



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. 117 OF 2025**

**DETERMINATION TO WAIVE REQUIREMENT OF PROVIDING COMMERCIAL SPACE  
FOR PROVISION OF ADDITIONAL HOUSING INCLUDING A SUBSTANTIAL NUMBER OF  
BELOW MARKET RATE UNITS**

**WHEREAS**, Beacon 248 Holdings LLC owns the real property located at 248 Tioronda Avenue, Beacon, New York known and designated on the tax assessment map of the City as 6054-45-012574 (the “Site”), which received required land use approvals from the Planning Board as detailed herein; and

**WHEREAS**, on August 4, 2014, the City Council issued Concept Plan and Special Permit Approvals for the redevelopment of the Site for a 100-unit multifamily residential development; and

**WHEREAS**, on January 13, 2015, the Planning Board granted approvals for Subdivision (lot consolidation) and Site Plan for 100 residential units located in four residential buildings, a 1,200 SF clubhouse, and a swimming pool for use by residents only; and

**WHEREAS**, thereafter, the City Council amended the dimensional regulations for all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, to require that the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63; and

**WHEREAS**, in 2017, the City Council amended the Zoning Code to, among other changes, require that development projects in the FCD include that a minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site; and

**WHEREAS**, due to the changes to the City’s Zoning Code, the Applicant was required to obtain amended site plan approval, which the Planning Board granted in April, 2020 for a reduced unit count of 64 residential units located in 2 buildings designated as Buildings 200 and 300 (of which 6 units would be workforce housing pursuant to the City’s Below Market Rate (“BMR”) unit zoning requirements set forth in Code Section 223.41.10) and an approximately 25,400 square foot non-residential building designated as Building 100; and

**WHEREAS**, prior to commencing constructions, the Applicant was advised by the City’s Building Inspector by letter dated June 25, 2021 that its request to not build the non-residential building concurrently with the residential building was denied; and

**WHEREAS**, on June 29, 2021 the Applicant submitted an application to the ZBA seeking an area variance from the “concurrent construction” requirement of the Zoning Code, as the Applicant stated due to a change in market conditions arising from the pandemic, lenders would not provide construction financing to the Applicant for a project that had a non-residential component; and

**WHEREAS**, by letter dated August 25, 2021, the City of Beacon Building Inspector David Buckley advised the Applicant that a Certificate of Occupancy could not be issued for the residential building unless the nonresidential portion of the building has had its foundation and exterior walls constructed; and

**WHEREAS**, by letter dated September 10, 2021, the Applicant withdrew its area variance request and construction on the project proceeded; and

**WHEREAS**, on November 9, 2021 the Planning Board approved an Amended Site Plan which was sought by the Applicant to eliminate the emergency access ramp to Wolcott Avenue and replace it with an emergency turn around north of Building 300, relocate the proposed Greenway Trail from the Wolcott Avenue ramp to the MTA right-of-way, relocate parking spaces and a stormwater retention basin, and modify Building 100 to reduce the height to two stories and expand the footprint; and

**WHEREAS**, the Applicant applied for a building permit for the construction of the foundation of the non-residential building in November 2023, which was then modified and amended in April 2024 and construction of the foundation occurred in July 2024 and no further work has occurred; and

**WHEREAS**, on May 14, 2024 the Planning Board approved a Second Amended Site Plan which was sought by the Applicant to again revise the location of the Greenway Trail, revise the approved Erosion and Sediment Control Plan and Landscape Plan, add low-height lighted bollards along the front of each building, revise the site plan in relation to refuse pick-up, add 10 EV charging stations and revise the sewer collection system; and

**WHEREAS**, the City Council adopted Local Law 9 of 2024 on September 9, 2024, which amended Section 223-41.14B of the Zoning Code to add “for good cause shown, the City Council may, upon imposition of such conditions as it deems appropriate, allow Certificates of Occupancy to be issued for dwelling units or artist live/work spaces prior to the nonresidential component being completed.”; and

**WHEREAS**, by letter dated October 11, 2024, Beacon 248 Holdings LLC submitted an application requesting the Council authorize the issuance of a Certificate of Occupancy for the residential rental units in Buildings 200 and 300 prior to the completion of the project’s nonresidential component (Building 100); and

**WHEREAS**, the City Council considered the Applicant’s request at its workshop meetings on October 15, 2024, November 12, 2024 and November 25, 2024 and received public comments during various comment sessions at the Council’s agenda meetings; and

**WHEREAS**, the City Council previously determined that good cause existed to grant the Applicant’s request: (i) the placement of housing units on the market sooner than would otherwise occur;

(ii) the receipt of significant property taxes sooner than would otherwise occur if the application were not granted; (iii) the Applicant’s voluntary offer of placing two additional units as BMR units in perpetuity; and (iv) the other conditions as detailed below; and

**WHEREAS**, on December 16, 2024, the City Council granted the Applicant’s request to waive the requirement of City Code Section 223-41.14B that the nonresidential building be constructed concurrently with the two residential buildings and hereby authorizes the Building Inspector to issue Certificates of Occupancy for the residential units despite the nonresidential not being constructed concurrently, and the Applicant has satisfied all conditions of that resolution; and

**WHEREAS**, the Applicant has demonstrated to the satisfaction of the City Council that it is not feasible to construct Building 100 as commercial space; and

**WHEREAS**, the Applicant presented the City Council with alternative build out of Building 100 as residential space, which included a single building consisting of 51 units with 15 % being below market rate units (“BMR”) or 2 buildings containing 136 units (with 20% being BMR units); and

**WHEREAS**, City Code Section 223-41.14(B) provides that “Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.”

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council determines that 1) the requirement to construct Building 100 as a commercial building is waived; and 2) the providing of 136 additional residential units of which 27 units will be BMR units is a substantial public benefit; and

**BE IT FURTHER RESOLVED**, that the Applicant is directed to submit a Concept Plan for 2 buildings containing 136 residential units (which includes 27 BMR units) in substantially the same design as Buildings 200 and 300 for review by the City Council, referral to the City of Beacon and Dutchess County Planning Boards and discussion at a public hearing; and

**BE IT FURTHER RESOLVED**, that the Concept Plan shall detail a connection path between the Greenway Trail and the proposed Beacon-Rail Trail and consider the feasibility of constructing a trail head parking lot

**BE IT FURTHER RESOLVED**, that the Applicant’s obligation to construct commercial space on the property is only waived upon completion of the 136 units of residential units (which includes 27 BMR units), or such number of units approved by the City Council’s Concept Plan.

Resolution No. 117 of 2025				Date: December 15, 2025			
<input type="checkbox"/> Amendments				<input type="checkbox"/> 2/3 Required			
<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake	x				
x		Amber Grant	x				
	x	Molly Rhodes	x				
		Jeffrey Domanski					x
		Pam Wetherbee		x			
		George Mansfield	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				