



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**  
**April 8, 2019**  
**7:00 PM**

**Workshop Agenda Items:**

1. Sign Policy Discussion
2. Zoning and Bulk Tables
3. Recreation Committee Appointment
4. New York State Legislation Regarding Universal Rent Stabilization and Control
5. Fairview Water Tank Grant
6. 110 Howland Avenue

**Upcoming Agenda Items and Meetings:**

1. April 29th Agenda Item: Linkage Zone and Protected Viewsheds
2. April 29th Council Agenda Item: Hudson River Housing
3. April 29th Council Agenda Item: Accessory Apartment Law

**Executive Session:**

1. Contract Negotiations
2. Advice of Counsel

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Sign Policy Discussion**

**Subject:**

**Background:**

**ATTACHMENTS:**

| Description   | Type      |
|---|-----------|
| Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon April 2019  | Local Law |
| Comparison between April 4 Draft and March 7 Draft of Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon | Local Law |

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2019

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO  
DELETE CHAPTER 183 AND AMEND  
CHAPTER 223 SECTIONS 15 AND 63 OF THE  
CODE OF THE CITY OF BEACON

A LOCAL LAW to  
delete Chapter 183  
entitled “Signs” and to  
amend Chapter 223  
Sections 15 and 63 of  
Code of the City of  
Beacon, concerning sign  
regulations in the City of  
Beacon.

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

**Section 1.** Chapter 183 of the Code of the City of Beacon entitled “Signs” is hereby deleted in its entirety.

**Section 2.** Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

**SIGN**

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public.

~~Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such manner that it provides visual communication to the general public out of doors, but not including the following:~~

- ~~A. Signs maintained or required to be maintained by law or governmental order.~~
- ~~B. The flag or insignia of any government or governmental agency.~~
- ~~C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.~~
- ~~D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.~~

## **SIGN AREA**

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

## **SIGN, AWNING**

Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

## **SIGN, BANNER**

Any sign constructed of fabric or other flexible material. Flags are not considered banner signs.

## **SIGN, BILLBOARD OR OTHER OFF-PREMISES COMMERCIAL SIGN**

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

## **SIGN, FREESTANDING**

Any sign independent of any building but permanently affixed, by any other means, to the ground.

## **SIGN, LAWN**

Temporary freestanding signs placed or inserted into the ground.

### **SIGN, PROJECTING**

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

### **SIGN, ROOF**

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

### **SIGN, SANDWICH BOARD**

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

### **SIGN, TEMPORARY**

A banner, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than four months in a twelve month period.

### **SIGN, WALL**

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

### **SIGN, WINDOW**

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

**Section 3.** Chapter 223, Section 15 of the Code of the City of Beacon entitled “Signs” is hereby amended as follows:

#### **§ 223-15 Signs.**

**A. Purpose.** The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City. It is the City’s policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the New York State Constitution.

**B. Objectives.** These regulations also serve to achieve the following objectives:

- (1) Ensure right to free speech as protected under the Constitution;

- (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- (5) Minimize the adverse effect of signs on nearby public and private property;
- (6) Avoid personal injury and property damage from unsafe or confusing signs; and
- (7) Establish a clear and impartial process for those seeking to install signs.

C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Substitution clause. A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices, allowed under this Section. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

E. Permit required.

- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the Building Department. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
- (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
- (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

~~A. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~

~~B. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~

- ~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~
- ~~(2) One identification sign announcing any profession or occupation permitted as an accessory use on the lot, not exceeding one square foot of area.~~
- ~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~
- ~~(4) Temporary signs in accordance with Subsection F below.~~
- ~~(5)(1) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

F. Prohibited Signs.

- (1) Signs that contain words or pictures of an obscene or pornographic nature.
- (2) Signs that emit audible sounds, odor or visible matter.
- (3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.
- (4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.
- (5) Signs with mirrors or any other reflective material.
- (6) Roof signs.
- (7) Billboards or other off-premise commercial signs.
- (8) Signs that are mechanically, digitally or electronically animated.

- (9) Inflated signs, wind-animated banners, tethered balloons, and projected images, except that such signs may be allowed for commercial uses located on Route 52 and Route 9D by permit from the Building Department.

G. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

- (1) Any official sign, public notice, or warning sign prescribed by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) Property identification signs not exceeding two square feet in area, such as signs bearing only the property name, numbers, postal route box numbers, image or logo or names of the occupants of the premises.
- (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
- (4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.
- (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The top of the sign shall be no more than six feet off the ground. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (7) Flags of any nation, state, military, or government, flags of any government-affiliated facility, and seasonal flags shall not require a sign permit. The area of



any flag shall not exceed 20 square feet.

- (8) Historical markers, monuments or signs as approved by local, state or federal authorities.
- (9) One nameplate or sign not exceeding two square feet for home occupation and home professional offices uses.
- (10) Lawn signs on any lot provided that the aggregate area of all lawn signs on any lot shall not exceed 32 square feet. The top of the lawn sign shall be no more than five feet off the ground. The lawn sign shall be placed at least five feet from all side property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than four months in a twelve month period. Lawn signs shall be removed within seven calendar days after the event for which they are displayed.
- (11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

C.H. Sign regulations in ~~residence~~ all districts.

- (1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.-
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, except by means of a neon-type electric material, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, ~~LCD~~ fluorescent and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused downward from above, shall create no direct glare and shall light only the sign area.
- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

I. Signs for residential uses.

- (1) No sign for a residential use, including exempt signs under § 223-15G, shall be placed above the first floor.
- (2) The aggregate sign area of all signs with permits on any lot shall not exceed 16 square feet.
- (3) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. The top of the sign shall be no more than eight feet off the ground. Such sign shall maintain at least a five foot setback from all property lines.

J. Signs in for nonresidence districts nonresidential uses. In nonresidence districts, the following signs are hereby permitted for nonresidential uses: authorized:

- (1) Not more than one sign affixed to the outer wall of the structure within which the permitted use is situated, which outer wall faces the principal street giving access to such structure, provided that:
- (a) ~~The aggregate area of each such sign shall not exceed one square foot for each linear foot of building facing the street.~~
- (a)(b) ~~No such sign shall exceed two feet in height, except that a vertical projecting wall sign shall not exceed eight feet in height or ten square feet. A vertical projecting wall sign is defined as any sign which is attached to the building wall or structure which is perpendicular to the face of such wall or structure.~~
- (b)(c) ~~No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any wall sign extend more than six inches from the building into any required yard.~~
- (c) ~~No sign shall face an abutting residential zoning district if located within 50 feet of such district.~~
- (d) ~~Vertical p~~Projecting wall signs shall not have more than two faces.
- (e) The exterior edge of a vertical projecting wall sign shall not extend more than ~~five~~ six feet from the outer wall of the structure ~~or 1/3 the~~

~~width of the sidewalk, whichever is less.~~

- (f) No part of a ~~vertical~~ projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.
- (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that:
  - ~~(a)~~ The building is set back not less than at least 50 feet from the street line.
  - ~~(a)(b)~~ The area of the sign in which case the sign shall not exceed 20 square feet in area.
  - ~~(b)~~ The building is set back not less than 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.
  - ~~(c)~~ No dimension shall exceed 12 feet. The top of the sign shall be no higher than 16 feet off the ground.
- ~~(3)~~ Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.
- ~~(4)~~ Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.
- ~~(5)~~ Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, and a pedestrian clearway of at least eight feet shall be maintained whenever possible.
- ~~(3)(6)~~ The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of a building facing the street.
- ~~(4)~~ One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted in Subsection E(1) above.
- ~~(5)~~ In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet.

~~(6) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

~~(7) Temporary signs in accordance with Subsection F below.~~

~~D.K. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning Board pursuant to § 134-6.~~

~~E.L. Temporary signs.~~

~~(1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G.~~

~~(2) Requirements. Any proposed temporary sign shall conform to the following:~~

~~(a) Such sign shall not exceed four feet in height and 32 square feet in area for any non-residential use. The top of the temporary sign shall be no more than 16 feet off the ground.~~

~~(b) Such sign shall not exceed four feet in height and 32 square feet in area for any residential use. The top of the temporary sign shall be no more than six feet off the ground.~~

~~(c) Such sign shall not be displayed for more than four months in a twelve month period.~~

~~(d) Such sign shall not be illuminated.~~

~~(e) Such sign shall maintain at least a five foot setback from all property lines.~~

~~(f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~

~~(3) Banners shall be permitted as temporary signs and shall be subject to the provisions set forth above.~~

~~(i.) A temporary sign is a nonilluminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, such as signs displayed during campaigns, drives or~~

~~events of civic, political, philanthropic, educational or religious institutions. If such sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary." Unless otherwise provided in this section, signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed. Temporary signs shall not require a permit under this section, unless located in the public right-of-way or on public property.~~

- ~~(2) Temporary signs must be removed by the individual or organization which posted, or caused to be posted, such temporary signs within seven calendar days after the event for which they are displayed, unless otherwise provided in this section.~~
- ~~(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:~~
  - ~~(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.~~
  - ~~(b) One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.~~
  - ~~(c) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.~~
  - ~~(d) Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width~~

~~and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.~~

~~(e) Signs for tag, garage or yard sales, not exceeding six square feet.~~

~~(f) Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.~~

~~(g) Political posters, banners, promotional devices and similar political signs.~~

#### ~~F. Sign regulations in nonresidence districts.~~

~~(1) Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights of way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs may be permitted.~~

~~(2) Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~

~~(3) Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.~~

~~(4) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.~~

~~(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~

#### ~~G. Temporary signs in the public right of way and on public property.~~

~~(1) Permit required. In all districts, no temporary signs shall be erected in the public right of way or on public property without a permit, unless specifically exempted below.~~



- ~~(2) Exceptions. The following signs shall not be subject to the issuance of a permit:~~
- ~~(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.~~
  - ~~(b) Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right-of-way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and shall be placed so as not to create any nuisance or threat to public safety.~~
  - ~~(c) Bus stops erected by a public transit company.~~
  - ~~(d) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~
- ~~(3) Permit standards. The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application for the placement of a temporary sign in the right-of-way or on public property, provided the following conditions are satisfied:~~
- ~~(a) Submission of a permit application on a form issued by the Building Department and payment of the application fee as set forth in the City of Beacon Fee Schedule.~~
  - ~~(b) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.~~
  - ~~(c) All signs must comply with the provisions of Subsection F, above.~~
  - ~~(d) No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of egress.~~
  - ~~(e) The necessity of surety bonds and/or insurance shall be determined by the Building Inspector or his duly authorized designee. If it is determined that such surety bond and/or insurance is necessary, the amount of such surety bond and/or insurance shall be determined by the Building Inspector or his duly authorized designee, in his/her sole discretion, as may be necessary to defray any expense of liability from the City. Surety bonds and/or insurance policies shall be approved as to form by the City Attorney.~~

- ~~(f) — Permits for sidewalk signs shall be valid for one year from the date of issuance and shall not be transferrable.~~

M. Nonconforming signs.

- (1) All nonconforming temporary signs shall be removed or brought into compliance within 90 days of the adoption date of this section.
- (2) Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 90 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.
- (3) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.
- ~~(4)~~(4) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

H.N. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.
- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.
- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 of the



City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### 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 therefrom.

#### Section 6. Effective Date

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

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2019

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO  
DELETE CHAPTER 183 AND AMEND  
CHAPTER 223 SECTIONS 15 AND 63 OF THE  
CODE OF THE CITY OF BEACON

A LOCAL LAW to  
deleted Chapter 183  
entitled “Signs” and to  
amend Chapter 223  
Sections 15 and 63 of  
Code of the City of  
Beacon, concerning sign  
regulations in the City of  
Beacon.

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

**Section 1.** Chapter 183 of the Code of the City of Beacon entitled “Signs” is hereby deleted in its entirety.

**Section 2.** Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

**SIGN**

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. ~~A sign for the purposes of this section does not include temporary holiday displays or works of art, including murals or other works of art, approved by the Planning Board.~~

**SIGN AREA**

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the

sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

**SIGN, AWNING** Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

**SIGN, BANNER**

Any sign constructed of fabric or other flexible material. Flags are not considered banner signs.

**SIGN, BILLBOARD OR OTHER OFF-PREMISES COMMERCIAL SIGN**

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

**SIGN, FREESTANDING**

Any sign independent of any building but permanently affixed, by any other means, to the ground.

**SIGN, LAWN**

Temporary freestanding signs placed or inserted into the ground.

**SIGN, PROJECTING**

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**SIGN, ROOF**

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

**SIGN, SANDWICH BOARD**

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

**SIGN, TEMPORARY**

A banner, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than four months in a twelve month period.

### **SIGN, WALL**

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

### **SIGN, WINDOW**

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

**Section 3.** Chapter 223, Section 15 of the Code of the City of Beacon entitled “Signs” is hereby amended as follows:

#### § 223-15 Signs.

- A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City. It is the City’s policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the New York State Constitution.
- B. Objectives. These regulations also serve to achieve the following objectives:
  - (1) Ensure right to free speech as protected under the Constitution;
  - (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
  - (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
  - (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
  - (5) Minimize the adverse effect of signs on nearby public and private property;
  - (6) Avoid personal injury and property damage from unsafe or confusing signs; and

- (7) Establish a clear and impartial process for those seeking to install signs.
- C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.
- D. Substitution clause. A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices, allowed under this Section. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.
- E. Permit required.
- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the ~~City Clerk~~Building Department. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
  - (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
  - (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.
- F.
- G. Prohibited Signs.
- (1) Signs that contain words or pictures of an obscene or pornographic nature.
  - (2) Signs that emit audible sounds, odor or visible matter.
  - (3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.
  - (4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.

- (5) Signs with mirrors or any other reflective material.
- (6) Roof signs.
- (7) Billboards or other off-premise commercial signs.
- (8) Signs that are mechanically, digitally or electronically animated.
- (9) Inflated signs, wind-animated banners, tethered balloons, and projected images, except that such signs may be allowed for commercial uses located on Route 52 and Route 9D by permit from the Building Department.

H. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

- (1) Any official sign, public notice, or warning sign prescribed by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) Property identification signs not exceeding two square feet in area, such as signs bearing only the property name, numbers, postal route box numbers, image or logo or names of the occupants of the premises.
- (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
- (4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.
- (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The top of the sign shall be no more than six feet off the ground. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is

located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.

- (7) Flags of any nation ~~or~~, state, military, or government, flags of any government-affiliated facility, and seasonal flags shall not require a sign permit. ~~Flags~~ The area of any flag shall not exceed 20 square feet.
- (8) Historical markers, monuments or signs as approved by local, state or federal authorities.
- (9) One nameplate or sign not exceeding two square feet for home occupation and home professional offices uses.
- (10) Lawn signs on any lot provided that ~~each lawn sign does not exceed three feet in height and three square feet in area. The~~ the aggregate area of all lawn signs on any lot shall not exceed 32 square feet. The top of the lawn sign shall be no more than five feet off the ground. The lawn sign shall be placed at least five feet from all side property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than four months in a twelve month period. Lawn signs shall be removed within seven calendar days after the event for which they are displayed.
- (11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

#### I. Sign regulations in all districts.

- (1) .
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way. Notwithstanding the above, neon, fluorescent and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused



downward from above, shall create no direct glare and shall light only the sign area.

- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

J. Signs for residential uses.

- (1) No sign for a residential use, including exempt signs under § 223-15G, shall be placed above the first floor.
- (2) The aggregate sign area of all signs with permits on any lot shall not exceed 16 square feet.
- (3) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. The top of the sign shall be no more than eight feet off the ground. Such sign shall maintain at least a five foot setback from all property lines.

K. Signs for nonresidential uses. The following signs are hereby permitted for nonresidential uses:

- (1) Not more than one sign affixed to the outer wall of the structure within which the permitted use is situated, which outer wall faces the principal street giving access to such structure, provided that:
  - (a) The aggregate area of each sign shall not exceed one square foot for each linear foot of building facing the street.
  - ~~(b) The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of a building facing the street.~~
  - ~~(c) A projecting wall sign shall not exceed eight feet in height or ten square feet.~~
  - ~~(d) No sign shall project above the eaves of the building on which it is affixed or, if no eaves exist thereon, the roof, nor shall any wall sign extend more than six inches from the building .~~



- ~~(e)~~
- (d) ~~(e)~~ Projecting wall signs shall not have more than two faces.
- (e) ~~(f)~~ The exterior edge of a projecting wall sign shall not extend more than six feet from the outer wall of the structure.
- (f) ~~(g)~~ No part of a projecting wall sign shall extend into vehicular traffic areas, and any part over pedestrian areas shall have a minimum clearance of seven feet, six inches.
- (g) ~~(h)~~
- (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that:
  - (a) The building is set back at least 50 feet from the street line, ~~in which case,~~
  - (b) The area of the sign shall not exceed 20 square feet in area.
  - (c) ~~(b)~~
  - (d) ~~(e)~~ The top of the sign shall be no higher than 16 feet off the ground.
- (3) Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.
- (4) Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.
- (5) Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow. A pedestrian clearway of at least six feet shall be maintained in a pedestrian walkway, and a pedestrian clearway of at least eight feet shall be maintained whenever possible.
- (6) The aggregate area of all signs with permits on any lot shall not exceed two square feet for each linear foot of a building facing the street.
- ~~(6) One identification sign, not exceeding 10 square feet in area, to the outer wall of the structure facing upon a street or parking lot not faced by a sign as permitted~~
- ~~(7)~~ .

~~(8)~~~~(7)~~ ~~(9)~~

L. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning Board pursuant to § 134-6.

M. Temporary signs.

- (1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G.
- (2) Requirements. Any proposed temporary sign shall conform to the following:
  - (a) Such sign shall not exceed four feet in height and 32 square feet in area for any non-residential use. The top of the temporary sign shall be no more than 16 feet off the ground.
  - (b) Such sign shall not exceed four feet in height and 32 square feet in area for any residential use. The top of the temporary sign shall be no more than six feet off the ground.
  - (c) Such sign shall not be displayed for more than four months in a twelve month period.
  - (d) Such sign shall not be illuminated.
  - (e) Such sign shall maintain at least a five foot setback from all property lines.
  - (f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (3) Banners shall be permitted as temporary signs and shall be subject to the provisions set forth above.

~~(a)~~

(1)

N. Nonconforming signs.

- (1) All nonconforming temporary signs shall be removed or brought into compliance within 90 days of the adoption date of this section.
- (2) Any nonconforming sign ~~for a residential use~~ that is removed from its position or siting and not replaced in-kind within ~~30~~20 days shall be presumed to be

abandoned and discontinued and may not be restored or re-erected except in compliance with this section.

- (3) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.
- (4) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

#### O. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.
- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.
- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

#### Section 4. Ratification, Readoption and Confirmation

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

#### 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 therefrom.

#### Section 6. Effective Date

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

DRAFT

Document comparison by Workshare Compare on Thursday, April 4, 2019  
12:52:23 PM

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| Document 2 ID | PowerDocs://DOCS/649858/5              |
| Description   | DOCS-#649858-v5-Beacon_Signs_Local_Law |
| Rendering set | Standard                               |

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| Inserted cell             |  |
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| Padding cell              |  |

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| Deletions      | 27    |
| Moved from     | 1     |
| Moved to       | 1     |
| Style change   | 0     |
| Format changed | 0     |
| Total changes  | 46    |

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Zoning and Bulk Tables**

**Subject:**

**Background:**

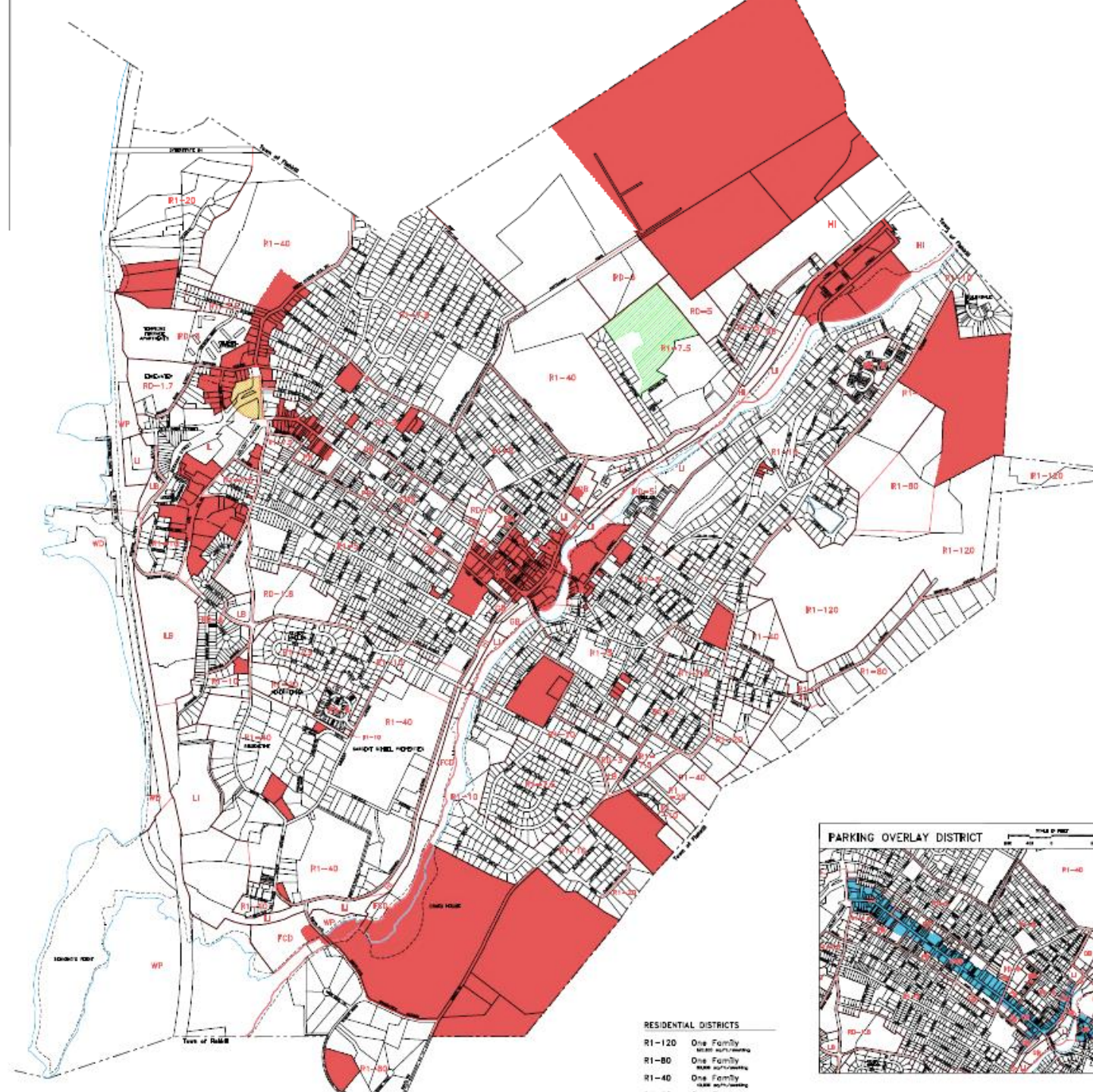
**ATTACHMENTS:**

| Description                   | Type |
|-------------------------------|------|
| Zoning Map Changes Draft 4.19 | Map  |

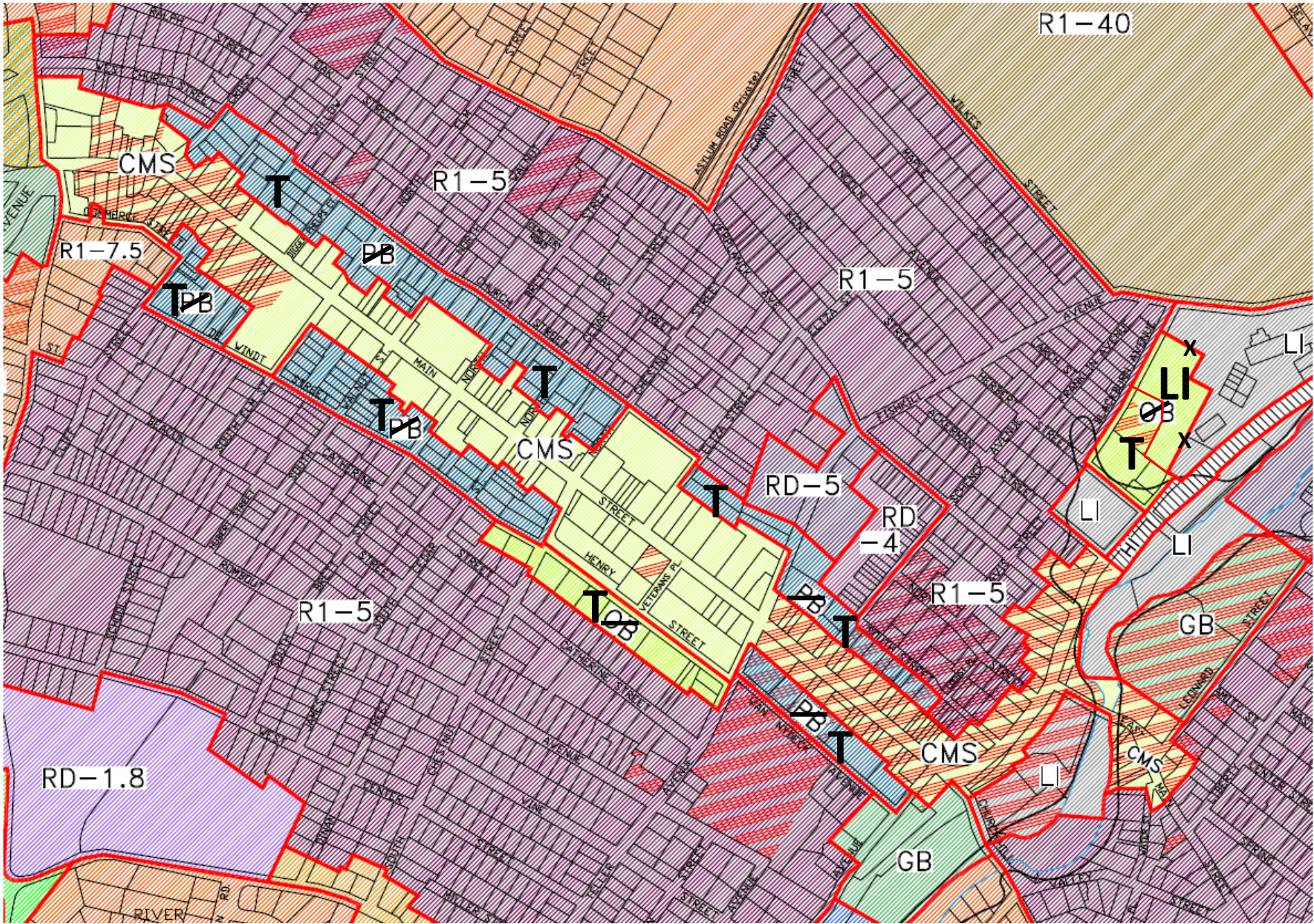








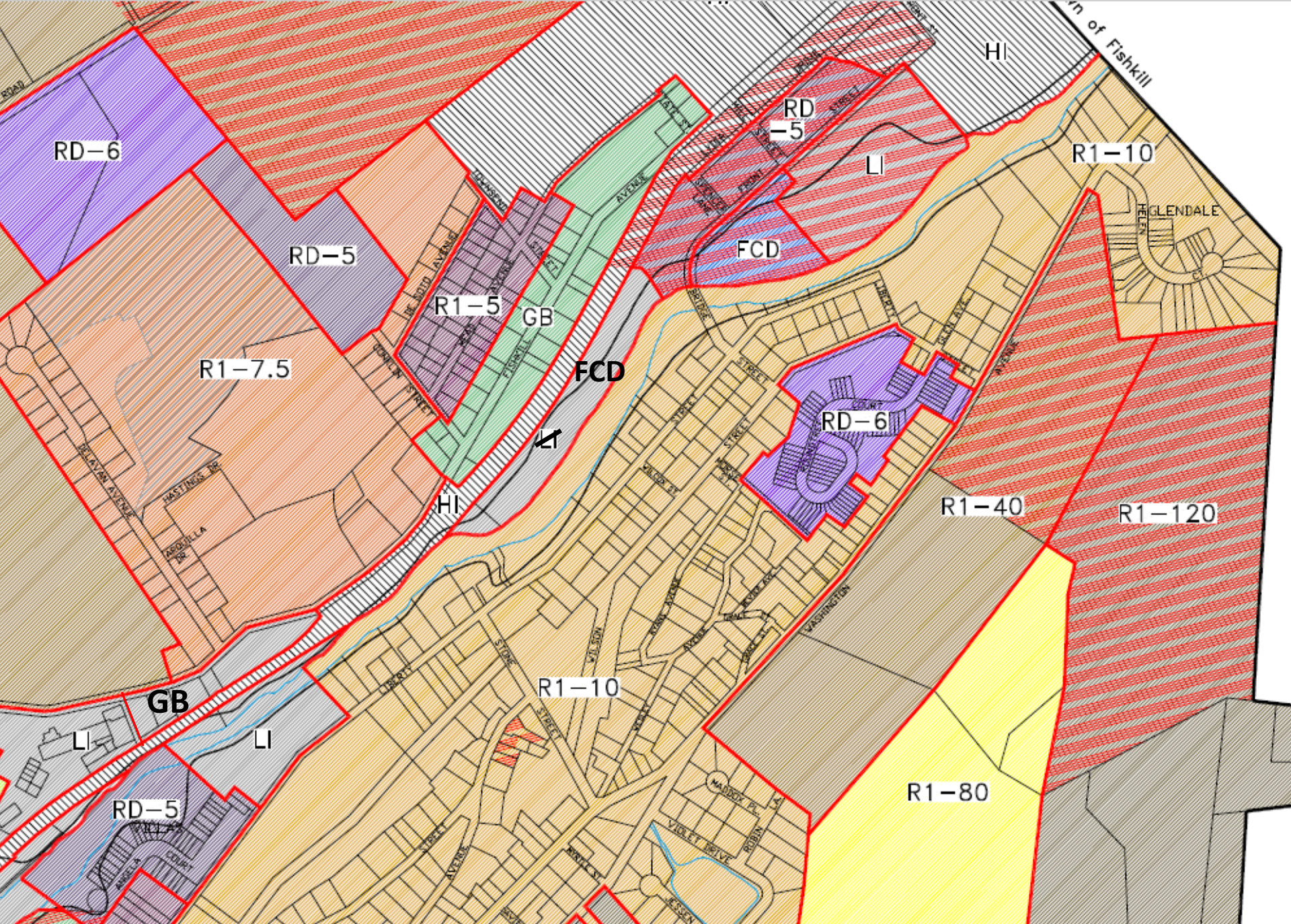














**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Recreation Committee Appointment**

**Subject:**

**Background:**

**ATTACHMENTS:**

| Description                      | Type        |
|----------------------------------|-------------|
| Recreation Committee Application | Application |

# Committee Application



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

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

Name

Address

Phone Number

Alternate Phone

Email Address

Committee You are  
Interested In

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

Available number of  
Hours per week (for  
Committee work)

Occupation

Employer

Work Address

Work Phone

Education

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

Interest & Skills

Fitness, Nutrition, motivational speaker

Areas of Expertise  
(business & civic)

Planning, Strong work ethics, Sports programming  
Event planning, Community Leadership skills

Reference

Reference Name

Lonna Lichtenberg

Address

Phone

917 837 3987

Email Address

Relationship

Friend / mentor

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**New York State Legislation Regarding Universal Rent Stabilization and Control**

**Subject:**

**Background:**

**ATTACHMENTS:**

| Description  | Type              |
|--|-------------------|
| Resolution Supporting Universal Rent Stabilization and Control | Resolution        |
| Memorandum from Keane and Beane Regarding Rent Stabilization   | Cover Memo/Letter |



DRAFT – 3-28-2019

**CITY OF BEACON  
CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION SUPPORTING  
UNIVERSAL RENT STABILIZATION AND CONTROL**

**WHEREAS**, the City of Beacon has documented and identified unmet need for affordable housing opportunities to serve low and moderate income residents; and

**WHEREAS**, the City enacted [Article IVB § 223-41.9 “Affordable Workforce Housing Law”](#) in 2010, amended in 2015, which requires ten percent (10%) of all projects containing ten (10) or more apartment dwellings and/or attached dwellings to comprise of below-market-rate units; and

**WHEREAS**, the City’s affordable housing law is only one way to address housing affordability, and aside from the new construction that is required to be affordable according to this local law, currently state law does not provide local authority to form a local board that would determine annual allowable rental increases in order to protect tenants from arbitrary rent increases; and

**WHEREAS**, the [New York State’s Emergency Tenant Protection Act \(ETPA\) of 1974](#) provides rental protections including rent stabilization whereby landlords are subject to regulated rent increases and tenants have the right to renewal leases; and

**WHEREAS**, under the current ETPA law only municipalities in Nassau, Westchester, Rockland counties and New York City are eligible to adopt a form of rent stabilization, resulting in rent control only applying to tenants in eight (8) of the state’s sixty-two (62) counties; and

**WHEREAS**, in 2019, New York State’s Emergency Tenant Protection Act (ETPA) of 1974 will be expiring, presenting an opportunity for our leadership in Albany to improve and extend tenants’ rights moving forward;

**THEREFORE BE IT RESOLVED**, that the City Council of the City of Beacon calls upon our leaders in Albany to remove the geographic restrictions from the ETPA so that local governments can take an active role addressing the cost of rental housing and to provide critical rental rights to tenants in Beacon and across the state; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Beacon supports and endorses [S2892A/A5030A](#) which would enact “good cause” eviction legislation to bring renters rights to tenants in smaller buildings and to manufactured home communities; and,





DRAFT – 3-28-2019

**BE IT FURTHER RESOLVED** that the City Council of the City of Beacon supports and endorses [S2845A/A4349](#) and [A1509](#) which would prohibit owners from adjusting the amount of preferential rent upon the renewal of a lease; and,

**BE IT FURTHER RESOLVED** that the City Council of the City of Beacon supports and endorses [S185/A2351](#) which relate to rent increases after vacancy of a housing accommodation and would eliminate the vacancy bonus; and,

**BE IT FURTHER RESOLVED** that the City Council of the City of Beacon supports and endorses [S2591A/A1198](#) which would prevent landlords from being able to take apartments out of rent regulation when existing tenants leave; and,

**BE IT FURTHER RESOLVED**, that the City Clerk is directed to send a copy of this resolution to U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Representative Sean Patrick Maloney, Governor Andrew Cuomo, State Senator Sue Serino, State Assemblyman Jonathan G. Jacobson, Dutchess County Executive Marc Molinaro, Dutchess County Legislator Chair A.Gregg Pulver, Dutchess County Legislator Frits Zernike and Dutchess County Legislator Nick Page.

The Resolution was thereupon adopted.

\_\_\_\_\_  
Iola C. Taylor, City Clerk


\_\_\_\_\_  
Date

| Resolution No. _____ of 2019 |        |                           | Date: March 18, 2019 |    |         |              |        |
|------------------------------|--------|---------------------------|----------------------|----|---------|--------------|--------|
| Amendments                   |        |                           | On roll call         |    |         | 2/3 Required |        |
| Not on roll call.            |        |                           |                      |    |         | 3/4 Required |        |
| Motion                       | Second | Council Member            | Yes                  | No | Abstain | Reason       | Absent |
|                              |        | <b>Terry Nelson</b>       |                      |    |         |              |        |
|                              |        | <b>John Rembert</b>       |                      |    |         |              |        |
|                              |        | <b>Lee Kyriacou</b>       |                      |    |         |              |        |
|                              |        | <b>George Mansfield</b>   |                      |    |         |              |        |
|                              |        | <b>Jodi McCredo</b>       |                      |    |         |              |        |
|                              |        | <b>Amber Grant</b>        |                      |    |         |              |        |
|                              |        | <b>Mayor Randy Casale</b> |                      |    |         |              |        |
| <b>Motion Carried</b>        |        |                           |                      |    |         |              |        |

- **Main Office**  
445 Hamilton Avenue  
White Plains, NY 10601  
Phone 914.946.4777  
Fax 914.946.6868
- **Mid-Hudson Office**  
200 Westage Business Center  
Fishkill, NY 12524  
Phone 845.896.0120
- **New York City Office**  
505 Park Avenue  
New York, NY 10022  
Phone 646.794.5747

## MEMORANDUM

**TO:** City Council

**FROM:** Keane & Beane, P.C. 

**RE:** ETPA and Rent Control

**DATE:** April 5, 2019

---

At the City Council meeting last Monday the Council requested to be provided with a summary of the Emergency Tenant Protection Act ("ETPA") as well as the relevant pending State legislation referenced in the resolution considered by the Council supporting such legislation. As stated at the Council meeting, our firm is not an expert on ETPA and rent control and we have set forth below a summary for your consideration. Please let us know should you have any questions and preferably in advance of the meeting so we can be prepared to provide you with an answer.

### Emergency Tenant Protection Act, NY Uncon. Laws §§8621-8634

Under the ETPA, in counties where it applies, the individual municipalities must formally adopt the ETPA upon a finding by the Legislative body that there is less than a 5% housing vacancy in the jurisdiction. When a building is rent stabilized under the ETPA, the annual allowable rental increases are determined by the County Rent Guidelines Board. The operation of rent stabilized units is also regulated by NYS Department of Housing and Community Renewal rules, which establish requirements for lease renewals, establish building maintenance standards and penalties, and provide processes for renewals, establish building maintenance standards and penalties, and provide processes for building owners to recover the cost of capital improvements through bounded rental increases.

The Board sets guidelines for rent adjustments annually based upon several factors including economic condition of the market; prevailing and projected taxes and other costs; supply of housing accommodations versus vacancy rates; living indices etc. The state division of housing and community renewal administers the regulation of rents; the costs incurred will be paid by the applicable municipality. Housing accommodations subject to the act will be registered by the owner with the state division of housing and community renewal.

**Senate Bill 2892A/ Assembly Bill 5030A:** Prohibits eviction without good cause. The purpose of the legislation is to prohibit eviction of residential tenants or the non-renewal of residential leases without good cause. It applies to all housing except: owner-occupied premises with less than 4 units; where the sublessor seeks to regain the premises they sublet; premises incidental to employment where employment is lawfully terminated; and premises subject to regulation by state or federal law such that the state or federal law requires good cause.

**Senate Bill 185/ Assembly Bill 2351:** Restricts rent increases after vacancy of a housing accommodation. It repeals provisions permitting rent increases after vacancy of a housing accommodation. The purpose is to protect tenants by repealing the ability of the landlord to obtain a 20% increase in rent pursuant to the statutory vacancy bonus provision under the Emergency Tenant Protection Act. Where all tenants named in a lease have permanently vacated the housing accommodation and a family member of such tenant(s) is entitled to and has executed a renewal lease for the housing accommodation, such accommodation continues to be the subject of this act after the family member vacates. Upon vacancy of the family member the legal regulated rent shall be increased by a sum equal to the allowance then in effect for vacancy leases.

**Senate Bill 2845A/ Assembly Bill 4349:** Prohibits an owner from adjusting the amount of preferential rent (rent charged and paid by the tenant which is less than the legal regulated rent for the housing accommodation) upon renewal of a lease. The owner is only allowed to make such adjustments after vacancy, which is not the result of the failure of the owner to maintain a habitable residence. Upon a natural vacancy (not forced out by un-habitable conditions), the owner may terminate the preferential rent and collect the maximum legal regulated rent for the unit. The Bill sponsor asserts it would provide security to tenants so they can remain in their tenancy without concern about revocation of the preferential rent rate and its expiring at the end of the lease term.

**Senate Bill 2591A/ Assembly Bill 1198:** Makes conforming technical changes to the ETPA relating to vacancy decontrol. It repeals provisions from the ETPA that remove apartments from rent stabilization or rent control when such apartments are vacated and could be rented under such statutes for \$2,700 or more. It is asserted that vacancy decontrol incentivizes owners to withhold services and harass tenants to get them to vacate their rental units, so that upon vacancy the owner can lift the preferential rent and rent it for a much higher amount. This law will repeal provisions from the ETPA regarding vacancy decontrol.

**Assembly Bill 1509:** Prohibits an owner from adjusting the amount of preferential rent upon the renewal of a lease. It only permits the owner to make such adjustments upon vacancy that occurs naturally, not as the result of the failure of the owner to maintain a habitable residence. The Bill excludes housing accommodations if the legal regulated rent is \$2,500 per month or more, that is or becomes vacant after 2011 but

prior to 2015 or is \$2,700 or higher after January 1, 2016 and thereafter adjusted by the same percentage per year based upon the relevant rent guidelines board.

The Rent Guidelines Board consists of 9 members appointed by the Commissioner of Housing and Community Renewal upon recommendation of the County legislature, within 30 days of local declaration of emergency. The Board consists of 2 members representative of tenants, 2 representative of owners, and 5 public members with at least 5 years of experience in either finance, economics or housing. Further, the local body may designate 2 persons, one representative of tenants, and the other representative of owners to advise the nine (9) member Rent Guidelines Board.

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Fairview Water Tank Grant**

**Subject:**

**Background:**

**ATTACHMENTS:**

| Description   | Type       |
|---|------------|
| Resolution to Declare Fairview Tank Replacement Project<br>a Type II Action Under SEQRA | Resolution |
| Fairview Water Tank Short EAF   | EAF        |



**CITY COUNCIL  
CITY OF BEACON**

**RESOLUTION TO DECLARE FAIRVIEW TANK REPLACEMENT PROJECT A  
TYPE II ACTION UNDER SEQRA**

Resolution No. \_\_\_\_\_ of 2019

**WHEREAS**, the City Council would like to demolish and remove the existing 1 Million-gallon Fairview water storage tank due to its poor condition, and construct a new 1.5 Million-gallon water storage tank and related appurtenances in the same vicinity (the “Proposed Action”); and

**WHEREAS**, the Proposed Action will serve to provide clean drinking water throughout the City of Beacon; and

**WHEREAS**, the City prepared a Short Environmental Assessment Form, Part 1-Project Information, dated July 6, 2018.

**NOW THEREFORE BE IT RESOLVED**, that the City Council hereby finds that the Proposed Action is a Type II Action pursuant to § 617.5(c)(2) of the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required.

**BE IT FURTHER RESOLVED**, that the Proposed Action will not result in any significant adverse impacts on the environment.

| Resolution No. _____ of 2019 |        |                           | Date: March 18, 2019 |    |         |              |              |
|------------------------------|--------|---------------------------|----------------------|----|---------|--------------|--------------|
| Amendments                   |        |                           |                      |    |         |              | 2/3 Required |
| Not on roll call.            |        |                           | On roll call         |    |         | 3/4 Required |              |
| Motion                       | Second | Council Member            | Yes                  | No | Abstain | Reason       | Absent       |
|                              |        | <b>Terry Nelson</b>       |                      |    |         |              |              |
|                              |        | <b>John Rembert</b>       |                      |    |         |              |              |
|                              |        | <b>Lee Kyriacou</b>       |                      |    |         |              |              |
|                              |        | <b>George Mansfield</b>   |                      |    |         |              |              |
|                              |        | <b>Jodi McCredo</b>       |                      |    |         |              |              |
|                              |        | <b>Amber Grant</b>        |                      |    |         |              |              |
|                              |        | <b>Mayor Randy Casale</b> |                      |    |         |              |              |
| <b>Motion Carried</b>        |        |                           |                      |    |         |              |              |





# Short Environmental Assessment Form

## Part 1 - Project Information

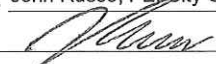
### Instructions for Completing

**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.

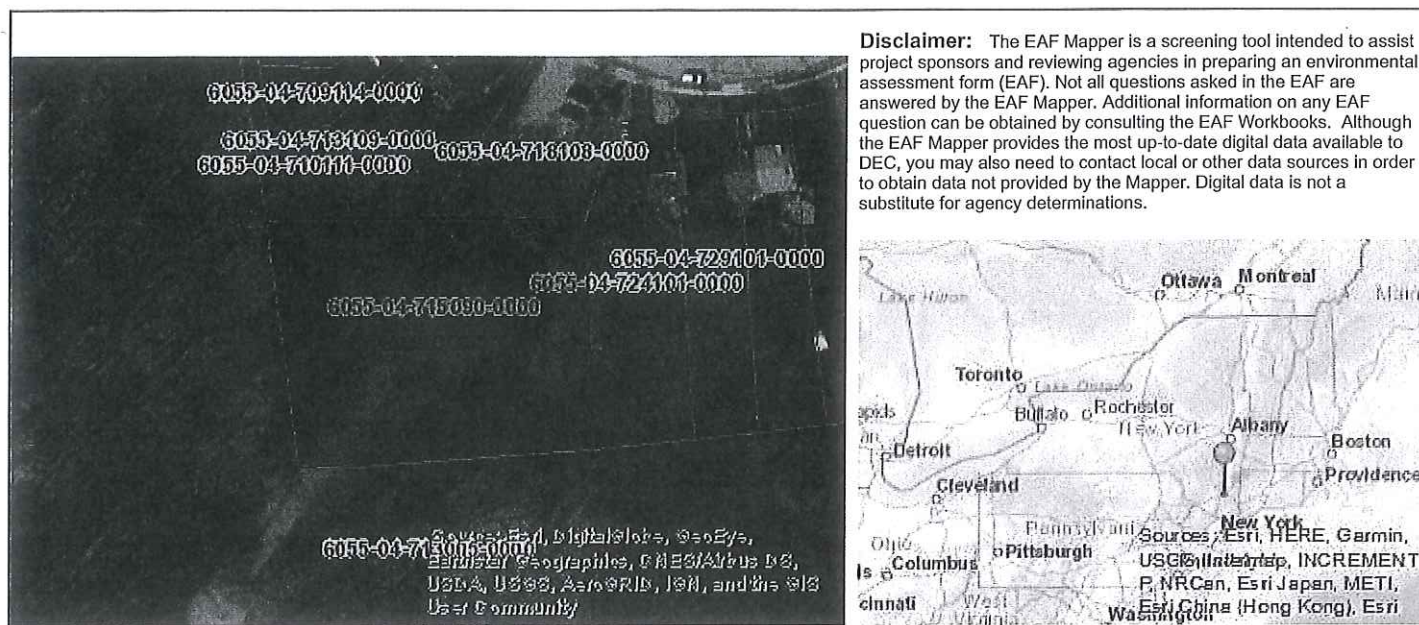
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|   |                                     |                                |   |    |     |                                     |                                     |
|---|-------------------------------------|--------------------------------|---|----|-----|-------------------------------------|-------------------------------------|
| <b>Part 1 - Project and Sponsor Information</b>   |                                     |                                |   |    |     |                                     |                                     |
| Name of Action or Project:<br>FAIRVIEW WATER STORAGE TANK REPLACEMENT   |                                     |                                |   |    |     |                                     |                                     |
| Project Location (describe, and attach a location map):<br>Accessed through Fairview Cemetery off of Washington Avenue  |                                     |                                |   |    |     |                                     |                                     |
| Brief Description of Proposed Action:<br>Demolition and removal of existing 1M gallon water storage tank and construction of new 1.5M gallon water storage tank and related appurtenances   |                                     |                                |   |    |     |                                     |                                     |
| Name of Applicant or Sponsor:<br>City of Beacon, Randy Casale, Mayor  |                                     | Telephone: 845-838-5011        |   |    |     |                                     |                                     |
|   |                                     | E-Mail: mayor@cityofbeacon.org |   |    |     |                                     |                                     |
| Address:<br>1 Municipal Plaza   |                                     |                                |   |    |     |                                     |                                     |
| City/PO:<br>Beacon  |                                     | State:<br>NY                   | Zip Code:<br>12508  |    |     |                                     |                                     |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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.  |                                     |                                | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table> | NO | YES | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| NO  | YES                                 |                                |   |    |     |                                     |                                     |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>            |                                |   |    |     |                                     |                                     |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:<br>Dutchess County Department of Health - Public Water Supply Improvement  |                                     |                                | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table> | NO | YES | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| NO  | YES                                 |                                |   |    |     |                                     |                                     |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> |                                |   |    |     |                                     |                                     |
| 3.a. Total acreage of the site of the proposed action?  |                                     | 0.7± acres                     |   |    |     |                                     |                                     |
| b. Total acreage to be physically disturbed?  |                                     | 0.3± acres                     |   |    |     |                                     |                                     |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  |                                     | 0.7± acres                     |   |    |     |                                     |                                     |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): cemetery<br><input type="checkbox"/> Parkland |                                     |                                |   |    |     |                                     |                                     |

|   |  |  |                                 |
|---|--|--|---------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?  | NO<br><input type="checkbox"/>                           | YES<br><input checked="" type="checkbox"/> | N/A<br><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<br><input type="checkbox"/>                           | YES<br><input checked="" type="checkbox"/> |                                 |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____   | NO<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?  | NO<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| b. Are public transportation service(s) available at or near the site of the proposed action?   | <input type="checkbox"/>                                 | <input type="checkbox"/>                   |                                 |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  | <input type="checkbox"/>                                 | <input type="checkbox"/>                   |                                 |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies:<br>_____  | NO<br><input type="checkbox"/>                           | YES<br><input checked="" type="checkbox"/> |                                 |
| 10. Will the proposed action connect to an existing public/private water supply?<br><br>If No, describe method for providing potable water: _____   | NO<br><input type="checkbox"/>                           | YES<br><input checked="" type="checkbox"/> |                                 |
| 11. Will the proposed action connect to existing wastewater utilities?<br><br>If No, describe method for providing wastewater treatment: _____<br>No wastewater facilities at a water storage tank  | NO<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  | NO<br><input checked="" type="checkbox"/>                | YES<br><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<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>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:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><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?    Indiana Bat   | NO<br><input type="checkbox"/>                           | YES<br><input checked="" type="checkbox"/> |                                 |
| 16. Is the project site located in the 100 year flood plain?  | NO<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES   | NO<br><input checked="" type="checkbox"/>                | YES<br><input type="checkbox"/>            |                                 |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____  | <input type="checkbox"/> NO <input type="checkbox"/> YES |  |                                 |

|   |   |  |
|---|---|--|
| 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)?<br>If Yes, explain purpose and size: _____<br>_____<br>_____   | NO<br><br><input checked="" type="checkbox"/> | YES<br><br><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?<br>If Yes, describe: _____<br>_____<br>_____   | NO<br><br><input checked="" type="checkbox"/> | YES<br><br><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?<br>If Yes, describe: _____<br>_____<br>_____   | NO<br><br><input type="checkbox"/>            | YES<br><br><input checked="" type="checkbox"/> |
| <b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b><br>Applicant/sponsor name: <u>John Russo, PE, City Consultant</u> Date: <u>7/6/2018</u><br>Signature: <u></u> |   |  |





**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

|   |             |
|---|-------------|
| 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] | No          |
| Part 1 / Question 15 [Threatened or Endangered Animal]          | Yes         |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name]   | Indiana Bat |
| Part 1 / Question 16 [100 Year Flood Plain]                     | No          |
| Part 1 / Question 20 [Remediation Site]                         | Yes         |

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**110 Howland Avenue**

**Subject:**

**Background:**

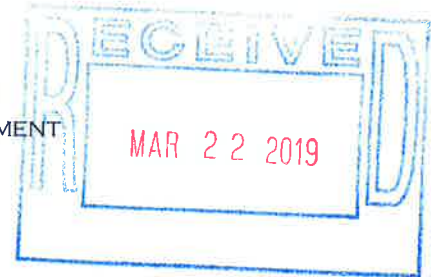
**ATTACHMENTS:**

| Description   | Type              |
|---|-------------------|
| Dutchess County Planning Response 110 Howland April                                   | Cover Memo/Letter |
| Memorandum from Keane and Beane Regarding 110 Howland Small Cell Wireless Application | Cover Memo/Letter |
| City of Beacon Planning Board Response  | Cover Memo/Letter |





**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT



March 18, 2019

*city council*

To: Planning Board, City of Beacon  
Re: Referral #ZR19-065, Verizon Small Cell Facility Installation Special Permit  
Parcel: 6054-14-347464, 110 Howland Avenue

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

**ACTION**

The applicant is seeking a special permit to construct a 52 foot tall wooden pole with two proposed antennas within a 102 square foot lease area.

**COMMENTS**

The City should inquire whether moving the tower further east, closer to the Mt. Beacon tree line, would better camouflage the proposed tower without significantly impeding the RF signal.

**RECOMMENDATION**

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

Eoin Wrafter, AICP  
Commissioner  
By

A handwritten signature in blue ink, appearing to read "Jennifer F. Cocozza".

Jennifer F. Cocozza  
Deputy Commissioner

## MEMORANDUM

**TO:** City Council of the City of Beacon

**FROM:** Keane & Beane, P.C.

**RE:** 110 Howland Avenue – Small Cell Wireless Facility  
Special Use Permit Application

**DATE:** December 7, 2018

---

The City received an application for a special use permit from Verizon Wireless for the installation and operation of a small cell facility. The projects involves the installation of a new 52 foot tall wooden utility pole, two antennae and related equipment on privately-owned property located at 110 Howland Avenue in the R1-40 Zoning District, known and designated on the Tax Map of the City of Beacon as Parcel ID **#6054-14-347464** (the “Property”). Under the City’s Small Cell Wireless Facilities Local Law, adopted August 7, 2018, as Local Law 13-2018 (the “Small Cell Local Law”), special use permit approval by the City Council is required under Section 223-24.5 for the installation of a utility pole for a small cell facility over 50 feet tall.

This memorandum reviews the applicable special use permit requirements set forth in Section 223-24.5 for wireless telecommunication facilities and discusses how the addresses, or fails to address, the applicable provision. Section 223-24.5 of the City Zoning Code is attached.

### **Annual Fees**

As this is a new pole on private property, there is no annual fee payment to the City.

### **Location and Access**

Section 223-24.5.D sets forth locational priorities for wireless telecommunication facilities to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. The City Council must review and evaluate the technological, structural, safety and financial considerations associated with alternative locations. The Applicant has provided information as to how and why the Property was selected as the proposed location for the small cell facility .

Wherever possible, new wireless telecommunication facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. The Applicant states that the proposed new wooden utility pole to mount the required antennas is a stealth proposal. The antennas are flush mounted to the

pole limiting the size of the antenna array. Verizon notes the pole can also be utilized as a parking lot light structure.

### **Setbacks**

Wireless telecommunication facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. City of Beacon Zoning Code § 223-24.5.E.

We are currently working with the Building Department to determine if any variances are required.

### **Height Limitations**

The height of the utility pole is 52 feet. The City Zoning Code states that the height of any monopole shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure. The proposed utility pole meets the height limitations set forth in § 223-24.5.F(2).

Under Section 223-24.5.F(1), the height of any antennas, or other associated equipment, structurally mounted as part of the small cell facility shall not exceed by more than 15 feet the highest point of the structure on which such antennas or equipment is affixed. The proposed antennas will be mounted at the top of the proposed pole at a centerline of 2 feet below the top of the pole.

### **Visual Mitigation**

Under Section 223.24.5.G, the Applicant must prepare a visual impact assessment of the proposed wireless telecommunication facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council. Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.

The Applicant has not submitted a visual impact assessment. The Applicant explains that the site is located between the adjacent existing building and an unpopulated hillside and is out of the way with no skyline profile. The Applicant also states that the small cell facility will blend into the hillside by design achieving stealth technologies.

### **Materials**

Under Section 223-24.5.H, a wireless telecommunication facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. According to Sheet No. Z-3, Pole Elevation, Details and Notes, dated November 11, 2018, all steel materials, bolts, anchors and miscellaneous hardware will be galvanized.

### **Lighting**

The wireless telecommunication facility will not be artificially lit.

### **Operational Characteristics**

The application includes a report from a Radio Frequency (RF) Design Engineer. The Design Engineer concluded that the proposed facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radio frequency electromagnetic fields and thus fully complies with the standards of the IRPA, FCC, IEEE, ANSI and NCRP.

The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

### **Noise**

Operation of the facility will not involve any objectionable noise, fumes vibration or other characteristics.

### **Utility Service**

Under Section 223-24.5.I, electrical and land-based telephone lines extended to serve the wireless telecommunication facility shall be installed underground. The Applicant's plans show the wires being underground.

### **Safety and Security Provisions**

The City Council should ask the Applicant to discuss issues regarding safety and security at the facility.

Section 223-24.5.M requires a wireless telecommunication facility to be designed that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from any adjacent developments.

Section 223-24.5.N requires the Applicant to implement a security program for the site of a wireless telecommunication facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

**Lease agreement.**

The Applicant has included a copy of the signed lease agreement between Verizon Wireless and the property owner, Ability Beyond Disability. Under the agreement, Verizon will lease approximately 102 square feet of space located at 110 Howland Avenue for the installation, operation and maintenance of communications equipment; together with such additional space for the installation, operation and maintenance of wires, cables, conduits and pipes running from the licensed area to all necessary electrical and telephone utility sources located on the Property.

**Public Need**

Section 223-24.5.R(2) requires the Applicant to demonstrate to the satisfaction of the City Council that there is a compelling public need for the facility at the location proposed. The Applicant has provided a report from its RF Design Engineer which depicts the area within which Verizon Wireless' communications facility needs to be located in order to provide adequate and safe service to certain areas in the City of Beacon. This report is attached to the application submission as Exhibit 5.

**Collocation of Other Future Wireless Telecommunication Facilities**

As a condition of special use permit approval, the Applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the collocation of other future wireless telecommunication facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.



# Memorandum

## *Planning Board*

---

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request for Report and Recommendation  
110 Howland Avenue Wireless Facility

DATE: March 14, 2019

At the March 12, 2019 Planning Board meeting, members reviewed and discussed the proposed wireless facility at 110 Howland Avenue with City Planner John Clarke and City Attorney Jennifer Gray. Attorney Scott Olsen, representing Verizon, also provided an overview of the proposal to install a 52 ft. high wooden utility pole with a panel antenna at the top and equipment at its base. Members reviewed the proposed location and photo simulations and after much consideration recommended a 6 ft. high fence, made of the same materials as the nearby garbage enclosure, be constructed to surround the facility. In addition members agreed with Mr. Clarke's suggestion that evergreens be planted near the edge of the property to screen the view from the house that has a clear view of the tower.

Should you have any questions or require additional information, please feel free to contact me.



**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**April 29th Agenda Item: Linkage Zone and Protected Viewsheds**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**April 29th Council Agenda Item: Hudson River Housing**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**April 29th Council Agenda Item: Accessory Apartment Law**

**Subject:**

**Background:**

**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Contract Negotiations**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Attachment I

Type

Backup Material



**City of Beacon Workshop Agenda**  
**4/8/2019**

**Title:**

**Advice of Counsel**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Attachment I

Type

Backup Material