



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. McCrede, Ward 3  
Councilmember Amber J. Grant, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda  
August 12, 2019  
12:00 AM**

**Workshop Agenda Items:**

1. Main Street Pedestrian Safety Improvements Project
2. Moratorium Discussion
3. Teller Avenue Sanitary Sewer Replacement Project
4. Local Law Regarding Oak Street and North Elm Street Intersection
5. SPCA Agreement
6. Edgewater Special Permit Extension

**City of Beacon Workshop Agenda**  
**8/12/2019**

**Title:**

**Main Street Pedestrian Safety Improvements Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Letter from HVEA to City Council Regarding the Main Street Pedestrian Improvements Project	Cover Memo/Letter



August 8, 2019

Anthony Ruggiero  
City Administrator  
1 Municipal Plaza  
Beacon, NY 12508

Re: PIN 8761.25 & 8761.45 – Beacon Main St. & Pedestrian Signal Improvements

Dear Anthony:

On August 2, 2019 bids were opened for the projects referenced above. Two (2) contractors submitted bids and their proposed prices are below:

- |                        |                |
|------------------------|----------------|
| 1. Sun Up Enterprises: | \$1,972,085.00 |
| 2. Arold Construction: | \$2,742,378.00 |

Engineer's Estimate:	\$1,232,422.00
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The apparent low bidder, Sun Up Enterprises, bid \$1,972,085.00 for the project. The attached table breaks down the differences in the City's share between the current bonded amount and the low bid, which comes out to an additional \$672,085.00.

HVEA believes that the bids were higher than anticipated due to the time of year that the project was advertised, and the abundance of construction work currently in progress in the surrounding areas. This is made apparent by the overall lack of bids received for the project. We recommend that the City reject all bids and re-advertise the project with a construction start date of March 15, 2020. This would allow contractors currently finishing projects this year to line up work for next year and may result in more competitive pricing.

However, if the City is eager to begin construction this year and is acceptable to funding the additional amount, HVEA will submit to DOT the necessary documentation for their review and approval to award the contract to Sun Up Enterprises.

Also enclosed for your review is the complete itemized bid analysis.

Please feel free to reach out with any questions or if you need further information.

Sincerely,

A handwritten signature in black ink that reads "Lou Bach".

Lou Bach, P.E.  
Project Engineer

	Federal	Local	Total
Original Funding	\$963,200	\$336,800	\$1,300,000
Low Bid	\$963,200	\$1,008,885	\$1,972,085
Gap	-	\$672,085	\$672,085



LOW BID ANALYSIS

ESTIMATE OF QUANTITIES SUMMARY								Low Bidder		Amount over EE	
ITEM	DESCRIPTION	QUANTITY		TOTAL QTY	UNIT	Engineer's Estimate		Sun Up Construction			
		PIN 8761.25	PIN 8761.45			PIN 8761.25	PIN 8761.45	Engineers Estimate TOTAL COST	UNIT BID PRICE		TOTAL COST
201.06	CLEARING AND GRUBBING		1	1	LS	\$4,000.00		\$4,000.00	\$5,500.00	\$5,500.00	\$1,500.00
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	432	327	759	CY	\$40.00		\$30,360.00	\$129.00	\$97,911.00	\$67,551.00
203.07	SELECT GRANULAR FILL	360		360	CY	\$40.00		\$14,400.00	\$38.50	\$13,860.00	-\$540.00
204.01	CONTROLLED LOW STRENGTH MATERIAL (CLSM)	2		2	CY	\$165.00		\$330.00	\$210.00	\$420.00	\$90.00
206.0201	TRENCH AND CULVERT EXCAVATION	553		553	CY	\$30.00		\$16,590.00	\$11.00	\$6,083.00	-\$10,507.00
206.03	CONDUIT EXCAVATION AND BACKFILL INCLUDING SURFACE RESTORATION		195	195	LF	\$20.00		\$3,900.00	\$44.00	\$8,580.00	\$4,680.00
206.05	TEST PIT EXCAVATION	44		44	EACH	\$1,000.00		\$44,000.00	\$1,815.00	\$79,860.00	\$35,860.00
209.11010011	TEMPORARY CATCH BASIN INSERTS FOR DRAINAGE STRUCTURES TRASH, SEDIMENT AND DEBRIS REMOVAL	30		30	EACH	\$200.00		\$6,000.00	\$220.00	\$6,600.00	\$600.00
304.11000008	SUBBASE COURSE (MODIFIED)	600	126	726	CY	\$60.00		\$43,560.00	\$51.00	\$37,026.00	-\$6,534.00
402.128103	12.5 F1 TOP COURSE HMA, 80 SERIES COMPACTION	29	6	35	TON	\$200.00		\$7,000.00	\$894.00	\$31,290.00	\$24,290.00
402.198903	19 F9 BINDER COURSE HMA, 80 SERIES COMPACTION	23		23	TON	\$150.00		\$3,450.00	\$652.00	\$14,996.00	\$11,546.00
402.378903	37.5 F9 BASE COURSE HMA, 80 SERIES COMPACTION	78		78	TON	\$125.00		\$9,750.00	\$650.00	\$50,700.00	\$40,950.00
407.0103	STRAIGHT TACK COAT	30	7	37	GAL	\$5.00		\$185.00	\$5.50	\$203.50	\$18.50
503.1010	PCC FOUNDATION FOR PAVEMENT, CLASS C	46	16	62	CY	\$275.00		\$17,050.00	\$220.00	\$13,640.00	-\$3,410.00
520.50000004	SAWING CONCRETE	1562		1562	LF	\$5.00		\$7,810.00	\$7.40	\$11,558.80	\$3,748.80
552.17	SHIELDS AND SHORING	3646		3646	SF	\$1.00		\$3,646.00	\$1.00	\$3,646.00	\$0.00
603.6003	REINFORCED CONCRETE PIPE CLASS III, 18 INCH DIAMETER	116		116	LF	\$125.00		\$14,500.00	\$183.00	\$21,228.00	\$6,728.00
603.6202	REINFORCED CONCRETE PIPE CLASS V, 15 INCH DIAMETER	133		133	LF	\$200.00		\$26,600.00	\$186.00	\$24,738.00	-\$1,862.00
603.6203	REINFORCED CONCRETE PIPE CLASS V, 18 INCH DIAMETER	92		92	LF	\$225.00		\$20,700.00	\$187.50	\$17,250.00	-\$3,450.00
604.070801	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070802	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070803	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070804	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070805	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070806	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070807	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070808	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.070809	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	1		1	EACH	\$850.00		\$850.00	\$550.00	\$550.00	-\$300.00
604.13000011	ABANDONING DRAINAGE STRUCTURES	1		1	EACH	\$2,500.00		\$2,500.00	\$880.00	\$880.00	-\$1,620.00
604.300673	RECTANGULAR DRAINAGE STRUCTURE TYPE F FOR CAST IRON F3 FRAME	6		6	LF	\$550.00		\$3,300.00	\$663.00	\$3,978.00	\$678.00
604.300773	RECTANGULAR DRAINAGE STRUCTURE TYPE G FOR CAST IRON F3 FRAME	4		4	LF	\$450.00		\$1,800.00	\$767.00	\$3,068.00	\$1,268.00
604.301873	RECTANGULAR DRAINAGE STRUCTURE TYPE R FOR CAST IRON F3 FRAME	77		77	LF	\$600.00		\$46,200.00	\$574.00	\$44,198.00	-\$2,002.00
604.302122	RECTANGULAR DRAINAGE STRUCTURE TYPE U FOR #22 WELDED FRAME	6		6	LF	\$500.00		\$3,000.00	\$600.00	\$3,600.00	\$600.00
604.4048	ROUND PRECAST CONCRETE MANHOLE TYPE 48	5		5	LF	\$550.00		\$2,750.00	\$532.00	\$2,660.00	-\$90.00
604.4060	ROUND PRECAST CONCRETE MANHOLE TYPE 60	23		23	LF	\$1,000.00		\$23,000.00	\$585.00	\$13,455.00	-\$9,545.00
604.4072	ROUND PRECAST CONCRETE MANHOLE TYPE 72	13		13	LF	\$1,200.00		\$15,600.00	\$697.00	\$9,061.00	-\$6,539.00
608.0101	CONCRETE SIDEWALKS AND DRIVEWAYS	152	53	205	CY	\$650.00		\$133,250.00	\$943.00	\$193,315.00	\$60,065.00
608.04	BRICK PAVED SIDEWALKD AND DRIVEWAYS(MORTAR SETTING BED)	118		118	SY	\$200.00		\$23,600.00	\$820.00	\$96,760.00	\$73,160.00
608.21	EMBEDDED DETECTABLE WARNING UNITS	59	21	80	SY	\$350.00		\$28,000.00	\$454.00	\$36,320.00	\$8,320.00
609.0201	STONE CURB, GRANITE, (TYPE A)	1717		1717	LF	\$35.00		\$60,095.00	\$88.50	\$151,954.50	\$91,859.50
609.0401	CAST-IN-PLACE CONCRETE CURB TYPE VF150		587	587	LF	\$35.00		\$20,545.00	\$78.00	\$45,786.00	\$25,241.00
615.02010124	REMOVE, STORE AND RESET BENCH, TYPE 01	1		1	EACH	\$400.00		\$400.00	\$2,200.00	\$2,200.00	\$1,800.00
619.01	BASIC WORK ZONE TRAFFIC CONTROL	0.714285714	0.285714286	1	LS	\$75,000.00	\$30,000.00	\$105,000.00	\$264,889.56	\$264,889.56	\$159,889.56
619.080101	REMOVE PAVEMENT MARKING STRIPES, TRAFFIC PAINT	5419	3709	9128	LF	\$1.00		\$9,128.00	\$0.83	\$7,576.24	-\$1,551.76
619.1613	MAINTAIN TRAFFIC SIGNAL EQUIPMENT (REQUIREMENT C)		3	3	INTM	\$1.50		\$4.50	\$440.00	\$1,320.00	\$1,315.50
625.01	SURVEY OPERATIONS	0.666666667	0.333333333	1	LS	\$20,000.00	\$10,000.00	\$30,000.00	\$60,500.00	\$60,500.00	\$30,500.00
627.50140008	CUTTING PAVEMENT	2077	614	2691	LF	\$3.00		\$8,073.00	\$8.60	\$23,142.60	\$15,069.60
637.11	ENGINEER'S FIELD OFFICE - TYPE 1	5	3	8	MNTH	\$2,750.00		\$22,000.00	\$2,200.00	\$17,600.00	-\$4,400.00
637.34	OFFICE TECHNOLOGY AND SUPPLIES	3500	1500	5000	DC	\$1.00		\$5,000.00	\$1.00	\$5,000.00	\$0.00
645.5101	GROUND-MOUNTED SIGN PANELS WITHOUT Z-BARS		39	39	SF	\$40.00		\$1,560.00	\$36.80	\$1,435.20	-\$124.80
645.5102	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS	136	7	143	SF	\$30.00		\$4,290.00	\$41.80	\$5,977.40	\$1,687.40
645.5202	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS, HIGH-VISIBILITY SHEETING	470		470	SF	\$30.00		\$14,100.00	\$37.30	\$17,531.00	\$3,431.00
645.81	TYPE A SIGN POSTS	100	1	101	EACH	\$135.00		\$13,635.00	\$199.00	\$20,099.00	\$6,464.00
645.81020003	RETROREFLECTIVE SIGN POST STRIP	72		72	EACH	\$60.00		\$4,320.00	\$49.50	\$3,564.00	-\$756.00
645.85	POLE MOUNTED SIGN SUPPORT SYSTEM (BAND MOUNTED)	4		4	EACH	\$200.00		\$800.00	\$82.50	\$330.00	-\$470.00
647.31	RELOCATE SIGN PANEL, SIGN PANEL ASSEMBLY SIZE I (UNDER 30 SQUARE FEET)	1		1	EACH	\$200.00		\$200.00	\$500.00	\$500.00	\$300.00

647.61	REM AND DISPOSE GROUND MOUNTED TYPE A SIGN SUPPORT(S), FDNS AND ANY ATTACHED SIGNS - SIZE I (UNDER 30 SQUARE FEET)	23		23	EACH	\$20.00	\$460.00	\$169.00	\$3,887.00	\$3,427.00
655.0706	CAST FRAME F3, UNMOUNTABLE CURB BOX CU3 & RETICULINE GRATE G3	18		18	EACH	\$1,750.00	\$31,500.00	\$1,815.00	\$32,670.00	\$1,170.00
655.1122	WELDED FRAME AND RETICULINE GRATE 22	1		1	EACH	\$2,000.00	\$2,000.00	\$1,570.00	\$1,570.00	-\$430.00
655.1202	MANHOLE FRAME AND COVER	7		7	EACH	\$850.00	\$5,950.00	\$960.00	\$6,720.00	\$770.00
660.65000101	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000201	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000301	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000401	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000501	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000601	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000701	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000801	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65000901	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001001	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001101	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001201	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001301	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001401	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001501	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001601	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001701	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
660.65001801	ALTERING UTILITY MANHOLES AND VAULTS	1		1	EACH	\$900.00	\$900.00	\$550.00	\$550.00	-\$350.00
662.60030008	ALTERING ELEVATION OF GAS VALVE BOXES	4	2	6	EACH	\$450.00	\$2,700.00	\$165.00	\$990.00	-\$1,710.00
663.33	ADJUST EXISTING VALVE BOX ELEVATION	16		16	EACH	\$250.00	\$4,000.00	\$165.00	\$2,640.00	-\$1,360.00
663.34	ADJUST EXISTING HYDRANT ELEVATION	3		3	EACH	\$1,000.00	\$3,000.00	\$1,570.00	\$4,710.00	\$1,710.00
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION		23	23	CY	\$900.00	\$20,700.00	\$2,387.00	\$54,901.00	\$34,201.00
680.510501	PULLBOX-RECTANGULAR, 26 X 18 INCH, REINFORCED CONCRETE		6	6	EACH	\$1,400.00	\$8,400.00	\$979.00	\$5,874.00	-\$2,526.00
680.520103	CONDUIT, METAL STEEL, ZINC COATED, 1"		165	165	LF	\$15.00	\$2,475.00	\$13.20	\$2,178.00	-\$297.00
680.520106	CONDUIT, METAL STEEL, ZINC COATED, 2"		260	260	LF	\$20.00	\$5,200.00	\$20.00	\$5,200.00	\$0.00
680.520108	CONDUIT, METAL STEEL, ZINC COATED, 3"		10	10	LF	\$25.00	\$250.00	\$31.00	\$310.00	\$60.00
680.520110	CONDUIT, METAL STEEL, ZINC COATED, 4"		10	10	LF	\$30.00	\$300.00	\$53.00	\$530.00	\$230.00
680.520203	TRAFFIC SIGNAL CONDUIT, FLEXIBLE LIQUID TIGHT STEEL, 1"		15	15	LF	\$12.00	\$180.00	\$15.40	\$231.00	\$51.00
680.54	INDUCTANCE LOOP INSTALLATION		310	310	LF	\$8.00	\$2,480.00	\$19.80	\$6,138.00	\$3,658.00
680.622032	TRAFFIC SIGNAL POLE, MAST ARM, 20 FEET MOUNTING HEIGHT, 32 FEET ARM LENGTH		4	4	EACH	\$4,500.00	\$18,000.00	\$7,970.00	\$31,880.00	\$13,880.00
680.71	SHIELDED LEAD-IN CABLE		240	240	LF	\$2.00	\$480.00	\$3.50	\$840.00	\$360.00
680.72	INDUCTANCE LOOP WIRE		1132	1132	LF	\$1.25	\$1,415.00	\$1.65	\$1,867.80	\$452.80
680.730514	SIGNAL CABLE 5 CONDUCTORS, 14 AWG		2120	2120	LF	\$3.00	\$6,360.00	\$3.60	\$7,632.00	\$1,272.00
680.79000001	REMOVE TRAFFIC SIGNAL EQUIPMENT		1	1	LS	\$7,000.00	\$7,000.00	\$2,200.00	\$2,200.00	-\$4,800.00
680.80310008	FURNISH AND INSTALL MICROCOMPUTER (MODEL 2070) COMPLETE WITH STRETCH-TYPE CABINET		2	2	EACH	\$4,000.00	\$8,000.00	\$16,400.00	\$32,800.00	\$24,800.00
680.810101	TRAFFIC SIGNAL MODULE - 12 INCH, RED BALL, LED		8	8	EACH	\$100.00	\$800.00	\$270.00	\$2,160.00	\$1,360.00
680.810103	TRAFFIC SIGNAL MODULE - 12 INCH, YELLOW BALL, LED		8	8	EACH	\$125.00	\$1,000.00	\$270.00	\$2,160.00	\$1,160.00
680.810105	TRAFFIC SIGNAL MODULE - 12 INCH, GREEN BALL, LED		8	8	EACH	\$125.00	\$1,000.00	\$270.00	\$2,160.00	\$1,160.00
680.810107	TRAFFIC SIGNAL SECTION - TYPE I, 12 INCH		24	24	EACH	\$175.00	\$4,200.00	\$192.50	\$4,620.00	\$420.00
680.8111	TRAFFIC SIGNAL BRACKET ASSEMBLY - 1 WAY		8	8	EACH	\$200.00	\$1,600.00	\$275.00	\$2,200.00	\$600.00
680.81310109	ACCESSIBLE PEDESTRIAN SIGNAL (APS) WITH POLE		16	16	EACH	\$1,500.00	\$24,000.00	\$2,400.00	\$38,400.00	\$14,400.00
680.81310209	ACCESSIBLE PEDESTRIAN SIGNAL (APS) WITHOUT POLE		32	32	EACH	\$1,000.00	\$32,000.00	\$979.00	\$31,328.00	-\$672.00
680.813103	PEDESTRIAN SIGNAL SECTION - TYPE I, 12 INCH		64	64	EACH	\$125.00	\$8,000.00	\$247.50	\$15,840.00	\$7,840.00
680.813105	PEDESTRIAN SIGNAL MODULE - 12 INCH BI-MODAL, HAND/MAN SYMBOLS LED		16	16	EACH	\$275.00	\$4,400.00	\$192.00	\$3,072.00	-\$1,328.00
680.8141	PEDESTRIAN SIGNAL BRACKET MOUNT ASSEMBLY		34	34	EACH	\$225.00	\$7,650.00	\$214.00	\$7,276.00	-\$374.00
680.8142	PEDESTRIAN SIGNAL POST TOP MOUNT ASSEMBLY		14	14	EACH	\$200.00	\$2,800.00	\$208.00	\$2,912.00	\$112.00
680.81500010	PEDESTRIAN COUNT-DOWN TIMER MODULE		48	48	EACH	\$130.00	\$6,240.00	\$206.00	\$9,888.00	\$3,648.00
680.81980010	TRAFFIC SIGNAL BACKPLATES WITH YELLOW REFLECTIVE TAPE		8	8	EACH	\$175.00	\$1,400.00	\$275.00	\$2,200.00	\$800.00
680.82250308	REMOVE AND DISPOSE PEDESTRIAN PUSHBUTTONS AND SIGNS		38	38	EACH	\$50.00	\$1,900.00	\$49.50	\$1,881.00	-\$19.00
680.94000008	TRAFFIC SIGNAL SERVICE ENTRANCE		2	2	EACH	\$750.00	\$1,500.00	\$825.00	\$1,650.00	\$150.00
680.94997008	FURNISH AND INSTALL ELECTRICAL DISCONNECT GENERATOR TRANSFER SWITCH		2	2	EACH	\$900.00	\$1,800.00	\$248.00	\$496.00	-\$1,304.00
680.95020615	SERVICE CABLE 2 CONDUCTOR NO. 06 AWG		60	60	LF	\$4.00	\$240.00	\$2.80	\$168.00	-\$72.00
685.11	WHITE EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	6400	2058	8458	LF	\$0.75	\$6,343.50	\$1.40	\$11,841.20	\$5,497.70
685.12	YELLOW EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	827	41	868	LF	\$1.00	\$868.00	\$1.40	\$1,215.20	\$347.20
685.14	WHITE EPOXY REFLECTORIZED PAVEMENT SYMBOLS - 20 MILS	16		16	EACH	\$100.00	\$1,600.00	\$138.00	\$2,208.00	\$608.00
697.03	FIELD CHANGE PAYMENT	39000	17000	56000	DC	\$1.00	\$56,000.00	\$1.00	\$56,000.00	\$0.00
699.040001	MOBILIZATION	0.776188347	0.223811653	1	LS	\$46,881.00	\$13,518.00	\$60,399.00	\$70,000.00	\$9,601.00
						SUBTOTAL		\$1,232,422.00	TOTAL BID	\$1,972,085.00

**City of Beacon Workshop Agenda**  
**8/12/2019**

**Title:**

**Moratorium Discussion**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Local Law Regarding Enactment of a Moratorium	Local Law
Dutchess County Planning and Development Comments Regarding Moratorium	Cover Memo/Letter
City of Beacon Planning Board Comments Regarding Local Law to Enact Moratorium	Cover Memo/Letter

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

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW REGARDING  
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to  
enact moratorium on  
residential and  
commercial  
development

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

**SECTION 1. TITLE**

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, to enact a moratorium with respect to land use approvals to review certain special use, site plan, and subdivision applications involving residential, commercial and mixed use developments within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

**SECTION 2. LEGISLATIVE INTENT AND PURPOSE**

The City Council hereby finds as follows:

1. The City of Beacon has seen an increase in development over the past several years. In 2017, the City was concerned that development of a large number of residential units in such a short period of time would stress the City's water supply. In response, on October 16, 2017, the City Council adopted a moratorium on residential development, including single family and mixed use developments, within the City of Beacon to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the increased rate of development in the City.
2. Thereafter, the City of Beacon retained the services of WSP (Formerly LBG Hydrogeologic & Engineering Services) in order to perform a Comprehensive Water Supply Plan (the “Plan”) for the City. The Plan included evaluating the storage



capacity of the City's three reservoirs to estimate the safe yield of the reservoirs; conducting an extended yield test on the existing bedrock water-supply wells to determine the safe yield of the bedrock wells; conducting a groundwater exploration program at the City's Pump House Road well field to evaluate the potential to develop a high yielding sand and gravel production well; and the evaluation of current and projected City build-out populations to determine if the City has an adequate supply of drinking water to meet the current and projected water demand. The Plan was issued in March 2018 and concluded that the City had an adequate water supply to meet the City's current demands and projected demands through 2035 with existing resources.

3. The City's Water Supply is made up of the following resources:

<b>Water Supply</b>	<b>Water Supply Capacity (Million Gallons Per Day-MGD)</b>
Melzingah Reservoir	0.38 mgd
Mount Beacon Reservoir	0.43 mgd
Cargill Reservoir	0.60 mgd
Well #1	0.58 mgd
Well #2	1.15 mgd
Village of Fishkill	1.20 mgd
<b>Total Water Production</b>	<b>4.34 mgd</b>

4. In February 2019, Well #2 was taken off line because tests of the well showed high turbidity from silting. WSP examined Well #2 and determined that the excessive silting was entering the well from a fracture about 240 feet down. Well #2 has remained off line while the City developed a mitigation plan to restore the well.
5. WSP performed a Water Supply Adequacy review with Well #2 out of service, incorporating and assessing the water needs of existing developments, and projects in the process of being built, recently approved and pending before the Planning Board. WSP's review concluded that there is an adequate supply of water and an approximate surplus of 170,000 gpd (gallons per day).
6. The City has developed a course of action to correct the silting and bring Well #2 back on line. It is estimated that this work will take approximately three (3) months. The City is concerned that approving new development proposals while repairs are being made to Well #2 would be imprudent and it would not be fair to applicants to entertain new applications during this time of uncertainty because the success of the repairs to Well #2 will be unknown until the work is completed in three (3) months.
7. It is the intent and purpose of this Local Law to establish another temporary moratorium on residential and commercial development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the condition of Well #2. Imposition

of this moratorium will allow the City sufficient time to repair Well #2 and regulate residential and commercial development within the City of Beacon to further protect the City's water supply.

8. In addition, the intent and purpose of this Local Law is to allow the City a measured amount of time to review and revise targeted zoning laws, specifically focusing on amending the City's use and dimensional tables and establishing new regulations for the Linkage Zoning District. The City Planner is in the process of amending the City's Schedule of Dimensional Regulations, in its entirety, and Schedule of Use Regulations, in its entirety, for all residential and non-residential zoning districts in the City of Beacon. The proposed amendments will greatly impact the type and scale of development permitted in each Zoning District. The moratorium will allow the City to complete and adopt these new comprehensive regulations to promote efficient and sustainable long-term growth in the City of Beacon. As the City of Beacon grows, the current land use regulations are inadequate to deal with the sale of and resulting pressure of such development on the City and its resources. The City's updates to its zoning will create a comprehensive guide for the City to encourage and regulate progressive development that will benefit the community and minimize the impacts of future development.

### **SECTION 3. MORATORIUM**

1. Effective immediately and continuing for a period of six (6) months from June 11, 2019, no application for a building permit (other than a building permit for a project previously approved by a land use board), area variance, use variance, special use permit, site plan approval, or subdivision approval will be processed by the Building Department, or City Council, Planning Board or Zoning Board of Appeals ("Land Use Boards"), and no permit or approval will be issued by the Building Department or any Land Use Board for the modification, expansion or establishment of residential, commercial or mixed use developments within the City until this ordinance has expired or has been repealed according to applicable law.
2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before June 11, 2019, or pending before the Building Department or Land Use Board are exempt from this moratorium. Any application submitted after June 11, 2019 may be heard and reviewed by any Land Use Board, but may not be subject to a vote. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium and any residential application that would result in an increase in water usage of less than 330 gallons of water per day, as determined by the City Building Inspector, is exempt from this moratorium. Any non-residential application that would result in an increase in water

usage of less than 2,000 gallons per day, as determined by the City Building Inspector, is exempt from this moratorium. In addition, this moratorium shall not apply to the reuse of any existing non-residential building for industrial or manufacturing uses, as determined by the Building Inspector, where such use does not increase the existing building footprint or otherwise increase the building square footage.

3. The City Council may, by resolution, terminate this moratorium prior to its expiration, or alternatively, extend the moratorium for a period of ninety (90) days or such other time period, as the City Council, in its sole discretion, deems necessary to allow for repair of the City's water system.

#### **SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM**

4. In order to prevent an unlawful taking of property and to prevent irreparable harm, the City Council is authorized to grant limited relief from this moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make any reasonable use of its property due solely to the moratorium; that the moratorium prohibits fulfillment of the applicant's reasonable investment-backed expectations; that the moratorium causes irreparable injury to the applicant; and that it would be unreasonable and unjust not to grant relief from the moratorium.
5. An application may be made in writing to the City Council requesting an exemption from the provisions herein. After due notice and a public hearing on such application, the City Council may grant an exemption with such conditions as it may deem reasonable and necessary, provided such exemption is the minimum relief necessary.
6. All such applications to the City Council shall be deemed Unlisted actions under SEQRA. In the event relief from the moratorium is granted by the City Council, the applicant shall proceed to the City's Land Use Boards to apply for required development approvals. Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning and all other requirements in effect on the date of approval.
7. The applicant or any other person aggrieved by a decision of the City Council made pursuant to this section may apply to the state supreme court pursuant to article seventy-eight of the civil practice laws and rules.

#### **SECTION 5. CONFLICTING LAWS SUPERSEDED**

All local laws, ordinances, or parts of local laws and ordinances, of the City of Beacon that are in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period of the moratorium. Pursuant to Municipal Home Rule Law Section 10, this Local Law shall supersede any inconsistent provisions of New York State General City Law for the entire duration of this moratorium, including any extension thereof.

#### **SECTION 6. SEPARABILITY**

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

#### **SECTION 7. EFFECTIVE DATE**

This Local Law shall take effect immediately upon adoption and filing with the Secretary of State as provided by the Municipal Home Rule Law.

**MARCUS J. MOLINARO**  
COUNTY EXECUTIVE



**EOIN WRAFTER, AICP**  
COMMISSIONER

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

July 26, 2019

To: City Council, City of Beacon  
Re: Referral #19-210, LL: Enactment of a Moratorium

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

**ACTION**

The City Council is considering the adoption of a city-wide moratorium that would limit development (with some exceptions) for a period of up to 6 months, beginning June 11, 2019.

**COMMENTS**

In the Legislative Intent and Purpose, the City states the moratorium would be "to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the condition of Well #2" and "to give the City time to review and revise proposed zoning legislation that would amend the City's dimensional tables and establish new regulations for the Linkage District."

The establishment of a moratorium to halt development is not a small consideration and has cascading effects on residents, business owners and developers. Not enough information has been provided regarding the City's concerns with the current zoning code. As presented, the proposed zoning changes under consideration could appear to be more of a review and tweaking of the zoning code and not as a result of a pointed concern, or to address a significant issue not currently covered in the code. Without this information, it is difficult to justify the use of a moratorium as routine changes are more regularly handled without the need for one.

Regarding the turbidity and repair of Well #2, the City's consultant has determined that even without well #2 online, there is an adequate supply of water and even a surplus of ~170,000 gpd which takes into account both current and pending projects.

**RECOMMENDATION**

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

Eoin Wrafter, AICP, Commissioner

By

Jennifer F. Coccozza  
Deputy Commissioner

**Dutchess County Department of  
Planning and Development**

Fax Info	To	Jennifer Cocozza	Date	6/28/19	# pgs	2
	Dept	Co./Dept. Planning	From	Collin Milone		
	Fax #	845-486-3610	Phone #	845-838-5010		

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: City of Beacon

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

Tax Parcel Number(s):

Project Name: Local Law Regarding Enactment of a Moratorium

Applicant: City of Beacon

Address of Property: n/a

Please fill in this section

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

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

**Actions Requiring 239 Review**

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

**Exempt Actions:  
239 Review is NOT Required**

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

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): Public Hearing Scheduled for July 15, 2019

If subject of a previous referral, please note County referral number(s): Previous Moratorium LL referral # ZR17-327 and ZR17-355

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

**FOR COUNTY OFFICE USE ONLY**
**Response from Dutchess County Department of Planning and Development**
**No Comments:**

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

**Comments Attached:**

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

Date Submitted: 6/28

Date Received: 6/28

Date Requested:

Date Required: 7/26

Date Response Faxed: 7/26

Notes:

☐ Major Project

Referral #: ZR 19-210

☐ Also mailed  
hard copy
Reviewer: 



# Memorandum

## *Planning Board*

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TO: Mayor Randy Casale and City Council Members

FROM: Etha Grogan  
for Planning Board Chairman Gunn and Planning Board Members

RE: Moratorium

DATE: July 12, 2019

The Planning Board reviewed the proposed Local Law Regarding Enactment of a Moratorium on Residential and Commercial Development at its July 9, 2019 meeting. A lengthy discussion took place about the stated legislative intent and purpose of the moratorium, as well as the terms and scope of the moratorium.

The Planning Board members present did not support the enactment of the moratorium. The board members discussed the stated reasons for the moratorium (i.e. to protect against potential impacts of new development on the City's water supply while Well #2 is under repair, and to allow a measured amount of time to review and revise targeted zoning laws, specifically focusing on the City's use and dimensional tables, Linkage District, and evaluating properties eligible for the Historic District and Landmark Overlay Zone). The board members unanimously agreed that whether the moratorium is based upon the stated issues of Well #2, the stated zoning amendments, or both, there does not seem to be a necessity for a moratorium to address these stated objectives, particularly a moratorium extending 4-6 months. The board members did not see the need to adopt a moratorium for zoning amendments that could be reviewed and adopted in regular due course. If the City Council decides to adopt the moratorium, the Planning Board recommends consideration of a shorter term. For further details of the Planning Board's comments, please refer to the video of the July 9, 2019 Planning Board meeting.

If you have any questions, please feel free to contact me.

**City of Beacon Workshop Agenda**  
**8/12/2019**

**Title:**

**Teller Avenue Sanitary Sewer Replacement Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Teller Avenue Sewer Replacement Project	Cover Memo/Letter
Recommendation of Award	



**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal  
David E. Higgins, P.E., Principal  
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal  
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal  
John Lenc, P.E., L.S.  
Arthur R. Tully, P.E.

July 25, 2019

Mr. Anthony Ruggiero  
City Administrator  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, NY 12508

and

Mr. Ed Balicki  
Water & Sewer Superintendent  
City of Beacon City Hall  
1 Municipal Plaza  
Beacon, NY 12508

RE: Teller Avenue  
Sanitary Sewer Replacement  
City of Beacon  
Award Recommendation

Dear Mr. Ruggiero & Mr. Balicki:

A total of three (3) bid proposals were submitted and opened on July 25, 2019 for the **Teller Ave. Sanitary Sewer Replacement** project. The three proposals were carefully reviewed; all multiplication between estimated quantities and unit prices checked; and addition of total prices checked against the total contract amount. All proposals submitted were complete.

The following tabulation shows the order from lowest bidder, the name of the bidder, the total contract amount, and the corrected contract amount if errors were found. The engineer's estimate for the project was approximately \$255,552.00.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT
Sun Up Construction Corp. Wappingers Falls, NY	\$222,085.00
Grant Street Construction Cortland, NY	\$233,000.00
Ben Ciccone, Inc. Poughkeepsie, NY	\$329,400.00

The lowest bidder is Sun Up Construction Corp., with the total base bid amount of \$222,085.00. Sun Up Construction has submitted information related to several projects in which they have completed the work as outlined within the proposed project. References supplied were called and checked to verify the work completed by the prospective low bidder and were found to be acceptable. In our opinion, Sun Up Construction Corp. should be considered the lowest responsible bidder based upon the submitted information and Chapter 53 of the City Code. Along with the bid, the contractor has submitted a Non-Collusive Bidding Certificate, and a Bid Bond.

It is our recommendation to the City Council to award the **Teller Ave. Sanitary Sewer Replacement** project to Sun Up Construction Corp.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly

LANC & TULLY, P.C.



John Russo, P.E.

Cc: Nick Ward-Willis, City Attorney

**City of Beacon Workshop Agenda  
8/12/2019**

**Title:**

**Local Law Regarding Oak Street and North Elm Street Intersection**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Letter from Traffic Safety Committee Regarding N Elm Street and Oak Street	Cover Memo/Letter
Proposed Local Law Modifying Traffic Signage at Intersection of North Elm Street and Oak Street	Local Law



## CITY OF BEACON New York

Matthew Dubetsky, Committee Chair

TRAFFIC SAFETY COMMITTEE

August 9, 2019

Dear City of Beacon City Council,

On Thursday, June 6, 2019 the Traffic Safety Committee received a message from Council person Nelson on behalf of a resident on Willow Street requesting that the Committee consider changing North Elm Street and Oak Street from a 3-way stop to a 4-way stop. Dutchess County Legislator Nick Page, who was present at the July 23, 2019 meeting of the Traffic Safety Committee also requested the Committee consider making the intersection a four-way stop.

The Traffic Safety Committee took the issue under consideration and received input from members who include representatives from both the Beacon Fire and Police Departments. After careful consideration, the Traffic Safety Committee has decided to recommend that the City Council adopt Proposed Local Law to Amend Chapter 211, Article II, Section 10 of the Code of the City of Beacon making the intersection of North Elm Street and Oak Street a four-way stop.

If the you have any questions, please contact the Traffic Safety Committee Secretary, Collin Milone, at 845 838 5010 or [cityofbeacon@cityofbeacon.org](mailto:cityofbeacon@cityofbeacon.org).

From,

A handwritten signature in black ink, appearing to be "C. Milone".

City of Beacon Traffic Safety Committee

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW TO AMEND  
CHAPTER 211, ARTICLE II, SECTION 10  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend  
Chapter 211, Article II,  
Section 10 of the Code of the  
City of Beacon concerning  
Stop Intersections.

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

**Section 1.** Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon is hereby amended to add an additional stop at the intersection of North Elm Street and Oak Street as follows:

§ 211-10 Stop intersections.

...

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

Direction		
Stop Sign on	of Travel	At Intersection of
...		
North Elm Street	<del>South</del> <b>Both</b>	Oak Street

...

**Added materials**

**~~Deleted Material~~**

## **Section 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 211, Article II, Section 10 of the Code of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **Section 3. Numbering for Codification**

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

**City of Beacon Workshop Agenda**  
**8/12/2019**

**Title:**

**SPCA Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City of Beacon and SPCA Housing Agreement	Agreement

## **DOG CONTROL HOUSING AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_, by and between

DUTCHESS COUNTY SPCA,  
A New York Not for Profit Corporation,  
Having an address of 636 Violet Avenue, Hyde Park, New York 12538  
Hereinafter referred to as the “DCSPCA”

&

CITY OF BEACON  
Having an address of 1 Municipal Plaza, Beacon, New York 12508  
A municipal corporation  
Hereinafter referred to as the “CITY”

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

**WHEREAS**, this Agreement applies only to dog(s) seized by the ACO; and

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

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

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

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

- 1) **RECITATION INCORPORATED:** These recitations above set forth are incorporated in this Agreement as if fully set forth and recited herein.
- 2) **TERM OF AGREEMENT:** This Agreement shall become effective January 1, 2020 and shall continue until December 31, 2020. This agreement may be terminated by either party upon thirty (30) days written notice to the other.
- 3) **BOARDING:** DCSPCA hereby agrees to provide boarding, which includes shelter, food and water, as required by the Law for the following dogs:
  - a. Any and all dogs running at large (unidentified) seized by the ACO as outlined by the Agriculture and Markets Law Article 7, §117 (1) & (2) ; and
  - b. Any and all dogs who have been seized by a court order pending a “dangerous dog” hearing, as outlined by the Agriculture and Markets Law Article 7, §123 (2)

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



**4) DOGS SEIZED FOR REASONS OTHER THAN §117 (1) & (2) AND §123 (2):** Any and all dogs seized for reasons other than those listed under Article 7, §117 (1) & (2) and §123 (2), which sections were in full force and effect at the time of this agreement, are not to be boarded and held other than for safekeeping purposes. The DCSPCA must not refuse to board and hold dogs seized for safekeeping purposes or pursuant to this paragraph. These include dogs seized for reasons such as owner death, car accident, cruelty, owner arrest, etc. Said dogs must be released to City of Beacon Animal Control upon his/her request. Therefore, the City of Beacon Animal Control Officer may make corrections or amendments to an impoundment form if a determination is made that the reasons for dog seizure are for reasons other than pursuant to §117 (1) & (2) AND §123 (2). The holding periods for unidentified and identified dogs pursuant to §117 (4) & (6) respectively, will be applicable.

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

- a. For dogs running at large (unidentified):
  - i. Dogs that are not appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117 (4), will be held for five (5) days from the date they enter the shelter;
  - ii. Dogs that are appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(6), will be held for a maximum of nine (9) days from the date they enter the shelter. The CITY is responsible for notifying the owner of the seizure, as per the Agriculture and Markets Law Article 7, §117(6).
  - iii. Upon expiration of the above stated holding periods, any and all dogs that have NOT been redeemed by their owner, will become the property of the DCSPCA, as outlined by the Agriculture and Markets Law Article 7, §117 (7-a).
- b. For dogs seized under a court order pending a “dangerous dog hearing”, as outlined by the Agriculture and Markets Law Article 7, §123 (2), said dogs will be held until final disposition by the court OR a maximum of fourteen (14) days, whichever comes first. If the final hearing has not been held by the end of the fourteenth day, the CITY will be responsible to make alternate arrangements for the housing of such dogs. The DCSPCA may consider continued housing on a case by case basis to be negotiated with the CITY. If it is agreed by both parties that the dog shall be euthanized, either pursuant to a Court order or otherwise, said costs of euthanasia procedure shall be the responsibility of CITY.
- c. For dogs that are being held for a 10-day Rabies observation period:
  - i. DCSPCA may take ownership of said dog upon expiration of the 10-day Rabies holding period if there is no owner to reclaim said dog; or

- ii. If an owner becomes known to DCSPCA or CITY, owner may reclaim said dog during the 10-day rabies observation holding period if the Dutchess county Department of Health provides written approval of the dog's release to its owner.

**6) UNCLAIMED DOG DISPOSITION:** Unclaimed dogs will be evaluated by the DCSPCA staff to determine if a dog's disposition and temperament will enable it to be adopted. If the dog is determined to be adoptable, it will be placed for adoption by the DCSPCA. If the dog is determined to not be adoptable, the DCSPCA will determine the best option for the dog. The DCSPCA reserves the right to handle the final disposition of dogs determined to be unadoptable within the mission statement of the DCSPCA. If it is determined that the dog shall be euthanized, either pursuant to a Court order or otherwise, said costs of euthanasia procedure shall NOT be the responsibility of CITY. CITY shall not be liable for determinations made by the DCSPCA pursuant to this paragraph.

**7) RABIES VACCINATION:** As outlined by the Agriculture and Markets Law Article 7, §109 (1) (a), for all dogs that are to be redeemed, the owner must provide proof of city license, including proof of Rabies vaccination. As such, the DCSPCA will not release any dog to its owner without proof of the current city license and the Rabies vaccination. In the event that the dog is not up to date on its Rabies vaccine and/or the owner is unable to provide proof of such vaccine to the CITY, the DCSPCA will administer a Rabies vaccine to the dog prior to redemption and will charge the owner for the cost of this service.

**8) EMERGENCY VETERINARY CARE:** In the event that an impounded dog is determined, by best judgement of the DCSPCA medical staff, to need emergency veterinary care, the DCSPCA will arrange medical care for the dog. All expenses related to such care will be the responsibility of the owner. If there is no owner or said dog is not redeemed by the owner, said costs shall be borne by DCSPCA.

**9) FEES:**

a. Boarding:

- i. The DCSPCA boarding fee shall be **FIFTY DOLLARS (\$50.00)** per day. The first day is charged upon admission to the shelter and each subsequent day is calculated upon the dog being on the DCSPCA property at 12:00 pm each day.
- ii. For dogs that are reclaimed by their owner, the owner will be required to pay the boarding fees, medical expenses, seizure fees, and licensing fees to the CITY CLERK'S OFFICE. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period. DCSPCA will invoice the CITY monthly for boarding fees paid by owner.

- iii. For dogs that are not redeemed by the owner, the DCSPCA will invoice the CITY for the boarding fee for the period running from the date of seizure until the expiration of the applicable redemption period.
- b. Vaccination(s):
  - i. The fee for core vaccinations (Rabies, Bordetella and Distemper) shall be **SIXTY (\$60.00) DOLLARS.**
  - ii. For dogs that are redeemed by their owner, the owner will be required to pay the vaccine fee to the CITY CLERK'S OFFICE at time of redemption. DCSPCA will invoice the CITY monthly for vaccine fees paid by owner.
  - iii. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
  - iv. For dogs that are not redeemed by the owner, the CITY will not be billed for the Rabies vaccine.
- c. Veterinary Care:
  - i. For services provided by the DCSPCA medical team, the DCSPCA usual and customary fees will be applied.
  - ii. For care that requires services from a community-based veterinarian, the actual fee from the veterinarian will be applied. The CITY will make the determination of which community-based veterinarian will be utilized.
  - iii. For dogs that are reclaimed by their owner, the owner will be required to pay the medical care fees to the CITY CLERK'S OFFICE. DCSPCA will invoice the CITY monthly for DCSPCA veterinary fees paid by owner.
  - iv. If an owner is unable or unwilling to pay the fees within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
  - v. For dogs that are not redeemed by the owner, the CITY will NOT be responsible for any DCSPCA administered medical care fees incurred during the redemption holding period.

#### **10) RECLAIM/REDEMPTION OF DOGS:**

- a. All owners will be informed by the CITY and DCSPCA of the necessary documentation and redemption, license and/or other fees to be paid in order to reclaim their dog as well as the process to accomplish this task. The DCSPCA shall provide such information to the owner as part of its notice given pursuant to Paragraph 5 (a) (ii) of the agreement.
- b. Upon payment of all city fees, the CITY will issue a license tag and certificate for said dog, and a receipt of payment. The owner will be instructed to present this documentation to the DCSPCA in order to reclaim their dog. The DCSPCA will release the dog after proper documentation has been presented and the owner of

the dog has signed the dog's Agriculture and Markets Department Form DL-18 (or comparable form).

- c. The DCSPCA shall be available to process reclaims of dogs at its office on the following days:
  - i. Monday thru Friday: 9:00 am to 4:00 pm.
  - ii. Saturday and Sunday: 12:00 pm to 4:00 pm
  - iii. Dogs may not be reclaimed on observed holidays

**11) KENNEL SPACE:** At all times, the DCSPCA will provide kennel space for all dogs that are seized; the ACO will have 24 hour access to the DCSPCA kennels for the delivery of dogs. The ACO will be required to complete the DCSPCA paperwork and ensure the dog has food, water and bedding in its kennel.

**12) IDEMNIFICATION:** The DCSPCA shall defend, indemnify and hold the CITY, its officials, officers, and employees, harmless from and against all actions, proceedings, claims, damages, liabilities, losses, and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions or omissions of the DCSPCA. The CITY shall defend, indemnify and hold the DCSPCA, its officials, officers, and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses, and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions or omissions of the CITY.

**13) APPLICABLE LAW:** This Agreement shall be governed by, construed and conformed in accordance with the laws of New York State with regard to conflicts of laws and principles of laws.

**14) WAIVER:** No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by both parties. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause for reception of such or any other breach unless the waiver shall specifically include the same.

**15) MODIFICATION:** This Agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.

**16) NOTICES:** All notices, demands, requests, consents, approvals or other communications (for the purpose of this paragraph collectively called "Notices") required or permitted to be given hereunder to any party to this Agreement shall be in writing and shall be sent overnight delivery service or registered or certified mail with return service requested, and/or e-mail.

**17) SUCCESSORS AND ASSIGNS:** This Agreement shall apply to bind the successors and heirs, administrators and executor of the parties hereto.

**18) ENTIRE AGREEMENT:** This written Agreement, when signed by both parties' forms the entire Agreement between the parties and replaces and supersedes all prior Agreements or undertakings between the parties, if any.

**19) BINDING EFFECT:** This Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the parties hereto.

**20) PAYMENT:** All bills properly submitted to the CITY in accordance with this Agreement will be paid within sixty (60) days.

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

DUTCHESS COUNTY SPCA

By: \_\_\_\_\_

Lynne Meloccaro, Executive Director

Date: \_\_\_\_\_

CITY OF BEACON

By: \_\_\_\_\_

Randy Casale, Mayor

Date:

**City of Beacon Workshop Agenda**  
**8/12/2019**

**Title:**

**Edgewater Special Permit Extension**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Granting a Special Use Permit for Edgewater (22 Edgewater Place)	Resolution
City of Beacon Code Regarding Special Permit Uses	Backup Material
Edgewater Extension Request - ZBA - 7-26-19(4184530.2)	Cover Memo/Letter
Edgewater Planning Board Extension Request - 7-26-19 (4184709.2)	Cover Memo/Letter
Edgewater - Special Permit - City Council Extension Request - 7-26-19(4184571.2)	Cover Memo/Letter

City of Beacon  
CITY COUNCIL

Resolution No. \_\_\_\_\_ of 2018

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
EDGEWATER (22 EDGEWATER PLACE)**

**WHEREAS, Scenic Beacon Developments, LLC** (the “Applicant”) submitted an application for a Special Use Permit to construct multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Parcel IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979;** and

**WHEREAS,** the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §223-18; and

**WHEREAS,** the Special Use Permit application was submitted by the Applicant in conjunction with its application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings originally containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Project” or “Proposed Action”); and

**WHEREAS,** the Subdivision is shown on the drawing, entitled, “Lot Consolidation Map Prepared for Weber Projects LLC,” dated March 6, 2017, prepared by TEC Land Surveying; and

**WHEREAS,** the Site Plan is shown on the drawings entitled, “Site Plan Edgewater,” Sheets 1-15, dated January 31, 2017, last revised June 26, 2018, prepared by Aryeh Siegal, Architect; and

**WHEREAS,** the original Proposed Action was a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS,** the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA) public hearing was closed; and

**WHEREAS**, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

**WHEREAS**, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Project; and

**WHEREAS**, on January 17, 2018, the Zoning Board of Appeals opened and closed a public hearing on the Applicant’s variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6; and

**WHEREAS**, on January 17, 2018, the Zoning Board of Appeals granted the Applicant’s variance requests, with conditions; and

**WHEREAS**, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts;

**WHEREAS**, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more; and

**WHEREAS**, application of Local Law No. 9-2018 resulted in a total area of 110,533 square feet being deducted prior to determining the net buildable area for the Project.

**WHEREAS**, on June 12, 2018 the Beacon Planning Board received a revised set of plans for the Project which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

**WHEREAS**, the revisions to the Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage, while increasing the area to remain as green space and not developed and providing approximately 140 feet of additional walkways on the west side of the Property



facing the Hudson River, beyond what was originally proposed (“Amended Project” or “Amended Proposed Action”); and

**WHEREAS**, the Project will provide twenty five (25) Below Market Rate Housing as per the City Code; and

**WHEREAS**, the Amended Project is no longer a Type I action because it was amended to include 246 total dwelling units which falls below the threshold for Type I actions; and

**WHEREAS**, the Amended Project is therefore an Unlisted Action pursuant to SEQRA; and

**WHEREAS**, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Proposed Action and the Amended Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

**WHEREAS**, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Amended Project; and

**WHEREAS**, on July 16, 2018, the City Council opened a public hearing on the Special Use Permit application in connection with the Amended Project, at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 16, 2018; and

**WHEREAS**, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code Sections 223-18 and finds the proposal complies with this section of the Zoning Law, as set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds pursuant to Sections 223-18 of the City Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

2. The project is within walking distance of the Beacon Train Station and will provide economic benefits of pedestrian traffic to Main Street, while not significantly increasing vehicular impacts on City streets.
3. The Project includes a balanced mix of housing types and sizes, including 25 below-market-rate units in accordance with the City's Affordable Workforce Housing Law.
4. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
5. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
6. The proposed Amended Project is compatible with other multifamily developments in the surrounding neighborhood, which include the existing Tompkins Terrace and Colonial Springs residential developments.
7. Parking areas will be of adequate size for the particular use and property located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

**BE IT FURTHER RESOLVED**, that the City Council grants a Special Use Permit to Scenic Beacon Developments, LLC to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District, and designated on the City Tax Map as Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Subdivision and Site Plan approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.
4. The Applicant has agreed that the trail depicted on the western side of the property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent, and that such trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). Regulations regarding public

use of the Connection Trail will be determined during Site Plan review. The specific location of the connection between the Greenway Trail and the Connection Trail cannot presently be identified by the City. Therefore, the Amended Site Plan shall be designed to accommodate a pedestrian connection to the Metro-North northern parking lot immediately to the west or any proposed development on such property (City Tax Map as Parcel IDs 5954-25-549980 and 5954-33-549777), and thereby also more directly connect to Train Station and any future northern extension of the Hudson River Greenway Trail through the Metro-North parking area. The Subdivision shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, to locate, construct and maintain said Greenway Trail connection.

5. A copy of this Resolution shall be attached to the Certificate of Occupancy.
6. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
7. In accordance with Section 223-18.F(1)(b)(2) of the Zoning Law, this Special Permit approval authorizes only the particular use specified in the permit and shall expire if:
  - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit approval; or
  - b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
  - c. If said use ceases for more than six (6) months for any reason.
8. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
9. The Building Inspector may revoke this Special Permit approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit approval.
10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.

11. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: August 6, 2018

**§ 223-18. Special permit uses.**

- A. General provisions. The special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Application for a special permit. **[Amended 12-20-1993 by L.L. No. 5-1993; 12-18-2000 by L.L. No. 22-2000; 6-17-2013 by L.L. No. 12-2013; 4-21-2014 by L.L. No. 1-2014]**
  - (1) Application for required special permits shall be made to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving such application, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council must render its decision may be extended by mutual consent of the applicant and the Board. The City Council may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met: **[Amended 5-2-2016 by L.L. No. 7-2016]**

- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
  - (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
  - (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- (2) The decision of the City Council on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
- C. A plan for the proposed development of a lot for a permitted special use shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, type and location of exterior lighting, drainage improvements in accordance with § 223-25F of this chapter, special features and any other pertinent information, including information about neighboring properties, that may be necessary to determine and provide for the enforcement of this chapter. The Planning Board, in preparing its report, as required in Subsection B, shall give particular study to the plan and shall recommend any changes that should be made in the plan to meet the conditions enumerated in §§ 223-17D and 223-18B. **[Amended 3-1-1993 by L.L. No. 2-1993; 4-5-1993 by L.L. No. 3-1993]**
- D. A current certificate of inspection issued pursuant to § 179-6 of this Code shall be submitted prior to rendering a final decision on

an application for a special permit. **[Added 7-18-2011 by L.L. No. 11-2011<sup>1</sup>; amended 10-3-2011 by L.L. No. 12-2011]**

- E. Conditions and safeguards. The City Council shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements.
- F. Expiration of special permits. **[Amended 10-18-1993 by L.L. No. 4-1993; 12-21-1998 by L.L. No. 16-1998; 4-18-2016 by L.L. No. 6-2016]**
  - (1) A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if:
    - (a) A bona fide application for a building permit is not filed within one year of the issuance of the special permit; or
    - (b) If all required improvements are not made:
      - [1] For special permits that do not include construction of a new building or addition, within one year from the date of the issuance of the building permit.
      - [2] For special permits that include construction of a new building or addition, within two years from the date of issuance of the building permit.
    - (c) Said use or uses shall cease for more than six months for any reason.
  - (2) The City Council may grant one or more extensions, of up to six months each, to:
    - (a) Complete the conditions of approval for the special permit use, upon a finding that an applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit within one year of the issuance of the special permit. No further extensions may be granted if the conditions are not completed within two years following the issuance of the special permit; and

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1. Editor's Note: This local law also provided for the redesignation of former Subsections D through I as Subsections E through J, respectively.

- (b) Complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.
- (3) The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.
- G. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter.
- H. <sup>2</sup> In the event that the improvements set forth in the special permit have commenced prior to the expiration date, but are not completed by that time, the applicant shall pay a daily fine of \$25 until a certificate of occupancy has been issued by the Building Department. **[Added 8-1-1994]**
- I. Revocation. The Building Inspector may revoke a special permit where it is found that the use of the premises does not conform with the limitations and conditions contained in the special permit. **[Added 5-2-1994]**

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2. Editor's Note: Former Subsection H, Notice of hearing, added 10-18-1993 by L.L. No. 4-1993, was repealed 6-17-2013 by L.L. No. 12-2013. This local law also provided for the redesignation of former Subsections I and J as Subsections H and I, respectively.





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July 26, 2019

Hon. Robert Lanier, Chairman  
& Members of the Zoning Board of Appeals  
City of Beacon Zoning Board  
1 Municipal Center  
Beacon, NY 12508

Re: Edgewater Area Variance Approvals – Request for One (1) Year Extension  
Tax IDs 5954-25-566983, 574979, 582985, & 5955-19-590022  
City of Beacon, New York

Dear Chairman Lanier and Zoning Board Members:

On behalf of Scenic Beacon Developments, LLC (“the Applicant”) we are writing to request a one (1) year extension of the January 17, 2018 variances granted by Resolution of the Zoning Board of Appeals (“ZBA”). According to condition 2 on page 8 of the ZBA Resolution “[t]he Applicant shall obtain a building permit within twelve (12) months from the date of obtaining the last land use approval.”<sup>1</sup> The last land use approval was issued by the Planning Board at their September 11, 2018 regular meeting, where the Applicant was granted Site Plan and Subdivision Approval. This request is timely, as one (1) year has not elapsed since the date of the September 11, 2018 Planning Board Approval. Accordingly, the Applicant respectfully requests a one (1) year extension of the ZBA Resolution from September 11, 2019 in order to obtain a Building Permit.

The Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health (DCDBCH) in order to satisfy each of the prerequisite conditions provided in the 2018 Planning Board Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. Further, our office has been in regular contact with the DCDBCH, as well as the City

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<sup>1</sup> **Note:** Based on discussions during the ZBA’s review of the application, the Resolution notes that the project will take time to build/complete, indicating that without extension the variance would terminate after *five (5) years* from the date of the last land use approval.

Engineer and the Applicant doing everything possible to facilitate this signoff.<sup>2</sup> To date, all of the DCDBCH comments have been satisfied with the exception of providing hydraulic modeling of the receiving City sewer system, which is being processed. We continue to work with the City to provide this information.

As noted above, the one (1) year period to fulfill all items noted within the conditions of the adopted ZBA Resolution will expire on September 11, 2019. In accordance with condition 2 on page 8 of the adopted ZBA Resolution, the Applicant hereby respectfully requests a one (1) year extension in order for the Applicant to obtain a Building Permit, extending the ZBA Resolution until September 11, 2020. If the conditions are fulfilled prior to the expiration date, we will withdraw our extension request. Please place this item on the next available ZBA Agenda for consideration of the one (1) year extension.

We look forward to discussing this proposal with you at your next available ZBA meeting. Should you have any questions, please feel free to call me at 845-440-6926.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr. Bodendorf", with a stylized, cursive script.

Michael A. Bodendorf, P.E.  
Principal

cc: Scenic Beacon Developments, LLC  
Tina Andress-Landolfi  
Taylor M. Palmer, Esq.  
Aryeh Siegel, AIA  
Daniel G. Koehler, P.E. (HLD File)

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<sup>2</sup> Note: Copies of related correspondence with the DCDBCH is available upon request.



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July 26, 2019

Hon. John Gunn, Chairman  
& Members of the Planning Board  
City of Beacon Planning Board  
1 Municipal Center  
Beacon, NY 12508

Re: Edgewater Site Plan and Subdivision Request for Two (2) 90-Day Extensions  
Tax IDs 5954-25-566983, 574979, 582985, & 5955-19-590022  
City of Beacon, New York

Dear Chairman Gunn and Members of the Planning Board:

On behalf of Scenic Beacon Developments, LLC (“the Applicant”) we are writing to request an additional two (2) 90-day extensions of the September 11, 2018 Site Plan and Subdivision Approval Resolution (the “Resolution”), last extended at the February 13, 2019 Planning Board meeting to begin on March 10, 2019. This request is timely, as 180 days have not elapsed since the February 13, 2019 extension.

The Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health (DCDBCH) in order to satisfy each of the prerequisite Conditions provided in the 2018 Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. As this Board may be aware, the City Attorney is reviewing the required easement agreements and documents conditioned in the Resolution. Further, we have been in regular contact with the DCDBCH, as well as the City Engineer and the Applicant is doing everything possible to facilitate this signoff. To date, all of the DCDBCH comments have been satisfied with the exception of providing hydraulic modeling of the receiving City sewer system, which we understand is being processed. We continue to work with the City in providing this information.

The one hundred eighty (180) day period to fulfill all items noted within Conditions A and B of the Resolution will expire on September 6, 2019. Pursuant to Section

276(7)(c) of the New York State Town Law and General Condition E.12 of the Code of the adopted Resolution, the Applicant hereby respectfully requests two additional (2) 90-day extensions of the time from September 6, 2019 within which the conditionally-approved final plat for the subject subdivision must be submitted for signature.

The Applicant has made substantial progress toward fulfilling Conditions A and B within the adopted Resolution which include, but are not limited to the following:

**Condition A – Subdivision Plat**

2. The plans have been submitted to the Dutchess County Department of Behavioral and Community Health (DCDBCH) and they have concluded their review. The only remaining comment is requiring modeling of the receiving sewer line to the sewer treatment plant.<sup>1</sup>
3. A revised Subdivision Plat has been provided to the City Engineer for final review, and there are no further comments.
4. A revised Subdivision Plat has been provided to the City Planner for final review, and there are no further comments.
5. The required note has been added to the Subdivision Plat and provided to the Planning Board's consultants for review. We have received no comments with regard to this note.
6. The Subdivision Plat has been revised to reference a reservation by rights by the City of Beacon with a grant of easement rights to the City of Beacon. The plat is currently under review by the planning board consultants. We believe that this has been resolved.
7. The Connection Trail Regulations are included within the easement and maintenance agreement for the Connection Trail easement for review by the Planning Board Attorney.
8. All easements are now shown on the Plat and have been provided to the Planning Board's consultants for review. We believe that this issue has been resolved.
9. The Stormwater Easement and Maintenance Agreement has been provided to the Planning Board's Attorney for Review.
10. The Offer of Dedication is clearly delineated on the Subdivision Plat and a draft Offer of Dedication has been prepared by the Applicant's attorney for review by the Planning Board Attorney.
11. Draft Offer of Dedication and Maintenance Agreement for the Water Main Easement have been prepared by the Applicant's attorney for review by the Planning Board Attorney.
12. A bond estimate is being revised to include Branch Street improvements and will be provided to the City Engineer for review once revised.

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<sup>1</sup> Note: Copies of the correspondence with the DCDBCH is available upon request.

**Condition B – Site Plan**

1. Condition noted. *See* Condition A.2 response above.
2. Condition noted. *See* Condition A.3 response above.
3. Condition noted. *See* Condition A.4 response above.

Based upon the status of the conditions listed above and the Applicant's diligence in prosecuting same, we are respectfully requesting two (2) 90-day extensions of approval in order to complete all conditions, thus extending to March 4, 2020. If the conditions are fulfilled prior to the expiration date, we will withdraw our extension request. Please place this item on the next available Planning Board meeting Agenda for consideration of two (2) 90-day extensions.

We look forward to discussing this proposal with you at your next available Planning Board meeting. Should you have any questions, please feel free to call me at 845-440-6926.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr. Bodendorf", with a stylized, cursive script.

Michael A. Bodendorf, P.E.  
Principal

cc: Scenic Beacon Developments, LLC  
Tina Andress-Landolfi  
Taylor M. Palmer, Esq.  
Aryeh Siegel, AIA  
Daniel G. Koehler, P.E. (HLD File)



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July 26, 2019

Hon. Randy Casale, Mayor  
& Members of the City Council  
City of Beacon Council  
1 Municipal Center  
Beacon, NY 12508

Re: Edgewater Special Use Permit – Request for One (1) Year Extension  
Tax IDs 5954-25-566983, 574979, 582985, & 5955-19-590022  
City of Beacon, New York

Dear Mayor Casale and Members of the City Council:

On behalf of Scenic Beacon Developments, LLC (“the Applicant”) we are writing to request a two (2) six (6)-month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018 (the “Special Permit Resolution”). Pursuant to condition #7 on page 5 of the Special Permit Resolution, “... the special permit shall expire if:

- a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit approval; or
- b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
- c. If said use ceases for more than six (6) months for any reason.”

During the Council’s review of the Application, the Applicant indicated that it would take several years to complete the development of the project, and initially requested additional time to process the conditions including the County Health Department’s review that would subsequently be included in the Planning Board’s Site Plan and Subdivision Approval Resolution, which followed the adoption of the Special Permit Resolution. This request is timely, as one (1) year has not elapsed since the date of the August 6, 2018 Special Permit Resolution.

The Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health (DCDBCH) in order to satisfy

each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board's Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. Further, we have been in regular contact with the DCDBCH, as well as the City Engineer and the Applicant is doing everything possible to facilitate this signoff. To date, all of the DCDBCH comments have been satisfied with the exception of providing hydraulic modeling of the receiving City sewer system, which we understand is being processed. We continue to work with the City to provide this information.

As noted above, the one (1) year period provided in the Special Permit Resolution to file for a Building Permit will expire on August 6, 2019. In accordance with Section 223-18.F(2) of the City of Beacon Zoning Law, and condition 8 on page 5 of the Special Permit Resolution, "... the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit... The granting of an extension of time shall not require a public hearing." Therefore, the Applicant hereby respectfully requests two (2) six-month extensions in order for the Applicant to obtain a Building Permit, extending the Special Permit Resolution until August 6, 2020. If the conditions are fulfilled prior to the expiration date, we will withdraw our extension request. Please place this item on the next available City Council Agenda for consideration of two (2) six-month extensions.

We look forward to discussing this proposal with you at your next available City Council meeting Agenda. Should you have any questions, please feel free to call me at 845-440-6926.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Bodendorf". The signature is fluid and cursive, with the first name "Michael" and last name "Bodendorf" clearly distinguishable.

Michael A. Bodendorf, P.E.  
Principal

cc: Scenic Beacon Developments, LLC  
Tina Andress-Landolfi  
Taylor M. Palmer, Esq.  
Aryeh Siegel, AIA  
Daniel G. Koehler, P.E. (HLD File)