



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

Mayor Randy Casale
Councilman Lee Kyriacou, At Large
Councilman George Mansfield, At Large
Councilwoman Terry Nelson, Ward 1
Councilman John E. Rembert, Ward 2
Councilwoman Jodi M. McCredo, Ward 3
Councilman Amber J. Grant, Ward 4
City Administrator Anthony Ruggiero

City Council Workshop Agenda
January 8, 2018
7:00 PM

Workshop Agenda Items:

1. CMS Local Law Discussion
2. Food Trucks Local Law
3. Medical Accessory Structure Local Law
4. Assessment of Condominiums Local Law
5. Tree Removal Local Law
6. Fishkill Creek District Discussion
7. Sign Notification for land use matters
8. Appointment of Acting Mayor
9. Acting City Administrator
10. CAC Appointments
11. Roseneth Extension Request
12. Expansion of ZBA
13. Cost of Publication of Official Newspapers
14. Gross vs. build-able acreage for all zoning districts discussion
15. ADA Grievance Procedure

Upcoming Public Hearings

1. January 16, 2018 Food Trucks Local Law
2. January 16, 2018 Medical Accessory Structure Local Law
3. January 16, 2018 Assessment of Condominiums Local Law
4. January 16, 2018 Proposed 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), General Business (GB), Light Industrial (LI) and the Waterfront Park (WP); Proposed Local Law Amending the Zoning Map of the City of Beacon; and Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS)

Executive Session:

1. Sale of Real Property

City of Beacon Workshop Agenda
1/8/2018

Title:

CMS Local Law Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
CMS Draft Law	Backup Material

LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

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

§ 223-41.16 Purpose.

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

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

§ 223-41.17 Applicability and boundaries.

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

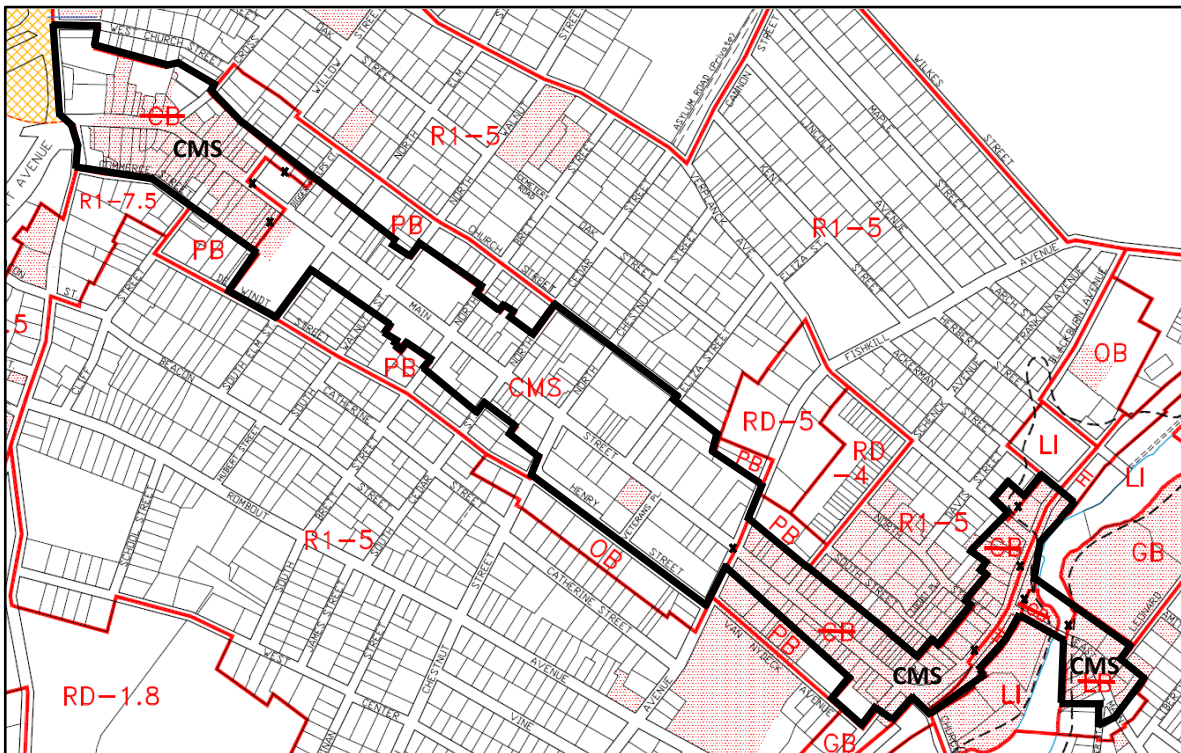


Figure 17-1: Central Main Street Zone Map

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

§ 223-41.18 Regulations.

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

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

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

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the ~~Planning Board~~ City Council, 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 City Council finds that there are no substantial detrimental effects on parking, traffic, shadows, or specific views designated as important by the City Council in an adopted local law, the Comprehensive Plan Update, or Local Waterfront Revitalization Program.~~ 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 City Council~~ 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 City Council~~ shall follow the procedures in § 223-41.18 ~~l~~(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).

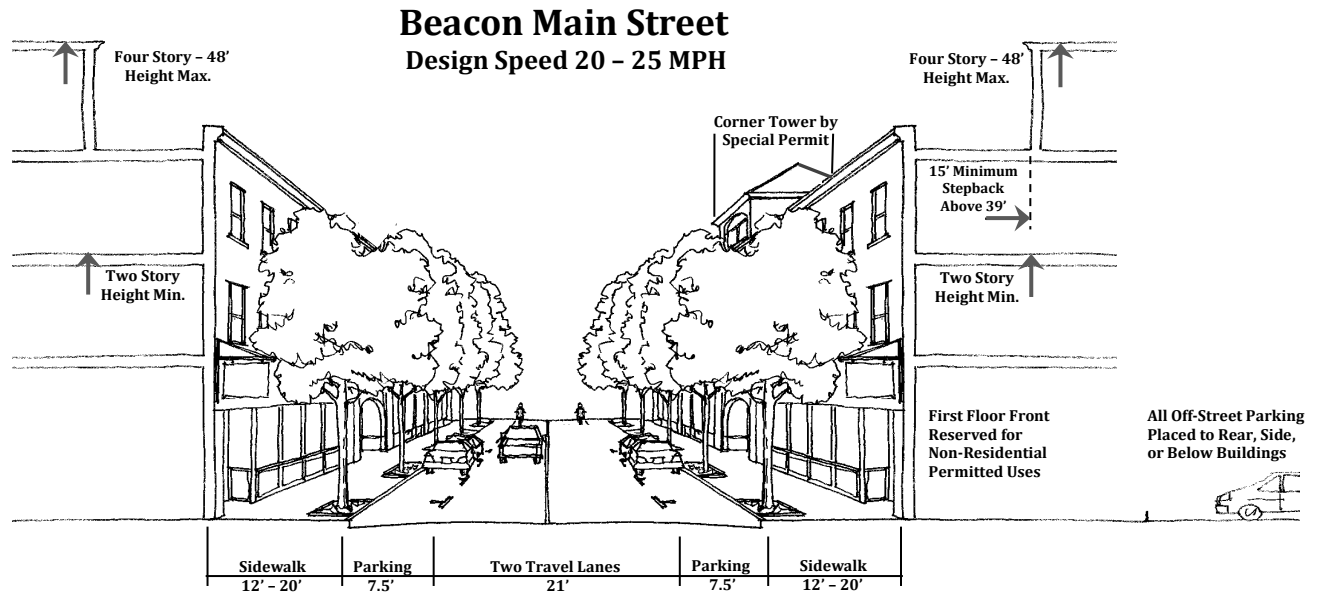


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

- (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.

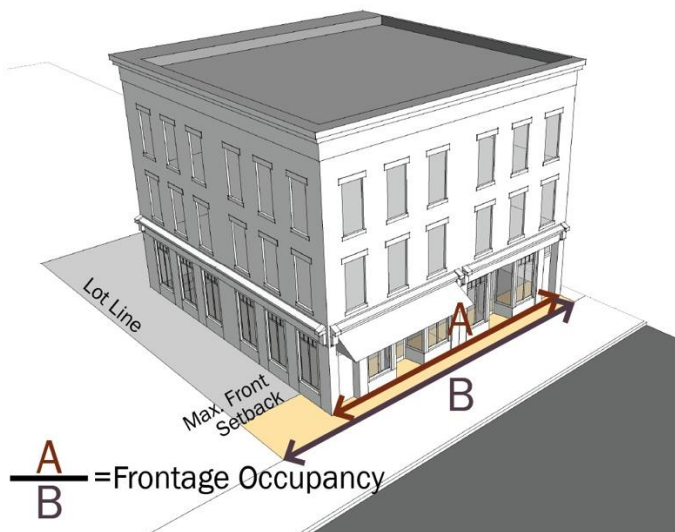


Figure 18-2: Frontage Occupancy

- (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~~ facing 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.

For buildings in the both the CMS and Historic District and Landmark Overlay Zone, any fourth story shall require a special permit by the City Council, upon a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views designated as important by the City Council in an adopted local law, the Comprehensive Plan Update, or Local Waterfront Revitalization Program, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met.

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.

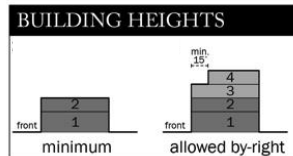
- (8) Building height for a building not fronting on Main Street or East Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum 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) Building depth: corner buildings shall not extend along a side street more than 150 feet from the Main Street or East Main Street frontage, unless the rear building height is reduced to two stories.
- (10) Lot area and lot width: There are no minimum lot area or lot width requirements.
- (11) 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.

(12) Floor area ratio: There is no maximum floor area ratio.

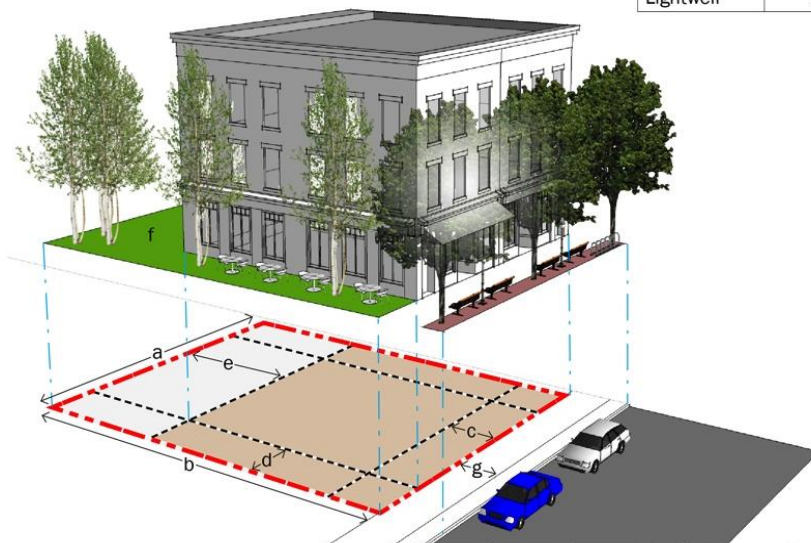
(13) Landscaped area: For lots fronting on Main Street or East Main Street, a minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped ~~interior~~ courtyard, and are found to be consistent 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.

(14) 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

(15) 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'	--

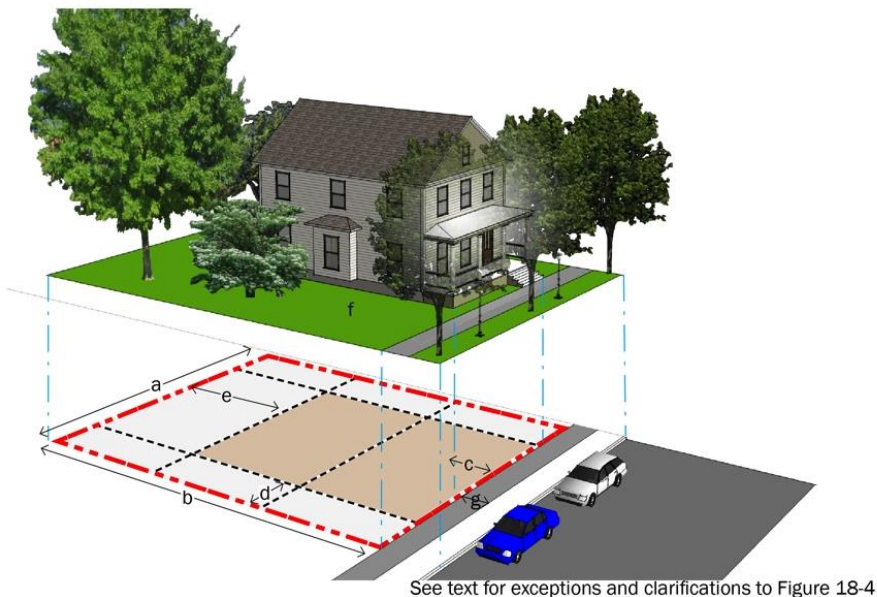
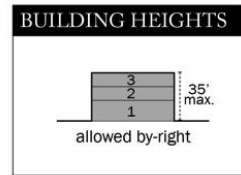


Figure 18-4: Lots That Do Not Front on Main Street or East Main Street

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.

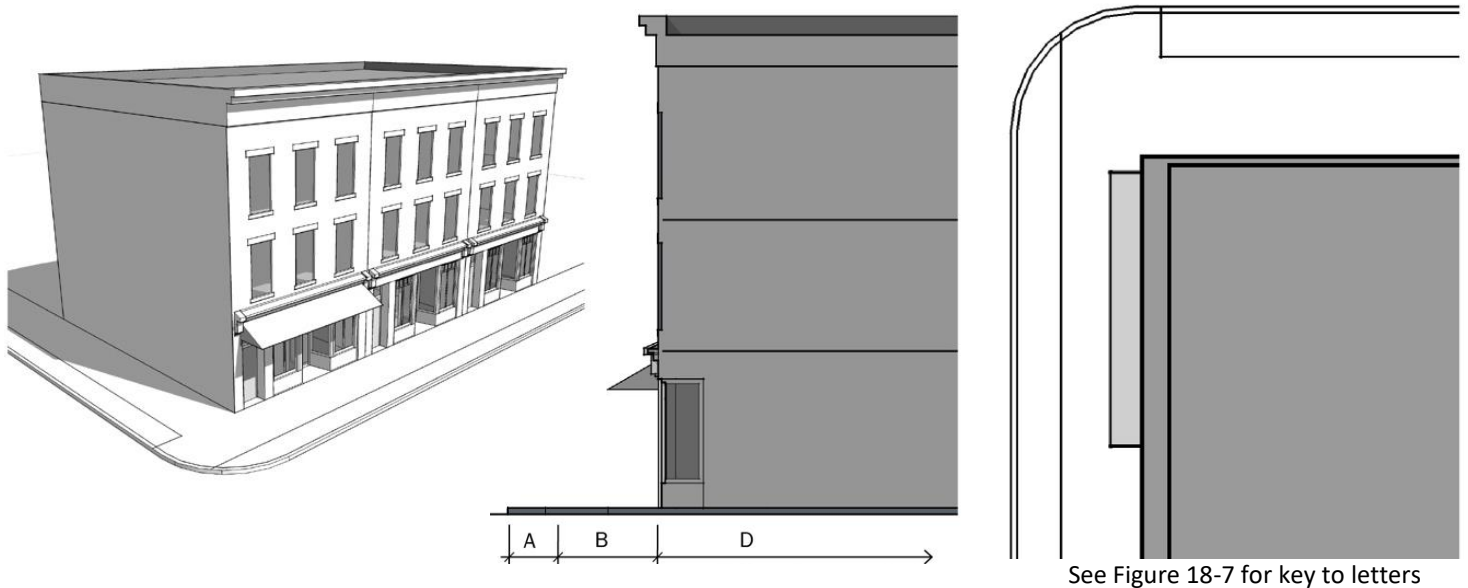


Figure 18-5: Illustrative View, Section View, and Plan View of Storefront Frontage Type

- (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.

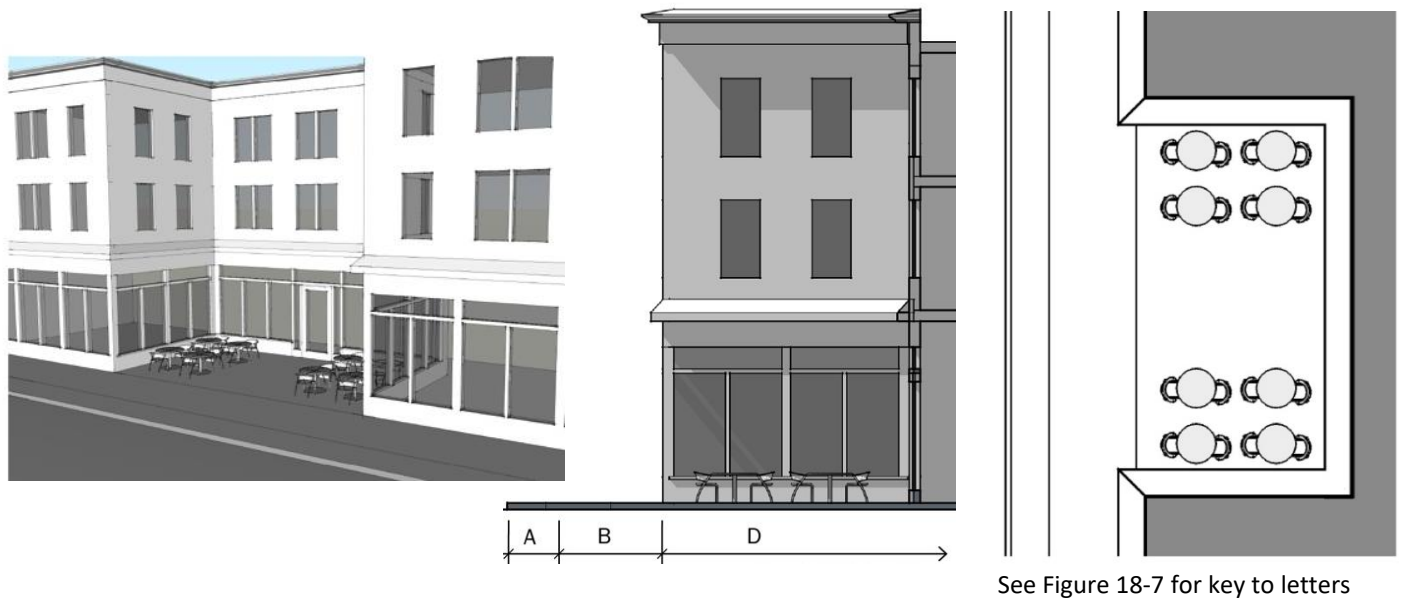


Figure 18-6: Illustrative View, Section View, and Plan View of Forecourt Frontage Type

G. Parking location and quantity.

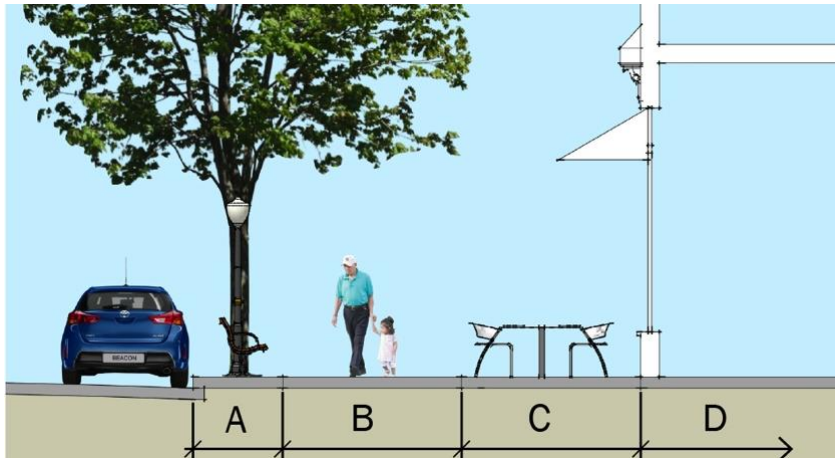
- (1) All off-street parking for buildings that have Main Street or East Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property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

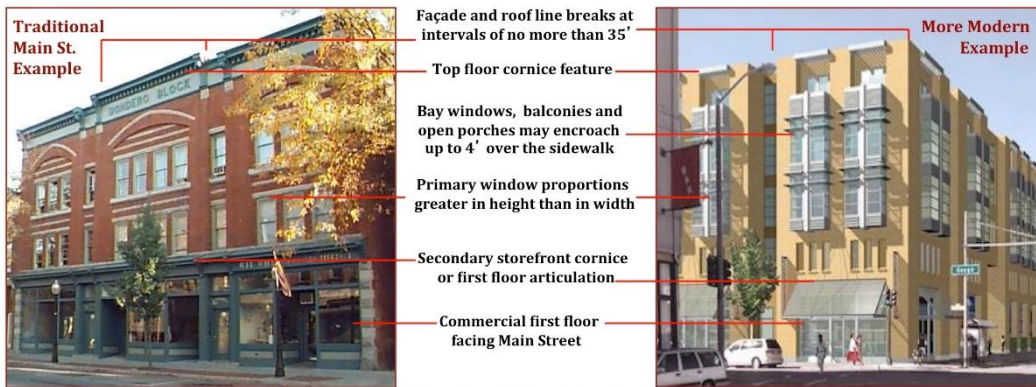
(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include type and texture of materials, massing, spacing and proportion of windows and doors, horizontal alignments, and street-front fixtures, but architectural features ~~and details~~ may be more traditional or may be ~~simpler and more modern, less detailed~~, signaling a ~~more~~ 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.

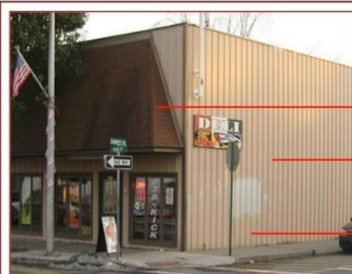
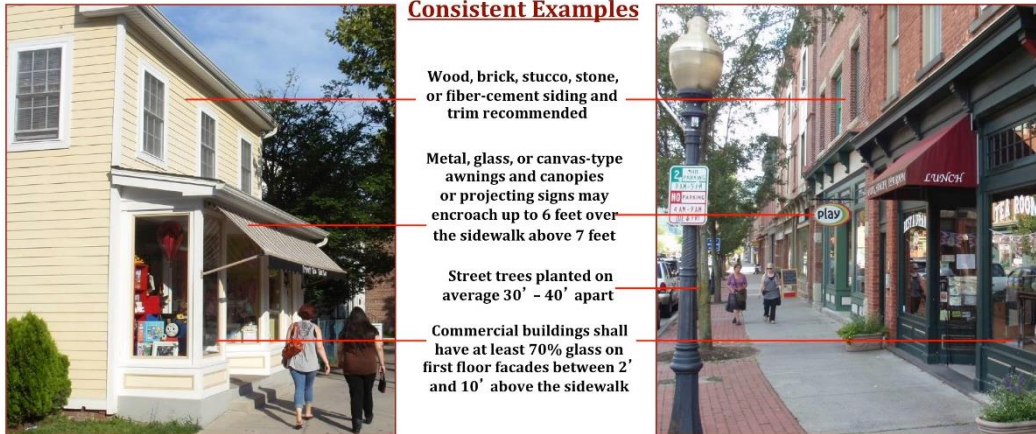
(5) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks 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:



Design Standards Consistent Examples



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.

City of Beacon Workshop Agenda
1/8/2018

Title:

Food Trucks Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Food Trucks	Local Law
Food Trucks Code Info	Backup Material
Dutchess County Planning_LL Food Trucks	Cover Memo/Letter

DRAFT LOCAL LAW NO. ____ OF 2017

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§223-41.21. Regulations.

...

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

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

Section 4. Severability

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

Section 5. Effective Date

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

§ 223-26.3. Retail sales from a truck or trailer. [Added 7-21-2014 by L.L. No. 10-2014]

- A. Temporary use, number of trucks and design of truck. Retail sales from a truck is a temporary use which may be permitted to exist for a maximum of only one two-consecutive-year period on a given lot. Depending upon the size and shape of the lot, as well as other site characteristics including the lot's capacity for off-site parking as determined by the Planning Board, the Board may allow up to two such trucks or trailers on a lot at any one time. The proposed truck shall be specifically designed for a retail use.
- B. Location. Retail sales from a truck may be permitted on vacant private property, but shall not be located on property already occupied with another existing use.
- C. Orientation, tables and seating, site furniture, site circulation and access.
 - (1) The retail sales truck shall be oriented so as to ensure that the customer queue does not block any public sidewalk.
 - (2) Based upon the size, shape and other characteristics of the lot, as well as the need for off-street parking and the desires of the applicant, the Planning Board shall determine the appropriate number and type of tables and seating which will be allowed on the lot in connection with a food truck. Except for approved fencing, no other site furniture (permanent or otherwise) shall be permitted in conjunction with the retail sales truck.
 - (3) Retail sales trucks and all tables and seating shall be set back a minimum of 10 feet from public sidewalks and a minimum of 15 feet from fire hydrants. Retail sales operators shall maintain site circulation and access consistent with the Americans with Disabilities Act.
- D. Display of permissions. Retail sales operators shall display a current business tax certificate on the exterior of the retail sales truck. Food truck operators shall also display a valid Dutchess County Department of Health permit on the exterior of said truck. If said permit expires, or is suspended or revoked, then all food sales shall cease until the permit is reinstated.
- E. Suitable improvement, sanitation and exterior storage. The lot on which the retail sales truck(s) is located shall be suitably improved to the satisfaction of the Planning Board, and shall be maintained in a safe, clean and litter-free manner at all times.

The retail sales operator shall not discharge grease, liquids or any other items or materials onto the sidewalk, street, tree pits, sanitary sewer system, stormwater inlets or said lot, and said operator shall comply with all applicable laws and regulations. Said operator shall provide a minimum of two thirty-two-gallon litter receptacles with securable lids within 15 feet of the retail sales truck. City trash receptacles shall not be used to dispose trash or waste. All refuse shall be removed from the site and properly disposed of on a daily basis. Except for approved tables and seating, the exterior storage of equipment or materials associated with the retail sales enterprise is prohibited. The applicant shall present a plan to the Planning Board for the storage of any approved tables and seating which shall include a method by which the tables and seating cannot be used when the food truck is not in operation.

- F. Utilities, operating condition and temporary use. It is preferable that the retail sales truck be entirely self-sufficient with regard to gas, water and telecommunications. Should any utility hookups or connections to on-site utilities be required, the retail sales operator shall be required to apply for appropriate permits to ensure compliance with applicable building codes. Said truck shall be maintained in good repair at all times. The siting and operation of said truck shall be a temporary use, shall not become a fixture of the site and shall not be considered an improvement to real property.
- G. Lighting. The retail sales operator shall provide adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.
- H. Noise. Noise levels measured at the property line shall not violate the City's noise control regulations. No audio amplification shall be allowed on the lot. During the operation of the retail sales truck, the use of an external generator(s) or said truck's motor vehicle engine shall be prohibited. There shall be no continuous idling of said truck's engine.
- I. Alcohol. The serving or consumption of alcohol of any kind shall be prohibited at the retail sales truck site.
- J. Hours of operation. The hours of operation of this use shall be from 6:00 a.m. until 10:00 p.m.
- K. Signage. Notwithstanding § 223-15 of this chapter, the retail sales operator shall not display more than an aggregate of 20 square feet of sign area on the lot. Said signage shall be professionally

prepared or its equivalent. Notwithstanding the use of the words "building" and "structure" in the definition of "sign area" in § 223-63 of this chapter, said definition shall apply to retail sales trucks.

- L. Parking. A minimum of two off-street parking spaces shall be provided for this use. Said off-street parking shall be suitably improved and screened to the satisfaction of the Planning Board. Notwithstanding the above, the parking requirement may be modified or eliminated by said Board, in its discretion, based upon information submitted by the applicant or otherwise in the public record, demonstrating that there is sufficient public parking available within 800 feet of the site to meet the foreseeable parking needs of the proposed use and surrounding uses.
- M. Aesthetics. There shall be no display of banners, streamers or any other elements designed or intended to attract attention to the retail sales truck site other than permitted signage. In reviewing the application for site development plan approval for this use, the Planning Board may attach conditions to its approval for the purpose of mitigating visual impact.
- N. Removal of truck. If the retail sales truck is removed from the lot, all other evidence of the retail sales operation shall be removed as well.
- O. Commencement and inspection. Retail sales from a truck shall not commence until the operator has obtained a certificate of compliance from the Building Department. Each retail sales truck and lot shall be inspected by said Department at the end of 12 months from the inception of the use in order to determine whether the use remains in compliance with this section. Upon a satisfactory inspection report, the vending truck owner shall be reissued a certificate of compliance. In the event that the inspection indicates that the use is no longer in compliance, the certificate of compliance shall be revoked until the violation(s) is cured.

**Dutchess County Department of
Planning and Development**

Fax Info

To
Dept
Fax #

Date 11/20 # pgs 1
From
Phone #

239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

Referring Agency: ☐ Planning Board ☐ Zoning Board of Appeals ☒ Municipal Board

Tax Parcel Number(s): N/A

Project Name: Local Law regarding Food Trucks

Applicant: City Council

Address of Property:

**Parcel(s) within
500 feet of:**

- ☒ State Road _____
☐ County Road _____
☐ State Property (w/public building or recreation area)
☒ County Property (w/public building or recreation area)
☒ Municipal Boundary
☐ Farm operation in an Agricultural District

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
☐ Rezoning involving all map changes
☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
☐ Site Plans (all)
☐ Special Permits for all non-residential uses
☐ Use Variances for all non-residential uses
☐ Area Variances for all non-residential uses

Exempt Actions:*

239 Review Is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): 11/20 Public Hearing

If subject of a previous referral, please note County referral number(s): _____

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- ☒ Matter of Local Concern
☐ No Jurisdiction
☐ No Authority
☐ Project Withdrawn
☐ Exempt from 239 Review

Comments Attached:

- ☐ Local Concern with Comments
☐ Conditional
☐ Denial
☐ Incomplete — *municipality must resubmit to County*
☐ Incomplete with Comments — *municipality must resubmit to County*
☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: 11/15/17

Date Received: 11/15/17

Date Requested: 11/20/17

Date Required: 12/14/17

Date Response Faxed: 11/20/17

Notes:

☐ Major Project

Referral #: ZR17-399

☐ Also mailed hard copy

Reviewer:

Jennifer Horowitz

Please fill in this section

DUTCHESS COUNTY
DEPARTMENT OF
PLANNING AND DEVELOPMENT
RECEIVED
2017 NOV 15 PM 4:05

City of Beacon Workshop Agenda
1/8/2018

Title:

Medical Accessory Structure Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Medical Structure	Local Law
FAQs	Backup Material
Wheel Pad	Backup Material

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,
concerning
temporary medical
service accessory
structures.

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

Section 1. Chapter 223, Attachment 1 of the Code of the City of Beacon entitled “§ 223-17C, Schedule of Regulations For Residential Districts” is hereby amended to add the following permitted as an accessory use:

12. A single temporary structure not exceeding 250 square feet in compliance with section 223-17E and located in the rear or side yard and connected to the principal dwelling unit in a manner that is satisfactory to the Building Inspector for a period not exceeding one (1) year, solely to be used, without charge, by the owner or occupant of the dwelling unit or an individual related to the owner or occupant, for medical services to be provided until permanent accessible housing can be arranged, as demonstrated by a medical note and other proof to the satisfaction of the Building Inspector. The Building Inspector, upon good cause shown, may extend the one (1) year limitation for a period not to exceed one (1) year.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Attachment 1 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. 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 4. Effective Date

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

FAQ

Who can use Wheel Pad™?

Anyone needing temporary living quarters attached to a friend or family member's existing home. This could be someone with a spinal cord injury learning to live in a wheelchair, staying with family or friends while s/he figures out a long term plan. It could be someone in need of hospice care who would rather be with family than in a facility or someone in need of a little extra help while they adjust to a new way of life. Wheel Pad allows for people to be with family or friends so they can take a breath and determine for themselves the best, long-term solution.

Is Wheel Pad universally accessible?

Yes. Wheel Pad is universally accessible. It was designed by architect Joseph Cincotta of LineSync Architecture in collaboration with Riley Poor, who is successfully living with tetraplegia. Advisors also include Owen Milne, successfully living with quadriplegia and Ben Underhill, successfully living with paraplegia. Wheel Pad is optimized for maximum accessibility, firmness, commodity and delight. Raised to the level of the house with customized support, Wheel Pad can be equipped with a ramp to allow its inhabitant independent access to the outside.

How big is Wheel Pad?

Its exterior dimensions are 26' long by 8'- 6" wide per Federal Highway limits, including an approximately 30" deep utility room which may vary to accommodate improved technology. The overall square footage is just over 220 square feet.

How much room is needed to install Wheel Pad?

Approximately 30' by 12' feet of flat land, next to a house where the Wheel Pad will be placed. This includes a 4' x 6' temporary connection to the existing home and a pathway wide enough to access the Wheel Pad placement location.

What are the zoning regulations regarding Wheel Pad?

Because it is on a mobile frame, Wheel Pad qualifies as an RV. In some cases, off highway parking laws may state that living in an RV on your property is illegal, however, this information varies from city to city. **Wheel Pad will be happy to assist our customers in obtaining any interim use permits or other qualifications needed to use our service.**

Connecticut Customers: This year Senator Osten was successful in passing [Senate Bill 922, An Act Concerning Temporary Health Care Structures](#) legislation allows municipalities to issue permits for the installation of temporary health care structures on lots zoned for single-family residential dwellings. [Click here](#) for a summary providing more details.

How do Life Safety building code regulations apply?

Wheel Pad is connected to a public room, such as a living or dining room. Our code consultant can address any concerns with local authorities.

What about water and electricity?

Wheel Pad is powered by a 50 amp power source originating directly from the primary residence. As part of the placement process, our electrician installs an exterior 50 amp outlet, prior to installation. This approach allows a higher energy pull to keep the unit warm during harsh winters. A solar PV panel option hook up will also be available.

How does plumbing work?

Wheel Pad is also equipped with an internal 90 gallon septic tank, serviceable by a waste management partner on a predetermined schedule (approximately every 8 weeks). A longer term solution may be arranged with the host house depending upon regulatory and physical piping conditions at the host home. As being green and sustainable is part of the Wheel Pad mission, a grey water filter enables occupants to safely disperse filtered shower and sink water for use as irrigation. Our standard offering includes an ultra low flush, .86 gallons toilet, if the pipes in the house are in good condition. A composting toilet option requires a slightly larger Wheel Pad utility module.

Does Wheel Pad leave a permanent footprint?

Wheel Pad is not a permanent attachment, so any footprint left behind is completely repairable. Our illustrations show an option of making the connection an attractive part of the landscape. When Wheel Pad is removed, the outdoor deck could be extended back to the house to create a patio and ramp that can serve the house in the future.

How much does Wheel Pad cost?

Standard Wheel Pad versions will be available for lease starting at \$3,000/month. Custom models are available for sale.

The base price to purchase a Wheel Pad is \$60,000. Customization options are available for additional fees and include a larger bed, built-in lighting upgrades, composting toilet, solar photo voltaic panels and more.

Is customization available?

Wheel Pad is highly customizable via [LineSync Architecture](#). We're happy to provide specialty finishes, bump outs, solar power, designs for specific sleep preferences and more.

Have a specific request? Let us know and we will do our best to try and accomodate.

Do you offer in-home care services or preferred partners for caregiving?

At this time, no.



Julie@WheelPad.com
802.464.3957
14 Castle Hill, Wilmington, VT 05363

**YOUR HOME,
ACCESSIBLE NOW.**
wheelpad.com



DESCRIPTION

Wheel Pad® is a 200 sq.ft. accessible bedroom and bathroom that can be attached to an existing home. It provides eco-friendly temporary accessible housing for people with mobility issues, allowing friends and/or family to provide support until permanent accessible housing can be arranged. (Permanent models available.)

COST

Lease	\$3,000/month, six month minimum
Purchase	\$60,000 base price (customized options available)

FINANCING

- Wheel Pad L3C is a Low Income Limited Liability Company. This status allows Foundations to provide grants as part of their Program Related Investment. Thus, foundations may provide grants to Wheel Pad L3C for a specific individual to obtain Wheel Pad.
- VSECU (Vermont State Employee Credit Union)
- Opportunities Credit Union
- In conversations with Medicaid Medicare BlueCross BlueShield.

HAULING

Meets all Department of Transportation Guidelines to be pulled on US Highways. We pulled it around Vermont in Full Size Ford PickUp.

- Size: 24' x 8'6" no need for Commercial Driver License
- Height: 13' 8"



CONNECTION TO EXISTING HOME

Wheel Pad L3C Project Manager, Thomas Cincotta, will oversee your contractor in connecting Wheel Pad to your home through a back or side door or even through a window. Short term utility connections are made with an extension cord, a garden hose, and Wheel Pad's portable septic tank. The help of a plumber and electrician are useful for long term connections,

- Potable Water connects to a garden hose bib. Wheel Pad's own domestic hot water heating capacity is built in.
- Waste Water Wheel Pad's 250 gallon septic tank can be used in conjunction with periodic wastewater management services until a plumber is available for a more permanent connection.
- Electricity connects with a heavy duty extension cord in the summer. Winter heating requires a second cord connected to any other 20 amp circuit in the same house, so as not to trip the breaker.
- Outside Ramp & Deck options will be discussed with homeowner and client.

RELATED VIDEOS

www.vimeo.com/178192100

www.vimeo.com/112705129



City of Beacon Workshop Agenda
1/8/2018

Title:

Assessment of Condominiums Local Law

Subject:

Background:

ATTACHMENTS:

Description

LL Condo Assessment

Type

Backup Material

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

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

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

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

Article XII. Assessment of Converted Condominiums

§ 199-56. Authority.

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

§ 199-57. Definitions.

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

CONVERTED CONDOMINIUM

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

§ 199-58. Assessment of converted condominiums.

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. Effective Date

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

City of Beacon Workshop Agenda
1/8/2018

Title:

Tree Removal Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
Tree Preservation Memo	Cover Memo/Letter
LL Tree Preservation	Cover Memo/Letter

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Tree Preservation Law

DATE: January 5, 2018

At the last City Council meeting, the City Council asked our office to draft a proposed local law focusing on tree preservation. The proposed local law creates a new Chapter 202 entitled Tree Preservation.

Tree removal is currently partially regulated by Chapter 204 and Chapter 203 of the Code of the City of Beacon. Chapter 204 requires a person to obtain a temporary permit to remove three or more live trees, located within 100 feet of each other having a DBH of six inches or more. The proposed local law removes all language in Chapter 204 concerning tree removal. In addition, Chapter 203 requires individuals to obtain a permit from the City Clerk to remove any tree in any highway, sidewalk or public place. This requirement remains unaltered and is referenced in the proposed Chapter 202.

The proposed local law regulates the removal of trees with a diameter at breast height (DBH) of 6 inches or more, measured 4 1/2 feet above the ground. Under the proposed local law, one is required to obtain a tree removal permit if they are (1) removing a single tree with a DBH of 8 inches or more, (2) removing a single tree with a DBH of 6 inches or more on slopes over 20%, (3) removing any endangered or threatened species, or (4) removing 10 trees with a DBH of 6 inches or more on a single lot. The City Engineer is responsible for approving all tree removal permits, except where tree removal is proposed in connection with any site plan, subdivision, or special use permit submitted to the Planning Board. In such cases, the Planning Board may approve the tree removal. There are also a number of exceptions when a tree permit is not required, including, for example, the removal of trees that are dead, dying or diseased.

The law sets forth application requirements, replanting standards, and penalties. The law also establishes an appeals process for any aggrieved applicant or individual affected by the determination of the City Engineer with respect to an application for a tree removal permit. Such an appeal is made to the Zoning Board of Appeals.

The City Council should consider referring the proposed local law to the Planning Board. Please note that proposed tree preservation law is not an amendment to the Zoning Code, and therefore it is not required to be referred. The Planning Board has dealt with tree removals as part of subdivision and site plan applications and may have thoughts on the Local Law.

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO ADD
CHAPTER 202 AND AMEND CHAPTER 204 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal.

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

SECTION 1. Chapter 202 entitled “Tree Preservation” is hereby added to the Code of the City of Beacon as follows:

Chapter 202. Tree Preservation

§ 202-1. Purpose

The City Council finds that it has been established that trees stabilize the soil and control water pollution by preventing soil erosion and flooding, reduce air pollution, provide oxygen, yield advantageous microclimatic effects, temper noise and, further, that unusual, large and old trees have unique aesthetic and historic values. Indiscriminate removal of trees causes deprivation of these benefits and disrupts the City’s ecological systems. It is, therefore the purpose of this chapter to prevent the indiscriminate or unnecessary destruction of trees within the City of Beacon.

§ 202-2. Applicability.

No tree regulated under this chapter shall be cut or removed from any land in the City without having first obtained a tree removal permit.

§ 202-3. Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the meanings indicated:

APPLICANT

Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, including a municipal corporation, governmental agency or subdivision thereof, filing an application pursuant to this chapter.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter or caliper of a tree measured at a point 4 ½ feet above ground, or at the highest measurable point of the remaining stump if less than 4 ½ feet, on the uphill side of the tree.

DEAD TREE

A tree that lacks vitality, is lifeless and without foliage.

TREE

A living, woody plant with an erect perennial trunk and a definitely formed crown of foliage.

TREE REMOVAL

Any act which will cause a tree to be cut or removed or to die within a one-year period.

TREE REMOVAL PERMIT

A permit granted pursuant to the requirements of this chapter which allows the removal of one or more trees.

§ 202-5. Tree removal permit required; approving authority.

A. A tree removal permit will be required before removing:

- (1) Any tree eight inches or more in DBH.
- (2) Any tree six inches or more in DBH growing on slopes of over 20%.
- (3) Any threatened or endangered species of tree, regardless of size, as defined by the New York State Department of Environmental Conservation.
- (4) More than 10 trees with a DBH of six inches or greater on a lot, within any twelve-month period.

- B. Exceptions. Notwithstanding the foregoing, no permit shall be required for the removal of:
- (1) The business and operation of commercial nurseries, fruit orchards, and tree farms.
 - (2) Removal of trees as part of an active agricultural activity on a lot located within a designated agricultural district.
 - (3) Removal of trees that are dead, dying, or diseased, or trees which have suffered damage, or any tree whose angle of growth makes then a hazard to structures, roads, or human life as determined by the Highway Superintendent, Building Inspector, City Engineer, or other duly authorized representative of the City.
 - (4) Removal of trees which appear to cause structural damage to buildings or foundations as determined by the Building Inspector, the City Engineer, or other duly authorized representative of the City.
 - (5) Removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property.
 - (6) Permitted forest management activities on properties covered under § 480-a of the Real Property Tax Law.
 - (7) Trees directed to be removed by municipal, county, state, or federal authority pursuant to law.
 - (8) Removal or pruning of trees in any highway, sidewalk or public place. No shade or ornamental tree or shrub in any highway, sidewalk or public place in the City shall be cut, pruned, or removed, nor shall the roots, stems, branches or leaves of such tree be cut, broken or otherwise disturbed, until and unless a permit therefor has been granted by the City Clerk pursuant to § 203-2.
- C. The approving authority for all applications under this chapter shall be the City Engineer. Where tree cutting or removal is proposed in connection with any site plan, subdivision approval, or special use permit approval submitted to the Planning Board, trees shall be cut or removed from the subject property only in conjunction with an approved final subdivision plat, final site plan, or final special use permit approval, in which case a separate tree removal permit shall not be required. The Planning Board shall consider the criteria listed in § 202-6.A and may impose conditions as set forth in §§ 206-6.B and 202-9.

§ 202-6. Tree removal permit

- A. Unless otherwise indicated herein, a tree removal permit may be granted if the City Engineer determines that the application meets one or more of the following criteria:

- (1) The continued presence of such tree or trees is likely to cause danger to persons or property upon the property for which removal is sought or upon adjoining or nearby property.
- (2) The location of the designated tree or trees prevents compliance with state, county or local standards for sight lines, driveways or intersections.
- (3) The location of the tree or trees prevents the property owner from undertaking otherwise approved construction or alteration because the location of the designated tree or trees substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the designated tree or trees; written explanation may be required describing how the designated tree or trees interferes with construction or alteration and why the construction or alteration cannot be modified reasonably to accommodate the designated tree or trees.
- (4) The area where such tree or trees are located has a cut, depression, or fill of land, or the topography of the land is of such a character as to be injurious or dangerous to such tree or trees, or to tree or trees located nearby.
- (5) The designated tree or trees, due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.
- (6) The tree is dead, or so substantially diseased that it constitutes a danger to person, property or other trees.
- (7) The removal of the tree is consistent with good silvicultural, horticultural or vegetation management and will not have an adverse visual or ecological impact.

B. The City Engineer may, as a condition of granting a permit:

- (1) Require the reasonable relocation of proposed foundation walls, driveways, grading, surface and subsurface improvements or drainage systems to preserve specific trees.
- (2) Require that each tree to be cut or removed be marked at one point low enough on the trunk to be visible after removal of the tree so as to permit subsequent inspection. Notwithstanding the above, where the use of a sampling technique has been approved, trees less than 22 inches in diameter at breast height need not be marked.
- (3) Require such safeguards as appropriate to minimize the environmental impact of such removal operations.

- (4) Require that the tree trunk, limbs, stump and any roots remaining above grade be removed to approximately two feet or less.
- (5) Require that the disturbed area be backfilled, replanted and/or reseeded.
- (6) Require the planting of a replacement tree or trees in accordance with § 202-9.
- (7) Impose such additional conditions as the City Engineer deems necessary to ensure compliance with the policies and provisions of this chapter.

§ 202-7. Permit application.

- A. Any person proposing to conduct or cause to be conducted a regulated activity specified regulated by this Chapter shall file an application for a permit with the approving authority as hereinafter provided prior to undertaking such cutting or removal. Such application shall include the following information:
 - (1) The name and address of the applicant.
 - (2) The address and City Tax Map designation of the property on which the tree(s) is/are located.
 - (3) The number and size in DBH of trees to be cut or removed.
 - (4) The purpose of the tree removal.
 - (5) Methods of removal
 - (6) Color photographs or slides showing the areas and environment where trees are to be removed, with sufficient detail to identify the remaining trees in the area after work is completed.
 - (7) Application fee to be set in a fee schedule determined by the City Council, except when the applicant is the City of Beacon.
 - (8) A boundary and topographic survey may be required by the City Engineer, if the City Engineer, within his or her discretion, determines that the proposed tree removal is significant enough to have potential impacts on neighboring properties. The survey shall be prepared by a New York State-licensed professional land surveyor of that section to be disturbed, showing location of any water bodies, water courses, and site improvements as well as all trees six inches DBH or greater, indicating those trees to be cut or removed and those trees to be preserved, their species and their diameter. Trees shall have numbering and tagging. The numbering and tagging shall be both in the field as well as illustrated on the plan.

§ 202-8. Inspection; Indemnification

Any site for which an application for a tree removal permit has been submitted shall be subject to inspection by the approving authority or its designated representatives upon notice to the property owner and applicant at any reasonable time, including weekends and holidays. The applicant, by making application for such permit, shall be deemed to have given its consent to such inspection. The applicant shall indemnify and hold the City harmless against any damage or injury that may be caused by or arise out of any entry onto the subject property in connection with the process of the application, during construction or performance of the work or within one year after the completion of the work.

§ 202-9. Tree replacement and reforestation.

- A. The City Engineer may require the planting of a replacement tree or trees as prescribed in the following table.

Tree Replacement Schedule

<u>DBH of Existing Tree Removed</u>	<u>Number of Replacement Trees (3 inch caliper)</u>
<u>Less than 6 inches</u>	<u>1</u>
<u>Between 6 and 12 inches</u>	<u>3</u>
<u>Between 12 and 18 inches</u>	<u>4</u>
<u>Between 18 and 24 inches</u>	<u>5</u>
<u>Between 24 and 30 inches</u>	<u>6</u>
<u>Between 30 and 36 inches</u>	<u>10</u>
<u>36 inches or greater</u>	<u>The equivalent of 3 inch caliper trees or greater needed to equal the DBH of the cur or removed tree</u>

- B. Replacement tree(s) shall be of nursery grade quality, balled and burlapped and located on site. Where replacement trees are required, but not suitable for the particular site prescribed due to the size of the site, the City may deposit the trees into a community tree bank. Trees deposited into the community tree bank shall be utilized for planting on public land.

- C. The type of replacement tree(s) shall be the same as the species cut or removed from the site or other as approved by the City Engineer.
- D. The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods as retained by the applicant/developer. Said expert shall certify that the planting of the replacement trees was conducted in compliance with standards established by American Association of Nurseryman.
- E. Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees by a person with horticultural training in tree care and planting methods as retained by the applicant/developer. If any of the replacement trees die within the one-year period from their planting, the developer/applicant shall replace the dead tree(s)

§ 202-10. Penalties for offense.

- A. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this chapter or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this chapter shall be guilty of an offense punishable by a fine of not more than \$350. Each tree cut or removed without a tree removal permit required by this chapter or in violation of any condition attached to a tree removal permit or otherwise in violation of this chapter shall constitute a separate offense subject to the \$350 penalty. For a second and each subsequent violation within a one-year period, the violator shall be guilty of an offense punishable by a fine of not more than \$1,000 or a term of imprisonment of not more than 15 days, or both.
- B. Each violation of the provisions of this chapter shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, the court may order or direct a violator to replace any or all trees cut or removed illegally, with a size and type selected by the City Engineer. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Building Inspector.

§ 202-11. Appeals.

- A. Any applicant aggrieved or affected by the determination of the City Engineer with respect to an application for a tree removal permit may, within 10 business days of such determination, appeal to the Zoning Board of Appeals, stating the reason for such appeal. The Zoning Board of Appeals shall conduct a public hearing on the appeal within 60 calendar days of receipt of such appeal and shall, based upon the standards contained herein and the facts of the matter, deny, grant or grant with conditions the permit being sought. Notice of said public hearing shall be provided by the applicant

in accordance with § 223-61.3 of the City of Beacon Zoning Code. Upon appeal, the City Engineer's approval shall be suspended.

- B. Any person or persons jointly or severally aggrieved by a decision of the Zoning Board of Appeals pursuant to this chapter may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice and Law and Rules.

SECTION 2. The Title of Chapter 204 of the Code of the City of Beacon entitled "Sand and Gravel Excavation and Tree Removal" is hereby amended as follows:

Chapter 204: Sand and Gravel Excavation ~~and Tree Removal~~

SECTION 3. Chapter 204, Section 1 of the Code of the City of Beacon entitled "Definition" is hereby amended as follows:

§ 204-1. Definitions.

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

EXCAVATION or GRADING

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

~~SLASHING OF TREES~~

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

SECTION 4. Chapter 204, Section 2 of the Code of the City of Beacon entitled "Regulated activities; temporary permit" is hereby amended as follows:

§ 204-2. Regulated activities, temporary permit.

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

SECTION 5. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 204 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 6. 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 7. Effective Date

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

City of Beacon Workshop Agenda
1/8/2018

Title:

Fishkill Creek District Discussion

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

Sign Notification for land use matters

Subject:

Background:

ATTACHMENTS:

Description
LL Sign Notice

Type
Local Law

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 61.3 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, Section 61.3 to the Code of the City of Beacon, concerning Public Notice Signs.

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

SECTION 1. Chapter 223, Section 61.3 of the Code of the City of Beacon entitled “Hearing Notice Requirements” is hereby amended as follows:

Prior to any public hearing required for applications for approval of a site development plan, special permit, subdivision, or any public hearing before the Board of Appeals, the applicant shall comply with the following notice requirements at its sole cost and expense:

- A. Notice of hearing shall be timely submitted to the official City newspaper for publication in said newspaper at least five days before such hearing. Prior to the public hearing, the applicant shall submit to the City a signed affidavit of publication setting forth the details of the publication, including the date of publication, name of the newspaper and a copy of the notice of hearing published.
- B. Notice of hearing shall be sent by the applicant, by certified mail to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, to the adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected. For purposes of notice, a property shall be deemed to have non-owner occupants when the primary owner mailing address on file with the City of Beacon Tax Assessor, is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the public hearing, the applicant shall submit to the City a signed affidavit of mailing setting forth details of the mailing, including

date of mailing, names and addresses to whom the mailing was sent, a copy of the notice of hearing, and the certified mail receipts.

C. Public notice signs.

- (1) The applicant shall post one notification sign on the subject property no later than fourteen (14) days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least fourteen (14) days prior to every public hearing which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.
- (2) Such sign shall be at least three feet by four feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on both streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering with the heading at least five inches in height and the content at least two inches in height:

<p style="text-align: center;"><u>PUBLIC NOTICE</u></p> <p style="text-align: center;"><u>A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning Board of Appeals]</u></p> <p style="text-align: center;"><u>ON [insert date] AT [insert time] P.M.</u></p> <p style="text-align: center;"><u>AT THE CITY OF BEACON CITY HALL, 1 MUNICIPAL PLAZA, BEACON, NY</u></p> <p style="text-align: center;"><u>ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON BUILDING DEPARTMENT</u> <u>(845) 838-5026</u></p>

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board an affidavit certifying to the fact and date of said posting.
- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period

- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

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. 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 4. Effective Date

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

City of Beacon Workshop Agenda
1/8/2018

Title:

Appointment of Acting Mayor

Subject:

Background:

ATTACHMENTS:

Description
Acting Mayor

Type
Cover Memo/Letter

Sec. 3.05. Acting Mayor. [Added 9-21-2009 by L.L. No. 14-2009]

1. Title. This local law shall be entitled "A Local Law Adding to the City Charter Section 3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor."
2. Intent and purpose. This local law provides for the creation of the position of Acting Mayor, who shall be appointed by the Mayor to assure that the office and powers of the Mayor are properly executed in the absence of the Mayor from office or where the Mayor's disability causes his/her absence, preventing the Mayor from executing the functions of the Mayor's office.
3. Appointment of Acting Mayor.
 - a. The City Council hereby creates the position of Acting Mayor, who shall be appointed by the Mayor, subject to City Council approval, within three (3) months of the City of Beacon's reorganization meeting.
 - b. In the event of a tie vote of the City Council on the approval of the Mayor's appointment of an Acting Mayor, the Mayor's appointment shall stand.
4. Qualifications of Acting Mayor. The Acting Mayor shall be a member of the City Council at the time of appointment.
5. Duties of Acting Mayor. The Acting Mayor shall have all the powers and perform all the duties of the Mayor during any period of the Mayor's absence from office and shall be entitled to cast one (1) vote as Acting Mayor and no vote as a Council member.
6. Term of service. The Acting Mayor shall cease serving as Mayor upon the termination of the Mayor's absence and resumption by the Mayor of his/her mayoral duties.
7. Compensation. The Acting Mayor will not receive compensation for services as Mayor.
8. Determination. The determination of whether a vacancy exists in the elective office of Mayor shall be made as set forth in City Charter Section 2.08 and the Public Officers Law. If there is a conflict between the language of this local law and Section 2.08 or the Public Officers Law, the terms of Section 2.08 or the Public Officers Law shall supersede the provisions of this law.
9. Effective date. This law shall take effect immediately upon its filing in the office of the Secretary of State.

City of Beacon Workshop Agenda
1/8/2018

Title:

Acting City Administrator

Subject:

Background:

ATTACHMENTS:

Description

Acting City Admin

Type

Backup Material



CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.
City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

To: Mayor Casale and City Council

From: Anthony J. Ruggiero, MPA, City Administrator

Date: January 8, 2018

Re: Article 3., Mayor; Acting Administrator, Section 3.01, Acting City Administrator

Pursuant to the newly adopted City Charter, each year the City Administrator shall recommend to the Mayor two individuals qualified to fill in as Acting Administrator. This should have been done on January 2, 2018 at the reorganization meeting.

At this time, I would like to recommend the following two individuals whom I believe are qualified to be Acting City Administrator:

1. Timothy Dexter, Building Inspector
2. Susan Tucker, Finance Director

City of Beacon Workshop Agenda
1/8/2018

Title:

CAC Appointments

Subject:

Background:

ATTACHMENTS:

Description	Type
Schulman	Backup Material
Wooten	Backup Material

Committee Application

rec'd 12/18/17
[Signature]



Submit Forms:
One Municipal Plaza, Suite One
Beacon, NY 12508

Phone: (845) 838-5010
FAX: (845) 838-5012
Email: cityofbeacon@cityofbeacon.org

Name

Ben Schuman

Address

68 Beacon St, Beacon, NY 12508

Phone Number

312-451-3767

Alternate Phone

Email Address

ben-d.schuman@gmail.com

Committee You are
Interested In

- ☐ Board of Assessment Review
- ☐ Board of Ethics
- ☒ Conservation Advisory Committee
- ☐ Emergency Management Committee
- ☐ Human Relations Commission
- ☒ Planning Board
- ☐ Recreation Committee
- ☐ Traffic Safety Committee
- ☒ Zoning Board of Appeals
- ☐ Any of the above
- ☐ Other

Available number of
Hours per week (for
Committee work)

2-4

Occupation

*Writer on urban planning, policy & architecture; Developer relations
- Small Change.com*

Employer

Freelance / SmallChange.com

Work Address

Beacon, NY

Work Phone

312-451-3767

Education

- ☐ Some High School
☐ High School Diploma
☐ Some College
☐ Associates Degree
☐ Bachelor's Degree
☒ Master's Degree
☐ Doctorate Degree

Interest & Skills

zoning i writing; comprehensive plans;
placckeping

Areas of Expertise
(business & civic)

urban development; equity crowd-funding;
financing; sustainable development

Reference

Reference Name

Eve Pickee

Address

Pittsburgh, PA

Phone

412-434-7166

Email Address

eve@smallchange.com

Relationship

Supervisor - Small Change.com

Committee Application



Submit Forms:
One Municipal Plaza, Suite One
Beacon, NY 12508

Phone: (845) 838-5010
FAX: (845) 838-5012
Email: cityofbeacon@cityofbeacon.org

Name	<input type="text" value="Nicole Wooten"/>	<i>calvero</i>
Address	<input type="text" value="28 South St., Unit 1, Beacon, NY 12508"/>	
Phone Number	<input type="text" value="(828) 302-9746"/>	
Alternate Phone	<input type="text"/>	
Email Address	<input type="text" value="nlwooten@gmail.com"/>	
Committee You are Interested In	<div><input type="checkbox"/> Board of Assessment Review <input type="checkbox"/> Board of Ethics <input checked="" type="checkbox"/> Conservation Advisory Committee <input type="checkbox"/> Emergency Management Committee <input type="checkbox"/> Human Relations Commission <input type="checkbox"/> Planning Board <input type="checkbox"/> Recreation Committee <input type="checkbox"/> Traffic Safety Committee <input type="checkbox"/> Zoning Board of Appeals <input type="checkbox"/> Any of the above <input type="checkbox"/> Other <input type="text"/></div>	
Available number of Hours per week (for Committee work)	<input type="text" value="1 (variable)"/>	
Occupation	<input type="text" value="Conservation Stewardship Manager"/>	
Employer	<input type="text" value="Hudson Highlands Land Trust"/>	
Work Address	<input type="text" value="20 Nazareth Way, Garrison, NY 10524"/>	
Work Phone	<input type="text" value="(845) 424-3358 ext. 5"/>	

Education

- ☐ Some High School
☐ High School Diploma
☐ Some College
☐ Associates Degree
☐ Bachelor's Degree
☒ Master's Degree
☐ Doctorate Degree

Interest & Skills

Land conservation, connectivity, protected areas
management, diversity and inclusion

**Areas of Expertise
(business & civic)**

Conservation management plans and
stewardship, ecological assessments, enviro ed.

Reference**Reference Name**

Katrina Shindledecker

Address

20 Nazareth Way, Garrison, NY 10524

Phone

(845) 424-3358 ext. 3

Email Address

katrina.shindledecker@hhlt.org

Relationship

Supervisor

City of Beacon Workshop Agenda
1/8/2018

Title:

Roseneth Extension Request

Subject:

Background:

ATTACHMENTS:

Description	Type
Extension Request Letter	Backup Material



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

December 29, 2017

**BY FEDERAL EXPRESS
AND E-MAIL**

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Roseneth Estates, LLC
Premises: South Avenue, Beacon, New York
Preliminary & Final Subdivision Approval /
Quitclaim Deed Extension of Conditions of Sale

Dear Mayor Casale and Members of the City Council:

On behalf of Roseneth Estates, LLC and Rodney Weber (collectively referred to as the "Applicants"), I am writing to request an extension of the Conditions of Sale set forth in the Quitclaim Deed (the "Deed"), by and between the City of Beacon ("Seller") and Roseneth Estates, LLC ("Purchaser"), dated January 10, 2014. Following the execution of the Deed, the City of Beacon Planning Board granted Preliminary and Final Subdivision Approval to the Applicants, which was adopted on November 12, 2014, and dated December 9, 2014 (the "Subdivision Approval").

As you are aware, Condition I.(10) of the Conditions of Sale set forth in the Deed required the Purchaser to submit a complete building permit application for a single-family home within 45 days of the Final Subdivision Approval, which was signed by the Planning Board on August 11, 2015. Condition I.(12) of the Conditions of Sale set forth in the Deed requires the Purchaser to diligently pursue construction and obtain a Certificate of Occupancy for a preliminary dwelling within one (1) year of the date of issuance of the building permit. The Applicants subsequently obtained a building permit on October 12, 2016.

The Applicants have commenced and construction is well underway at the Premises, and the Applicants have been diligently working with the Contract Vendee toward obtaining a Certificate of Occupancy ("C.O."). We understand that the Building Department will be on the Premises next week to see the continued progress as the building comes to completion. Pursuant to our conversation with City Administrator Ruggiero in September of this year, we provided this Council with a construction schedule that confirmed that the builder expected to be ready to obtain a C.O. by the end of January. While we understand that the builder still



December 29, 2017

Page -2-

anticipates to be ready to request for the issuance of the C.O. by the end of January 2018, in September of this year we had requested an extension until April in case of bad weather, winter storms or other unforeseen circumstances, so there was sufficient time to apply for the C.O. and obtain the same without requiring further extension. At that time, we were advised that we could appear again before this Council if any additional time was needed in order to obtain the C.O.

Given the Applicants' diligent efforts to date and the continued work at the Premises, it is the Applicants intent to complete construction and obtain the Certificate of Occupancy prior to the January 31, 2018 expiration date. However, the Applicants are respectfully submitting this request for one (1) 60-day extension, as authorized by Condition I.(14) of the Conditions of Sale set forth in the Deed, in advance of the pending expiration on January 31, 2018 in the event of any unforeseen circumstances. Should the Certificate of Occupancy be obtained prior to the January 31, 2018 expiration date, we will respectfully withdraw this request for a 60-day extension.

The Applicants appreciate the City Council's time and assistance with this matter and respectfully request that this extension request be considered at the City Council's next work shop meeting on January 8, 2018 so that the City Council can vote on the extension at its January 16, 2018 meeting. In the meantime, should the City Council, its consultants or City Staff, have any questions or comments, please do not hesitate to contact me.

Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Taylor M. Palmer", is written over a faint, circular blue stamp or watermark.

Taylor M. Palmer

cc: Nicholas M. Ward-Willis, City Attorney
Anthony Ruggiero, City Administrator
Roseneth Estates, LLC
Rodney Weber

City of Beacon Workshop Agenda
1/8/2018

Title:

Expansion of ZBA

Subject:

Background:

ATTACHMENTS:

Description

Expanding ZBA Memo

Type

Cover Memo/Letter

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Appointing Seven Members to the Zoning Board of Appeals

DATE: January 4, 2018

The City of Beacon Code originally provided for a seven member Zoning Board of Appeals, but it was reduced to five members by Local Law 7 of 2016, adopted on May 3, 2016. *See* City of Beacon Code § 45-1.B. General City Law Section 81(1) provides that the mayor “shall appoint a board of appeals consisting of three or five members as shall be determined by local law or ordinance and shall designate the chairperson thereof.” This language was added in 1993.

The Attorney General’s Office issued an opinion in 1995 that recognizes that a City may establish a seven member Zoning Board of Appeals by local law, notwithstanding the express language of Section 81. Please find attached the Attorney General’s 1995 opinion.

1995 N.Y. Op. Atty. Gen. (Inf.) 1041 (N.Y.A.G.), 1995 WL 316750

Office of the Attorney General

State of New York

Informal Opinion No. 95-20

April 5, 1995

GENERAL CITY LAW §§ 81, 81-e.

***1** A city may provide by local law for a seven-member zoning board of appeals.

Jerome A. Mirabito, Esq.
City Attorney
City of Fulton
P. O. Box 477
Fulton, NY 13069-0477

Dear Mr. Mirabito:

You have asked whether your city may maintain its seven-member zoning board of appeals, established by local law, under 1993 amendments to the General City Law, which authorize zoning boards of appeals to have either three or five members. We conclude that a local law establishing a board of appeals and defining its membership need not be consistent with [General City Law § 81](#).

In [Informal Opinion No. 90-31](#), we concluded that a city could by local law establish a seven-member board with staggered terms even though at that time the General City Law provided that, except in cities having a population of more than 1,000,000 people, a city could choose a five-member board with three-year terms or a board of five or six members with staggered terms.

In so concluding, we stated:

Local governments are authorized to enact local laws, consistent with the Constitution and general State laws, in relation to their property, affairs or government and other delineated subjects ([Municipal Home Rule Law, § 10 \[1\]\[i\]](#)). A ‘general law’ for purposes of this provision is ‘[a] state statute which in terms and in effect applies alike to all counties, all counties other than those wholly included within a city, all cities, all towns or all villages’ (id., § 2[5]). In that cities with a population of over 1,000,000 are excluded from coverage, under the home rule definition [sections 81 and 81-a of the General City Law](#) are not general laws. Thus, a local law establishing a board of appeals and defining its membership need not be consistent with [sections 81 and 81-a of the General City Law](#).

Further, we believe that the establishment and determination of the composition of the board of appeals is within the scope of home rule powers delegated to a city ([1986 Op Atty Gen \[Inf\] 128](#)). Cities are authorized to enact zoning regulations by local law; may enact local laws in relation to the government, protection, order, conduct, safety, health and well-being of persons or property therein; and may enact local laws relating to the powers, duties, qualifications, number, mode of selection and removal, and terms of office of its officers and employees (ibid.).

You have asked whether this analysis applies given the 1993 amendments to the General City Law. The amendments authorize cities to establish boards of appeals of three or five members. The amendments also expressly state that the provisions “shall not apply to any city having a population in excess of one million except that any such city may by

local law provide that this article or any section thereof may apply to such city”. [General City Law § 81-e](#). Thus, [section 81](#) is not a general law and local laws need not be consistent with its provisions.

***2** We conclude that the city may provide by local law for a seven-member zoning board of appeals.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Very truly yours,

Siobhan S. Crary
Assistant Attorney General

1995 N.Y. Op. Atty. Gen. (Inf.) 1041 (N.Y.A.G.), 1995 WL 316750

End of Document

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City of Beacon Workshop Agenda
1/8/2018

Title:

Cost of Publication of Official Newspapers

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

Gross vs. build-able acreage for all zoning districts discussion

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

ADA Grievance Procedure

Subject:

Background:

ATTACHMENTS:

Description	Type
ADA Grievance Procedure	Backup Material

City of Beacon Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Beacon. The City's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Tim Dexter

ADA Coordinator and City Building Inspector

1 Municipal Plaza

Beacon, NY 12508

building@cityofbeacon.org

(845) 838-5020

Within 15 calendar days after receipt of the complaint, the ADA Coordinator, Tim Dexter, or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Beacon and offer options for substantive resolution of the complaint.

If the response from the ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator, Anthony Ruggiero or his designee.

Within 15 calendar days after receipt of the appeal, the City Administrator or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the City Administrator or his designee, and responses from these two offices will be retained by the City of Beacon for at least three years.

City of Beacon Workshop Agenda
1/8/2018

Title:

January 16, 2018 Food Trucks Local Law

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

January 16, 2018 Medical Accessory Structure Local Law

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

January 16, 2018 Assessment of Condominiums Local Law

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

January 16, 2018 Proposed 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), General Business (GB), Light Industrial (LI) and the Waterfront Park (WP); Proposed Local Law Amending the Zoning Map of the City of Beacon; and Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS)

Subject:

Background:

City of Beacon Workshop Agenda
1/8/2018

Title:

Sale of Real Property

Subject:

Background:

ATTACHMENTS:

Description	Type
Sale of Real Property	Backup Material