



CITY OF BEACON
One Municipal Plaza
Beacon, New York 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

November 6, 2017
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

Public Hearings:

- Local Law to Amend Chapter 211 of the City Code Regarding Parking on Leonard Street and Traffic Safety Concerns on Herbert Avenue
- Local Law to Amend Chapter 211 of the City Code Regarding Street Closings for Special Events

Reports:

- Council Member Ali Muhammad
- Council Member Omar Harper
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Pam Wetherbee
- Council Member Peggy Ross
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

Local Laws and Resolutions:

1. Resolution to Adopt a Local Law Amending Chapter 211 of the City Code Regarding Parking on Leonard Street and Safety Concerns on Herbert Avenue
2. Resolution to Adopt the Local Law Amending Chapter 211 of the City Code Regarding Street Closings for Special Events
3. Resolution Appointing John Gunn to the Zoning Board of Appeals
4. Resolution to Schedule a Public Hearing for November 20, 2017 to Receive Comments on the Proposed Amendments to the Zoning Code, the Zoning Map and the Comp Plan
- 5.

Resolution to Schedule a Public Hearing for November 20, 2017 to Receive Comment on a Local Law to Amend Chapter 223 to Permit Retail Sales from a Truck or Trailer in the Linkage Zoning District by Special Permit

6. Resolution to Approve an Intermunicipal Agreement for the JFire Program

Approval of Minutes:

- Minutes of Oct. 16 City Council Meeting

2nd Opportunity for Public Comments:

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

Adjournment:

City of Beacon Council Agenda
11/6/2017

Title:

Local Law to Amend Chapter 211 of the City Code Regarding Parking on Leonard Street and Traffic Safety Concerns on Herbert Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Parking and Stop Signs	Local Law

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 211 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 211, concerning parking on Leonard Street and traffic safety concerns on Herbert Avenue.

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

Section 1. Chapter 211, Section 10, Subsection B of the Code of the City of Beacon entitled “Stop intersections” is hereby amended as follows:

§ 211-10. Stop intersections.

B. Schedule VII: Stop Intersections. In accordance with the provisions of Subsection A, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
Bank Street	--	West Main Street
Beacon Street	Both	Cliff Street
Beacon Street	Both	South Avenue
Beacon Street	Both	South Brett Street
<u>Blackburn Avenue</u>	<u>South</u>	<u>Herbert Street</u>
Bridge Street	East	Wilson Street
Catherine Street	Both	South Cedar Street

Church Street	Both	North Brett Street
Church Street	Both	North Elm Street
Church Street	East	Eliza Street
Church Street	West	Willow Street
Cliff Street	Both	Beacon Street
Cliff Street	South	Rombout Avenue
Coffey Avenue	--	Beskin Place
Cottage Place	North	Church Street
Cross Street	Both	Deerfield Place
Cross Street	Both	Orchard Place
Cross Street	Both	Silvers Place
Cross Street	Both	Verplanck Avenue
Cross Street	Both	Wilkes Street
Davidson Street	--	DePuyster Avenue
Davies Avenue	North	South Avenue
Delavan Avenue	South	Fishkill Avenue
Delavan Avenue	South	Highland Hospital access road
Dennings Avenue	South	Hudson Avenue
DePuyster Avenue	South	East Main Street
DePuyster Avenue	North	Washington Avenue
DeWindt Street	Both	South Brett Street
Dinan Street	Both	West Center Street
Dutchess Terrace	South	Talbot Avenue
Dutchess Terrace	South	Verplanck Avenue
East Main Street	East	Spring Valley Street

East Main Street	Both	Howland Avenue and DePuyster Avenue
East Main Street	West	Washington Avenue
East Willow Street	--	Orchard Place
Eliza Street	South	Church Street
Grace Street	South	Washington Avenue
Henry Street	East	Teller Avenue
<u>Herbert Street</u>	<u>Both</u>	<u>Blackburn Avenue</u>
High Goal Lane	South	Slocum Road
Howland Avenue	North	East Main Street
Liberty Street	--	Washington Avenue
Main Street	South	Herbert Street
Matteawan Road	Both	Main driveway to Rombout Middle School
Matteawan Road	Both	Wilkes Street
Matteawan Road	South	Verplanck Avenue
North Brett Street	Both	Church Street
North Cedar Street	Both	Church Street
North Cedar Street	North	Verplanck Avenue
North Chestnut Street	Both	Church Street
North Elm Street	Both	Church Street
North Elm Street	Both	Verplanck Avenue
North Elm Street	South	Oak Street
North Walnut Street	Both	Church Street
North Walnut Street	Both	Verplanck Avenue
North Walnut Street	Both	Wilkes Street

Oak Street	Both	North Chestnut Street
Oak Street	Both	North Elm Street
Oak Street	Both	Willow Street
Orchard Place	--	East Willow Street
Orchard Place	--	West Willow Street
Phillips Street	Both	Wolcott Avenue
Phillips Street	North	Union Street
Prospect Street	North	Union Street
Prospect Street	Northeast	Alice Street
Rende Drive	West	Phillips Street
River Street	--	West Main Street
Rombout Avenue	Both	School Street
Rombout Avenue	Both	South Brett Street
Rombout Avenue	Both	South Chestnut Street
Rombout Avenue	Both	Teller Avenue
Rombout Avenue	West	South Avenue
Russell Avenue	North	East Main Street
Russell Avenue	Both	Union Street
Russell Avenue	Both	Vail Avenue
Sargent Avenue	North	Wolcott Avenue
Sargent Avenue	Southwest	South Avenue
Schenck Avenue	Both	Verplanck Avenue
School Street	North	Rombout Avenue
Silvers Place	Both	Dutchess Terrace
Slocum Road	North	Grandview Avenue

South Avenue	Both	Beacon Street
South Avenue	--	Sargent Avenue
South Avenue	South	Wolcott Avenue
South Brett Street	Both	Rombout Avenue
South Brett Street	North	DeWindt Street
South Cedar Street	Both	DeWindt Street
South Cedar Street	Both	Rombout Avenue
South Chestnut Street	Both	DeWindt Street
South Chestnut Street	Both	Rombout Avenue
South Chestnut Street	Both	West Center Street
South Chestnut Street	South	Wolcott Avenue
South Elm Street	Both	DeWindt Street
South Walnut Street	Both	DeWindt Street
Spring Street	East	Washington Avenue and East Main Street
Spring Valley Street	Both	Churchill Street
Spring Valley Street	North	East Main Street
Spring Valley Street	South	Wolcott Avenue
Talbot Avenue	East	Dutchess Terrace
Teller Avenue	South	Wolcott Avenue
Tillot Street	Both	Anderson Street
Tillot Street	Both	Washington Avenue
Union Street	Both	Phillips Street
Union Street	Both	Russell Avenue
Vail Avenue	Both	Russell Avenue

Veterans Place	--	Henry Street
Vine Street	East	Teller Avenue
Water Street	North	East Main Street
West Center Street	Both	South Chestnut Street
West Willow Street	--	Orchard Place
West Willow Street	Both	Wilkes Street
Wilkes Street	West	Matteawan Road
Wilkes Street	Both	West Willow Street
Wilkes Street	East	East Willow Street
Willow Street	--	Orchard Place

Section 2. Chapter 211, Section 14.1, Subsection B of the Code of the City of Beacon is hereby amended as follows:

5102/11/613747v2 10/12/17

§211-14.1 No parking, stopping or standing at intersections.

B. There shall be no parking here to corner in the following locations

Amity Street	All	30 feet from every intersection
Conklin Avenue	North	To a point 30 feet from the Fishkill Avenue intersection
DeWindt Street	Northeast	To a point 30 feet from the South Cedar intersection
Dutchess Terrace	Both	From Verplanck Avenue to a point 50 feet in from intersection
East Main Street	Both	To a point 30 feet west of the Howland Avenue/DePuyster Avenue intersection
Eliza Street	West	At the corner of Oak Street
<u>Grove Street</u>	<u>Both</u>	<u>To a point 30 feet from the Leonard Street intersection</u>
Helen Court	Both	30 feet east from the intersection of Washington Avenue
<u>Leonard Street</u>	<u>East</u>	<u>To a point 30 feet from the Grove Street intersection</u>
<u>Leonard Street</u>	<u>West</u>	<u>To a point 50 feet from the Grove Street intersection</u>
Main Street	East	From the corner at East Main Street to a point 50 feet north
Mead Avenue	North	To a point 30 feet from the Conklin Avenue intersection
Oak Street	South	At the corner of Eliza Street
O'Dell Street	East	To a point 30 feet from the intersection of East Main Street
Prospect Street	Both	To a point 30 feet west of the East Main Street intersection
Prospect Street	West	To a point 30 feet in both directions from the intersection of Union Street
Russell Avenue	Both	To a point 30 feet west of the East Main Street intersection
South Cedar Street	Both	To a point 30 feet from intersection of DeWindt Street
South Cedar Street	Both	To a point 30 feet from the Main Street intersection
Teller Avenue	Both	To a point 30 feet in both directions from the intersection of Rombout Avenue

Tioronda Avenue	North	To a point 20 feet in both directions from the intersection of Van Nydeck Avenue
Van Nydeck Avenue	North	To a point 275 feet from Teller Avenue
Van Nydeck Avenue	South	To a point 150 feet from Teller Avenue
Van Nydeck Avenue	North	To a point 215 feet from Tioronda Avenue
Van Nydeck Avenue	South	To a point 95 feet from Tioronda Avenue

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. 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 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. Effective Date

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

City of Beacon Council Agenda
11/6/2017

Title:

Local Law to Amend Chapter 211 of the City Code Regarding Street Closings for Special Events

Subject:

Background:

ATTACHMENTS:

Description

LL Street Closures

Type

Local Law

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 211 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to
amend Chapter 211,
concerning Street
Closings for Special
Events.

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

Section 1. Chapter 211, Article II entitled “Traffic Regulations” “is hereby amended to add Section 13.2 as follows:

§203-13.2. Street closings for special events.

- A. Policy and Intent. It is the policy of the City of Beacon to encourage the occurrence of special events that enhance quality of life, provide entertainment and other leisure activities, promote local economic health, attract visitors, and contribute to the dynamic atmosphere of the community. It is the City’s intent to offer applicants support in planning a variety of safe and successful events that will serve diverse audiences and will create minimal disruption to surrounding areas.
- B. No person, corporation or other legal entity shall occupy, march or proceed along or close any City highway or part thereof without having first obtained a special event permit from the City of Beacon.
- C. Definitions.

(1) For purposes of this section, a “special event” shall mean:

- (a) An Event which requires the closure of a public street, or the usage or closure of another public place or park, which involves:

[1] Public entry; or

[2] Vending of food, drink or merchandise; or

[3] Public entertainment; or

[4] A moving athletic event like a race or walk; or

(b) An outdoor event on private property which is open to the public and due to its size and activities:

[1] Has a significant impact on the surrounding streets and neighborhoods; or

[2] Requires special police or fire attention or the use of other special City services or facilities.

(2) Block parties.

(a) Applicants for permits for block parties shall submit a special event permit application containing so much of the information on the application as may be required by the Chief of Police, along with a street closing petition with signatures of support from at least 70% of residents on the block proposed for closure. Such applications may be approved or denied by the Chief of Police based on the general factors applying to special events and compliance with the specific block party requirements set forth herein.

(b) A “block party” shall mean an event which requires the closure of one block, from intersection to intersection, of a street in a residential area, through the use of barricades, at the request of and for the benefit of the immediate residents of the neighborhood.

(c) A block party permit shall be limited to six hours in duration and shall not extend beyond dusk. There shall be no charge for admission and no vending or amplified entertainment shall be allowed at a block party.

D. Applications for permits for special events shall be made to the City Clerk and shall be reviewed and approved by the Highway Superintendent, the Department of Public Works, City Administrator, Fire Chief and the Chief of Police. The permit shall be issued by the Chief of Police through the City Clerk’s office within 15 days of the submission of the application.

E. Applicants for permits shall submit a special event permit application at least 30 days prior to the proposed event, which shall include, but not be limited to, the following information. Additional information may be required by the Chief of Police in order for the application to be considered complete and ready for review. The following information shall be provided:

- (1) The name, address and telephone number of the person or organization seeking to conduct such event.
- (2) The name, address and telephone number of the person who will be the event chairperson and who will be responsible for its conduct.
- (3) The proposed date(s) when the event is to be conducted.
- (4) The type of event and a full description of the activities to be conducted. Activities to be specifically described shall include, but not be limited to, cooking, vending, sale of alcoholic beverages, entertainment, athletic events, fireworks, and the use of bounce-houses or animals.
- (5) A detailed site plan, including, but not limited to, the location or route of the activities to be conducted, including the part of street to be closed and the method of closure and any entrances or exits; the location of parking, bathrooms or other facilities; and the location where any activities listed above are to be conducted.
- (6) If the event includes a moving closure of streets, as in a race, walk, or other athletic event, a written route and map must be included, as well as an estimation of the time period of the closures.
- (7) General liability insurance, if required.
- (8) Documentation of all related and necessary licenses or permits from the state or other municipalities or agencies.
- (9) Whether alcoholic beverages are to be sold and, if so, documentation of necessary permits and insurance.
- (10) The estimated attendance at the event.
- (11) The impact of the event on local residents and businesses, which shall include local notifications and responses.
- (12) The proposed hours when such event will start and terminate.
- (13) The security plan for the event, and the name of the licensed security agency to be used, when required.
- (14) The plan for litter and trash removal and sanitary facilities.
- (15) The plan for emergency medical services.
- (16) The parking and transportation plan for the event, both for residents of the affected area and for event participants and attendees.

- (17) The City support services requested for the event, including fee-based services, and including, but not limited to, police and fire services, street barriers, use of City facilities, trash and litter collection, and street sweeping.
 - (18) The applicant's history in providing similar events and obtaining and abiding by the terms of necessary licenses and permits.
- F. The following factors shall be taken into consideration when determining said applications and may provide the basis for denial of an application:
- (1) Whether the application is complete or contains a material misrepresentation;
 - (2) Whether there are any objections to the special event
 - (3) The maintenance of safety of all persons throughout the event;
 - (4) The provision of safe and orderly movement of pedestrian and vehicular traffic at and contiguous to the event;
 - (5) The area affected by the event;
 - (6) The length of the event and hours of operation;
 - (7) The noise to be produced by the event;
 - (8) The availability of necessary parking and transportation for the event;
 - (9) The support of, and potential impact of the event on, local residents and businesses, and the community in general, as demonstrated by documentation from the applicant and/or from public input received by direction of the City Administrator ;
 - (10) The public and community purposes served by the event and the manner in which the event promotes the City and its cultural diversity;
 - (11) The type of activities and facilities to be located in the street;
 - (12) The economic impact of the event;
 - (13) The provision of litter and trash removal and sanitary services;
 - (14) The availability of police, fire and other necessary City services, and emergency medical services;
 - (15) The existence of competing requests for use of the City streets;

- (16) The applicant's history of providing similar events and abiding by the terms of necessary licenses and permits.

G. Notification and public comment.

- (1) The event sponsor shall provide notification via regular mail within seven days of submitting an application for a special event to the City Clerk, to all properties that shall be impacted by any street closures and/or activities related to the event. Notice shall be provided to properties located within 200 feet of the event or route as part of the planning for and consideration of an application for a special event, and before and during the special event. Any resident or business may contact the City Clerk or the Chief of Police to object to the special event. No less than fourteen (14) days prior to the event, the event sponsor shall provide proof of notification as required herein to the City Clerk.
- (2) The City Clerk shall post on the City website all approved applications for all special event permits. Such posting shall include the name and contact information of the applicant, a description of the special event, and the date, time and location(s) or route(s) of the event.

H. Permit Conditions.

- (1) A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- (2) Possession of permit. The event chairperson shall carry the special event permit upon his or her person during the event.
- (3) The Chief of Police shall have the authority to prohibit or restrict the parking of vehicles along a street constituting a part of the event area or route or as necessary to facilitate pedestrian and vehicular traffic in the vicinity of the event. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.
- (4) The hours of operation taking place within a public place shall be between the hours of 9:00 a.m. and until dusk Monday through Sunday.
- (5) All areas used must be left in a clean condition. Any need for trash receptacles or trash removal must be negotiated and approved by the Department of Public Works. Cleanup must be completed by 12:00 noon on the day following the event.

- (6) A special event permit does not relieve any participant, including but not limited to food stands, vendors, peddlers or exhibitors from the responsibility of applying for any other permits or licenses or meeting any other requirements which may be applicable.
- (7) A special event permit is not transferrable.
- I. Only the applicant, Chief of Police or Highway Superintendent may remove the road barricades closing the street during the special event. Any resident or individual who needs to obtain ingress or egress on the closed street must contact an authorized individual to move the road barricades. The contact information of said authorized individuals will be available on the City's website and will be posted on the barricades.
- J. The Chief of Police is authorized to adopt such procedures and to require such additional information as he or she deems appropriate, to allow for the full assessment and consideration of permit applications for the smooth and safe operation of special events in the City.
- K. Exceptions. Events initiated by and/or sponsored or co-sponsored by the City are excluded from the provisions of this Section.
- L. Penalties:
 - (1) Special events shall not be held without a special event permit. Violation of this Section may subject the event sponsor to a fine of \$500 in addition to any other penalty provide in the any other law or ordinance. The Police Chief may close any special event conducted without an approved permit.
 - (2) The Police Chief/Director of Public Safety, the Deputy Fire Chief or their designated representative(s) may close any special event or any portion of a special event that is subsequently determined to be an imminent hazard to the public health, safety or welfare.
 - (3) It shall be unlawful to drive over, through or around any barricade, fence or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface or damage any such barricade, fence, or obstruction. Only authorized individuals may remove the barricades to permit ingress and egress. Failure to comply with this provision is a violation of this chapter and shall be punishable by a fine of up to \$250. A person violating this provision may be guilty of a misdemeanor.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211 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 Council Agenda
11/6/2017

Title:

Resolution to Adopt a Local Law Amending Chapter 211 of the City Code Regarding Parking on Leonard Street and Safety Concerns on Herbert Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. adopt LL re parking and safety	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION ADOPTING LOCAL LAW NO. ____ OF 2017 TO AMEND CHAPTER 211 OF THE
CITY CODE AS IT RELATES TO PARKING ON LEONARD STREET AND TRAFFIC
SAFETY CONCERNS ON HERBERT AVENUE**

BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 211 of the City Code as it relates to parking on Leonard Street and Traffic Safety Concerns on Herbert Avenue.

Resolution No. ____ of 2017			Date: <u>November 6, 2017</u>				
☐ ☐ Amendments						☐ 2/3 Required	
☐ ☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
11/6/2017

Title:

Resolution to Adopt the Local Law Amending Chapter 211 of the City Code Regarding Street Closings for Special Events

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. adopt LL re Street Closures	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**RESOLUTION ADOPTING LOCAL LAW NO. ____ OF 2017 TO AMEND CHAPTER 211
CONCERNING STREET CLOSINGS FOR SPECIAL EVENTS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 211 of the City Code as it relates to street closings for special events.

Resolution No. ____ of 2017			Date: <u>November 6, 2017</u>				
☐ ☐ Amendments						☐ 2/3 Required	
☐ ☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
11/6/2017

Title:

Resolution Appointing John Gunn to the Zoning Board of Appeals

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. appt. J. Gunn ZBA	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2017

**APPOINTMENT OF JOHN GUNN
TO COMPLETE THE UNEXPIRED TERM OF A MEMBER OF
THE ZONING BOARD OF APPEALS**

WHEREAS, the resignation of a member of the Zoning Board of Appeals has created a vacancy; and

WHEREAS, this term shall expire on December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED that John Gunn shall complete the unexpired term resulting from the resignation.

Resolution No. _____ of 2017			Date: <u>Nov. 6, 2017</u>				
☐ ☐ Amendments						☐ 2/3 Required	
☐ ☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
11/6/2017

Title:

Resolution to Schedule a Public Hearing for November 20, 2017 to Receive Comments on the Proposed Amendments to the Zoning Code, the Zoning Map and the Comp Plan

Subject:

Background:

ATTACHMENTS:

Description	Type
LL FCDD Amendments	Local Law
LL CMS Amendments	Local Law
LL Amend Zoning Map	Local Law
LL Comp Plan Amendments	Local Law
Zoning Amendments Full EAF	EAF

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.~~

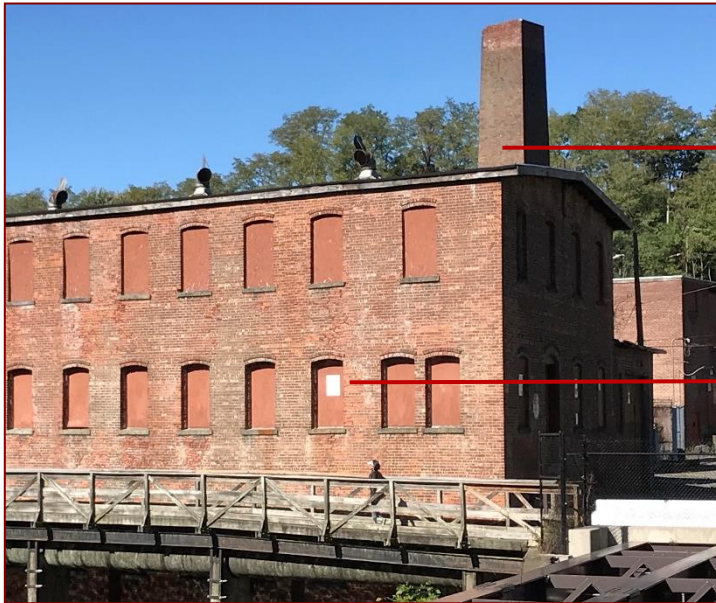
~~(3) Relationship to Fishkill Creek. The FCD project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.~~

- (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.

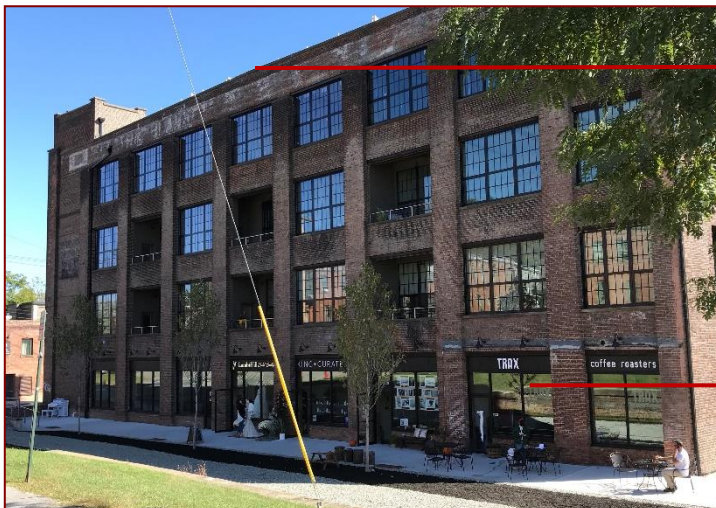
Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs.



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.

§ 223-41.15~~4~~ 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.

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.

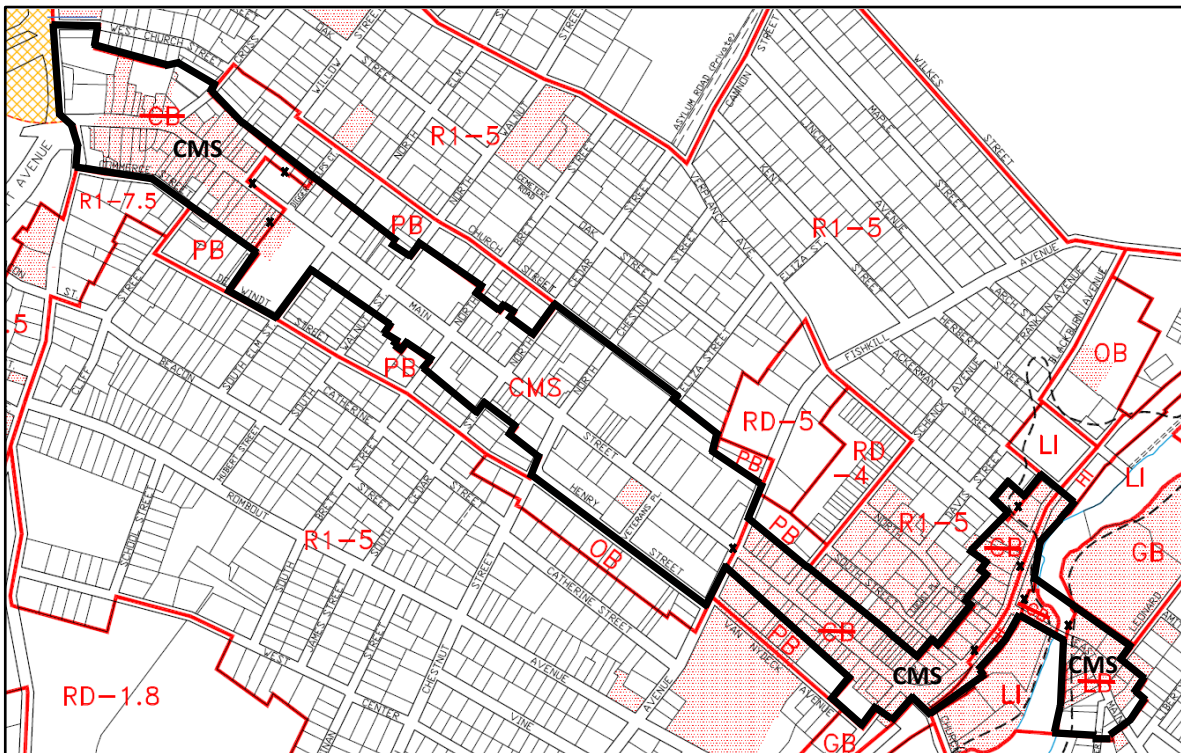


Figure 17-1: Central Main Street Zone Map

[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 ~~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).

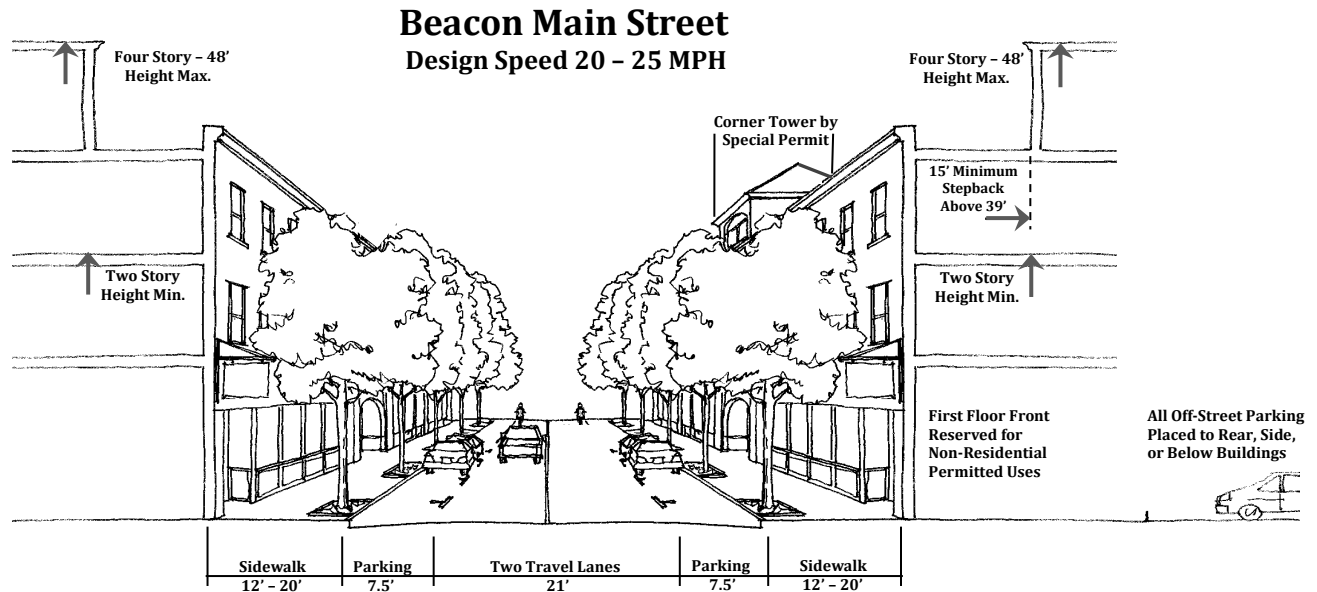


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

- (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. Rear setbacks on side streets: minimum 25 feet. ~~except that~~ 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.

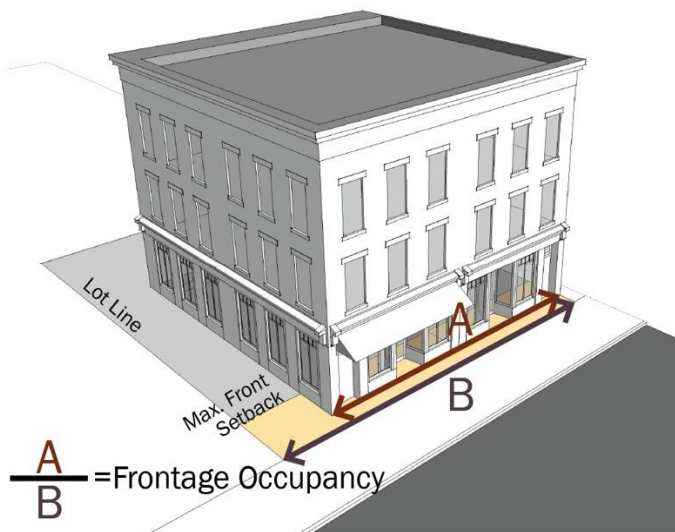


Figure 18-2: Frontage Occupancy

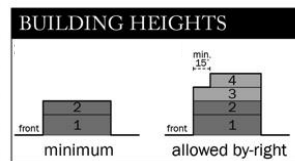
- (7) Building height for a building fronting on Main Street or East Main Street: minimum two stories, maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. The second story of a two-story 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.

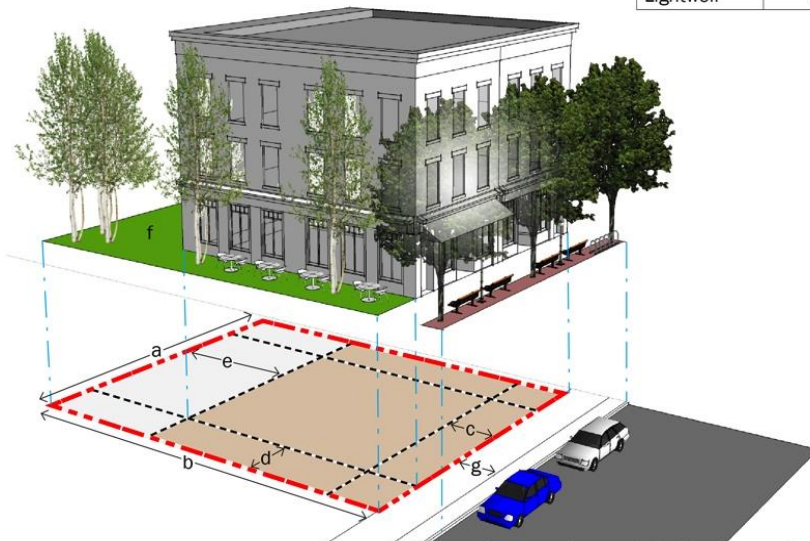
- (8) Building height for a building not fronting on Main Street or East Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum 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'	--

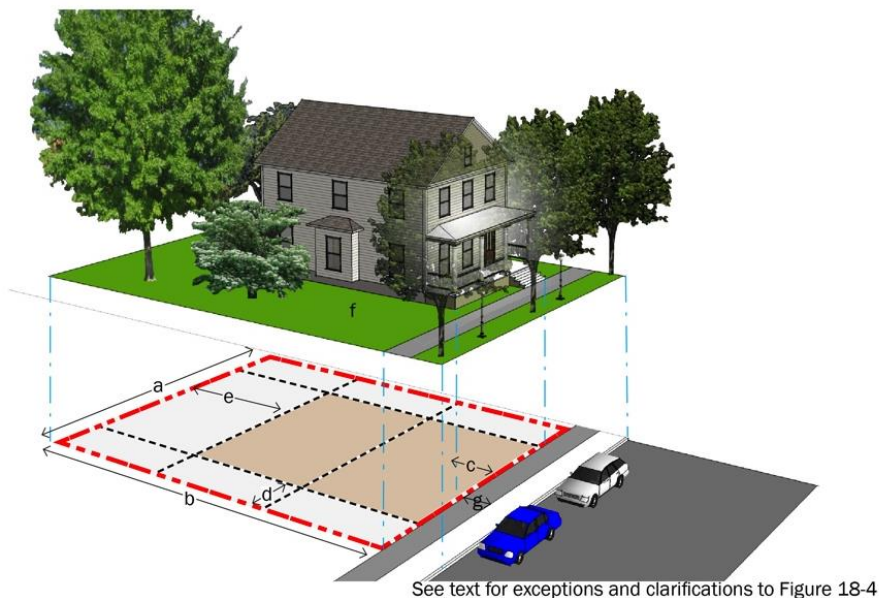
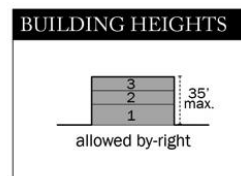


Figure 18-4: Lots That Do Not Front on Main Street or East Main Street

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.

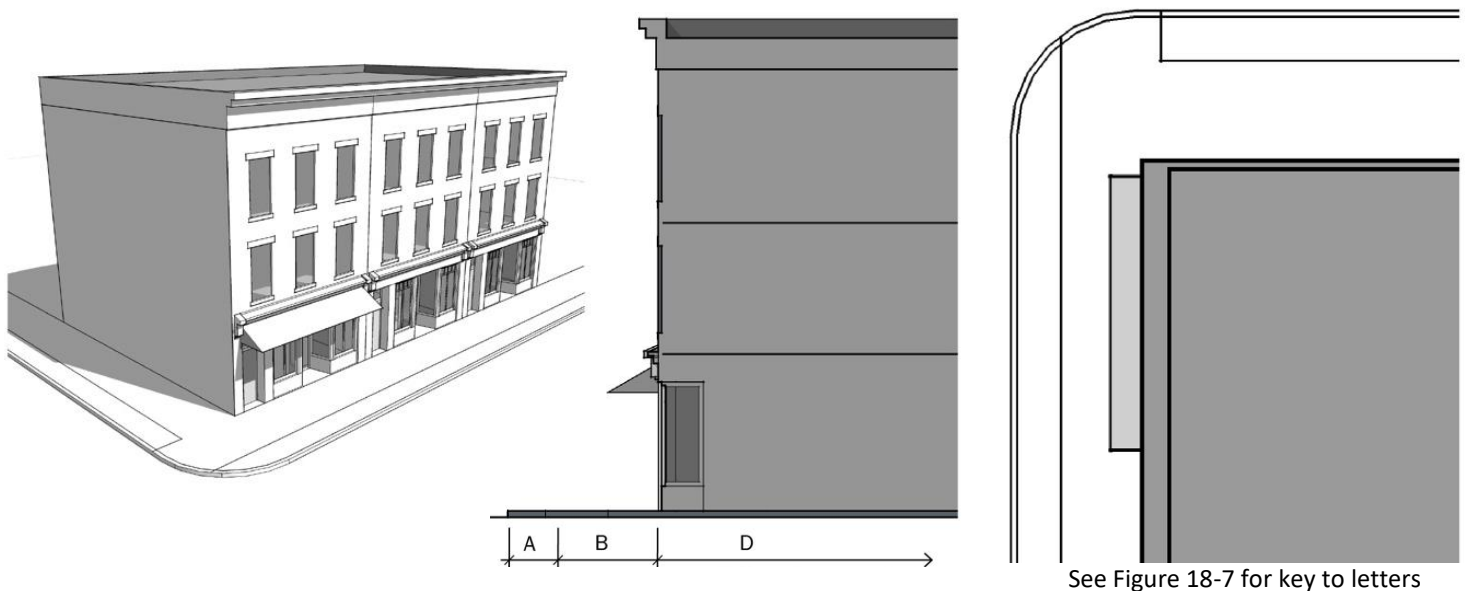


Figure 18-5: Illustrative View, Section View, and Plan View of Storefront Frontage Type

- (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.

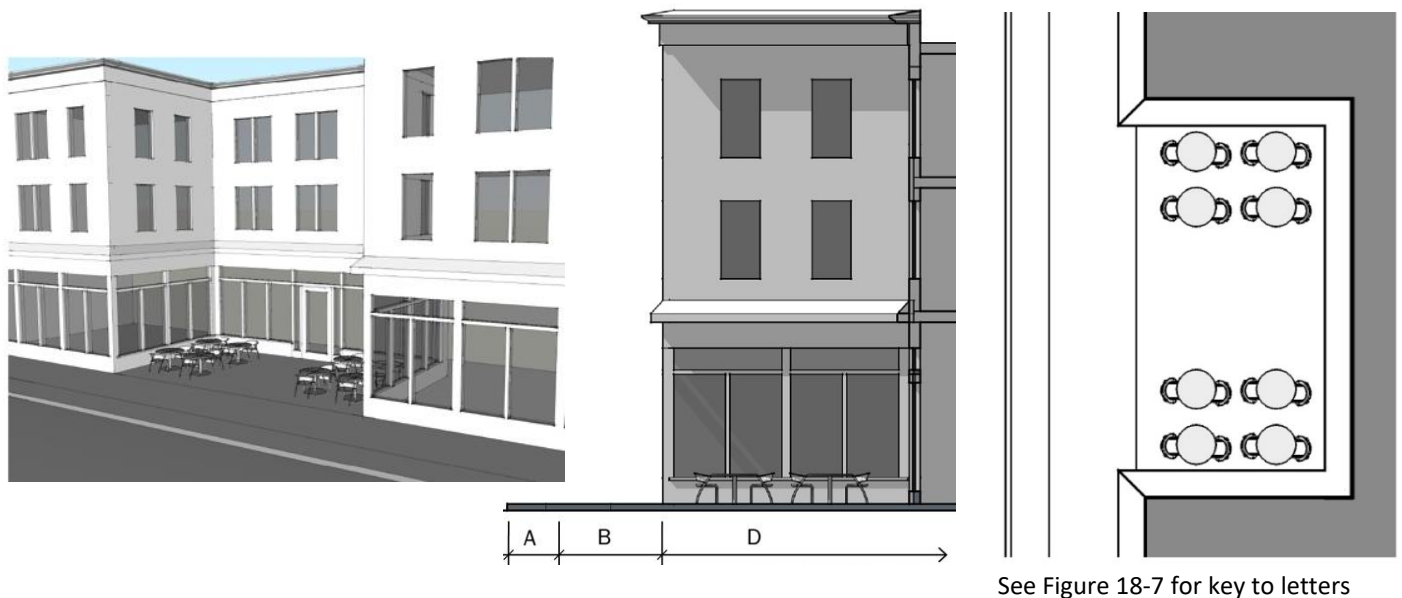


Figure 18-6: Illustrative View, Section View, and Plan View of Forecourt Frontage Type

G. Parking location and quantity.

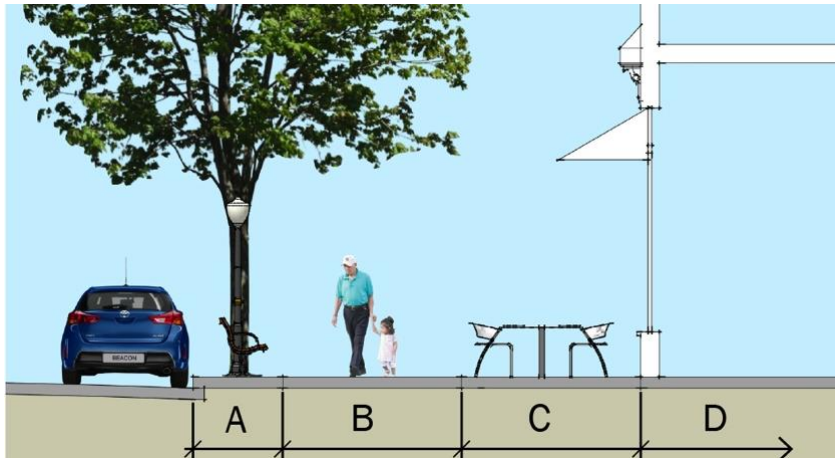
- (1) All off-street parking for buildings that have Main Street or East Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property 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.

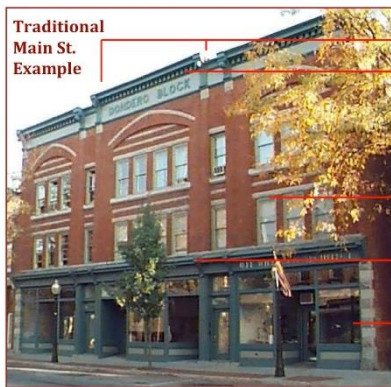
(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include type and texture of materials, massing, spacing and proportion of windows and doors, horizontal alignments, and street-front fixtures, but architectural 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

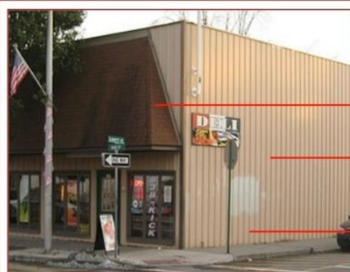
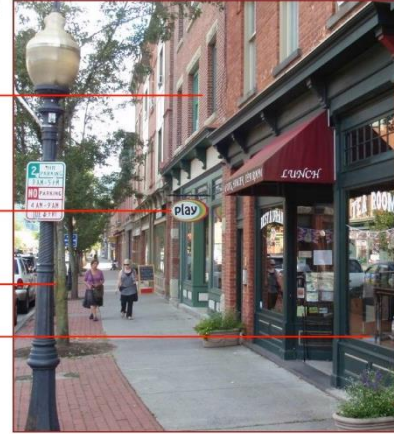


**More Modern
Example**

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.

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.

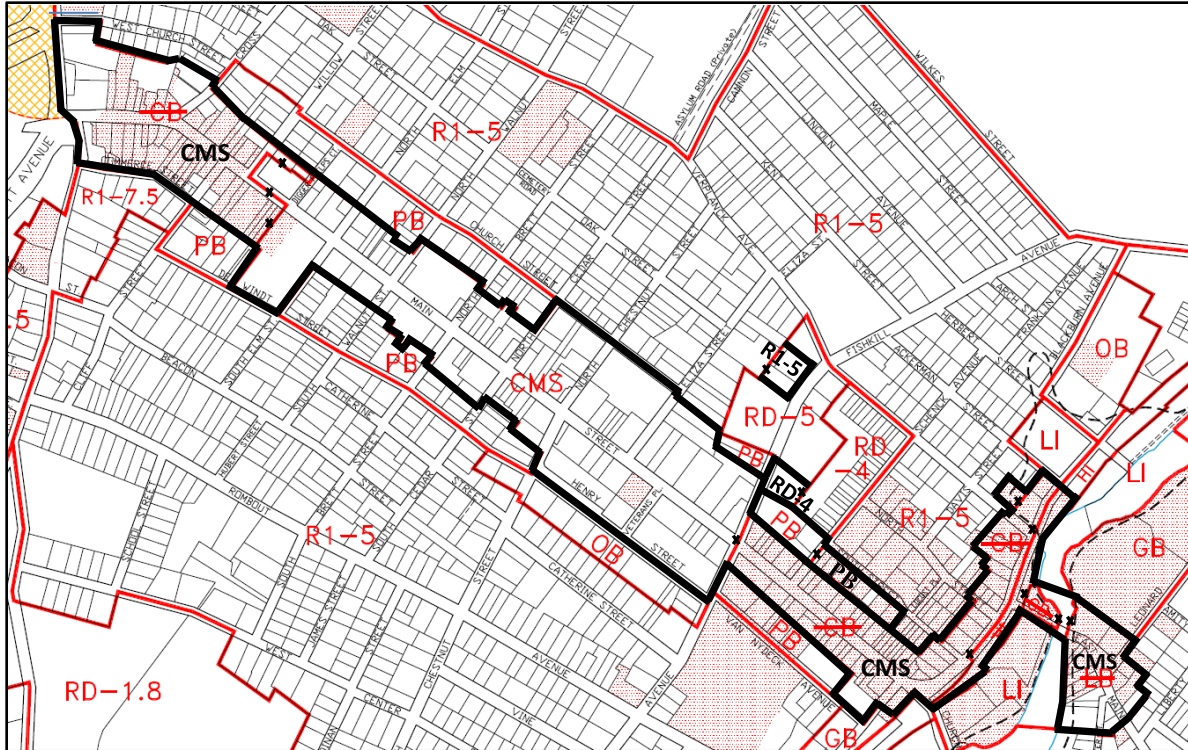


Figure 1: Central Main Street Area Proposed Map Changes

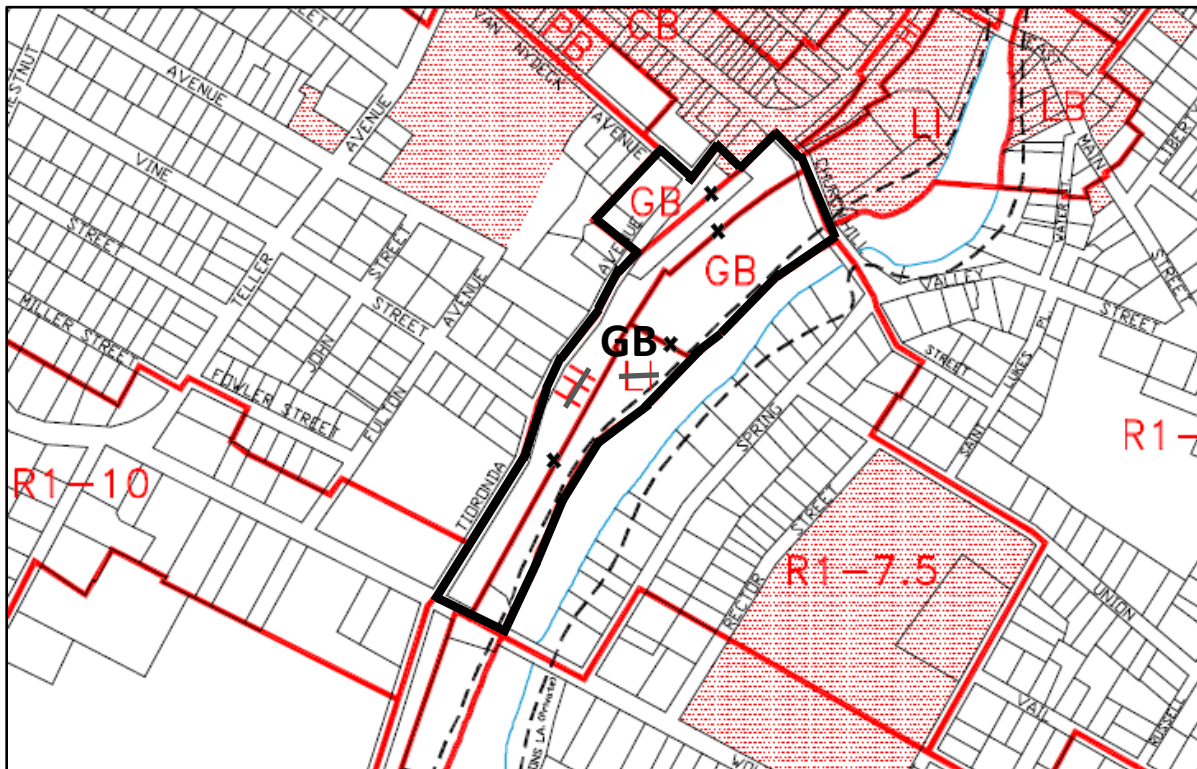


Figure 2: General Business Proposed Map Changes

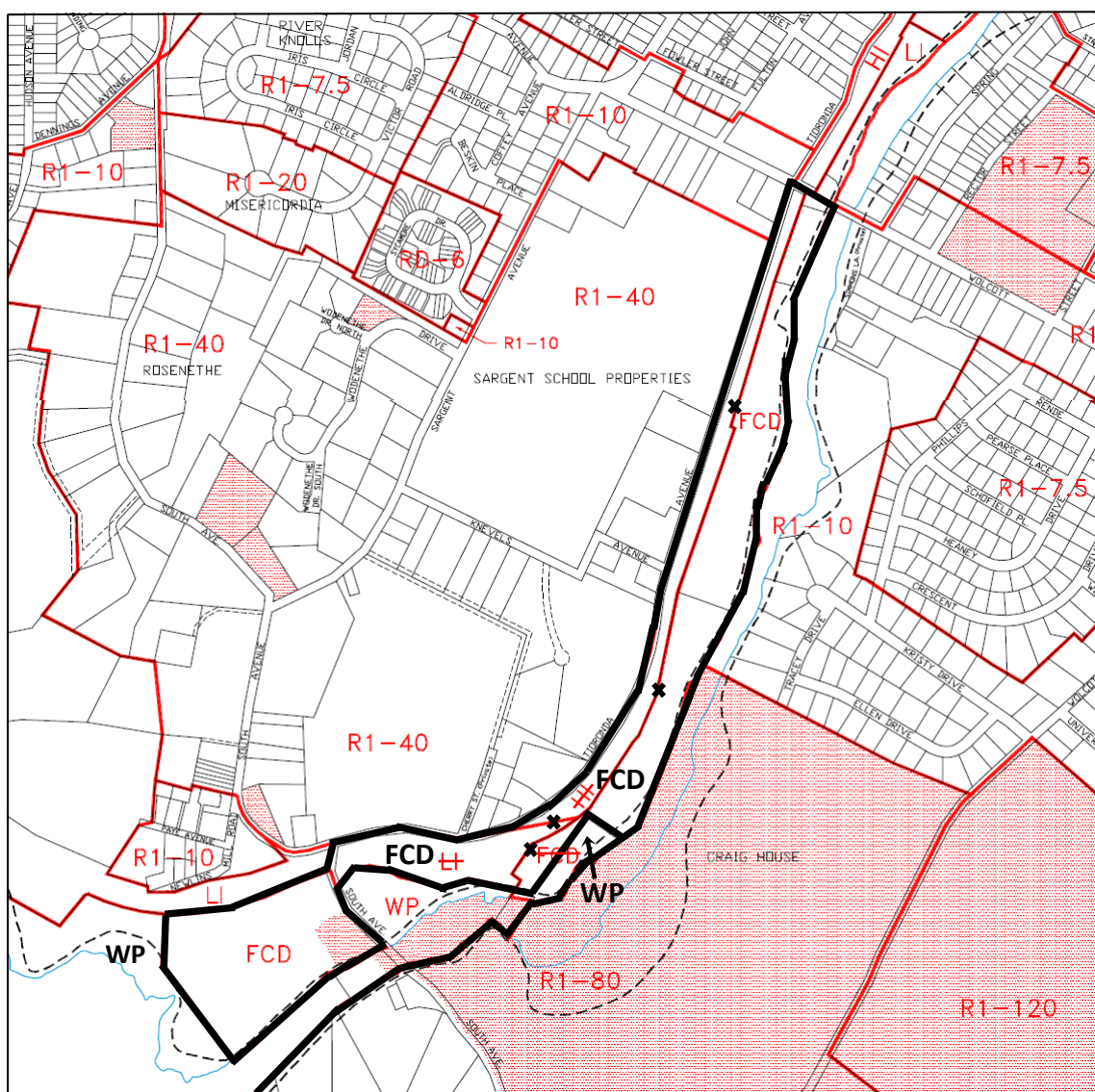
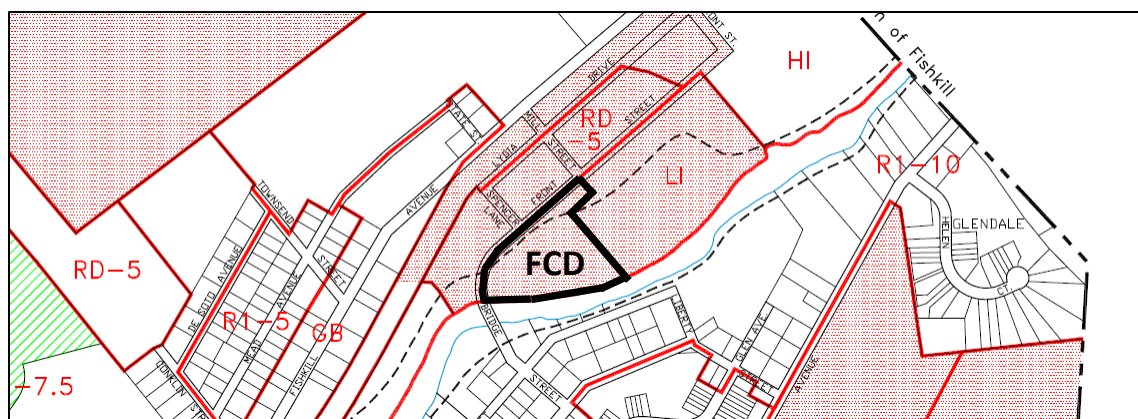


Figure 3: Fishkill Creek Development and Waterfront Park Proposed Map Changes

**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.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon.		
Project Location (describe, and attach a general location map): The impacted districts include the following Districts FCD, CB, GB, CMS, LB, HI, RD-5, R1-5, and LI.		
Brief Description of Proposed Action (include purpose or need): Amendments to the Comprehensive Plan and three Local Laws are proposed. One Local Law amends the Zoning Map to (1) rezone properties along the Main Street Corridor to unify the CB and CMS Districts on Main Street under one set of zoning regulations (CMS), (2) rezone parcels along Tioronda Avenue from Industrial to GB and (3) rezone industrial parcels along the Metro-North corridor to FCD, including the vacant parcel at Groveville Mills. The second local law proposes zoning text amendments to modify the CMS District regulations which will be extended to the east and west areas of Main Street through the zoning map amendments. The third proposed local law eliminates special permit approval by the City Council for development projects in the FCD District among other text changes. Each Fishkill Creek development project, under the proposed local law, will require concept plan approval by the City Council and site plan approval by the Planning Board. An amendment to the City of Beacon Comprehensive Plan is also proposed. The amendment involves individual parcel zoning adjustments to the recommendations in Sections 11 and 12 of the Comprehensive Plan Update adopted 4/3/17. These proposed changes in the local laws are consistent with the overall intent and general recommendations in the 2017 Comprehensive Plan Update, but require specific adjustments to individual streets and parcel recommendations.		
Name of Applicant/Sponsor: City of Beacon City Council		Telephone: (845)838-5011 E-Mail: Mayor@cityofbeacon.org
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Anthony Ruggiero, City Administrator		Telephone: (845)838-5009 E-Mail: Aruggiero@cityofbeacon.org
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): N/A		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☒ Yes ☐ No or Village Board of Trustees	Legislative adoption of proposed local law and adoption of Comprehensive Plan Amendment.	
b. City, Town or Village ☐ Yes ☒ No Planning Board or Commission		
c. City Council, Town or ☐ Yes ☒ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☐ Yes ☒ No		
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☒ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

The impacted zoning districts include the CB District, the CMS District, GB District, the HI District, the FCD, the LI District, the LB District, the RD-5 District, and the R1-5 District.

- b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

- c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

- i. What is the proposed new zoning for the site? The proposed action consists of various zoning changes throughout the City. See attached map.

C.4. Existing community services.

- a. In what school district is the project site located? Beacon City School District

- b. What police or other public protection forces serve the project site?

This area is served by the Beacon Police Department.

- c. Which fire protection and emergency medical services serve the project site?

This area is served by the City of Beacon Fire Department which is part of the Battalion 7 of the Dutchess County Emergency Response Unit.

- d. What parks serve the project site?

The area is served by Scenic Hudson's Long Dock Park, Memorial Park and Wee Play Tots Park.

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

- b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

- i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

- i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

- iii. Number of lots proposed? _____

- iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No

- i. If No, anticipated period of construction: _____ months

- ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

• Do existing sewer lines serve the project site? ☐ Yes ☐ No • Will line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☐ No If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____ • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☐ No If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____			
vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
n.. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____ _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally describe proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____ _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No i. If Yes, explain: _____	
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No If Yes, i. Identify Facilities: _____ _____	
e. Does the project site contain an existing dam? ☐ Yes ☐ No If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No If Yes: i. Has the facility been formally closed? ☐ Yes ☐ No • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No ☐ Yes – Spills Incidents database ☐ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	

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m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	☐ Yes ☐ No
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐ Yes ☐ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	☐ Yes ☐ No
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	☐ Yes ☐ No
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	☐ Yes ☐ No
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? ☐ Yes ☐ No	

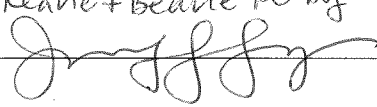
F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name City of Beacon City Council Date 11/2/17
Keane + Beane PC by
 Signature  Title City Attorney

CITY OF BEACON
1 Municipal Plaza
Beacon, NY 12508
(845) 838-5011

**Narrative of Purpose for Comprehensive Plan Amendment
and Legislative Enactment**

Comprehensive Plan Amendment and “Local Law to Amend the Zoning Map and Chapter 223 of the Code of the City of Beacon Concerning the City’s Commercial Districts”
Pursuant to Part 1 of the Full Environmental Assessment Form

The proposed amendments to the Comprehensive Plan involve 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.

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 proposes 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 proposed 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.

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, these more modest changes would have far fewer impacts on the neighborhood. In addition, two single-family houses with historic qualities currently in the RD-5 district will be rezoned to the adjacent R1-5 district, 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, and 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.

In addition to the Comprehensive Plan amendment and the modifications to the Zoning Map, text changes are proposed for the CMS District and FCD District regulations. The proposed local law amending the CMS District regulations proposes clarifications and updates to the permitted uses, eliminates a five-story building as a use permitted by special permit, creates a dual rear yard setback requirement dependent upon the depth of the lot, requires a 15-foot building setback for buildings abutting a residential district that are over 39 feet in height, and updates the applicable design standards, among other changes. The proposed local law amending the FCD District regulations proposes clarifications and updates to the permitted uses, eliminates the requirement for special permit approval for development projects in the FCD, updates the design standards, reduces development potential by requiring a deduction of certain environmentally sensitive areas from the overall lot area used to determine the maximum number of dwelling units permitted per acre, requires a minimum of 25% of the total floor area to be devoted to nonresidential uses, and increases the permitted maximum height, among other changes.

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. The proposed local laws amending the Zoning Map and the text of the CMS and FCD Districts 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.

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project : Zoning Amendments

Date : November 6, 2017

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i> ☒ NO ☐ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☒ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☒ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

I. Other impacts: _____ _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____ _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____ _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	☒ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	☒ NO	☐ YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f, and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☐ NO	☒ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☒	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☒	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☒	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part I. D.2.j)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part I. D.2.k)

☒ NO☐ YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part I. D.2.m., n., and o.)

☒ NO☐ YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

City of Beacon Council Agenda
11/6/2017

Title:

Resolution to Schedule a Public Hearing for November 20, 2017 to Receive Comment on a Local Law to Amend Chapter 223 to Permit Retail Sales from a Truck or Trailer in the Linkage Zoning District by Special Permit

Subject:

Background:

ATTACHMENTS:

Description	Type
Res. Sched PH Food Truck in Linkage	Resolution
LL Food Truck in Linkage ZOne	Local Law



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ OF 2017

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR NOVEMBER 20, 2017 TO
RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 223
OF THE CITY CODE AS IT RELATES TO RETAIL SALES FROM A TRUCK OR TRAILER
IN THE LINKAGE ZONING DISTRICT BY SPECIAL PERMIT**

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for November 20, 2017 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning the proposed local law to amend Chapter 223 of the City Code as it relates to retail sales from a truck or trailer in the linkage zoning district by special permit.

Resolution No. <u>112</u> of 2017			Date: <u>November 6, 2017</u>				
☐ ☐ Amendments						☐ 2/3 Required	
☐ ☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
		Motion Carried					

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 § 223-26.2 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.

City of Beacon Council Agenda
11/6/2017

Title:

Resolution to Approve an Intermunicipal Agreement for the JFire Program

Subject:

Background:

ATTACHMENTS:

Description

Res. JFIRE

Type

Resolution

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. ____ OF 2017

RESOLUTION AUTHORIZING THE CITY OF BEACON'S PARTICIPATION IN AN
INTERMUNICIPAL AGREEMENT FOR A JUVINENILE FIRE SETTERS
INTERVENTION PROGRAM

WHEREAS, the incidence of arson fires set by juveniles, ages 3-17, in Dutchess County is disturbing, and

WHEREAS, there is a need for educational and counseling assistance for these juveniles, either through programs of outreach and referral or through judicial intervention, and

WHEREAS, there is a committee of persons dedicated to achieving the goal of identifying juvenile fire-setters, and to provide educational intervention to juveniles and their families, thus reducing the incidence of injury, death and property loss due fires set by juveniles, and

WHEREAS, other Counties in New York State, including Suffolk County, Washington County, and Albany County, have similar programs in place in order to address the issue of fires set by juveniles, and

WHEREAS, pursuant to Article 5-g, Section 119 of the General Municipal Law, the County, the Fire Districts, and Municipalities, are authorized to enter into such Agreement, and

WHEREAS, the proposed Inter-Municipal agreement is in the best interests and would benefit all of the citizens of Dutchess County, and

WHEREAS, the JFIRE Program will function and operate administratively through the Dutchess County Department of Emergency Response; Emergency Response will provide storage space and maintain all records pertaining to this Program, and

WHEREAS, the Committee is comprised of representatives from the Dutchess County Sheriff's Office, Dutchess County Department of Emergency Response, Dutchess County Department of Probation and Community Corrections, Dutchess County Department of Law, Dutchess County Department of Community and Family Services, Dutchess County Department of Mental Hygiene, Dutchess County District Attorney's Office, Astor Services for Children and Families, Fire Districts from Arlington Fire District, LaGrange Fire District, Fairview Fire District, and Police Departments from Town of Poughkeepsie Police Department, City of Poughkeepsie Police Department, Hyde Park Police Department and East Fishkill Police Department, who are committed to this program.

NOW, THEREFORE, BE IT RESOLVED, that the City Administrator is authorized to execute the intermunicipal agreement confirming the City of Beacon's participation in the JFIRE program.

Resolution No. ____ of 2017			Date: <u>November 6, 2017</u>				
☐ ☐ Amendments						☐ 2/3 Required	
☐ ☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pamela Wetherbee					
		Peggy Ross					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
11/6/2017

Title:

Minutes of Oct. 16 City Council Meeting

Subject:

Background:

ATTACHMENTS:

Description

Minutes of 10-30-17 meeting

Type

Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on October 16, 2017. Please note that the video recording of this meeting is available at on our website: www.cityofbeacon.org.

Council Members Present:

George Mansfield, At Large
Peggy Ross, Ward One
Omar Harper, Ward Two
Pamela Wetherbee, Ward Three
Ali Muhammad, Ward Four
Randy Casale, Mayor

Council Members Absent/Excused:

Lee Kyriacou, At Large

Also Present:

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

A moment of silence was observed for those who serve and have served in the US military

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Speakers:

Kelly Ellenwood, Pres. Beacon Arts: Gave the quarterly update. See full comments attached.

April Farley: Invited everyone to the Southern Dutchess NAACP meeting. Thanked Randy and everyone for celebrating the life of Barbara Baker Baylor. Asked if council could discuss affordable housing and rent stabilization at an upcoming workshop. Would like to address the public restroom problem. The tunnel has smelled bad the 40 years.

Clark Gebman: Asked about the requirements for a Negative Declaration. Believes that the Planning Board approved something without publication. Mentioned the Texaco pollution and dams.

Public Hearing No. 1:

Amendment to the Building Moratorium: Mayor Casale read the amended language.

Clark Gebman: Asked what would be the use of a moratorium. Would like the moratorium changed so that all single-family properties can be converted to 2 family in order to offset their expenses. This would include they requirement of providing parking. Feels this change would be the best way for a young family to prosper.

Motion to close: Council Member Muhammad, second Council Member Mansfield

6-0

Council Member Reports:

Ali Muhammad: Asked if Council could discuss the points that Mr. Gebman mentioned. Mayor Casale advised that these concerns would be discussed at the special workshop on zoning. Asked for an update on the Firehouse issue and the parking meter proposal.

Omar Harper: Reported that he had a nice time at the car show and that wrestling has started again.

Lee Kyriacou: absent

George Mansfield: Gave the details on the Meet the Candidates event. Mentioned the concept of an arts fund and that he would like to discuss the issue of a public restroom.

Pam Wetherbee: Thanked George Mansfield for the work he did on the Ron and Ronny Sauer Bridge Dedication. It was very nice to look at the photos to see how far Beacon has come.

Peggy Ross: Thanked George Mansfield for a lovely ceremony. Thanked April for bringing up the restroom issue and Ali Muhammad for bringing up the parking meeting issue.

City Administrator Anthony Ruggiero: Gave the details on the public hearing on the pedestrian improvement projects. Announced the completion of the south interceptor improvement project.

Mayor Randy Casale: Thanked George Mansfield for being a one-man committee for the Rob and Ronnie Sauer Bridge Dedication. Thanked Sallye Ander for their generous donation to Puerto Rican Hurricane Relief. They donated 400 lbs. of soap! Gave the details of the Veterans Day ceremony. Asked if the City Administrator could try to find the \$750 for Beacon Arts so they can finish their bus shelter project.

Resolutions, Ordinances and Local Laws:

1. Resolution to Adopt the Local Law Amending the Moratorium on Development
 - Motion by Council Member Wetherbee, second by Council Member Mansfield
5-1 (Council Member Ali voted no)
2. Resolution to Appoint a Part-Time Police Assistant
 - Motion by Council Member Muhammad, second by Council Member Harper
6-0
3. Resolution to Schedule a Public Hearing for November 6, 2017 to Receive Comments on a Proposed Local Law Regarding Parking on Leonard Street and Stop Signs on Blackburn Avenue
 - Motion by Council Member Muhammad, second by Council Member Mansfield
6-0

4. Resolution to Schedule a Public Hearing for December 11, 2017 to Receive Comments Concerning the Proposed 2018 Budget
 - Motion by Council Member Wetherbee, second by Council Member Ross
6-0
5. Resolution to Schedule a Public Hearing for November 6, 2017 to receive Comments Concerning a Proposed Local Law Regarding Street Closures
 - Motion by Council Member Ross, second by Council Member Harper
6-0
6. Resolution Authorizing the Submission of the Fiscal Year 2018 Dutchess County Community Development Block Grant Application for Construction of a Sidewalk and Blackburn Avenue Between Herbert Street and Route 52
 - Motion by Council Member Muhammad, second by Council Member Wetherbee
6-0
7. Resolution to Adopt the Local Law to Amend the City Charter
Mayor Casale thanked the Charter Commission and Dr. Gerald Benjamin for their work on this amendment.
 - Motion by Council Member Mansfield, second by Council Member Ross
5-1 (Council Member Muhammad voted no)
8. Resolution to Adopt the Local Law Regarding the Ward Boundaries
Mayor Casale advised that this will move the ward boundary language from the Charter to the City Code.
 - Motion by Council Member Mansfield, second by Council Member Wetherbee
5-1 (Council Member Muhammad voted no)
9. Resolution Authorizing the Subordination Agreement for 26 Beekman Street (the View)
 - Motion by Council Member Harper, second by Council Member Wetherbee
6-0

Approval of Minutes:

10. Minutes of September 18 and October 2, 2017
 - Motion by Council Member Mansfield, second Council Member Muhammad
6-0

Budget Amendments: October 16, 2017

- Motion by Council Member Muhammad, second by Council Member Mansfield
Council Member Muhammad noted that the Bus Shelter Project is great and would like to see young people involved.
6-0

Second Opportunity for Public Comments:

Theresa Kraft: Supports the amended moratorium. Hopes that new Council Members will see the importance of this issue as well.

Adjournment:

Motion to adjourn by Council Member Muhammad, second by Council Member Harper
6-0

Next Workshop: October 23, 2017 (Special Zoning and Planning Workshop)

Next Meeting: November 6, 2017



PO Box 727
Beacon, NY 12508

October 16, 2017

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

Re: BeaconArts Bus Shelter Project + Dutchess County "G" Line Art Loop Bus Branding and signage

Dear Mayor Casale,

First of all, I wish to thank you and the City Council for agreeing to partner with us on the Bus Shelter Project. So far it has turned out even better than expected, and it is a great way to celebrate BeaconArts 15th anniversary, Windows on Main Street, and our organization's renewed intention to reach out to and include our entire Beacon community.

As you know, BeaconArts had to scale back the bus shelter project to include only 3 of the 5 bus shelters, lacking the expected funding from the Dutchess County Arts Partners grant that was projected for our 2017-2018 fiscal year. Not receiving the County grant was a surprise to us, especially since we have received the grant before, and because Beacon has in recent years become a major source of revenue to the County; revenue that can be attributed in part to the enormous effort that BeaconArts makes in its role as an ad hoc tourism board, publicity agent and tour guide, making sure that Beacon is literally "on the map" as a destination in the Hudson Valley. In addition to regular ads in print and digital media and the robust BeaconArts.org website, each year BeaconArts publishes upwards of 25,000 copies of the "Beacon Guide" and facilitates its distribution throughout the city and beyond, with regular updates to the information being made every 3 months. A revised/expanded version of it is planned in 2018. Our organization also has a substantive role in many of the arts and cultural events that occur in our City: Beacon 3D, Beacon Open Studios, Keys to the City, the Bicycle Christmas Tree/Menorah, the Beacon Independent Film Festival and Windows on Main Street.

Unfortunately, we were also unable to secure sponsorship from local businesses specifically for the bus shelter project. This is becoming a problem in our community where the businesses are asked again and again to provide funds or in-kind donations to all of the many worthy organizations or causes. Fatigue has set in, and finding new revenue sources for our projects and services is crucial if we are to continue providing the service we have to the City of Beacon.

For 2018 we would like to expand on the bus shelter project to include a branding of the "G" Line art loop. This will be accomplished developing a recognizable "brand" for the bus line that will transfer to written materials (including a schedule), signage, promotion on various websites, a dedicated URL where information on the bus schedule can be found, printed and digital media, and most importantly - a way for the bus itself to be identified, perhaps with a large magnet that can be transferred from vehicle to vehicle. New artwork will also be installed in each stop in 2018, and the side panels will incorporate the art loop branding, where now there is information about BeaconArts and an image of our Main Street map. Funding for this will come from various sources, including our general operating budget and with approval from the City Council, from the City of Beacon.

For 2019 and beyond, BeaconArts intends to apply for grants from the State Council on the Arts to further expand the bus shelter project into a creative placemaking project.

Here is a proposed budget for the 2018 Bus Shelter/"G" Line Art Loop Project

Printing: Vinyls 5 shelters @ \$375/each:	\$1,875
Printing: Custom bus schedules 2,500 @ .04/each):	100
Printing: 9 magnets @ \$50/each:	450
Signage: 6 – 8 signs to be placed in strategic locations:	1,500
Supplies: Map/Bus Schedule holders 5 @ \$15/each	75
Promotion on websites, print, MTA, etc.:	1,000
Graphic Design	Pro-bono (donated)

Total Bus Shelter Project 2018: \$5,000

We will be reaching out to the County transportation office and the MTA as well as our partners Dia:Beacon and the Chamber of Commerce. Additional sponsorships will be sought out, as well as special grants specifically for transportation solutions on Main Streets.

Thank you for your consideration.

Sincerely,



Kelly Ellenwood
President, BeaconArts(
845) 863-9964

kellenwood@beaconarts.org
beaconarts.org