



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

Mayor Randy Casale

Councilmember Lee Kyriacou, At Large

Councilmember George Mansfield, At Large

Councilmember Terry Nelson, Ward 1

Councilmember John E. Rembert, Ward 2

Councilmember Jodi M. McCredo, Ward 3

Councilmember Amber J. Grant, Ward 4

City Administrator Anthony Ruggiero

**City Council Workshop Agenda
February 26, 2018
7:00 PM**

Workshop Agenda Items:

1. South Avenue Bridge Presentation
2. Condo Assessment Local Law
3. West End Lofts PILOT
4. Buildable vs. Non-Buildable
5. Historic Preservation Overlay Law
6. Tree Preservation and Removal Law
7. Designation of Lead Agency for purposes of SEQRA - 446 Washington Ave
8. Resolution Supporting April 20th National Day of Action

Executive Session:

1. Executive Session: Personnel

City of Beacon Workshop Agenda
2/26/2018

Title:

South Avenue Bridge Presentation

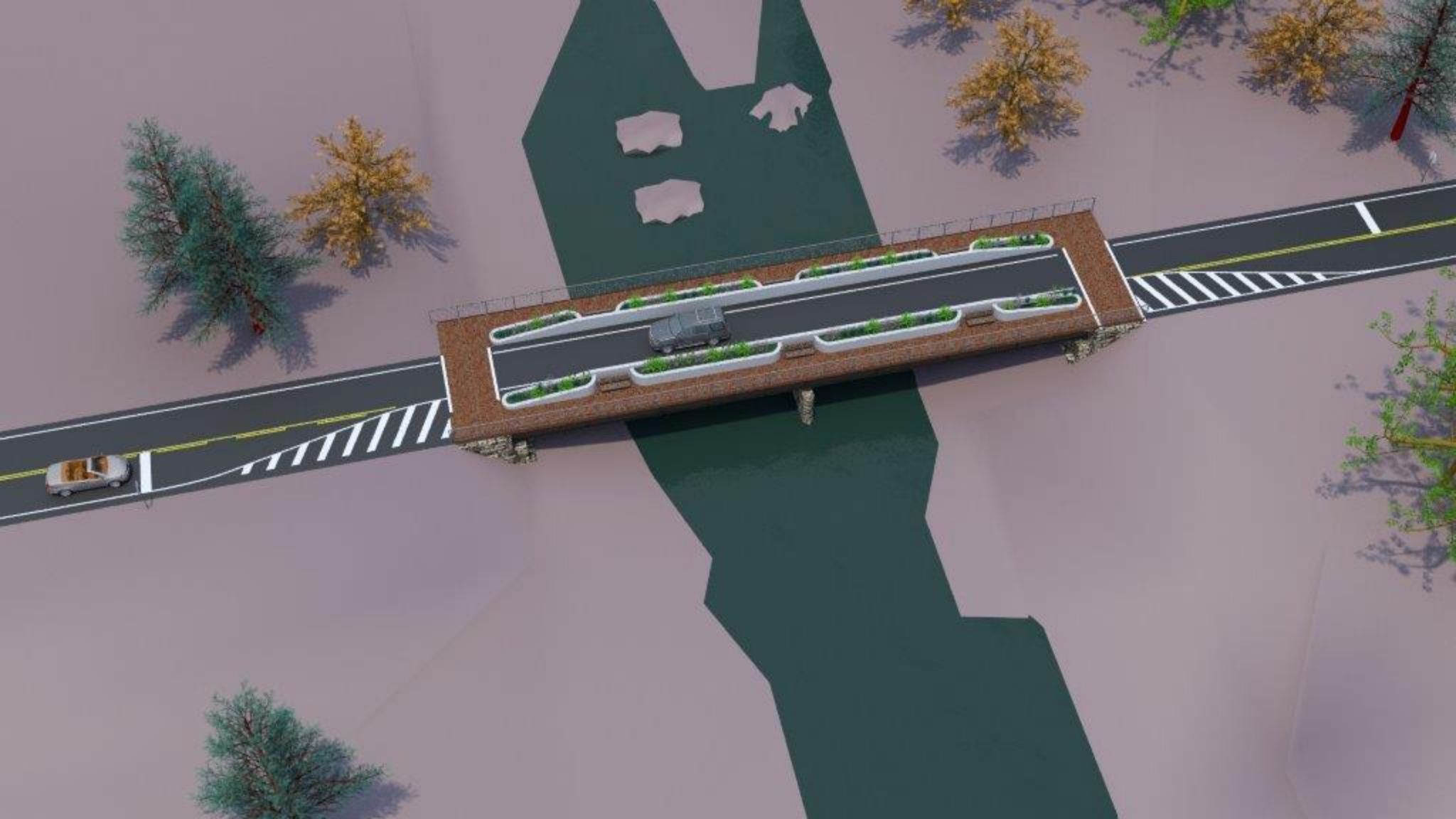
Subject:

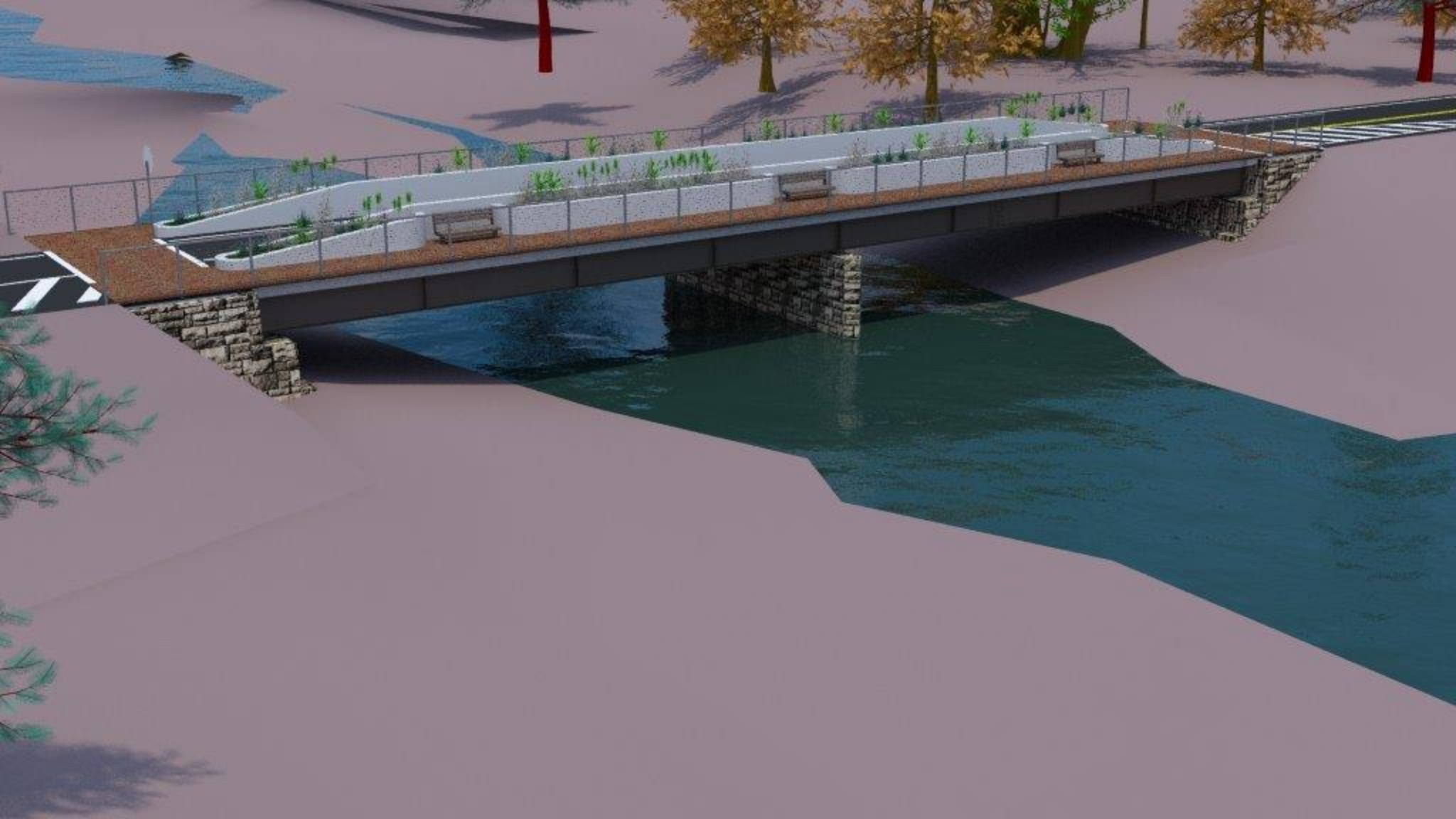
Background:

ATTACHMENTS:

Description	Type
Exhibit 1	Cover Memo/Letter
Exhibit 2	Cover Memo/Letter
Exhibit 3	Cover Memo/Letter







City of Beacon Workshop Agenda
2/26/2018

Title:

Condo Assessment Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Condo Assessment	Local Law

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
2/26/2018

Title:

West End Lofts PILOT

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Agreement	Cover Memo/Letter
Proposed Resolution	Cover Memo/Letter

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES
BETWEEN AND AMONG
THE CITY OF BEACON, NEW YORK, WEST END LOFTS HOUSING
DEVELOPMENT FUND COMPANY, INC. AND
WEST END LOFTS LIMITED PARTNERSHIP**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “PILOT Agreement” or “Agreement”), dated as of the ____ day of _____, 2018, between and among the **CITY OF BEACON, NEW YORK**, a municipal corporation organized and existing under the laws of the State of New York, having its principal office located at Beacon City Hall, 1 Municipal Plaza, Beacon, New York 12508 (the “City”), **WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC.**, a New York not-for-profit corporation and entity organized pursuant to Article XI of the Private Housing Finance Law of the State of New York, having its principal place of business at c/o Hudson River Housing, Inc., 313 Mill Street, Poughkeepsie, New York 12601 (the “HDFC”), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **WEST END LOFTS LIMITED PARTNERSHIP**, a New York limited partnership, having its principal office located at c/o The Kearney Realty & Development Group Inc., 34 Clayton Boulevard, Suite A, Baldwin Place, New York 10505 (the “Partnership”).

WHEREAS, the HDFC is the bare legal or record owner, and the Partnership is the beneficial and equitable owner, of certain real property located at 1117-1163 Wolcott Avenue, City of Beacon, County of Dutchess, and State of New York more particularly described in Exhibit A attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Property consists of that tax parcel to be created by way of a certain subdivision of lands within the City of Beacon, and identified as “Proposed Lot 1” on the map entitled “Preliminary Plat for West End Lofts” dated January 30, 2017 and last revised January 30, 2018, a copy of which (in reduced size format) is attached hereto and incorporated herein as Exhibit B;

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC is the co-general partner of the Partnership; and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will develop, own, construct, maintain and operate a housing project for persons of low income at the Property (the “Project”); and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in a completed project; and

WHEREAS, the City Council of the City of Beacon, New York (the “City Council”), being the local legislative body of the City, by Resolution No. ____ of 2018 duly adopted on _____, 2018, exempted the Property from real property taxes, as authorized under Section 577 of the PHFL, and further approved and authorized the execution of this PILOT Agreement;

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL and Resolution No. ____ of 2018 adopted by the City Council on _____, 2018, the City exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. “Local and Municipal Taxes” shall mean any and all real estate taxes that may be levied by the County of Dutchess (the “County”), the City, the Beacon City School District (the “School District”) and/or any other taxing jurisdiction (collectively the “Taxing Jurisdictions”) upon the Property, other than as specified in Paragraph “2” below.

2. The tax exemption granted under Resolution No. ____ of 2018 and under this PILOT Agreement shall remain in effect for a period of thirty-two (32) years from date of the HDFC’s acquisition of the Property. This Agreement shall not limit or restrict the HDFC’s or Partnership’s right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement. The parties understand that the exemption extended pursuant to Section 577 of the PHFL and this Agreement does not include an exemption from special assessments and/or special ad valorem levies. During the period of this Agreement, the Partnership shall pay any service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which are or would be levied upon or with respect to the Property, as improved by the Project, by the Taxing Jurisdictions or any other taxing authority.

3. So long as the exemption remains in effect, the Partnership shall make annual payments in lieu of taxes (“PILOT”) in the amount specified and in accordance with the terms and provisions of this Agreement. The first PILOT shall be paid by the Partnership on the April 1st that follows the date on which a Certificate of Occupancy (or the equivalent thereof) is issued by the City authorizing the use and occupancy of the Project.

4. The annual PILOT shall be tendered by the Partnership to the Director of Finance of the City of Beacon (the “Finance Director”), or his or her designee, on or before April 1st of each calendar year during the term of this Agreement in which a PILOT is due and owing. The Taxing Jurisdictions shall not be required to issue a bill or notice with regard to the annual payment of the PILOT. Payments shall be mailed via First Class mail through the United States Postal Service or personally delivered to the City of Beacon, Attention Director of Finance, 1

Municipal Plaza, Beacon, New York 12508, or such other address as the City may specify in writing.

5. The Finance Director shall, within sixty (60) days of receipt of the PILOT, distribute the PILOT proceeds to the Taxing Jurisdictions that could otherwise levy real property taxes upon the Property, but for the exemption. The Finance Director shall distribute the PILOT proceeds in due proportion to the amount of real property taxes that would have been levied by each of the Taxing Jurisdictions, upon the Property in the year the PILOT payment is made if it were not tax exempt. As an example of this apportionment, if a PILOT is tendered on April 1, 2020, it shall be proportionally allocated based upon the tax rate applied in the School District's levy of 2019-20 school taxes and the City and County's levy of 2020 City and County taxes.

6. The initial PILOT to be paid by the Partnership shall be in the amount of One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00). The PILOT shall thereafter increase annually at the same percentage rate of increase, if any, in the annual cumulative rent attributable to the Project. Cumulative rent shall mean gross rental income that may be obtained from the Project, assuming one-hundred (100%) occupancy, without deduction for vacancy, credit loss or expenses attributable to the operation of the Project.

7. For purposes of ascertaining PILOT increases, if any, the Partnership shall, on or before February 1st of each calendar year, submit to the Finance Director, or his or her designee, an annual rent roll for the Project for the preceding calendar year (January 1st to December 31st) specifying the rent(s) charged for units within the Project during this time period. The first such rent roll shall be submitted on the February 1st following the initial PILOT payment by the Partnership of \$170,000.00. Upon receipt of this rent roll, the Finance Director shall compute the percentage increase, if any, in the annual cumulative rent attributable to the Project. This percentage increase, if any, shall then determine the amount of the annual PILOT to be paid by the Partnership on the following April 1st. The Finance Director shall advise the Partnership of the increase, if any, in the PILOT payment due on the following April 1st.

8. The amount of the PILOT shall never be less than \$170,000.00. In the event of a decrease in the cumulative rent attributable to the Project, the PILOT shall remain in the same amount paid by the Partnership in the preceding year.

9. So long as the tax exemption remains in effect, tenant rental charges for the Project shall not exceed the maximum established or allowed by law, rule or regulation, and the Property and Project shall be operated in conformance with the provisions of Article XI of PHFL.

10. The tax exemption provided by this Agreement will continue for the term described above provided that (a) the Property and Project continue to be used as housing facilities for persons of low-income in accordance with the income and rent limitations attached hereto and incorporated herein as Exhibit C, and (b) any of the following occur (i) the HDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Project shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing

development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest, such successor in interest shall operate the property in conformance with Article XI of the PHFL.

11. The failure to make any PILOT in accordance with the terms of this Agreement shall be deemed a failure to make payment of real property taxes and will be governed by the same provisions of law as apply to the failure to make payment of such taxes, including but not limited to the enforcement and collection of taxes to the extent permitted by law. This includes the imposition of any additional late payment charge(s) in the full amount permitted by law, as well as the imposition of interest on any unpaid PILOT that shall accrue at the interest rate authorized by law with regard to unpaid real property taxes levied within the City and County. If a required PILOT is not made within thirty (30) days of the date when due in any two (2) successive years during the term of this Agreement, then the tax exemption extended hereunder shall automatically terminate and the Property shall become fully taxable.

12. In addition to failure to pay any PILOT amount when due, HDFC and the Partnership shall be in default of this Agreement in the event of material failure to observe and perform any other covenant, condition of agreement on its part to be observed and performed hereunder, and continuance of such failure for a period of thirty (30) days after written notice specifying the nature of such failure and requesting that it be remedied; or any warranty, representation or other statement by or on behalf of HDFC or the Partnership contained in this Agreement shall prove to have been false or untrue in any material respect on the date when made or on the effective date of this Agreement. Whenever any event of default under this Agreement shall have occurred and be continuing, the City shall have the following remedies: (a) it may terminate this Agreement and exercise all of the rights and remedies available for failure to pay property taxes as and when due had this Agreement not been in effect and/or (b) it may take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of HDFC and the Partnership under this Agreement, and the Partnership shall further pay the reasonable fees and disbursements of such attorneys as the City shall engage for the enforcement of performance or observance of any obligation, covenant or agreement on the part of HDFC and the Partnership and all other expenses, costs and disbursements so incurred.

13. No remedy herein conferred reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

14. No delay or omission in exercising any remedy shall impair any such remedy or construed to be a waiver thereof. It shall not be necessary to give any notice other than as expressly required under this Agreement. In the event any provision contained in this Agreement should be breached and thereafter duly waived by the party or parties so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder.

15. It is acknowledged and agreed that the School District and County are third-party beneficiaries of this Agreement and thereby entitled to the rights and benefits of its terms and, accordingly, may enforce the provisions of this Agreement as if they are parties hereto, and obtain the same remedies against the Partnership and HDfC as afforded the City under the terms of this Agreement.

16. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery.

17. This Agreement shall inure to the benefit of and shall be binding upon the City, the Partnership and the HDfC and their respective successors and assigns, including the successors in interest of the Partnership and the HDfC. There shall be no assignment of this Agreement except with consent of the other party, which consent shall not be unreasonably withheld, provided that the assignee or its general partner shall be a housing development fund company subject to Article XI of the PHFL, the assignee shall have assumed the obligations of this Agreement in writing reasonably satisfactory to the City, and the assignee shall have provided such financial and other information as shall be reasonably requested by the City in order to assure the proper completion and operation of the housing project and the compliance with the terms of this Agreement and all applicable laws, regulations and covenants.

18. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

19. It is acknowledged and agreed that this Agreement is a mutual undertaking of counsel for all parties and, accordingly, to the extent any ambiguity exists with respect to the terms and conditions stated herein, such terms and conditions shall not be automatically construed against any party hereto.

20. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

21. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above-described property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

22. This Agreement may only be supplemented, amended or modified upon the mutual agreement of the parties hereto. No such supplement, amendment or modification shall take effect and be binding except in written form signed by the parties.

23. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized by proper action of its governing body and does not require any other consent or approval for the execution thereof by

such municipality, (ii) does not violate any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any agreement or instrument to which it is a party. Each such party represents that this Agreement shall constitute the legal, valid and binding agreement of such party enforceable in accordance with its terms.

24. The Partnership and HDFC jointly and severally make the following representations, warranties and covenants:

(i) The HDFC is a “housing development fund company” under Article XI of the PHFL, and the Partnership is a limited partnership the co-general partner of which is in good standing, each of which is organized, validly existing and in good standing under the laws of the State of New York and is authorized under the laws of the State of New York to do business in the State, has the power to enter into this Agreement and to perform the transactions contemplated hereby and its obligations hereunder and by proper action has duly authorized the execution and delivery of this Agreement and the performance of its obligations hereunder, and the execution, delivery and performance of this Agreement does not require any other consent or approval. This Agreement shall constitute the legal, valid and binding agreement of HDFC and the Partnership enforceable in accordance with its terms.

(ii) Neither the Partnership nor HDFC is in default under, or in violation of, any indenture, mortgage, declaration, lien, lease, contract, note, order, judgment, decree or other instrument of any kind to which any of its assets are subject, and the execution, delivery and compliance by the Partnership or HDFC with the terms and conditions of this Agreement do not and will not conflict with or constitute or result in a default by the Partnership or HDFC in any material respect under or violation of, (1) the entity’s organizational documents, (2) any agreement or other instrument to which such entity is a party or by which, to such entity’s knowledge, it is bound, or (3) any constitutional or statutory provision or order, rule, regulation, decree or ordinance of any court, government or governmental authority having jurisdiction over the Partnership or HDFC or its property, and no event has occurred and is continuing which, with the lapse of time or the giving of notice, or both, would constitute or result in such a default or violation.

(iii) The Partnership has provided to the City true and complete financial information with respect to the Property, including without limitation project costs, financing sources, rents and income limitations.

(iv) The Partnership covenants and agrees to operate the Property in accordance with all applicable rules and regulations of Article XI of the PFHL, including without limitation applicable rent limits and income limits and in accordance with the plan attached hereto as Exhibit B.

(v) The Partnership covenants and agrees to provide to the City any information or documents reasonably requested in writing by the City in order to provide any federal, state or local entity with information or reports required under any applicable law, rule or regulation.

25. The City shall file a copy of the fully executed Agreement with the City Assessor.

The Partnership shall be responsible for taking such actions as may be necessary to ensure that the Property shall be assessed as exempt upon the assessment rolls of the respective Taxing Jurisdictions, including without limitation ensuring that any required exemption form shall be filed with the appropriate officer or officers of each respective Taxing Jurisdiction. Such exemption shall be effective as of the first taxable status date of the applicable Taxing Jurisdiction following the date of this Agreement, provided that the Partnership shall timely file any requisite exemption forms.

26. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: _____, 2018

CITY OF BEACON, NEW YORK

By: _____
Name: Hon. Randy Casale
Title: Mayor

DATED: _____, 2018

WEST END LOFTS HOUSING
DEVELOPMENT FUND COMPANY, INC.

By: _____
Name: Christa Hines
Title: Treasurer

DATED: _____, 2018

WEST END LOFTS LIMITED PARTNERSHIP

By: West End Lofts Associates, LLC,
its managing general partner

By: _____
Name: Kenneth Kearney
Title: Manager

STATE OF NEW YORK)
)
 COUNTY OF DUTCHESS) SS.:

On the ____ day of _____, in the year 2018, before me personally appeared Randy Casale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
)
 COUNTY OF DUTCHESS) SS.:

On the ____ day of _____, in the year 2018, before me personally appeared Christa Hines, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
)
 COUNTY OF DUTCHESS) SS.:

On the ____ day of _____, in the year 2018, before me personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

EXHIBIT A

[Insert Meters/Bounds Legal Description]

EXHIBIT B

[Insert Reduced Size Preliminary Plat – West End Lofts]

EXHIBIT C

Project Plan: West End Lofts

Property: 1117-1163 Wolcott Avenue

50 units of residential rental low income housing, meeting the income limits in accordance with HCR regulations applicable for federal low income housing tax credit (“LIHTC”) and housing trust fund projects, not exceeding 60% of area median income (“AMI”).

3 units of residential rental low income housing, meeting the income limits in accordance with HCR regulations applicable for state low income housing tax credit (“SLIHTC”) and housing trust fund projects, not exceeding 90% of AMI.

19 units above 90% of residential rental housing pursuant to the Middle Income Housing Program.

1 unit is a superintendent’s unit.

With respect to the 50% LIHTC units, rents will be limited to 30% of the percentage of the AMI limit specified by HCR in accordance with LIHTC and SLIHTC program requirements. Income and rent limits will be applicable for the full term of the PILOT Agreement in accordance with the LIHTC and SLIHTC regulatory agreement.

CITY OF BEACON

CITY COUNCIL

**REAL PROPERTY TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES (PILOT)
AGREEMENT UNDER SECTION 577 OF THE PRIVATE HOUSING FINANCE LAW -
WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC. AND
WEST END LOFTS LIMITED PARTNERSHIP -**

WEST END LOFTS PROJECT

(Lot 1 of West End Lofts Subdivision - Tax Parcel ID To Be Assigned)

Resolution No. ____ of 2018

WHEREAS, the City of Beacon has been requested to consider the issuance of a tax exemption and corresponding Payment in Lieu of Taxes Agreement under the provisions of the Private Housing Finance Law of the State of New York (“PHFL”) with regard to a portion of a proposed housing development known as “West End Lofts,” and

WHEREAS, the West End Lofts development includes three (3) multi-story buildings containing a total of ninety-eight (98) apartments on property located on Wolcott Avenue, which encompasses portions of City-owned, tax exempt property presently designated as Parcel ID Nos. 5954-26-688931 and 5954-26-708967; and

WHEREAS, the West End Lofts development is the subject of a two-lot subdivision application; and

WHEREAS, two of the buildings within the West End Lofts project will contain housing subject to income-testing requirements, for which funding will be obtained under the provisions of the PHFL (to be located on one of the two lots created through the aforementioned subdivision), and the third building will contain market rate housing (which will be located on the remaining lot); and

WHEREAS, the buildings housing income-restricted housing will be sited on the parcel designated as “Proposed Lot 1” on the map entitled “Preliminary Plat for West End Lofts” dated January 30, 2017 and last revised January 30, 2018, a copy of which (in reduced size format) is attached hereto and incorporated herein as Exhibit A (the “Subject Parcel”); and

WHEREAS, the Subject Parcel (for which a Tax Lot ID Number has yet to be assigned) is described in the legal description attached hereto and incorporated herein as Exhibit B;

WHEREAS, West End Lofts Housing Development Fund Company, Inc., a to-be-formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the “HDFC”), and West End Lofts Limited Partnership, a New York limited partnership (the “Partnership”), have identified the Subject Parcel for the purpose of constructing

a housing project for persons of low income, said project to consist of: (i) the acquisition of the Subject Parcel; (ii) the construction thereon of seventy-three (73) units of housing for persons of low income, including one superintendent's unit, to be known as West End Lofts (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment", and collectively with the Land and the Improvements, the "Project"); and

WHEREAS, the HDFC will be formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the HDFC will acquire fee title to the Subject Parcel, as nominee for the Partnership, and will convey its equitable and beneficial interests in the Subject Parcel to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Subject Parcel constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, Section 577 of the PHFL authorizes the City Council of the City of Beacon (the "City Council"), as the local legislative body of the City of Beacon, to exempt the Subject Parcel, as improved by the Project, from real property taxes; and

WHEREAS, the HDFC will be a co-general partner of the Partnership; and

WHEREAS, the Partnership and HDFC are willing to enter into a Payment In Lieu of Taxes Agreement ("PILOT Agreement"), whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to the City Council; and

WHEREAS, the City of Beacon desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons of limited income and to provide for affordable housing opportunities within the community; and

WHEREAS, the Project advances this objective, and does so through the acquisition and use of municipally owned property that is currently tax exempt;

NOW THEREFORE, BE IT RESOLVED that the City hereby exempts the Subject Parcel and Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve a proposed PILOT Agreement between and among the City of Beacon, the Partnership and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and

BE IT FURTHER RESOLVED, that the Mayor of the City is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the City; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

City of Beacon Workshop Agenda
2/26/2018

Title:

Buildable vs. Non-Buildable

Subject:

Background:

City of Beacon Workshop Agenda
2/26/2018

Title:

Historic Preservation Overlay Law

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law Tree Preservation	Local Law

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 134 AND CHAPTER 223, SECTION 24.7 OF THE CODE OF
THE
CITY OF BEACON

A LOCAL LAW to
amend Chapter 134
and Chapter 223,
Section 24.7 of the
Code of the City of
Beacon Historic
Preservation.

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

Section 1. Chapter 134 of the Code of the City of Beacon entitled “Historic Preservation” is hereby amended as follows:

§ 134-1. Purpose.

There exist within the City of Beacon landmarks, structures, buildings and districts of special historic significance which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation.

§ 134-2. Historic District.

- A. A Historic District and Landmark Overlay Zone (HDLO) is hereby established for the purposes of encouraging the protection, enhancement, perpetuation and use of buildings and structures and appurtenant vistas having special historical or aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- B. For the purposes of this chapter, the landmarks and the boundaries of such zone are established as shown on a map entitled "Historic District and Landmark Overlay

Map," which is hereby incorporated as a part of this chapter and is attached hereto as Exhibit A.

§ 134-3. Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

ALTERATION

Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, restoration, renovation, reconstruction, demolition, moving or removal of any structure.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Planning Board indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within an historic district.

CERTIFICATE OF ECONOMIC HARDSHIP

A certificate issued by the Zoning Board of Appeals authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied.

CONSTRUCTION

The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a lot or parcel.

DEMOLITION

Any act or process that destroys in part or in whole a landmark or a structure within an historic district.

EXTERIOR ARCHITECTURAL FEATURES

The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other features visible from a public way, public property or any part of any public building.

HISTORIC DISTRICT

An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK

A property or structure designated as a "landmark" by action of the City Council in enacting this chapter that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon.

OWNER OF RECORD

The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.

REPAIR

Any change that is not construction, removal or alteration.

STRUCTURE

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

§ 134-46. Designation of landmarks or historic districts.

- A. The City Council may act upon its own initiative or upon petition from the owner of a proposed landmark, site, structure or property, the Planning Board, or historic preservation committee, to consider designation of a historic district or historic landmark, site, structure or property. All designated historic districts and landmarks shall be included in the HDLO. The City Council hereby designates the individual properties as landmarks as shown on the accompanying Historic District and Landmark Overlay Map because they:
- B. The City Council shall, upon investigation as it deems necessary, make a determination as to whether a proposed district or landmark meets one or more of the following criteria:
 - (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;

- (2) ~~Are~~ Is identified with historic personages or with important events in national, state or local history;
- (3) ~~Embody the distinguishing characteristics of an architectural style;~~ Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship;
- (4) ~~Are~~ Is the work of a designer whose work has significantly influenced an age; or
- (5) ~~Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.~~
- (5) Qualifies for inclusion on the State or National Registers of Historic Places.

~~B. The City Council hereby designates the group of properties shown on the attached map as a historic district because they:~~

- ~~(1) Contain properties which meet one or more of the criteria for designation of a landmark; and~~
- ~~(2) By reason of possessing such qualities, constitute a distinct section of the City.~~

B. Notice of a proposed designation shall be sent by certified mail or personal delivery ~~regular mail~~ to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.

C. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least fourteen (14) calendar days prior to the date of such hearing.

D. The City Council shall hold a public hearing prior to designation of any landmark or historic district. The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.

E. In determining whether or not to designate a new historic landmark, the City Council shall consider the factors listed in § 134-6.B and any testimony or evidence presented during the public hearing.

- F. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing. If the City Council fails to act within sixty (60) days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super majority vote of five (5) Council members is necessary to designate a new historic landmark if the property owner objects to such designation.
- G. The City Council shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.
- H. A list of designated properties shall be maintained on file with the City Clerk and shown on the City of Beacon Zoning Map.

§ 134-~~5~~⁴². Uses permitted by special permit.

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates the uses which may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone, and the process by which such uses may be permitted.

§ 134-~~6~~⁴ Certificate of appropriateness.

No person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property, or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material or outward appearance.

§ 134-~~7~~⁵ Criteria for approval of a certificate of appropriateness or special permit in the HDLO.

- A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:

- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.

- (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
 - (3) The ~~general~~ compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.
- B. In applying the principle of compatibility, the City Council or Planning Board shall consider use the following factors standards for new structures, additions, or alterations in the HDLO:
- (1) The ~~general~~ design, character, and appropriateness to the property of the proposed alteration or new construction.
 - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.
 - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
 - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
 - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
 - (e) Parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views.
 - (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
 - (a) Any addition that is deemed necessary to an historic structure shall be placed toward the rear, or at least recessed, so that character-defining features are not damaged or obscured and so that the historic structure remains more prominent than the subsidiary addition.
 - (b) The height of any new building facades in the HDLO shall reflect the typical heights of adjacent historic structures.

- (c) Larger buildings or additions shall incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) ~~Texture and materials~~ Architectural and site elements and their relation to similar features of other properties in the ~~neighborhood~~ HDLO.
- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
- (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features shall not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
- (c) Deteriorated building features shall be repaired rather than being replaced and, if not repairable, shall be replicated in design, materials, and other historic qualities.
- (d) New buildings in the HDLO shall have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides 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.
- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. 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, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

- (i) 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.
- (j) 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.

§ 134-8.7. Certificate of appropriateness application procedure.

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:
 - (1) The name, address and telephone number of the applicant.
 - (2) ~~Sketches or other~~ Scaled drawings showing the proposed changes.
 - (3) Descriptions or samples of materials to be used.
 - (4) {Where the proposal includes signs or lettering,} a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.
 - (5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.
- B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon.
- C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.
- D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.
- E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-

61.2.B. Failure by the Planning Board to take action within the prescribed period of time shall constitute approval.

- F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.

§ 134-2 ~~8.~~ Hardship criteria and application procedure.

- A. An applicant whose certificate of appropriateness ~~for a proposed demolition~~ has been denied may apply ~~for relief~~ to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B. ~~on the grounds of hardship. In order to prove the existence of hardship, the applicant must establish that:~~
- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:
- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- ~~B. The applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief to the Zoning Board of Appeals on the ground of hardship.~~
- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. ~~€.~~ The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application. ~~The Zoning Board's review of said hardship application shall be in accordance with the procedures set forth in § 223-~~

~~55C of Chapter 223, Zoning.~~ Failure by the Zoning Board of Appeals to take action within the prescribed period of time shall constitute approval of the application.

- F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.

§ 134-~~10~~ 9. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 134-~~11~~ 40. Penalties for offenses.

- A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.
- B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 134-~~12~~ 44. Fees.

- A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.
- B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.

§ 134-13. Assessment abatement.

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

~~§ 134-14. Additional areas:~~

In accordance with § 134-6, the following landmarks, properties and/or historic districts are added:

~~A. Properties added 5-17-1999 by L.L. No. 1999:~~

Parcel I.D.	Location	Owner Name
6054-13-126252	250 Howland Avenue	University Settlement Camp Society of New York
6054-17-047180	300 Howland Avenue	Craig House
6054-17-025161	310 Howland Avenue	Stephen Fleming and Donna Landstreet
6054-17-075135	330 Howland Avenue	Scenic Hudson
A portion of 6054-14-259407 as shown on map^H	150 Howland Avenue	Beacon Hills Development Corporation

~~B. The following landmarks and districts are hereby added to the Historic District and Landmark Overlay Zone. The attached map, entitled Proposed Additions to Historic District and Landmark Overlay Zone, and dated May 12, 2006, shows the respective location of each of the following:~~

- ~~(1) Gateway to Mt. Beacon Park (Mount Beacon Incline Property; on National Register).~~
- ~~(2) Peter Dubois House, 36 Slocum Road; on National Register.~~
- ~~(3) Old Matteawan State Hospital buildings and grounds.~~
- ~~(4) Fountain Square (East Main Street), including Leonard Street (Alice Judson House, Dr. Jennings/Leonard House, Catholic Church).~~
- ~~(5) Byrnesville Cemetery, South Avenue (purported burial ground of Roger Brett).~~
- ~~(6) H. W. Sargent's "Wodenethe": two gatchouses, South Avenue and Wodenethe Drive.~~
- ~~(7) Methodist Cemetery, North Walnut Street.~~
- ~~(8) Old stone houses (2), Overlook Avenue near Stone Street (houses date back to late 18th Century).~~
- ~~(9) Old Tioronda Hat Shop and Madam Brett Park (site of original Brett mill), South Avenue, dates to 1879.~~

~~(10) — Peter Schenck House, adjoining Tallix property, Blackburn Avenue — Schenck Estate.~~

~~(11) — Russell Avenue, from First Street to Union Street, cluster of historic homes; 1st Highland Hospital; Mayor Russell's House; Ticehurst Home dates to 1840s (excluding 40 Russell Avenue).~~

~~(12) — Calvert Vaux House, South Avenue.~~

~~(13) — Chrystie House, South Avenue.~~

~~(14) — 1 East Main.~~

~~(15) — 10 East Main~~

~~(16) — South Street (excluding 32 South Street).~~

~~(17) — North Street (excluding 19 North Street).~~

~~(18) — St. Joachim's Church and Old Cemetery.~~

~~(19) — St. John's Church.~~

~~(20) — AME Zion Church, Academy Street.~~

~~(21) — Springfield Baptist Church, Mattie Cooper Street Square.~~

~~(22) — Fairview Cemetery. Washington Avenue.~~

~~(23) — Northwest corner of Teller and Rombout Avenues, 2nd Empire brick home.~~

~~C. Property added May 17, 2010, by L.L. No. 5 of 2010:~~

Parcel I.D.	Location	Owner Name
130200-6054-21-065896	211 Fishkill Avenue	Beacon School District

SECTION 2. Chapter 223, Section 24.7, Subsection D of the Code of the City of Beacon is hereby amended as follows

§ 223-24.7 Uses permitted by special permit in the Historic District and Landmark Overlay Zone

...

D. Findings

- (1) The City Council must make the following findings before special permit approval is granted:
 - (a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
 - (b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
 - (c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
 - (d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.
- (2) These standards shall be in addition to the general special permit standards set forth in ~~§ 223-18 of this chapter~~ and the standards set forth in §.134-7.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 134 and Chapter 223 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

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

Section 5. Severability

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

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

Section 6. Effective Date

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

**City of Beacon Workshop Agenda
2/26/2018**

Title:

Tree Preservation and Removal Law

Subject:

Background:

ATTACHMENTS:

Description

Proposed Local Law Tree Removal

Type

Local Law

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

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

A LOCAL LAW to
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 204 of the Code of the City of Beacon entitled “Sand and Gravel Excavation and Tree Removal” is amended as follows:

ARTICLE I. DEFINITIONS

§ 204-1 Definitions.

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

APPLICANT

Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, 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

EXCAVATION or GRADING

Excavation or grading by blasting or by use of power-assisted machinery or equipment. The excavation, grading, removal or processing of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind.

SLASHING OF TREES

The cutting down, 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 DBH of six inches or more at height of three feet above ground.

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 down 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.

ARTICLE II. EXCAVATION AND GRADING PERMIT

§ 204-2 ~~Regulated activities: temporary permit.~~ Excavation or Grading Permit.

Excavation or Grading activities on any lot are regulated under this article and are permitted only under an Excavation or Grading Permit granted by the Building Inspector.

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

§ 204-3 ~~Application for temporary permit~~ Excavation or Grading Permit.

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

- A. The area to be excavated or graded.
- B. Existing contour lines on the premises and proposed contour lines resulting from the intended excavation or removal, shown on a map drawn to a scale of not less than 100 feet to the inch and with a contour interval not to exceed two feet.
- C. Existing and proposed drainage on the premises.
- D. Existing state or federally regulated wetlands, rivers, streams or watercourses on or adjacent to the premises.
- E. Adjoining properties and streets.
- F. Proposed truck access to the property.
- G. Such additional information as the Building Inspector or City Engineer may deem necessary in order to decide upon such application.
- H. Erosion and sediment control to be employed during operations and restoration.

§ 204-4 Referral of application to City Engineer.

- A. Each application for an Excavation or Grading Permit shall be referred to the City Engineer by the Building Department within five days of the date of application. Within 30 days of the date of referral, the City Engineer shall forward its recommendation to the Building Inspector and shall indicate whether the application should be approve, disapproved or approved with modifications. The City Engineer shall take into consideration whether such excavation will result in the creation of any sharp declivities, pits or depressions, soil erosion or fertilize problems, decrease property values, create any drainage or sewerage problems or other considerations which would impair the use of the property in accordance with the Zoning Ordinance.
- B. The applicant is responsible for reimbursing the City for the cost of professional review fees in connection with an application submitted to the City in accordance with the procedure set forth in § 223-61.1.

§ 204-4~~5~~ Criteria for issuance of temporary permit for an Excavation or Grading Permit.

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

§ 204-5 ~~6~~ Standards and conditions for issuance of a temporary permit for Excavation or Grading.

An temporary permit Excavation or Grading Permit shall be granted only subject to the following standards and conditions:

- A. That the premises shall be excavated and graded in conformity with the proposed contour plan, as approved.
- B. That slopes shall not exceed 30° to the horizontal or such lesser slope that the City Council may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation.
- C. That no fixed machinery shall be erected or maintained in connection with the excavation and that no building shall be erected on the premises except temporary shelters for machinery and a field office.
- D. That there shall be no excavation or removal within 50 feet of any street or property line, except that, where the property to be excavated is considerably above street grade at the street line, removal may take place at a lesser distance from the street line if approved by the Building Inspector or City Engineer.
- E. That no regulated wetlands or required buffers be disturbed without proper state or federal approvals and that there shall be no sharp declivities, pits or depressions and that proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.
- F. That after excavation or removal, the premises shall be cleared of debris within the time provided in the permit.
- G. That the top layer of arable soil for a depth of six inches shall be set aside and retained on the premises and shall be respread over the premises and that a suitable

ground cover shall be planted and grown to an erosion-resistant condition, upon the completion of the excavation or removal, in accordance with the approved contour lines, and that such work shall be completed within the time provided for in the permit.

- H. If required by the Building Inspector or City Engineer, that the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height and location as the Building Inspector City Engineer may specify.
- I. That the Building Inspector or City Engineer may establish a schedule to be filed with the records of such application and ~~temporary permit~~ Excavation or Grading Permit showing limitations on the day of the week or the hours of the day during which any work may be performed on the premises; limitations as to the size and type of machinery to be used on the premises; place and manner of disposal of excavated material; and requirements as to the control of dust, noise and lighting, if permitted, so as to prevent results injurious or offensive to the general public.
- J. That the Building Inspector City Engineer may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the status and progress of the excavation, and may require the applicant to pay to the City an inspection fee in an amount deemed necessary by the Building Inspector or City Engineer to defray the cost of inspection of the operation.

§ 204-6-7 Performance bond.

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

§ 204-7 8 Revocation or suspension of Excavation or Grading Permit ~~temporary permits~~.

Any ~~temporary permit~~ Excavation or Grading Permit issued pursuant to the provisions of this ~~article~~ chapter may be revoked by the Building Inspector City Engineer, after written notice to the applicant, notice, in writing, and a hearing, for violation of any conditions of the ~~temporary permit~~ Excavation or Grading Permit; violation of any provision of this ~~article~~ chapter, or any other law or ~~other~~ regulation relating to the work permitted; or the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another. Written notice shall be served by registered mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

- ~~A. Notice. The notice shall describe the violation charged and may be either delivered personally or mailed postage prepaid to the address appearing on the application.~~

- ~~B. Suspension. Any temporary permit may be suspended for cause by the Building Inspector for a period not exceeding five days without a hearing. All work under any special permit shall be suspended following notice of hearing to revoke as provided for in this section.~~

§ 204-8 2 Exemptions.

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

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

§ 204-9 10 Penalties for offenses.

Any person who shall violate any provision of this ~~article chapter~~ shall be liable to a fine of not more than ~~\$2350~~ or imprisonment for not exceeding 15 days, or both such fine and imprisonment.

ARTICLE III TREE REMOVAL PERMITS

§ 204-12. Tree removal permit required; approving authority.

- A. A tree removal permit will be required when Slashing of Trees is proposed or occurs.
- B. The approving authority for all applications under this article shall be the Building Inspector except 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.
- C. The Building Inspector shall issue the permit, after consulting with the City Engineer and when deemed necessary, the City Arborist, upon finding that removal of the tree is being done in a manner and with the imposition of conditions deemed necessary, so as to ensure control of erosion and sediment and prevent damage to the property and adjoining property.

§ 204-13. Tree Committee

The Mayor shall appoint, subject to confirmation of the City Council, a five (5) member Tree Committee, with each person serving a two year term. The initial terms shall be staggered such that two (2) members are appointed to a one year term and three (3) to a two year term. One member shall be from the Conservation Advisory Committee and one member shall be an arborist. The Mayor shall appoint the Chairperson. The Tree Committee shall meet as requested by the Mayor or Building Inspector for such purposes as they direct.

§ 204-14 Penalties for offenses.

- A. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this article or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this article 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 article or in violation of any condition attached to a tree removal permit or otherwise in violation of this article 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. 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 of native tree (s) selected by the Building Inspector, who shall consult with the Tree Committee as to the number, size and type of tree and the location to

be planted on the affected property or public property. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Building Inspector.

- B. Each violation of the provisions of this article 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.

SECTION 2. 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 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 therefrom.

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
2/26/2018

Title:

Designation of Lead Agency for purposes of SEQRA - 446 Washington Ave

Subject:

Background:

ATTACHMENTS:

Description	Type
Designation of Lead Agency	Backup Material
Designation of Lead Agency2	Backup Material
Designation of Lead Agency3	Backup Material



CITY OF BEACON New York

John Gunn
Planning Board Chairman

Planning Board

845-838-5002

February 23, 2018

City of Beacon City Council ✓
Dutchess County Department of Health
Dutchess County Planning Department
New York State Department of Environmental Conservation
New York State Department of Transportation

Subject: **446 Washington Avenue (Fairview Subdivision)**
Tax Map No's. 6055-82-645105 & 6055-82-656107
Designation of Lead Agency in Accordance with SEQRA

Dear Sir/Madam:

The City of Beacon Planning Board is hereby notifying you that it has received an application for Subdivision Approval to subdivide two parcels totaling 0.826 acres with one existing house to create three lots for the construction of two new single-family houses, with water and sewer service connections to existing water and sewer mains. The property is located on Washington Avenue within the R1-10 Zoning District.

The City of Beacon Planning Board hereby declares its intent to serve as the Lead Agency for the environmental review of the proposed action. Further, the City of Beacon Planning Board is hereby notifying you that, in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), the Planning Board will automatically become the Lead Agency unless you submit a written objection to the Board within 30 calendar days of the mailing of this notification. Enclosed for your use, if you choose, is a form for responding to the Planning Board.

In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Short Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the proposed action, and a copy of the application.

Very truly yours,

John Gunn, Chairman

Enclosures: 3

cc: Lt. Timothy P. Dexter
Arthur R. Tully, PE
Jennifer L. Gray, Esq.
John Clarke, City Planner
Hudson Land Design, Project Consultants

One Municipal Plaza, Suite One, Beacon, New York 12508

Fax (845) 838-5026

RESPONSE FORM TO CITY OF BEACON PLANNING BOARD

To: City of Beacon Planning Board

From: _____ [please insert your agency name]

Date: _____ [please insert date]

Subject: **446 Washington Avenue (Fairview Subdivision)**
Tax Map No's. 6055-82-645105 & 6055-82-656107
Designation of Lead Agency in Accordance with SEQRA

With respect to the declaration that the City of Beacon Planning Board intends to serve as the Lead Agency for the environmental review of the application for Subdivision Approval in connection with the a proposal to subdivide two parcels totaling 0.826 acres with one existing house in the R1-10 Zoning District to create three lots for the construction of two new single-family houses, with water and sewer service connections to existing water and sewer mains, the above identified agency:

[please check one box below]

- ☐ Has no objection to the Planning Board serving as Lead Agency.
- ☐ Takes no position with respect to the Planning Board serving as Lead Agency.
- ☐ Objects to the Planning Board serving as Lead Agency.

Printed Name

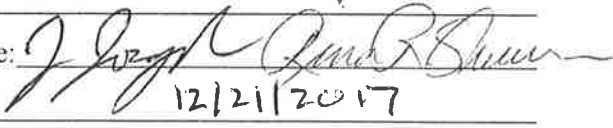
Signature

Title

APPLICATION FOR SUBDIVISION APPROVAL

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

Name: Lori Joseph Builders INC & Rina Shuman
Address: 445 Main Street Beacon, NY 12508 (LJB INC)
446 Washington Avenue, Beacon, NY 12508 (Shuman)
Signature: 
Date: 12/21/2017
Phone: 914-416-1808

(For Official Use Only)

Preliminary Application Rec'd

Application Fee:

Public Hearing

Preliminary Plat Approved:

Final Plat Approved:

Recreation Fee:

Performance Bond:

Date Initials

12-26-17

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Hudson Land Design, PC
Address: 174 Main Street
Beacon, NY 12508

Phone: 845-440-6926

Fax: 845-440-6637

Email address: agasparrre@hudsonlanddesign.com

IDENTIFICATION OF SUBJECT PROPERTY:

Subdivision name or identifying title:

Fairview Subdivision

Street which property abuts: Washington Avenue

Current Tax Map Designation: Section 6055

Block 82

Lot(s) 645105 & 656107

Property (~~does~~) (does not) connect directly into a (State) (County) highway.

Land in subdivision (~~is~~) (is not) within 500 feet of a Municipal boundary.

Total area of property is 0.88 acres

ITEMS TO ACCOMPANY THIS APPLICATION

- One electronic and five (5) **folded** copies of a subdivision plat showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Lori Joseph Builders, INC & Rina Shuman

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

Gary Joseph

List all properties in the City of Beacon that you hold a 5% interest in:

45 Judson Street; 1195 North Avenue; 93 Prospect Street Lori Joseph Builders, INC.

Vacant Lot on Corner of Madison Street and Prospect Street (Shuman)

Applicant Address: 446 Washington Avenue; Beacon, NY 12508

Project Address: 446 Washington Avenue, Beacon NY 12508



Project Tax Grid # 6055-82-645105 & 6055-82-656107

Type of Application Subdivision and Lot Line Realignment

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Gary Joseph & Rina Shuman, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon ✓
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon
3. ALL tax payments due to the City of Beacon are current ✓
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current ✓

 
Signature of Owner
PRES

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

NO

YES

Initial

✓

GB

ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)

✓

✓

ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

✓

✓

FOR OFFICE USE ONLY

Application #

CITY OF BEACON**1 Municipal Plaza, Beacon, NY****Telephone (845) 838-5000 • <http://cityofbeacon.org/>****ENTITY DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person or entity)

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.**IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:**

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

IF AFFIANT IS A CORPORATION:

Name of Entity Lori Joseph Builders, INC.	Telephone Contact Information 845 416-1808
Principal Place of Business of Entity 445 Main Street, Beacon, NY 12508	Place and date of incorporation 11/21/1986
Method of Incorporation Domestic Business Corporation	Official place where the documents and papers of incorporation were filed Department of NY State

--	--

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Gary Joseph	1 East Main Street Unit 101 Beacon, NY 12508	845-416-1808	Owner (100%)

SECTION C. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Gary Joseph	445 Main Street, Beacon, NY 12508	845-416-1808	11/15/2017	Dutchess County Clerk

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☐

YES

☒

NO

Name	Employer	Position

SECTION E. Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to an official or employee of the City of Beacon ?

☐ YES ☒ NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire	Position or Nature of Relationship

SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ YES ☒ NO

Current Name	Other Names

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address

SECTION H. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

SECTION I. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES

☒ NO

I, Gary Joseph being first duly sworn, according to law, eposes and says that I am (Title) pres, an active and qualified member of the Lynn Joseph Builders business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Signature)

[Signature]

(Print)

Gary Joseph

Sworn to and subscribed in my presence

This 31st day of JANUARY, 2018.

[Signature]
(Notary Public)

VERNON S FOOTE
Lic. #01FO6138126
Notary Public-State of New York
Qualified in Orange County
COMM. EXP. 12/12/21

**CITY OF BEACON
PRELIMINARY SUBDIVISION PLAT
AND CONSTRUCTION PLANS SPECIFICATION FORM**

Name of Application: Fairview Subdivision

PRELIMINARY SUBDIVISION PLAT	YES	NO
The preliminary plat shall be clearly marked "Preliminary Plat", shall be drawn to a convenient scale but not less than 1" = 100', and shall contain the following information:	X	
Proposed subdivision name or identifying title, name, and address of property owner and subdivider (if other than owner), name and address of the surveyor and/or engineer preparing the plan, scale, approximate true North point, and date.	X	
The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any zoning, special district or municipal boundary lines affecting the subdivision, and the names of owners of record of properties adjoining and directly across the street from proposed subdivision.	X	
The location of all existing structures and pertinent features, including railroads, water bodies, water courses, wetlands, rock outcroppings, wooded areas, major trees, and stone walls, that may influence the design of the subdivision, plus accurate topography at a vertical contour interval of not more than two (2) feet. The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.	X	
The location and status of existing streets or private roads, easements and rights-of-way (if any), proposals for the layout of new streets or private roads (including widths and approximate curve radii) and any proposed easements, rights-of-way and/or reservations.	X	
The names of existing streets or private roads and proposed names for new streets or private roads.	X	
The proposed arrangement of lots, including identifying numbers and approximate area and dimensions of each.	X	
Location, size and nature of any area proposed to be reserved for park purposes.	NA	
A site location sketch, at a scale of one inch equals 400 feet, showing the general situation within 1,000 feet of the applicant's property with respect to surrounding properties, streets and private roads.	X	
Where the preliminary plat includes only a portion of an applicant's contiguous holding, the applicant shall also indicate, on a sketch at a scale of not less than one inch equals 200 feet, the probable future street or private road system, lot arrangement and location of park and other reservations for the remaining portion of the tract. Such sketch shall be for the purpose of guiding the Planning Board in reviewing the proposed preliminary plat and shall include topographic data with a vertical contour interval of not more than five feet plus any other information determined necessary by the Planning Board.	NA	
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.	X	

PRELIMINARY CONSTRUCTION PLANS	YES	NO
The preliminary construction plans shall be drawn at the same scale as the preliminary plat and shall include the following information:	X	
Location and sizes of any existing water, sewer storm drainage and other utility lines and structures within and nearby the proposed subdivision.	X	
The proposed system for the provision of water supply and fire protection facilities, sewage disposal, stormwater drainage, and other utility services.	X	
Proposed street or private road profiles and cross-sections showing the approximate grade of proposed streets or private roads, the relationship of existing to proposed grades, and the proposed grades, and the proposed vertical curvature along the center line of all new streets or private roads.	NA	
Location of all existing and proposed monuments and other subdivision improvements.	X	
Such additional information as may be required by this chapter, the Zoning chapter, or the Planning Board.	X	

**CITY OF BEACON
FINAL SUBDIVISION PLAT
AND CONSTRUCTION PLANS SPECIFICATION FORM**

Name of Application: Fairview Subdivision

FINAL SUBDIVISION PLAT	YES	NO
The final subdivision plat shall be drawn clearly and legibly on transparent tracing cloth with black waterproof ink, at a scale no smaller than one inch equals 100 feet but preferably at a scale of one inch equals 50 feet. The sheet size shall not exceed 36 inches by 48 inches. If the size of proposed subdivision required a drawing larger than this, two or more sheets may be submitted, with match lines clearly indicated, and an index map shall be prepared on the same size sheet.	X	
The final plat shall contain the following information:		
Proposed subdivision name or identifying title, name, and address of owner of record and of subdivider (if other than owner), certification and seal of the registered engineer or licensed land surveyor who prepared the plat, names of the owners of record of adjoining properties and of properties directly across the street or private road, graphic scale, approximate true North point, and date.	X	
The location and dimensions of all boundary lines of the proposed subdivision, and all existing and proposed streets, private roads, lot lines, easements and rights-of-way, with sufficient data to readily determine the location, bearing and length of all such lines and to reproduce such lines upon the ground.	X	
The names of all existing and proposed streets and private roads.	NA	
The locations of all water bodies and watercourses.	NA	
The location of all existing buildings, including identification of all buildings to be removed as a condition of plat approval.	X	
The total acreage included in the entire subdivision, and the identification number and acreage of all lots and land reservations within the proposed subdivision.	X	
Location of all existing and proposed monuments.	NA	
A site location map, at a scale of one inch equals 400 feet, showing the location of the subject property with respect to neighboring properties, streets and private roads.	X	
Notations explaining any drainage, sight slope, street widening, park area or other reservations or easements, including any self-imposed restrictions or covenants.	X	
Endorsement of approval by the Dutchess County Health Department.	X	
Plan for the provisional delivery of mail, as approved by the local postmaster.	X	
Endorsement of the owner as follows: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> <p>“Approved for filing:</p> <p>_____ Owner</p> </div> <div> <p>_____ Date</p> </div> </div>	X	

FINAL SUBDIVISION PLAT (continued)	YES	NO
<p>Form for endorsement by Planning Board Chairman as follows:</p> <p>“Approved by Resolution of the Planning Board of the City of Beacon, New York, on the _____ day of _____, 20_____, subject to All requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval.</p> <p>Signed this _____ day of _____, 20_____, by _____, Chairman _____, Secretary</p> <p>In absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary Respectively may sign in this place.</p>	X	
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.	X	
Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter 190 and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 190, Article II. The approved final subdivision plat shall be consistent with the provisions of Chapter 190.	NA	

FINAL CONSTRUCTION PLANS	YES	NO
Final construction plans and profiles shall be prepared for all proposed streets, private roads and other required improvements. Plans shall be drawn at the same scale as the final plat and on the same size sheets, but not on the same sheets. The following information shall be shown:	X	
Plans and profiles showing the location and a typical cross-section of street and/or private road pavements including curbs and gutters, sidewalks, manholes and catch basins; the location of street or private road trees, lighting and signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; the location and size of all water, gas or other underground utilities or structures; and the location and design of any other required improvements.	X	
Profiles showing existing and proposed elevations along the center line of all streets and private roads. Where a proposed street or private road intersects an existing street or private road, the elevation along the center line of the existing street or private road within 100 feet of intersection, shall be shown. All elevations must be referred to established U.S. Government of approved local benchmarks, where they exist within ½ mile of the boundary of the subdivision.	NA	
The Planning Board may require, where steep slopes exist, cross-sections showing existing and proposed elevations of all new streets and private roads every 100 feet at five points on a line at right angles to the center line of the street or private road, said elevation points to be at the center line of the street or private road, each property line, and points 30 feet inside each property line.	NA	
Location, size, elevation and other appropriate description of any existing facilities which will be connected to proposed facilities and utilities within the subdivision.	X	

FINAL CONSTRUCTION PLANS (<i>continued</i>)		
Where the design of the subdivision requires the regarding of land, the regarding of land, the regraded contours shall be shown along with estimates of the quantity of material to be added or removed and the proposed measures to be implemented by the subdivider to rehabilitate the disturbed area or areas.	NA	
Title of all sheets, name, address, signature and seal of licensed engineer preparing the construction plans, the date prepared, including revisions dates if any, approximate true North point, scale, and consecutive numbering as sheet _____ of _____.	X	
A notation of approval, on all sheets as follows <div style="text-align: center;"> <p>“Approved by:</p> <p>_____ Date _____</p> <p>Owner Date</p> <p>and</p> <p>_____ Date”</p> <p>Planning Board Chairman Date”</p> </div>	X	
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.	X	

Signature: _____

Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

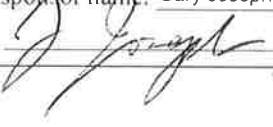

Instructions for Completing

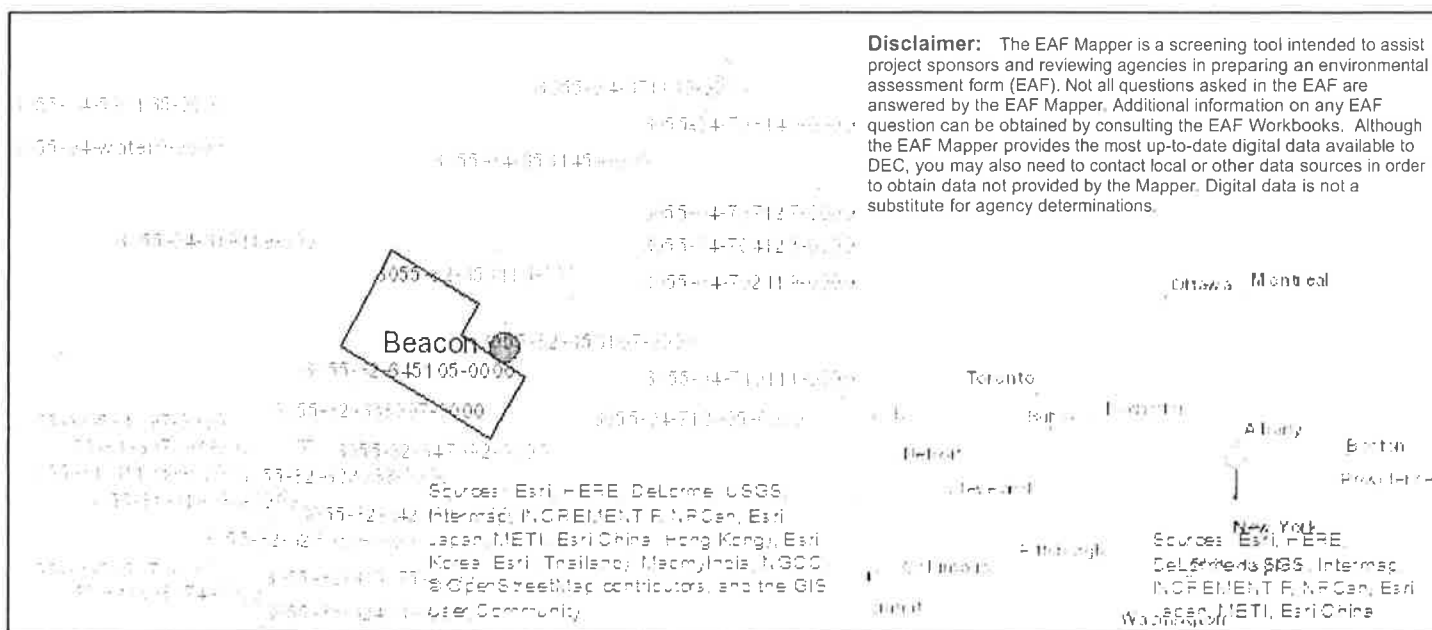
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Fairview Subdivision			
Project Location (describe, and attach a location map): 446 Washington Avenue, Beacon, NY 12508			
Brief Description of Proposed Action: The applicant proposes to subdivide the two parcels(Tax IDs: 6055-82-645105 (+/- 0.77 acres) & 6055-82-656107(+/- 0.11 acres)) into three residential lots. The existing residential lot on parcel Tax ID 6055-82-656107 will gain lot area to make the lot closer to conforming with zoning regulations, while the two proposed lots will be subdivided out of parcel Tax ID 6055-82-6455105. One proposed lot will have ingress/egress from Washington Avenue, while the second proposed lot will have ingress/egress from Glen Avenue. Both lots will be serviced by the City of Beacon's municipal water and sewer systems.			
Name of Applicant or Sponsor: Lori Joseph Builders, INC & Rina Shuman		Telephone: 845-416-1808 E-Mail: garyjoseph625@gmail.com	
Address: 445 Main Street (LJB, INC) & 446 Washington Avenue(Shuman)			
City/PO: Beacon	State: New York	Zip Code: 12508	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Beacon Planning Board Approval		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.88 acres	
b. Total acreage to be physically disturbed?		0.41 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.88 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Fishkill Creek <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>City of Beacon Stormwater System located in Washington Avenue; Fishkill Creek</u>			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ Texaco Research Center (Site Code: 314004); Completed for Hazardous Waste; Classification Code 4	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Gary Joseph & Rina Shuman Date: 12/26/2017 Signature:  		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

City of Beacon Workshop Agenda
2/26/2018

Title:

Resolution Supporting April 20th National Day of Action

Subject:

Background:

ATTACHMENTS:

Description	Type
Pledge	Cover Memo/Letter



**We are many.
There is power in
our numbers.
Together we will
save our schools.**

National Day of Action Against Gun Violence in Schools



**NATIONAL DAY OF ACTION
AGAINST GUN VIOLENCE IN SCHOOLS**

APRIL 20, 2018



I pledge to join the National Day of Action on April 20 to Protect Students Against Gun Violence. April 20 is the anniversary date of the shootings at Columbine High School. I will urge my friends, family, and neighbors to join the Day of Action as well. The failure to enact rational laws around the purchase of guns that are designed for mass shootings is inexcusable. The time to act is now. Every child deserves to learn in a school that is safe.

**City of Beacon Workshop Agenda
2/26/2018**

Title:

Executive Session: Personnel

Subject:

Background: