



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508

August 18, 2026
7:00 PM
Zoning Board of Appeals Agenda

Approval of the July 21, 2026, minutes

Regular Meeting

1. Continue public hearing on application submitted by 393 Fishkill Avenue, LLC and 397 Fishkill Avenue, LLC, 393 Fishkill Avenue, 397 Fishkill Avenue, and 7 Conklin Street, Tax Grid Nos. 30-6055-80-392032-00, 30-6055-80-399035-00, and 30-6055-80-394041, in the GB, to allow for the construction of a retaining wall that will not exceed 8 feet 5 inches in the rear yard, and Section 223-17 D., Attachment 1, to allow the construction of a four-story building with a building height of 48 feet, which requires relief from the following: Section 223-13 Yards; building projections, heights and accessory structures, G. Walls and Fences, (1) The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that the height of such fence or wall does not exceed four feet in front yards, six feet in side yards and six feet in rear yards, except that mesh garden or deer fencing shall not exceed eight feet in height. Notwithstanding the four-foot height limitation for fences and walls in front yards, the Planning Board shall have the discretion to approve a fence or wall up to six feet in height in front yards in connection with site plan approval where necessary for screening purposes. And, Section 223-17.D., Attachment 1, to allow for a building height of 48 feet (maximum height of main building permitted: - /35 (stories/feet))
2. Public hearing on application submitted by Christ Wiseman, 12 Howland Avenue, Tax Grid No. 30-6054-48-375601-00, in the R1-7.5, to extend an existing driveway, which requires relief from the following: Section 223-26 Off-street parking, loading and vehicular access, B. Location, use, design, construction and maintenance, (2) In any residence district, no designated off-street parking area or structure shall be developed in any front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any off-street parking area or structure be developed in a residence district in any minimum side or rear yard setback adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in Section 223-17C. A side yard setback of 3.3 feet is proposed where 5 feet is required, resulting in a request for an area variance of 1.7 feet.

City of Beacon Zoning Board of Appeals Agenda
08/18/2026

Title:

Continue public hearing on application submitted by 393 Fishkill Avenue, LLC and 397 Fishkill Avenue, LLC, 393 Fishkill Avenue, 397 Fishkill Avenue, and 7 Conklin Street, Tax Grid Nos. 30-6055-80-392032-00, 30-6055-80-399035-00, and 30-6055-80-394041, in the GB, to allow for the construction of a retaining wall that will not exceed 8 feet 5 inches in the rear yard, and Section 223-17 D., Attachment 1, to allow the construction of a four-story building with a building height of 48 feet, which requires relief from the following: Section 223-13 Yards; building projections, heights and accessory structures, G. Walls and Fences, (1) The yard requirements of this chapter shall not be deemed to prohibit any necessary retaining wall nor to prohibit any fence or wall, provided that the height of such fence or wall does not exceed four feet in front yards, six feet in side yards and six feet in rear yards, except that mesh garden or deer fencing shall not exceed eight feet in height. Notwithstanding the four-foot height limitation for fences and walls in front yards, the Planning Board shall have the discretion to approve a fence or wall up to six feet in height in front yards in connection with site plan approval where necessary for screening purposes. And, Section 223-17.D., Attachment 1, to allow for a building height of 48 feet (maximum height of main building permitted: - /35 (stories/feet))

ATTACHMENTS

[393 & 397 Fishkill ZBA 8.18.26 Supplemental Submission Cvr Ltr.pdf](#)

[393 & 397 Fishkill ZBA 8.18.26 Updated Renderings by Aryeh Siegel Architect.pdf](#)

[393 & 397 Fishkill ZBA 8.18.26 & 7.21.26 Cover Letter.pdf](#)

[393 & 397 Fishkill ZBA 8.18.26 & 7.21.26 Exhibit A - SEQR Neg Dec.pdf](#)

[393 & 397 Fishkill ZBA 8.18.26 & 7.21.26 Site Plan Set by HLD and Aryeh Siegel rev 6.30.26.pdf](#)



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July 28, 2026

VIA HAND DELIVERY AND EMAIL

Acting Chairperson
and Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: 397 Fishkill Avenue, LLC and 393 Fishkill Avenue, LLC – Supplemental Submission
Application for Area Variance Relief – Building & Retaining Wall Height
Property: 393 & 397 Fishkill Avenue and 7 Conklin Street, Beacon, New York
Tax IDs: 6055-80-392032, 6055-80-399035 & 6055-80-394041

Dear Acting Chairperson and Members of the Zoning Board of Appeals:

On behalf of 397 Fishkill Avenue, LLC and 393 Fishkill Avenue, LLC (the “Applicant”), the owners of the above-referenced Property,¹ we respectfully submit this letter and the referenced enclosures in furtherance of the Applicant’s request for area variance relief pertaining to the building height and the height of certain sections of the retaining walls proposed in connection with the mixed-use development proposal for the Property (the “Project”).

As this Board is aware, at the May 19, 2026 Zoning Board of Appeals (“ZBA”) meeting, this Board opened the public hearing and continued it to the June 16, 2026 meeting agenda. At the Applicant’s request, the Board adjourned the June 16 public hearing to the July 21, 2026 meeting agenda and later adjourned the July 21, 2026 public hearing – in part due to the quorum of members – to the August 18, 2026 meeting. The Applicant looks forward to appearing before all voting members at the Board’s August 18th meeting for the continued public hearing.

In addition to the materials provided in the Applicant’s prior supplemental submission dated June 30, 2026, we are respectfully enclosing two (2) additional renderings that show the as-of-right previously approved project and the currently proposed Project from the intersection of Mead Avenue and Conklin Street for the Board’s consideration. *See* enclosed Renderings prepared by Aryeh Siegel, Architect.

As is shown therein and may not have been clearly identifiable on the two-dimensional site plans, the previously approved project included a parapet along Fishkill Avenue that jutted above the roof line of the three-story building to a height of approximately 39 feet. The Project proposes to remove the parapet located along the building line and instead install a 4th story that is

¹ Note: 393 Fishkill Avenue, LLC owns 393 Fishkill Avenue; and 397 Fishkill Avenue, LLC owns 397 Fishkill Avenue & 7 Conklin Street.



July 28, 2026

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significantly stepped back from the building lines along Fishkill Avenue and Conklin Street. Overall, as the Planning Board unanimously determined in its May 12, 2026 Negative Declaration, *inclusive of the proposed 4th story*, “the 15-foot step back on the recessed 4th floor mitigates against potential visual impact of a 4th story.”

Moreover, for the benefit of the Board, during the Planning Board’s review and approval of the original as-of-right 3-story project, the Applicant developed a robust landscape plan that includes the installation of several dozen trees, as well as shrubbery and plants, while maintaining the existing dense screening and an existing dogwood tree between the northwest side of the Property where it abuts 21 Conklin Street. This was in response to comments from that property owner during the original review process. Of course, views along Conklin Street at the intersection with Fishkill Avenue are presently dominated by the existing automotive uses including used car dealership and repair facilities; and telephone and electrical infrastructure. Other than the existing vegetation and the automotive uses located along the southeast side of Fishkill Avenue, the project will have no visual impacts to the views of Mount Beacon for vehicles traveling along Fishkill Avenue headed south into Beacon past this new gateway building. Indeed, as is shown on the enclosed renderings, and as will be presented at the continued public hearing, due to the building’s location along the Fishkill Avenue frontage, set down into the hill that rises nearly 16’-20’ feet in elevation traveling northwest along Conklin Street to its crest past Mead Avenue, with the balance of Conklin Street being located at a higher elevation than the Property, the Applicant respectfully submits that the stepped-back 4th story will not have any impact on the surrounding properties.

We look forward to appearing at this Board’s regular meeting on August 18, 2026 for the continued public hearing, at which time we request this Board consider closing the public hearing and issuing the requested variance relief. 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 for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Palmer", with a long, sweeping horizontal line extending to the right.

Taylor M. Palmer

Enclosure

cc: George Alissandratos, Esq., City of Beacon ZBA Attorney







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June 30, 2026

VIA HAND DELIVERY AND EMAIL

Acting Chairperson
and Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: 397 Fishkill Avenue, LLC and 393 Fishkill Avenue, LLC – Supplemental Submission
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RESPONSES TO BOARD AND PUBLIC COMMENTS FROM THE MAY 19, 2026 PUBLIC HEARING:

The Applicant respectfully submits the below responses to comments received at the May 19, 2026 public hearing from this Board and members of the public. The comments relate only to the requested building height variance. The Applicant did not receive any comments or requests for additional information related to the requested variance for the proposed retaining wall.

As this Board will recall, the Applicant is requesting a 13.0’ height variance where the Zoning Code permits a maximum height of 35.0’ and the building is proposed to be 48.0’. The Applicant’s prior

¹ Note: 393 Fishkill Avenue, LLC owns 393 Fishkill Avenue; and 397 Fishkill Avenue, LLC owns 397 Fishkill Avenue & 7 Conklin Street.

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submission, dated April 28, 2026, provided a detailed accounting of the requested variance relief and an analysis of the five (5) factor test that demonstrated that, upon balancing the variance criteria, the granting of the requested area variance relief is warranted. That analysis also addressed the efforts made by the Applicant to seek the minimum variance necessary – namely stepping back the additional story to significantly limit the visibility of said story from pedestrian and vehicular traffic. This was discussed with the Board at the prior hearing, along with a discussion of the Planning Board’s issuance of a Negative Declaration for the Project on May 12, 2026 in accordance with the State Environmental Quality Review Act (“SEQR”). *See Exhibit A – SEQR Negative Declaration.*

The Planning Board assessed all potential environmental impacts associated with the Project, including visual impacts, and determined that none had the potential to rise to a level of an adverse environmental impact. Notably, in assessing the visual impacts, the Board recognized that the Applicant’s inclusion of the “15-foot step back on the recessed 4th floor mitigates against potential impact of a 4th story”.² Nonetheless, to demonstrate this finding, the Applicant’s design team prepared a rendering showing the proposed building from the adjacent roadway, Conklin Street. *See enclosed Site Plan, Sheet 4.* As is shown therein, the *already approved and fully permitted three (3) stories of the building are visible*, while the fourth (4th) stepped back story is tucked far enough into the Property and the existing surrounding landscaping is dense enough to limit and, in some cases, mostly eliminate visibility thereto. Furthermore, in response to a comment related to potential visibility from Mead Avenue to the north of the Property, the Applicant’s design team also prepared a rendering from that right-of-way, that similarly demonstrate the limited to non-existent visibility of the fourth (4th) story. *See enclosed Site Plan, Sheet 4.*

In the Applicant’s prior submission to and presentation before this Board, reference was also made to the Fishkill Avenue Concepts Committee’s (“FACC”) recommendations for this corridor, namely the recommendation to permit stepped back fourth (4th) stories. Several comments were provided in reference to the FACC report, including comments stating that the FACC report is not law, the Applicant ought to wait until the City Council amends the Zoning Code in response to the FACC report, and the FACC report recommendation did not include the Property.

² **Note:** One commenter raised concerns over potential traffic related to the Project. Similar to the visibility assessment, the Planning Board reviewed potential traffic impacts from the Project during its environmental review and concluded that the Project will not result in a significant adverse environmental impact on transportation. *See Exhibit A – SEQR Negative Declaration.*



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On the first point (the FACC report not being law), that much is clear, otherwise the Applicant would not be before this Board requesting relief from the currently applicable Code requirements. The Applicant has referenced the FACC report as support for the requested variance relief because it is a planning document prepared by the City Planner at the request of the City Council over the course of two (2) years of public engagement sessions and work by a citizen-led committee. On the second (waiting until the City Council formally adopts the FACC recommendations), the Applicant has constitutional rights to be heard by this Board for relief related to the Project—to hold the Application off violates these rights.

The third comment was raised by Brent Stapleton, who introduced himself as a member of the FACC. Not only did Mr. Stapleton fail to state that the comments were made in his personal capacity, but he also mischaracterized the FACC's report and its recommendation. He claimed that the FACC report recommended four (4) stories "only if it is not impeding on viewsheds, public viewsheds and not um impeding into residential neighborhoods and causing traffic for an area that cannot handle that traffic." The FACC did not limit its recommendation for four (4) stories in such a manner and did not discuss residential neighborhoods or traffic in connection with that recommendation, factors that would be handled during the SEQR process, as has already been the case here. The FACC instead limited its recommendation to areas that are not identified in a proposed public viewshed map. This map only identifies three (3) areas that could be a protected viewshed – critically, *none of which* include the Property.³

Furthermore, the Applicant is prepared to appear before the Board at the July 21st meeting to address the financial realities and the associated lending process for the Project, which are just a few of the many factors that the Applicant has had to consider when it comes to building this mixed-use project.⁴

CONCLUSION:

For the reasons set forth above, and as will be further discussed at the public hearing on this matter, the Applicant requests that the area variance relief be granted to permit the proposed retaining walls and building height on the Property. After considering each of the five (5) factors discussed above for the requested variance, the Applicant respectfully submits that there is no

³ See Fishkill Avenue Concepts Committee October 2025 Report, copies of which are on file with the City.

⁴ As this Board is aware, the area variance test does not incorporate economic hardships within its factors. Economic considerations are instead part of the more stringent use variance test wherein applicants must substantially demonstrate, with dollars and cents proof, that the property cannot yield a reasonable financial return under the existing permitted uses. A use variance is not part of the Application.



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harm to the community that weighs against the benefit to the Applicant, and that the proposed variance relief is the minimum variance relief that meets the Applicant's needs and at the same time fully protects the character of the neighborhood and health, safety, and welfare of the community.

INDEX OF ENCLOSURES:

In support of this Application, please find seven (7) copies of the following documents:

Exhibit A: SEQR Negative Declaration dated May 12, 2026 and filed with the City Clerk on May 13, 2026.

In further support of this Application, we respectfully submit the Site Plan Set entitled "Amended Site Plan Application", prepared by Hudson Land Design Professional Engineering, P.C. and Aryeh Siegel, Architect, dated July 7, 2022, last revised June 30, 2026, numbered and titled as follows (unless otherwise noted):

- Sheet 1 Site Plan;
- Sheet 2 Building Plans;
- Sheet 3 Landscaping & Lighting Plan; and
- Sheet 4 Context Information.

For all of the reasons set forth herein and in the accompanying documents, it is respectfully submitted that this Application for variance relief should be granted in its entirety. We look forward to appearing at this Board's regular meeting on July 21, 2026 for the continued public hearing, at which time we request this Board consider closing the public hearing and issuing the requested variance relief. 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 'T. Palmer', written over a horizontal line.

Taylor M. Palmer

Enclosures

cc: Bryan Murphy, City of Beacon Building Inspector
George Alissandratos, Esq., City of Beacon ZBA Attorney

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Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

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

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

Reasons Supporting This Determination:

To complete this section:

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

See attached

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information
All application materials and studies submitted by the Applicant, memoranda from City staff and consultants, and testimony during public meetings.

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

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

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

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

Name of Action: 393 & 397 Fishkill Avenue & 7 Conklin Street

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: J. Randall Williams

Title of Responsible Officer: Acting Chairperson

Signature of Responsible Officer in Lead Agency:

Date: 5-12-2026

Signature of Preparer (if different from Responsible Officer)

Date: 5-12-2026

For Further Information:

Contact Person: Mercedes Perez, Planning Board Secretary

Address: 1 Municipal Plaza, Beacon NY 12508

Telephone Number: 845-838-5002

E-mail:

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

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

Other involved agencies (if any)

Applicant (if any)

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

PRINT FULL FORM

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
May 12, 2026

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR AMENDED SITE PLAN APPROVAL
FOR 393 FISHKILL AVE, 397 FISHKILL AVE AND 7 CONKLIN STREET**

Parcel No. 6055-80-392032 (393 Fishkill Ave)
Parcel No. 6055-80-399035 (397 Fishkill Ave)
Parcel No. 6055-80-394041 (7 Conklin St)

CONCLUSIONS

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the Planning Board. This Part 3 will discuss and explain the analysis of the potential impact, and why a particular element of the proposed action will not result in a significant adverse impact. Such analysis is appropriately set forth in Part 3, even if the potential impact was identified as "none" or small." Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other applications that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, provides the following rationale for its SEQRA Determination.

Project Description:

The Proposed Action is the modification of a previously approved 3-story mixed use 15,948 square foot building with 3,500 square feet of first floor commercial space and 12 apartments to increase the height of the proposed building to 4-stories by adding a recessed 4th floor and adding 2 apartments for a total of 14 apartments. The subject property consists of approximately 27,007 square feet, or 0.62 acres, which was the subject of a previous approval to merge three separate lots into this combined parcel. Three buildings will be removed from the property to facilitate the construction of the proposed building, rear parking area and other related site improvements. The property is within the General Business District and located at 393 Fishkill Avenue (Parcel No. 6055-80-392032), 397 Fishkill Avenue (Parcel No. 6055-80-

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
May 12, 2026

399035), and 7 Conklin Street (Parcel No. 6055-80-394041) (hereafter, collectively the "Property").¹

The proposed modifications are as follows:

- Adding a recessed 4th story to the previously approved 3-story mixed use building (the proposed 4th story is set back approximately 15 feet from the building façade and increases the height of the building to approximately 48 feet)
- Adding two apartments for a total of 14 apartments
- Architectural modifications along the Fishkill Avenue and Conklin Street facades
- Revisions to the sidewalk connections along Fishkill Avenue

The modifications to the Site Plan are analyzed herein to determine whether such modifications will result in a significant adverse environmental impact as compared to that which was previously studied. The building footprint, commercial square footage, terraced patio spaces, curb cut, off-street parking area, and landscaping program remain unchanged from the previously approved plan.

The City of Beacon Planning Board previously circulated notice of its intent to declare itself Lead Agency upon receipt of the original application in or around 2022. As Lead Agency, the Planning Board adopted a Negative Declaration on March 28, 2023 finding the original project did not result in any significant adverse environmental impacts. The Planning Board recently re-circulated notice of its continued intent to serve as Lead Agency of the current Proposed Action, which is an Unlisted action, and received no objections from Involved Agencies.

Summary of Rationale for Negative Declaration

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

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

The proposed amendments to the Site Plan do not include changes to the building footprint, disturbance area or any other physical change to the land. For this reason, and those set forth in the 2023 Negative Declaration, the proposed amendments will not have a significant adverse environmental impact as a result of any physical changes to the project site.

¹ Although Filed Map No. 9719A, which merged the referenced parcels, was filed in the Dutchess County Clerk's Office on 9/6/2023 the parcels retain their individual Parcel Numbers as title to the separate lots has not been merged. Once a merger deed is recorded, the Dutchess County Tax Maps should be modified to reflect the merged lot condition previously approved by the Planning Board.

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
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Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.

There are no unique geological features on any of the Property.

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

The proposed amendments to the Site Plan do not include any changes to surface or groundwater quality or quantity. No changes to impervious surface coverage is proposed and the Project will continue to be connected to the City stormwater system and existing public water distribution and sanitary sewer systems. Adequate water supply and sewer capacity continue to exist for these additional flows.

For these reasons, and those set forth in the 2023 Negative Declaration, the Proposed Action will not result in any significant adverse impact to surface or groundwater quality or quantity.

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

The Property remains outside of any regulated flood plain and there continue to be no wetlands on or adjacent to the Property. The Project continues to include the implementation of erosion and sediment controls, plus post-construction discharge of stormwater drainage into the City's storm sewer.

For these reasons, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse impact on drainage flows or patterns, or surface water runoff.

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

The proposed amendments to the Site Plan do not include any changes that would impact air quality in a way that is different than that which was previously studied.

For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact on air quality.

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

The proposed amendments to the Site Plan do not include any changes that would impact flora or fauna in a way that is different than that which was previously studied.

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393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
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For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact on flora or fauna.

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

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

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

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views. The Proposed Action is visible from publicly accessible vantage points, both seasonally and year around, but it is consistent with the built environment surrounding the Property.

The project site is part of the Route 52 commercial corridor and the architecture of the proposed building is subject to review and approval by the Planning Board/Architectural Review Board. Although the modifications to the Site Plan would add a recessed 4th story that exceeds the General Business District's height limitations, recent recommendations from the Fishkill Avenue Concepts Committee to the City Council recommend modifying the height requirement in this area of Fishkill Avenue to allow a maximum height of 4-stories. Further, the 15-foot step back on the recessed 4th floor mitigates against potential visual impact of a 4th story.

For these reasons, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

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

The proposed amendments to the Site Plan do not include any changes that would impact historic or archeological resources.

For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse impact on historic or agricultural resources.

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

The modifications to the approved Site Plan will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource. A recreation set aside or fee may be required which will be used for the future need for park and recreational opportunities in the

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
May 12, 2026

City of Beacon due to increased demand caused by the new residential units proposed as part of the Project.

For these reasons, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse impact on open space and recreation.

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

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

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

The 2023 Negative Declaration concluded that the construction of a mixed-use 3-story building will not result in a significant adverse traffic impact. Based on a traffic study prepared by Colliers Engineering & Design, dated October 24, 2023, the approved Site Plan would generate 6 trips during the weekday AM peak hour, 13 trips during the weekday PM peak hour, and 7 trips during the Saturday midday peak hour. The prior traffic study was updated for the proposed modifications to the approved Site Plan by letter dated March 27, 2026 prepared by Colliers Engineering & Design. The updated traffic analysis provides that the proposed modifications would result in a total of 19 trips during the weekday AM peak hour (increase of 13 trips), 21 trips during the weekday PM peak hour (increase of 8 trips), and 15 trips during the Saturday midday peak hour (increase of 8 trip). The modest increase in estimated traffic volume will not result in a significant adverse environmental impact.

Furthermore, the Project will still provide 33 off-street parking spaces in the rear of the building accessible via private driveway off Conklin Street. Per the Zoning Code amendments which came into effect after the approval of the original site plan, the proposed development would require a minimum of 25 parking spaces up to a maximum of 61 parking spaces. The updated traffic analysis indicates that based on a shared use of the parking area the total parking demand is 22 spaces.

For these reasons, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact on transportation.

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

The proposed amendments to the Site Plan do not include any new or different impacts to energy other than the addition of two dwelling units which does not create a significant impact on energy usage. For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse impact on energy.

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
May 12, 2026

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

The modifications to the approved site plan will not result in any new or different impacts to noise, odor or light that were not previously studied.

For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.

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

The modifications to the approved site plan will not result in any new or different impacts to human health that were not previously studied.

For this reason, and those set forth in the 2023 Negative Declaration, the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

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

Although the modifications to the approved building would increase the height beyond that permitted in the Zoning Code, the modifications to the building height are consistent with recommendations put forth to the City Council by the City of Beacon Fishkill Avenue Concepts Committee. Moreover, the Proposed Action remains generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form and all other documents and information in the record, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Amended Negative Declaration indicates that no environmental statement need be prepared and that the SEQRA process is complete.

Adopted: May 12, 2026
Beacon, New York

Motion by Ms. Ruviana, seconded by Mr. Vermeulen:

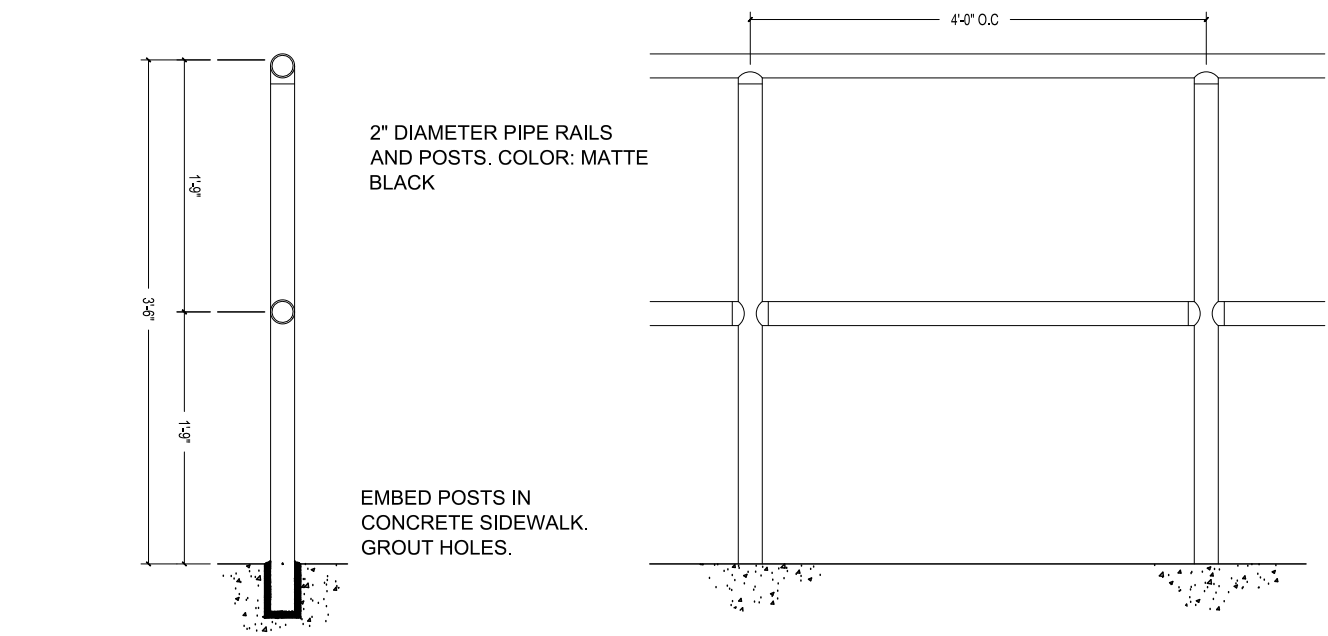
Kevin Byrne Voting AYE Leonard Warner Voting AYE

City of Beacon Planning Board
393 Fishkill Avenue, 397 Fishkill Avenue and 7 Conklin Street
May 12, 2026

David Jensen	Voting <u>AYE</u>	J. Randall Williams	Voting <u>AYE</u>
Karen Quiana	Voting <u>AYE</u>	John Gunn, Chairman	Voting EXCUSED
James Vermeulen	Voting <u>AYE</u>		

Resolution: Approved 6-0
~~Denied~~

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	11/29/22	REVISED PER PLANNING BOARD COMMENTS	AJS
2	12/27/22	REVISED PER PLANNING BOARD COMMENTS	AJS
3	01/31/23	REVISED PER PLANNING BOARD COMMENTS	AJS
4	02/28/23	REVISED PER PLANNING BOARD COMMENTS	AJS
5	03/30/23	REVISED PER PLANNING BOARD COMMENTS	AJS
6	06/13/23	FINAL CONSULTANT REVIEW	AJS
7	07/10/23	FINAL CONSULTANT REVIEW	AJS
8	03/31/26	SITE PLAN AMENDMENT REVISIONS	AJS
9	04/28/26	SITE PLAN AMENDMENT REVISIONS	AJS
10	05/26/26	SITE PLAN AMENDMENT REVISIONS	AJS
11	06/30/26	SITE PLAN AMENDMENT REVISIONS	AJS



Pipe Rail Details

NTS



Aerial View

Scale: Not to Scale

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE

_____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS _____ DAY OF _____, 20____, BY

_____ CHAIRMAN

_____ SECRETARY

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

Owner:
397 Fishkill Avenue, LLC & 393 Fishkill Avenue, LLC
397 Fishkill Avenue
Beacon, NY 12508

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

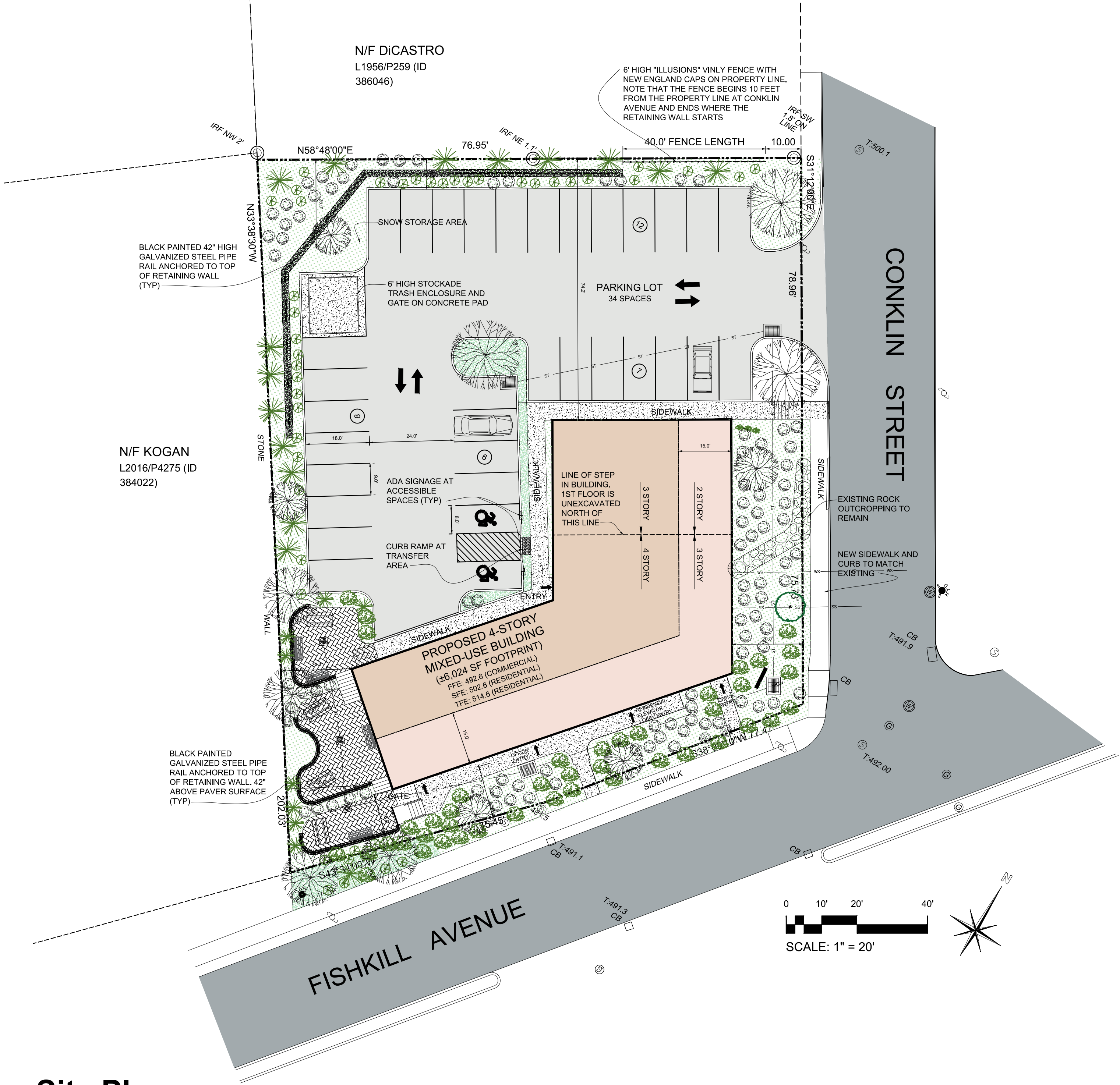
Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Landscape Designer:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

397 Fishkill Avenue
Beacon, New York
Scale: 1" = 20'
October 21,2022

Bulk Zoning Regulations Table

	Required Setbacks			Proposed Setbacks			Minimum Lot Depth	Proposed Lot Depth	Allowable Building Height	Proposed Building Height	Maximum Residential Density	Proposed Residential Density	Lot Area	Required Lot Area	Proposed Floor Area
	Front	Side	Rear	Front	Side	Rear									
Zoning District															
GB	15'	20'	25'	15'	20'	76'	100'	181.83'	35'	48' See Note	1,500 sf per unit 18 units permitted	14 units	0.62 acres	N/A	19,670
Notes: 1. The Applicant will seek a variance from the Zoning Board of Appeals to allow a building height of 48' where 35' is permitted.															



Site Plan

Scale: 1" = 20'

Location Plan

1" = 200'

Zoning Summary

Zoning District:	GB
Tax Map No.:	6055-80-399035 & -6055-80-392032 & 6055-80-394041
Lot Area:	0.62 Acres (Total combined lot area)
Building Footprint:	6,024 SF
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Office / Commercial
Proposed Use:	Office / Commercial / Multi Family Residential

Parking & Loading

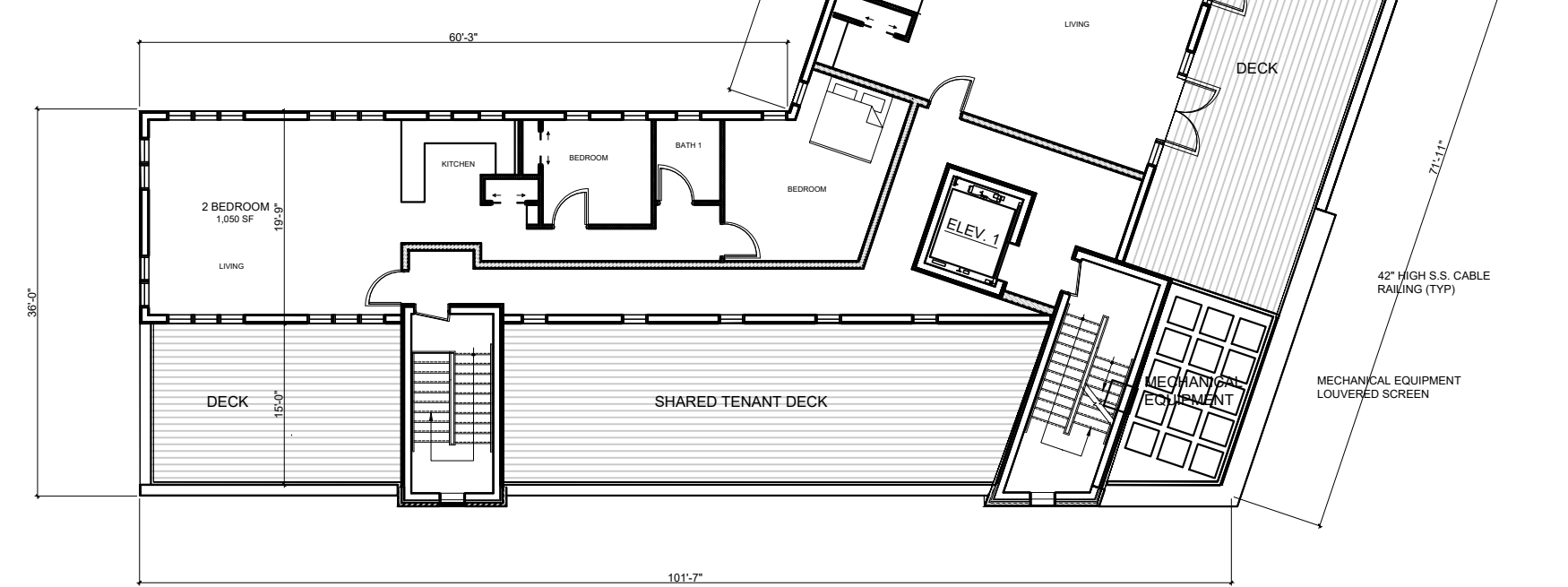
Use & Parking Requirements	Proposed Area / Count	Parking Requirement
Residential		
1 spaces (minimum) 3 space per dwelling unit (maximum)	14 dwelling units	14 parking spaces minimum 42 parking spaces maximum
Commercial		
3 spaces (minimum) 5 spaces per 1,000 sf GFA (maximum)	3,500 sf	11 parking spaces minimum 19 parking spaces maximum
Total Required		25 parking spaces minimum 61 parking spaces maximum
Total Provided		33 parking spaces

- Notes:
- The Applicant will seek a variance from the Zoning Board of Appeals to allow a building height of 4 stories / 48' where 3 stories / 35' is permitted.
 - Commercial hours are 7am – 10pm, Monday through Sunday, inclusive.
 - A freestanding sign is shown on the plans. The sign will be submitted to the Beacon Building Department for review and approval.
 - The project will comply with the 10% below-market-rate requirements in Article IVB, Affordable-Workforce Housing. There will be one Below Market Rate unit
 - Refuse pick-up will be limited to off-peak hours.
 - All landscaping shown on the Site Plan shall be maintained in a vigorous growing condition for the duration of the use and shall be trimmed so as to not interfere with pedestrian use of the sidewalk. All plant not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season in compliance with the Site Plan, at the sole cost and expense of the property owner.
 - If the proposed site work will have an impact on the neighboring Dogwood tree, the tree will be protected by measures specified by the Landscape Designer and the tree protection specifications will be included on the site plan construction documents.

Index of Drawings

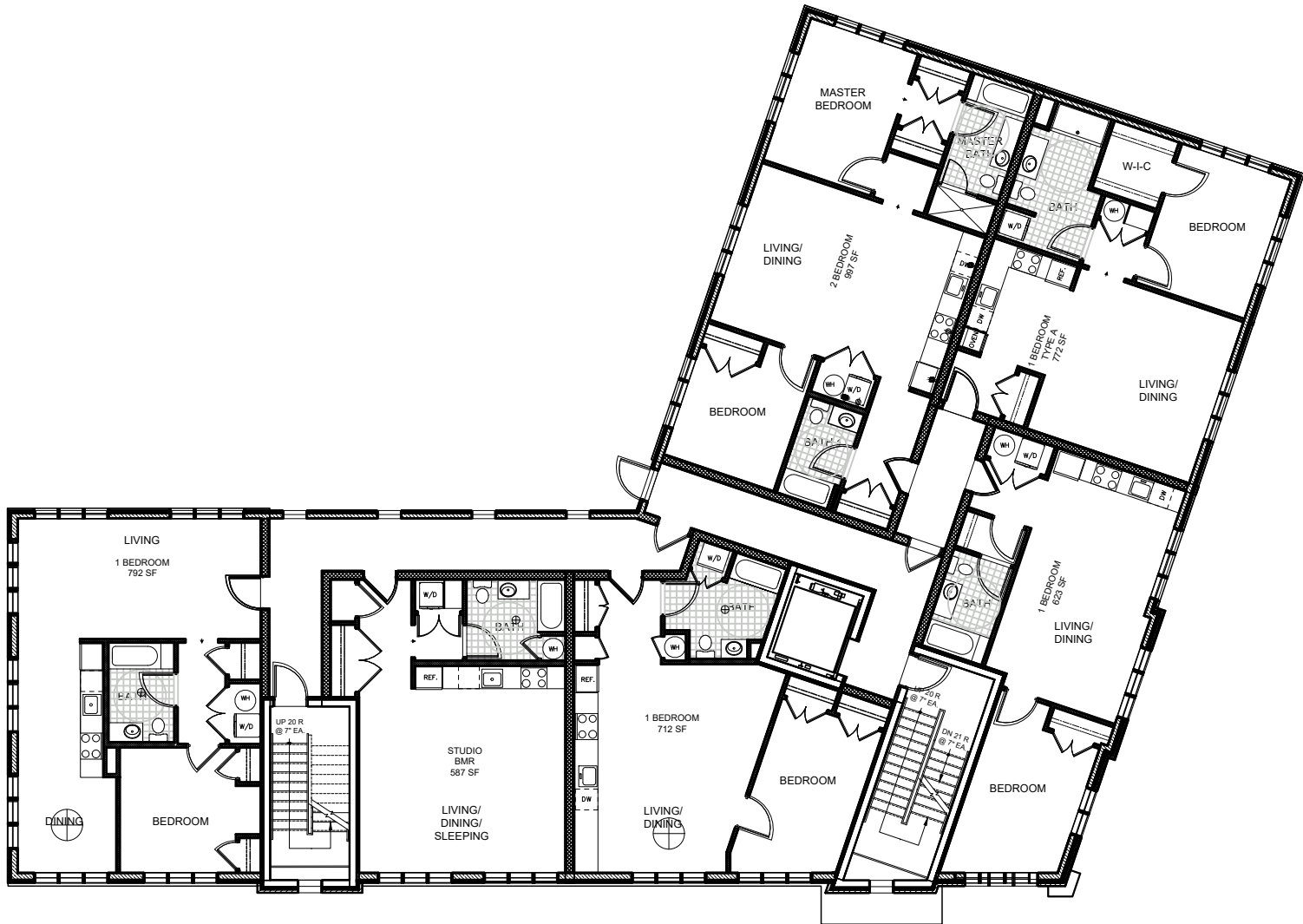
Sheet 1 of 8	Site Plan
Sheet 2 of 8	Building Plans & Views
Sheet 3 of 8	Landscape & Lighting Plan
Sheet 4 of 8	Existing Conditions & Demolition Plan XC-1
Sheet 5 of 8	Grading & Utility Plan GU-1
Sheet 6 of 8	Erosion & Sediment Control Plan ESC-1
Sheet 7 of 8	Construction Details CD-1
Sheet 8 of 8	Construction Details CD-2

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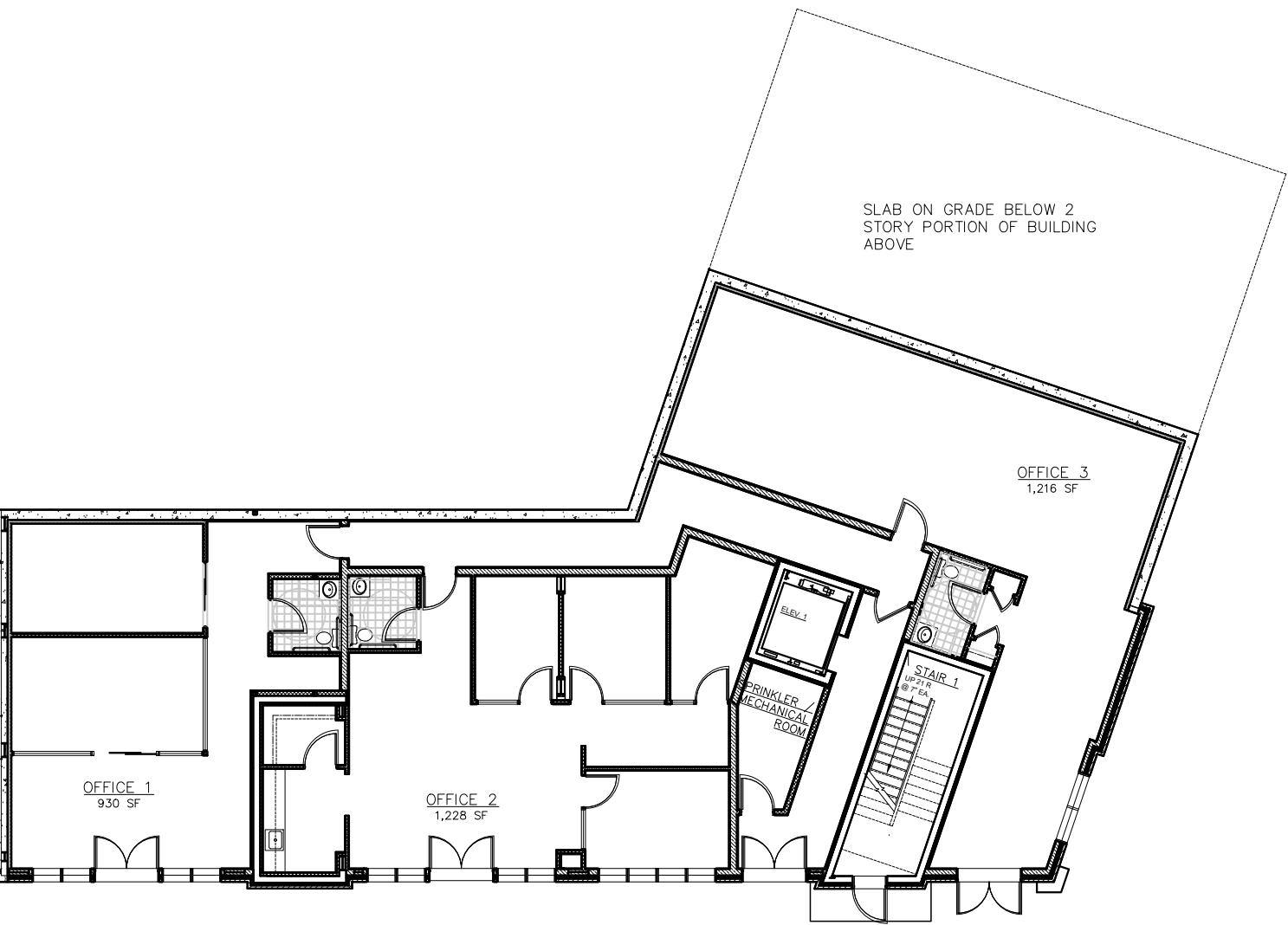
4th Floor Plan

Scale: 1/16" = 1'-0"



2nd & 3rd Floor Plans

Scale: 1/16" = 1'-0"



1st Floor Plan

Scale: 1/16" = 1'-0"

Owner:
**397 Fishkill Avenue, LLC &
393 Fishkill Avenue, LLC**
397 Fishkill Avenue
Beacon, NY 12508

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

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

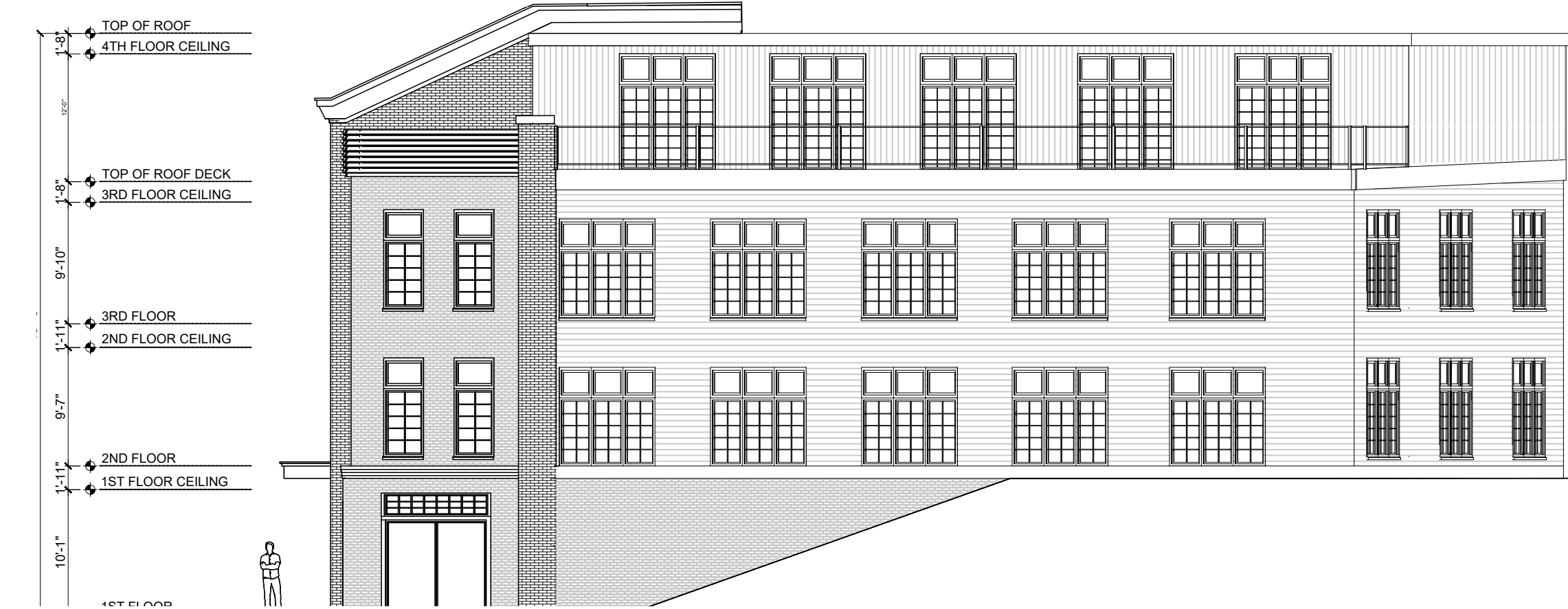
Landscape Designer:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

397 Fishkill Avenue
Beacon, New York
Scale: 1/8" = 1'-0"
October 21,2022



Front Elevation

Scale: 3/32" = 1'-0"



Side Elevation: East

Scale: 3/32" = 1'-0"



Rear Elevation

Scale: 3/32" = 1'-0"



Side Elevation: West

Scale: 3/32" = 1'-0"

CHARCOAL GRAY
VERTICAL METAL SIDING. COLOR:
GALVANIZED ALUMINUM

STAIR AND ELEVATOR BULKHEADS:
• CORRUGATED GALVALUME
ROOF
• PAINTED AZEK CORNICE TRIM.
COLOR: CHARCOAL GRAY
• STEPPED BRICK DETAIL
• RECESSED BRICK BODY

42" HIGH ALUMINUM EQUIPMENT
SCREEN COLOR: CHARCOAL GRAY

STAINLESS STEEL CABLE RAILING

PAINTED AZEK CORNICE TRIM. COLOR:
CHARCOAL GRAY

BRICK: GLEN GARY 53DD
MIX

HARDI BOARD SIDING: SMOOTH
FINISH. COLOR: MOUNTAIN SAGE

DOUBLE GLAZED INSULATED
CASEMENT AND FIXED WINDOWS.
PROVIDE MULLIONS AT WINDOWS. NO
MULLION AT TRANSOMS. COLOR:
BLACK

PAINTED AZEK CORNICE.
COLOR: CHARCOAL GRAY

CANOPY OVER RESIDENTIAL
ENTRANCE
ALUMINUM STOREFRONT WITH INSULATED
GLAZING. NOTE: PROVIDE MULLIONS FOR
STOREFRONT TRANSOMS.

ALUMINUM DRIP EDGE
PAINTED AZEK CORNICE TRIM. COLOR:
CHARCOAL GRAY
VERTICAL METAL SIDING. COLOR:
GALVANIZED ALUMINUM

42" HIGH ALUMINUM EQUIPMENT
SCREEN COLOR: CHARCOAL GRAY

42" HIGH STAINLESS STEEL CABLE
RAILING

PAINTED AZEK CORNICE TRIM. COLOR:
CHARCOAL GRAY

BRICK: GLEN GARY 53DD
MIX

HARDI BOARD SIDING: SMOOTH
FINISH. COLOR: MOUNTAIN SAGE

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MULLION AT TRANSOMS. COLOR:
BLACK

PAINTED AZEK CORNICE.
COLOR: CHARCOAL GRAY



Views

Amended Site Plan Application

Sheet 2 of 8 - Building Plans



Photos: Existing Conditions



Renderings: Approved 3 Story Building (2023)



Renderings: Proposed 4 Story Building (2026)

Amended Site Plan Application

Sheet 4 - Context Information

City of Beacon Zoning Board of Appeals Agenda
08/18/2026

Title:

Public hearing on application submitted by Christ Wiseman, 12 Howland Avenue, Tax Grid No. 30-6054-48-375601-00, in the R1-7.5, to extend an existing driveway, which requires relief from the following: Section 223-26 Off-street parking, loading and vehicular access, B. Location, use, design, construction and maintenance, (2) In any residence district, no designated off-street parking area or structure shall be developed in any front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any off-street parking area or structure be developed in a residence district in any minimum side or rear yard setback adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in Section 223-17C. A side yard setback of 3.3 feet is proposed where 5 feet is required, resulting in a request for an area variance of 1.7 feet.

ATTACHMENTS

[12 Howland Ave denial 7.21.26.pdf](#)

[12 Howland ZBA 8.18.26 app redacted2.pdf](#)

[12 Howland ZBA 8.18.26 survey.pdf](#)



**City of Beacon
Building Department
One Municipal Plaza, Suite 4
Beacon, NY 12508**

Phone: 845-838-5020 Fax: 845-838-5026

*Bryan Murphy, Building Inspector
Email: bmurphy@beaconny.gov*

July 21, 2026

Chris Wiseman
12 Howland Avenue
Beacon, NY 12508

Re: 12 Howland Avenue (SBL #6054-48-375601)

To Whom It May Concern:

Reference is made to your submission for a driveway permit for 12 Howland Avenue, Beacon, NY, 12508. The property is located in the R1-7.5 Zoning District (One Family – 7,500 sq. ft./dwelling).

Please be advised that at this time, I must deny your application for the following reasons:

- Per § 223-26 Off-street parking, loading and vehicular access.
 - B. Location, use, design, construction and maintenance.
 - (2) In any residence district, no designated off-street parking area or structure shall be developed in any front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any off-street parking area or structure be developed in a residence district in any minimum side or rear yard setback adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in §223-17C.

The extension of the driveway, as proposed, would require a 1.7 ft. side-yard variance.

You have the right to appeal this decision to the Zoning Board of Appeals. Forms and instructions for filing an appeal are available on the City of Beacon website or in the Building Department. Please contact the Zoning Board of Appeals Secretary regarding the application and instructions.

Bryan Murphy
Bryan Murphy
Building Inspector/Zoning Administrator
NYS Certification #0312-0024

BM/mp

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Chris Wiseman

ADDRESS: 12 Howland Ave
Beacon NY 12508

TELEPHONE: [REDACTED]

E-MAIL: [REDACTED]

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Chris Wiseman

ADDRESS: 12 Howland Ave

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 12 Howland Ave

ZONING DISTRICT: R1-7.5

TAX MAP DESIGNATION: SECTION 6054

BLOCK 48 LOT 375601

Section of Zoning Code appealed from or Interpretation desired:

223-26 B2

Reason supporting request:

Driveway Excavation / Extension - Flatten portion of backyard
to extent current driveway, add retaining wall. Current driveway is close.

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

Date: 7/21/26

[Signature]
Owner's Signature

[Signature]
Applicant's Signature

Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250
ESCROW FEE:	\$1000
I & I INSPECTION:	\$60

APPLICATION PROCESSING RESTRICTION LAW
Affidavit of Property Owner

Property Owner: Chris Wiseman

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

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

Applicant Address: 12 Howard Ave Beacon, NY 12508

Project Address: 12 Howard Ave Beacon, NY 12508

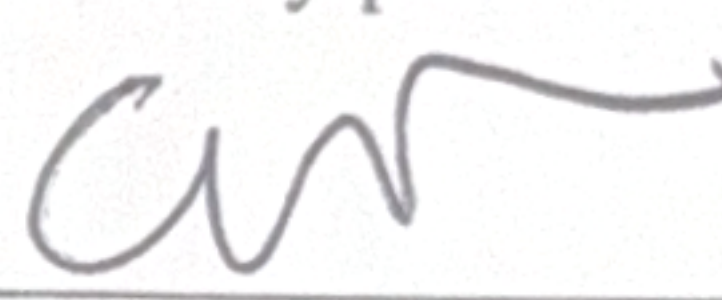
Project Tax Grid # 6054-48-375601

Type of Application For Appeal

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

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

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


Signature of Owner

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

NO	YES	Initial
—	—	—
—	—	—
—	—	—

Application #

CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 • <http://beaconny.gov/>

INDIVIDUAL DISCLOSURE FORM

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

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

SECTION A

Name of Applicant: Chris Wiseman

Address of Applicant: 12 Howland Ave Beacon, NY 12508

Telephone Contact Information: [REDACTED]

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Chris Wiseman	12 Howland Ave Beacon, NY 12508	[REDACTED]	4/2/24 Purchase	4/2/24 Dutchess County
Tyler Patterson		[REDACTED]		

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

☐ YES ☒ NO

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

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

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

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

☐ YES ☒ NO

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

(Print) Chris Wiseman

(Signature) CW



- LEGEND**
- IRF/IPF IRF/IPF IRON PIPE/ROD FOUND
 - UTILITY LINE AND POLE
 - ADJOINING PROPERTY LINE
 - ⊗ WATER VALVE
 - CB CATCH BASIN



LOCATION MAP 1" = 200'

REFERENCES:
L1977/P497

LAND AREA
8,400.11 +/- SF

EXISTING CONDITIONS

PROPOSED CONDITIONS



DATE		REVISION	
SITE PLAN FOR CHRISTOPHER WISEMAN CITY OF BEACON DUTCHESS COUNTY, NEW YORK			
PROJECT TITLE STEVEN J. GREEN PLS LICENSE NO. 050865 P.O. BOX 534, GOSHEN, NY 10924 (845) 978-1672			
		5/26/2026 DATE	
UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S OR PROFESSIONAL ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.			
SCALE 1" = 20'	PROJECT HOWLAND AVE	CAD REFERENCE J26-089	
PARCEL ID 375801	DATE 5/26/2026	DWG. NO. 1 of 1	