



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508

**March 17, 2026
7:00 PM
Zoning Board of Appeals Agenda**

The Zoning Board of Appeals will meet on Tuesday, March 17, 2026, at 7:00 PM, in the Municipal Center courtroom, located at One Municipal Plaza, Beacon, New York.

Approval of February 18, 2026, minutes

Miscellaneous Business

1. Consider a request for a six (6) month extension of a variance approval previously granted for property at 45 Beekman Street, High Street, and High Street (Tax Grid Nos. 5955-19-706012, 5924-26-689990, & 5954-26-781983), submitted by Beekman Arts Center LLC and Bay Ridge Studios LLC.
2. Consider a notification from the City of Beacon Planning Board on its intent to serve as the Lead Agency for Amended Concept Plan Approval in connection with a proposal to amend a previously approved Concept Plan containing two multi-family buildings with a total of 64 units and a separate office building with 25,400 square feet, for property at 248 Tioronda Avenue (Tax Grid No. 6054-45-012574). The Amended Concept Plan would change the use of one of the three buildings (i.e., Building 100) from a two-story office building to two buildings containing a total of 136 residential units, including 27 units which are Below Market Rate (BMR). Building 100A is proposed to contain 71,833 square feet with 78 dwelling units and Building 100B is proposed to contain 66,853 square feet with 58 dwelling units with a subsurface parking garage. Other site modifications include a Greenway Trail/Rail Trail Connection path to the west of Building 100A, modifications to the proposed refuse enclosure, installation of retaining walls along the Greenway Trail, and construction of an amenities plaza with swimming pool between Building 100B and Building 200. The 9.18 acres site, known and designated as Parcel ID 6054-45-012574 (the "Property"), is located in the Fishkill Creek Development (FCD) zoning district and the Local Waterfront Revitalization Program (LWRP) area. The Beacon City Council is the approval authority for the Amended Concept Plan and the Planning Board is the approval authority for the Third Amended Site Plan Approval application.

City of Beacon Zoning Board of Appeals Agenda
03/17/2026

Title:

Consider a request for a six (6) month extension of a variance approval previously granted for property at 45 Beekman Street, High Street, and High Street (Tax Grid Nos. 5955-19-706012, 5924-26-689990, & 5954-26-781983), submitted by Beekman Arts Center LLC and Bay Ridge Studios LLC.

ATTACHMENTS

[45 Beekman ZBA 3.17.25 ext request Off-Street Parking Setback.pdf](#)



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Taylor M. Palmer, Esq.
tpalmer@cuddyfeder.com

February 25, 2026

**VIA HAND DELIVERY
AND EMAIL**

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

Re: Beekman Arts Center LLC and Bay Ridge Studios LLC
Request for Extension of Area Variance for Off-Street Parking Setback
Premises: 45 Beekman Street, High Street, & High Street Beacon, New York
Tax Parcel IDs: (5955-19-706012, 5954-26-689990 & 5954-26-781983)

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

On behalf of Beekman Arts Center LLC and Bay Ridge Studios LLC (the "Applicants"), the owners of the above-referenced Premises, we respectfully submit this letter to request a six (6) month extension of the Zoning Board of Appeals Approval Resolution granted on June 17, 2025 ("ZBA Resolution"),¹ which Resolution granted the Applicants an off-street parking setback variance for a mixed-use development at the above-captioned Premises.

Pursuant to the ZBA Resolution, the variance relief granted therein expires within six (6) months of the "final land use approval" unless a building permit is obtained. The final land use approval was the Planning Board's Preliminary and Final Subdivision, Site Plan and Certificate of Appropriateness Approval ("Planning Board Resolution") adopted on September 9, 2025.² This request is timely as six (6) months have not elapsed since the date of adoption of the Planning Board Resolution.

The ZBA Resolution provides that this Board may grant six (6) month extensions "upon a showing by the Applicants that the circumstances and conditions upon which the variance was originally granted have not substantially changed".

Since the issuance of the final land use approval the Applicants have been working diligently towards addressing the Planning Board Resolution conditions precedent to securing the Planning

¹ A copy of the June 17, 2025 Zoning Board of Appeals Approval Resolution is attached to this letter as **Exhibit A**.

² A copy of the September 9, 2025 Planning Board Approval Resolution (signed by the Chair on September 15, 2025 and received by the City Clerk on September 16, 2025) is attached to this letter as **Exhibit B**.



February 25, 2026

Page 2

Board Chair's endorsement on the subdivision plat and site plans. These efforts include, but are not limited to, revising the plans in response to the last comments provided by the City Engineer and processing and submitting formal applications to outside agencies, including an application to the Dutchess County Department of Health on January 30, 2026 and applications to the New York State Department of Transportation ("NYSDOT") for a Use and Occupancy approval on December 22, 2025 and a Highway Work Permit on January 12, 2026. These applications remain pending and under review by the respective agencies. The Applicants' application to purchase excess right-of-way along Beekman Street similarly remains pending before NYSDOT. The Applicants are in regular communication with NYSDOT regarding this request and have been advised that the agency's appraisal is underway, after which we understand that the agency should be in a position to prepare and coordinate conveyance documents.

We would note in support of this request that there are no changes proposed to the parameters of the project, nor have there been any material changes to the facts and circumstances that existed when the ZBA Resolution was adopted. Given these circumstances and the Applicants' diligent efforts to date, the Applicants respectfully request a six (6) month extension of the ZBA Resolution until September 9, 2026.

We respectfully request that you please place this matter on the next available ZBA Agenda for consideration of the Applicants' request. In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TP', with a long horizontal flourish extending to the right.

Taylor M. Palmer

Enclosures

cc: George Alissandratos, Esq., ZBA Attorney

4901-7888-1938.v1

EXHIBIT A

Received by office
of the City Clerk
7/2/2025

Application for Area Variance
45 Beekman Street, High Street, and High Street

2025-07

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

45 Beekman Street, High Street, High Street
Parcel ID#s 5955-19-706012, 5954-26-689990, and 5954-26-781983

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Beekman Arts Center LLC and Bay Ridge Studios LLC (the "Applicants") for a 32-foot (32.0') off-street parking setback variance from City Code § 223-41.21.F(1), where the minimum off-street parking setback is 40 feet (40.0') and the proposed off-street parking setback is 8 feet (8.0'). The variance is sought to allow for a portion of the proposed off-street parking along High Street to be located less than 40 feet from the property line at High Street in connection with the proposed development on property located at 45 Beekman Street, High Street, and High Street in the L and R1-7.5 Zoning Districts and the HDLO Zone, said premises being known and designated on the tax map of the City of Beacon as Parcel ID#s 5955-19-706012, 5954-26-689990, and 5954-26-781983, respectively (the "Property"); and

WHEREAS, the proposed action is a Type I Action pursuant to the New York State Environmental Quality Review Act, and the City of Beacon Planning Board is serving as the Lead Agency for coordinated environmental review of the project; and

WHEREAS, the City of Beacon Planning Board adopted a SEQRA Negative Declaration on May 13, 2025, finding that the proposed action will not result in any significant adverse impacts on the environment; and

WHEREAS, a duly advertised public hearing on the Zoning Board of Appeals application was held on June 17, 2025, 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 June 17, 2025; and

WHEREAS, the Board considered the benefit to the Applicants if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

NOW, THEREFORE, BE IT RESOLVED, that the Board, having considered each of the factors set forth at Section 81-b(4)(b) of the General City Law, finds as follows:

Application for Area Variance

45 Beckman Street, High Street, and High Street

- 1) As to 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, the Board finds that there will be no undesirable change nor detriment to nearby properties. The requested relief, which essentially allows for four (4) parking spaces within the context of a 91-space parking lot, is minimal and will not result in a significant or undesirable change to the character of the neighborhood. The area in question was previously used for equipment parking, and the site has long functioned as a parking area. Additionally, the Applicant has proposed substantial landscaping and other site improvements that will mitigate any potential visual or functional impacts associated with the encroachment into the required setback. Concerns about the degree of encroachment are adequately addressed by the proposed screening measures.
- 2) As to whether the benefit the Applicants seek can be achieved through another method, feasible for the Applicants to pursue, that does not require the area variance, the Board finds that it cannot be so achieved. While certain alternatives—such as requesting a reduced parking requirement from the Planning Board—were theoretically available, those options were either previously explored and not accepted, or would have required separate relief from the Zoning Board. No feasible alternative exists that would fully achieve the Applicant's objectives without requiring some form of variance.
- 3) As to whether the requested variance is substantial, the Board finds that it is not substantial, both mathematically and when you consider its overall impact within the existing context of the neighborhood.
- 4) As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the Board finds that there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The area in question was previously used for contractor equipment storage. Converting it to standard passenger vehicle parking area represents an improvement over the prior use. The proposed parking would help alleviate on-street parking demand, which is beneficial to overall traffic

Application for Area Variance
45 Beekman Street, High Street, and High Street

and safety conditions in the neighborhood. Furthermore, the Planning Board has issued a Negative Declaration under SEQRA, indicating that the project, including the proposed variance, will not result in any significant adverse environmental impacts.

- 5) As to whether the alleged difficulty is self-created, the Board finds that it is self-created.

BE IT FURTHER RESOLVED, that the Board finds that the requested variance is the minimum variance necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that said application for a 32-foot (32.0') off-street parking setback variance from City Code § 223-41.21.F(1), where the minimum off-street parking setback is 40 feet (40.0') and the proposed off-street parking setback is 8 feet (8.0'), which variance is sought to allow for a portion of the proposed off-street parking along High Street to be located less than 40 feet from the property line at High Street in connection with the proposed development on property located at 45 Beekman Street, High Street, and High Street in the L, R1-7.5, and HDLO Zoning Districts, is hereby **GRANTED** subject to the following conditions:

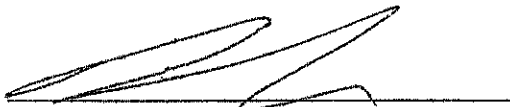
1. No permit or certificate of occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City in connection with the review of this application.
2. The variance shall be void if the Applicants fail to (i) obtain a building permit within six months from the date of obtaining the final land use approval for the proposed project; (ii) commence construction within six months following the date of issuance of the building permit; or (iii) complete construction and obtain a certificate of occupancy within 24 months after the date of issuance of said building permit.
3. The height and quantity of vegetation shall be as represented during the public hearing or greater, as may be required by the Planning Board. The height of the proposed lighting shall also be reduced as represented during the public hearing, subject to final Planning Board approval.

Application for Area Variance
45 Beekman Street, High Street, and High Street

BE IT FURTHER RESOLVED, that the above variance is being granted solely for the purpose of allowing for a portion of the proposed off-street parking along High Street to be located less than 40 feet from the property line at High Street in connection with the proposed development on the Property, as set forth in the application submitted and presented to the Board, and it does not apply to any other work that may fall within the scope of the variance being granted, whether now or at any point in the future.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals may grant a six-month extension of the variance, 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 Applicants that the circumstances and conditions upon which the variance was originally granted have not substantially changed.

Resolution Adopted: June 17, 2025
Beacon, New York



Jordan Haug, Chairman
City of Beacon Zoning Board of Appeals

7-2, 2025
Date

Chairman Haug called the roll:

<u>Motion</u>	<u>Second</u>	<u>Zoning Board Member</u>	<u>Aye</u>	<u>Nay</u>
		Stowe Boyd	ABSENT	
	X	Judy Smith	X	
		Jordan Haug	X	
X		Montos Vakirtzis	X	
		Elaine Ciaccio	X	
Motion Carried:			4	0

EXHIBIT B

Received by office
of the City Clerk
9/16/2025

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**PRELIMINARY & FINAL SUBDIVISION APPROVAL,
SITE PLAN and CERTIFICATE OF APPROPRIATENESS APPROVAL
FOR 45 BEEKMAN STREET & HIGH STREET**

Parcel Nos. 5955-19-706012, 5954-26-689990 & 5954-26-781983

WHEREAS, the City of Beacon Planning Board received applications for Site Plan, Subdivision Plat (lot merger) and Certificate of Appropriateness Approvals from Beekman Arts Center LLC and Bay Ridge Studios LLC (collectively, the “Applicant”) for the construction of two (2) mixed-use buildings with commercial space (13,671 square feet of retail/office) and tenant amenity space on the first floor and a total of 64 dwelling units on the second through fourth floors of the proposed buildings with a mix of 33 1-bedroom units and 31 2-bedroom units, including the merger of three existing parcels having a total lot area of approximately 2.05 acres¹ (the “Project” or “Proposed Action”), located at 45 Beekman Street (Parcel ID Nos. 6055-80-443076, 6055-80-450087 and 6055-80-4550986) and High Street in the Linkage (L) Zoning District and partially within the Historic District and Landmark Overlay (HDLO) and R1-7.5 Zoning Districts (the “Property”); and

WHEREAS, the mixed-use buildings were originally proposed to be setback approximately 60 feet from Beekman Street due to the unique configuration of the portion of the Property currently owned by the Applicant, but such configuration lacked consistency with design standards of the Linkage District; therefore, in February 2024 the Applicant presented an alternative site plan layout wherein the alternative site plan utilized areas of excess right-of-way (which the Applicant is seeking to acquire from NYS Department of Transportation) to relocate the proposed buildings closer to Beekman Street and further from the residential properties on Tompkins Avenue and High Street; and

WHEREAS, the Planning Board is the approval authority for the Subdivision (lot merger) of the Property pursuant to City of Beacon Code § 195-2; and

WHEREAS, the Planning Board is the approval authority for the Site Plan pursuant to City of Beacon Code § 223-25; and

¹ For purposes of this Application, the “Property” as defined herein also includes an area of excess right-of-way along Beekman Street owned by the NYS Department of Transportation consisting of 0.27 acres (11,661 square feet) and the Applicant is currently pursuing the acquisition of such NYSDOT right-of-way.

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

WHEREAS, the Planning Board is the approval authority for the Certificate of Appropriateness for the portion of the High Street building located within the HDLO District pursuant to Chapter 134 of the City of Beacon Code; and

WHEREAS, the Property is located in the Coastal Management Zone as defined by the City's Local Waterfront Revitalization Program (LWRP) and the Proposed Action includes a Coastal Assessment Form requesting an LWRP Consistency Determination; and

WHEREAS, the Project is a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA) because the Proposed Action is within or substantially contiguous to an area that was recently determined to be eligible for listing on the State Register of Historic Places (High Street-Tompkins Avenue Historic District) and exceeds 25% of a Type I threshold (6 NYCRR 617.4(b)(9)); and

WHEREAS, the application consists of application forms, correspondence, site plan sheets, architectural renderings, and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Project is shown on the following plans:

1. Lot Consolidation Plan for Beekman Arts Center, LLC, Bay Ridge Studios, LLC and NYSDOT, prepared by Colliers Engineering & Design, dated April 28, 2025, last revised July 25, 2025
2. Site Plan for Beekman Arts Center, LLC & Bay Ridge Studios, LLC, prepared by Colliers Engineering & Design, dated January 30, 2024, last revised August 26, 2025

Sheet 1	Cover Sheet
Sheet 2	Existing Conditions & Site Demolition Plan
Sheet 3	Tree Removal Plan
Sheet 4	Dimension Plan
Sheets 5-7	Grading Plans
Sheets 8-9	Utility Plans
Sheet 10	Soil Erosion & Sediment Control Plan
Sheet 11	Soil Erosion & Sediment Control Details
Sheet 12	Landscape Plan
Sheet 13	Lighting Plan
Sheets 14-19	Construction Details

3. Architectural Plan Set – Site Plan Application, prepared by Aryeh Siegal, Architect, dated November 28, 2023, last revised August 26, 2025:

Sheet A-101	Building Plans – Beekman Street
Sheet A-102	Building Plans – Beekman Street
Sheet A-103	Building Plans – High Street
Sheet A-104	Site Section Diagram – Initial Planting Height

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

Sheet A-105	Site Section Diagram – Future Planting Height
Sheet A-106	Site Section Diagram
Sheet A-107	Elevations 1
Sheet A-108	Elevations 2; and

WHEREAS, as part of the Project, the Applicant has offered for dedication to the City of Beacon a strip of land along High Street for municipal highway purposes consisting of a total of 1,246 square feet and a strip of land along Tompkins Avenue for municipal highway purposes consisting of 284 square feet, as identified on the Subdivision Plat; and

WHEREAS, the Planning Board reviewed the application at its meetings on December 12, 2023, February 14, 2024, May 14, 2024, June 11, 2024, July 9, 2024 (informal review)², August 13, 2024, September 10, 2024, October 8, 2024, November 13, 2024, December 10, 2024, January 14, 2025, February 11, 2025, March 11, 2025, April 8, 2025, May 13, 2025, June 10, 2025, July 8, 2025, August 12, 2025 and September 9, 2025; and

WHEREAS, on January 3, 2024 the Application was referred to the Dutchess County Department of Planning and Development pursuant to the NYS General Municipal Law and a response was received dated January 23, 2024 which (1) “strongly suggested” that any excess right-of-way should be transferred to the Applicant to “allow the building to be moved closer to the street and further from the Tompkins/High Street residences, and (2) recommended improvement of the interface of the project with the Beekman Street/Route 9D intersection and provide a direct pedestrian connection and architectural adjustments; and

WHEREAS, on August 1, 2025 the Application was re-referred to the Dutchess County Department of Planning and Development and a response was received dated August 12, 2025 which stated “we are gratified that the applicant and the City have worked to address the right-of-way and that the building now has a more dynamic interface with the street,” and further provided a comment on the proposal to highlight the architectural cornice elements through lighting, ultimately recommending that the Planning Board should rely on its own study of the application with due consideration of the County’s comments; and

WHEREAS, in February 2024 the Planning Board circulated to all known Involved and Interested Agencies its Notice of Intent to Declare itself Lead Agency for environmental review of the Proposed Action pursuant to SEQRA and no objections were received therefore, the Planning Board is Lead Agency; and

WHEREAS, on September 10, 2024 the Application was referred to the Architectural Review Subcommittee for review of the proposed architecture and the ARB Subcommittee

² Less than a quorum of Planning Board members were present for consideration of this application on the Planning Board’s July 9, 2024 agenda. Since the Board had less than a quorum of its members present at the meeting in City Hall that evening to consider this application, the Board gave the Applicant the option to proceed with informal feedback from the three Planning Board members present. The Applicant opted to proceed in this fashion.

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

met on October 7, 2024, November 8, 2024, and December 6, 2024 and reported its recommendations to the Planning Board; and

WHEREAS, the Applicant submitted a “Traffic Impact Study”, prepared by Colliers Engineering & Design P.C., dated November 28, 2023, last revised June 24, 2024, and a supplemental “Parking Memorandum,” prepared by Colliers Engineering & Design P.C., dated September 23, 2024, which have been reviewed by the City’s Traffic consultants and Planning Board; and

WHEREAS, the Parking Memorandum provided a shared parking analysis which concluded that 88 parking spaces are sufficient based on the peak weekend demand, however, in response to comments from the City Traffic Consultant, dated November 12, 2024, the number of proposed parking spaces was increased to 91 parking spaces; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) in its letter dated April 29, 2025 opined that the Project will not have an adverse impact on historic or cultural resources and recommended submittal of a Construction Protection Plan to OPRHP for review for historic resources within 90 feet of the proposed construction activities; and

WHEREAS, an existing private sewer main is located on the Property and dye testing and other testing performed by Applicant has revealed that 7 Tompkins Avenue is connected to this sewer main, and the Applicant proposes to update its private sewer system as part of the Project that will disconnect 7 Tompkins Avenue from the existing sewer system on the Property and re-connect such property to the City of Beacon sanitary sewer system; and

WHEREAS, on February 11, 2025, the Planning Board opened duly noticed public hearings on the Site Plan Application and for the purpose of hearing comments related to the SEQRA review of the Project, at which time all those interested were given an opportunity to be heard, and such public hearings were continued to the Planning Board’s March 11, 2025, April 8, 2025 and May 13, 2025 meetings; and

WHEREAS, on May 13, 2025 the Planning Board closed the public hearing on SEQRA and adopted a Negative Declaration pursuant to SEQRA after taking a “hard look” at each of the relevant areas of environmental concern through review of the FEAF and all associated materials prepared in connection with the Project, finding that the Project would not result in any significant adverse environmental impacts; and

WHEREAS, on May 13, 2025, by resolution, the Planning Board determined that the Project is entirely consistent with the LWRP policies which apply to the Project; and

WHEREAS, on May 13, 2025 the Planning Board referred the Application to the City of Beacon Zoning Board of Appeals for consideration of an area variance from Zoning Code §223-41.21.F(1) which requires a minimum setback of 40 feet for off-street parking and a setback of 8 feet is proposed along the High Street property line; and

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

WHEREAS, on June 17, 2025 the City of Beacon Zoning Board of Appeals granted the requested variance; and

WHEREAS, on May 13, 2025 the Planning Board opened a public hearing on the Subdivision (lot merger) application which was continued along with the public hearing on the Site Plan Application to the Planning Board's June 10, 2025 and July 8, 2025 meetings at which time all those interested were given an opportunity to be heard and the Planning Board closed the Site Plan and Subdivision public hearings on July 8, 2025; and

WHEREAS, the Planning Board has reviewed the application for Site Plan Approval and considered the standards as set forth in the City of Beacon Code § 223-25.E: and

WHEREAS, the Planning Board has reviewed the application for a certificate of appropriateness against the standards set forth in the City of Beacon Zoning Code §134-6 and applied the design standards in City of Beacon Zoning Code §134-7; and

WHEREAS, the Planning Board has reviewed the application for Subdivision (lot merger) Approval against the standards set forth in Chapter 195 of the City of Beacon Code; 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, the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, the Planning Board finds that the Final Subdivision Plat will not be substantially 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 pursuant to Section 223-26 of the Zoning Code a maximum of 106 off-street parking spaces are permitted (1 space per dwelling unit x 64 dwelling units = 64 spaces; plus, 3 spaces per 1,000 GFA x 13,671 square feet of retail/office space = 42 spaces), and the Planning Board hereby determines that, based on its review of the professional Parking Memorandum submitted to the Planning Board by the Applicant and the City Traffic Consultant's review thereof dated November 12, 2024, 91 off-street parking spaces is the appropriate and applicable number of off-street parking spaces for this development based on a shared parking analysis. Therefore, pursuant to Section 223-26.D(2) of the Zoning Code, 91 off-street parking spaces shall be the required number of off-street parking spaces for the proposed use of the Property.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds pursuant to the City of Beacon Zoning Code §§ 134-6 and 134-7 that the proposed "High Street Building," which is partially located in the HDLO, is consistent with the historic character of the surrounding area and compatible with the design standards for the Historic District Landmark

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

Overlay Zone in that the design does not introduce elements that detract from or impede upon the integrity of the historic features of nearby properties, the design incorporates gabled roofs, dormers and corner towers in response to the design of the nearby homes in the HDLO, the Property is located at a lower elevation than the residences in the HDLO, and existing and proposed landscaping will limit some views of the Project from High Street. Further, the Division of Historic Preservation of the State Office of Parks, Recreation and Historic Preservation issued a letter dated April 29, 2025, stating its opinion that the Project has no adverse impact on historic and archeological resources, provided the Applicant submits a Construction Protection Plan. Accordingly, the Planning Board hereby grants a Certificate of Appropriateness for that portion of the Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, the Planning Board hereby grants Final Subdivision Plat and Site Plan Approval, as shown on the application materials referenced above, subject to the follow conditions and modifications set forth below and any other requirements which must be met by law:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat and 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, including a Use & Occupancy Permit, or similar form of authorization, from NYSDOT regarding the proposed sidewalk connection to NYS Route 9D, proposed sculpture area, grading, drainage and other improvements within the NYSDOT right-of-way.
3. The comments contained in the City Engineer's letter to the Planning Board dated August 26, 2025, 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 September 7, 2025, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. All easements, offers of dedication and other similar interests shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney. Documents corresponding with such notations on the Final Subdivision Plat in addition to other agreements as listed below 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.

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

- i. Offer of Dedication, with applicable Deed, for the benefit of the City of Beacon for the areas shown on the Subdivision Plat consisting of a total of 1,246 square feet along High Street and 284 square feet along Tompkins Avenue. In the event the City Council does not accept the offered real property, the Owner shall remain solely responsible for the maintenance of such real property.
6. The Applicant shall submit a Stormwater Maintenance and Easement Agreement for review and acceptance by the City Engineer and City Attorney. The Applicant shall record the approved document in the Dutchess County Clerk's Office simultaneously with the filing of the Subdivision Plat with proof of recording submitted to the City Building Department.
7. The Applicant shall submit to the City the recorded Deed from NYS to the Applicant for the 0.27 acre excess right-of-way along Beekman Street referenced herein and shown on the Subdivision Plat as lands now or formerly owned by the New York State Department of Transportation.
8. Pursuant to the City Code § 195-15, the Applicant shall file a performance guaranty with the City of Beacon to guarantee the satisfactory construction, installation, and completion of all required public improvements, including those within the City right-of-way, in an amount acceptable to the City Engineer based on review of a cost estimate to be prepared by the Applicant.

When the above conditions have been satisfied, six (6) sets of the above references plans, as may be revised as per the conditions above, shall be submitted for enforcement 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 the Building Permit, the following conditions shall be fulfilled:

1. In addition to any other documents, forms and plans required by the City Engineer and/or Building Inspector, the Applicant shall submit the following with respect to any relocation of the sanitary sewer connection to the City's sanitary sewer system for property located at 7 Tompkins Avenue:
 - i. Proposed utility plan to the satisfaction of the City Engineer.
 - ii. Performance guaranty, in an amount approved by the City Engineer, to guarantee the satisfactory construction, installation and completion of the relocation of the sanitary sewer connection.
 - iii. If work is proposed on property located at 7 Tompkins Avenue by the Applicant, a temporary construction license agreement, easement agreement or other similar document, in a form acceptable to the City

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

Attorney, signed by the owners of 7 Tompkins Avenue, demonstrating the right of the Applicant to enter 7 Tompkins Avenue for the purposes of performing the work to relocate the sanitary sewer connection.

2. Prior to the issuance of a building permit, pursuant to the City Code § 195-16.E, the Applicant shall establish an escrow with the City of Beacon for the inspection of the improvements in the amount acceptable to the City Engineer based on review of a cost estimate to be prepared by the Applicant's professional engineer, which amount shall be equivalent of 6% of the amount of the estimated construction cost.
3. The Applicant shall establish an escrow for stormwater inspections by the City Engineer on behalf of the City of Beacon.
4. The Applicant shall submit proof in a form acceptable to the City Attorney that the parcels merged pursuant to the Subdivision Plat have been brought into common ownership, including the parcel to be conveyed from New York State Department of Transportation.
5. The Applicant shall submit to the City and OPRHP a Construction Protection Plan for historic resources within 90 feet of the proposed construction activities which shall include a pre-work photo survey, vibration monitoring surveys, construction barriers, and a post-work photo survey of historic resources, along with any additional information required by the City or OPRHP. No Building Permit shall be issued until OPRHP has approved the Construction Protection Plan.
6. Pursuant to Section 223-41.9 of the Zoning Code, the Applicant shall provide 10% of the residential units as below-market-rate ("BMR") units pursuant to the requirements set forth at Article IVB of the Zoning Code. Pursuant to Section 223-41.10.A, the Applicant shall submit floor plans to the Building Department which shall provide (i) the location of each BMR unit to be provided, and (ii) a mix of unit types in the same proportion as all other units in the Project unless otherwise approved by the Planning Board. The deed, certificate of occupancy and/or rental agreement, as appropriate, for each BMR dwelling unit shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is a below-market-rate unit as defined in § 223-63 of the Zoning Code, and is subject to all restrictions and limitations as set forth therein.

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

1. Subject to NYSDOT approval as part of the NYSDOT Highway Work Permit to be obtained by the Applicant, completion of traffic signal timing modifications for the intersection of North Avenue (NYS Route 9D) at Main Street/Municipal Plaza to maintain coordination of the traffic signal with the traffic signal at North Avenue (NYS Route 9D) at Beekman Street/Church Street.

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

2. Subject to NYSDOT approval as part of the NYSDOT Highway Work Permit to be obtained by the Applicant, completion of traffic signal phasing and timing modifications for the intersection of North Avenue (NYS Route 9D) at Beekman Street/Church Street to improve overall operation of the intersection, specifically the southbound North Avenue and eastbound Beekman Street approaches.
3. 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 for each of the 64 new residential units.

The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy for each dwelling unit, the Applicant shall pay a Recreation Fee 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. Within 6-12 months following completion and full occupancy of the Project, the Applicant shall monitor the NYS Route 9D/Tompkins Avenue intersection to confirm expected levels of service. Prior to monitoring, the Applicant shall submit a Monitoring Protocol for review and approval of the City Traffic Consultants. If a traffic signal is warranted, the Applicant shall contribute its fair share toward the installation of a traffic signal based on the level of traffic volume the Project contributes to the intersection or other reasonable basis consistent with best practices in the industry.
2. Due to the potential presence of the Indiana Bat, removal of any tree greater than 4 inches DBH shall occur only between October 1 and March 31.
3. Vegetation shown on the Landscape Plan shall be maintained in a vigorous growing condition and shall be replaced in kind if it fails to survive or is otherwise removed for any reason.
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. 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

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

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 therefore has not been granted by the City, this Resolution shall be rendered null and void.

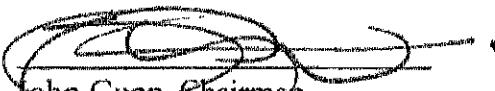
6. Rock removal, if encountered, shall be done by mechanical means on weekdays (excluding State holiday) between the hours of 8 a.m. and 4 p.m. No rock processing is permitted on-site. No blasting shall be permitted without the prior written approval from the City of Beacon Building Department after preparation of a blasting plan. Any blasting required shall be performed in accordance with all applicable local, state, and federal laws, regulations, and standards.
7. Pursuant to the City of Beacon Code § 223-25.J, 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.
8. Pursuant to City of Beacon Code § 195-14.D, 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.
9. 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.
10. 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. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis and/or further project review, as the Board may deem appropriate.
11. This approval is conditioned on compliance with all of the mitigation measures specified in the Applicant's FEAF and related application documents, including the

Site Plan, Subdivision and Certificate of Appropriateness Approvals
45 Beekman Street – High Street

SEQRA Negative Declaration. The Applicant shall be responsible for funding and/or implementation of all such identified mitigation measures.

12. Failure to adhere to the conditions set forth in this Resolution and/or the approved Subdivision Plat and Site Plan drawings and materials shall, upon prior notice to the Applicant, constitute grounds for revocation of this Resolution by the Planning Board, as well as the suspension, revocation, or withholding of any Building Permits, Demolition Permits, Certificates of Occupancy, or other applicable permits issued by the City of Beacon until the Applicant complies with the approvals, conditions, or Subdivision Plat and Site Plan drawings approved herein.
13. As used herein, the term "Applicant" shall include Beekman Arts Center LLC and Bay Ridge Studios LLC, and its successors and assigns, and where applicable, its agents, contractors and employees.
14. 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.
15. The approvals granted by this Resolution do not supersede the authority of any other entity.

Resolution Adopted: September 9, 2025
Beacon, New York


John Gunn, Chairman
City of Beacon Planning Board

SEPTEMBER 15, 2025
Dated

Motion by Ms. Quiana, seconded by Mr. Warner:

Kevin Byrne	Voting AYE	Leonard Warner	Voting AYE
David Jensen	Voting AYE	J. Randall Williams	Voting EXCUSED
Karen Quiana	Voting AYE	John Gunn, Chairman	Voting AYE
James Vermeulen	Voting AYE		

Resolution: Approved 6-0

City of Beacon Zoning Board of Appeals Agenda
03/17/2026

Title:

Consider a notification from the City of Beacon Planning Board on its intent to serve as the Lead Agency for Amended Concept Plan Approval in connection with a proposal to amend a previously approved Concept Plan containing two multi-family buildings with a total of 64 units and a separate office building with 25,400 square feet, for property at 248 Tioronda Avenue (Tax Grid No. 6054-45-012574). The Amended Concept Plan would change the use of one of the three buildings (i.e., Building 100) from a two-story office building to two buildings containing a total of 136 residential units, including 27 units which are Below Market Rate (BMR). Building 100A is proposed to contain 71,833 square feet with 78 dwelling units and Building 100B is proposed to contain 66,853 square feet with 58 dwelling units with a subsurface parking garage. Other site modifications include a Greenway Trail/Rail Trail Connection path to the west of Building 100A, modifications to the proposed refuse enclosure, installation of retaining walls along the Greenway Trail, and construction of an amenities plaza with swimming pool between Building 100B and Building 200. The 9.18 acres site, known and designated as Parcel ID 6054-45-012574 (the "Property"), is located in the Fishkill Creek Development (FCD) zoning district and the Local Waterfront Revitalization Program (LWRP) area. The Beacon City Council is the approval authority for the Amended Concept Plan and the Planning Board is the approval authority for the Third Amended Site Plan Approval application.

ATTACHMENTS

[248 Tioronda PB lead agency mailing 2.27.26 to ZBA.pdf](#)

[PB 2.10.26 CC ref 00_CP1_81750-00_CONCEPT-PLAN.pdf](#)

[PB 2.10.26 CC ref 248 Tioronda-FEAF Report 2026.01.29.pdf](#)



City of Beacon
 Planning Board
 One Municipal Plaza, Suite 1
 Beacon, NY 12508
 Phone: 845-838-5002

John Gunn, Chair

February 27, 2026

VIA EMAIL:

Zoning Board of Appeals of the City of Beacon
 Attn: Jordan Haug, Chair
 1 Municipal Plaza
 Beacon, NY 12508

Subject: Designation of Lead Agency in Accordance with SEQRA
 248 Tioronda Avenue, Beacon, NY 12508, Tax Grid No. 6054-45-012574

To Whom It May Concern:

The City of Beacon Planning Board is hereby notifying you that it has received from the Beacon City Council the referral of an application for Amended Concept Plan Approval in connection with a proposal to amend a previously approved Concept Plan containing two multi-family buildings with a total of 64 units and a separate office building with 25,400 square feet. The Amended Concept Plan would change the use of one of the three buildings (i.e., Building 100) from a two-story office building to two buildings containing a total of 136 residential units, including 27 units which are Below Market Rate (BMR). Building 100A is proposed to contain 71,833 square feet with 78 dwelling units and Building 100B is proposed to contain 66,853 square feet with 58 dwelling units with a subsurface parking garage. Other site modifications include a Greenway Trail/Rail Trail Connection path to the west of Building 100A, modifications to the proposed refuse enclosure, installation of retaining walls along the Greenway Trail, and construction of an amenities plaza with swimming pool between Building 100B and Building 200. The 9.18 acres site, known and designated as Parcel ID 6054-45-012574 (the "Property"), is located in the Fishkill Creek Development (FCD) zoning district and the Local Waterfront Revitalization Program (LWRP) area. The Beacon City Council is the approval authority for the Amended Concept Plan and the Planning Board is the approval authority for the Third Amended Site Plan Approval application.

The City of Beacon Planning Board previously circulated for lead agency upon receipt of the Applicant's original application in or around 2013, and then recirculated upon receipt of subsequent applications for amendments to the original project. As Lead Agency, the Planning Board adopted a Negative Declaration on April 8, 2014 which was later amended by the Planning Board continuing in its role as Lead Agency on June 11, 2019, September 14, 2021 and May 14, 2024. The City of Beacon Planning Board hereby declares its continued intent to serve as the Lead Agency for the environmental review of the proposed action, which is classified as Type I pursuant to SEQRA. Enclosed for your use, if you choose, is a form for responding to the Planning Board.

In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the



City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

proposed action, and a copy of the applications and site plan. Agenda materials are also available online through the City of Beacon website: <https://beaconny.gov/index.php/agendas-minutes/>

Thank you.

John Gunn, Chair

JG/mp
Enclosures

Cc: Bryan Murphy, Building Inspector, City of Beacon
Jennifer L. Gray, Keane & Beane P.C.
John Russo, P.E., Lanc & Tully Engineering & Surveying, P.C.
Natalie Quinn, KARC Planning Consultants, Inc.



City of Beacon
 Planning Board
 One Municipal Plaza, Suite 4
 Beacon, NY 12508
 Phone: 845-838-5002

DESIGNATION OF LEAD AGENCY RESPONSE FORM

To: City of Beacon Planning Board

Date: _____

From (agency name): _____

Subject: **Designation of Lead Agency in Accordance with SEQRA**
 248 Tioronda Avenue, Beacon, NY 12508, Tax Grid No. 6054-45-012574

The City of Beacon Planning Board intends to continue to serve as the Lead Agency for the environmental review of the proposed action consisting of a proposal to amend a previously approved Concept Plan and Amended Site Plan for two multi-family buildings with a total of 64 units and a separate office building with 25,400 square feet. The Amended Concept Plan would change the use of one of the three buildings (i.e., Building 100) from a two-story office building to two buildings containing a total of 136 residential units, including 27 units which are Below Market Rate (BMR). Building 100A is proposed to contain 71,833 square feet with 78 dwelling units and Building 100B is proposed to contain 66,853 square feet with 58 dwelling units with a subsurface parking garage. Other site modifications include a Greenway Trail/Rail Trail Connection path to the west of Building 100A, modifications to the proposed refuse enclosure, installation of retaining walls along the Greenway Trail, and construction of an amenities plaza with swimming pool between Building 100B and Building 200.

The above identified agency: *(please check one below)*

- ☐ Has no objection to the Planning Board serving as Lead Agency.
- ☐ Takes no position with respect to the Planning Board serving as Lead Agency.
- ☐ Objects to the Planning Board serving as Lead Agency.

 Printed Name

 Signature

 Title

CERTIFICATE OF AUTHORIZATION NUMBER
PROFESSIONAL ENGINEERING: 018281
LAND SURVEYING: 017976
GEOLOGICAL: 018750

It is a violation of New York Education Law Art. 145 Sec. 7209 & Art. 147 Sec. 7307, for any person, unless acting under the direction of a licensed architect, professional engineer, or land surveyor, to alter an item in any way. If an item bearing the seal of an architect, engineer, or land surveyor is altered; the altering architect, engineer, or land surveyor shall affix to the item their seal and notation "altered by" followed by their signature and date of such alteration, and a specific description of the alteration.

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147 Union Street
Poughkeepsie, New York 12601

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EXISTING 100-YEAR FLOOD PLAIN

EXISTING PROPERTY LINE

EASEMENT LINE

PROPOSED BUILDING

PROPOSED PAVEMENT

(25)

PROPOSED PARKING COUNT

PROPOSED SIDE WALK

EXISTING METRO-NORTH RAILROAD TRACKS (INACTIVE)

PROPOSED CURB

PROPOSED LIGHT POLE

PROPOSED RETAINING WALL

GREENWAY TRAIL

BULK TABLE NOTES:

1. EXISTING BUILDINGS 200 + 300 CONTAIN 64 UNITS (SEE DEVELOPMENT SCHEDULE). PER CITY COUNCIL RESOLUTION RESOLUTION NO. 117 OF 2025, "THE APPLICANT IS DIRECTED TO SUBMIT A CONCEPT PLAN FOR 2 BUILDINGS CONTAINING 136 RESIDENTIAL UNITS (WHICH INCLUDES 27 BMR UNITS)," WHICH SUMS TO 200 UNITS SITEWIDE.
2. PER CITY COUNCIL RESOLUTION NO. 117 OF 2025, BUILDINGS 100A + 100B SHALL BE "IN SUBSTANTIALLY THE SAME DESIGN AS BUILDINGS 200 AND 300." PROPOSED BUILDINGS 100A + 100B MAINTAIN THE SAME ROOF ELEVATION AS BUILDINGS 200 AND 300.

DEVELOPMENT SCHEDULE NOTES:

- DEVELOPMENT SCHEDULE NOTES:**
1. BUILDINGS 200 + 300 CONTAIN 8 EXISTING BMR UNITS.
 2. 27 OF THE UNITS WITHIN BUILDINGS 100A + 100B SHALL BE BMR UNITS MEETING THE REQUIREMENTS OF ARTICLE 16B, AFFORDABLE- WORKFORCE HOUSING, OF THE ZONING LAW.
 3. FULL BUILDOUT OF 200 UNITS SHALL CONTAIN 35 BMR UNITS.

248 Tioronda Avenue
248 Tioronda Avenue
Beacon, New York 12508

NO:	DATE:	DESCRIPTION:
Revisions		

PROJECT NUMBER: C781750.00

DRAWN BY: LB

REVIEWED BY: KG

ISSUED FOR:

ISSUED FOR CONCEPT PLAN APPROVAL

DATE: 01/29/26

DRAWING NAME: _____

CONCEPT PLAN

DRAWING NUMBER:

CP1

248 Tioronda Ave Project

Location:

248 Tioronda Ave
City of Beacon
Dutchess County, New York

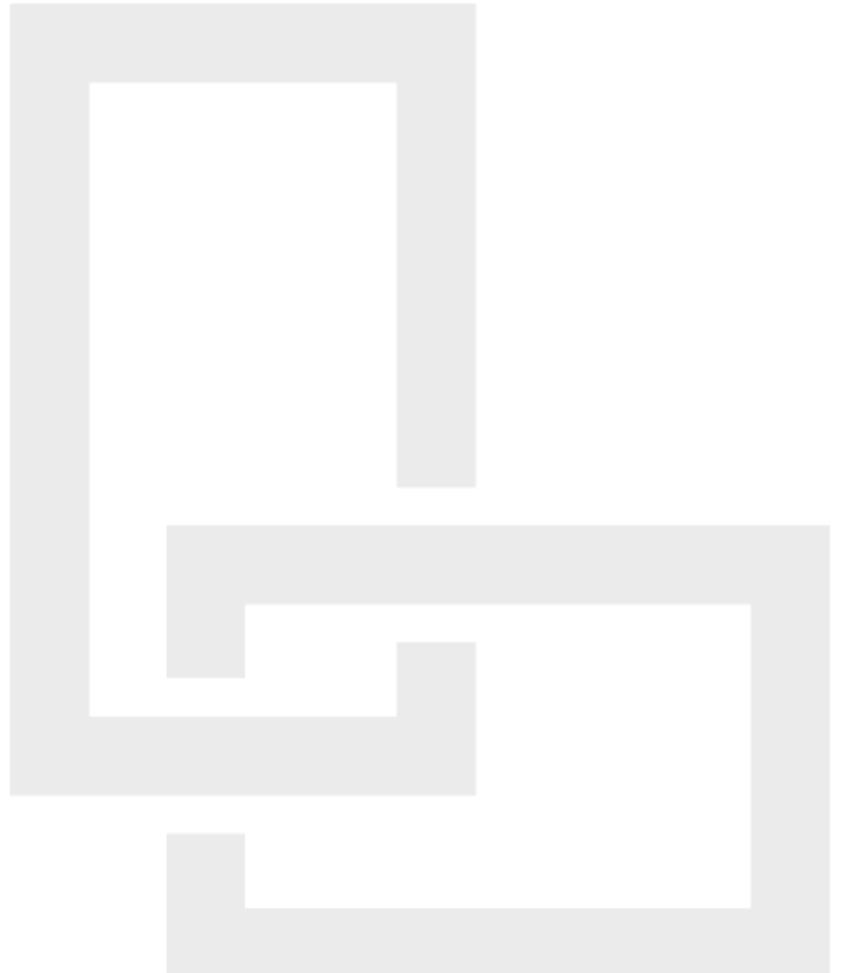
Prepared for:

Beacon 248 Holdings LLC
248 Tioronda Ave
City of Beacon,
Dutchess County, NY

Prepared by:

LaBella Associates, D.P.C.
21 Fox Street, Suite 201
Poughkeepsie, NY 12601
845-454-3980

Original: July 30, 2024
Revised: January 29, 2026



21 Fox Street | Poughkeepsie, New York 12601 | p 845-454-3980

Table of Contents

PROJECT DESCRIPTION

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

ENDNOTES

FIGURES

Figure 1: USGS Location Map

Figure 2: Orthophoto Tax Map

Figure 3: Land Use Map

Figure 4: Soils Map

Figure 5: Wetland, Stream, and Floodplain Map

Figure 6: NYSDEC Environmental Resource Map

Figure 7: NYSOPRHP Cultural Resource Information System (CRIS) Map

ATTACHMENTS

ATTACHMENT A: January 28, 2026 Trip Generation Memo

ATTACHMENT B: USFWS IPaC Trust Resource Report

ATTACHMENT C: May 6, 2019 NYSOPRHP SHPO Letter

PROJECT DESCRIPTION

Current Project

The Applicant, CHAI Developers (FKA Chai Builders or Beacon 248 Holdings LLC), is seeking approval for a revised concept plan from the Beacon City Council and subsequent site plan approval from the Planning Board for the proposed redevelopment of the northern portion of the former Tuck Industries manufacturing site, located at 248 Tioronda Avenue (along Fishkill Creek), City of Beacon, Dutchess County, NY (Tax Parcel 6054-45-012574). The revised concept plan changes the use of Building 100 from a two-story office to a three-story multifamily apartment building with associated parking modifications. Pending City Council approval, amended site plan approval from the Planning Board will also be sought. The project site is situated in the Fishkill Creek Development (FCD) district, as designated by the City of Beacon Zoning Map. Development within this District requires both City Council and Planning Board approvals. A multifamily residential development is a permitted use in the FCD Zoning District. On December 16, 2024, the Beacon City Council adopted Resolution No. 117 of 2025, which waived the requirement of providing commercial space for provision of additional housing including a substantial number of below market rate units. In an effort to increase public benefit, the Applicant has revised the Greenway Trail to include the island in Fishkill Creek, is in efforts to revise the easement to include the full island, removed the steps to increase ADA accessibility, and dedicated four public parking spaces for Greenway Trail users. Buildings 100A and B will add 27 Below Market Rate (BMR) units. See Figure 1 for a USGS location map of the project site and see Figure 2 for an orthophoto map of the project site.

The 9.18-acre project site consists of tax parcel 6054-45-012574 on the City of Beacon tax map, and is located at 248 Tioronda Ave, City of Beacon, Dutchess County, NY 12508. Building 100 was formerly approved as a 25,400 SF two-story office building. The Applicant now proposes Building 100A as a 71,833 SF residential building with 78 dwelling units and Building 100B as a 66,853 SF residential building with 58 dwelling units, including a total of 27 BMR units between the two buildings. Buildings 200 and 300 have been constructed and will remain multifamily residential as previously approved. With the proposed dwelling units from Buildings 100A and 100B, the total number of proposed dwelling units for the entire project site is now 200 total dwelling units. Municipal water and sewer service will continue to serve the site.

The FEAF was completed utilizing the NYSDEC EAF Mapper. The EAF Mapper tool sometimes indicates limited availability for certain digital data. Endnotes are provided for certain responses to provide clarification of or reference used for the response.

Project History

Beacon 248 Development, LLC, received Concept Plan and Special Permit Approvals by the City of Beacon City Council on August 4, 2014, for the redevelopment of the site for a 100-unit multifamily residential development. The Planning Board was Lead Agency for the State Environmental Quality Review (SEQR), and a Negative Declaration was adopted on April 8, 2014, after determination that the project would not have any significant adverse environmental impacts. Planning Board Approvals for Subdivision (lot consolidation) and Site Plan were granted on January 13, 2015. The approved site plan layout included four residential buildings, a 1,200 SF clubhouse, and a swimming pool for use by residents only.

In 2017, the City Council adopted zoning amendments which included amendments to the FCD regulations. "Attached apartment and multifamily dwellings" is a permitted principal use that previously required a special permit from the City Council in the FCD District. However, the adopted zoning amendments eliminated the need for a special permit. When the site plan was amended to change Building 100 from residential to office use in 2020, the amended site plan was approved alongside the subdivision approval on April 18, 2020 and a Negative Declaration pursuant to SEQR was made on June 11, 2019.

On December 16, 2024, the Beacon City Council adopted Resolution No. 117 of 2025, which waived the requirement of providing commercial space for provision of additional housing including a substantial number of below market rate units. The City Council granted the Applicant's request to waive the requirement of City Code Section 223-41.14B that nonresidential building be constructed concurrently with the two residential buildings and authorized the Building Inspector to issue Certificates of Occupancy for the residential units despite the nonresidential not being constructed concurrently. On December 16, 2025, the City Council issued another resolution which determined that "1) the requirement to construct Building 100 as a commercial building is waived; and 2) the providing of 136 additional residential units of which 27 units will be BMR units is a substantial public benefit." As part of this resolution, the Applicant was directed to "submit a Concept Plan for 2 buildings containing 136 residential units (which includes 27 BMR units) in substantially the same design as Buildings 200 and 300 for review by the City Council, referral to the City of Beacon and Dutchess County Planning Boards and discussion at a public hearing," "the Concept Plan shall detail a connection path between the Greenway Trail and the proposed Beacon-Rail Trail," and "the Applicant's obligation to construct commercial space on the property is only waived upon completion of the 136 units of residential units (which includes 27 BMR units), or such number of units approved by the City Council's Concept Plan."

The Applicant is now seeking approval for the requested revised concept plan to modify Building 100 as follows:

- Building 100A - 71,833 SF residential building with 78 dwelling units;
- Building 100B - 66,853 SF residential building with 58 dwelling units;
- 27 BMR units are included in the total of 136 dwelling units;
- 222 residential parking spaces (which includes 91 surface spaces and 131 spaces below buildings (74 spaces in the garage for Buildings 200-300 and 57 spaces in the garage for Building 100B), 4 of which are designated for use by greenway/ rail trail users and exceeds the Zoning requirements;.
- Buildings 200, Building 300, and the greenway remain the same as previously approved.

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 applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 248 Tioronda Ave Proposed Multifamily Development and Office Building		
Project Location (describe, and attach a general location map): 248 Tioronda Avenue (along Fishkill Creek), City of Beacon, Dutchess County, NY (Tax Parcel 6054-45-012574)		
Brief Description of Proposed Action (include purpose or need): The Applicant, CHAI Developers (FKA Chai Builders or Beacon 248 Holdings LLC), is seeking approval for a revised concept plan from the Beacon City Council and subsequent site plan approval from the Planning Board for the proposed redevelopment of the northern portion of the former Tuck Industries manufacturing site, located at 248 Tioronda Avenue (along Fishkill Creek), City of Beacon, Dutchess County, NY (Tax Parcel 6054-45-012574). The revised concept plan changes the use of Building 100 from a two-story office to a three-story multifamily apartment building with associated parking modifications. Pending City Council approval, amended site plan approval from the Planning Board will also be sought. The project site is situated in the Fishkill Creek Development (FCD) district, as designated by the City of Beacon Zoning Map. Development within this District requires both City Council and Planning Board approvals. A multifamily residential development is a permitted use in the FCD Zoning District. On December 16, 2024, the Beacon City Council adopted Resolution No. 117 of 2025, which waived the requirement of providing commercial space for provision of additional housing including a substantial number of below market rate units. In an effort to increase public benefit, the Applicant has revised the Greenway Trail to include the island in Fishkill Creek, is in efforts to revise the easement to include the full island, removed the steps to increase ADA accessibility, and dedicated four public parking spaces for Greenway Trail users. Buildings 100A and B will add 27 Below Market Rate (BMR) units. See Figure 1 for a USGS location map of the project site and see Figure 2 for an orthophoto map of the project site. The 9.18-acre project site consists of tax parcel 6054-45-012574 on the City of Beacon tax map, and is located at 248 Tioronda Ave, City of Beacon, Dutchess County, NY 12508. Building 100 was formerly approved as a 25,400 SF two-story office building. The Applicant now proposes Building 100A as a 71,833 SF residential building with 78 dwelling units and Building 100B as a 66,853 SF residential building with 58 dwelling units, including a total of 27 BMR units between the two buildings. Buildings 200 and 300 have been constructed and will remain multifamily residential as previously approved. With the proposed dwelling units from Buildings 100A and 100B, the total number of proposed dwelling units for the entire project site is now 200 total dwelling units. Municipal water and sewer service will continue to serve the site.		
Name of Applicant/Sponsor: CHAI Developers (FKA CHAI Builders)		Telephone: 917-696-4402
		E-Mail:
Address: 147 Union Street, Suite 101		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Project Contact (if not same as sponsor; give name and title/role): (Same as Applicant)		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Beacon 248 Development, LLC		Telephone:
		E-Mail:
Address:		
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 Counsel, Town Board, ☒ Yes ☐ No or Village Board of Trustees	FCD Concept Plan Approval	Winter/Spring 2026
b. City, Town or Village Planning Board or Commission ☒ Yes ☐ No	Amended Site Plan approval	Winter/Spring 2026
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☒ No		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	DCDOH for water/sewer; DC Planning 239m referral	DCDOH Original Approval 11/9/20; Amended 1/5/25; Expected Amended Approval Summer 2026
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☒ Yes ☐ No	NYSDEC GP0-25-001	NOI Approved March 2021 - will be amended
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☒ Yes ☐ No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☒ Yes ☐ No iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☒ No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

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

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

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

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:546031, Remediation Sites:314044

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Fishkill Creek Development (FCD) District; refer to FEAF Narrative.

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?

City of Beacon Police Department with support from Dutchess County Sheriff's Department and NYS Police

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

City of Beacon Fire District

d. What parks serve the project site?

Hudson Highlands State Park, Memorial Park, South Avenue Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 9.18 acres

b. Total acreage to be physically disturbed? 7.08 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.18 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ 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 the 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 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☒ Yes ☐ No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	200
At completion	_____	_____	_____	200
of all phases	_____	_____	_____	200
Increase of 136 units from approved plan.				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ 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? ☐ Yes ☒ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____ • Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
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 the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the 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: _____ Total 28,380 gallons/day (Increase of 16,504 gpd from approved plan).

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

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

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

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

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

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

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

vi. If water supply will be from wells (public or private), what is the 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: _____ Total 28,380 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): _____

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

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

• Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☒ Yes ☐ No ☐ Yes ☒ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____ If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	☐ Yes ☒ No
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____ If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>1.03</u> acres (impervious surface) _____ Square feet or <u>9.18</u> acres (parcel size) ii. Describe types of new point sources. <u>Point sources remain the same as the previously approved plan.</u> _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>Stormwater management system which will discharge to Fishkill Creek</u> _____ • If to surface waters, identify receiving water bodies or wetlands: <u>Fishkill Creek</u> • Will stormwater runoff flow to adjacent properties? _____	☒ Yes ☐ No ☐ Yes ☒ No ☐ Yes ☒ No	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____		
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____ If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	☐ Yes ☒ No	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____ If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)		☐ Yes ☒ No ☐ Yes ☐ No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No Refer to FEAF Narrative. If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ To be determined. ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Central Hudson Gas & Electric Corp. _____ iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ N/A • Holidays: _____ N/A </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential) </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ N/A • Holidays: _____ N/A	ii. During Operations: • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential)
i. During Construction: • Monday - Friday: _____ 7:00 am to 7:00 pm • Saturday: _____ 7:00 am to 7:00 pm • Sunday: _____ N/A • Holidays: _____ N/A	ii. During Operations: • Monday - Friday: _____ 24 hours (residential) • Saturday: _____ 24 hours (residential) • Sunday: _____ 24 hours (residential) • Holidays: _____ 24 hours (residential)		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: Temporary noise from construction activities will be limited to the hours of 7:00 AM to 7:00 PM Monday to Saturday, and all motorized equipment used in construction will be operated with a muffler, in compliance with the City of Beacon Code Chapter 149, Noise, Section 149-6.F. ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: All exterior lighting will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from the street in accordance with Section 223-14.B of the zoning regulations. ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____ _____
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally, describe the proposed storage facilities: _____ _____
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☒ Yes ☐ No If Yes: i. Describe proposed treatment(s): Typical treatments will be used. _____ _____ _____ ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☒ No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☒ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • 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 the 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: _____

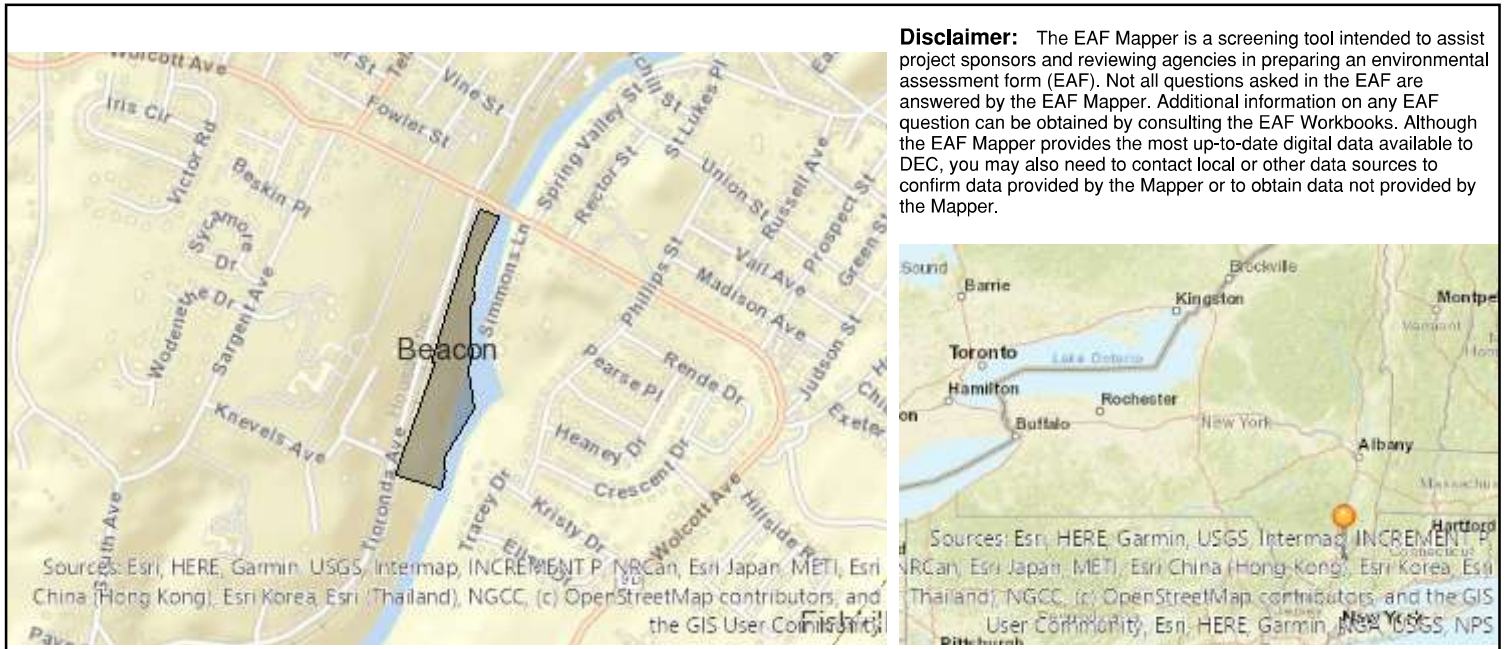
If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

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): <u>school, animal rescue facility</u>			
ii. If mix of uses, generally describe: City of Beacon highway garage, public school, single family residences, two family residence, vacant residential land, animal rescue facility, vacant FCD property, MTA railroad property, Greenway			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces check this	2.30	3.33	+1.03
• Forested	3.50	2.63	-0.87
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.37	3.54	+1.17
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.31	0.31	0
• Wetlands (freshwater or tidal)	(1.81)	(1.81)	0
• Non-vegetated (bare rock, earth or fill)	0.70	0	-0.70
• Other Describe: _____	0	0	0

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? _____ >5 feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: Udorthents, smoothed 100 % _____ _____ % _____ _____ %	
d. What is the average depth to the water table on the project site? Average: _____ >3 feet	
e. Drainage status of project site soils: ☒ Well Drained: 45 % of site ☒ Moderately Well Drained: 45 % of site ☒ Poorly Drained 10 % of site	
f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 15 % of site ☒ 10-15%: 40 % of site ☒ 15% or greater: 45 % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☒ No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No	
If Yes to either <i>i</i> or <i>ii</i> , 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 <u>862-237</u> Classification <u>C</u> - Lakes or Ponds: Name _____ Classification _____ - Wetlands: Name <u>Federal Waters, Federal Waters, Federal Waters,...</u> 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: <u>Principal Aquifer</u>	

m. Identify the predominant wildlife species that occupy or use the project site: _____ Common urban species. _____ Refer to FEAF Narrative Section 10.0 _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ 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? ☒ Yes ☐ No If Yes: i. Species and listing (endangered or threatened): _____ NYSDEC: Atlantic Sturgeon, Shortnose Sturgeon. USFWS: Indiana Bat, Northern Long-eared Bat, Tri-colored Bat, Monarch Butterfly _____	
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? ☐ Yes ☒ No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ 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? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ 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? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ 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? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:546031, Remediation Sites:314044
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	546031, 314044
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]	546031, C314118, 314044
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.ii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local, New York State, and federal wetlands and waterbodies is known to be incomplete. Refer to the EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-237

E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon
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 or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Delahay-Ormsbee Residence, Eligible property:BIN 1006340 COOPERATION BRIDGE, Tioronda Estate - Craig House Historic District
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

1. Land Use and Zoning

Municipal Code

According to the City of Beacon Municipal Code, a multifamily residential development is a permitted use in the FCD Zoning District. See Figure 3 for a land use map of the project site. Building 100 on the project site was formerly approved as a 25,400 SF two-story office building. The Applicant now proposes Building 100A as a 71,833 SF residential building with 78 dwelling units and Building 100B as a 66,853 SF residential building with 58 dwelling units, including 27 BMR units. Building 200 and Building 300 were previously approved for a total combined 64 dwelling units. With the proposed dwelling units from Buildings 100A and 100B, the total number of proposed dwelling units for the entire project site is now 200 total dwelling units.

Although Section 223-41.14.B of the City of Beacon Municipal Code stipulates requirements for residential density and requires a nonresidential use for development, the proposed requirements for nonresidential uses and residential density have been reviewed and waived by the City Council. As mentioned above, on December 16, 2025, the City Council issued a resolution which determined that “1) the requirement to construct Building 100 as a commercial building is waived; and 2) the providing of 136 additional residential units of which 27 units will be BMR units is a substantial public benefit.”

City of Beacon Comprehensive Plan

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

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

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

Hudson Highlands on the slopes of Mt. Beacon". The proposed public Greenway Trail is consistent with this goal and objective, as the trail area along the creek is preserved with a conservation easement, and extends across the site to allow connection to adjacent properties along the creek.

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

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

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

City of Beacon Local Waterfront Revitalization Plan (LWRP)

The project is consistent with the Beacon LWRP. Policy #25 of the LWRP adopted March 7, 2011, lists 13 viewsheds that should be protected which contribute to the scenic quality of the coastal area. None of the views extends over the subject development site, or over any nearby site in the Fishkill Creek Corridor. The project is consistent with the applicable LWRP recommendations for development in scenic viewsheds, including setback from the Fishkill Creek shoreline to preserve the privacy and some grade-separation of the pedestrian trail along the Creek. Section 12.0, Community Character, provides a description of the proposed architecture and preliminary information regarding visual impacts. Since the project is consistent with the LWRP, no significant adverse impacts are anticipated.

A Coastal Consistency assessment was undertaken as part of the April 18, 2020 approval. This consistency assessment continues to apply to the project as the overall design (including the setback to the Fishkill Creek shoreline) has not changed and the greenway continues to be proposed.

2. Water Usage / Wastewater Generation

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

According to the NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems, March 2014, an apartment is expected to result in 110 gallons per day (gpd) per bedroom water usage and wastewater generation, which incorporates a reduction for the use of water saving plumbing fixtures. This project proposes 53 studio units, 76 one-bedroom units, 44 two-bedroom units, 7 three-bedroom units, 8 one-bedroom duplexes, 9 one-bedroom townhouses with home offices, and 3 one-bedroom townhouses without home offices, for a total of 258 bedrooms in the 200 apartment units. The project with 258 bedrooms would be expected to result in 28,380 gallons per day water usage and wastewater generation. Therefore, the total estimated water usage and

wastewater generation for the project is estimated to be 28,380gpd, which is 16,504gpd more than the prior office use.

The project site is located within the City of Beacon water district and City of Beacon sewage treatment plant. The project will maintain existing infrastructure connections and no improvements are proposed. The City is anticipated to have adequate capacity to serve the project. As a result, the project will not result in a significant adverse impact on surface or groundwater quality or quantity.

3. Stormwater

The project is considered a redevelopment project under the NYSDEC Stormwater regulations. The areas of new development are treated to NYSDEC Standards for new development prior to discharge and comply with the 2025 GP 0-25-001. The areas of redevelopment are partially treated in accordance with NYSDEC GP 0-25-001 requirements. The proposed amount of disturbance has remained the same (7.08 acres). There is an increase in impervious coverage of 1.03 acres with the amended plan. An amended Stormwater Pollution Protection Plan (SWPPP) will be provided for the project and an amended Notice of Intent (NOI) will be provided to NYSDEC.

4. Traffic and Parking

Traffic

Access to the project site is provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. As part of the modified concept plan, there is no proposed change in access from the approved plan. Based on information provided in traffic analyses from 2013 and 2014, and as acknowledged in the previous approval, the capacity of the Wolcott and Tioronda Avenues intersection could support an additional 833 multifamily units during the am peak and 681 units on the pm peak OR an additional 258,000 SF of general office at the AM peak and 260,000 SF at the PM peak, and still maintain a LOS of "B". LaBella issued an updated Traffic Generation Memo on January 28, 2026 (Attachment A), which compared the currently proposed concept plan to that of 2019 Traffic Generation which was considered in the 2019 SEQR Negative Declaration. In the 2019 Traffic Generation, the proposed development was expected to generate 52 vehicle trip ends during the AM peak hour, and 57 vehicle trip ends during the PM peak hour. This was spread out as 23 and 28 vehicle trip ends for the multifamily component, in their respective peak hours, and 29 vehicle trip ends produced by the office building component in its respective peak hours. With the currently proposed development, the total trips for the updated plan are 76 in the weekday AM peak hour and 75 in the weekday PM peak hour. This translates to an increase of 24 total trips in the AM peak hour, and an increase of 15 total trips in the PM peak hour. As discussed in the traffic section of the 2019 FEAF, a Traffic Impact Study found that the adjacent intersection of Wolcott Avenue and Tioranda Avenue would operate at a LOS A during the weekday AM and weekday PM peak hours, and an additional 200-300 trips along both mainline Wolcott Avenue approaches and an additional 50 trips on the southbound Tioranda Avenue approach would change the LOS from an A to a B. To provide context, the traffic along the Wolcott Avenue approach would need to increase by approximately 100%. According to traffic volume data collected along Wolcott Avenue and published on the NYSDOT Traffic Data Viewer, traffic along the roadway has increased by +0.82% annually since 2013. Therefore, the removal of the previously approved office space, and increase of 136 residential units will not result in significant adverse impacts to the traffic network. Temporary traffic generated during demolition and construction activities includes construction employees and the delivery of equipment and materials. The project is not expected to result in any adverse impacts in regard to temporary traffic during construction.

Parking

According to Section 223-26(D) of the City of Beacon Code, the Fishkill Creek Development (FCD) zoning district requires 1 space per dwelling, which results in a minimum of 200 parking spaces which includes 6 accessible spaces required for this project. The proposed site plan provides 222 residential spaces which includes 91 surface spaces and 131 spaces below buildings (74 spaces in the garage for Buildings 200-300 and 57 spaces in the garage for Building 100B), 4 of which are designated for use by greenway/ rail trail users and exceeds these requirements. Compared to the 217 parking spaces approved in April 2020, the proposed parking plan represents a 3% increase in parking space.

5. Soils

The following table (Table 1) provides the soil characteristics for each soil type expected to be found on the project site, according to available Geographic Information Systems (GIS) information (Figure 4) and the USDA Natural Resources Conservation Service Web Soil Survey website.

Previous analysis regarding steep slopes remains unchanged. Therefore, the project is not expected to result in any significant adverse impacts related to soils or topography.

Table 1: Soil Composition at Project Site

Soil Symbol	Soil Type	Slopes	Drainage	Depth to Water Table (Feet)	Depth to Bedrock (Inches)
Ud	Udorthents, smoothed	mostly 0 to 8% but 8 to 25% on sides of excavations and along highways	somewhat excessively to moderately well	>3.0 Nov-Jun	>60
W	Water	NA	NA	0	NA

6. Wetlands and Surface Waters

As in the Approved Plan, there are no proposed impacts to wetlands or the Fishkill Creek. Therefore, no significant adverse impacts to water resources are anticipated as a result of the project.

7. Floodplain

As in the Approved Plan, there is no building construction proposed within Zone AE.

8. Endangered, Threatened and/or Rare Species and Significant Natural Communities

According to the NYSDEC EAF Mapper, there are known occurrences of Atlantic Sturgeon and Shortnose Sturgeon on or near to the project site. Previously, NYSDEC indicated the occurrence of the Bald Eagle in the vicinity of the project site, but occurrence is no longer identified by the NYSDEC. The NYSDEC recommends that the project work be conducted so as to avoid significant impacts to the water quality of Fishkill Creek, including erosion and run-off of sediments, nutrients, and pollutants.

As in the Approved Plan, the project involves no in-water work, does not propose any marina or boating activities, and the project will retain much of the wooded vegetation along Fishkill Creek. Moreover, the activities proposed on the site are less disruptive than previous on-site activities associated with the former manufacturing facility and the Metro-North railroad. Finally, an Erosion and Sediment Control Plan will be provided and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion.

The US Fish & Wildlife Service (USFWS) IPaC Official Species List (Attachment B) indicates the potential for the Indiana Bat, Northern Long Eared Bat, Tri-colored Bat, and Monarch Butterfly in the vicinity of the project site. The USFWS List indicates that there are no critical habitats within the project area under USFWS jurisdiction. Table 2 below details the habitats for the aforementioned species. As part of the previous coordination with the USACE, the USFWS requested that the project limit tree clearing to October 1 to March 31, minimize removal of large trees, use cut-off lighting, and not use pesticides or herbicides in any stormwater basins. This stipulation was noted on the Title Sheet of the Approved Plan and remains in the proposed amended plan. Therefore, significant adverse impacts are not anticipated to potential bat habitat. Since the proposed project is a redevelopment project within the previously approved limit of disturbance, there are no significant adverse impacts anticipated for butterflies. Furthermore, the Applicant is proposing a pollinator garden within the site which will provide potential habitat for butterflies.

Therefore, no significant adverse impacts to endangered, threatened or rare species are anticipated as a result of the project.

Table 2: Suitable Habitat Requirements for Potential ETR Species

Species Name	Regulatory Status	Preferred Habitat
Atlantic Sturgeon (<i>Acipenser oxyrinchus</i>)	Federally and State-listed Endangered	During spawning, the Atlantic sturgeon can be found in the freshwater and brackish/salt water regions of the Hudson River north to Albany, but the species is usually confined to the deeper parts of the river. The adults spend most of their time at sea and the juveniles spend the first few years of their lives in freshwater streams.
Shortnose Sturgeon (<i>Acipenser brevirostrum</i>)	Federally and State-listed Endangered	In New York State, shortnose sturgeon inhabit the Hudson River estuary. These fishes reportedly prefer deep pools with soft substrates and vegetated bottoms, but individuals may vary in preference for various water depths and substrate types (Seibel 1991 cited in NatureServe 2003). Adults have separate summer and winter areas, moving upstream and downstream with the seasons. Spawning occurs upriver from summer foraging and nursery grounds. Spawning occurs over rubble substrate with some gravel and large rocks (Carlson 2003). Larvae may drift with the current near the river bottom. In the Hudson River, larvae are generally found between Albany and Poughkeepsie. Juveniles remain in the river near the salt front. Older individuals spend time in the lower estuary or possibly go out to sea (Carlson 1986).
Indiana bat (<i>Myotis sodalis</i>)	Federally and State-listed Endangered	Suitable summertime roosting habitat is characterized by wooded areas with trees that have sun exposure for at least half of the day, are ≥ 3 in. diameter at breast height (dbh), and exhibit specific physical traits (e.g., exfoliating bark, crevices, dead limbs, snags). Hibernation sites include caves and mines with stable temperatures and relatively high humidity (usually above 74%) for overwintering. Suitable foraging habitat includes riparian/floodplain forests, upland forests, as well as open fields and pastures with scattered trees.

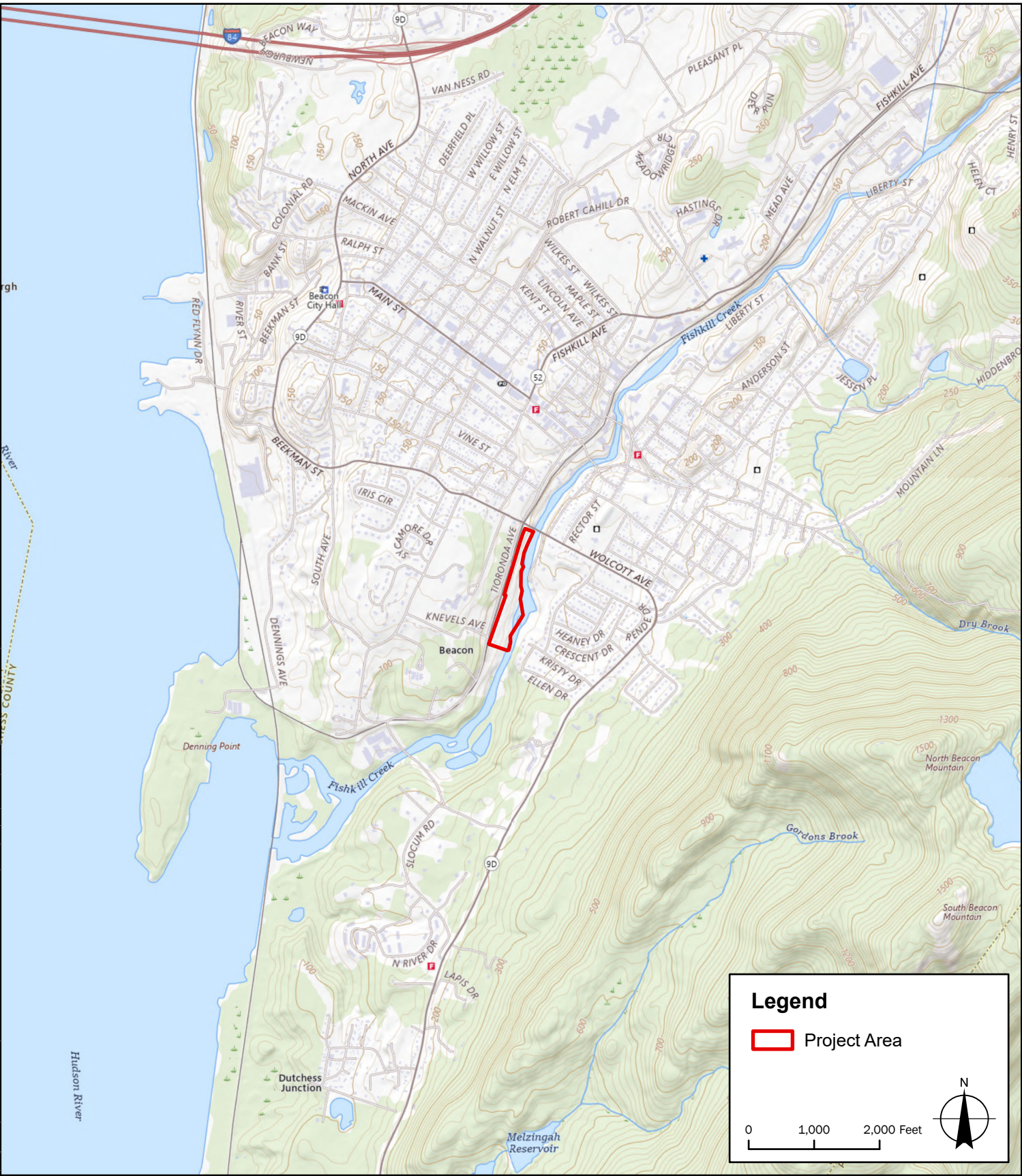
Species Name	Regulatory Status	Preferred Habitat
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Federally and State-listed Endangered	The reproductive habits of this bat are not well known. It is believed that they behave similarly to the Indiana bat, with the females congregating in maternity colonies in the spring, often using trees with cavities, crevices, and loose bark for daytime roosts. They may also roost in buildings and behind shutters. They are associated with mature interior forest and may prefer foraging on forested ridges and hillsides.
Tri-colored bat (<i>Perimyotis subflavus</i>)	Federally-proposed Endangered; State- not listed	Tri-colored bats may roost in habitats including open woods near water and they may select roosts in buildings, crevices of cliffs and rocks, or in or below the canopy of live or recently dead trees that retain some dead or live leaves. They tend to select roosts that are away from roads, in unharvested woods with high habitat heterogeneity, or in the unharvested riparian buffer of a partially harvested stand. They over-winter in humid areas deep within caves and mines with a constant temperature of around 52-55F. They may range 5 miles from a roost to forage. Wooded riparian areas are likely an important foraging habitat for this species during the summer. They may also forage in woods or along waterways or forest edges. Tri-colored bats may enter the hibernacula earlier in the fall and leave later in the spring compared to other species. Tri-colored bats breed in the fall and may breed again in the spring, coinciding with ovulation.
Monarch Butterfly (<i>Danaus Plexippus</i>)	Federally-Proposed Threatened	According to USFWS and NYSDEC, monarchs are found in open meadows and fields that usually contain a variety of wildflowers including milkweed, coastal beaches with dunes, and man-made butterfly gardens. Monarchs inhabit New York State between early May and late August, after which they begin their long migration south for the winter and spring. The monarch butterfly is currently unlisted federally and unlisted statewide through it is proposed to be listed as threatened. Since this site is already disturbed, the Applicant does not anticipate significant adverse impacts to butterfly habitat. Furthermore, due to the current status, there are no USFWS Section 10 requirements for the monarch butterfly at this time.
Sources: New York Natural Heritage Program, Online Conservation Guides, Accessed in 2017, 2024, 2026. USFWS Species Search, Accessed in 2026.		

9. Cultural / Historic Resources

According to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 7), the project site is not substantially contiguous to nor does it contain a building site, or district, listed on the National or State Register of Historic Places. The CRIS mapping indicates that the Wolcott Avenue bridge over the Fishkill Creek (aka Cooperation Bridge) was determined to be eligible for listing on the Register (evaluated under NYSOPRHP Project Number 93PR0331, USN 02741.000362). The mapping also shows the project site as being located within a known archaeologically sensitive area.

In a May 6, 2019 letter, NYSOPRHP concluded that the project will have no adverse impact to historic or cultural resources (Attachment C). The proposed Greenway Trail extension to tax parcel 6054-37-037625 (23 – 28 Creek Drive) as part of the project would occur in an area that has already been disturbed.

FIGURES



Sources:
1. Project Area: LaBella, 2024; Regrid, 2024
2. Streets: NYS GIS Program Office 2023
3. Basemap: USGS Topo Map

 **LaBella**
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248 Tironda Avenue,
City of Beacon,
Dutchess Co., New York

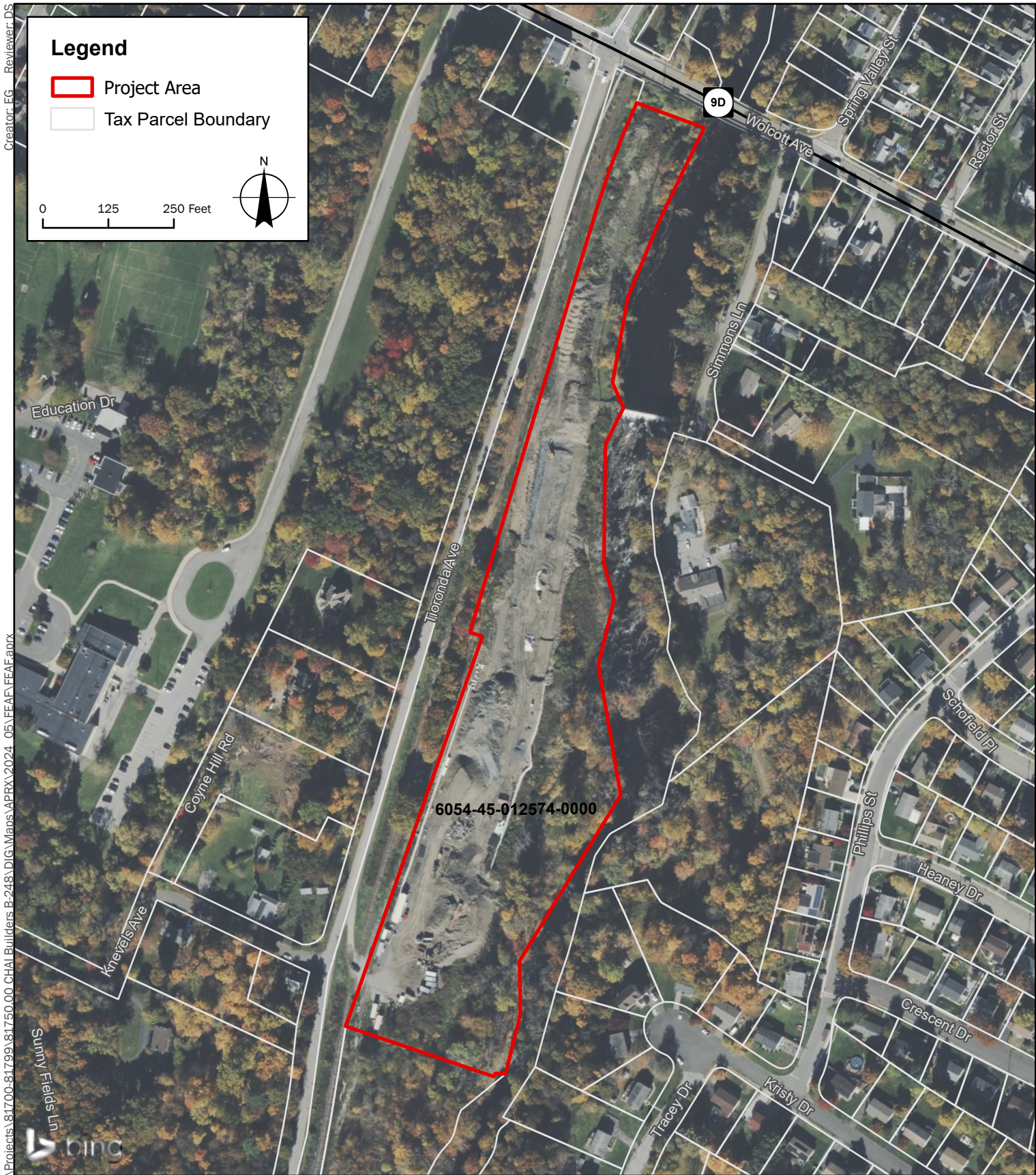
CHAI Builders
B-248

LaBella Project No: CZ81750
Date: 6/3/2024

**USGS Location
Map**

FIGURE 1

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- Sources:
- 1. Project Area: LaBella, 2024
 - 2. Tax Parcels: Regrid, 2024
 - 3. Streets: NYS GIS Program Office, 2022
 - 4. Basemap: Bing Maps



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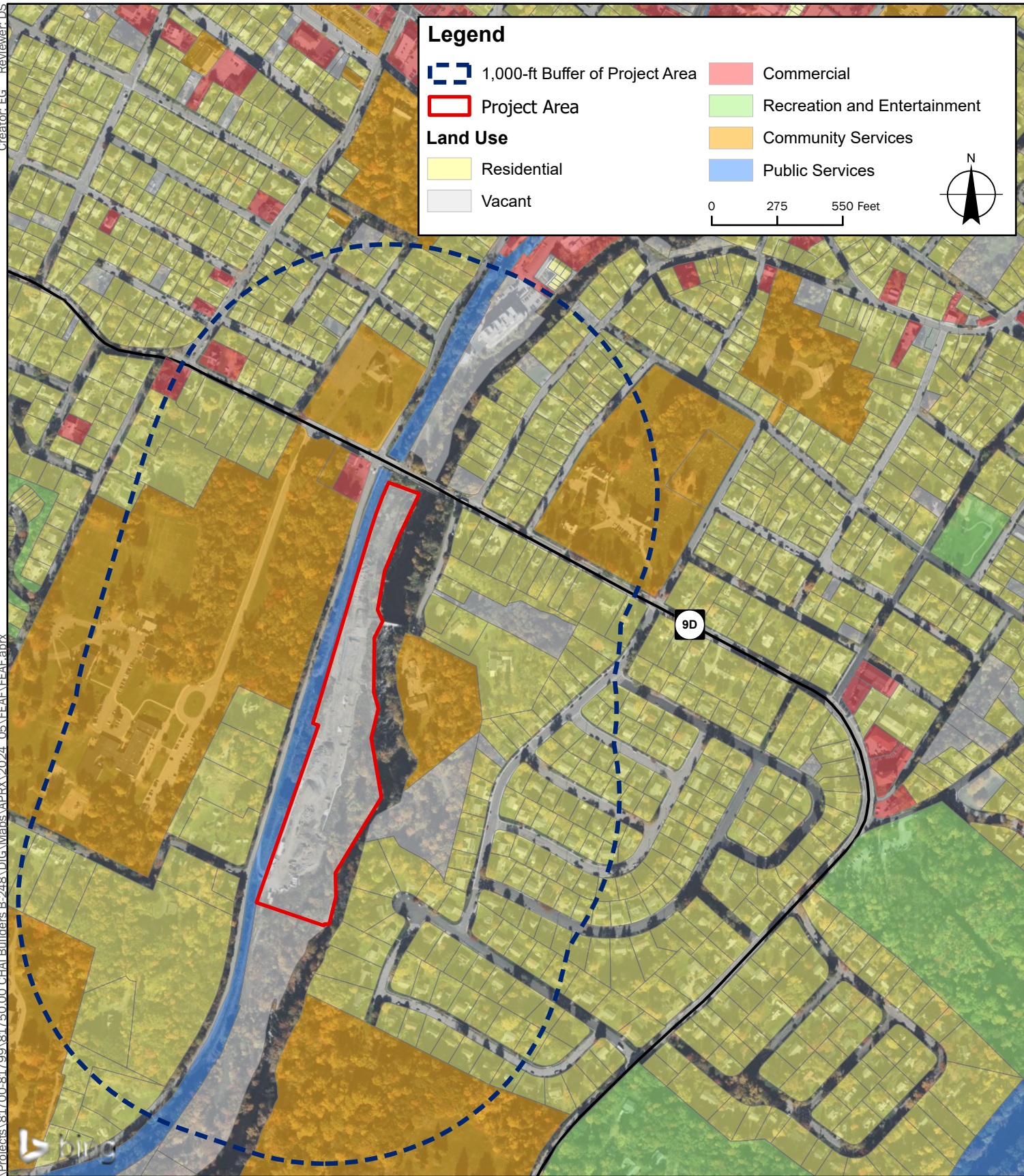
248 Tironda Avenue,
City of Beacon,
Dutchess Co., New York

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B-248

LaBella Project No: CZ81750
Date: 6/3/2024

Orthophoto
Tax Map

FIGURE 2



Sources:
1. Project Area: LaBella, 2024
2. Tax Parcels: Regrid, 2024
3. Land Use: Regrid, 2024
4. Streets: NYS GIS Program Office, 2023
5. Basemap: Bing Maps



248 Tironda Avenue,
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Land Use
Map

FIGURE 3

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Creator: FG Reviewer: DS

Legend

Project Area

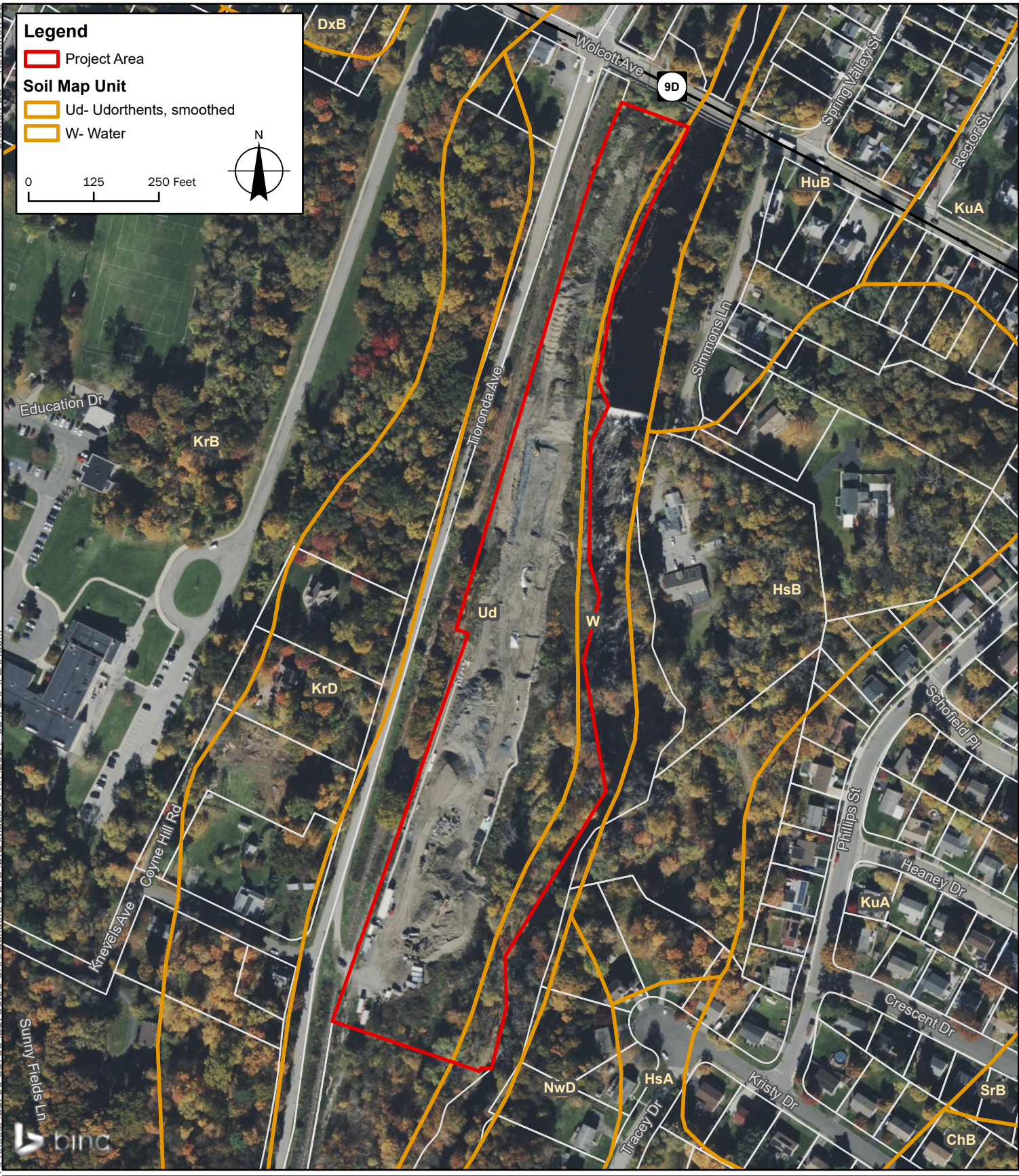
Soil Map Unit

Ud- Udorthents, smoothed

W- Water

0125250 Feet

N



- Sources:
- 1. Project Area: LaBella 2024; Regrid 2024
 - 2. Soil Map Unit: USDA/NRCS 2021
 - 3. Streets: NYS GIS Program Office 2023
 - 4. Basemap: Bing Maps

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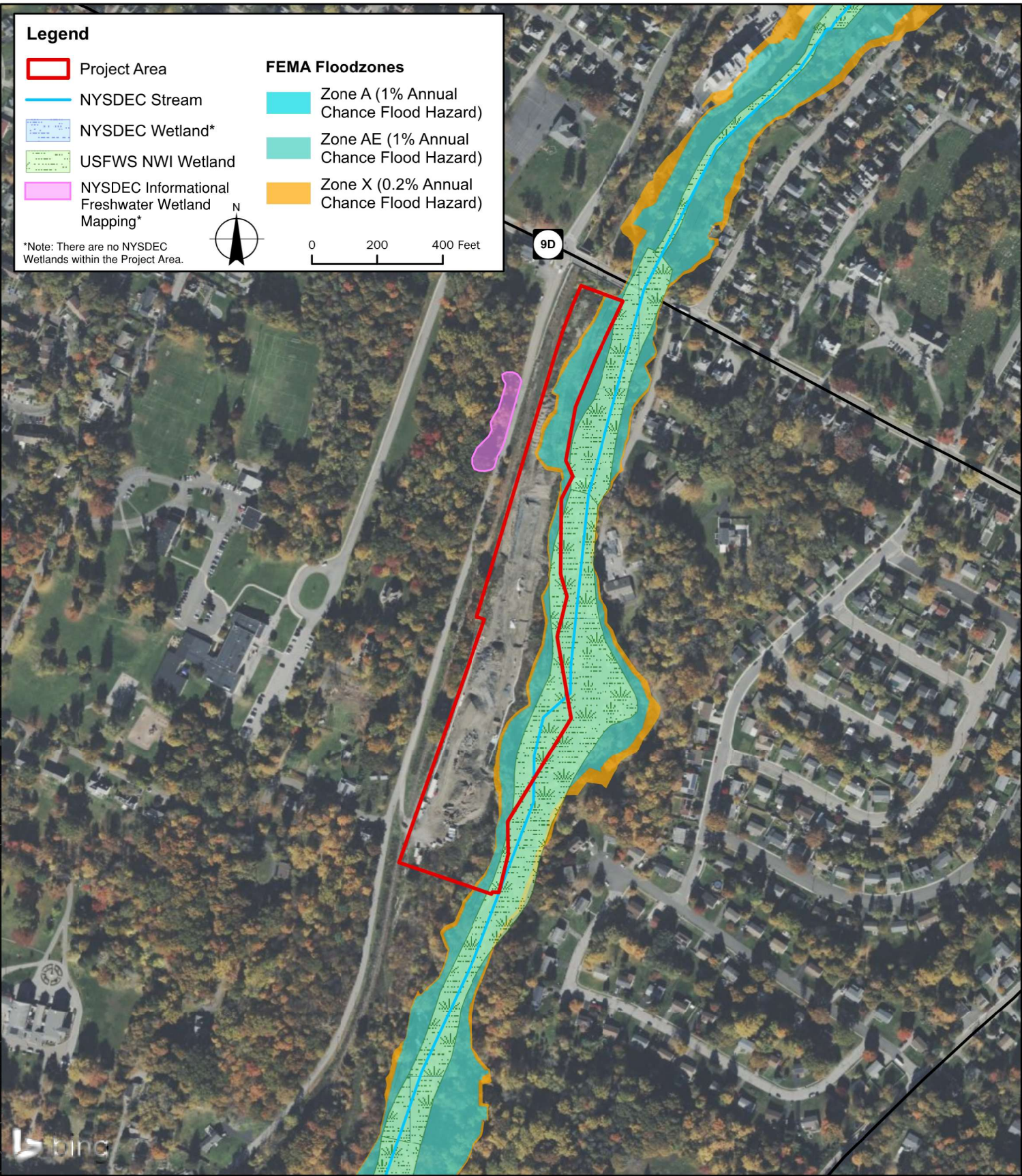
Soil Map

FIGURE 4

57

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Creator: EG Reviewer: DS



- Sources:
1. Project Area: LaBella, 2024; Regrid, 2024
 2. NYSDEC Streams: NYSDEC, 2021
 3. NYSDEC Wetlands: NYSDEC, 2006
 4. NWI Wetlands: USFWS, 2022
 5. Flood Zones: FEMA, 2021
 6. Streets: NYS GIS Program Office, 2023
 7. Basemap: Bing Maps



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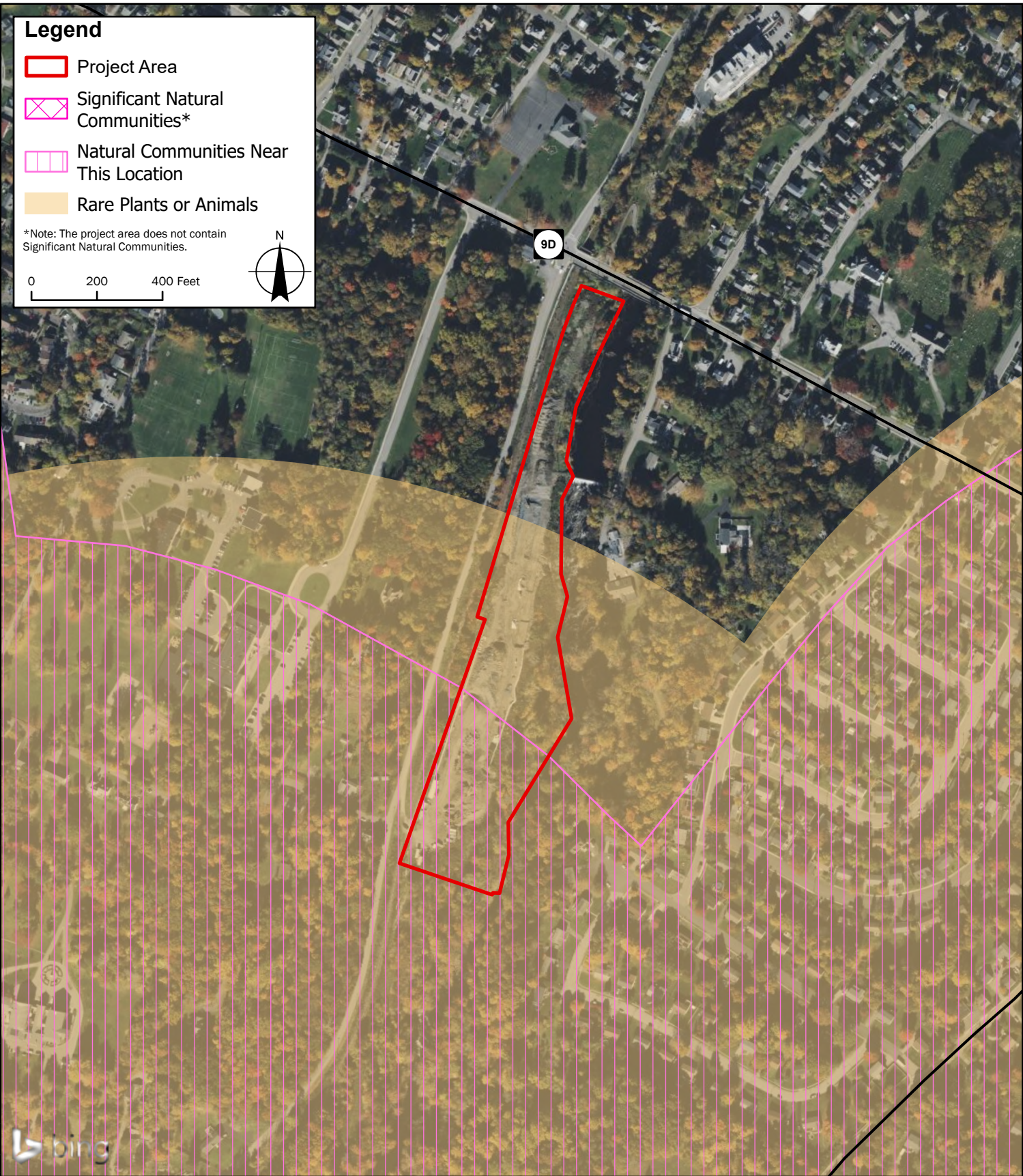
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LaBella Project No: CZ81750
Original: 6/3/2024. Revised: 1/28/2026.

Wetland, Stream,
and Floodplain
Map

FIGURE 5

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Creator: EG Reviewer: DS



Sources:
1. Project Area: LaBella, 2024; Regrid, 2024
2. Rare Plants or Animals and Significant Natural Communities: NYSDEC Environmental Resource Mapper (ERM), 2024
3. Streets: NYS GIS Program Office, 2023
4. Basemap: Bing Maps



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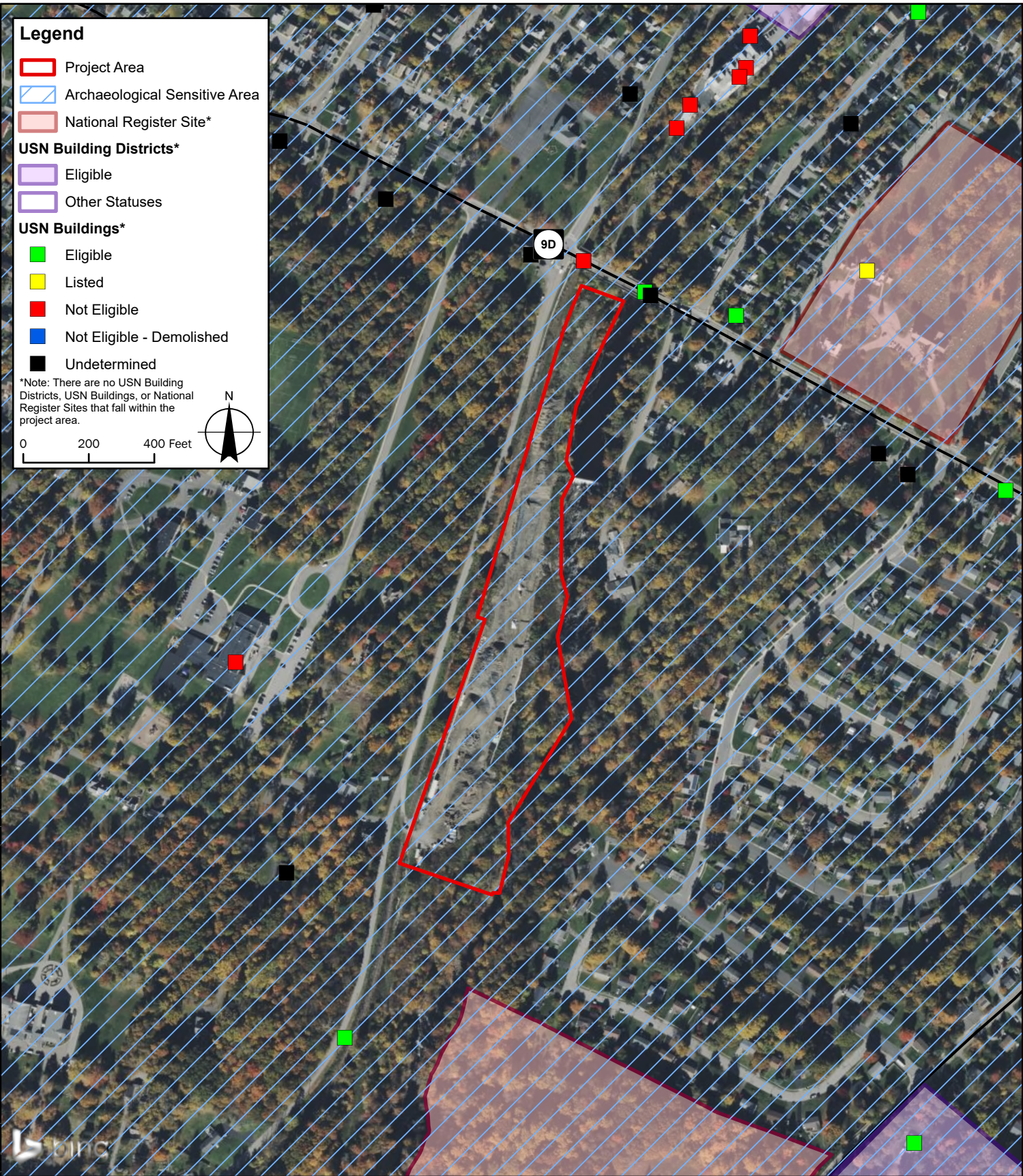
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LaBella Project No: CZ81750
Date: 6/3/2024

NYSDEC
Environmental
Resource Map

FIGURE 6

Path: \\cashtlab\lab\Legacy\Chazen\Projects\81700-81799\81750.00 CHAI Builders B-248\DIG\Maps\APRX\2024_05\FEAE\FEAE.aprx
Creator: FG Reviewer: DS



Sources:
1. Project Area: LaBella, 2024; Regrid, 2024
2. Archaeologically Sensitive Areas/National Register Sites/USN Buildings/USN Building Districts: NYSOPRHP Cultural Resource Information System (CRIS), 2024
3. Streets: NYS GIS Program Office, 2023
4. Basemap: Bing Maps



248 Tironda Avenue,
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B-248

LaBella Project No: CZ81750
Date: 6/3/2024

NYSOPRHP
Cultural Resource
Information System
(CRIS) Map

FIGURE 7

ATTACHMENT A

January 28, 2026 Trip Generation Memo

January 28, 2026

Berry Kohen
Chai Developers
35 Main Street, Suite 311
Poughkeepsie, NY 12601

**Re: 248 Beacon Holdings LLC Proposed Multifamily Development
City of Beacon, Dutchess County, NY
Project No. 81750.00**

Dear Mr. Blumenfeld,

This technical memorandum summarizes and compares the trip generation for the current proposed multifamily development, located in the City of Beacon on a 9.18-acre project site at tax parcel 6054-45-012574 (formerly tax parcels 5954-16-993482 and 6065-45-012574) and the previous trip generation. The current site plan is prepared by ab architekten, dated August 5, 2025, and the trip generation was summarized in a Full Environmental Assessment Form, prepared by Chazen Companies (now LaBella Associates), issued January 30, 2019.

Background and Study Purpose

The Applicant, 248 Beacon Holdings LLC, proposed the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 200-unit multifamily residential development, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as tax parcel 6054-45-012574 (formerly tax parcels 5954-16-993482 and 6065-45-012574) on the City of Beacon tax map, which are proposed to be consolidated. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement.

The purpose of this study is to compare the trip generation contained within the Full Environmental Assessment Form (FEAF), prepared by Chazen Companies (now LaBella Associates), issued January 30, 2019, to the most recent schematic design, prepared by ab architekten on August 5, 2025. The site plan has been updated to provide 200 units of multifamily residential and no commercial component, compared to the 64 units of residential and 25,400 SF of commercial as discussed in the FEAF.

Traffic Assessment

As summarized in the FEAF, issued on January 30, 2019, the proposed development was expected to generate 52 vehicle trip ends during the AM peak hour, and 57 vehicle trip ends during the PM peak hour. This was spread out as 23 and 28 vehicle trip ends for the multifamily component, in their respective peak hours, and 29 vehicle trip ends produced by the office building component in its respective peak hours. The Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 12th Edition, is the industry-standard resource used for estimating trip generation for proposed land uses based on data collected at similar uses and is used for the trip generation developed for the 2025 schematic plan.



Table 1 – Peak Hour Trip Generation Comparison

Date of Plan	Land Use	Weekday AM (Total Trips)	Weekday PM (Total Trips)
January 30, 2019	LUC 221 – Multifamily Housing (Mid-Rise)	23	28
	LUC 710 – General Office Building	29	29
	Total	52	57
August 5, 2025	LUC 221 – Multifamily Housing (Mid-Rise)	76	75
	Total	76	75
Total Change (2026 vs. 2019)		+24	+18

As shown in table 1, the total trips for the updated plan are 76 in the weekday AM peak hour and 75 in the weekday PM peak hour. This translates to an increase of 24 total trips in the AM peak hour, and an increase of 15 total trips in the PM peak hour.

As discussed in the traffic section of the FEA, a Traffic Impact Study found that the adjacent intersection of Wolcott Avenue and Tioranda Avenue would operate at a LOS A during the weekday AM and weekday PM peak hours, and an additional 200-300 trips along both mainline Wolcott Avenue approaches and an additional 50 trips on the southbound Tioranda Avenue approach would change the LOS from an A to a B. To provide context, the traffic along the Wolcott Avenue approach would need to increase by approximately 100%. According to traffic volume data collected along Wolcott Avenue and published on the NYSDOT Traffic Data Viewer, traffic along the roadway has increased by +0.82% annually since 2013.¹

Based on the marginal increase in peak hour trips generated by the proposed project and that capacity of the adjacent intersection, the findings of the prior studies indicating that the proposed project will not have an adverse impact on the roadway network remain valid.

Conclusions

This memorandum summarizes the results of the trip generation comparison between the FEA, issued January 30, 2019, and the schematic plan, dated August 5, 2025. Based on the evaluation, there will be 76 total trips in the AM and PM peak hours. This represents an increase of 24 total trips in the AM peak hour, and an increase of 19 total trips in the PM peak hour. The marginal increase in site-generated trips and the capacity of the adjacent intersection indicate that there will be no substantive changes in the findings of the prior traffic studies.

Please contact me at shipp@labellapc.com or at (914) 269-5604 if you have questions on this traffic analysis.

Respectfully submitted,

LaBella Associates

Starke W. Hipp, PE
Project Manager, Traffic Engineer

Colin T. Burnell, EIT
Transportation Engineer

¹ NYSDOT ATR 820633 | AADT: 2013 = 5,494; 2015 = 6,419; 2019 = 6,680; 2022 = 5,981

ATTACHMENT B

USFWS IPaC Trust Resource Report

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Dutchess County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

✉ fw5es_nyfo@fws.gov

3817 Luker Road
Cortland, NY 13045-9385

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

- 1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
- 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

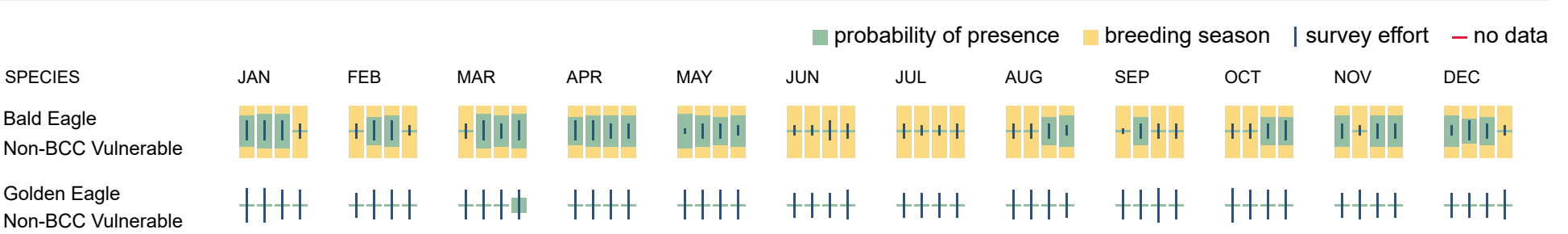
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there,

and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Black-capped Chickadee <i>Poecile atricapillus praticus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Setophaga cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 27 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Prairie Warbler <i>Setophaga discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

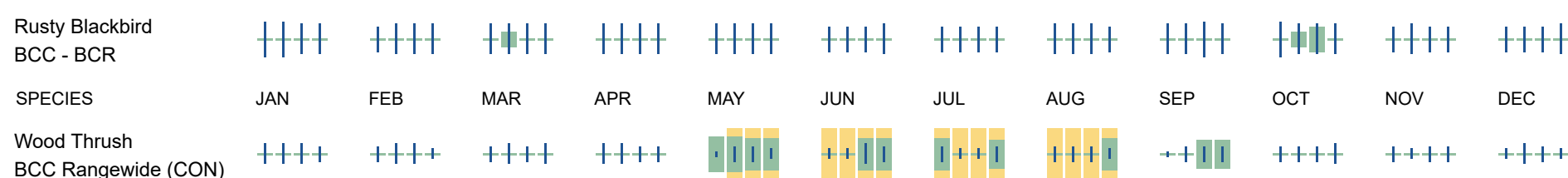
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

ATTACHMENT C

May 6, 2019 NYSOPRHP SHPO Letter



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

May 6, 2019

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

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

Dear Ms. Hubbard:

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

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

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

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

Sincerely,

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

via e-mail only