



CITY OF BEACON, NEW YORK
ONE MUNICIPAL PLAZA
BEACON, NY 12508

Mayor Randy Casale
Councilman Lee Kyriacou, At Large
Councilman George Mansfield, At Large
Councilwoman Peggy Ross, Ward 1
Councilman Omar Harper, Ward 2
Councilwoman Pam Wetherbee, Ward 3
Councilman Ali Muhammad, Ward 4
City Administrator Anthony Ruggiero

City Council Workshop Agenda
December 11, 2017
7:00 PM

Workshop Agenda Items:

1. Consideration of Assessment of Condo/Rental Conversions
2. Proposed Zoning District Amendments
3. Creek Drive RFP
4. Tree Code
5. Driveway Permits
6. Appointments
7. Executive Session
8. SPCA Agreement

City of Beacon Workshop Agenda
12/11/2017

Title:

Consideration of Assessment of Condo/Rental Conversions

Subject:

Background:

ATTACHMENTS:

Description	Type
Assessment of Condominiums	Local Law
Memo Condo Assessment	Backup Material

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 199 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 199, Article XII is hereby added as follows

Article XII. Assessment of Converted Condominiums

§ 199-56. Authority.

This article is enacted pursuant to the authority contained in New York State Real Property Tax Law § 581(1)(c) and New York State Real Property Law § 339-y(f)(1).

§ 199-57. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

CONVERTED CONDOMINIUM

A dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership.

§ 199-58. Assessment of converted condominiums.

The provisions of Real Property Tax Law § 581(1)(a) and Real Property Law § 339-y(1)(f) shall not apply to converted condominium units within the City of Beacon.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 199 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

City of Beacon Workshop Agenda
12/11/2017

Title:

Proposed Zoning District Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
Linkage Zone	Local Law
Central Main Street Zone	Local Law
Fishkill Creek Development District	Local Law
Comprehensive Plan	Local Law
Zoning Map Changes	Local Law
DC Plan and Dev Response	Local Law

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 223 to permit retail sales from a truck or trailer in the Linkage Zoning District by special permit.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223 Section 41.21, Subsection B of the Code of the City of Beacon entitled “Uses by special permit” is hereby amended as follows:

§223-41.21. Regulations.

...

B. Uses by special permit.

(1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met:

- (a) Retail, personal services business or restaurant, coffee house, retail sales from trucks or trailers in accordance with § 223-26.3 or other establishment that serves food, with or without alcoholic beverages, provided that:

[1] The floor area is not greater than 5,000 square feet;

[2] The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

(b) Office and manufacturing uses, including but not limited to microbreweries, microdistilleries, wineries and other food preparation businesses, with or without tasting rooms, that may also sell goods made on the site for consumption off the premises, provided that:

[1] The total floor area of the building is no greater than 25,000 square feet;

[2] The use is on West Main Street or the use is within 400 feet of the Route 9D-Beekman Street intersection as identified on the Zoning Map; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

(c) Artist live/work space in accordance with § 223-24.3.

(2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. When making a decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21H(2) of this chapter.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that

any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTER 223
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon regarding the Central Main District.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223 of the City Code, Article IVD entitled “Central Main Street (CMS) District,” is hereby amended as follows:

Chapter 223. Zoning - Article IVD. Central Main Street (CMS) District

§ 223-41.16 Purpose.

The purpose of this Article IVD is to increase the vitality, attractiveness, and marketability of Main Street and the Central Business District by providing more flexibility of land use while maintaining and enhancing urban form as recommended in the City of Beacon Comprehensive Plan Update adopted on ~~December 17, 2007~~ April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses. This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. ~~See Figure 18-15: Main Street Infill Strategies Illustrative Sketch Plan, [1] adapted from the Appendix to the Comprehensive Plan.~~

~~[1] Editor's Note: See § 223-41.18L.~~

§ 223-41.17 Applicability and boundaries.

The provisions of this article apply to the area shown as the Central Main Street District (CMS) on the City of Beacon Zoning Map, a portion of which is annexed hereto to amend said Zoning Map. [1] All new uses of land and structures and changed uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

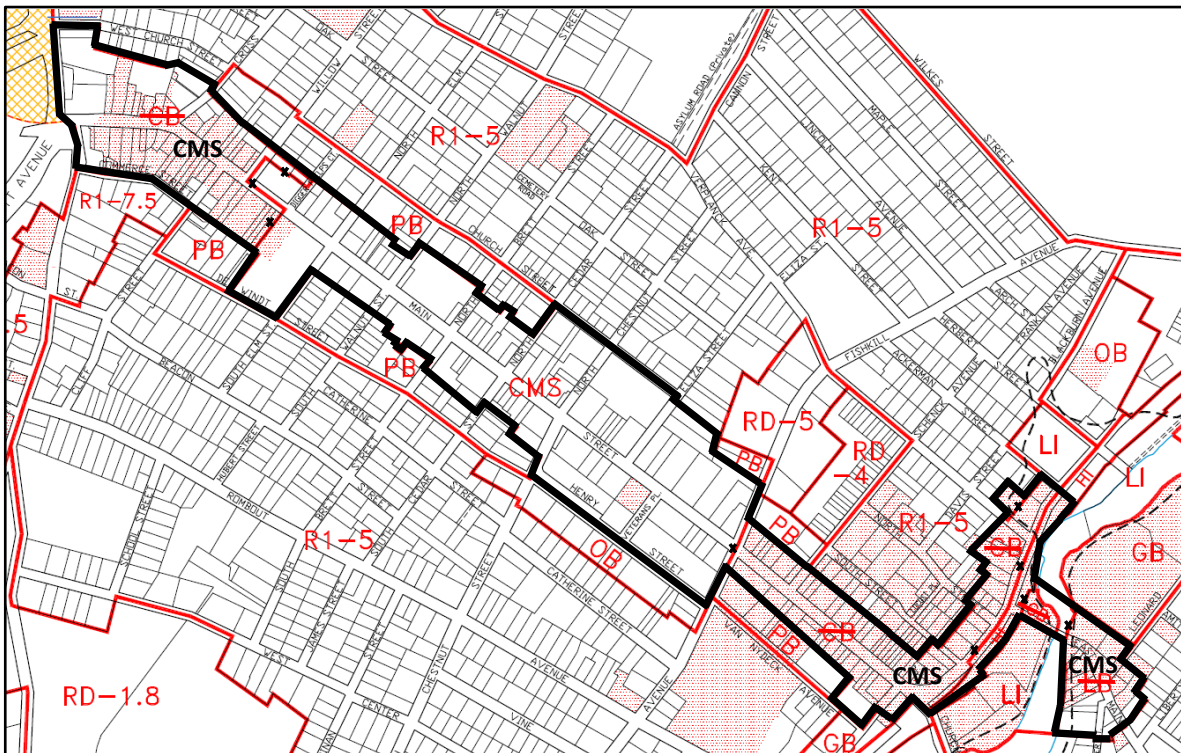


Figure 17-1: Central Main Street Zone Map

[1] Editor's Note: The Zoning Map is on file in the City offices.

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS district, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18 G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they may shall only be located on upper stories or at least 35 50 feet behind the facade in the rear portion of a ground floor, along Main Street. The limitations on nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.
- (2) One-family, two-family, attached, and multifamily dwellings, provided that they do not have ground floor frontage on Main Street for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223-20, inn, or bed-and-breakfast establishment, subject to § 223-24.4.
- (4) Offices of any kind, including professional, medical, ~~or~~ business, and banks or other financial institutions.
- (5) Artist studio.
- (6) Art gallery.
- (7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages.

- (8) Food preparation business.
- (9) Retail and personal services.
- (10) Funeral home.
- (11) Off-street parking lot facilities, provided that ~~it is~~ they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the main street by buildings and/or landscaping.
- (12) Public garage, as defined in this Chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the main street by buildings and/or landscaping. ~~[See "Parking" in F(1).]~~
- (13) School, public or not-for-profit educational institution, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school.
- (14) Indoor commercial recreation.
- (15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.
- (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least ~~35~~ 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the ~~35~~ 50 feet behind the façade is used for the retail sale of the artist's wares.
- (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.
- (18) ~~Schools and other public or nonprofit educational institutions~~ Auction gallery.
- (19) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and consistent with § 223-24.5.
- (20) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.
- (22) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.
- (23) Retail sales from a truck or trailer, subject to § 223-26.3.
- (24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar ~~items~~ artisan workshops, ~~having a total floor area of not more than 800 square feet and~~ having a retail component of at least 200 square feet.
- (25) Tattoo parlor, subject to 223-26.2.
- (26) Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:
 - (a) Any new project with over 10,000 square feet in building footprint area.

- (b) ~~A five-story building or corner tower of one additional story on a four-story building,~~ provided that it complies with Subsection E(7) below, ~~and that the Planning Board finds that there are no substantial detrimental effects on parking, traffic, shadows, or specific views designated as important by the City Council,~~ ~~A five-story building with a setback of at least 15 feet behind the facade above the fourth story may be permitted on the north side of Main Street where it can call attention to a significant intersection. Corner locations are deemed most appropriate for such buildings, but they may be permitted elsewhere on the north side if they are~~ that the proposed corner tower is compatible with the scale of the block on which they are located, and that it will contribute architecturally to the block face. ~~A five-story building will only be permitted if at least 15% of its residential units, and not less than five residential units, are designated as below market rate housing pursuant to Article IVB and/or at least 15% of the property's street-level lot area adjacent to Main Street is available for public uses such as an outdoor dining area for a restaurant, pocket park or plaza.~~
- (c) A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall ~~be located in the interior of a block and not front on or be visible from any public street Main Street or East Main Street except for a sign not larger than 24 square feet in area.~~
- (d) A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.
- (e) ~~Artist live/work space in accordance with § 223-24.3~~ Cigar and other lawful smoking establishments.

- (2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the Planning Board shall follow the procedures in § 223-41.18 I(2) of this chapter.

C. Accessory uses. The following are permitted accessory uses in the CMS District:

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18 L(13).
- (5) Home occupation, subject to 223-17.1.
- (6) Roof garden.
- (7) Greenhouse.

D. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the CMS District:

- (1) Gasoline filling stations.
- (2) Drive-through facilities, stand-alone or used in connection with any other use.

E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection L(15).

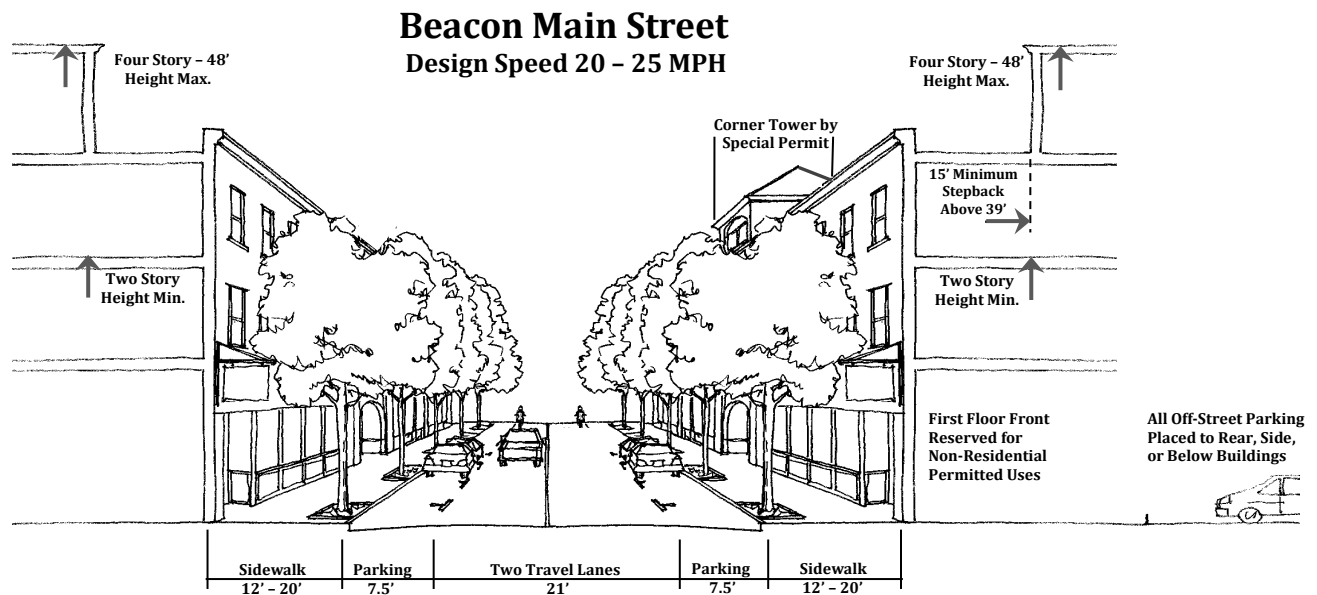


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

- (1) Front setback on Main Street or East Main Street: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the area in front of a building has no parking spaces and is landscaped and used in a manner that enhances the street life ~~on Main Street~~ by such means as pocket parks or plazas, fountains, outdoor dining, public art, and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board.
- (2) Front setback on other streets: minimum zero, maximum 25 feet. If surrounding buildings have a larger setback, the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage.
- (3) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front yard setbacks shall apply to both, as appropriate to the street. Corner buildings with frontage on Main Street or East Main Street shall wrap around corners and maintain a consistent yard setback line along the side.
- (4) Side setbacks: minimum of zero on Main Street or East Main Street, minimum of 10 feet on side streets. The minimum side setback on Main Street or East Main Street may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows or other openings.
- (5) Rear setbacks on Main Street or East Main Street: minimum 25 feet for parcels 100 feet deep or more and minimum 10 feet for parcels under 100 feet deep. ~~except that~~ Rear setbacks on side streets: minimum 25 feet. If the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (6) Minimum frontage occupancy on Main Street or East Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board a) to the extent necessary to allow light and air into an adjacent building that has side windows; or b) if the applicant provides a suitably surfaced and lighted pedestrian passageway between ~~Main the~~ street and parking areas, public open spaces, or other streets, located behind the building.

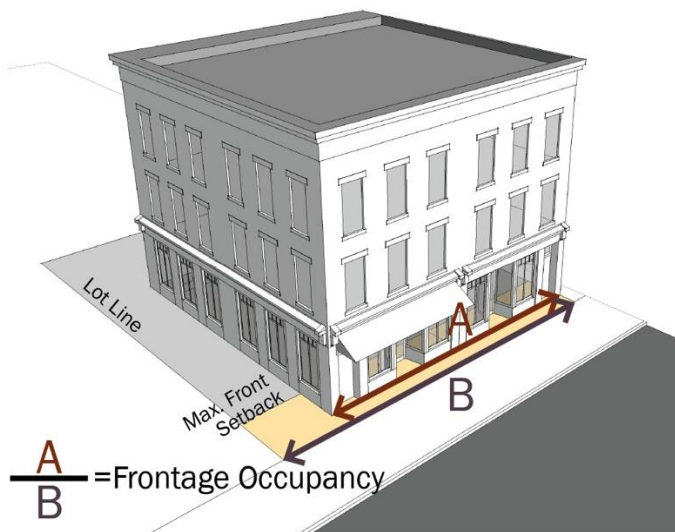


Figure 18-2: Frontage Occupancy

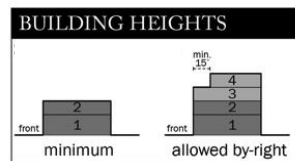
- (7) Building height for a building fronting on Main Street or East Main Street: minimum two stories, maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. A special permit may be granted pursuant to Subsection B above ~~for a five-story building on the north side of Main Street. A special permit may also be granted~~ for a four-story tower without a setback at a corner ~~on the south side of Main Street.~~ Corner towers shall face ~~fac~~ing an intersection and occupying no more than 25 % feet of the ~~roof area~~ frontage of the building. For any building over three stories or 39 feet fronting on the south side of Main Street or East Main Street ~~four stories on the north side~~, a setback of at least 15 feet behind the facade shall be required for the top story, except for corner towers allowed by special permit. A 15-foot building setback above 39 feet shall be required for any side of such a building within 40 feet of a lot line abutting a residential district.

Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.

- (8) Building height for a building not fronting on Main Street or East Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum height, provided that, with the exception of roof gardens and solar collectors, they occupy no more than 15% of the roof area and are set back at least 15 feet from the front edge of the roof.
- (9) Lot area and lot width: There are no minimum lot area or lot width requirements.
- (10) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City as public parking, there shall be no minimum depth requirement.
- (11) Floor area ratio: There is no maximum floor area ratio.
- (12) Landscaped area: For lots fronting on Main Street or East Main Street, a minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped ~~interior~~ courtyard, and are found to be consistent with the intent of the CMS District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. For lots not fronting on Main Street or East Main Street, a minimum of 15% of the lot shall be landscaped with trees and shrubs. These requirements may be waived for lots of 5,000 square feet or less.

(13) Lots that front on Main Street or East Main Street.

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	10'
(d)	Side Setback	0'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	10%	--
	Frontage Occupancy, detached building	80%	--
	Frontage Occupancy, buildings w/shared side wall	100%	--
(g)	Pedestrian Clearway	8'	--



FRONTAGE TYPES	
	Allowed
Storefront	yes
Forecourt	yes
Stoop	no
Porch	no
Lightwell	no



See text for exceptions and clarifications to Figure 18.3. Rear setback 10 feet for lots less than 100 feet deep.

Figure 18.3: Lots that Front on Main Street or East Main Street

(14) Lots that do not front on Main Street or East Main Street.

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	25'
(d)	Side Setback	10'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	15%	--
	Frontage Occupancy, detached building	--	--
	Frontage Occupancy, buildings w/shared side wall	--	--
(g)	Pedestrian Clearway	8'	--

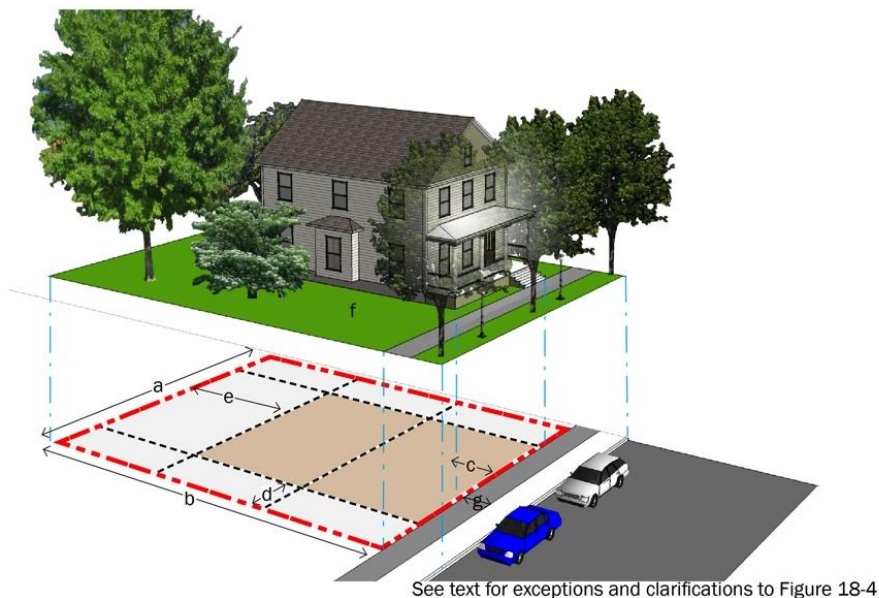
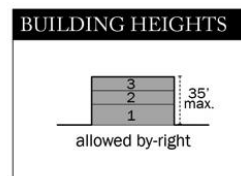


Figure 18-4: Lots That Do Not Front on Main Street or East Main Street

F. Frontage types.

- (1) For new buildings, along Main Street or East Main Street, only the following building frontage types are permitted:
 - (a) Storefront.
 - (b) Forecourt.
- (2) On other streets, there is no prescribed building or frontage type, except that no private garage may be located less than 20 feet behind the front facade of a building.
- (3) Storefront frontage type: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent entrance, and often an awning. Recessed doors on storefronts are acceptable typically used to avoid doors opening into the sidewalk.

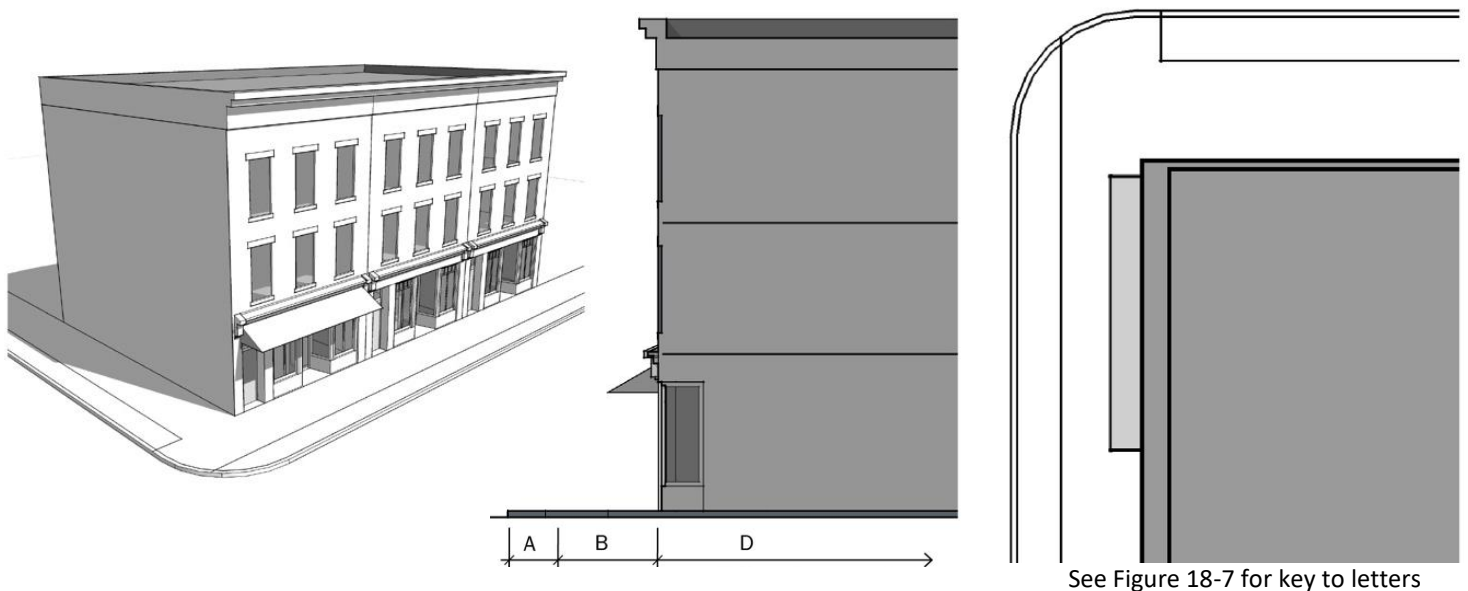


Figure 18-5: Illustrative View, Section View, and Plan View of Storefront Frontage Type

- (4) Forecourt frontage type. A forecourt is a semi-public exterior space whose back and sides are surrounded by a building and whose front opens to a thoroughfare — forming a court. The court is suitable for gardens, gathering space, and outdoor dining.

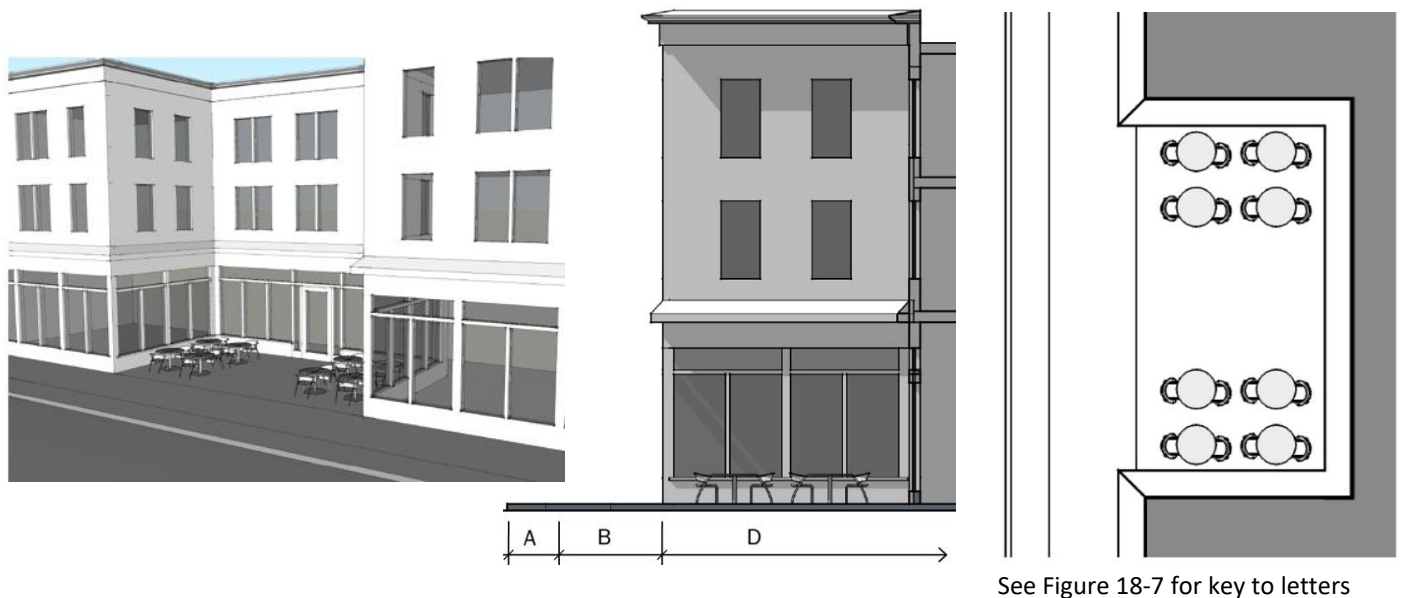


Figure 18-6: Illustrative View, Section View, and Plan View of Forecourt Frontage Type

G. Parking location and quantity.

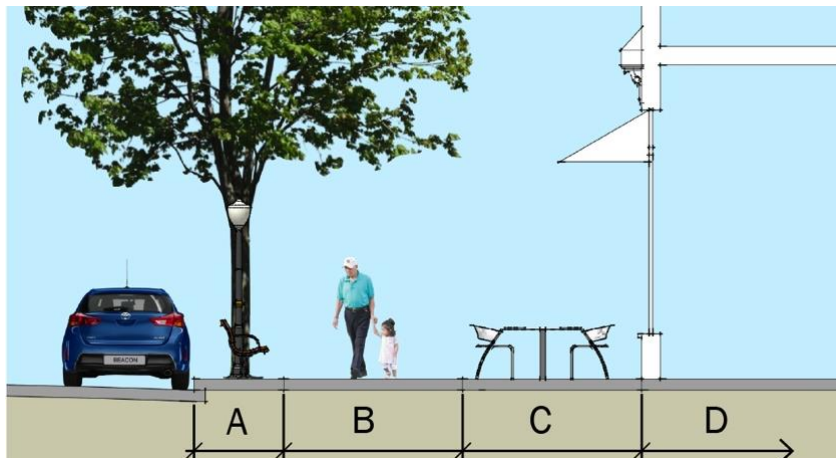
- (1) All off-street parking for buildings that have Main Street or East Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A public garage on a lot with Main Street or East Main Street frontage shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

- (2) The minimum quantity of required on-site parking spaces shall be as follows:
- (a) Residential: one space per unit.
 - (b) Office and nonretail commercial: 2.5 spaces per 1,000 square feet of floor area.
 - (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
 - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
- (a) That the projected operational characteristics of the proposed use require a different amount of parking.
 - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB Districts and voluntarily dedicate such land to the City for public parking.
 - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this Chapter shall apply in the CMS District.

H. Streetscape improvements.

- (1) Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval.
- (3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. ~~Each bicycle rack holding two bicycles may be used to reduce the required parking by one parking space.~~ The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.

- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.



A = Street Transition Zone
B = Pedestrian Clearway
C = Building Transition Zone
D = Building Frontage

Figure 18-7: Parts of the Streetscape

I. Site plan review/special permit procedures and criteria.

- (1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building project of 10,000 square feet or less in footprint area, as follows:
 - (a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.
 - (b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article.
 - (c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.
 - (d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.
- (2) For projects with over 10,000 square feet in building footprint area, or that otherwise require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.
- (3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.
- (4) After completion of construction of new buildings, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.

J. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

K. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this Chapter (Affordable-Workforce Housing).

L. Design standards.

(1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the CMS District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:

(a) Preserve and enhance the unique character and general public welfare of the City of Beacon;

(b) Promote pedestrian access and activity, as well as a general sense of area security;

(c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;

(d) Encourage economic development and a convenient mix of uses and services; and

(e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, 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 Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

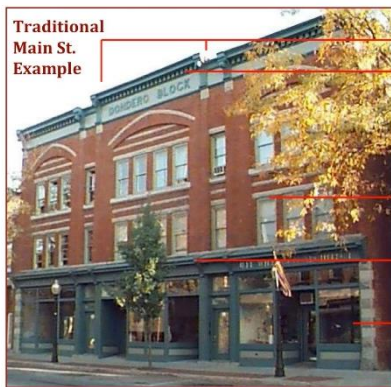
(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include type and texture of materials, massing, spacing and proportion of windows and doors, horizontal alignments, and street-front fixtures, but architectural features and details may be more traditional or may be simpler and more modern, signaling a contemporary building. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CMS District should reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, windows, and interiors.

(4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

(5) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.

(6) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and cornices, may encroach up to four feet beyond the front lot line if the bottom of the encroaching building elements is at least 12 feet above grade.

- (7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, ~~as determined by said Board.~~
- (8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, and appear functional, and be attached to the window frame.
- (10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. ~~Residential buildings shall~~ Main Street or East Main Street buildings should have at least 30% glass on the ~~first-floor~~ upper floor facades.
- (11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, ~~or smooth-~~ finished fiber-cement siding, 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 rough-cut stone, ~~or synthetic~~ brick, ~~or 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.
- (12) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear 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 prevent any lighting above ~~60 watts~~ 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.
- (14) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.
- (15) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.
- (16) The following Figure 18-8 provides annotated photographs to illustrate design standards in this section:



**Traditional
Main St.
Example**

- Façade and roof line breaks at intervals of no more than 35'
- Top floor cornice feature
- Bay windows, balconies and open porches may encroach up to 4' over the sidewalk
- Primary window proportions greater in height than in width
- Secondary storefront cornice or first floor articulation
- Commercial first floor facing Main Street

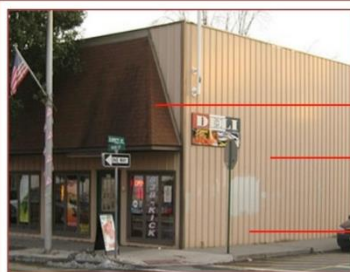
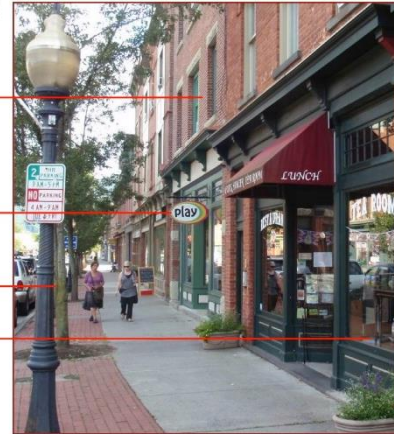


**More Modern
Example**

Design Standards Consistent Examples



- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Metal, glass, or canvas-type awnings and canopies or projecting signs may encroach up to 6 feet over the sidewalk above 7 feet
- Street trees planted on average 30' - 40' apart
- Commercial buildings shall have at least 70% glass on first floor facades between 2' and 10' above the sidewalk



Design Standards Inconsistent Examples

- Two-story minimum required, allowing second floor occupancy
- Architectural features and windows should be continued on all sides, avoiding any blank walls
- Vinyl, aluminum, or sheet metal siding or sheet trim shall not be permitted



- Buildings should have a top floor cornice feature
- Primary window proportions shall be greater in height than in width
- Commercial buildings shall have at least 70% glass on the first floor facade



Vinyl awnings are discouraged, but metal, glass, and canvas-type awnings are encouraged



Design Standards Consistent Examples

- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Bay windows, balconies and open porches may encroach up to 4' into the setback
- Required landscaping between the sidewalk and building to enhance the streetscape



- In the Linkage District, a step-back of at least 15' behind the façade above the third story
- Primary window proportions greater in height than in width
- Secondary cornice or first floor articulation
- Residential buildings shall have at least 30% glass on first floor facades



- Top floor cornice feature
- Façade and roof line breaks at intervals of no more than 35'
- Street trees planted on average 30' - 40' apart
- Metal, glass, or canvas-type awnings and canopies may encroach up to 6 feet over the sidewalk above 7 feet

M. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill development, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District.



Figure 18-9: Central Main Street Infill Strategies and Illustrative Sketch Plan

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTER 223
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon regarding the Fishkill Creek Development District.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 223 of the City Code, Article IVC entitled “Fishkill Creek Development District,” is hereby amended as follows:

Article IVC: Fishkill Creek Development District ~~[Added 11-1-2010 by L.L. No. 14-2010]~~

§ 223-41.12 Purposes.

Purposes of the Fishkill Creek Development (FCD) District are to:

- A. Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District than other under-utilized industrial sites, and are not as well suited to continued industrial development ~~as properties on the north end of the Fishkill Creek corridor.~~
- B. Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.
- C. Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.

§ 223-41.13 Uses; plan review; design standards.

- A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.
- B. Principal uses permitted by special permit. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:

- (1) Apartment, attached and multifamily dwellings.
- (2) Artist live/work spaces, artist studios and workshops of artisans.
- (3) Bed-and-breakfast establishments and inns.
- (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted ~~on the ground floor and second floor of the~~ in buildings ~~facing~~ that face streets.
- (5) Restaurants and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted ~~on the ground floor and second floor of the~~ in buildings ~~facing~~ that face streets. No individual restaurant use shall contain more than 5,000 square feet of gross floor area.
- (6) Professional and ~~small~~ business offices ~~on the ground floor and second floor of~~ in buildings ~~facing the~~ that face streets.
- (7) Galleries, exhibit spaces and museums.
- (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
- (9) Assembly and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.
- (10) Other uses similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities, including parking structures.

D. Procedure for review of Fishkill Creek development proposals.

- (1) Each Fishkill Creek development project shall require:
 - (a) Concept plan approval by the City Council; and
 - ~~(b) Special permit approval by the City Council; and~~
 - (b) Site plan approval by the Planning Board.
- ~~(2) The City Council's review of a special permit application for a Fishkill Creek development project shall include review of a Fishkill Creek development concept plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of the applicant's land holdings in the FCD District. The purpose of this review is to assure that the FCD District will be developed in accordance with an overall comprehensive plan, even though the total Fishkill Creek Development District may consist of more than one separate FCD project, which might be constructed at different times.~~

- (2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development ~~special permit~~ concept plan has been submitted to the City Council, ~~and such reviews may proceed simultaneously.~~ However, no final approval of a site plan for any FCD project shall precede the issuance of a ~~special permit~~ concept plan approval for such FCD project by the City Council.

E. Application fees. Applications to the City Council and Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.

F. Procedure for ~~special permit and~~ Fishkill Creek development concept plan review.

- (1) Application. The concept plan application for a Fishkill Creek development ~~special permit~~ for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project ~~and concept plan~~. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the City Council meeting at which it will be considered. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following: ~~[Amended 4-21-2014 by L.L. No. 1-2014]~~

- (a) A written description of the Fishkill Creek development project(s) ~~and concept plan~~, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.
- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.
- (d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.
- (e) A general indication of any phasing of construction.
- (f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.
- (g) A ~~Fishkill Creek development concept~~ plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application. ~~If no such adjacent uses have been proposed, the applicant shall discuss potential uses for such other parcels.~~
- (h) The general configuration of the pedestrian circulation system, ~~and~~ the connection of such pedestrian passageways to adjoining properties, and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.
- (i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP.
- (j) Descriptions, sketches, and sections ~~and elevations~~ showing the ~~general architectural treatment and~~ design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.

- (k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.
- (2) City Council review of ~~special permit and~~ Fishkill Creek development concept plan application.
- ~~(a) Environmental compliance.~~
- (a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.
- ~~[2] Upon receipt of an application for a special permit and Fishkill Creek development concept plan, the City Council shall commence a coordinated review under SEQRA and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.~~
- ~~[3] To the extent possible in accordance with law, any draft environmental impact statement (DEIS) required in connection with the special permit and Fishkill Creek development concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.~~
- ~~[4] To the extent possible in accordance with law, the preparation of any required DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and Fishkill Creek development concept plan review. When a SEQRA hearing is held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.~~
- (b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing his a fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.
- (c) City Council referrals.
- [1] The City Council shall refer the application for a special permit and Fishkill Creek development concept plan approval to the Planning Board for a ~~report and~~ recommendation. The Planning Board shall review all documents and materials relating to the application and ~~shall render a report to the City Council and~~ may make any advisory recommendations it deems appropriate. ~~Where the City Council is serving as the lead agency under SEQRA, where the Planning Board is an involved agency, and where a DEIS is required, then this referral may be coordinated with the comment period under SEQRA. The report of the Planning Board shall be due on the date set for receipt of written comments on the DEIS or a date 45 days from the referral by the City Council, whichever is greater.~~
- [2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-l and 239-m. ~~Where the City Council is serving as lead agency under SEQRA, and where a DEIS is required, it shall circulate the DEIS and FEIS as provided by law.~~ In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.
- (d) City Council Public hearing. The City Council shall hold a public hearing, ~~with the same notice required by law for zoning amendments,~~ on the application for a ~~special permit and~~ Fishkill Creek development concept plan approval. ~~Where the City Council is serving as lead agency under SEQRA, and where a DEIS is required, the~~ Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on ~~special permit and~~ Fishkill Creek development concept plan.

- (a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval ~~and for a special permit~~ after it has held the required public hearing ~~herein~~, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings, and, if applicable, has made the consistency determination ~~as required~~ under the City's Local Waterfront Consistency Law.[1]

[1] Editor's Note: See Ch. 220, Waterfront Consistency Review.

- (b) Concept plan approval. ~~Prior to granting any special permit for a Fishkill Creek development project, the City Council shall review a Fishkill Creek development concept plan, which contains a proposed designation of appropriate land uses, or a range of land uses, for the overall development of the FCD District. The City Council shall may approve the concept plan upon a finding that it:~~

~~[1] Will fulfill the purposes of the Fishkill Creek Development District; and~~

~~[2] Will be in harmony with the appropriate and orderly development of the City.~~

- (~~a~~) Special permit approval. ~~The City Council may authorize the issuance of a special permit for a Fishkill Creek development project, provided that it shall find that the following conditions and standards have been met:~~

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

[2] The proposed Fishkill Creek development project complies with § 223-41.13 I(16), Fishkill Creek buffer, of this chapter.

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

[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.

~~[5] The Fishkill Creek development is in accordance with the approved FCD concept plan.~~

[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; ~~and the architectural styles are compatible and attain high standards of design.~~

[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.

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

[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.

- (c) Conditions. In approving any Fishkill Creek development concept plan ~~and special permit~~, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter.

(4) ~~Time periods for development pursuant to special permit. At the time of approving a special permit, the City Council may set forth the time period in which construction is to begin and be completed. The City Council may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.~~

(4) ~~Revisions to FCD concept plan special permit.~~ After approval of a FCD special permit, any proposed revisions in the approved special permit shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.

G. Site development plan review. After approval of the Fishkill Creek development ~~special permit~~ concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25 B of this chapter. In addition, the applicant shall submit the following:

(a) Information to establish that the proposed site plan complies with § 223-41.13 I(16), Fishkill Creek buffer, of this chapter.

(b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection I below.

(c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan ~~and special permit.~~

(d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.

(e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).

(f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.

(g) Application fees as required pursuant to Subsection E above.

(2) Planning Board review of site plan.

(a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. ~~While the scope of the Planning Board's review of the site plan will generally relate to the FCD project at issue,~~ The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire FCD District, as it is finally developed.

(b) In acting on any site development plan application, the Planning Board shall take into consideration ~~any approved special permits and~~ the Fishkill Creek development concept plans, the proposed design and layout of the entire FCD District, including the proposed location, height and landscaping of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the Fishkill Creek development design standards set forth in Subsection I below.

(c) The proposed site development plan shall be in general substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek development concept plan approved by the City Council. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the ~~special permit and~~ Fishkill Creek development concept plan.

(3) Time period for construction. ~~Notwithstanding § 223-41.13 F(4) of this chapter,~~ At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing. ~~Where the authority granted under this section and § 223-41.13 F(4) may be in conflict, the latter section shall control.~~

(4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5) below. If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

(5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.

H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter 195, Subdivision of Land, of the City Code. The ~~bulk standards,~~ setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.

I. Fishkill Creek Development design standards. ~~Fishkill Creek development shall meet the following standards:~~

~~(1) Comprehensive design. The FCD District allows for flexibility of design to encourage innovative site planning. While the FCD District may contain various use elements (e.g., residential, retail, restaurant, etc.), the FCD District must be planned as a cohesive unit, with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service. Additionally, proposed land uses must be complementary. The architectural styles must be compatible and must attain high standards of design.~~

~~(2) Relationship to uses on surrounding public property. The land uses in a Fishkill Creek development project shall relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.~~

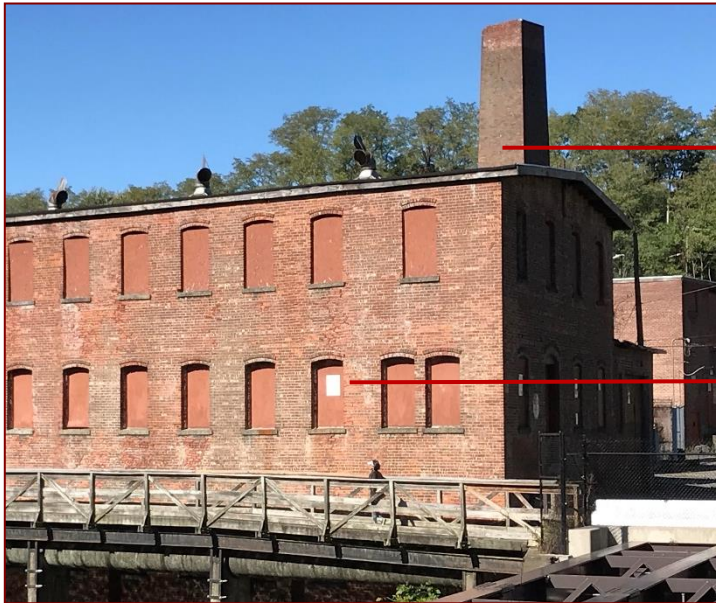
~~(3) Relationship to Fishkill Creek. The FCD project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.~~

- (4) Provision of view corridors. The site shall be developed in such a way as to maximize important public views and view corridors throughout the development. Site layout and design shall consider important public views and view corridors including those identified in the LWRP. Important views shall be protected and/or enhanced to the maximum extent practicable.
- (5) FCD design principles and standards.
- (a) Architecture and building materials shall be evaluated in the context of high quality examples of Hudson Valley regional and Beacon architecture.
 - (b) Buildings shall be designed in consideration of appearance from all vantage points. Blank or long, uninterrupted walls, both horizontally and vertically, and tinted or mirrored windows shall be avoided. Commercial storefronts and restaurants shall have a minimum of 70% glass frontages.
 - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development, and promote integration of the various design elements in the project.
 - (d) Groups of related buildings shall be designed to present a varied, yet compatible appearance in terms of architectural style.
 - (e) Building facade setbacks shall be varied to the extent practicable in order to provide an interesting interplay of light, shadows, colors, window openings, terraces, balconies and cornice features.
 - (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
 - (g) The ground floor of buildings for residential use, whenever practical, shall ~~may~~ be designed so as to be convertible in the future to nonresidential use, . This shall include, but shall not necessarily be limited to, the inclusion of including floor to ceiling dimensions appropriate to future nonresidential usage of the buildings.
- (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.
- (4) Specific standards. See also the annotated photo examples in Figures 13-1-3, 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 façade 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.
- (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.
- (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.
- (7) Lighting. A comprehensive lighting plan ~~which includes pedestrian-scale lighting~~ 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. ~~All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. Such lighting shall have an attractive appearance compatible with the overall project design and FCD character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review process.~~ 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.
- (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.
- (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.

FCD Design Standards Illustrative Examples Figure 13-1



555 South Avenue and Tioronda Bridge

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.

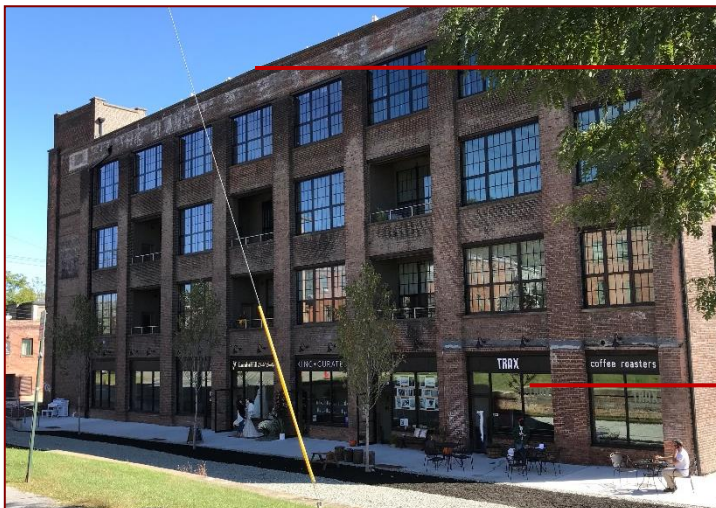
Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs.



Former Factory Buildings at 248 Tioronda Avenue

A corner or centrally located tower projecting one story above the permitted building height may be approved to add architectural interest and to encourage access to rooftop gardens.

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.



One East Main Street

New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

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.

FCD Design Standards Illustrative Examples Figure 13-2



Front Street Building #4

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 façade and window surrounds with projecting sills, lintels, or crowns to add some depth and detail.



12 East Main Street

Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width.

For finish building materials, traditional brick is recommended with secondary elements of fiber-cement siding, metal, or other material deemed acceptable by the Planning Board.

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.



11 Creek Drive

FCD Design Standards Illustrative Examples Figure 13-3



The Roundhouse at Beacon Falls

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.



Beacon HIP Lofts, Mason Circle

Groups of related buildings shall be designed to present a varied, but compatible mix.

Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.



Beacon HIP Lofts, Mason Circle

Industrial artifacts, such as stacks, towers, window frames, loading doors, and docks, should be incorporated into the design.

Lighting fixtures shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.

(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.

(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 FCD project shall be integrated into the development.

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 F of this chapter, except that the requirements in ~~said section~~ § 223-26 F 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 § 223-26 F 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 ~~30~~ 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.~~ Off-street loading shall be provided as the Planning Board may find appropriate.

(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, ~~and all possible steps shall be taken to avoid the placement of utilities under the pavement, in order to assure ease of future maintenance.~~
- (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.
- (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.
- (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.
- (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 § 223-41.15 J 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 fitted 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.

~~§ 223-41.14 Definitions.~~

The following definitions are unique to this Article IVC. If any conflict exists between the definitions contained in this article and the general definitions and provisions contained elsewhere in this chapter, or any amendments thereto, then for the purposes of any development pursuant to this article, the definitions contained herein shall govern.

BUILDING HEIGHT

The vertical distance of a building, measured from the average elevation of the finished grade adjacent to a street, to the highest point of the roof if the roof is flat (excluding elevator structures, solar panels and other accessory rooftop features), or to the midpoint between the eaves and the highest point of the roof if the roof is of any other type. Where there is more than one street adjacent to a building, the average elevation of the finished grade of the lower street shall be used as the base elevation for measuring building height. Only those stories above grade are counted towards maximum height in stories or feet; a maximum of one story below grade used as a basement, cellar parking, underground parking or parking under buildings will not count towards total height or number of stories.

NONRESIDENTIAL FLOOR AREA

Floor area of permitted principal uses other than dwelling units and artist live/work spaces.

§ 223-41.154 Bulk regulations.

- A. Minimum size of FCD site: four acres. Notwithstanding the above, the owner of less than four acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.
- B. Development Potential. Maximum number of dwelling units per acre of gross lot area, after deducting any lot area with slopes over 20%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses. Notwithstanding the above, the maximum number of dwelling units shall be increased by one unit per gross acre to a maximum of 15 units per gross acre, based on the amount of nonresidential floor area, as defined in this article, which is must be built out before or concurrently with the residential development of the site. For each additional dwelling unit built, 1,000 square feet of nonresidential floor area must be built. Any approvals granted for an FCD project with such increased density shall require that the issuance of the building permits for the residential development are contingent upon the diligent construction of the nonresidential portion of the project. Such increased density Less nonresidential square footage may also 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.
- C. Maximum dwelling unit size: 2,000 square feet of gross floor area.
- ~~D. Maximum floor area ratio of commercial space: 1.0.~~
- D. Maximum building coverage, including parking structures: 35%.
- E. Minimum open space: 30%.
- F. Maximum building height: 2 1/2 stories and 35 feet, except that height may be increased to a maximum of 3 1/2 stories and 45 feet, provided that such buildings are set back at least five additional feet from Fishkill Creek for each one foot increase in height 3 stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the Planning Board to add architectural interest and to encourage access to rooftop gardens.
- G. Minimum building setback from edge of pavement of public and private streets: 12 feet.
- H. Minimum frontage of overall FCD site on public street right-of-way: 50 feet.
- I. Minimum setback from and buffer width along Fishkill Creek: an average of 50 feet, but not less than 25 feet at any point, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

**AMENDMENTS TO THE CITY OF BEACON COMPREHENSIVE PLAN UPDATE INVOLVING CHANGES
TO THE CENTRAL MAIN STREET (CMS), CENTRAL BUSINESS (CB), OFF-STREET PARKING (PB),
R1-5, RD-4, LOCAL BUSINESS (LB), FISHKILL CREEK DEVELOPMENT (FCD), GENERAL
BUSINESS (GB), LIGHT INDUSTRIAL (LI), AND WATERFRONT PARK (WP) DISTRICTS.**

The Proposed Action involves individual parcel adjustments to the recommendations in the Comprehensive Plan Update, Sections 11 and 12, as adopted April 3, 2017. The Beacon City Council is proposing to adopt amendments to the Zoning Map and text for the purpose of implementing the general recommendations in the Comprehensive Plan Update. During discussions regarding certain parcels, the City Council agreed on adjustments to the overall recommended changes in the Comprehensive Plan Update, most specifically represented in Figure 11-1, Future Land Use Map, Table 12-1, Proposed Zoning Changes, and Figure 12-1, Proposed Zoning Changes. The particular parcels and reasoning are described below.

A portion of the Metro-North Commuter Railroad right-of-way along Tioronda Avenue, tax parcel number 6054-37-096715, with the owner's address at 347 Madison Avenue, New York, NY 10017 is proposed to be changed from LI to FCD. The Comprehensive Plan Update recommended other sections of the Metro-North right-of-way just to the north be merged into the FCD district. This additional section of the track right-of-way will link two currently zoned FCD parcels to make a continuous FCD district. Because of the existing tracks and steep slopes on the parcel, the rezoning will not significantly affect any development potential.

A 1.3-acre parcel along the Fishkill Creek owned by the Scenic Hudson Land Trust, Inc. at 1 Civic Center Plaza, Poughkeepsie, NY 12601, tax parcel number 5954-16-910293, is proposed to be changed from FCD to WP. The parcel is contiguous with other properties zoned WP and is very near another Scenic Hudson parcel that is part of Madam Brett Park. The City Council agreed to extend the WP district to include this parcel because of its sensitive nature along the Fishkill Creek and proximity to the other Scenic Hudson-owned park parcels.

A 2.582-acre parcel along the Fishkill Creek owned by the City of Beacon at 1 Municipal Plaza, Beacon, NY 12508, tax parcel number 6054-37-037625, is proposed to be changed from LI to GB. The Comprehensive Plan Update Table 12-1 recommended this parcel be rezoned to FCD, but the City Council issued a Request for Proposals for this property and subsequently entered into an agreement with a potential buyer. The property is at the end of a dead-end street with the adjacent parcel along the same street to the north zoned GB. The City Council agreed that the GB district zoning would be less of a change from the LI district and more consistent with the GB district to the north.

An 8.7-acre parcel at 11-89 Mason Circle owned by Beacon Hip lofts, LLC. with a tax parcel number 6055-04-535128 is proposed to remain in the LI district. The Comprehensive Plan Update Table 12-1 and Figure 12-1 recommended this parcel be rezoned to FCD, but the owner subsequently proposed an amendment to the Special Permit approval that would include a new building and other site plan changes. Since an active application has been before the Planning Board for several months and the property will then be built-out substantially consistent with the LI district regulations, the City Council is proposing to have the parcel remain in the current LI district.

The Comprehensive Plan Update Table 12-1 and Figure 12-1 recommended that the existing CB districts at the upper and lower ends of Main Street be merged into the CMS district, which would provide all of Main Street with the more specific architectural and design standards in the CMS district. The City Council is proposing to extend the east end expansion to the Fountain Square area, which is currently zoned LB. The CMS designation includes detailed architectural graphics, streetscape illustrations, and site design standards to better protect the historic character of this area. This would include the following parcels:

6054-30-168772	8 East Main Street	10 Boulevard LLC. 24 Woodbine Avenue, Northport, NY 11768
6054-38-182748	20 East Main Street	Kurt L. and Donald P. McMillan 168 Chelsea Road, Wappingers Falls, NY 12590
6054-38-186736	5 Leonard Street	Brian D. Haight 5 Leonard Street, Beacon, NY 12508
6054-38-183732	28 East Main Street	Rafiq Ahmed 28 East Main Street, Beacon, NY 12508
6054-38-188729	36 East Main Street	Larry Way 39 Van Buren Street, Beacon, NY 12508
6054-38-190723	44 East Main Street	Echo Properties I LLC. 1777 Route 6, Carmel, NY 10512
6054-38-181714	49 East Main Street	Sophia Stuart 3 Water Street, Beacon, NY 12508
6054-38-180717	47 East Main Street	47 East Main Street LLC. 47 Main Street, Beacon, NY 12508
6054-38-163747	15 East Main Street	Sharon Bronte 180 W. 58 th Street, New York, NY 10019
6054-38-166745	17 East Main Street	Gwenno M. James 20 S. Chestnut Street, Beacon, NY 12508
6054-38-167740	19 East Main Street	Charatambos M. Peratikos P.O. Box 16, Beacon, NY 12508
6054-38-167735	25 East Main Street	Weber Projects II LLC. 25 East Main Street, Beacon, NY 12508
6054-38-169731	27-31 East Main Street	Accord Realty & Development, Inc. P.O. Box 269, Somers, NY 10589
6054-38-170728	33 East Main Street	VBK Properties LLC. 10 North Gate Road, Carmel, NY 10512
6054-38-174726	East Main Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508
6054-38-170722	3 Water Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508
6054-38-167716	5 Water Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508

The Comprehensive Plan Update recommended the extension of the CMS district north on Fishkill Avenue to Verplanck Avenue. After careful consideration of the primarily residential uses along this block and the historic character of several of the buildings, the City Council is not proposing to permit commercial zoning on this block. This would prevent commercial expansion into these parcels and protect the primarily residential buildings along this block. Instead, the Council agreed to two more modest changes that would have far fewer impacts on the neighborhood.

Two single-family houses with historic qualities currently in the RD-5 district will be merged with the adjacent R1-5 district:

6054-29-041858	183 Fishkill Avenue	Lucy M. Cullinan 183 Fishkill Avenue, Beacon, NY 12508
6054-29-047864	189 Fishkill Avenue	Emily De Cordova 189 Fishkill Avenue, Beacon, NY 12508

One parcel with a commercial use in the RD-5 district is proposed to be included in the adjacent RD-4 district to encourage redevelopment into a more consistent use with the rest of the block:

6054-29-042814	158 Fishkill Avenue	The Rocky Harbor LLC. 20 Dallis Place, Beacon, NY 12508
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A row of parcels on the south side of South Street currently in the R1-5 district is proposed to be rezoned to PB. Several of these properties are the rear portions of parcels that front on Main Street. Two buildings facing South Street in this area have commercial uses. A PB district designation would give these parcels more flexibility for additional uses and act as a transitional area between Main Street and the R1-5 district. Uses in the R1-5 would still be permitted in the PB. The following parcels are proposed to be in the PB:

6054-29-056780	Main Street (rear)	McDermott properties 43 Jelliff Mill Road, New Canaan, CT 06840
6054-29-063780	48 South Street	John W. H. Dacey and Holy R. Sumner 48 South Street, Beacon, NY 12508
6054-29-062771	424-428 Main St. (rear)	Beacon Main Real Estate Group 8 Bellford Lane, Beacon, NY 12508
6054-29-068768	432 Main St. (rear)	Neil E. Vaughn 432 Main Street, Beacon, NY 12508
6054-29-075770	34 South Street	Neil E. Vaughn and Erika M. Foy 432 Main Street, Beacon, NY 12508
6054-29-079768	32 South Street	Eric A. Brown and Danielle F. Brown 32 South Street, Beacon, NY 12508
6054-29-082764	28 South Street	Norah Hart 305 Broadway, New York, NY 10007
6054-29-086757	Main Street (rear)	Qualamar Corp. P.O. Box 4292, New Windsor, NY 12553

These proposed changes are consistent with the overall intent and general recommendations in the 2017 Comprehensive Plan Update, but involve the City Council making more specific adjustments to individual streets and parcels. The Comprehensive Plan Update primarily focused on the waterfront area with less parcel-by-parcel attention concentrated on the area covered by these amendments. In many cases, such as the Fishkill Avenue block, the proposed zoning will result in fewer potential impacts. In some areas, such as the extension of the CMS into the Fountain Square area, it may allow additional development potential, but the existing historic character of the area will be better protected by the architectural, streetscape, and design standards not present in the current LB district. These modifications to the Comprehensive Plan Update are modest in relation to the larger City context, reflect more recent information, or were the result of a more careful look at individual parcels by the City Council.

The Proposed Action is an exercise of the police powers of the City to protect, health, safety, and general welfare of its residents and property owners. These rezonings do not involve site-specific construction or development activities. Therefore, any subsequent site development actions would be subject to more complete analysis in accordance with the requirements of the State Environmental Quality Review Act.

Draft: 11/6/17

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING THE ZONING MAP OF
THE CITY OF BEACON**

A LOCAL LAW to amend the
Zoning Map of the City of
Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Intent. The City Council believes that it is reasonable and appropriate to rezone certain areas in the central downtown business district and along Fishkill Creek in a manner that is not inconsistent with the City's Comprehensive Plan and provides for more efficient zoning boundaries. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

Section 2. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 1 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6054-30-142808	554 Main Street Beacon, NY 12508	Further Properties, LLC 544 Main Street Beacon NY 12508	R1-5 (rear portion of lot) CB (portion of lot fronting on Main Street)	CMS
6054-30-151814	2 Ackerman Street	Joseph Valentin 2 Ackerman Street Beacon NY 12508	CB	CMS

p/o 6054-37-096715 (See Fig. 1 - along east side of Main Street from Ackerman Street to Churchill Street)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	CMS
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p/o 6054-30-168772 (See Fig. 1 - fronting on East Main Street)	8 East Main Street Beacon, NY 12508	10 Boulevard LLC 24 Woodbine Ave Northport, NY 11768	CB (west of Fishkill Creek) LB (east of Fishkill Creek)	CMS
6054-38-163747	15 East Main Street Beacon, NY 12508	Sharon Bronte 180 W. 58 th Street New York, NY 10019	LB	CMS
6054-38-166745	17 East Main Street Beacon, NY 12508	James Gwenno 20 South Chestnut Street Beacon, NY 12508	LB	CMS
6054-38-167740	19 East Main Street Beacon, NY 12508	Charalambos Peratikos P.O. Box 16 Beacon, NY 12508	LB	CMS
6054-38-167735	25 East Main Street Beacon, NY 12508	Weber Projects II LLC 25 East Main Beacon, NY 12508	LB	CMS
6054-38-169731	27-31 East Main Street Beacon, NY 12508	Accord Realty & Development Inc. P.O. Box 269 Somers, NY 10589	LB	CMS
6054-38-170728	33 East Main Street Beacon, NY 12508	VBK Properties LLC 10 North Gate Road Carmel, NY 10512	LB	CMS

6054-38-174726	East Main Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	CMS
6054-38-170722	3 Water Street Beacon, NY 12508	POK Beacon LLC 3 Watwer Street Beacon, NY 12508	LB	CMS
6054-38-167716	5 Water Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	CMS
6054-38-181714	49 East Main Street Beacon, NY 12508	Sophia Stuart 3 Water Street Beacon, NY 12508	LB	CMS
6054-38-180717	47 East Main Street Beacon, NY 12508	47 East Main Street LLC 47 East Main Street Beacon, NY 12508	LB	CMS
6054-38-190723	44 East Main Street Beacon, NY 12508	Echo Properties I LLC 1777 Route 6 Carmel, NY 10512	LB	CMS
6054-38-188729	36 East Main Street Beacon, NY 12508	Larry Way 39 Van Buren Street Beacon, NY 12508	LB	CMS
6054-38-183732	28 East Main Street Beacon, NY 12508	Rafiq Ahmed 28 East Main Street Beacon, NY 12508	LB	CMS
6054-38-186736	5 Leonard Street Beacon, NY 12508	Brian Haight 5 Leonard Street Beacon, NY 12508	LB	CMS

6054-38-182748	20 East Main Street Beacon, NY 12508	Kurt L. and Donald P. McMillen 160 Chelsea Rd Wappingers Falls NY 12590	LB	CMS
6054-29-047864	189 Fishkill Avenue Beacon, NY 12508	Emily DeCordova 189 Fishkill Avenue Beacon, NY 12508	RD-5	R1-5
6054-29-042814	158 Fishkill Avenue Beacon, NY 12508	Rocky Harbor, LLC 20 Dallis Place Beacon, NY 12508	RD-5	RD-4
p/o 6054-29-056780 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon, NY 12508	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	R1-5	PB
6054-29-063780	48 South Street Beacon NY 12508	John WH Dacey Holly R Sumner 48 South Street Beacon, NY 12508	R1-5	PB
p/o 6054-29-062771 (See Fig. 1 - portion of lot fronting on South Street)	424-428 Main Street Beacon NY 12508	Beacon Main Real Estate Group 8 Bellford Ln Beacon NY 12508	R1-5	PB
p/o 6054-29-068768 (See Fig. 1 - portion of lot fronting on South Street)	432 Main Street Beacon NY 12508	Neil E Vaughn 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-075770	34 South Street Beacon NY 12508	Neil Vaughn Erika M Foy 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-079768	32 South Street Beacon NY 12508	Eric A. and Danielle F Brown 32 South Street Beacon NY 12508	R1-5	PB

6054-29-082764	28 South Street Beacon NY 12508	Norah Hart 305 Broadway New York NY 10007	R1-5	PB
p/o 6054-29-086757 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon NY 12508	Qualamar Corporation PO Box 4292 New Windsor NY 12553	R1-5	PB
5955-19-744005	1164 North Ave Beacon NY 12508	Clas Lindman 1164 North Ave Beacon NY 12508	CB	CMS
5954-26-744995	1158 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-748987	1156 North Ave Beacon NY 12508	Charles W Smith Jr 1156 North Ave Beacon NY 12508	CB	CMS
5954-26-740983	1154 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-747977	134 Main Street Beacon NY 12508	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-757980	142 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-761984	144-146 Main Stree	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-765978	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

5954-27-768976	150 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
p/o 5954-27-774986 (See Fig. 1 - excluding the portion of the lot fronting on West Church Street)	152 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-773975	Main Street	284 Main Street Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-777974	160 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-781973	162 Main Street	Hose Company LLC	CB	CMS
5954-27-787978	7 Cross Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-788982	Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	CMS
5954-27-792985	9 Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	CMS
5954-27-793967	Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-798971	4 Cross Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

5954-27-802974	8 Cross Street	Jose R. Santiago Myriam Orrego 8 Cross Street Beacon NY 12508	CB	CMS
5954-27-799966	172 Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-805964	174-178 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
p/o 5954-27-813968 (See Fig. 1 - portion of lot fronting on Main Street)	180 Main Street	180 Main LLC 48 Angola Rd Cornwall NY 12518	CB	CMS
p/o 5954-27-813963 (See Fig. 1 - portion of lot fronting on Main Street)	182 Main Street	182 Main Street Beacon LLC 3169 Glendale Blvd Los Angeles CA 90039	CB	CMS
5954-27-811956	184 Main Street	Paul and Jennifer Yeaple 7 Mackin Avenue Beacon NY 12508	CB	CMS
5954-27-814954	186-190 Main Street	190 Main St Inc. PO Box 115 Lincolndale NY 10540	CB	CMS
5954-27-817951	192 Main Street	Landstar Properties LLC PO Box 321 Sparkill NY 10976	CB	CMS
p/o 5954-27-820961 (See Fig. 1 - southern half of lot nearest to Main Street)	5 Willow Street	Susan C. Battersby 1 Mountain Ln Beacon NY 12508	CB	CMS
5954-27-831951	6 Willow Street	Jonathan Halevah 6 Willow Street Beacon NY 12508	CB	CMS

5954-27-837945	5 Digger Phelps Ct	Richard F Benash Shelita Birchett 339 Roberts Ave Yonkers NY 10703	CB	CMS
5954-27-823922	217 Main Street	AMGC Corp 6405 Atlantic Ave Wildwood NJ 08260	CB	CMS
5954-27-821923	215 Main Street	Norbeh Hall Association Inc PO Box 149 Beacon NY 12508	CB	CMS
5954-27-819925	213-215 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS
5954-27-814929	201-211 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-809932	199 Main Street	Starlight Beacon West LLC 272 St. Johns Golf Dr St Augustine FL 32092	CB	CMS
5954-27-806934	193-195 Main Street	Lazarus Rising LLC 98 Smithtown Rd Fishkill NY 12524	CB	CMS
5954-27-805940	185 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-799935	6 Cliff Street	Willie L Reed Sr 6 Cliff Street Beacon NY 12508	CB	CMS
5954-27-797931	8 Cliff Street	Minerva Cabrera 8 Cliff Street Beacon NY 12508	CB	CMS

5954-27-790938	20 Commerce Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	CMS
5954-27-793942	5 Cliff Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	CMS
5954-27-798947	181-185 Main Street	Burrow 181 Main LLC 84 Bedford Street New York NY 10014	CB	CMS
5954-27-793946	179 Main Street	Coldfire Holdings LLC 219 Cedar Ln Ossining NY 10562	CB	CMS
5954-27-791947	177 Main Street	Frog Leap Inc 177 Main Street Beacon NY 12508	CB	CMS
5954-27-789948	175 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-786950	169-173 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-783953	167 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-782958	163-165 Main Street	Chase Property Mgmt LLC 110 Anderson Street Beacon NY 12508	CB	CMS
5954-27-778961	157-161 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS

5954-27-774961	153-155 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-776952	14 Commerce Street	Gerardo J Cervone 14 Commerce Street Beacon NY 12508	CB	CMS
5954-27-771961	Main Street	151 Main St LLC PO Box 910 Beacon NY 12508	CB	CMS
5954-27-768956	149 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-763957	145 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-758957	139 Main Street	Star of Bethlehem Baptist Church 139-141 Main Street Beacon NY 12508	CB	CMS
5954-27-757950	6 Commerce Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-753962	131-137 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749961	129 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749955	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

6054-29-026773	423-425 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-29-035764	427 Main Street	Beacon Court Associates Inc. 427 Main Street Beacon NY 12508	CB	CMS
6054-29-041761	433 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
6054-29-045758	443 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
6054-29-055758	445 Main Street	Beacon Main Street Theater LLC 484 Main Street Beacon NY 12508	CB	CMS
6054-29-059752	451 Main Street	Jon Car Inc. 451 Main Street Beacon NY 12508	CB	CMS
6054-27-061750	453 Main Street	Stuart and Donna Wilensky 14 Longview Ln Middletown NY 10941	CB	CMS
6054-37-063747	455-457 Main Street	Joseph and Nancy Condon 20 Grove Street Beacon NY 12508	CB	CMS
6054-37-062739	25 Van Nydeck Ave	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-37-073725	5 Tioronda Ave	John J Goodall Jr Mary Goodal 5 Tioronda Avenue Beacon NY 12508	CB	CMS

6054-37-068743	463 Main Street	Paul Quealey Anthony Fox 15 Saddlerock Dr Poughkeepsie NY 12603	CB	CMS
6054-37-071741	465 Main Street	465 Beacon Associates LLC 465 Main Street Beacon NY 12508	CB	CMS
6054-37-075738	469 Main Street	David Rich Paulette Myers-Rich 138 Grand Street New York NY 10013	CB	CMS
6054-37-077735	473 Main Street	Thomas L. Watkins Jr Sherry A Watkins 473 Main Street Beacon NY 12508	CB	CMS
6054-37-076730	475 Main Street	475 Main Street Beacon LLC 101 Castletown St Pleasantville NY 10570	CB	CMS
6054-37-084730	477 Main Street	Howland Center 477 Main Street Beacon NY 12508	CB	CMS
6054-37-091722	483 Main Street	Spanish Pentecostal Church PO Box 491 Beacon NY 12508	CB	CMS
6054-37-113729	493 Main Street	Verdi Boy Realty Group LLC PO Box 203 Hopewell Junction NY 12533	CB	CMS
6054-29-030795	390 Main Street	Beacon United LLC 284 Main Street Beacon NY 12508	CB	CMS

6054-29-034792	396 Main Street	Un-Locked LLC 35 Rombout Ave Beacon NY 12508	CB	CMS
6054-29-036791	398 Main Street	Benjamin Roosa 398 Main Street Beacon NY 12508	CB	CMS
6054-29-039788	Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-044784	404 Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-048780	412 Main Street	Hardy Homes LLC 5 Wodenethe Dr S Beacon NY 12508	CB	CMS
p/o 6054-29-056780 (See Fig. 1 - portion fronting on Main Street)	Main Street	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	CB	CMS
6054-29-056774	418 Main Street	EB 1 LLC 418 Main Street Beacon NY 12508	CB	CMS
p/o 6054-29-062771 (See Fig. 1 - portion fronting on Main Street)	424-428 Main Street	Beacon Main Real Estate Group 8 Belford Ln Beacon NY 12508	CB	CMS
p/o 6054-29-068768 (See Fig. 1)	432 Main Street	Neil E Vaughn 432 Main Street Beacon NY 12508	CB	CMS
6054-29-069762	436 Main Street	436 LLC 32 Cedar Street Dobbs Ferry NY 10522	CB	CMS

6054-29-074760	440 Main Street	Daniel Frasco 440 Main Street PO Box 936 Beacon NY 12508	CB	CMS
6054-29-075757	444 Main Street	Amarcord Inc 162 Main Street Cold Spring NY 10516	CB	CMS
6054-29-078756	446 Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
p/o 6054-29-086757 (See Fig. 1 - portion fronting on Main Street)	Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
6054-37-084750	456 Main Street	456 Main LLC 450 Alton Rd Miami Beach FL 331390	CB	CMS
6054-37-085749	458 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-087747	460 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-089746	462 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-090745	464 Main Street	Melissa Badger 91 E 3 rd Street New York NY 10003	CB	CMS
6054-37-092744	466 Main Street	Gritster LLC 466 Main Street Beacon NY 12508	CB	CMS

6054-37-094741	468-472 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-096740	472 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-097737	474-476 Main Street	474-476 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-37-100734	478-482 Main Street	Northview Restoration Corp 478 Main Street Beacon NY 12508	CB	CMS
6054-37-103737	484-488 Main Street	484 Main Street Realty 19 Garden Rd Harrison NY 10580	CB	CMS
6054-37-106741	490 Main Street	Matteawan On Main Inc 492 Main Street Beacon NY 12508	CB	CMS
6054-37-109744	498 Main Street	Rodney Weber 25 E Main Street Beacon NY 12508	CB	CMS
6054-37-117750	504 Main Street	500-504 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-29-121755	506-512 Main Street	Chestnut Management Inc PO Box 9136 Bardonia NY 10954	CB	CMS
6054-29-124758	516 Main Street	518 Main Street LLC 215 W 83 rd Street New York NY 100240	CB	CMS

6054-30-130765	520 Main Street	Red Cardinal Holdings LLC 451 Main Street Beacon NY 12508	CB	CMS
6054-30-127768	5 North Street	Bankers Trust Co of CA, Trustee 252 Seventh Ave New York NY 10001	CB	CMS
6054-29-124770	9 North Street	Ralph Marinaccio III 816 Route 52 Fishkill NY 125254	CB	CMS
6054-30-131773	528-534 Main Street	534 Main Street LLC 534 Main Street Beacon NY 12508	CB	CMS
6054-30-132779	Main Street	536 Main Street LLC 206 Milton Tpke Milton NY 12547	CB	CMS
p/o 6054-30-129788 (See Fig. 1 - portion fronting on Main Street)	544 Main Street	544 Main Street LLC 215 W 83 rd Street New York NY 10024	CB	CMS
6054-30-134791	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-30-136795	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS

Section 3. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 2 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6055-04-535128	Front Street Beacon, NY 12508	Beacon Hip Lofts LLC 16 Squadron Blvd. New City, NY 10956	LI	FCD
p/o 6054-37-096715 (See Fig. 2 - along east side of Tioronda Avenue between Wolcott Ave and South Ave)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI, LI	FCD
5954-16-910293	Tioronda Ave Rear Beacon, NY 12508	Scenic Hudson Land Trust, Inc. 1 Civic Center Plz Poughkeepsie, NY 12601	FCD	WP

Section 4. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 3 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
p/o 6054-37-096715 (See Fig. 3 - from Churchill Street to Wolcott Ave)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	GB
6054-37-037625	23-28 Creek Drive Beacon, NY 12508	City of Beacon 1 Municipal Plz. Beacon, NY 12508	LI	GB
p/o 6054-37-077707	12 Tioronda Avenue Beacon, NY 12508	Jude Builders Inc. P.O. Box 69 Beacon, NY 12508	HI	GB

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this

Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 6. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

Attachments: Figures 1, 2 and 3.

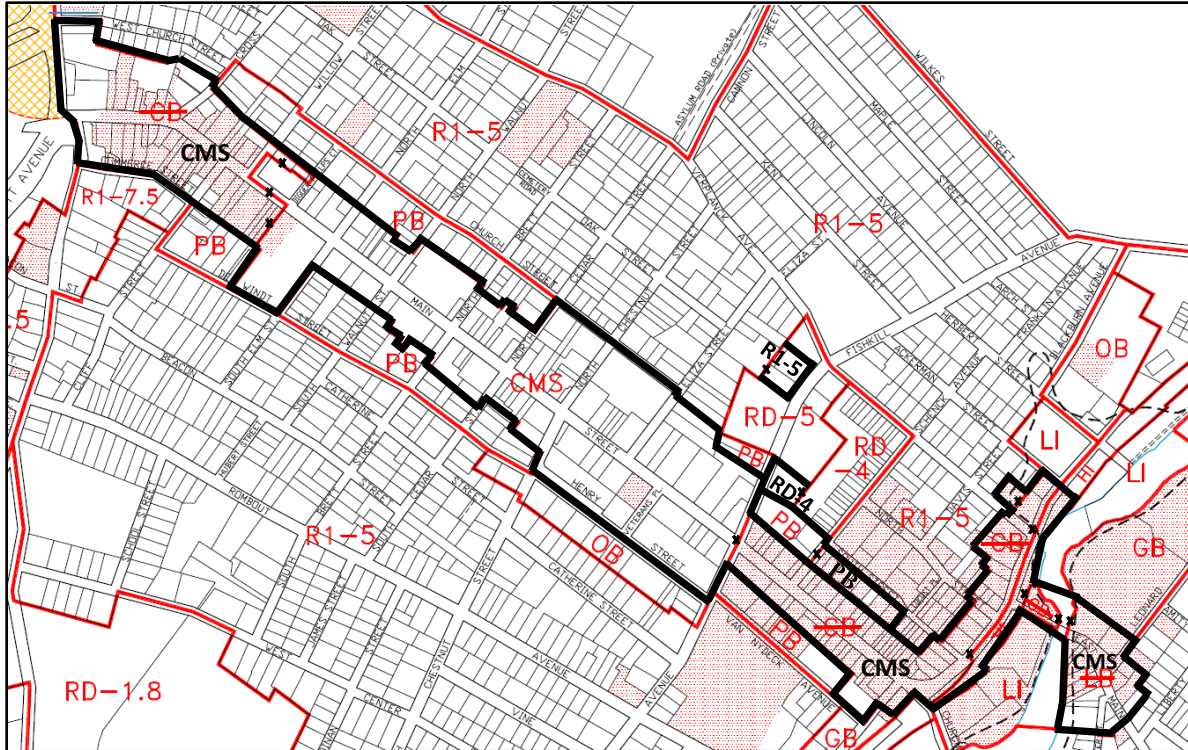


Figure 1: Central Main Street Area Proposed Map Changes

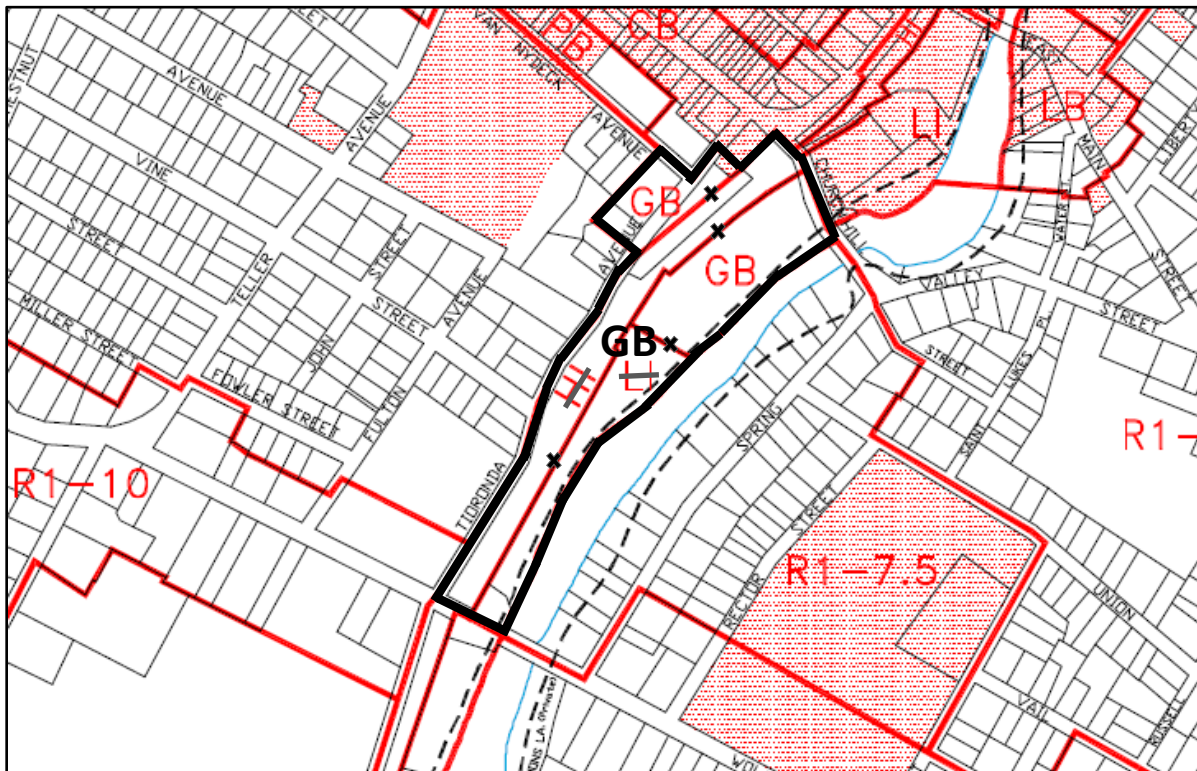


Figure 2: General Business Proposed Map Changes

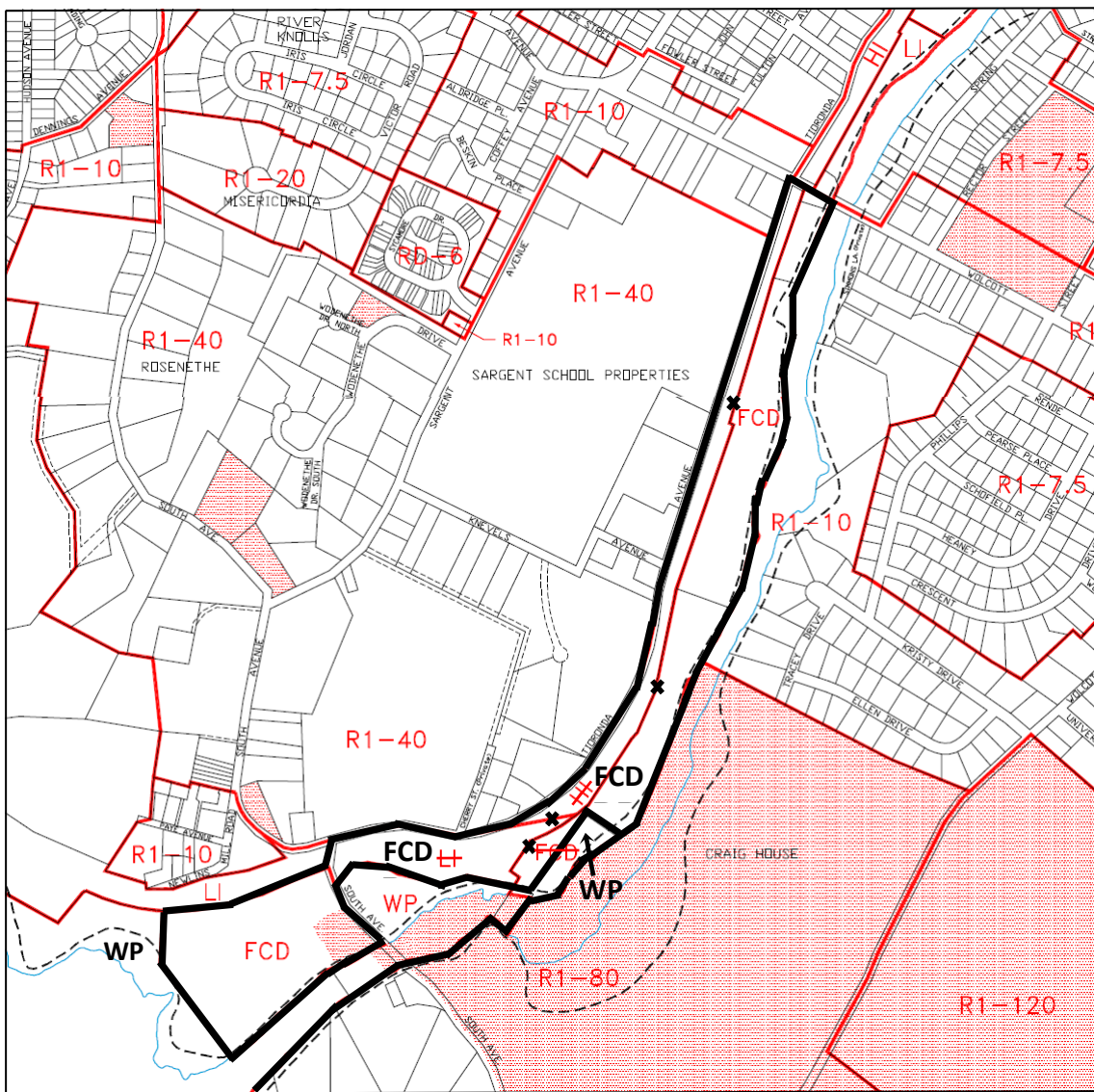
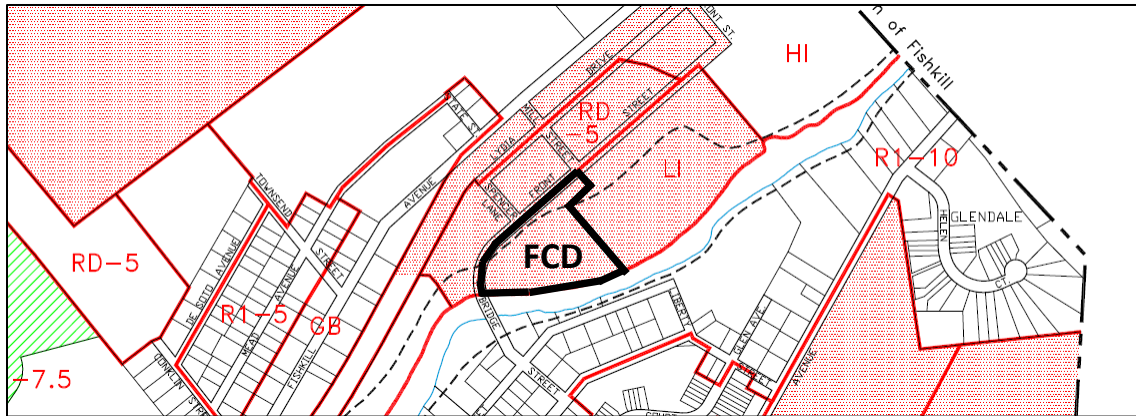


Figure 3: Fishkill Creek Development and Waterfront Park Proposed Map Changes

Dutchess County Department of Planning and Development		To _____	Date <u>12/8/17</u> # pgs <u>4</u>
		Dept _____	From _____
		Fax # _____	Phone # _____
239 Planning/Zoning Referral - Exemption Communities			
Municipality: <u>City of Beacon</u>			
Referring Agency: <input type="checkbox"/> Planning Board <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> Municipal Board			
Tax Parcel Number(s): <u>see attached</u>			
Project Name: <u>Comprehensive Plan Amendments & Rezoning</u>			
Applicant: <u>City Council</u>			
Address of Property: _____			
Parcel(s) within 500 feet of: <input checked="" type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property (w/public building or recreation area) <input checked="" type="checkbox"/> County Property (w/public building or recreation area) <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District	Actions Requiring 239 Review <input checked="" type="checkbox"/> Comprehensive/Master Plans <input type="checkbox"/> Zoning Amendments (standards, uses, definitions, district regulations, etc.) <input checked="" type="checkbox"/> Rezoning Involving all map changes <input type="checkbox"/> Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.) <input type="checkbox"/> Site Plans (all) <input type="checkbox"/> Special Permits for all non-residential uses <input type="checkbox"/> Use Variances for all non-residential uses <input type="checkbox"/> Area Variances for all non-residential uses	Exempt Actions* 239 Review is NOT Required <ul style="list-style-type: none"> • Administrative Amendments (fees, procedures, penalties, etc.) • Special Permits for residential uses (accessory apts, home occupations, etc.) • Use Variances for residential uses • Area Variances for residential uses • Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals • Subdivisions / Lot Line Adjustments • Interpretations 	
<div style="border: 1px solid black; padding: 2px; text-align: center; font-size: small;"> * Exempt Actions submitted for informal review </div>			
Date Response Requested (if less than 30 days): <u>Nov 20</u>			
If subject of a previous referral, please note County referral number(s): _____			

* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY			
Response from Dutchess County Department of Planning and Development			
No Comments: <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn <input type="checkbox"/> Exempt from 239 Review		Comments Attached: <input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County <input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: <u>11/8/17</u>	Date Received: <u>11/8/17</u>	Notes: <u>revised zoning map materials received 12/8.</u>	<input type="checkbox"/> Major Project
Date Requested: <u>11/20/17</u>	Referral #: <u>17-393</u>		
Date Required: <u>12/7/17</u>	Reviewer: <u>Jennifer Flowers</u>		
Date Response Faxed: _____			

Date required 12/8 per agreement.

Print Form

Resubmit

MARCUS J. MOLINARO
COUNTY EXECUTIVE



EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

December 8, 2017

To: City Council, City of Beacon

Re: Referral ZR17-393, Local Laws Amending Comprehensive Plan Update, Zoning Map, CMS and FCD District Regulations

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The City Council proposes to amend the Comprehensive Plan, Zoning Map, and CMS and FCD district regulations to be consistent with the general recommendations of the 2017 Comprehensive Plan.

COMMENTS

The City's proposed changes to the Comprehensive Plan Update involve several parcel-based adjustments to Sections 11 (Future Land Use Plan) and Section 12 (Zoning Implementation Plan), as well as zoning text amendments. So that our records are up-to-date, we ask that the City forward any adopted changes to our department.

Fishkill Creek Development (FCD) District

We are pleased to see the regulations have been revised to eliminate the "double-approval" (Concept Plan and Special Permit) to only require a Concept Plan by the City Council for Fishkill Creek Development projects. Site plan approval would be necessary from the Planning Board. Given that the regulations incorporate numerous performance standards for Concept Plan approval and annotated illustrative examples of design standards, the City will have clear guidance to ensure new development is consistent with the Comprehensive Plan and the City's vision.

Regarding Section 223-41.14 Bulk Regulations, a proposed change would *mandate* 25% of the total development's floor area be dedicated to nonresidential uses. This could be substantial. This district is not along the central main street commercial corridor, but is instead, located in an area that the comprehensive plan has deemed "sensitive" as it lies adjacent to the Creek. As several other districts in areas closer to the central main street can be redeveloped with nonresidential uses, we suggest that the *mandate* of non-residential uses be removed. In addition, the residential density calculation is proposed to be revised to remove environmentally constrained land (slopes over 20%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland) from the density equation. We have not analyzed land in the proposed FCD to find out the development potential, however, given that the City has adopted design standards for the FCD, and those standards are mandatory, we would argue that as long as those standards are followed, the density calculation is irrelevant.

Referral 17-393 Beacon Local Laws Amending Comprehensive Plan, Zoning Map, CMS and FCD Regulations; page 2/3

Section 223-41.13(l)(3)(b) Fishkill Creek Design standards states, "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." This subsection is confusing. Which historical patterns should be followed? What happens when a new building is located near an older 1-story building when a three-story historic building was taken down previously? We would support the redevelopment of Beacon's true historic past, and not the unfortunate period of urban renewal.

Regarding the rezoning of Parcel# 6055-04-535126; Beacon Hip Lofts: There is a discrepancy in the documents submitted for our review. The parcel is proposed to be changed from LI to FCD on the Zoning Map, but on the Comprehensive Plan amendment (5th paragraph) it states that the parcel is to remain in the LI.

Central Main Street (CMS) District

Section 223-41.18(B)(1)(b) is proposed to be modified to reduce the maximum possible height of a building. Under current regulations, it is possible to obtain a (partial) 5th story (which must be stepped back at least 15 feet behind the façade above the fourth story) for buildings on the north side of Main Street. In addition, this option included the provision that 15% of its residential units (and not less than 5 units) were to be designated as below-market rate housing and/or at least 15% of the street level lot area adjacent to Main Street is available for public use. The proposed amendment eliminates the possibility of a partial 5th floor and the associated requirement of affordable housing and/or provision for public space. We urge the Council to reconsider the elimination of this provision. The partial 5th story is not a *requirement*, a property owner must obtain a special use permit, and that can only be granted upon a finding by the Planning Board that there will be no detrimental effect on parking, traffic, shadows, or specific views. Allowing the provision may help in securing affordable units.

Section 223-41.18 (A)(1)&(2) restricts residential units from fronting Main and East Main Streets. We generally agree with this principle as breaks in storefronts (1st floor residential uses, parking lots, etc.) have negative impacts on commercial districts. However, we question whether it may be useful, in some instances, to permit some first floor residential uses if such occupancy results in the preservation of the structure. We would anticipate instances where building owners may need time to rehabilitate their structures and having income from first-floor residential units would help them achieve their goals.

Section 223-41.18(B)(1)(b) Regulations, refers to "specific views designated as important by the City Council." The comprehensive plan (page 106) and the LWRP (page 25) list these locations. These documents should be referenced in the code so that users can readily find them.

Comp Plan Amendment: Regarding Parcels# 6054-38-174726 (East Main Street) and 6054-38-167716 (5 Water Street), that are proposed to be rezoned from CB to CMS; we were unable to locate them using Parcel Access or the listed address.

Referral 17-393 Beacon Local Laws Amending Comprehensive Plan, Zoning Map, CMS and FCD Regulations; page 3/3

The CMS District has reduced parking requirements, which we support. However, considering the proposed expansion of the district, we suggest the City proactively plan for strategically-located small municipal or shared lots in order to ensure the continued walkability of Beacon, with the provision of convenient parking.

Approved Projects

The proposed amendment does not address approved projects or projects under review with regard to potential map/text changes. We would anticipate that approved projects that have undergone public review would be allowed to proceed with construction.

Definitions

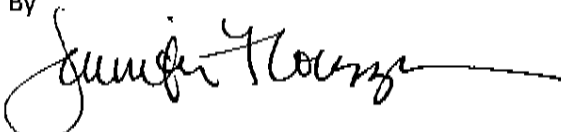
As always, we encourage municipal boards to review the list of definitions in their zoning code to make sure that they are up to date, and that definitions are provided for new uses listed. We note that "exercise studios" are being added to the list of allowed uses in the FCD district, but a corresponding definition is not proposed.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner

By



Jennifer F. Cocozza
Deputy Commissioner

City of Beacon Workshop Agenda
12/11/2017

Title:

Creek Drive RFP

Subject:

Background:

City of Beacon Workshop Agenda
12/11/2017

Title:

Tree Code

Subject:

Background:

ATTACHMENTS:

Description	Type
Chapter 204: Sand and Gravel Excavation & Tree Removal	Backup Material

§ 204-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXCAVATION or GRADING — Excavation or grading by blasting or by use of power-assisted machinery or equipment.

SLASHING OF TREES — The cutting, grubbing or other removal of any three or more live trees in any calendar year, when such trees are located within less than 100 feet of each other and have a caliper of six inches or more at height of three feet above ground.

§ 204-2. Regulated activities: temporary permit.

On any lot, excavation, grading or removal of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind; and slashing of trees are activities regulated under this chapter and are permitted only under a temporary permit granted by the City Engineer under §§ 204-3 through 204-9 or as one of the exemptions hereinafter specified. Within 20 days after the City Engineer has granted a temporary permit under this chapter, the City Council may, at its discretion, approve, modify and approve or disapprove the temporary permit. Any failure by the City Council to take action within said twenty-day period shall be deemed to be an approval by the City Council.

§ 204-3. Application for temporary permit.

Before any temporary permit shall be granted, a written application shall be submitted to the City Engineer, together with an application fee in accordance with the City of Beacon Fee Schedule and maps and plans, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the following:

- A. The area to be excavated.
- B. Existing contour lines on the premises and proposed contour lines resulting from the intended excavation or removal, shown on a map drawn to a scale of not less than 100 feet to the inch and with a contour interval not to exceed two feet.
- C. Existing and proposed drainage on the premises.
- D. Existing rivers, streams or watercourses on or adjacent to the premises.
- E. Adjoining properties and streets.

- F. Proposed truck access to the property.
- G. Such additional information as the City Engineer may deem necessary in order to decide upon such application.

§ 204-4. Criteria for issuance of temporary permit.

The City Engineer may grant a temporary permit for a limited period of time, not exceeding two years, if he or she shall find that such excavation will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values nor create any drainage or sewerage problems or other conditions which would impair the use of the property, in accordance with the Zoning Ordinance,¹ and that such excavation will be in harmony with the general purpose and intent of the Zoning Ordinance, and if the City Engineer further finds that the temporary permit to be granted is capable of being completed within the time provided in the permit.

§ 204-5. Standards and conditions for issuance.

A temporary permit shall be granted only subject to the following standards and conditions:

- A. That the premises shall be excavated and graded in conformity with the proposed contour plan, as approved.
- B. That slopes shall not exceed 30° to the horizontal or such lesser slope that the City Council may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation.
- C. That no fixed machinery shall be erected or maintained in connection with the excavation and that no building shall be erected on the premises except temporary shelters for machinery and a field office.
- D. That there shall be no excavation or removal within 50 feet of any street or property line, except that, where the property to be excavated is considerably above street grade at the street line, removal may take place at a lesser distance from the street line if approved by the City Engineer.
- E. That there shall be no sharp declivities, pits or depressions and that proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.

1. Editor's Note: See Ch. 223, Zoning.

- F. That after excavation or removal, the premises shall be cleared of debris within the time provided in the permit.
- G. That the top layer of arable soil for a depth of six inches shall be set aside and retained on the premises and shall be respread over the premises and that a suitable ground cover shall be planted and grown to an erosion-resistant condition, upon the completion of the excavation or removal, in accordance with the approved contour lines, and that such work shall be completed within the time provided for in the permit.
- H. If required by the City Engineer, that the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height and location as the City Engineer may specify.
- I. That the City Engineer may establish a schedule to be filed with the records of such application and temporary permit showing limitations on the day of the week or the hours of the day during which any work may be performed on the premises; limitations as to the size and type of machinery to be used on the premises; place and manner of disposal of excavated material; and requirements as to the control of dust, noise and lighting, if permitted, so as to prevent results injurious or offensive to the general public.
- J. That the City Engineer may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the status and progress of the excavation, and may require the applicant to pay to the City an inspection fee in an amount deemed necessary by the City Engineer to defray the cost of inspection of the operation.

§ 204-6. Performance bond.

The applicant shall file with the City Clerk a performance bond, in form and with surety acceptable to the City Council, in such amount as the City Engineer may deem sufficient to insure the faithful performance of the work to be undertaken.

§ 204-7. Revocation or suspension of temporary permits.

Any temporary permit issued pursuant to the provisions of this chapter may be revoked by the City Engineer, after notice, in writing, and a hearing, for violation of any conditions of the temporary permit; violation of any provision of this chapter, or any other law or other regulation relating to the work permitted; or the existence of any

condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another.

- A. Notice. The notice shall describe the violation charged and may be either delivered personally or mailed postage prepaid to the address appearing on the application.
- B. Suspension. Any temporary permit may be suspended for cause by the Building Inspector for a period not exceeding five days without a hearing. All work under any special permit shall be suspended following notice of hearing to revoke as provided for in this section.

§ 204-8. Exemptions.

A temporary permit is not required for conduct of one or more of the aforesaid regulated activities in the following cases, provided that the activity is conducted and completed in such a manner as to cause no danger to the public health and safety and no stagnant water, soil erosion, sedimentation, water pollution, excessive drainage runoff or flooding problems:

- A. In connection with the grading of land in or the construction and installation of roads, drainage and other improvements in a subdivision plat granted final approval by the Planning Board and only in accordance with plans as approved by the Planning Board.
- B. In connection with the construction, reconstruction, enlargement, moving or structural alteration of a building or other structure, including construction and installation of site improvements related thereto, for which an application for a certificate of occupancy and/or building permit shall have been approved by the Building Inspector, and only in accordance with plans accompanying such approved application or permit.
- C. In connection with a bona fide farming or forest management operation.
- D. In connection with a bona fide landscaping or other site improvement on a lot, provided that no fill is deposited within a watercourse, water body, swamp or other wetlands, and provided that disturbed areas are properly graded and reseeded or otherwise planted.

§ 204-9. Penalties for offenses.

Any person who shall violate any provision of this chapter shall be liable to a fine of not more than \$250 or imprisonment for not exceeding 15 days, or both such fine and imprisonment.

City of Beacon Workshop Agenda
12/11/2017

Title:

Driveway Permits

Subject:

Background:

ATTACHMENTS:

Description	Type
City Code 195-24 Lots and driveways	Backup Material

§ 195-24. Lots and driveways.

- A. Lot and driveway arrangement. The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning chapter,¹ and the County Health Department regulations, and in providing driveway access to buildings on such lots from an approved street or private road in compliance with the driveway requirements of the Zoning chapter. Subject to the provision of access easements and a maintenance declaration or agreement suitable to the City Attorney, which documents shall be filed with the deeds to the subject lots, the Planning Board may approve the use of a common driveway for a maximum of two lots, if the Board determines that the use of said common driveway is more beneficial to the safety, welfare or convenience of the proposed users of the driveway and/or the people of the City in general than would be the case with separate driveways.
- B. Lot dimensions.
- (1) Except as provided elsewhere in this chapter or otherwise permitted by the City Council, lot area and dimensions shall comply with at least the minimum standards of the Zoning chapter for the district in which they are located. Where lots are more than double the minimum required area, the Planning Board may require that they be arranged so as to allow for further subdivision and the opening of future streets where necessary to serve such potential lots, all in compliance with the Zoning chapter and this chapter. Where, in the opinion of the Planning Board, lots of larger than minimum size are required for purposes of proper drainage, water supply, waste disposal, or the preservation of important ecological features, the Board may require such oversized lots as a condition of plat approval.
 - (2) Side lot lines shall generally be at right angles to street or private road lines (or radial to curving street or private road lines) unless the Planning Board allows a variation from this rule to give a better street, private road or lot arrangement. Dimensions of corner lots shall be large enough to allow for erection of buildings observing the minimum front yard setback from both streets or private roads.

1. Editor's Note: See Ch. 223, Zoning.

- (3) Where a proposed subdivision includes an existing residence larger in size than can appropriately be placed on a lot of the minimum size permitted in the zoning district, the Planning Board may require:
 - (a) That the lot be of such size and relationship to the proposed street or private road system that the structure will be an appropriate and harmonious part of the subdivision; and
 - (b) Restrictions such that the lot not be resubdivided in the future.
- C. Access from major and collector streets. Lots shall not, in general, derive access from a major or collector street, but shall front on a minor interior street or private road. Where driveway access from a major or collector street may be necessary for two adjoining lots, the Planning Board may require that such lots be served by a common access drive in order to limit the possible traffic hazard on such street. Any such driveways, where permitted, shall be designed in such a way as to provide adequate and convenient area for the turnaround of vehicles so as to avoid requiring them to back into traffic on such streets and private roads.
- D. Double frontage lots. Lots fronting on two streets or private roads, other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from major or collector streets, or to overcome problems of topography or orientation. The Planning Board may require access limitation and/or buffer landscaping for such double frontage lots where the Board determines that such measures would be appropriate.
- E. Water bodies. If a subdivision contains a water body, or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of the adjacent lots, unless the Planning Board approves an alternate plan whereby the ownership of and responsibility for the safety of the water body is so placed that it will not become a City responsibility.
- F. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street or private road by which it has access, provision shall be made for the installation of a bridge, culvert or other drainage facility of a design approved by the Planning Board based upon recommendation of the City

Engineer, to provide satisfactory access across such watercourse for fire, police and other emergency equipment.

G. Subdivisions with land in two or more zoning districts or municipalities.

- (1) In general, a lot should not be divided by a zoning district or municipal boundary. If it is, however, necessary for a zoning district boundary to cross a lot, such lot shall be designed so that it can be readily developed in accordance with the standards of the more restrictive zoning district. If it is necessary for a municipal boundary line to cross a lot, the Planning Board may require suitable legal agreements to assure that the two portions of the lot will not be separated in the future and that the portion of the lot in the adjoining municipality will not be used for any purpose that would make it nonconforming if the entire lot were located within the City of Beacon.
- (2) Whenever a subdivision includes land in two or more zoning districts and/or municipalities, the location of the zoning district and/or municipal boundary line shall be shown on the plat and, in addition, where zoning boundaries are involved, the following notation shall be added: "Existing zoning boundaries as of _____, 20 ____."

H. Driveways.

- (1) The developer and/or owner shall design and construct all driveways within the limits of the right-of-way with sufficient sight distance and with a grade of no more than one-half inch per foot from the curbline or edge of roadway pavement to a point 20 feet from the curbline or edge of roadway pavement. The minimum width of the driveway pavement at the curb or street line shall be 14 feet, tapering to a minimum of 10 feet at the right-of-way line.
- (2) All driveways shall be graded to the satisfaction of the Street Superintendent and City Engineer prior to the surfacing of such driveways.
- (3) The driveway surface shall be constructed of a dust-free surface material and shall be six inches in depth.

I. Common driveways.

- (1) The developer and/or owner shall design and construct all common driveways within the limits of the right-of-way with

sufficient sight distance and with a grade of no more than one-half inch per foot from the curbline or edge of roadway pavement to a point 20 feet from the curbline or edge of roadway pavement. The minimum width of the driveway pavement at the curbline or street line shall be 16 feet. At locations where individual driveways branch off from the common driveway, these driveways shall be a minimum of 10 feet in width.

- (2) All common driveways shall be graded to the satisfaction of the Street Superintendent and City Engineer prior to the surfacing of such driveways.
- (3) The common driveway surface shall be constructed of a dust-free surface material and shall be six inches in depth.
- (4) Common driveways shall be permitted in residential districts when approved by the Planning Board. In determining the appropriateness of a common driveway, the Planning Board shall consider whether it will minimize adverse environmental effects on the site, the length of the road, overall density, proposed offset of driveways, road grades and center line radius, setback requirements, and all other generally accepted planning standards.

City of Beacon Workshop Agenda
12/11/2017

Title:

Appointments

Subject:

Background:

City of Beacon Workshop Agenda
12/11/2017

Title:

Executive Session

Subject:

Background:

ATTACHMENTS:

Description	Type
Executive Session Documents	Backup Material

City of Beacon Workshop Agenda
12/11/2017

Title:

SPCA Agreement

Subject:

Background:

ATTACHMENTS:

Description
SPCA agreement

Type
Backup Material



**CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2016**

**RESOLUTION TO AUTHORIZE THE RENEWAL OF AN AGREEMENT
WITH DUTCHESS COUNTY SPCA FOR THE HOUSING OF DOGS
IN THE CITY OF BEACON**

WHEREAS, the City of Beacon currently contracts with the Dutchess County SPCA for the care and shelter of dogs seized by the Beacon Dog Control Officer in the City of Beacon; and

WHEREAS, such agreement is due to expire December 31, 2016; and

WHEREAS, it is in the best interest of the City of Beacon to renew such agreement with the Dutchess County SPCA for 2017; and

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to execute the renewal agreement with Dutchess County SPCA.

Resolution No. _____ of 2016			Date: _____ 2016				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ross, Peggy					
		Kelly, Charles P.					
		Wetherbee, Pamela					
		Muhammad, Ali T.					
		Kyriacou, Lee					
		Mansfield, George					
		Mayor Randy J. Casale					
		Motion Carried					



636 Violet Avenue
Hyde Park, NY 12538
845-452-SPCA
www.dcsPCA.org

October 12, 2016

City of Beacon
Randy Casale, Mayor
1 Municipal Plaza
Beacon, NY 12508

Dear Mr. Casale:

Enclosed please find two copies of the contract for our Dog Housing/Boarding services for the upcoming calendar year of 2017.

As you will notice, the contract is for the same services as 2016 and the costs remain unchanged. Please return the approved contracts to me for signature. We will then send a copy of the fully executed contract back to you.

Please feel free to contact me should you need any additional information. I may be reached at 845-452-7722 x 410 or by email at donna.angiolillo@dcsPCA.org. Thank you for your assistance with this matter. I look forward to hearing back from you soon.

Sincerely,

Donna Angiolillo
Executive Director

DOG CONTROL HOUSING AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2016, by and between

DUTCHESS COUNTY SPCA,

a New York Not-For- Profit Corporation

having an address of 636 Violet Avenue, Hyde Park, New York 12538

Hereinafter referred to as “DCSPCA”

and

CITY OF BEACON,

a municipal corporation

Hereinafter referred to as the “CITY”

WHEREAS, the CITY OF BEACON Dog Control Officer, hereinafter referred to the “DCO”, is empowered to seize dogs pursuant to the provisions of Agriculture and Markets Law Article 7, §117; and

WHEREAS, this Agreement applies only to dog(s) seized by the DCO that are running at large; and

WHEREAS, pursuant to Agriculture and Markets Law Article 7, §117, dogs seized by a DCO are required to be properly fed and watered during the applicable redemption period; and

WHEREAS, DCSPCA maintains a kennel for boarding dogs and other animals at its office located at 636 Violet Avenue, Hyde Park, New York, 12538; and

WHEREAS, the CITY wishes to contract with DCSPCA to provide shelter for dogs seized by the DCO upon terms and conditions hereinafter set forth.

NOW, THEREFORE, it is hereby agreed by and between DCSPCA and the CITY as follows:

- 1) RECITATION INCORPORATED:** These recitations above set forth are incorporated in this Agreement as if fully set forth and recited herein.
- 2) TERM OF AGREEMENT:** This agreement shall be become effective January 1, 2017 and shall continue until December 31, 2017.

3) BOARDING: DCSPCA hereby agrees to provide boarding, which included shelter, food and water, as required by the Law for the following dogs:

- a) Any/all dogs running at large (stray) seized by the DCO as outlined by the Agriculture and Markets Law Article 7, §117(1) & (2); and
- b) Any/all dogs who have been seized by a court order pending a “dangerous dog” hearing, as outlined by the Agriculture and Markets Law Article 7, §123(2).

All dogs seized by the DCO shall be delivered to the offices of DCSPCA at 636 Violet Avenue, Hyde Park, New York 12538.

4) HOLDING PERIOD: In order to provide the owners a reasonable time period in which to reclaim their seized dog, the DCSPCA and the CITY agree to the following:

- a) For dogs running at large (strays):
 - i) Dogs that are not appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(4), will be held for seven (7) days from the date they enter the shelter;
 - ii) Dogs that are appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(6), will be held for eleven (11) days from the date they enter the shelter. The CITY is responsible for notifying the owner of the seizure, as per the Agriculture and Markets Law Article 7, §117(6).
 - iii) Upon expiration of the above stated holding periods, any and all dogs that have not been reclaimed by their owner, will become the property of the DCSPCA, as outlined by the Agriculture and Markets Law Article 7, §117 (7-a).
- b) For dogs seized under a court order pending a “dangerous dog hearing”, as outlined by the Agriculture and Markets Law Article 7, §123(2) as per :
 - Dogs will be held until final disposition by the court OR a maximum of fourteen (14) days, whichever comes first. If the final hearing has not been held by the end of the fourteenth day, the CITY will be responsible to make alternate arrangements housing of such dogs. The DCSPCA may consider continued housing on a case by case basis to be negotiated with the CITY.
- c) Unclaimed dogs will be evaluated by the DCSPCA staff to determine if a dog’s disposition and temperament will enable it to be adopted. If the dog is determined to be adoptable, it will be placed for adoption by the DCSPCA. If the dog is determined to not be adoptable, the DCSPCA will determine the best options for the dog. The DCSPCA reserves the right to handle the final disposition of dogs determined to be unadoptable within the Mission Statement of the DCSPCA.

- 5) **RABIES VACCINATION:** As outlined by the Agriculture and Markets Law Article 7, §109(1)(a), for all dogs that are to be reclaimed, the owner must provide proof of CITY license, including proof of rabies vaccination. As such, the DCSPCA will not release any dog to its owner without proof of current CITY license and rabies vaccination. In the event that the dog is not up-to-date on its rabies vaccine and/or the owner is unable to provide proof of such vaccine to the CITY, the DCSPCA will administer a rabies vaccine to the dog prior to redemption and will charge the owner for the cost of this service.
- 6) **EMERGENCY VETERINARY CARE:** In the event that a dog that is boarded is determined, by best judgment of the DCSPCA medical staff, to be in need of emergency veterinary care, the DCSPCA will arrange medical care for the dog. The CITY will be charged for the veterinary fees as incurred by the DCSPCA only in the event the dog is not redeemed by the owner. The CITY shall have the right to recoup the fees from the owner.
- 7) **FEES:**
- a) Boarding:
- i) The DCSPCA boarding fee is \$40.00 per day. The first day is charged upon admission to the shelter and each subsequent day is calculated upon the dog being on the DCSPCA property at 12:00 am each day.
 - ii) For dogs that are reclaimed by their owner, the owner will be required to pay the boarding fee directly to the DCSPCA. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
 - iii) For dogs that are not reclaimed by the owner, the DCSPCA will invoice the CITY for the boarding fee.
 - iv) For dogs that have been seized due to running at large and have been previous deemed a “dangerous dog” by order from a Court of competent jurisdiction AND dogs that have been seized by court order pending a dangerous dog hearing, there will be fee of \$150.00 in addition to any and all daily boarding fees.
- b) Rabies Vaccination:
- i) The fee for a rabies vaccine is \$25.00
 - ii) For dogs that are reclaimed by their owner, the owner will be required to pay the vaccine fee directly to the DCSPCA. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
 - iii) For dogs that are not reclaimed by the owner, the CITY will not be billed for the rabies vaccine.

c) Emergency Veterinary Care

- i) For services provided by the DCSPCA medial team, the DCSPCA usual and customary fees will be applied.
- ii) For care that requires services from a community-based veterinarian, the actual fee from the veterinarian will be applied. The DCSPCA will make the determination of which community-based veterinarian will be utilized.
- iii) For dogs that are reclaimed by their owner, the owner will be required to pay the medical care fees directly to the DCSPCA. If an owner is unable or unwilling to pay these fees within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
- iv) For dogs that are not reclaimed by the owner, the CITY will be billed for the medical care fees. The CITY shall have the right to recoup the fees from the owner.

8) RECLAIM/REDEMPTION OF DOGS: In an effort to simplify the billing process for both the DCSPCA and the CITY, both parties agree that for those cases in which the owner wants to reclaim their dog, the owner must pay any and all CITY fees/fines directly to the CITY and directly pay any and all DCSPCA fees directly to the DCSPCA. As such, the following process will be employed:

- a) All owners will be informed by the CITY and/or the DCSPCA of the necessary documentation and fees to be paid in order to reclaim their dog as well as the process to accomplish this task.
- b) Upon payment of the CITY fee, the CITY will issue a copy of the Agriculture and Markets Department Form DL-18 (or comparable form) to the dog owner or designee, which will evidence that the CITY has received all CITY reclaim/redemption fees. The owner will be instructed to present this documentation to the DCSPCA to reclaim their dog. Additionally, they will be informed of the need to pay the boarding and other applicable fees directly to the DCSPCA upon reclaiming their dog.
- c) The DCSPCA shall be available to process reclaims of dogs at its office on the following days:
 - i) Monday thru Friday: 8:00 am to 4:00 pm.
 - ii) Saturday and Sunday: 12:00 pm to 4:00 pm
 - iii) Dogs may not be reclaimed on observed holidays

9) KENNEL SPACE: At all times, the DCSPCA will provide kennel space for all dogs that are seized; the Dog Control DCO will have twenty-four (24) hour access to DCSPCA kennels for the delivery of dogs. The DCO will be required to complete DCSPCA paperwork and ensure that the dog has food, water and bedding in its kennel.

- 10) INDEMNIFICATION:** The DCSPCA shall defend, indemnify and hold the CITY, its officials, officers and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions of the DCSPCA. The CITY shall defend and indemnify and hold the DCSPCA, its officials, officers and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful acts or admissions of the CITY.
- 11) APPLICABLE LAW:** This Agreement shall be governed by, construed and enforced in accordance with the laws of New York with regard to conflicts of laws and principles of law.
- 12) WAIVER:** No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by the party waiving such breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for repetition of such or any other breach unless the waiver shall specifically include the same.
- 13) MODIFICATION:** This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
- 14) NOTICES:** All notices, demands, requests, consents, approvals or other communications (for the purpose of this paragraph collectively called "Notices") required or permitted to be given hereunder to any party to this Agreement shall be in writing and shall be sent overnight delivery service or registered or certified mail, return receipt requested, postage prepaid.
- 15) SUCCESSORS and ASSIGNS:** This Agreement shall apply to bind the successors and heirs, administrators and executor of the parties hereto.
- 16) ENTIRE AGREEMENT:** This written Agreement, when signed by all parties, forms the entire Agreement between the parties and replaces and supersedes all prior Agreements or undertakings between the parties, if any.
- 17) BINDING EFFECT:** This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties hereto.
- 18) AUTHORIZATION:** This Agreement was authorized by Resolution of the Board of the CITY OF BEACON duly adopted at a regular meeting of the Board held on the _____ day of _____, _____.

19) TERMS: This contract can be cancelled at any time from either party with sixty (60) days written notice.

20) PAYMENT: All bills submitted to the CITY will be paid within sixty (60) days. If no payment is made to the DCSPCA within sixty (60) days the DCSPCA reserves the right to charge a \$50.00 per month surcharge.

IN WITNESS WHEREOF, the parties have executed this Agreement in two (2) counter parts, each of which shall constitute an original, the day and year first above written.

DUTCHESS COUNTY SPCA

By: _____
Donna Angiolillo, Executive Director

CITY OF BEACON

By: _____
Randy Casale, Mayor