, the following condition shall be fulfilled to the satisfaction of the Building Inspector

1. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. The Planning Board hereby determines that the proposed recreation/parkland, specifically the public park consisting of approximately 1 acre to be maintained by the Applicant and the Greenway Trail segment, are of adequate size and location to meet the anticipated recreational demands of the future population of the Project. Therefore, that Applicant shall not be required to pay a Recreation Fee for the 8 new apartments approved herein.
2. The Applicant shall obtain an MTA Entry Permit for temporary access to perform grading and cleanup work as proposed to smooth the transition between the subject parcel and the MTA property.

E. The following are general conditions which shall be fulfilled:


1. The Greenway Trail shall be completed prior to the issuance of the first Certificate of Occupancy for the residential component of the Project.

2. Pursuant to the Army Corp. of Engineers special conditions of approval for the grading and fill work along Fishkill Creek, removal of trees greater than four (4) inches in diameter at the Project Site will take place between November 1 and March 31 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats and Northern Long-Eared Bats as roosting trees, orange construction fencing shall be used to separate areas to be graded from areas not to be disturbed and no artificial dyes, coloring, insecticide or algacide such as copper sulfate shall be used in stormwater control structures.
3. Any increase to the total number of units above eight or bedrooms above 18 on the Property shall require an application to the City Council and the Planning Board to amend the Concept Plan and Site Plan, respectively.
4. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
5. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Full EAF and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the Full EAF, the terms of this resolution shall be controlling.
6. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this Project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
7. As used herein, the term "Applicant" shall include 23-28 Creek Drive LLC, and its heirs, successors and assigns.
8. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
9. The approvals granted by this resolution do not supersede the authority of any other entity.
10. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all items in Condition A above have been certified as completed and the Final

Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.

11. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this resolution and proof of recording of the easement documents described above.
12. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.
13. The Site Plan Approval granted herein shall expire in the event the Applicant does not submit a bona fide building permit application to the Building Department within one year of the adoption date of this Resolution, provided however, that the Planning Board may extend such time period from time to time for good cause shown upon written request from the Applicant.

Resolution Adopted: January 14, 2020
Beacon, New York


John Gunn, Chairman
City of Beacon Planning Board

1/22, 2020
Dated

Motion by Mr. Williams, seconded by Mr. Muscat:

| | | | |
|---------------|-----------------|---------------------|-------------|
| Kevin Byrne | Voting: RECUSED | Leonard Warner | Voting: AYE |
| Rick Muscat | Voting: AYE | J. Randall Williams | Voting: AYE |
| Karen Quiana | Voting: ABSTAIN | John Gunn, Chairman | Voting: AYE |
| Jill Reynolds | Voting: EXCUSED | | |

Resolution: Approved 4-0

Exhibit C

23-28 Creek Drive, LLC

25 EAST MAIN STREET Apt 3
BEACON, NEW YORK 12508
Phone/Fax: (845)202-7271

Rodney Weber
CEO/Managing Member
Rodney@Weberprojectsllc.com

Tina Andress- Landolfi
Vice President Of Operations
Tina@Weberprojectsllc.com

April 24, 2020

Dave Buckley
Building Inspector
City Of Beacon
One Municipal Plaza
Beacon NY 12508

Re: 23-28 Creek Drive Building Permit

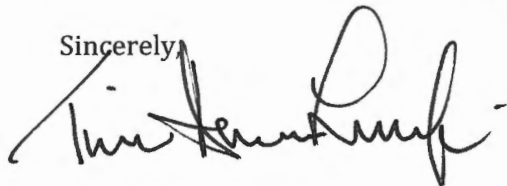
Dear Mr. Buckley,
Please find enclosed:

- Signed Building Permit Application
- Building Permit Fee Check
- (2) 24x36 Full Sets Signed & Sealed Architectural Building Plans
- (2) Full Sets Signed & Sealed MEP Plans – To Be Delivered by Engineer
- (2) Full Sets Signed & Sealed Structural Engineer Plans- To Be Delivered By Engineer
- Entity Property Ownership List

Digital copy of Building Permit and Plans will be submitted Via Email.

Please let me know if you have any questions.

Sincerely,



Tina Andress
VP Operations
25 East Main Street
Beacon NY 12508

BUILDING DEPARTMENT FEE SCHEDULE

| | |
|---|--------------------------|
| <i>Application Fee for all permits unless otherwise noted</i> | \$50 |
| <i>Certificates of Occupancy and Certificates of Compliance (in conjunction with a permit unless otherwise noted)</i> | \$50 |
| <i>Refund (prior to commencement of work)</i> | 1/2 of permit fee |

*Occupancy use classification as set forth in the NYSBC.
Fee based on gross sq. ft. including utility, storage and basement area.*

Residential

| | |
|---|--|
| 1 & 2 Family Homes (New and Additions) (all finished areas including basement) | .50/sq. ft. |
| Renovation/Alteration | .25/sq. ft. |
| Structural Repair (that does not constitute renovation/alteration) | \$5/\$1,000 of Est. Cost |
| Carport | \$50 |
| Garage (1 story) | .35/sq. ft. |
| Garage (2 story) | .45/sq. ft. |
| Pool - in ground | \$50 |
| Pool - above ground | \$30 |
| Deck/Porch | .25/sq. ft. |
| Covered/Enclosed Deck/Porch | .35/sq. ft. |
| Solar Panels | \$5/\$1,000 of Est. Cost |
| Miscellaneous work (does not constitute renovation/alteration) | \$5/\$1,000 of Est. Cost |
| Demolition | \$50/1,000 sq. ft. or part there of |
| Renewal - max 1 yr extension | \$35 |

Commercial

| | |
|---|--|
| All - 'R' occupancy | \$50 per unit + .60/sq. ft. |
| All - B,M, All = S,U, All - A,F,E,F | \$50 Permit Fee \$50 Certificate of Occupancy Fee Residential \$400 (8 units x \$50 per unit) \$8,412 (14,020 sf Residential Use x \$0.60 per sf) Commercial \$8,250 (5,000sf @ \$0.75 per sf + 15,000sf @ \$0.30 per sf) |
| Renovation/Alteration | .75/sq. ft. up to 5,000 sq. ft. plus .30 sq. ft. over 5,000 sq. ft. |
| Structural Repair | .40/sq. ft. up to 5,000 sq. ft. plus .20/sq. ft. over 5,000 sq. ft. |
| Demolition | \$1/sq. ft. up to 5,000 sq. ft. plus .50/sq. ft. over 5,000 sq. ft. |
| Renewal - max 1 yr extension | one half of "new construction" cost set forth herein. |
| | \$5/\$1,000 of Est. Cost |
| | \$100 plus .01 per sq. ft. |
| | \$100 plus 1% of original BP fee |
| | Total Fee = \$21,374.50 |

Other Building Department Fees

| Storage Tanks | Remove and or install |
|------------------|-----------------------|
| Up to 500 Gallon | \$75 |
| 500-1100 Gallon | \$125 |
| 1100-5000 Gallon | \$250 |
| 5000 Gallon | \$350 |

(please note: fee is per removal and per installation - so if you remove and install up to 500 gallon tank fee is \$150)

| | |
|--|-----------------------|
| Plumbing Reciprocal License (Separate Application) | \$350 |
| Plumbing Permit | \$20 Application plus |
| (Separate Application) | \$7.50 per fixture |

| | |
|--|--------------------------------------|
| HVAC Permit (Heating and Air Conditioning) | \$100 (\$50 application fee and \$50 |
| (Separate Application) | certification compliance) |

| | |
|--|-----------------------------|
| Plumbing Reciprocal License (Separate Application) | \$350 |
| Electrical Work Permit | Up to \$500 = \$20 |
| (Separate Application) | \$500 - \$1,500 = \$30.00 |
| | \$1,500 - \$3,500 = \$40.00 |
| | > \$3,500 = \$50.00 |

Fire Suppression systems/equipment

Fire Alarm System/equipment

(installation or modification)

1.5% of approved cost



City of Beacon
Building Department

**APPLICATION FOR CERTIFICATE OF OCCUPANCY
OR CERTIFICATE OF COMPLIANCE**

DATE: April 24, 2020

The undersigned requests that a Certificate of Occupancy be issued pursuant to

BUILDING PERMIT



CHANGE IN USE



OWNER 23-28 Creek Drive, LLC

APPLICANT 23-28 Creek Drive, LLC

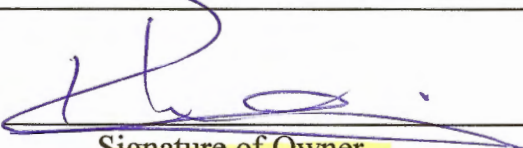
LOCATION 23-28 Creek Drive

SECTION 6054

BLOCK 37

LOT 037625

PERMITTED USE: Mixed use commercial and residential


Signature of Owner

Address

25 East Main Street

FEE: \$50.00

APPROVED: _____
Building Inspector

DATE APPROVED: _____



City of Beacon Building Department

APPLICATION PROCESSING RESTRICTION LAW Affidavit of Property Owner

Property Owner: 23-28 Creek Drive, LLC

(Applicant)

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

Rodney Weber

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

See Attached

Applicant Address: 25 East Main Street

Project Address: 23-28 Creek Drive,

Project Tax Grid #: 6054-37-037625

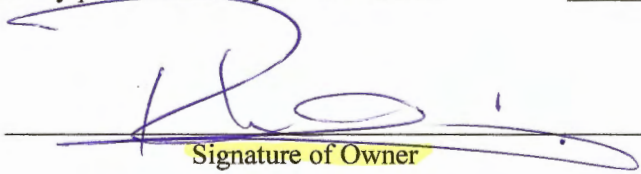
Type of Application: Building Permit

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

I, Rodney Weber, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.
(Check statements that are **true**)

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

| |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" type="checkbox"/> |


Signature of Owner

MEMBER

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

| |
|-------|
| _____ |
| _____ |
| _____ |

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

INDIVIDUAL DISCLOSURE FORM

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A

Name of Applicant: 23-28 Creek Drive LLC

Address of Applicant: 25 East Main Street Beacon NY 12508

Telephone Contact Information: 917-622-0657

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. |
|--------------|---------------------------------|------------------|------------------------------------|--|
| Rodney Weber | 25 East Main St Beacon NY 12508 | 917-622-0657 | - | - |
| | | | | |
| | | | | |

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

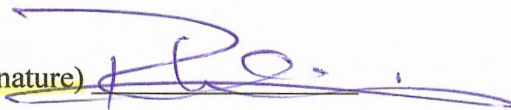


NO

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

(Print) Rodney Weber

(Signature)



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

ENTITY DISCLOSURE FORM

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

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

SECTION A.

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

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

IF AFFIANT IS A CORPORATION:

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

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

| Name | Resident Address | Resident Telephone Number | Nature and Extent of Interest |
|------|------------------|---------------------------|-------------------------------|
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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. |
|------|-------------------------------|------------------|------------------------------------|--|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

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

☐

YES

☒

NO

| Name | Employer | Position |
|------|----------|----------|
| | | |
| | | |
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| | | |
| | | |
| | | |

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

☐

YES

☒

NO

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

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

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

☐ YES

☒ NO

| Current Name | Other Names |
|--------------|-------------|
| | |
| | |
| | |
| | |

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

| Name | Address |
|----------------|-----------------------------------|
| City Of Beacon | 1 Municipal Plaza Beacon NY 12508 |
| | |
| | |
| | |

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

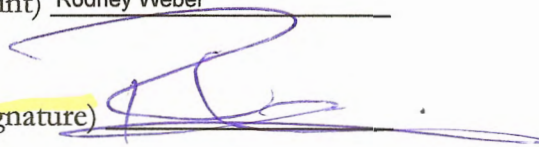
SECTION I. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☒ YES

☐ NO

I, Rodney Weber being first duly sworn, according to law, deposes and says that I am (Title)
Member, an active and qualified member of the 23-28 Creek Drive 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) Rodney Weber

(Signature) 



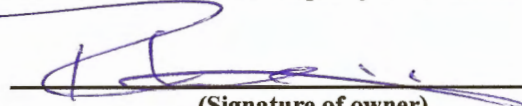
City of Beacon Building Department

Application for Building Permit

Approved: _____ 20 _____

Disapproved: _____ 20 _____

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions or alterations, the installation of equipment or systems, or for removal or demolition, as herein described. The applicant/owner agrees to comply with all applicable laws, ordinances and regulations. Owner/applicant agrees not to occupy or use in whole or part any building or item covered under this application until a Certificate of Occupancy or Certificate of Compliance has been issued.


(Signature of owner)

Applicant Name 23-28 Creek Drive, LLC Phone 917-622-0657
Address 25 East Main Street
Location of Construction or Use 23-28 Creek Drive
Tax Grid Number 6054-37-037625
Owner Name 23-28 Creek Drive, LLC/ Rodney Weber Phone 917-622-0657
Address 25 East Main Street

NATURE OF PROPOSED WORK:

☒ RESIDENTIAL

☒ COMMERCIAL

☒ Structure is located in a Flood Plain

☐ Structure is not located in a Flood Plain

| | | | |
|--|-----------------------|--|-----------------------|
| <input checked="" type="checkbox"/> Construction of New Building | <u>36,740</u> sq. ft. | <input type="checkbox"/> Addition to Existing Building | _____ sq. ft. |
| <input type="checkbox"/> Repair to Existing Building | _____ sq. ft. | <input type="checkbox"/> Alteration | _____ sq. ft. |
| <input type="checkbox"/> Conversion – Change in Use | _____ sq. ft. | <input type="checkbox"/> Demolition | _____ sq. ft. |
| <input checked="" type="checkbox"/> Garage, Attached | <u>11,730</u> sq. ft. | <input type="checkbox"/> Garage, Detached | _____ sq. ft. |
| <input type="checkbox"/> Deck/Porch (enclosed, covered) | _____ sq. ft. | <input checked="" type="checkbox"/> Deck/Porch (open) | <u>10,550</u> sq. ft. |
| <input type="checkbox"/> Above Ground Pool | | <input type="checkbox"/> In-Ground Pool | |
| <input type="checkbox"/> Electrical Installation | | <input type="checkbox"/> Other | _____ |

ESTIMATED COST OF CONSTRUCTION: \$5,000,000

Description of Work New construction of 4 story building with underground garage for commercial and residential use. Sprinklers, lighting, mep, partitions, plumbing, windows, exterior stair, roof deck, pool at rooftop, elevator.

Size of Structure (dimensions): 65'x192' varies Square Footage: 34,762 + garage

Height: 53'-4" Number of Stories: 4 Number of Dwelling Units: 8

No. of Bedrooms: 18 No. of Bathrooms: 21

Contractor Information

Contractor Name: Weber Projects LLC/ Rodney Weber Phone: 917-622-0657

Address: _____

Licensed Plumber: TBD Phone: _____

Address: _____

Licensed Electrician: TBD Phone: _____

Address: _____

Heating Contractor: TBD Phone: _____

Address: _____

Building Department use only:

| | | | |
|-------------------------------|-----------------------|---|----------------|
| Application Fee: | | = | <u>\$50.00</u> |
| Certificate of Occupancy: | \$50.00 if applicable | = | _____ |
| Fee: Building Permit Schedule | | = | _____ |
| <u>TOTAL FEE</u> | | = | <u>_____</u> |

PROPERTIES OWNED BY RODNEY WEBER

| ENTITY NAME | PROPERTY LOCATION |
|----------------------------|--------------------------------------|
| WEBER PROJECTS II LLC | 25 EAST MAIN ST. |
| 2 South Street LLC | 2 SOUTH STREET /494-498 Main |
| WEBER PROJECTS III LLC | 7 CREEK DRIVE |
| ROSENETH ESTATES | LOT# 730492 |
| SCENIC BEACON DEVELOPMENTS | 8 BRANCH STREET |
| SCENIC BEACON DEVELOPMENTS | 22 EDGEWATER PLACE |
| SCENIC BEACON DEVELOPMENTS | 555 SOUTH AVE . |
| SCENIC BEACON DEVELOPMENTS | PARCEL ID 130200-5954-25-574979-0000 |
| SCENIC BEACON DEVELOPMENTS | PARCEL ID 130200-5954-25-566983-0000 |

City of Beacon Planning Board
7/21/2020

Title:

53 Eliza Street

Subject:

Consider request for a six (6) month extension of Use Variance and Area Variance, 53 Eliza Street, submitted by PIE Development Company, Inc.

Background:

ATTACHMENTS:

Description

53 Eliza Street Cover Letter

Type

Cover Memo/Letter



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

Taylor M. Palmer
tpalmer@cuddyfeder.com

VIA EMAIL (egrogan@cityofbeacon.org)

June 30, 2020

Hon. David Jensen, Chairman
& Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: PIE Development Company, Inc. (53 Eliza Street) Use & Area Variance Approvals
Request for Six (6) Month Extension

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

On behalf of PIE Development Company, Inc. (the "Applicant"), we are writing to request a six (6) month extension of the Use & Area Variance Approval Resolution (the "ZBA Resolution") that was adopted by this Board on February 20, 2019.¹

Specifically, the ZBA Resolution provides in relevant part that "... [t]he Applicant has one year to obtain a building permit from the Applicant's last appearance before the Planning Board." See **Exhibit A** at page 8. As this Board is aware, the Planning Board granted Site Plan Approval for the project at its July 9th, 2019 Planning Board Meeting (the "Planning Board Resolution").² Accordingly, this request is timely as one (1) year has not elapsed since the Applicant's last appearance before the Planning Board.

Since the Applicant last appeared before the Planning Board, the Applicant has been diligent in its efforts to satisfy the conditions of the ZBA Resolution and the Planning Board Resolution. Indeed, the Applicant has nearly satisfied all conditions, which includes the submission of an Application for a Building Permit, a copy of which is enclosed as **Exhibit C**. We have been advised that the Applicant is presently pursuing the performance bond that is conditioned in the Planning Board Resolution, and that the Applicant has had additional difficulties with filing of the performance guarantee due to complications arising from the COVID-19 pandemic.

¹ A copy of the ZBA Resolution is attached to this letter as **Exhibit A**.

² A copy of the Planning Board Resolution dated July 12, 2019 is attached to this letter as **Exhibit B**.



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Accordingly, given the Applicant's diligent efforts to satisfy the conditions of the ZBA Resolution and Planning Board Resolution, including pursuing the issuance of a Building Permit, we respectfully submit this formal request for a six (6) month extension of the ZBA Resolution, thus extending the ZBA Resolution until January 9, 2021, the date by which the Applicant must satisfy the conditions in the ZBA Resolution.

We respectfully request that you please place this extension request on the next available ZBA Agenda for consideration of the Applicant's request for a six (6) month extension. In the event that the Applicant is able to secure the Building Permit prior to the July 9th expiration of the ZBA Resolution, the Applicant will withdraw its application for an extension.

Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Taylor M. Palmer". The signature is stylized with a large, sweeping "T" and "P".

Taylor M. Palmer

Enclosures

cc: Drew V. Gamils, Esq. – ZBA Attorney

Exhibit A

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **PIE Development Company, Inc.** (the "Applicant") to allow a multifamily development consisting of nine dwelling units, which will be distributed into three buildings, on property located at 53 Eliza Street in the R1-5 Zoning District, said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-29-031870** (the "Property"); and

WHEREAS, the Property is comprised of approximately 0.69 acres (30,307 square feet) of land; and

WHEREAS, the Applicant seeks a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit multifamily dwelling units in the R1-5 Zoning District where multifamily dwelling units are not a permitted use; and

WHEREAS, the Applicant also seeks an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2; and

WHEREAS, a duly advertised public hearing on the use variance application was held on September 18, 2018, and continued to October 16, 2018, November 20, 2018, December 18, 2018, and January 15, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, a duly advertised public hearing on the area variance application was held on December 18, 2018, and continued to January 15, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearings on the use and area variance applications on January 15, 2019; and

WHEREAS, the proposed action is an Unlisted action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, pursuant to the City Code Section 223.55.C(1)(b), when deciding a request for a use variance:

No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- [2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- [3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- [4] The alleged hardship has not been self-created; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and City Code Section 223.55.C(2)(b), when deciding the request for an area variance:

The Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance; and

WHEREAS, the Board of Appeals, in granting variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55.C(1)(b)[1]-[4] of the City Code, the Zoning Board finds with respect to the requested use variance to permit a multifamily use in a single family residential zoning district:

1. The Applicant cannot realize a reasonable return as demonstrated by competent financial evidence.

The Applicant must show with “dollars and cents” proof that land cannot yield a reasonable return if used only for a purpose allowed in that zone. For example, the courts have determined that evidence should be provided to show: (1) the amount of purchase price paid by the applicant for the entire parcel of property; (2) the present value of the entire parcel of property or any part thereof; (3) the expenses and carrying charges in connection with the maintenance of the entire parcel of property or any part thereof; (4) the amount of taxes on the entire parcel of property or any part thereof; (5) the amount of any mortgages, liens or other encumbrances, if any, on the entire parcel of property or any part thereof; (6) the amount of annual income realized by the current use of the property; (7) the amount of potential annual income realized by the permitted

uses; and (8) an estimate as to what a reasonable return on the entire parcel of property or any part thereof should be based on the initial investment of the applicant or the present value of the property. This list is not exhaustive, but is a recommendation as to what type of evidence should be in the record when the Board makes its determination. *Crossroads Recreation, Inc. v. Broz*, 4 N.Y.2d 39,44 (1959).

The Applicant provided the Zoning Board with a breakdown of the costs associated with the Applicant's purchase and renovation of the property. The application provides "dollars and cents" proof that the Applicant cannot realize a reasonable return if the property is used for any use currently permitted under the zoning.

The existing zoning permits residential uses, detached single-family dwellings not to include house trailer; buildings, structures and uses owned by the City of Beacon; churches or other places of worship; public schools; and parks and farms. The Applicant's Financial Analysis confirms that subdividing the lot into two or three lots, as permitted by right, and improving each with a single-family home for rental and/or for sale, will result in a significant financial loss to the Applicant, given its initial investment in the property and subsequent improvements.

The Applicant submitted a Supplemental Financial Analysis, which includes correspondence from the Applicant's financial consultant, McAlpine Construction Co., Inc., dated January 7, 2019, which references opinions from CR Properties Group, LLC, dated January 3, 2019 and from McGrath Realty Inc., dated January 7, 2019. Each expert assessed the Property, the location of the Property, access to the Property, and the highest and best use of the Property given its existence as non-conforming commercial use and its marketability as a commercial use given the site conditions and constraints. The Supplemental Financial Analysis considered the fair market value representative of these factors that are not otherwise reflected in a sale comparison approach. The Supplemental Financial Analysis confirms that the fair market value of the Property is between \$400,000 and \$450,000. Pursuant to a letter submitted by the Applicant's account, Kevin David, dated January 29, 2019, the Property was purchased in March of 1999 for \$161,039 (\$145,000 for the buildings, \$10,000 for the land and \$6,039 for closing costs). As of December 31, 2017, the building depreciated \$69,867 and had a cost basis of \$75,133. In his letter, Mr. Davis stated that the current cost basis remains \$75,133 plus the cost of improvements to the property (\$545,000) for a total of \$620,133. Sale of the property at \$450,000 would not provide the Applicant with a reasonable return on his investment.

The Applicant's supplemental submission dated October 30, 2018, includes a schedule of costs for a hypothetical three lot residential subdivision. A three lot subdivision is the maximum theoretical as-of-right subdivision buildout/layout for the premise based on the City's dimensional requirements and the shape of the lot. Such a subdivision would result in a total loss of \$540,000, factoring in land cost, building cost, potential sale price of the homes, site development costs and other soft costs. This submission also includes a schedule of costs associated with a six unit multifamily development complex. According to the cost breakdown, such a development would result in a total loss of \$151,440. Comparatively, a nine unit multifamily development complex is the only option that would provide a reasonable return, with a \$174,700 profit, as set forth in the Applicant's January 7, 2019 submission.

The Applicant submitted a letter from Robert McAlpine, dated December 7, 2018 providing a breakdown of soft costs and several estimates providing a breakdown of site costs as part of the Applicant's December 14, 2018 submission. The Applicant also submitted a Proposal for Architectural Services from Aryeh Sigel, dated December 3, 2018 to design the proposed multifamily development complex with nine condominium apartments distributed to three buildings.

Other permitted uses, such public schools or a church would require extensive off-street parking which is not available on the site. The Applicant's Supplemental Financial Analysis, dated January 7, 2019, provides that none of the permitted uses, including the existing non-conforming use, would result in any return on the Property. The Applicant's financial analyses demonstrate that a use variance to permit multifamily housing and an area variance to permit up to nine dwelling units on the Property are the minimum variances necessary to provide a reasonable return.

The Applicant's Financial Analysis, dated January 7, 2019, considers the amount paid for the property, the present value of the parcel; expenses and carrying charges for the Property, renovation costs, an accountant statement regarding cost basis, property appraisal information, taxes on the Property; mortgages on the Property; the income realized by the business (including prospective tenants) and the economic viability of each permitted use under existing zoning, including the pre-existing non-conforming use. After reviewing the Applicant's submission, the Board finds that the Applicant has demonstrated by competent financial evidence that it cannot realize a reasonable return by using the property for uses currently permitted by the City of Beacon Zoning Code in the R1-5 Zoning District.

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

The Applicant's hardship is unique to the Applicant's property and is not applicable to a substantial portion of the zoning district or neighborhood. The Property is approximately 30,307 square feet. It is a very large lot in the R1-5 Zoning District. This Property presents a unique situation because of its large lot size, existing buildings on the premise, and its pre-existing non-conforming commercial use. The proposed project also allows the Applicant to reuse one of the existing buildings on the site for two multifamily dwelling units. The proposed project is more conforming than the existing non-conforming commercial use. The site location and use constraints of the Property make it not commercially viable because there is limited access to main roads and highways for commercial transportation. Furthermore, it is located adjacent to other multifamily housing developments. Thus, the alleged hardship is unique to 53 Eliza Street.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

Granting the use variance will not alter the essential character of the neighborhood. Nor will the variance stimulate a pattern for future development that would eventually alter the neighborhood's character. The Property is zoned in the R1-5 Zoning District and is surrounded by residential uses, including multifamily residential uses located at 31 Eliza Street and 195 Fishkill Avenue. The Property has been occupied by nonconforming commercial and office building uses for several decades, and is presently used as a storage yard.

The Applicant is seeking to reuse the Property in a manner more consistent with the area's existing residential zoning. The Applicant seeks to use the Property for a residential purpose that is less

intense and onerous than the existing non-conforming use. Several properties in the R1-5 Zoning District that surround 53 Eliza Street contain multifamily uses, such as townhouse developments, two-family-developments, multi-family apartment uses and other commercial uses.

The Applicant's multifamily proposal will bring the Property further into conformity with surrounding uses, development patterns and the intent of residential zoning. As a result, the Board finds that the granting of the variance will not alter the essential character of the neighborhood.

4. The alleged hardship has not been self-created.

The hardship exists because the neighborhood has changed since the original commercial zoning classification on the Property. The Property is presently zoned in the R1-5 (1-Family Residence District) and is surrounded by residential uses. Prior to 1998 the Property was zoned as commercial in the OB (Office Business) district. For decades the property has been occupied by commercial uses and office buildings. The Applicant has owned the Property since March 1999 and has maintained the property as a legal non-conforming office, storage and contractor's yard. Over twenty years, the residential uses in the community have intensified. Multifamily developments have been constructed on adjacent land. Since 1998 the City has become popular among residents moving away from New York City. Retail, commercial and hospitality businesses have also increased on Main Street. The current use of the Property as a non-conforming storage yard is now out of place for the surrounding neighborhood. As a result, the Property is no longer suitable for such commercial use.

The Applicant did not purchase the Property intending to develop multifamily housing. The Applicant has owned the Property for more than two decades and originally purchased the property to conduct his commercial business. The Applicant tried to sell the property for several years, beginning in 2014, but was unsuccessful.¹

As a result, the hardship is not self-created.

AND WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City Code, the Zoning Board finds with respect to the requested area variance to permit nine multifamily units where six are permitted:

- 1. The area variance for nine multifamily units will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variance.**

¹ *54 Marion Avenue, LLC v. City of Saratoga Springs*, 162 A.D.3d 1341 (2d Dep't 2018) ("Property owner's allegation, that financial hardship arising from residential property's unique location on corner of intersection between side street and busy commercial thoroughfare arose decades after the property was acquired due to a gradual shift in the character of the area that rendered the permitted residential use onerous and obsolete, alleged that the hardship was not self-created.")

Kontogiannis v. Fritts, 131 A.D.2d 944 (3d Dep't 1987) ("Zoning board's conclusion that use variance petitioner's hardship was self-created was unsupported; record showed that applicant did not construct recreation building with the goal of converting it into multifamily dwelling several years later, but that original purpose of building became obsolete.")

The proposed residential use will replace the existing legal non-conforming commercial use on the property to bring the Property further into conformity with surrounding uses, development patterns and the intent of the residential zoning designation for the lot. The Applicant also plans to adaptively reuse one of the existing structures on the Property for two multifamily dwelling units. The Property is also adjacent to existing multifamily residential developments, including a seventy unit multi-story apartment building at 31 Eliza Street, and an eight unit multi-story apartment building at 195 Fishkill Avenue.

For these reasons, in addition to the reasons discussed above, the area variance for nine multifamily units will not produce an undesirable change in the character of the neighborhood.

2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variance.

The benefit sought by the Applicant is to obtain a reasonable return on its original investment. As outlined in the Applicant's Financial Analysis and supplemental documentation, nine multifamily units, is the minimum necessary that would provide a reasonable return. The Applicant's Financial Analysis demonstrates that the use of the Property for a residential use with nine residential dwelling units is the minimum density necessary to provide a reasonable return. None of the permitted uses under zoning, including the pre-existing legal non-conforming use would provide a reasonable return for the Applicant. The Applicant also evaluated whether it could achieve a reasonable return by constructing up to six multifamily dwelling units. Such a development would also yield a financial loss to the applicant of up to \$151,440. The Applicant considered building costs, land costs, estimated sales prices, soft costs and site costs in its evaluation. The Zoning Board believes that the Applicant has demonstrated through its financial analyses, other supplemental information and accompanying dollar and cents proof, that the benefit sought cannot be achieved by any other feasible methods. There is no other feasible design for the lot that would yield a reasonable return.

3. The requested variance is mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variance is mathematically substantial. The variance request represents a fifty percent increase from what is permitted. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. The proposed Project complies with all other bulk requirements in the City Code. The design of the proposed dwelling units is reflective of other properties within the immediate vicinity of the premises and is therefore not a departure from the overall design of the neighborhood. In addition, as previously discussed, the project will not adversely impact neighboring properties. Therefore, while the project is mathematically substantial, this factor does not outweigh the other factors involved in the area variance balancing test.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Property currently contains a more intense, legal non-conforming use that is less compatible with the neighborhood and the R1-5 Zoning District, as compared to the proposed multifamily use. The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variance.

The Applicant retained the services of Maser Consultant, P.A. to review any potential traffic impacts. The Traffic Evaluation, dated September 27, 2018, concludes that the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Property. Furthermore, the proposed nine unit multifamily development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed. As part of the Uncoordinated SEQRA review, the Zoning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts.

5. The alleged difficulty is not self-created for the reasons discussed above.

NOW THEREFORE, BE IT RESOLVED, after taking a “hard look” at the EAF and all of the associated materials prepared in connection with the use and area variance request, undergoing an uncoordinated review, the Board herein adopts the attached Negative Declaration for the Proposed Action.

BE IT FURTHER RESOLVED, that the Board of Appeals, finds that for the reasons set forth above, the requested use and area variances are the minimum variances necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the Board finds that for the reasons set forth above, the Applicant has demonstrated that the applicable zoning regulations and restrictions have caused an unnecessary hardship for the Applicant.

BE IT FURTHER RESOLVED, that for the reasons set forth above, said application by PIE Development Company, Inc. for a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit multifamily dwelling units on property located at 53 Eliza Street in the R1-5 Zoning District, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application by PIE Development Company Inc. for an area variance to construct up to nine dwelling units, where density requirements allow a maximum of six units pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant has six months to commence construction following the date of issuance of a building permit and 24 months after the date of issuance of said building permit to complete construction. The Applicant has one year to obtain a building permit from the Applicant's last appearance before the Planning Board.
3. The use and area variances granted by this resolution are subject to approval of the site plan from the Planning Board for no more than nine multifamily dwelling units.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals may grant a six month extension of this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.

Dated: February 20, 2019



Mr. Robert Lanier, Chairman

Use Variance to Permit Multifamily Housing

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|----------------|--------|---------------------|-----|-----|---------|---------|--------|
| | | Robert Lanier | X | | | | |
| | | John Dunne | X | | | | |
| X | | Jordan Haug | X | | | | |
| | X | Judy Smith | X | | | | |
| | | David Jensen | | X | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 4 | 1 | | | |

Area Variance to Permit Up to Nine Residential Units

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|----------------|--------|---------------------|-----|-----|---------|---------|--------|
| | | Robert Lanier | X | | | | |
| | X | John Dunne | X | | | | |
| X | | Jordan Haug | X | | | | |
| | | Judy Smith | X | | | | |
| | | David Jensen | | X | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 4 | 1 | | | |

Vote to Approve Resolution with Conditions, As Amended on the Record

Chairman Lanier called the roll:

| Motion | Second | Zoning Board Member | Aye | Nay | Abstain | Excused | Absent |
|----------------|--------|---------------------|-----|-----|---------|---------|--------|
| | | Robert Lanier | X | | | | |
| | | John Dunne | X | | | | |
| | | Jordan Haug | X | | | | |
| X | | Judy Smith | X | | | | |
| | X | David Jensen | X | | | | |
| | | | | | | | |
| | | | | | | | |
| Motion Carried | | | 5 | 0 | | | |

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: 53 Eliza Street | | |
| Project Location (describe, and attach a general location map): 53 Eliza Street Beacon, NY 12508 | | |
| Brief Description of Proposed Action (include purpose or need): Proposed multi-family development to replace the existing non-conforming commercial buildings and commercial uses with nine (9) apartments in 3 separate buildings with parking areas, internal travel-ways and landscaped areas on the residentially zoned property | | |
| Name of Applicant/Sponsor: PIE Development Company, Inc. | | Telephone: (845) 838-1775 E-Mail: EPPDHV@optonline.net |
| Address: 53 Eliza Street | | |
| City/PO: Beacon | State: NY | Zip Code: 12508 |
| Project Contact (if not same as sponsor; give name and title/role): Aryeh Siegel Architect | | Telephone: 845-838-2490 E-Mail: ajs@ajsarch.com |
| Address: 84 Mason Circle | | |
| City/PO: Beacon | State: NY | Zip Code: 12508 |
| Property Owner (if not same as 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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Planning Board</u> or Commission | SITE PLAN AND ARCHITECTURAL REVIEW BOARD APPROVAL | 8/28/18 |
| c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village <u>Zoning Board of Appeals</u> | VARIANCE RELIEF | 8/28/18 |
| 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 GML 239 Advisory Referral Review | 12/1/18 |
| f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| 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 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| <ul style="list-style-type: none"> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If Yes, identify the plan(s): _____ _____ _____ | |

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

The project is located in the R1-5 Single Family Residential district adjacent to properties zoned RD-5 Designed Residence.

- 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

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

City of Beacon Fire Department

- d. What parks serve the project site?

Memorial Park, South Ave Park, Scenic Hudson's Long Dock 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

- b. a. Total acreage of the site of the proposed action? 0.696 acres

- b. Total acreage to be physically disturbed? 0.590 acres

- c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.696 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: 12 months

- ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase I (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 | | | 9 units |
| 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. Total number of structures _____ | |
| ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length | |
| iii. 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. 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: | |
| 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: _____ 1,980 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
- 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: _____ 1,980 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: 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

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| | | | |
|--|--|--|--|
| <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 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 1/4 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 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>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 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: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table> | | <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ |
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ | | |

| | |
|---|--|
| <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 style="margin-left: 20px;"><u>Construction Vehicles at work between the hours of 7am and 5pm</u></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>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 style="margin-left: 20px;"><u>Building mounted lights and pole mounted lights for parking lot all shielded and pointed downward Proposed building mounted lights and parking lot light poles are within 50 feet to nearest occupied structures.</u></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>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. 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>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 type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s): _____</p> | |
| <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input 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 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: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (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: _____

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.

☒ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Mixed Uses & Former Beacon High School

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 0.640 | *0.468 | -0.172 |
| • Forested | | | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | | | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | | | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | | | |
| • Wetlands (freshwater or tidal) | | | |
| • Non-vegetated (bare rock, earth or fill) | | | |
| • Other Describe: <u>Grass/Landscaped Areas</u> | .056 | 0.228 | +0.172 |

*0.222 acres of the total 0.468 ac. will be Permeable Pavers.

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
If Yes,
i. Identify Facilities:
City of Beacon High School athletic fields

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

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes - Spills Incidents database Provide DEC ID number(s): _____
☐ Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): B00130 , C314118
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
B00130 remedial actions completed in August 2004. C314118 remedial actions completed on 4/10/2017

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

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

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 6.7 feet

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

c. Predominant soil type(s) present on project site:

| | |
|-----------------------------------|---------|
| Knickerbocker-Urban land complex | 66.4 % |
| Dutchess-Cardigan-Urban land com- | 33.6 % |
| _____ | _____ % |

d. What is the average depth to the water table on the project site? Average: _____ > 6.7 feet

e. Drainage status of project site soils: ☒ Well Drained: 66.4 % of site
☒ Moderately Well Drained: 33.6 % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 97 % of site
☐ 10-15%: _____ % of site
☒ 15% or greater: 03 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

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

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

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

- Streams: Name _____ 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? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

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

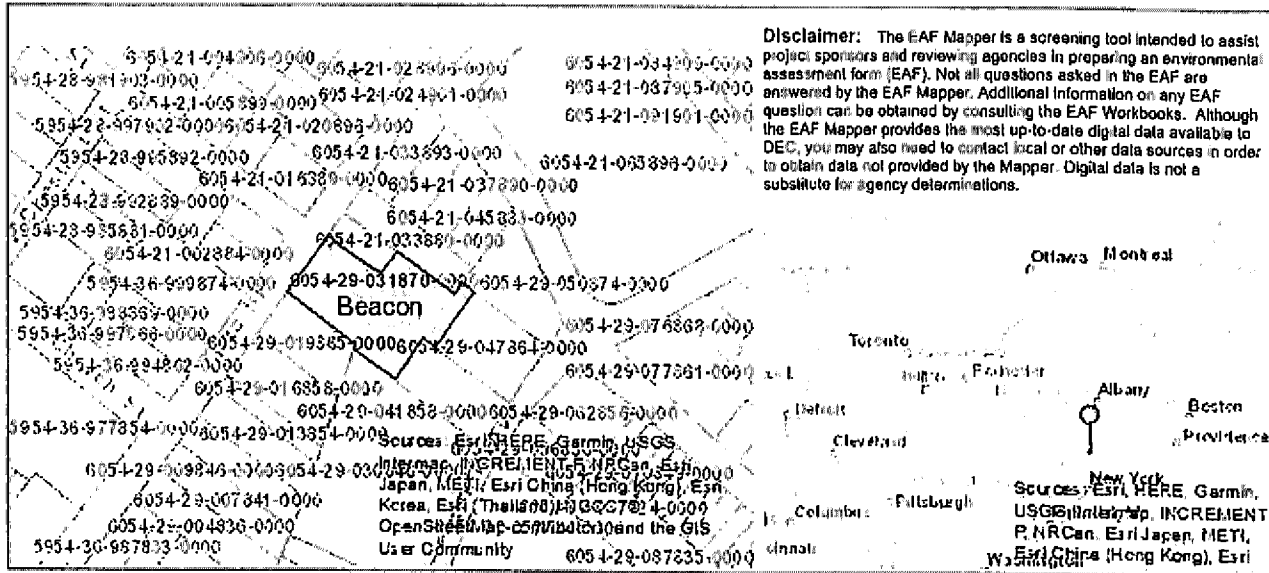
k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

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

| | |
|--|--|
| m. Identify the predominant wildlife species that occupy or use the project site: <div style="display: flex; justify-content: space-between;"> Raccoon Grey Squirrel White Tail Deer </div> | |
| n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | |
| 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Indiana Bat | |
| 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 | |
| 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 If yes, give a brief description of how the proposed action may affect that use: _____ | |
| E.3. Designated Public Resources On or Near Project Site | |
| 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 If Yes, provide county plus district name/number: _____ | |
| b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____ | |
| 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 If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ | |
| 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 If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____ | |

EAF Mapper Summary Report

Thursday, August 23, 2018 10:22 AM



| | |
|---|--|
| B.1.i [Coastal or Waterfront Area] | No |
| B.1.ii [Local Waterfront Revitalization Area] | Yes |
| C.2.b. [Special Planning District] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h [DEC Spills or Remediation Site - Potential Contamination History] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.i [DEC Spills or Remediation Site - Listed] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database] | Digital mapping data are not available or are incomplete. Refer to EAF Workbook. |
| 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] | B00130 , C314118 |
| E.2.g [Unique Geologic Features] | No |
| E.2.h.i [Surface Water Features] | No |
| E.2.h.ii [Surface Water Features] | No |
| E.2.h.iii [Surface Water Features] | No |
| E.2.h.v [Impaired Water Bodies] | No |
| E.2.i. [Floodway] | No |
| E.2.j. [100 Year Floodplain] | No |
| E.2.k. [500 Year Floodplain] | No |
| E.2.l. [Aquifers] | No |
| E.2.n. [Natural Communities] | No |
| E.2.o. [Endangered or Threatened Species] | Yes |

E.2.o. [Endangered or Threatened Species - Indiana Bat Name]

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] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.3.f. [Archeological Sites] Yes

E.3.i. [Designated River Corridor] No

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

| Agency Use Only (If applicable) | |
|---------------------------------|-------------------|
| Project : | 53 Eliza Street |
| Date : | February 20, 2019 |

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="float: right; text-align: right;"> <input type="checkbox"/> NO <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | <input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | <input checked="" 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 checked="" 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 checked="" 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"/> |

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| 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 I. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5. | | | |
| | 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"/> |

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| 5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part I. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6. | | | |
| | 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"/> |

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| g. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------|--|--------------------------|--------------------------|

| 6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" 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 hydrochloroflouorocarbons (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 checked="" 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"/> |

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| 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"/> |

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| 8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" 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. | E1a, 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 checked="" 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 1/4 -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 checked="" 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 the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State 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"/> |

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| d. Other impacts: _____ | | <input type="checkbox"/> | <input type="checkbox"/> |
| If any of the above (a-d) are answered "Moderate to large impact may occur", 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"/> |

| | | | |
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| 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 checked="" 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"/> |

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| 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 checked="" 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part I, D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i> | | | |
|---|-----------------------------|-------------------------------|------------------------------------|
| | 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part I, D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i> | | | |
|--|-----------------------------|-------------------------------|------------------------------------|
| | 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: _____ | | | |

| 15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part I, D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i> | | | |
|---|-----------------------------|-------------------------------------|------------------------------------|
| | 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. The proposed action may result in routine odors for more than one hour per day. | D2o | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| d. The proposed action may result in light shining onto adjoining properties. | D2n | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | <input checked="" 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.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i> | | | |
|--|-----------------------------|--|------------------------------------|
| | | <input checked="" 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 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: _____ | | | |

| 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.) If "Yes", answer questions a - h. If "No", go to Section 18. | | | |
|---|-----------------------------------|--|------------------------------------|
| | | <input checked="" 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) If "Yes", answer questions a - g. If "No", proceed to Part 3. | | | |
|---|--------------------------------|--|------------------------------------|
| | | <input checked="" 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.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

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

Site Plan, Existing Conditions, Survey, Building Plan, letter from the Applicant dated January 7, 2019, letter from the Applicant dated December 14, 2018, letter from the Applicant dated November 28, 2018, letter from the Applicant dated October 30, 2018, letter from the Applicant dated September 28, 2018, Traffic Evaluation by Maser Consulting P.A. dated September 27, 2018, letter from the Applicant dated August 28, 2018, and photographs.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Beacon Zoning Board of Appeals 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 617.7(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: Use and area variance application to permit a nine-unit multi-family development on 53 Eliza Street.

Name of Lead Agency: City of Beacon Zoning Board of Appeals.

Name of Responsible Officer in Lead Agency: Robert K. Lanier

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Robert K. Lanier

Date: 2/25/19

Signature of Preparer (if different from Responsible Officer): Sethi Harnish in behalf of the city

Date: February 26, 2019

For Further Information:

Contact Person: Etha Grogan, Secretary to the Zoning Board of Appeals

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: Egrogan@cityofbeacon.org

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

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

Other involved agencies (if any)

Applicant (if any)

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

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR USE AND AREA VARIANCE APPROVAL
FOR 53 ELIZA STREET**

Parcel No. 6054-29-031870

CONCLUSIONS

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action (Unlisted), along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the City of Beacon Zoning Board of Appeals, undergoing an uncoordinated review, makes the conclusions set forth below.

Project Description:

The Proposed Action is to allow a multi-family development on 0.69 acres consisting of nine multifamily dwelling units, which will be distributed into three buildings, on property located at 53 Eliza Street in the R1-5 Zoning District (the "Property"). The Proposed Action includes a request for a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit a multi-family residence in the R1-5 Zoning District where such development is not a permitted use, and an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2.

The Proposed Action is an Unlisted action. The Zoning Board of Appeals opened a public hearing to consider comments on the application on September 18, 2018. The public hearing was closed on January 15, 2019.

Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment. In summary:

- **Impact on Land:** The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.

The Property is located in the R1-5 Zoning District and is currently improved with non-conforming commercial buildings. The Property is already fully developed. The Proposed Action will involve the demolition of certain existing commercial buildings and construction of up to nine multifamily residential dwelling units with typical

grading and site work associated with such construction. There are no wetlands, water bodies, steep slopes or other environmentally sensitive areas on the Property. The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the Property.

- **Impact on Geological Features:** The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater:** The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

Residential land uses are generally not associated with the discharge of contaminants into aquifers or other groundwater sources. There will be no bulk storage of petroleum or chemicals on-site. The Project does not include or require wastewater discharged to groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems. Water usage and liquid waste generation is anticipated to be an additional 1,980 gallons per day above the existing condition. Adequate water supply and sewer capacity exist for these additional flows.

The Proposed Action will not result in any significant adverse impact to surface or groundwater quality or quantity.

- **Impact on Flooding:** The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.

The Proposed Action will disturb less than one acre and will not create any net additional stormwater runoff. Therefore, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or on surface water runoff.

- **Impact on Air:** The Proposed Action will not have a significant adverse environmental impact on air quality.

Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. These unavoidable short term

impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

0.056 acres of the Property is currently grass/landscaped areas. After the project is completed 0.228 acres will be grass/landscaped areas. This is an increase of 0.172 acres. The predominate wildlife species that occupy or use the project site include raccoons, grey squirrels and white tail deer. The project site does not contain a designated significant natural community. Although the Full EAF indicates that the Property may contain or serve as habitat for the endangered Indiana Bat, there are no trees on the Property that would serve as suitable habitat for the Indiana Bat.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally nor year around.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

Developing the property into a multifamily development with up to nine dwelling units in an existing residential neighborhood will not have a significant adverse impact on historic or archeological resources because there are no historic resources in the immediate vicinity of the Site.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The construction of nine multifamily dwelling units will not result in a significant adverse traffic impact. The Applicant submitted a traffic evaluation study prepared by Maser Consulting P.A., dated September 27, 2018 to review the traffic impacts associated with the proposed multifamily development. It is anticipated that the multifamily development will generate similar traffic during peak hours as the existing commercial use. The Site will be accessed via a driveway connection to Eliza Street offset approximately 30 feet to the south of Oak Street. The Proposed Action will eliminate the two (2) existing driveways located on each side of the existing building fronting on Eliza Street and consolidate the driveways into one (1) central two-way access driveway for better circulation into and out of the Site.

Maser Consulting conducted turning movement traffic counts at the intersection of Eliza Street and Oak Street on Tuesday September 25, 2018 during the AM and PM Peak Periods. In order to assess the potential traffic impacts of the Proposed Development, estimates of the anticipated Site Generated Traffic Volumes were made based on information provided by the Institute of Transportation Engineers (ITE) as contained in their publication Trip Generation, 10th Edition dated 2017 based on ITE Land Use Code 220 – Multi-Family Low Rise Residential. In addition, for comparison purposes, estimates of the potential traffic generation of the as of-right use for the property, i.e. three (3) single family residential dwellings, were also computed based on ITE Land Use Code – 210 – Single Family Housing. According to the Maser Consulting traffic report, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours. Maser Consulting concluded that “the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Site. Furthermore, as previously indicated, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed.”

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the additional demand. The Proposed Action does not require a new substation, or an upgrade to any existing substation.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any noxious odors. Outdoor lighting will be consistent with typical residential lighting and will include building mounted lights and pole mounted lights for the parking lot. All lighting shall be shielded and pointed downward. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 5:00 p.m Monday-Friday, and 8 a.m. — 5 p.m on Saturday. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

Residential land uses are generally not associated with significant adverse impacts on human health from exposure to new or existing sources of contaminants. The site is currently used for office/warehouse space, however there has never been any hazardous waste generated, treated and/or disposed of at the site and no spills have been reported at the site. There is no existing contamination on the site.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form, the Zoning Board of Appeals finds that the Proposed Action will not have any significant adverse impacts upon the environment. .

Adopted: February 20, 2019
Beacon, New York

| |
|---|
| <p>Received Office of the City Clerk 2/26/2019</p> |
|---|

Exhibit B

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**SITE PLAN APPROVAL FOR
53 ELIZA STREET**

WHEREAS, the Beacon Planning Board received an application for Site Plan Approval from PIE Development Company, Inc. (the “Applicant”) for the construction of a multifamily development consisting of nine (9) dwelling units which will be distributed among three (3) buildings (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is located at 53 Eliza Street in the R1-5 Zoning District and designated on the City tax maps as Parcel No. 6054-29-031870 (the “Site”); and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan Application,” Sheets 1-13, dated August 28, 2018, last revised June 25, 2019, prepared by Aryeh Siegal, Architect and Hudson Land Design; and

WHEREAS, the application also consists of application forms, correspondence, the Environmental Assessment Form (EAF) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Project is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and has undergone an uncoordinated review; and

WHEREAS, on February 20, 2019 the City of Beacon Zoning Board of Appeals granted a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit a multi-family residence in the R1-5 Zoning District where such development is not a permitted use, and an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2; and

WHEREAS, the Planning Board forwarded the Application to the Architectural Review Subcommittee for review of the architecture of the proposed buildings; and

WHEREAS, the Applicant met with the Architectural Review Subcommittee on several dates to review the architectural plans for the Project and the Planning Board reviewed the Architectural Review Subcommittee’s recommendations; and

WHEREAS, on April 9, 2019, the Planning Board opened a public hearing on the Site Plan application, and the public hearing was closed on June 11, 2019; and

Site Plan Approval
53 Eliza Street

WHEREAS, on June 11, 2019 after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action the Planning Board adopted the a Negative Declaration for this Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City Code.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Site Plan Approval for the Project, as shown on the application materials described above, subject to the conditions and modifications set forth herein.

A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Chairman of the Planning Board:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer’s letter to the Planning Board dated July 1, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner’s letter to the Planning Board dated July 5, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner, including implementation of a front yard setback that matches the adjacent house to the north.
5. The Applicant shall prepare a construction cost estimate for the proposed work within the road right-of-way and submit the estimate for approval by the City Engineer.
6. The Applicant shall submit a performance guarantee for the proposed work in the road right-of-way in an amount to be approved by the City Engineer and in a form acceptable to the City Attorney.
8. The Applicant shall fund an escrow account with the City of Beacon for the construction observation and monthly stormwater inspections of the proposed utilities and site improvements in an amount as determined by the City Engineer.

Site Plan Approval
53 Eliza Street

9. The appropriate sheets within the plan set including but not limited to renderings and elevations, shall be revised to eliminate the brick above the first floor on the front elevation of the building fronting Eliza Street and replace with the same Hardie Board siding shown for such front elevation.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

B. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. Information regarding the size of the individual water service shall be provided to the Building Department.

C. Prior to the issuance of the Certificate of Occupancy, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law.

The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy, the Applicant shall pay a Recreation Fee for each of the nine (9) dwelling units in accordance with Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law, as per the City's Fee Schedule in effect at the time of payment.

D. The following are general conditions which shall be fulfilled:

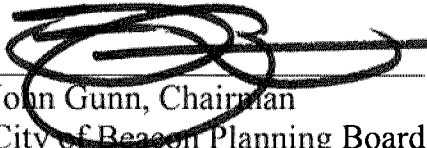
1. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
2. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form and related

Site Plan Approval
53 Eliza Street

application documents. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the EAF, the terms of this resolution shall be controlling.

3. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
4. As used herein, the term "Applicant" shall include PIE Development Company Inc., and its heirs, successors and assigns, and where applicable its contractors and employees.
5. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
6. The approval granted by this resolution does not supersede the authority of any other entity.
7. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.

Resolution Adopted: July 9, 2019
Beacon, New York


John Gunn, Chairman
City of Beacon Planning Board

July 12th, 2019
Dated

Motion by G.Barrack, seconded by R.Muscat:

| | | | |
|-----------------|-----------------|---------------------|-------------|
| Gary Barrack | Voting: AYE | Jill Reynolds | Voting: AYE |
| David Burke | Voting: EXCUSED | Randall Williams | Voting: AYE |
| Patrick Lambert | Voting: AYE | John Gunn, Chairman | Voting: AYE |
| Rick Muscat | Voting: AYE | | |

Approved 6-0

Exhibit C

BUILDING DEPARTMENT FEE SCHEDULE

| | |
|---|--------------------------|
| <i>Application Fee for all permits unless otherwise noted</i> | \$50 |
| <i>Certificates of Occupancy and Certificates of Compliance (in conjunction with a permit unless otherwise noted)</i> | \$50 |
| <i>Refund (prior to commencement of work)</i> | 1/2 of permit fee |

*Occupancy use classification as set forth in the NYSBC.
Fee based on gross sq. ft. including utility, storage and basement area.*

Residential

| | |
|---|--|
| 1 & 2 Family Homes (New and Additions) (all finished areas including basement) | .50/sq. ft. |
| Renovation/Alteration | .25/sq. ft. |
| Structural Repair (that does not constitute renovation/alteration) | \$5/\$1,000 of Est. Cost |
| Carport | \$50 |
| Garage (1 story) | .35/sq. ft. |
| Garage (2 story) | .45/sq. ft. |
| Pool - in ground | \$50 |
| Pool - above ground | \$30 |
| Deck/Porch | .25/sq. ft. |
| Covered/Enclosed Deck/Porch | .35/sq. ft. |
| Solar Panels | \$5/\$1,000 of Est. Cost |
| Miscellaneous work (does not constitute renovation/alteration) | \$5/\$1,000 of Est. Cost |
| Demolition | \$50/1,000 sq. ft. or part there of |
| Renewal - max 1 yr extension | \$35 |

Commercial

| | |
|--|--|
| All - 'R' occupancy | \$50 per unit + .60/sq. ft. |
| All - B,M, | .75/sq. ft. up to 5,000 sq. ft. plus |
| | .30 sq. ft. over 5,000 sq. ft. |
| All = S,U, | .40/sq. ft. up to 5,000 sq. ft. plus |
| | .20/sq. ft. over 5,000 sq. ft. |
| All - A,F,E,H,I | \$1/sq. ft. up to 5,000 sq. ft. plus |
| | .50/sq. ft. over 5,000 sq. ft. |
| Renovation/alteration | one half of "new construction" cost set forth herein. |
| Structural Repair (that does not constitute renovation/alteration) | \$5/\$1,000 of Est. Cost |
| Demolition | \$100 plus .01 per sq. ft. |
| Renewal - maximum one (1) year extension | \$100 plus 1% of original BP fee |

| |
|--|
| \$50 - Application Fee |
| \$50 - Certificate of Occupancy Fee |
| \$450 - 9 units @ \$50/unit |
| \$11,792.40 - permit fee - 19,654 sf x \$0.60/sf |
| \$1,149.30 - alteration fee - 3,831 sf x \$0.30/sf |
| \$720 - sprinkler fee - 1.5% x \$48,000 |
| \$14,211.70 - TOTAL FEE |

Other Building Department Fees

| | |
|------------------|-----------------------|
| Storage Tanks | Remove and or install |
| Up to 500 Gallon | \$75 |
| 500-1100 Gallon | \$125 |
| 1100-5000 Gallon | \$250 |
| 5000 Gallon | \$350 |

(please note: fee is per removal and per installation - so if you remove and install up to 500 gallon tank fee is \$150)

| | |
|--|-----------------------|
| Plumbing Reciprocal License (Separate Application) | \$350 |
| Plumbing Permit | \$20 Application plus |
| (Separate Application) | \$7.50 per fixture |

| | |
|--|--------------------------------------|
| HVAC Permit (Heating and Air Conditioning) | \$100 (\$50 application fee and \$50 |
| (Separate Application) | certification compliance) |

| | |
|--|-----------------------------|
| Plumbing Reciprocal License (Separate Application) | \$350 |
| Electrical Work Permit | Up to \$500 = \$20 |
| (Separate Application) | \$500 - \$1,500 = \$30.00 |
| | \$1,500 - \$3,500 = \$40.00 |
| | > \$3,500 = \$50.00 |

| | |
|------------------------------------|-----------------------|
| Fire Suppression systems/equipment | |
| Fire Alarm System/equipment | |
| (installation or modification) | 1.5% of approved cost |



City of Beacon
Building Department

**APPLICATION FOR CERTIFICATE OF OCCUPANCY
OR CERTIFICATE OF COMPLIANCE**

DATE: November 29, 2019

The undersigned requests that a Certificate of Occupancy be issued pursuant to

BUILDING PERMIT



CHANGE IN USE



OWNER PIE Development Company, Inc.

APPLICANT PIE Development Company, Inc.

LOCATION 53 Eliza Street

SECTION 6054

BLOCK 29

LOT 031870

PERMITTED USE: Multi-family residential - 9 units

Signature of Owner

53 Eliza Street

Address

Beacon, NY 12508

FEE: \$50.00

APPROVED: _____
Building Inspector

DATE APPROVED: _____



City of Beacon Building Department

APPLICATION PROCESSING RESTRICTION LAW Affidavit of Property Owner

Property Owner: PIE Development Company, Inc.

(Applicant)

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

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

Applicant Address: 53 Eliza Street

Project Address: 53 Eliza Street

Project Tax Grid #: 6054-29-031870

Type of Application: Building Permit

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

I, Ed Petrowski, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.
(Check statements that are **true**)

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





Signature of Owner

President

Title if owner is corporation

Office Use Only:

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

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

INDIVIDUAL DISCLOSURE FORM

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A

Name of Applicant: PIE Development Corporation Inc
Address of Applicant: 53 Eliza Street, Beacon, NY 12508
Telephone Contact Information: 845-838-1775

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. |
|------|-------------------------------|------------------|------------------------------------|--|
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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 |
|--------|-------|---|------------------------------------|
| | | | |
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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.

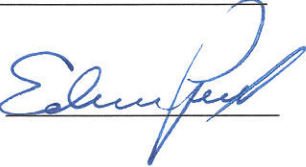
SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES

☒ NO

I, Edward J Pietrowski Jr being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Edward J Pietrowski Jr

(Signature) 

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ENTITY DISCLOSURE FORM

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

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

SECTION A.

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

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

IF AFFIANT IS A CORPORATION:

| | |
|--|--|
| Name of Entity PIE Development Corporation | Telephone Contact Information 845-838-1775 |
| Principal Place of Business of Entity 53 Eliza Street, Beacon, NY 12508 | Place and date of incorporation 1/16/1998 Dutchess County |
| Method of Incorporation S | Official place where the documents and papers of incorporation were filed Dutchess County |

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

| Name | Resident Address | Resident Telephone Number | Nature and Extent of Interest |
|------------------------|------------------|---------------------------|-------------------------------|
| Edward J Pietrowski Jr | 5 Meadow Lane | 845-831-0169 | President |
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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. |
|------|-------------------------------|------------------|------------------------------------|--|
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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

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NO

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

☐

YES

☒

NO

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

| Agency | Title | Date of Hire, Date Elected, or Date Appointed | Position or Nature of Relationship |
|--------|-------|---|------------------------------------|
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SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐

YES

☒

NO

| Current Name | Other Names |
|--------------|-------------|
| | |
| | |
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| | |

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

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

☐

YES


☒

NO

I, Edward J Pietrowski Jr being first duly sworn, according to law, deposes and says that I am (Title) President, an active and qualified member of the PIE Development Corp Inc, 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) Edward J Pietrowski Jr

(Signature)





City of Beacon Building Department

Application for Building Permit

Approved: _____ 20 _____

Disapproved: _____ 20 _____

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions or alterations, the installation of equipment or systems, or for removal or demolition, as herein described. The applicant/owner agrees to comply with all applicable laws, ordinances and regulations. Owner/applicant agrees not to occupy or use in whole or part any building or item covered under this application until a Certificate of Occupancy or Certificate of Compliance has been issued.


(Signature of owner)

Applicant Name PIE Development Company, Inc. Phone 845-838-1775

Address 53 Eliza Street

Location of Construction or Use 53 Eliza Street

Tax Grid Number 6054-29-031870

Owner Name PIE Development Company, Inc. Phone 845-838-1775

Address 53 Eliza Street

NATURE OF PROPOSED WORK:

☒ **RESIDENTIAL**

☐ **COMMERCIAL**

☐ *Structure is located in a Flood Plain*

☒ *Structure is not located in a Flood Plain*

| | |
|--|---|
| <u>X</u> Construction of New Building <u>19,654</u> sq. ft. | <u> </u> Addition to Existing Building <u> </u> sq. ft. |
| <u> </u> Repair to Existing Building <u> </u> sq. ft. | <u>X</u> Alteration <u>3,831</u> sq. ft. |
| <u> </u> Conversion – Change in Use <u> </u> sq. ft. | <u> </u> Demolition <u> </u> sq. ft. |
| <u> </u> Garage, Attached <u> </u> sq. ft. | <u> </u> Garage, Detached <u> </u> sq. ft. |
| <u> </u> Deck/Porch (enclosed, covered) <u> </u> sq. ft. | <u> </u> Deck/Porch (open) <u> </u> sq. ft. |
| <u> </u> Above Ground Pool <u> </u> | <u> </u> In-Ground Pool <u> </u> |
| <u> </u> Electrical Installation <u> </u> | <u> </u> Other <u> </u> |

ESTIMATED COST OF CONSTRUCTION: \$2,000,000

Description of Work Renovation of existing building for 2 units. New Construction of 2 buildings for 7 units.
Sheetrock, plumbing, mechanical, electrical, sprinkler, kitchens, fireplace, lighting.

Size of Structure (dimensions): varies Square Footage: 23,485 total
Height: 35' max Number of Stories: 2 1/2 Number of Dwelling Units: 9
No. of Bedrooms: 18 No. of Bathrooms: 18 full + 7 half

Contractor Information

Contractor Name: McAlpine Construction Phone: _____

Address: _____

Licensed Plumber: Delpo Plumbing Heating & Cooling Phone: _____

Address: 75 Oak St., Norwood, NJ 07648

Licensed Electrician: P&D Electric Phone: _____

Address: 53 Eliza St. Beacon, NY 12508

Heating Contractor: Customized Climate Inc. Phone: _____

Address: Stanfordville, NY 12581

Building Department use only:

| | | | |
|-------------------------------|-----------------------|---|----------------|
| Application Fee: | | = | <u>\$50.00</u> |
| Certificate of Occupancy: | \$50.00 if applicable | = | _____ |
| Fee: Building Permit Schedule | | = | _____ |
| <u>TOTAL FEE</u> | | = | <u>_____</u> |