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September 3, 2019

Hon. Randy Casale and  
Members of the City Council  
City of Beacon  
One Municipal Plaza  
Beacon, NY 12508

Re: Proposed Local Law amending the Historic District and Landmark Overlay Map (HDLO) and Zoning Map by the addition of 36 landmarked properties: Salvation Army property, 372 Main Street

Dear Mayor Casale and City Council Members:

I am writing this letter on behalf of our client, The Salvation Army, owners of property at 372 Main Street, Tax parcel number 6054-29-018818.

The building on the property is a Church, where the Salvation Army holds two Church services per week, along with a Bible Study and Sunday School and several other religious based activities for both members and “friends” of the Church and anyone else who is interested in learning more about the Christian Faith and The Salvation Army. Additionally, the Church at 372 Main Street conducts many charitable and community outreach services, including: i) a seniors “day program” that includes a lunch; ii) an After School Music and Arts program for school age children; iii) a Basketball program for youth, young adults and adults; iv) a weekly food pantry; and (v) a “good neighbor (rent assistance program) fund” that is administered through a Case Worker.

The proposed HDLO designation creates unique difficulties for a Church.

- A Church listed in the HDLO would be subject to the most intrusive possible scope of the law. Since a Church is “open to the public,” [134-6] all interior improvements in the church building—even those that are not visible from the public street—would require a Certificate of Appropriateness from the City in advance of construction. Section 134-6 of the City’s existing HDLO Law provides:

No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign...

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The law is so broad that even improvements in the Church worship space (“changes to interior spaces”) would fall under the regulations requiring a Certificate of Appropriateness. The costs of such a review would place a heavy burden on a not-for-profit religious corporation, money better spent on religious and charitable programming. The Church is also troubled by the possible ramifications of such regulation of a worship space by a secular government.

- A Church is also subject to unique difficulties if the City denies an application for a Certificate of Appropriateness. The law provides for an appeal to the ZBA, but the only permissible ground for appeal is “economic hardship.” The formula provided in the law requires consideration of whether the property could yield a “profitable return” under some other use. The test in the City’s law provides no benefit at all to a Church, for which “alternate uses” are not a realistic remedy. The HDLO law also fails to provide a remedy for a denial of a Certificate on grounds other than economic grounds, leaving the Church subject to substantial expenses if it had to bring a challenge through methods other than a ZBA appeal.
- For a Church, there are no corresponding “benefits” of being in the HDLO, as there might be for private property owners. It does not help a Church to be allowed to conduct business and residential uses that are unrelated to the Church’s mission. Similarly, the tax exemptions in the law do not benefit a church, which is already tax exempt based upon its use.

For all these reasons, The Salvation Army objects to the proposed designation to the Historic District and landmark Overlay Zone, and respectfully requests that the listing of its property be eliminated from the proposed local law. See City Code 134-4 (G). There is no need to include the Church’s property in the HDLO at the present time. The Church plans to continue its mission work in the City of Beacon for the foreseeable future. If matters materially change at some point in the future, and the building were to ever cease to operate as a Church, the City always retains authority to reconsider a designation at that, more appropriate, time.

I understand that the City will not be acting on the law this evening, as the matter is on the Planning Board agenda next week. In fairness, it would be appropriate to continue the public hearing to make sure that all affected property owners have a reasonable time to consider and evaluate the effect of this law on their properties. The appropriate officials at the Church did not receive the Notice of Hearing until late last week, due to staff vacation schedules. The timing of the notice (sent in mid-August) means that similar problems may have arisen with other property owners. It does not appear that the Church received a copy of existing Chapter 134 as referenced in the Notice of Hearing, and others may have similarly not received an enclosure referred to in the Notice.



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I ask that this letter be made part of the public hearing record, and respectfully reserve the right to submit further materials upon the continuation of the public hearing or public comment period.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Van Tuyl".

Jennifer L. Van Tuyl

cc: Captain Leilani Alarcon, 372 Main Street  
Graeme S. Hepburn, Director of Property Services,  
The Salvation Arm, GNY Division