



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508

**September 15, 2026
7:00 PM
Zoning Board of Appeals Agenda**

The Zoning Board of Appeals will meet on Tuesday, September 15, 2026, at 7:00 PM, in the Municipal Center courtroom, located at One Municipal Plaza, Beacon, New York.

Approval of the August 18, 2026, minutes

Regular Meeting

1. Public hearing on application submitted by Jonas Concepcion, 39 Masters Place, Tax Grid Nos. 30-6054-39-257726-00, in the R1-5, to allow for the construction of a driveway in front of the principal building, 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. The driveway, as proposed, would require a 5 ft. side yard variance, as well as a variance for parking in the front yard forward of the principal building.

Miscellaneous Business

Consider a request for two (2) six-month extensions 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.

City of Beacon Zoning Board of Appeals Agenda
09/15/2026

Title:

Public hearing on application submitted by Jonas Concepcion, 39 Masters Place, Tax Grid Nos. 30-6054-39-257726-00, in the R1-5, to allow for the construction of a driveway in front of the principal building, 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. The driveway, as proposed, would require a 5 ft. side yard variance, as well as a variance for parking in the front yard forward of the principal building.

ATTACHMENTS

[39 Masters ZBA 9.15.26 App_Redacted.pdf](#)

[39 Masters Pl denial ltr 2.27.26.pdf](#)

[39 Masters ZBA 9.15.26 Driveway Application_Redacted.pdf](#)

[39 Masters ZBA 9.15.26 Plot Survey \(Large\).pdf](#)

[39 Masters ZBA 9.15.26 Proposed Drive Location.pdf](#)

[39 Masters ZBA 9.15.26 supplemental submission.pdf](#)

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Jonas Concepcion

ADDRESS: 39 Masters Place

TELEPHONE: [REDACTED]

E-MAIL: [REDACTED]

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 39 Masters Place

ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 6054

BLOCK 39 LOT 257726

Section of Zoning Code appealed or Interpretation desired:

223-26 B. Setback requirements for driveways

Reason supporting request:

We have no driveway. Parking is a challenge during snowdays. 7 people household. 4 cars. Every other house in the neighborhood has their driveway in front with no setback.

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

Survey, Proposed driveway location plan, neighborhood photos, rejection letter

Date: 7/22/26

Fee Schedule

AREA VARIANCE

Residential \$250.00

Commercial \$500.00

USE VARIANCE

Residential \$500.00

Commercial \$1,000.00

INTERPRETATION: \$250.00

ESCROW FEE: \$1000.00

I & I INSPECTION: \$60.00

Owner's Signature

Applicant's Signature

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Jonas Concepcion

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: Jonas Concepcion

Project Address: 39 Masters Place, Beacon NY 12508

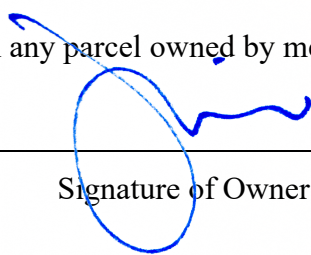
Project Tax Grid # 6054 39 257726

Type of Application Zoning Board of Appeals, Driveway

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

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


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.)

NO
X

YES
X

Initial
MP

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

X

KLM

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

X

KLM

FOR OFFICE USE ONLY

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: Jonas Concepcion

Address of Applicant: 39 Masters Place, Beacon NY 12508

Telephone Contact Information: 848-219-4476

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.
Jennifer Concepcion	39 Masters Place, Beacon NY 12508		2007 purchase	2007 Beacon

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.

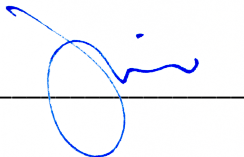
SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES

☒ NO

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

(Print) Jonas Concepcion

(Signature) 



**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*

February 27, 2026

Jonas Concepcion
39 Masters Place
Beacon, NY 12508

Re: 39 Masters Place (SBL #6054-39-257726)

To Whom It May Concern:

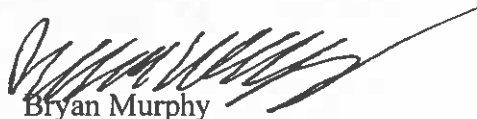
Reference is made to your submission for a driveway permit for 39 Masters Place, Beacon, NY, 12508. The property is located in the R1-5 Zoning District (One Family – 5,000 sq. ft./dwelling).

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

- Per § 223-26 B. (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 driveway, as proposed, would require a 5 ft. side-yard variance and a variance for parking in the front yard in front of the principal building.

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
Building Inspector/Zoning Administrator
NYS Certification #0312-0024

BM/mp



City of Beacon
1 Municipal Plaza, Suite 4
Beacon, NY 12508

Build: 30
Desc: 2026-0049

CITY OF BEACON

FEB 05 2026

Approved: _____ 20 _____

PAID

APPLICATION FOR DRIVEWAY PERMITS

Chapter 97, of the City Code of the City of Beacon Addresses Driveways and Driveway permits. Please review this chapter of the code before filling out this application form.

Date 2/4/26

APPLICANT INFORMATION

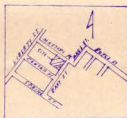
Address: 39 MASTERS PLACE
Name: JONAS CONCEPCION
Address: 39 MASTERS PLACE
City: BEACON State: NY Zip Code: 12508
Phone Number: [REDACTED] Alternate Phone Number: _____
Email Address: [REDACTED]

OWNER INFORMATION

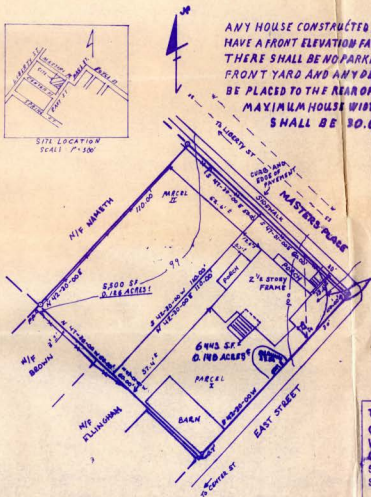
Property Address (where work will be performed): 39 MASTERS PLACE
Name: JONAS CONCEPCION
Address: 39 MASTERS PLACE
City: BEACON State: NY Zip Code: 12508
Parcel ID (Section Lot and Block): 130200 6054 39 257726 0000
Phone Number: [REDACTED] Alternate Phone Number: _____
Email Address: [REDACTED]

GENERAL INFORMATION

CERTIFIED TO
PETER M. AND KATHY J. SANDFORD
AND
EMPIRE OF AMERICA REALTY CORP.



SITE LOCATION
SCALE 1"=300'



ANY HOUSE CONSTRUCTED ON THESE PREMISES SHALL
HAVE A FRONT ELEVATION FACING MASTERS PLACE.
THERE SHALL BE NO PARKING IN ANY REQUIRED
FRONT YARD AND ANY DETACHED GARAGE SHALL
BE PLACED TO THE REAR OF THE PARCEL
MAXIMUM HOUSE WIDTH, INCLUDING PORCHES,
SHALL BE 30.0'

PROPERTY OF
PETER M. AND KATHY J. SANDFORD
LOCATED AT

39 MASTERS PLACE
CITY OF BEACON
STATE OF NEW YORK

TAX MAP DESIGNATION:

6054-39 255728

SCALE: 1"=20' MAY 30, 1987

SURVEY BY: J.D. MAC AVERY
BEACON, N.Y.

ZONE RD-3 3000 SF DWELLING
5000 SF LOT

SETBACKS:

FRONT: 30'

SIDE: 10', TOTAL 20'

REAR: 25'

30 FOOT SIGHT EASEMENT
FOR CITY OF BEACON
ROW TO BE DEDICATED
TO CITY OF BEACON
R=25.00' ARC=39.27'
AREA=0.004 ACRES ±
178.4 SF ±

LIBERTY EASEMENT
WAS PREPARED BY MR. J.D. MAC AVERY
ACTUAL SURVEY COMPLETED BY ME

MAY 25, 1987

REVISED: 7-13-87

NOTE: SEWER SERVICE FOR PARCEL II WILL BE 4" TRANSIT
WATER SERVICE WILL BE 3/4" TYPE 'K' COPPER LUBING

That My Survey Map Showing Property
Of ~~255728~~ And Dated MAY 30, 1987
Was Prepared In Accordance With Current
Code Of Practice Adopted By The New York
State Association Of Professional Land
Surveyors.

Date: MAY 30, 1987

John D. Mac Avery



39 MASTERS PLACE
2026 driveway application

EAST STREET



PAVER STYLE FOR DRIVEWAY
ALREADY INSTALLED AS PATIO BUT
BUILT FOR DRIVEWAY



35, East Street properties have driveways in the front yard and on the property line



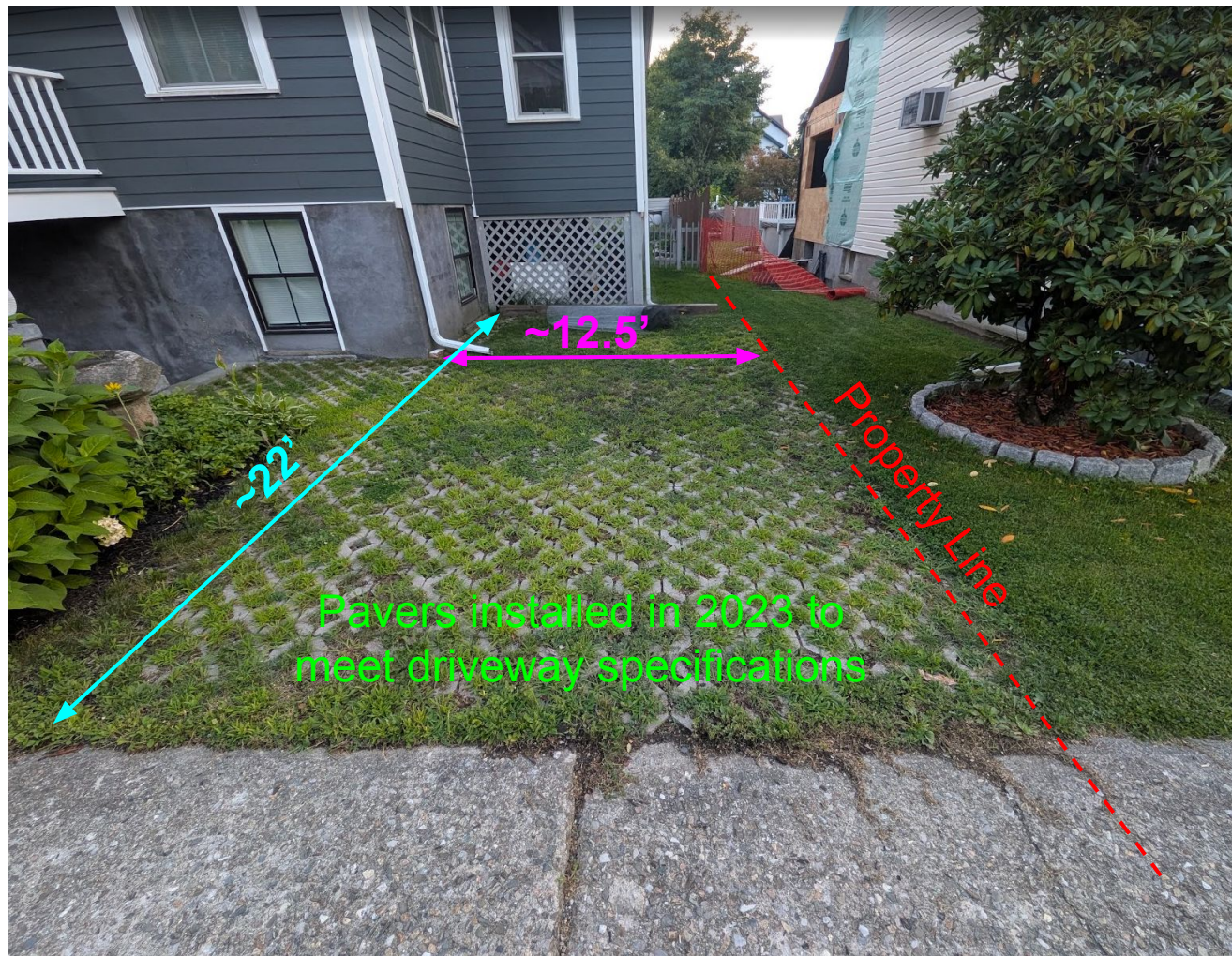
35, 40, 44, 48 Masters Place have driveways
in the front yard and on the property line

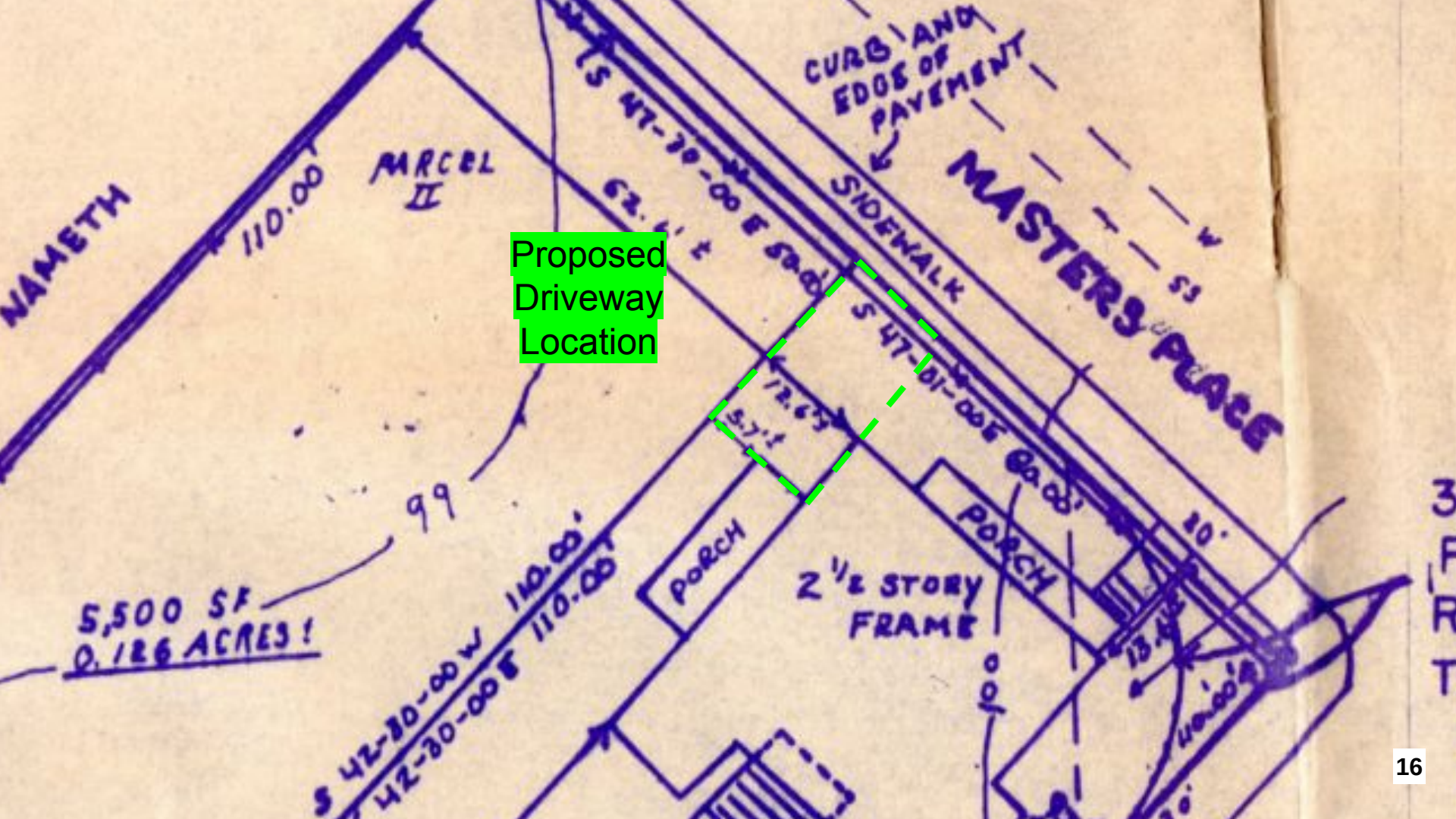


39 Masters Place Side View

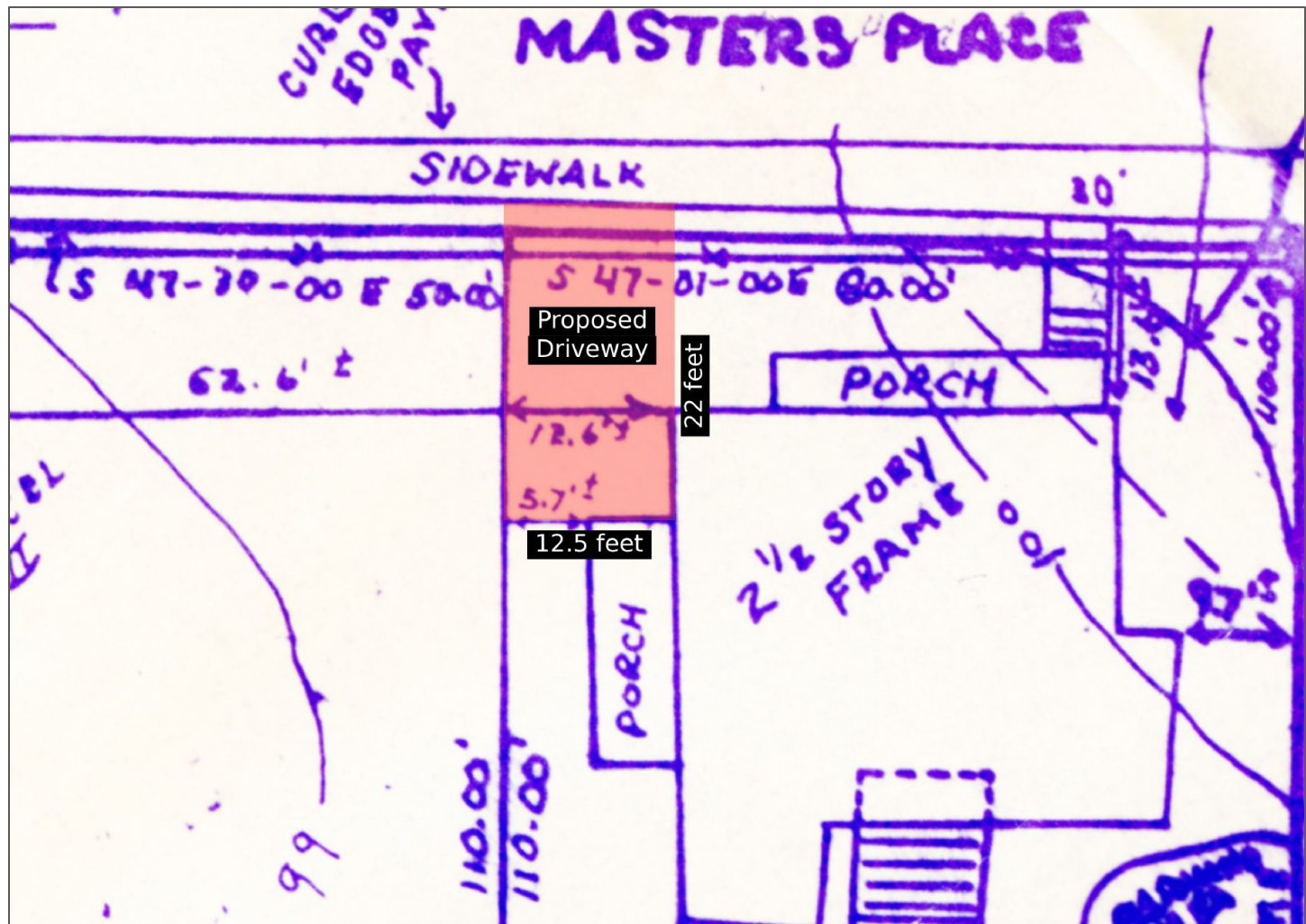


39 Masters Place Front View





Proposed
Driveway
Location



City of Beacon Zoning Board of Appeals Agenda
09/15/2026

Title:

Consider a request for two (2) six-month extensions 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 9.15.26 - 2nd ext request Off-Street Parking Setback.pdf](#)



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

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

August 26, 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 two (2) six-month extensions of the Zoning Board of Appeals Approval Resolution granted on June 17, 2025 (“ZBA Resolution”) and last extended by Resolution dated March 17, 2026 (“ZBA Extension”),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 The ZBA Extension established a new expiration date of September 9, 2026. This request is timely as it predates the expiration of the ZBA Extension.

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 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

¹ A copy of the June 17, 2025 Zoning Board of Appeals Approval Resolution is attached to this letter as **Exhibit A**, and the March 17, 2026 Extension Resolution as **Exhibit B**.

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 C**.



August 26, 2026

Page 2

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' request 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.

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 two (2) six (6) month extensions of the ZBA Resolution until September 9, 2027.

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 'T. Palmer', with a long, sweeping horizontal line extending to the right.

Taylor M. Palmer

Enclosures

cc: George Alissandratos, Esq., ZBA Attorney

4897-2619-3609.v1

Exhibit A

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 Beekman 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:

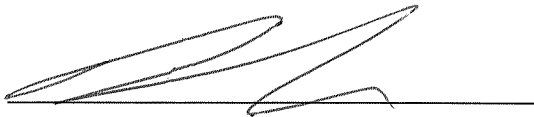
1. No permit or certificate of occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City in connection with the review of this application.
2. The variance shall be void if the Applicants fail to (i) obtain a building permit within six months 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

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

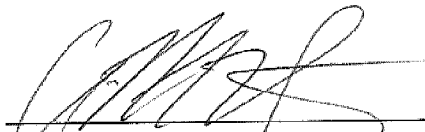
WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Beekman Arts Center LLC and Bay Ridge Studios LLC (the “Applicants”) for a six (6)-month extension of the approval resolution previously granted by the Zoning Board of Appeals on June 17, 2025 (Resolution 2025-07) (the “June 2025 Approval Resolution”), a copy of which is annexed hereto as **Exhibit “A”**; and

WHEREAS, the Applicant appeared before the Zoning Board of Appeals at its March 17, 2026 meeting and explained its request for a six (6)-month extension of the June 2025 Approval Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a six (6)-month extension of the June 2025 Approval Resolution.

BE IT FURTHER RESOLVED, that this resolution shall have an effective date of March 9, 2026.

Resolution Adopted: March 17, 2026
Beacon, New York



Montos Vakirtzis, Acting Chairman
City of Beacon Zoning Board of Appeals


_____, 2026
Date

[The remainder of this page left intentionally blank.]

Application for Extension of Approval
45 Beekman Street, High Street, and High Street

Acting Chairman Vakirtzis called the roll:

<u>Motion</u>	<u>Second</u>	<u>Zoning Board Member</u>	<u>Aye</u>	<u>Nay</u>
	X	Stowe Boyd	X	
		Judy Smith	ABSENT	
		Jordan Haug	ABSENT	
		Montos Vakirtzis	X	
X		Elaine Ciaccio	X	
Motion Carried:			3	0

EXHIBIT A

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:

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45 Beekman 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

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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:

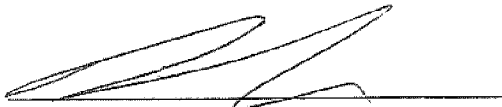
1. No permit or certificate of occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City in connection with the review of this application.
2. The variance shall be void if the Applicants fail to (i) obtain a building permit within six months 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.

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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 C

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.

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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

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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.

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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

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

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 form 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.

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- 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

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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.

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

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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

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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