



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 46 OF 2026

APPROVING AN AMENDED CONCEPT PLAN FOR 248 TIORONDA AVENUE

WHEREAS, Beacon 248 Holdings LLC owns the real property located at 248 Tioronda Avenue, Beacon, New York, known and designated on the Tax Map of the City of Beacon as Parcel ID No. 6054-45-012574 (the “Site” or “Property”), which previously received Concept Plan approval by the City Council (the “City Council”) and land use approvals from the City of Beacon Planning Board¹; and

WHEREAS, the Property is ± 9.18 acres in size and is located within the City’s Fishkill Creek Development Zoning District (“FCD”) and abuts the Fishkill Creek; and

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

WHEREAS, the City Council has taken action over the past several years to address the housing affordability crisis in the region including, but not limited to, zoning changes which target sustainable growth and affordability such as permitting additional density within a limited geographic area near Main Street, making accessory apartments (ADUs) more accessible, creating the Transit Station zoning district, changes to mandatory parking requirements, and efforts to address short-term rentals; and

WHEREAS, according to the most recent information available² from the Dutchess County Department of Planning and Development, the City of Beacon has the second largest number of affordable housing units in the County; and

WHEREAS, the City Council continues to take action to address housing affordability within the City of Beacon; and

WHEREAS, this application for Amended Concept Plan furthers the City Council’s goals of increasing housing stock and affordability within the City; and

WHEREAS, on December 16, 2024, the City Council adopted Resolution No. 131 of 2024, granting the Applicant’s request to waive the requirement of City Code Section 223-41.14B that the commercial building (i.e., the former Building 100) be constructed concurrently with the two residential buildings (i.e., Buildings 200 and 300) because “good cause” existed to grant said waiver and was in furtherance of the City Council’s stated goals of increasing housing stock and affordability for the following reasons: (i) Buildings 200 and 300, which contained a total of 64 rental units, were ready for residential occupancy but could not be granted a certificate of occupancy unless Section 223-41.14B of

¹ Additional background details are set forth in the Third Amended Negative Declaration for Second Amended Site Plan Approval for 248 Tioronda Avenue, adopted by the City of Beacon Planning Board on May 12, 2026.

² Dutchess County Department of Planning and Development, Presentation to the City Council, April 6, 2026. To view this presentation, click [here](#).

the Beacon City Code was waived; and (ii) the City would receive significant property taxes for Buildings 200 and 300 once a certificate of occupancy was issued for said buildings; and

WHEREAS, pursuant to City Council Resolution No. 131 of 2024, “good cause” for waiving the concurrent construction of the commercial component of the Project was also shown because the Applicant added two (2) more BMR units within Buildings 200 and 300, which was in addition to the six (6) BMR units required – bringing the total number of BMR units in Buildings 200 and 300 to eight (8) BMR units; and

WHEREAS, on December 15, 2025, the City Council adopted Resolution No. 117 of 2025 which provided the Applicant need not construct Building 100 as a commercial building and may instead construct residential Buildings 100A and 100B, which collectively contain 136 residential units (78 units in Building 100A and 58 units in Building 100B), including 27 BMR units when only fourteen (14) BMR units are otherwise required (the “Proposed Action”); and

WHEREAS, in total the Applicant will provide 35 BMR units at the Property, which is 15 more BMR units than would otherwise be required pursuant to Section 223-41.9 of the Beacon City Code; and

WHEREAS, the Amended Concept Plans further the City BMR findings, set forth under Section 223-41.1 of the City Code, because the provision of fifteen (15) more BMR units, than is otherwise required under the City Code, provides a substantial and meaningful impact to the City by increasing access to affordable housing which can reduce housing displacement, and ensure a variety of residents can live and work in the City, maintain family ties in the City and such residents can continue to contribute to City’s vibrant community and local economy; and

WHEREAS, the Applicant seeks to amend its previously granted Concept Plan approval in connection with the residential component waiver granted by the City Council via Resolution No. 117 of 2025; and

WHEREAS, on February 2, 2026, the City Council discussed and referred the Applicant’s request for Amended Concept Plan approval to the Planning Board and Dutchess County Department of Planning; and

WHEREAS, the Amended Concept Plan is shown on the following drawings:

<u>Title</u>	<u>Sheets</u>
Concept Plan.....	CP1
Architectural Drawings.....	Massing Diagram-SE Massing Diagram-NW Aerial View-SW Aerial View-SE Perspective-NW Perspective-West Perspective-East

WHEREAS, the application for Amended Concept Plan approval includes, but is not limited to, the following documents: (a) Full Environment Assessment Form, Part 1 with Narrative, last revised April 27, 2026; (b) Updated Traffic Assessment Report, dated January 28, 2026; (c) School Children Calculation Report, dated March 24, 2026; (d) all other records and materials presented to the City Council at its meetings concerning the Proposed Action; and

WHEREAS, the Dutchess County Department of Planning and Development, by letter dated February 27, 2026, issued its response to the Proposed Action stating that the Project is a matter of local concern, without comment; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation issued its comment letter, dated March 20, 2026, opining that the amended Project will have no adverse impact on historic and archaeological resources; and

WHEREAS, the Planning Board issued a report to the City Council dated April 16, 2026, regarding the Proposed Action; and

WHEREAS, the Proposed Action is an Unlisted Action, pursuant to New York State Environmental Quality Review Act, and on May 12, 2026, after taking a “hard look” at the Environmental Assessment Form and all of the associated materials prepared in connection with the Proposed Action, the Planning Board, as the Lead Agency, adopted a Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts; and

WHEREAS, on May 12, 2026, the Planning Board adopted a Local Waterfront Revitalization Program (“LWRP”) Consistency Determination, and readopted and reaffirmed its June 11, 2019 LWRP Consistency Determination finding that the Amended Concept Plan continues to be consistent with the applicable LWRP policies for the reasons set forth therein; and

WHEREAS, a duly advertised public hearing on the Amended Concept Plan for 248 Tioronda Avenue was held and closed on April 20, 2026, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has reviewed the Amended Concept Plan against the conditions and standards set forth in Sections 223-41.13.F(3)(b) and 223-41.13.I of the City Code and finds that the proposed Amended Concept Plan complies with these sections of the City Code, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to Sections 223-41.13F(3)(b) and 223-41.13.I of the City of Beacon Zoning Code:

[1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

The Proposed Action, as amended, includes the completion of a formerly undeveloped industrial property with residential uses. The Council waived the commercial use component of the Project on the grounds that the construction of 136 residential unit, which includes 27 additional BMR units and is nearly double the number of BMR units otherwise required (i.e., 14 BMR units are required). This increase in the number of BMR units will result in a total number of 35 BMR units being offered at the Property, which is a substantial public benefit and furthers the public interest by increasing the number of affordable dwelling units in the City. The Proposed Action continues to establish and improve open space corridors and the development of the Greenway Trail along the Fishkill Creek, including the creation of a public dog run and public pollinator/community garden.

- [2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.

The amended Proposed Action continues to provide a protective creekside buffer between the development and Fishkill Creek. The proposed buildings are setback from the Fishkill Creek with an average setback of 62 feet and minimum of 37 feet. Beacon City Code Section 223-41.14I provides that the average setback must be a minimum of 50 feet, but not less than 25 feet at any point. The proposed layout, as amended, avoids any structures along the steep areas that surround the Creek, as well as floodplain areas.

- [3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.

- (1) *All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.*
- (2) *Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in and unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.*
- (3) *General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.*
 - (a) *Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.*
 - (b) *Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).*
 - (c) *The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.*

The Project, as amended, consists of the redevelopment of the northern portion of the former Tuck Industries site as a multifamily residential development with associated parking. The amended Project continues to place development almost completely within the existing disturbed areas of the former industrial buildings. The Project still includes a public Greenway Trail along the Fishkill Creek. The Project was developed with a comprehensive plan for access, connected greenspace, landscaping,

circulation and compatible architectural elements. The Amended Concept Plan builds on the existing Beacon environmental and historic context of the site. The proposed two (2) new buildings are consistent with the architecture of the previously approved and existing buildings. The proposed two (2) new buildings are also sensitive to the site's relationship with Fishkill Creek and preserve important public views and view corridors throughout the development. Additionally, the new buildings are set back from the creek bank to preserve privacy and grade-separation for trail users. The Project, as amended, continues to represent a significant visual improvement over the former industrial use of the site.

- (4) *Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.*
 - (a) *Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.*
 - (b) *Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.*
 - (c) *Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and walking/bicycle path system to allow residents access to the street and Greenway Trail along the creek frontage.*
 - (d) *Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.*
 - (e) *Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.*
 - (f) *Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.*
 - (g) *For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.*

- (h) *Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.*
- (i) *Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.*
- (j) *Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.*

The plans will be further developed during the Planning Board's site plan amendment review process to address the above specific standards promulgated.

- (5) *Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.*

The Project shall continue to incorporate various energy-saving features such as low flow toilets, energy star appliances, double-paned windows and energy-efficient lighting. Additional energy-saving features may be incorporated during the Planning Board's amended site plan review process.

- (6) *Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.*
 - (a) *Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.*
 - (b) *The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.*
 - (c) *All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.*
 - (d) *Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.*

Conceptual architectural renderings and massing diagrams were submitted to the City Council for its review. A landscape plan has not yet been submitted but shall be required by and subject to the approval of the Planning Board. The Amended Concept Plan includes terraced planters between proposed Buildings 100A and 100B. The heights of new Buildings 100A and 100B will have the same or similar roof lines when viewed from Tioronda Avenue as the existing Buildings 200 and 300. Since the project

site is lower than much of the surrounding area, only the higher portions of the new buildings will be visible. Photo simulations were also provided to the City Council to depict the two new buildings as seen from eye-level vantage points along Tioronda Avenue and from Simmons Lane across Fishkill Creek. Landscaping and other green features will be further developed during the Planning Board's amended site plan review.

- (7) *Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.*

All exterior lighting will continue to be directed downward, and will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or the street in accordance with Section 223-14.B of the City Code. All site lighting will be full cut-off. The Applicant will provide lighting photometrics and details to the Planning Board during amended Site Plan review.

- (8) *Signage.*

(a) *All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of Site Plan review process.*

(b) *All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.*

Any new signage details will be determined during the amended site plan review process, consistent with the City's sign regulations.

- (9) *Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.*

Access to the project site is provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. The grade crossing provides access to both the project site and to the adjoining property, avoiding multiple accesses onto Tioronda Avenue. Pedestrian access will be created to provide access from Tioronda Avenue to the Greenway Trail. An existing pedestrian entrance on the Wolcott Avenue bridge also provides access to the Greenway Trail from the north. The Project, as amended, offers two (2) new connections to the proposed MTA rail path trail, which abandoned rail line separates the Property from Tioronda Avenue. The Applicant will construct appropriate sidewalks and crosswalks to ensure safe passage. The Amended Concept Plan further includes bike racks and designated parking areas for users of the Greenway Trail.

(10) *Public access for greenway trails.*

- (a) *While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.*
- (b) *In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.*
- (c) *The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.*

The Project continues to provide a Greenway Trail for public use which can connect to future trails along the Creek on adjacent properties. The trail continues to be expansive, representing a large addition to the City's proposed Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan. This trail will connect to Wolcott Avenue through an existing pedestrian entrance on the Wolcott Avenue bridge and to the adjacent property to the south. Public access to the trail is also provided from Tioronda Avenue. The Project continues to contain a handicap accessible component for the trail connecting the upper greenspace area to the lower trail. The project developer will be responsible for the construction and maintenance of the Greenway Trail. Furthermore, the Amended Concept Plan provides two (2) connections with the proposed MTA rail trail. The Greenway Trail was (originally) designed by the Applicant in close coordination with the City Planner and the Chair of the Greenway Trail Committee. Subsequent modifications to the Greenway Trail will be addressed by the Planning Board in further detail but is a positive improvement.

(11) *Off-street parking and loading.*

(a) *General parking requirements.*

- [1] *Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.*
- [2] *Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the*

ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.

[3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.*
- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of Site Plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.*
- (d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.*
- (e) Off-street loading shall be provided as the Planning Board may find appropriate.*

Parking is provided in a surface lot and within underground parking garages beneath Buildings 100B, 200, and 300. Since the Applicant previously received Concept Plan approval, the City's parking regulations and requirements have been amended. Beacon City Code § 223-26D(4) now provides that residential uses in the FCD may have one (1) to three (3) parking spaces per dwelling unit, as determined by the Planning Board. Therefore, the 200-unit residential development requires a minimum number of 200 parking spaces. The Amended Concept Plan provides 218 parking spaces for the residential component comprised of 93 surface spaces and 127 underground garage spaces. The Applicant also proposes four (4) surface parking spaces for the Greenway Trail, which brings the total number of parking spaces to 222, of which twelve (12) are ADA accessible.

(12) Utilities and services.

- (a) Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.*
- (b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.*
- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.*

- (d) *Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.*
- (e) *Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.*
- (f) *Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.*
- (g) *Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.*

All utility installations will be underground. The details of the installation will be finalized during the Planning Board's amended site plan review. The Project will be served by City of Beacon municipal water and sewer service. A 12" water main and 8" sewer main are located along Tioronda Avenue. Sewage generated from the residential buildings will be conveyed via gravity flow to an onsite sewage pump station, where it will be pumped via force main and tapped in to the existing 2-inch fiberglass pipe which extends under the railroad property and ties into the City sewer system.

The Project continues to propose a combination of standard stormwater management practices and alternative practices, including the use of green infrastructure practices such as bioretention.

- (13) *Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.*

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the Property along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. The Project continues to not propose building construction within Zone AE.

- (14) *Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.*

The Planning Board will continue its review of the architectural details of the plans and new proposed development to ensure that every reasonable effort is made to preserve and/or incorporate historic structures and artifacts as part of the FCD project.

- (15) *Fishkill Creek vegetative buffer.*

- (a) *A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.*

- (b) *The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.*
- (c) *With respect to development near the creekside buffer, the Site Plan shall address the following requirements:*
- [1] *Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.*
- [2] *Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.*
- [3] *Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.*
- (d) *All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.*
- (e) *The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.*

The proposed layout, as amended, continues to utilize the existing disturbed area from the former heavy industrial site, while preserving the area at the top of the creek bank. A conservation easement protects the proposed Greenway Trail area. In addition, the Project provides a creekside buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank exceeds the minimum required setback of 25 feet and the minimum required average setback of 50 feet. The amended layout was designed to avoid 100-year floodplain areas and continues to avoid very steep slopes.

- [4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

City Comprehensive Plan

The City's Comprehensive Plan includes goals related to economic development, encouraging environmental cleanup and residential redevelopment of unused or underutilized industrial sites, protection of the Fishkill Creek, preserving open space corridors along the Fishkill Creek, and maintaining a variety of housing opportunities. The Proposed Action, as amended, includes the redevelopment of a former industrial site for residential purposes. In addition, the Proposed Action includes the expansion of the Greenway Trail along the Fishkill Creek corridor. The Project still includes a Greenway Trail along the Fishkill Creek and has been modified to be more accessible to the public and can continue to connect to adjacent properties. The Greenway Trail is likely to alleviate some of the

pressure on other public parks and recreational facilities in the City. The Proposed Action, as amended, remains consistent with the Comprehensive Plan.

LWRP

On May 12, 2026, the Planning Board readopted and reaffirmed its June 11, 2019, LWRP determination finding that the Project, as amended, continues to be consistent with the LWRP policies for the reasons stated in its June 11, 2019, determination. Accordingly, the amended Project remains consistent with the applicable LWRP recommendations for development.

Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT)

The Greenway Trail will be constructed to the guidelines of the City's Fishkill Creek Greenway & Heritage Trail Master Plan (FCG&HT) as approved by the Planning Board. The previously approved Site Plan was endorsed by the City of Beacon Greenway Trail Committee and approved by the Planning Board. The Greenway Trail represents a significant addition to the City's proposed FCG&HT Master Plan fulfillment. This trail connects to Wolcott Avenue through an existing pedestrian entrance on the Wolcott Avenue bridge, and to the adjacent property to the south. Public access to the trail is also provided from Tioronda Avenue, including dedicated parking and a bike rack. The Applicant also proposes a public dog run which may encourage use of the Greenway Trail. The Greenway Trail is proposed to be extended to include the island in Fishkill Creek.

[5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

The Project, as amended, continues to be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. The land uses are complementary to the site and further the objectives of the Comprehensive Plan.

[6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

The Project continues to involve the redevelopment of a deteriorated former industrial site. The Project, as amended, will still aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as provide a public Greenway Trail along the Fishkill Creek, public dog run, and public pollinator/community garden. The properties north of the project site have been subsequently developed as apartment buildings and the City's Highway Garage was relocated to another part of the City. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single-family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site continue to include single family residences, a two-family residence, vacant land owned by the City of Beacon, and an animal rescue facility. The newly proposed residential uses will blend in with the other uses in the area and will be consistent with the future development of nearby FCD properties.

[7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

The Greenway Trail will continue to be constructed to the guidelines of the City's FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City. The Project generally avoids steep slopes and the 100-year floodplain. Furthermore, the Applicant has protected the area near the Creek by placing the Greenway Trail in a Conservation Easement. The Greenway Trail improvements are in close proximity to the Fishkill Creek but are designed in a way to avoid any significant impacts to the creek during or post-construction.

- [8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A for protection. The Applicant's development site continues to not be located within any of the designated viewsheds. The new proposed development area is not located in a designated LWRP viewshed, and the project design is consistent with the applicable LWRP recommendations for developing in scenic viewsheds.

The new proposed layout for Buildings 100A and 100B primarily utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the Creek is preserved. The natural grade changes across the site (west to east), serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

BE IT FURTHER RESOLVED, that the City Council hereby GRANTS the application of 248 Beacon Holdings LLC for Amended Concept Plan Approval to construct two (2) new multifamily buildings, containing 136 new dwelling units, of which 27 units are BMR units, and which is in addition to the 64 dwelling units already constructed in Buildings 200 and 300, on ±9.18 acres located on property at 248 Tioronda Avenue in the Fishkill Creek Development ("FCD") District and LWRP area as set forth and detailed on the drawing entitled "248 Tioronda Avenue," prepared by LaBella Associates, upon the following conditions:

1. There shall be no reduction in the number of BMR units provided at the Property without further approval of the City Council. On December 15, 2025, the City Council adopted Resolution No. 117 of 2025, requiring the development of 27 new BMR units in addition to the eight (8) BMR units previously approved. For avoidance of doubt, the full build out of the Project collectively contains at least 35 BMR units.
2. Prior to the issuance of a Building Permit for Buildings 100A and 100B, the Applicant shall obtain Final (amended) Site Plan Approval from the City of Beacon Planning Board.
3. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
4. A copy of this Resolution shall be attached to the Certificate of Occupancy.
5. The Applicant shall provide the Planning Board with a separate sheet detailing all structures projecting above the roofline of the buildings, including the stairwell, mechanical equipment and elevator bulkheads, to ensure that such structures are designed to the minimum dimensions necessary to achieve their intended purpose and appropriately screened or set back from the edge

of the building to minimize the view of such structures and equipment. The Planning Board shall also explore appropriate screening for all structures projecting above the roofline of the buildings.

6. The Planning Board shall review the locations and screening of all utilities, generators, meters, dumpsters, and similar utility items and require that if the proposed location of such equipment is modified by the utility company, notice will be provided to the Building Inspector who will need to review and approve such change
7. The Planning Board shall review the location of the Greenway Trail connection pathway near Building 100A and its relation to the proposed dumpsters, including whether additional separation or screening, or both, between the two features is appropriate.
8. The Planning Board shall review and ensure that adequate screening and landscaping is provided along the rear of Buildings 100A and 100B to shield and mask views of the buildings and any utility equipment from the Greenway Trail.
9. The Planning Board shall review the proposed public dog run to ensure that adequate safeguards are in place and maintained to prevent noxious matter and rubbish from entering the creekside buffer area and Fishkill Creek.
10. The Applicant shall post a weatherproofed copy of the Site Plan and architectural renderings of the Project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure. The renderings shall be posted upon the issuance of the first permit issued for Buildings 100A and 100B by the Building Department.
11. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
12. This Amended Concept Plan approval shall expire if Site Plan review is not pursued diligently and received within 24 months. If site plan approval is granted, the Concept Plan approval shall expire at the time the Site Plan approval expires. An extension of the Site Plan is also an extension of the approved Concept Plan.
13. If any of the conditions enumerated in this Resolution are found to be invalid or unenforceable, then the integrity of this Resolution and the remaining conditions shall remain valid and intact.
14. The approvals granted by this Resolution do not supersede the authority of any other entity.

Resolution No. 46 of 2026			Date: May 18, 2026				
<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
		Amber Grant					x
		Lastar Gorton		x			
x		Zack Smith	x				
		Sergei Krasikov	x				
	x	Carolyn Gluda	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				