CITY OF BEACON

One Municipal Plaza

Beacon, New York 12508

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

January 16, 2018
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

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

Public Hearings:

- Proposed Local Law to permit food trucks in the Linkage District by special permit

- Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning Medical Services Accessory Structures

- Proposed Local Law to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon

- Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS); Amendments to the City of Beacon Comprehensive Plan update involving changes to the Central Main Street (CMS), Central Business (CB), Off-Street Parking (PB), R1-5, RD-4, Local Business (LB), General Business (GB), Light Industrial (LI) and Waterfront Park (WP); and Proposed Local Law to amend the Zoning Map of the City of Beacon

Reports:

- Council Member Amber J. Grant
- Council Member John E. Rembert
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Terry Nelson
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

Local Laws and Resolutions:

1. Resolution to adopt Local Law to Permit Food Trucks in the Linkage District by Special Permit
2. Resolution to Amend Chapter 223 of the Code of the City of Beacon concerning Medical Accessory Structures
3. Resolution to Amend Chapter 199 and add Article XII concerning the tax assessment of converted condominium units within the City of Beacon
4. Resolution to schedule a public hearing for February 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal
5. Resolution to schedule a public hearing for February 20, 2018 to receive public comment on a proposed local law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)
6. Resolution to schedule a public hearing for February 20, 2018 to receive public comment on a proposed local law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs
7. Resolution appointing George Mansfield as Mayor's Designee for Acting Mayor
8. Resolution to appoint Ben Schulman and Nicole Wooten to the Conservation Advisory Committee
9. Resolution granting extension of time to complete a house at Roseneth Estates LLC
10. Resolution adopting a grievance procedure under the Americans with Disabilities Act
11. Resolution for the Sale of Real Property

Approval of Minutes:

- Minutes from January 2, 2018

2nd Opportunity for Public Comments:

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

Adjournment:

City of Beacon Council Agenda
1/16/2018

Title:

Proposed Local Law to permit food trucks in the Linkage District by special permit

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Food Trucks	Backup Material
Food Trucks Code Info	Backup Material
Food Trucks_DCPB Memo	Backup Material
PB Comments Food Trucks	Backup Material

Draft: 11/2/17

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

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

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

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

§223-41.21. Regulations.

…

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

DRAFT

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

Section 4. Severability

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

Section 5. Effective Date

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

DRAFT

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

A. Temporary use, number of trucks and design of truck. Retail sales from a truck is a temporary use which may be permitted to exist for a maximum of only one two-consecutive-year period on a given lot. Depending upon the size and shape of the lot, as well as other site characteristics including the lot's capacity for off-site parking as determined by the Planning Board, the Board may allow up to two such trucks or trailers on a lot at any one time. The proposed truck shall be specifically designed for a retail use.

B. Location. Retail sales from a truck may be permitted on vacant private property, but shall not be located on property already occupied with another existing use.

C. Orientation, tables and seating, site furniture, site circulation and access.

(1) The retail sales truck shall be oriented so as to ensure that the customer queue does not block any public sidewalk.

(2) Based upon the size, shape and other characteristics of the lot, as well as the need for off-street parking and the desires of the applicant, the Planning Board shall determine the appropriate number and type of tables and seating which will be allowed on the lot in connection with a food truck. Except for approved fencing, no other site furniture (permanent or otherwise) shall be permitted in conjunction with the retail sales truck.

(3) Retail sales trucks and all tables and seating shall be set back a minimum of 10 feet from public sidewalks and a minimum of 15 feet from fire hydrants. Retail sales operators shall maintain site circulation and access consistent with the Americans with Disabilities Act.

D. Display of permissions. Retail sales operators shall display a current business tax certificate on the exterior of the retail sales truck. Food truck operators shall also display a valid Dutchess County Department of Health permit on the exterior of said truck. If said permit expires, or is suspended or revoked, then all food sales shall cease until the permit is reinstated.

E. Suitable improvement, sanitation and exterior storage. The lot on which the retail sales truck(s) is located shall be suitably improved to the satisfaction of the Planning Board, and shall be maintained in a safe, clean and litter-free manner at all times.

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

F. Utilities, operating condition and temporary use. It is preferable that the retail sales truck be entirely self-sufficient with regard to gas, water and telecommunications. Should any utility hookups or connections to on-site utilities be required, the retail sales operator shall be required to apply for appropriate permits to ensure compliance with applicable building codes. Said truck shall be maintained in good repair at all times. The siting and operation of said truck shall be a temporary use, shall not become a fixture of the site and shall not be considered an improvement to real property.

G. Lighting. The retail sales operator shall provide adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.

H. Noise. Noise levels measured at the property line shall not violate the City's noise control regulations. No audio amplification shall be allowed on the lot. During the operation of the retail sales truck, the use of an external generator(s) or said truck's motor vehicle engine shall be prohibited. There shall be no continuous idling of said truck's engine.

I. Alcohol. The serving or consumption of alcohol of any kind shall be prohibited at the retail sales truck site.

J. Hours of operation. The hours of operation of this use shall be from 6:00 a.m. until 10:00 p.m.

K. Signage. Notwithstanding § 223-15 of this chapter, the retail sales operator shall not display more than an aggregate of 20 square feet of sign area on the lot. Said signage shall be professionally

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

L. Parking. A minimum of two off-street parking spaces shall be provided for this use. Said off-street parking shall be suitably improved and screened to the satisfaction of the Planning Board. Notwithstanding the above, the parking requirement may be modified or eliminated by said Board, in its discretion, based upon information submitted by the applicant or otherwise in the public record, demonstrating that there is sufficient public parking available within 800 feet of the site to meet the foreseeable parking needs of the proposed use and surrounding uses.

M. Aesthetics. There shall be no display of banners, streamers or any other elements designed or intended to attract attention to the retail sales truck site other than permitted signage. In reviewing the application for site development plan approval for this use, the Planning Board may attach conditions to its approval for the purpose of mitigating visual impact.

N. Removal of truck. If the retail sales truck is removed from the lot, all other evidence of the retail sales operation shall be removed as well.

O. Commencement and inspection. Retail sales from a truck shall not commence until the operator has obtained a certificate of compliance from the Building Department. Each retail sales truck and lot shall be inspected by said Department at the end of 12 months from the inception of the use in order to determine whether the use remains in compliance with this section. Upon a satisfactory inspection report, the vending truck owner shall be reissued a certificate of compliance. In the event that the inspection indicates that the use is no longer in compliance, the certificate of compliance shall be revoked until the violation(s) is cured.

Dutchess County Department of Planning and Development

Fax Info			
To		Date 11/20	# pgs 1
Dept		From	
Fax #		Phone #	

239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

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

Tax Parcel Number(s): N/A

Project Name: Local Law regarding Food Trucks

Applicant: City Council

Address of Property:

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

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.)
- ☐ Rezonings involving all map changes
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses

Exempt Actions:* 239 Review Is NOT Required

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

☐ Exempt Action submitted for informal review

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

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

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

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

Comments Attached:

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

Date Submitted:	11/15/17	Notes:	☐ Major Project
Date Received:	11/15/17		Referral #: ZR17-399
Date Requested:	11/20/17		
Date Required:	12/14/17	☐ Also mailed hard copy	Reviewer: Jennifer Morozzo
Date Response Faxed:	11/20/17.		

Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: City Council Request to Review Local Law to permit Retail Sales from a Truck or Trailer in the Linkage Zone

DATE: January 10, 2018

As requested the Planning Board reviewed the proposed local law to add "retail sales from a truck or trailer" as a permitted use in the Linkage Zone, in accordance with §223-26.3, similar to that permitted in the CB Zoning District. A lengthy review and discussion of the proposed law took place with the City Planner, City Attorney and Building Inspector Tim Dexter. After careful consideration members voted unanimously to recommend adoption of the local law as presented. If you have any questions, please feel free to contact me.

City of Beacon Council Agenda
1/16/2018

Title:

Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning Medical Services Accessory Structures

Subject:

Background:

ATTACHMENTS:

Description	Type
Medical Accessory Structures Local Law	Backup Material
Medical Accessory Structures_DCPB_239	Backup Material
PB Comments Medical Structure	Backup Material
Medical Accessory Structures FAQs	Backup Material
Medical Accessory Structures_wheel pad	Backup Material

Draft: 11/29/17

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

A LOCAL LAW to amend Chapter 223, concerning temporary medical service accessory structures.

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

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

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or

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

Section 4. Effective Date

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

Dutchess County Department of Planning and Development

Fax Info

To		Date 1/11	# pgs 1
Dept		From Jocozza	
Fax #		Phone #	

239 Planning/Zoning Referral – Exemption Communities

Please fill in this section

Municipality: City of Beacon

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

Tax Parcel Number(s): Not Applicable

Project Name: LL : Medical Service Accessory Structure

Applicant: City Council

Address of Property: Not Applicable

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.)
- ☐ Rezonings 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): 1/16/2018

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

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

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

Comments Attached:

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

Date Submitted: 1/5/18	Notes:	☐ Major Project	
Date Received: 1/5/18		Referral #: ZR18-006	
Date Requested: 1/16/18			
Date Required: 2/2/18	☐ Also mailed hard copy	Reviewer: Jennifer Mozzo	
Date Response Faxed: 1/11/18			

Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: City Council Request to Review Local Law for Temporary Structures for Medical Services

DATE: January 10, 2018

As requested the Planning Board reviewed the proposed local law to allow temporary structures for medical services its December 12, 2017 and January 9, 2018 meetings. A lengthy review and discussion of the proposed law took place with the City Planner, City Attorney and Building Inspector Tim Dexter. After careful consideration members voted unanimously to recommend three additional requirements to the draft law:

1. the temporary structure shall conform to the minimum accessory building setback requirements of the district;

2. it shall not displace or block access to the required off-street parking spaces; and

3. the structure shall be located behind the front building line.

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

FAQ

Who can use Wheel Pad™?

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

Is Wheel Pad universally accessible?

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

How big is Wheel Pad?

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

How much room is needed to install Wheel Pad?

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

What are the zoning regulations regarding Wheel Pad?

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

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

How do Life Safety building code regulations apply?

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

What about water and electricity?

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

How does plumbing work?

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

Does Wheel Pad leave a permanent footprint?

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

How much does Wheel Pad cost?

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

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

Is customization available?

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

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

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

At this time, no.

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

YOUR HOME,
ACCESSIBLE NOW.

wheelpad.com

ABOUT WHEEL PAD

DESCRIPTION

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

COST

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

FINANCING

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

HAULING

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

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

CONNECTION TO EXISTING HOME

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

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

RELATED VIDEOS

www.vimeo.com/178192100
www.vimeo.com/112705129

City of Beacon Council Agenda
1/16/2018

Title:

Proposed Local Law to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
Local Law Assessment of Condominiums	Backup Material
Condo assessment memo	Backup Material

Draft: 11/22/17

DRAFT LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

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

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

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

Article XII. Assessment of Converted Condominiums

§ 199-56. **Authority**.

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

§ 199-57. **Definitions.**

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

CONVERTED CONDOMINIUM

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

§ 199-58. **Assessment of converted condominiums.**

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. Effective Date

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

DRAFT

City of Beacon Council Agenda
1/16/2018

Title:

Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS); Amendments to the City of Beacon Comprehensive Plan update involving changes to the Central Main Street (CMS), Central Business (CB), Off-Street Parking (PB), R1-5, RD-4, Local Business (LB), General Business (GB), Light Industrial (LI) and Waterfront Park (WP); and Proposed Local Law to amend the Zoning Map of the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
CMS Draft Law	Backup Material
Comp Plan amendments	Backup Material
Comp Plan amendments2	Backup Material
DC Plan and Dev Response	Backup Material
Neg Dec for Comp Plan	Backup Material
LL Zoning Map	Backup Material
PB Comments Zoning Changes	Backup Material

Draft: 12/18/17

LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

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

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

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

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

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

§ 223-41.16 Purpose.

The purpose of this Article IVD is to increase the vitality, attractiveness, and marketability of Main Street and the Central Business District by providing more flexibility of land use while maintaining and enhancing urban form as recommended in the City of Beacon Comprehensive Plan Update adopted on ~~December 17, 2007~~ April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses. This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. ~~See Figure 18-15: Main Street Infill Strategies Illustrative Sketch Plan,[1] adapted from the Appendix to the Comprehensive Plan.~~
~~[1] Editor's Note: See § 223-41.18L.~~

§ 223-41.17 Applicability and boundaries.

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

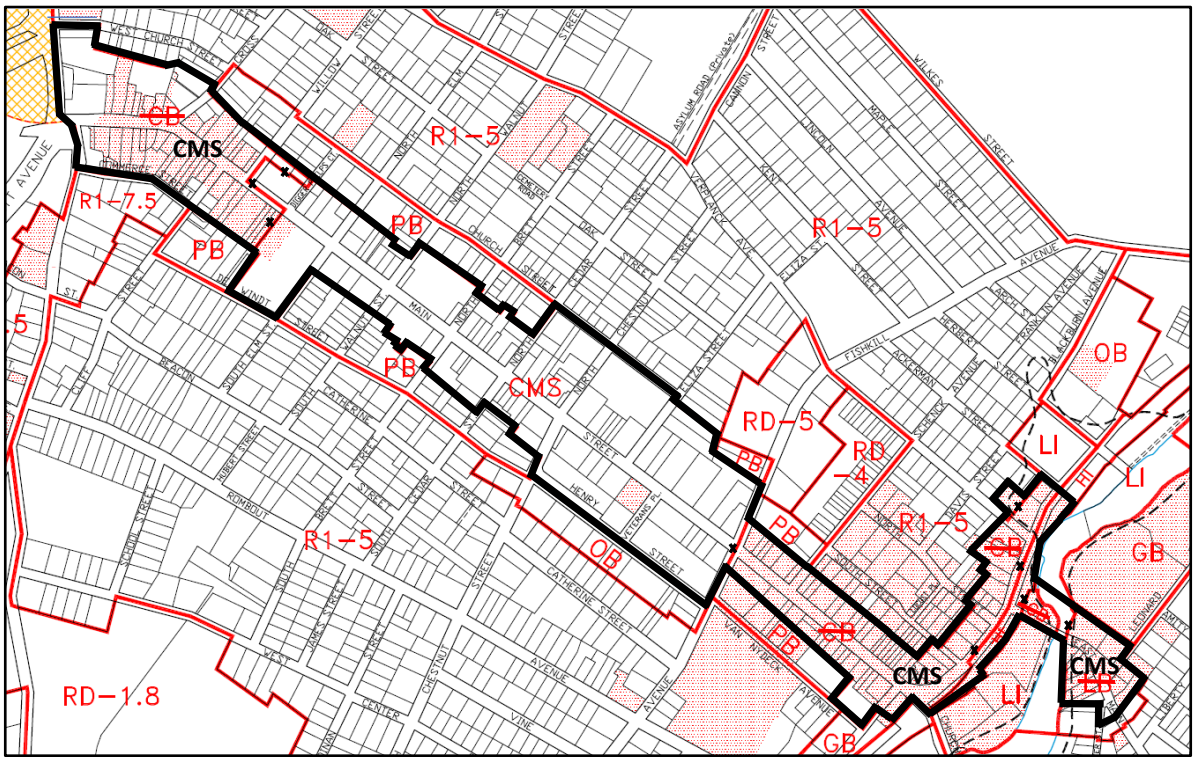


Figure 17-1: Central Main Street Zone Map

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

§ 223-41.18 Regulations.

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

(1) Apartments, provided that for parcels fronting on Main Street or East Main Street they ~~may~~ shall only be located on upper stories or at least ~~35~~ 50 feet behind the facade in the rear portion of a ground floor~~, along Main Street~~. The ~~limitations on~~ nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.

(2) One-family, two-family, attached, and multifamily dwellings, provided that ~~they do not have ground floor frontage on Main Street~~ for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

(3) Hotel, subject to § 223-20, inn, or bed-and-breakfast establishment, subject to § 223-24.4.

(4) Offices of any kind, including professional, medical, ~~or~~ business, and banks or other financial institutions.

(5) Artist studio.

(6) Art gallery.

(7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages.

(8) Food preparation business.

(9) Retail and personal services.

(10) Funeral home.

(11) Off-street parking ~~lot~~ facilities, provided that ~~it is~~ they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the main street by buildings and/or landscaping.

(12) Public garage, as defined in this Chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the main street by buildings and/or landscaping. ~~[See "Parking" in F(1).]~~

(13) School, public or not-for-profit educational institution, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school.

(14) Indoor commercial recreation.

(15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.

(16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least ~~35~~ 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the ~~35~~ 50 feet behind the façade is used for the retail sale of the artist's wares.

(17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.

(18) ~~Schools and other public or nonprofit educational institutions~~ Auction gallery.

(19) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and consistent with § 223-24.5.

(20) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

(21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.

(22) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.

(23) Retail sales from a truck or trailer, subject to § 223-26.3.

(24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar ~~items~~ artisan workshops, ~~having a total floor area of not more than 800 square feet and~~ having a retail component of at least 200 square feet.

(25) Tattoo parlor, subject to 223-26.2.

(26) Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

B. Uses by special permit.

(1) The following uses are allowed by special permit from the ~~Planning Board~~ City Council, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:

(a) Any new project with over 10,000 square feet in building footprint area.

(b) A ~~five-story building or~~ corner tower ~~of one additional story on a four-story building~~, provided that it complies with Subsection E(7) below, ~~and~~ that the ~~Planning Board~~ City Council finds that there are no substantial detrimental effects on parking, traffic, shadows, or specific views designated as important by the City Council in an adopted local law, the Comprehensive Plan Update, or Local Waterfront Revitalization Program, ~~A five-story building with a stepback of at least 15 feet behind the facade above the fourth story may be permitted on the north side of Main Street where it can call attention to a significant intersection. Corner locations are deemed most appropriate for such buildings, but they may be permitted elsewhere on the north side if they are~~ that the proposed corner tower is compatible with the scale of the block ~~on which they are located~~, and that it will contribute architecturally to the block face. ~~A five-story building will only be permitted if at least 15% of its residential units, and not less than five residential units, are designated as below~~ ~~market rate housing pursuant to Article IVB and/or at least 15% of the property's street level lot area adjacent to~~ ~~Main Street is available for public uses such as an outdoor dining area for a restaurant, pocket park or plaza.~~

(c) A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall ~~be located in the interior of a block and~~ not front on or be visible from ~~any public street~~ Main Street or East Main Street ~~except for a sign not larger than~~ ~~24 square feet in area~~.

(d) A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.

(e) ~~Artist live/work space in accordance with § 223-24.3~~ Cigar and other lawful smoking establishments.

(2) In considering the appropriateness of the proposed use, the ~~Planning Board~~ City Council shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the ~~Planning Board~~ City Council shall follow the procedures in § 223-41.18 I(2) of this chapter.

C. Accessory uses. The following are permitted accessory uses in the CMS District:

(1) Any accessory building or use customarily incident to a permitted use, except outside storage.

(2) Signs, in accordance with the provisions of § 223-15, as applicable.

(3) Off-street parking areas, in accordance with § 223-41.18G.

(4) Exterior lighting, in accordance with the provisions of § 223-41.18 L(13).

(5) Home occupation, subject to 223-17.1.

(6) Roof garden.

(7) Greenhouse

D. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the CMS District:

(1) Gasoline filling stations.

(2) Drive-through facilities, stand-alone or used in connection with any other use.

E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection L(15).

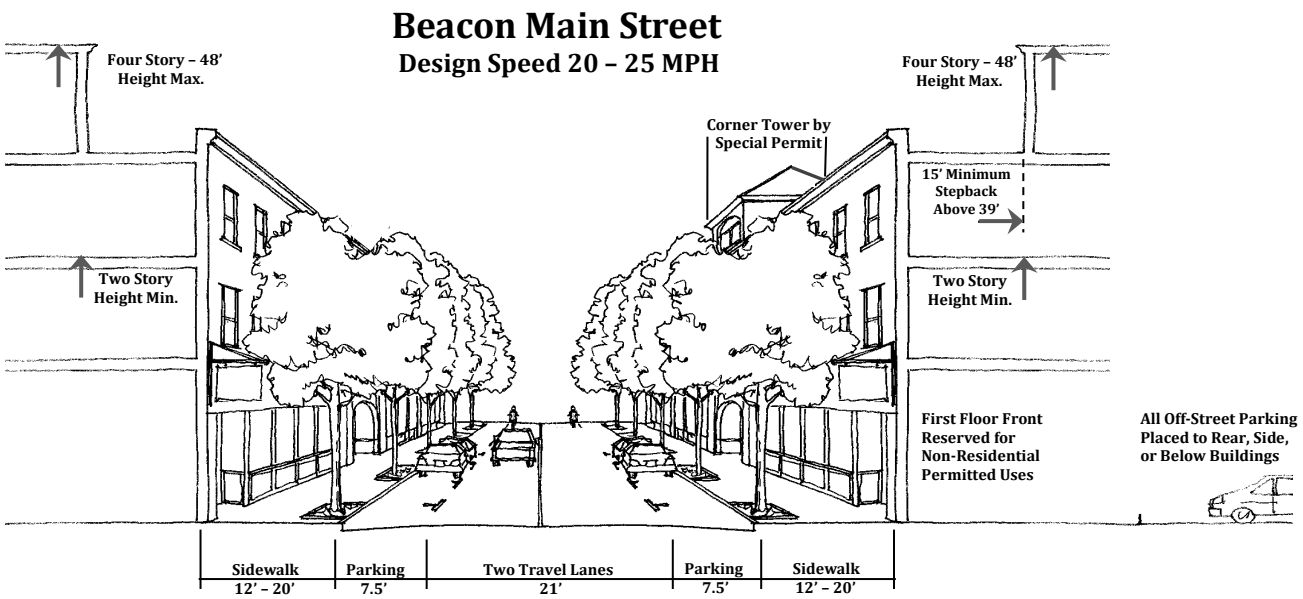


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

(1) Front setback on Main Street or East Main Street: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the area in front of a building has no parking spaces and is landscaped and used in a manner that enhances ~~the~~ street life ~~on Main Street~~ by such means as pocket parks or plazas, fountains, outdoor dining, public art, and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board.

(2) Front setback on other streets: minimum zero, maximum 25 feet. If surrounding buildings have a larger setback, the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage.

(3) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front yard setbacks shall apply to both, as appropriate to the street. Corner buildings with frontage on Main Street or East Main Street shall wrap around corners and maintain a consistent yard setback line along the side.

(4) Side setbacks: minimum of zero on Main Street or East Main Street, minimum of 10 feet on side streets. The minimum side setback on Main Street or East Main Street may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows or other openings.

(5) Rear setbacks on Main Street or East Main Street: minimum 25 feet for parcels 100 feet deep or more and minimum 10 feet for parcels under 100 feet deep. Rear setbacks on side streets: minimum 25 feet. ~~, except that~~ If the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.

(6) Minimum frontage occupancy on Main Street or East Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board a) to the extent necessary to allow light and air into an adjacent building that has side windows; or b) if the applicant provides a suitably surfaced and lighted pedestrian passageway between ~~Main~~ the street and parking areas, public open spaces, or other streets, located behind the building.

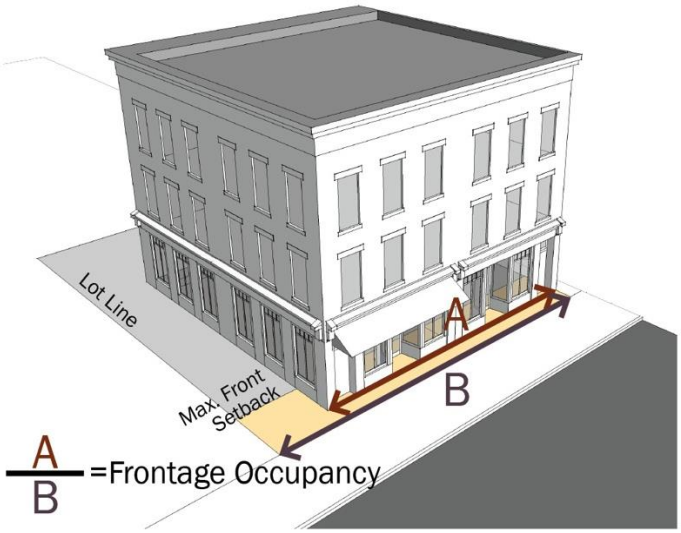


Figure 18-2: Frontage Occupancy

(7) Building height for a building fronting on Main Street or East Main Street: minimum two stories, maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. A special permit may be granted pursuant to Subsection B above ~~for a five-story building on the north side of Main Street. A special permit may also be granted~~ for a four-story tower without a stepback at a corner ~~on the south side of Main Street~~. Corner towers shall face ~~facing~~ an intersection and occupy~~ing~~ no more than 25 ~~%~~ feet of the ~~roof area~~ frontage of the building. For any building over three stories or 39 feet fronting on ~~the south side of~~ Main Street or East Main Street ~~four stories on the north side~~, a stepback of at least 15 feet behind the facade shall be required for the top story, except for corner towers allowed by special permit. A 15-foot building stepback above 39 feet shall be required for any side of such a building within 40 feet of a lot line abutting a residential district.

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

Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.

(8) Building height for a building not fronting on Main Street or East Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum height, provided that, with the exception of roof gardens and solar collectors, they occupy no more than 15% of the roof area and are set back at least 15 feet from the front edge of the roof.

(9) Building depth: corner buildings shall not extend along a side street more than 150 feet from the Main Street or East Main Street frontage, unless the rear building height is reduced to two stories.

(10) Lot area and lot width: There are no minimum lot area or lot width requirements.

(11) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City as public parking, there shall be no minimum depth requirement.

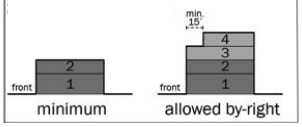
(12) Floor area ratio: There is no maximum floor area ratio.

(13) Landscaped area: For lots fronting on Main Street or East Main Street, a minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped ~~interior~~ courtyard, and are found to be consistent with the intent of the CMS District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. For lots not fronting on Main Street or East Main Street, a minimum of 15% of the lot shall be landscaped with trees and shrubs. These requirements may be waived for lots of 5,000 square feet or less.

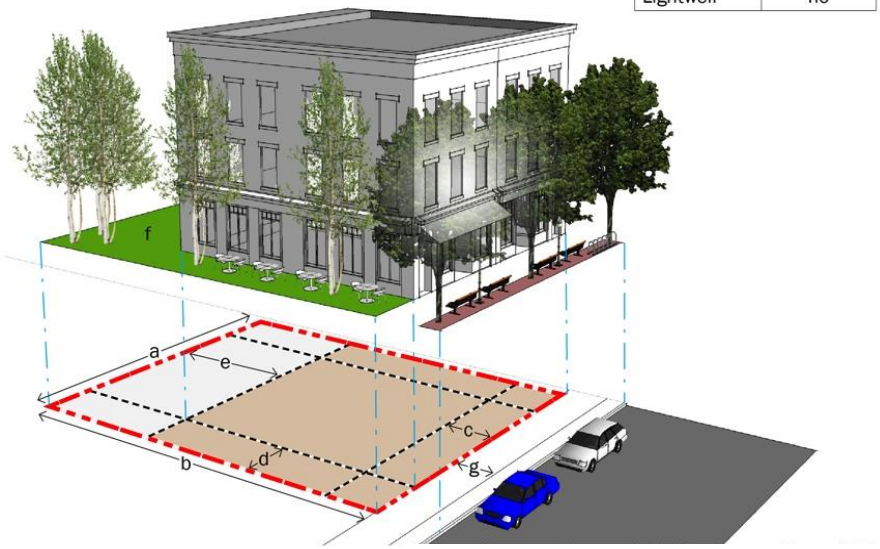
(14) Lots that front on Main Street or East Main Street.

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	10'
(d)	Side Setback	0'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	10%	--
	Frontage Occupancy, detached building	80%	--
	Frontage Occupancy, buildings w/shared side wall	100%	--
(g)	Pedestrian Clearway	8'	--

BUILDING HEIGHTS



FRONTAGE TYPES	
	Allowed
Storefront	yes
Forecourt	yes
Stoop	no
Porch	no
Lightwell	no

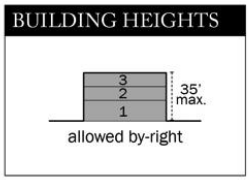


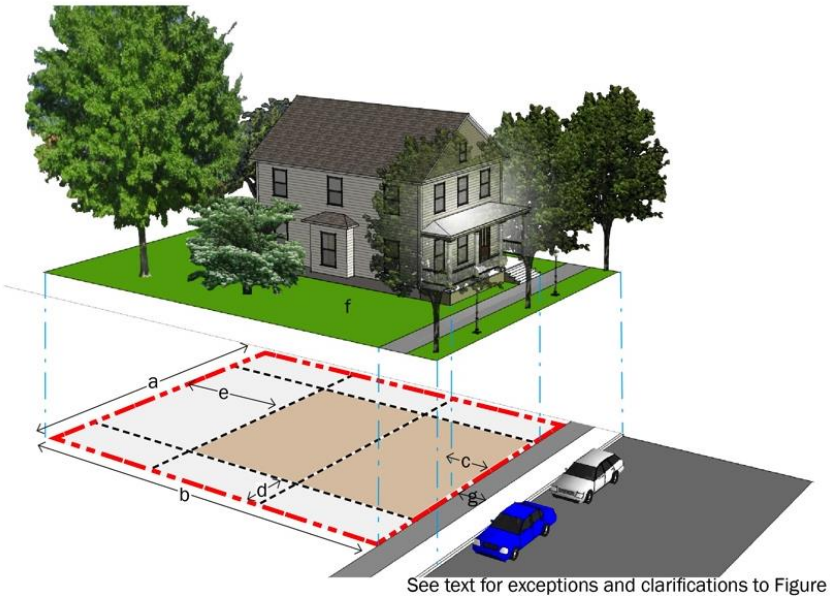
See text for exceptions and clarifications to Figure 18.3. Rear setback 10 feet for lots less than 100 feet deep.

Figure 18.3: Lots that Front on Main Street or East Main Street

(15) Lots that do not front on Main Street or East Main Street.

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	25'
(d)	Side Setback	10'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	15%	--
	Frontage Occupancy, detached building	--	--
	Frontage Occupancy, buildings w/shared side wall	--	--
(g)	Pedestrian Clearway	8'	--





See text for exceptions and clarifications to Figure 18-4

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

F. Frontage types.

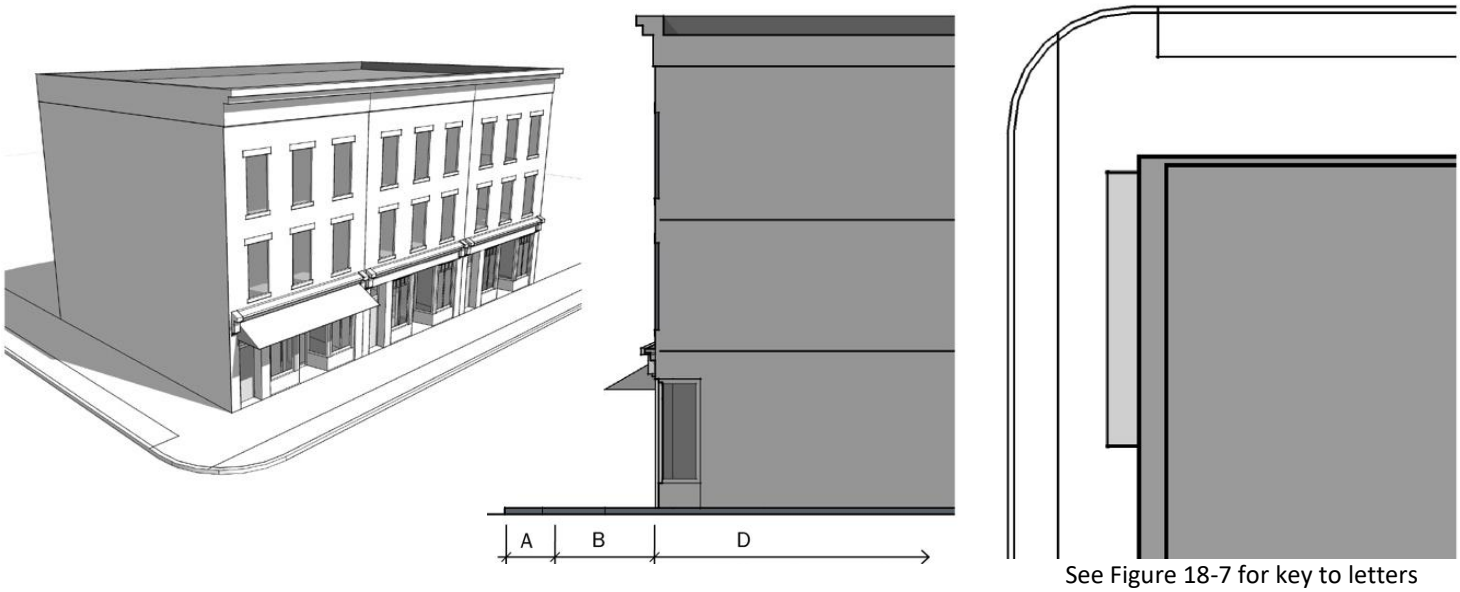
(1) For new buildings, along Main Street or East Main Street, only the following building frontage types are permitted:

(a) Storefront.

(b) Forecourt.

(2) On other streets, there is no prescribed building or frontage type, except that no private garage may be located less than 20 feet behind the front facade of a building.

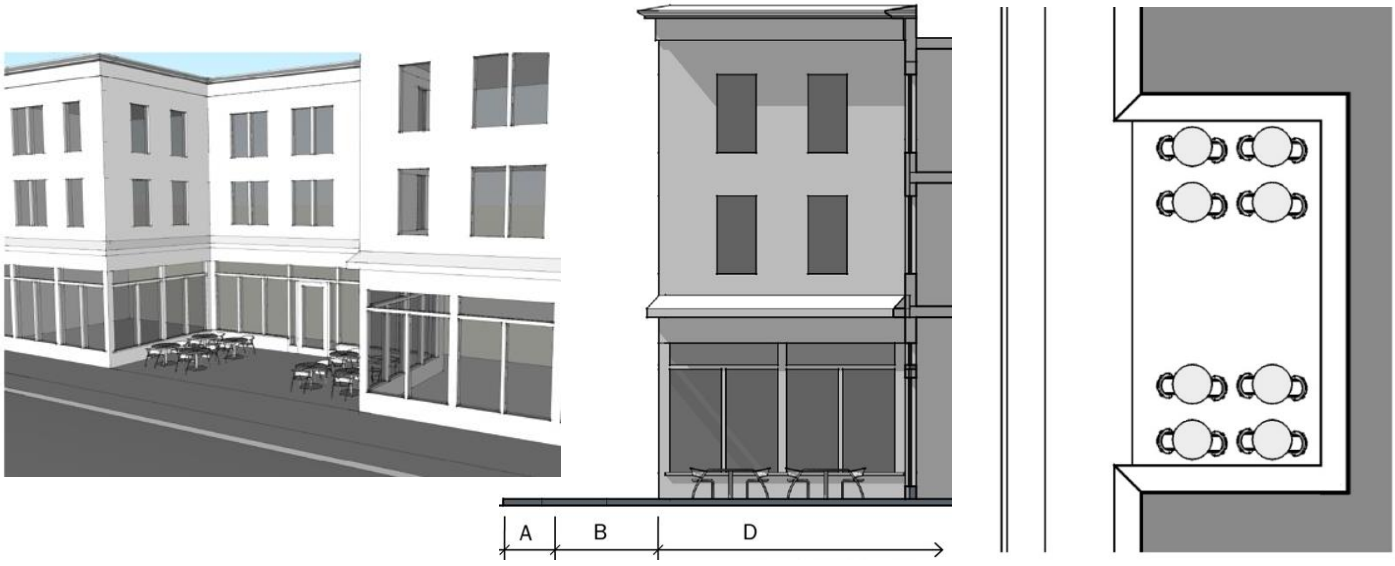
(3) Storefront frontage type: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent entrance, and often an awning. Recessed doors on storefronts are ~~acceptable~~ typically used to avoid doors opening into the sidewalk.



See Figure 18-7 for key to letters

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

(4) Forecourt frontage type. A forecourt is a semi-public exterior space whose back and sides are surrounded by a building and whose front opens to a thoroughfare — forming a court. The court is suitable for gardens, gathering space, and outdoor dining.



See Figure 18-7 for key to letters

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

G. Parking location and quantity.

(1) All off-street parking for buildings that have Main Street or East Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A public garage on a lot with Main Street or East Main Street frontage shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

(2) The minimum quantity of required on-site parking spaces shall be as follows:

(a) Residential: one space per unit.

(b) Office and nonretail commercial: 2.5 spaces per 1,000 square feet of floor area.

(c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.

(d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review.

(3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:

(a) That the projected operational characteristics of the proposed use require a different amount of parking.

(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.

(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.

(d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.

(e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB Districts and voluntarily dedicate such land to the City for public parking.

(f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

(4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.

(5) Section 223-26B of this Chapter shall apply in the CMS District.

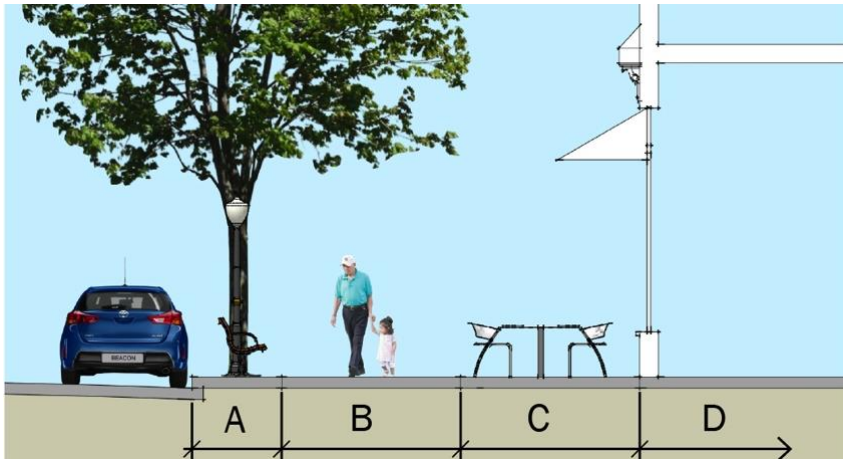
H. Streetscape improvements.

(1) Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.

(2) A pedestrian clearway, at least eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval.

(3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. ~~Each bicycle rack holding two bicycles may be used to reduce the required parking by one parking space.~~ The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.

(4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.



A = Street Transition Zone
B = Pedestrian Clearway
C = Building Transition Zone
D = Building Frontage

Figure 18-7: Parts of the Streetscape

I. Site plan review/special permit procedures and criteria.

(1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building project of 10,000 square feet or less in footprint area, as follows:

(a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.

(b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article.

(c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.

(d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.

(2) For projects ~~with over 10,000 square feet in building footprint area, or~~ that ~~otherwise~~ require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25~~, except that the Planning Board shall take the place of the City Council in § 223-18~~. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.

(3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.

(4) After completion of construction of new buildings, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.

J. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

K. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this Chapter (Affordable-Workforce Housing).

L. Design standards.

(1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the CMS District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:

(a) Preserve and enhance the unique character and general public welfare of the City of Beacon;

(b) Promote pedestrian access and activity, as well as a general sense of area security;

(c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;

(d) Encourage economic development and a convenient mix of uses and services; and

(e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.

(2) Key Terms: Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include type and texture of materials, massing, spacing and proportion of windows and doors, horizontal alignments, and street-front fixtures, but architectural features ~~and details~~ may be more traditional or may be ~~simpler and more modern~~ less detailed, signaling a more contemporary building. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CMS District should reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, windows, and interiors.

(4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

(5) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.

(6) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and cornices, may encroach up to four feet beyond the front lot line if the bottom of the encroaching building elements is at least 12 feet above grade.

(7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district~~, as determined by said Board~~.

(8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.

(9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening~~,~~ and appear functional~~, and be attached to the window frame~~.

(10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. ~~Residential buildings shall~~ Main Street or East Main Street buildings should have at least 30% glass on the ~~first floor~~ upper floor facades.

(11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, ~~or~~ smooth-finished fiber-cement siding, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, ~~or~~ synthetic brick, ~~or~~ synthetic stucco, exterior insulation and finishing system (EIFS), ~~or~~ direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

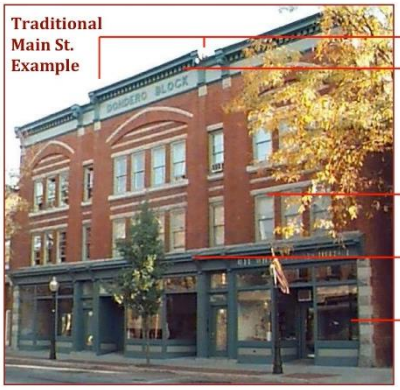
(12) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.

(13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above ~~60 watts~~ 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.

(14) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

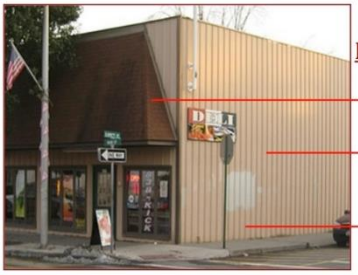
(15) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

(16) The following Figure 18-8 provides annotated photographs to illustrate design standards in this section:



Design Standards
Consistent Examples

Design Standards
Inconsistent Examples



Design Standards
Consistent Examples

Figure 18-8: Design Illustrations

M. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill development, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District.

Figure 18-9: Central Main Street Infill Strategies and Illustrative Sketch Plan

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

AMENDMENTS TO THE CITY OF BEACON COMPREHENSIVE PLAN UPDATE INVOLVING CHANGES TO THE CENTRAL MAIN STREET (CMS), CENTRAL BUSINESS (CB), OFF-STREET PARKING (PB), R1-5, ~~RD-4,~~ LOCAL BUSINESS (LB), FISHKILL CREEK DEVELOPMENT (FCD), ~~GENERAL BUSINESS (GB),~~ LIGHT INDUSTRIAL (LI), AND WATERFRONT PARK (WP) DISTRICTS. 12/18/17 DRAFT

The Proposed Action involves individual parcel adjustments to the recommendations in the Comprehensive Plan Update, Sections 11 and 12, as adopted April 3, 2017. The Beacon City Council is proposing to adopt amendments to the Zoning Map and text for the purpose of implementing the general recommendations in the Comprehensive Plan Update. During discussions regarding certain parcels, the City Council agreed on adjustments to the overall recommended changes in the Comprehensive Plan Update, most specifically represented in Figure 11-1, Future Land Use Map, Table 12-1, Proposed Zoning Changes, and Figure 12-1, Proposed Zoning Changes. The particular parcels and reasoning are described below.

A portion of the Metro-North Commuter Railroad right-of-way along Tioronda Avenue, tax parcel number 6054-37-096715, with the owner's address at 347 Madison Avenue, New York, NY 10017 is proposed to be changed from LI to FCD. The Comprehensive Plan Update recommended other sections of the Metro-North right-of-way just to the north be merged into the FCD district. This additional section of the track right-of-way will link two currently zoned FCD parcels to make a continuous FCD district. Because of the existing tracks and steep slopes on the parcel, the rezoning will not significantly affect any development potential.

A 1.3-acre parcel along the Fishkill Creek owned by the Scenic Hudson Land Trust, Inc. at 1 Civic Center Plaza, Poughkeepsie, NY 12601, tax parcel number 5954-16-910293, is proposed to be changed from FCD to WP. The parcel is contiguous with other properties zoned WP and is very near another Scenic Hudson parcel that is part of Madam Brett Park. The City Council agreed to extend the WP district to include this parcel because of its sensitive nature along the Fishkill Creek and proximity to the other Scenic Hudson-owned park parcels.

~~A 2.582-acre parcel along the Fishkill Creek owned by the City of Beacon at 1 Municipal Plaza, Beacon, NY 12508, tax parcel number 6054-37-037625, is proposed to be changed from LI to GB. The Comprehensive Plan Update Table 12-1 recommended this parcel be rezoned to FCD, but the City Council issued a Request for Proposals for this property and subsequently entered into an agreement with a potential buyer. The property is at the end of a dead-end street with the adjacent parcel along the same street to the north zoned GB. The City Council agreed that the GB district zoning would be less of a change from the LI district and more consistent with the GB district to the north.~~

An 8.7-acre parcel at 11-89 Mason Circle owned by Beacon Hip lofts, LLC. with a tax parcel number 6055-04-590165 is proposed to remain in the LI district. The Comprehensive Plan Update Table 12-1 and Figure 12-1 recommended this parcel be rezoned to FCD, but the owner subsequently proposed an amendment to the Special Permit approval that would include a new building and other site plan changes. Since an active application has been before the Planning Board for several months and the property will then be built-out substantially consistent with the LI district regulations, the City Council is proposing to have the parcel remain in the current LI district.

The Comprehensive Plan Update Table 12-1 and Figure 12-1 recommended that the existing CB districts at the upper and lower ends of Main Street be merged into the CMS district, which would provide all of Main Street with the more specific architectural and design standards in the CMS district. The City Council is proposing to extend the east end expansion to the Fountain Square area, which is currently zoned LB. The CMS designation includes detailed architectural graphics, streetscape illustrations, and site design

standards to better protect the historic character of this area. Four LB parcels not in the Historic District and Landmark Overlay Zone would be converted to the adjacent R1-5 district. These changes would affect the following parcels:

6054-30-168772	8 East Main Street (front)	10 Boulevard LLC. 24 Woodbine Avenue, Northport, NY 11768	LB to CMS
6054-38-182748	20 East Main Street	Kurt L. and Donald P. McMillan 168 Chelsea Road, Wappingers Falls, NY 12590	LB to CMS
6054-38-186736	5 Leonard Street	Brian D. Haight 5 Leonard Street, Beacon, NY 12508	LB to CMS
6054-38-183732	28 East Main Street	Rafiq Ahmed 28 East Main Street, Beacon, NY 12508	LB to CMS
6054-38-188729	36 East Main Street	Larry Way 39 Van Buren Street, Beacon, NY 12508	LB to CMS
6054-38-190723	44 East Main Street	Echo Properties I LLC. 1777 Route 6, Carmel, NY 10512	LB to R1-5
6054-38-181714	49 East Main Street	Sophia Stuart 3 Water Street, Beacon, NY 12508	LB to R1-5
6054-38-180717	47 East Main Street	47 East Main Street LLC. 47 Main Street, Beacon, NY 12508	LB to CMS
6054-38-163747	15 East Main Street	Sharon Bronte 180 W. 58th Street, New York, NY 10019	LB to CMS
6054-38-166745	17 East Main Street	Gwenno M. James 20 S. Chestnut Street, Beacon, NY 12508	LB to CMS
6054-38-167740	19 East Main Street	Charatambos M. Peratikos P.O. Box 16, Beacon, NY 12508	LB to CMS
6054-38-167735	25 East Main Street	Weber Projects II LLC. 25 East Main Street, Beacon, NY 12508	LB to CMS
6054-38-169731	27-31 East Main Street	Accord Realty & Development, Inc. P.O. Box 269, Somers, NY 10589	LB to CMS
6054-38-170728	33 East Main Street	VBK Properties LLC. 10 North Gate Road, Carmel, NY 10512	LB to CMS
6054-38-174726	East Main Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508	LB to CMS

6054-38-170722	3 Water Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508	LB to R1-5
6054-38-167716	5 Water Street	Pok Beacon LLC. 3 Water Street, Beacon, NY 12508	LB to R1-5

The Comprehensive Plan Update recommended the extension of the CMS district north on Fishkill Avenue to Verplanck Avenue. After careful consideration of the primarily residential uses along this block and the historic character of several of the buildings, the City Council is not proposing to permit commercial zoning on this block. This would prevent commercial expansion into these parcels and protect the primarily residential buildings along this block. Instead, the Council agreed to two more modest changes that would have far fewer impacts on the neighborhood.

Two single-family houses with historic qualities currently in the RD-5 district will be merged with the adjacent R1-5 district:

6054-29-041858	183 Fishkill Avenue	Lucy M. Cullinan 183 Fishkill Avenue, Beacon, NY 12508
6054-29-047864	189 Fishkill Avenue	Emily De Cordova 189 Fishkill Avenue, Beacon, NY 12508

One parcel with a commercial use in the RD-5 district is proposed to be included in the adjacent PB district to encourage redevelopment into a more consistent use with ~~the rest of the block~~ adjacent parcels:

6054-29-042814	158 Fishkill Avenue	The Rocky Harbor LLC. 20 Dallis Place, Beacon, NY 12508

A row of parcels on the south side of South Street currently in the R1-5 district is proposed to be rezoned to PB. Several of these properties are the rear portions of parcels that front on Main Street. Two buildings facing South Street in this area have commercial uses. A PB district designation would give these parcels more flexibility for additional uses and act as a transitional area between Main Street and the R1-5 district. Uses in the R1-5 would still be permitted in the PB. The following parcels are proposed to be in the PB:

6054-29-056780	Main Street (rear)	McDermott properties 43 Jelliff Mill Road, New Canaan, CT 06840
6054-29-063780	48 South Street	John W. H. Dacey and Holy R. Sumner 48 South Street, Beacon, NY 12508
6054-29-062771	424-428 Main St. (rear)	Beacon Main Real Estate Group 8 Bellford Lane, Beacon, NY 12508
6054-29-068768	432 Main St. (rear)	Neil E. Vaughn 432 Main Street, Beacon, NY 12508
6054-29-075770	34 South Street	Neil E. Vaughn and Erika M. Foy 432 Main Street, Beacon, NY 12508

6054-29-079768	32 South Street	Eric A. Brown and Danielle F. Brown 32 South Street, Beacon, NY 12508
6054-29-082764	28 South Street	Norah Hart 305 Broadway, New York, NY 10007
6054-29-086757	Main Street (rear)	Qualamar Corp. P.O. Box 4292, New Windsor, NY 12553

These proposed changes are consistent with the overall intent and general recommendations in the 2017 Comprehensive Plan Update, but involve the City Council making more specific adjustments to individual streets and parcels. The Comprehensive Plan Update primarily focused on the waterfront area with less parcel-by-parcel attention concentrated on the area covered by these amendments. In many cases, such as the Fishkill Avenue block, the proposed zoning will result in fewer potential impacts. In some areas, such as the extension of the CMS into the Fountain Square area, it may allow additional development potential, but the existing historic character of the area will be better protected by the architectural, streetscape, and design standards not present in the current LB district. These modifications to the Comprehensive Plan Update are modest in relation to the larger City context, reflect more recent information, or were the result of a more careful look at individual parcels by the City Council.

The Proposed Action is an exercise of the police powers of the City to protect, health, safety, and general welfare of its residents and property owners. These rezonings do not involve site-specific construction or development activities. Therefore, any subsequent site development actions would be subject to more complete analysis in accordance with the requirements of the State Environmental Quality Review Act.

4.4 Encourage the improvement of the streetscape along Main Street, such as encouraging businesses and owners to provide high quality landscaping, signage and facade treatments. The City should also explore funding opportunities for street improvements, including street trees, street benches, sheltered bus stops, bicycle racks, restrooms, information kiosks and public art displays. Existing street trees should be protected and maintained under the direction of a certified arborist.

4.5 Encourage the infill development of sites along Main Street to create new public spaces/pocket parks. Areas discussed in Section 4.2 include the Dutchess County Building and Veterans Place.

~~4.6 Change the zoning of areas on East and West Main Street to reflect density allowed in Central Main Street district.~~

~~4.7 Extend Central Main Street District north along Route 9D to Verplanck Avenue.~~

B. *Artist Community*

Cultivate the growing artist community so that it remains a part of the economic vitality of the City.

4.8 Encourage local and regional economic development organizations to study and provide direction regarding potential institutions or other strategies to attract and retain artists, art-related entrepreneurs, and potential consumers of their products and services.

4.9 Encourage creation of artist live/work spaces. Study the effect of Section 223-24.3 on the development of these spaces, and consider revising procedures which currently require the renewal of the special permit for artist live work space every two years. The City should consider the alternative of requiring renewal upon change of ownership or tenancy.

4.10 Support and nurture existing organizations that promote the development of Beacon's artist community.

C. *Route 52*

Maintain existing retail and service mix in the Route 52 business district while improving the character of the area through pedestrian amenities such as sidewalks and street trees, and improved architectural design.

4.11 Require property owners in this business district to provide sidewalks, street trees, and improved architectural design during site plan review.

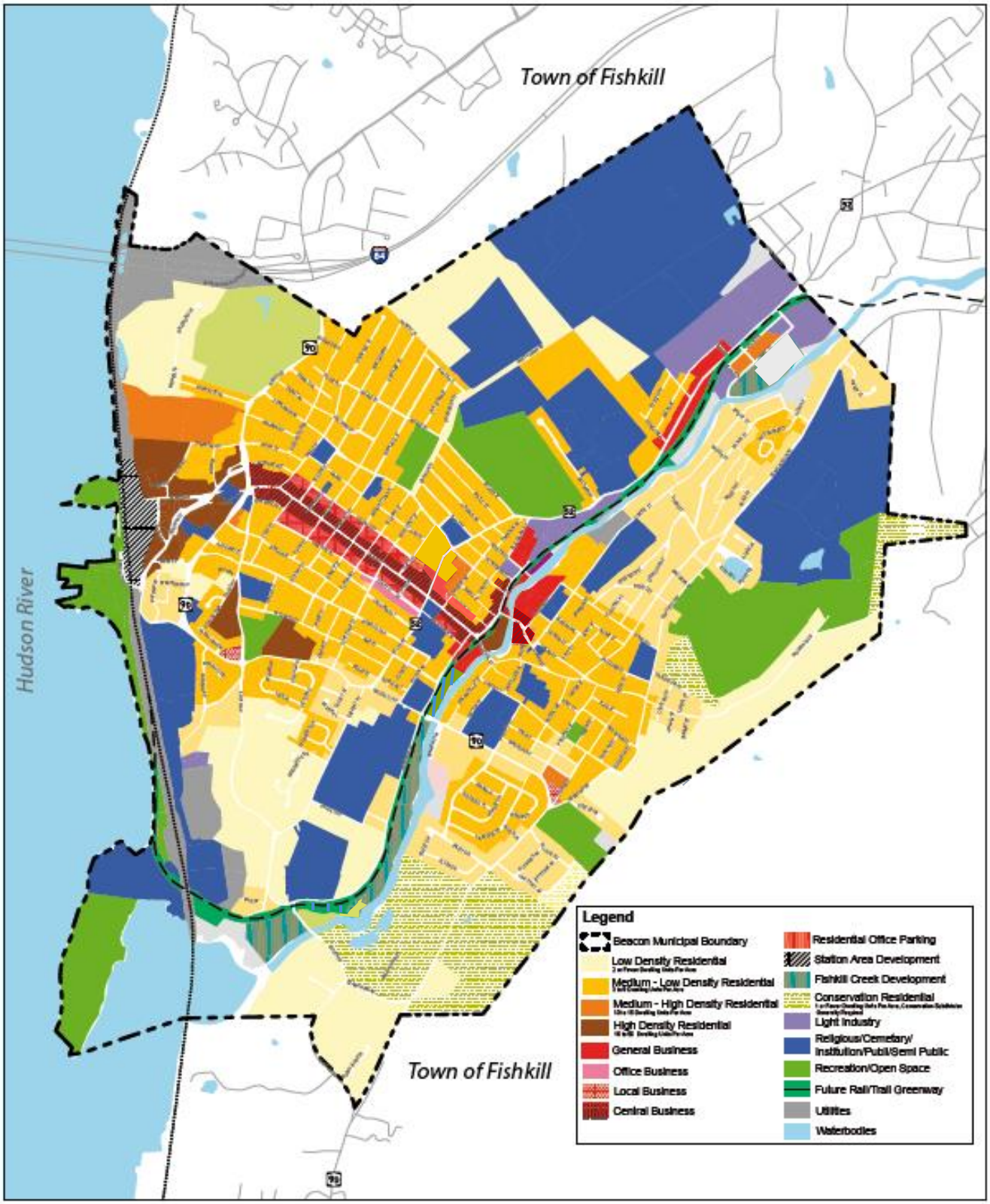


FIGURE 11-1: FUTURE LAND USE MAP

acre are generally found east of Fishkill Creek near Wolcott Avenue, or between Washington Avenue and Liberty Street. Densities of 5 to 8 dwellings per acre are generally found in neighborhoods north, south, and east of Main Street.

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category**, except for three individual parcels along Fishkill Avenue (see Figure 12-1).**

Residential – Medium-High Density

This category calls for 10 to 15 dwelling units per acre, which corresponds to areas in the City such as the townhouses on Schenck Avenue in the RD-4 Zoning District and the Tompkins Terrace Apartments and the Colonial Springs developments south of the golf course and north of the train station in the RD-3 Zoning District.

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category.

Residential – High Density

This category calls for 16 to 50 dwelling units per acre, which involves housing types such as apartment buildings and condominiums. Developed areas representing housing densities of this type are the Central Business District, which allows up to 29 dwelling units per acre, and the Forrestal Heights and Davies Terrace neighborhoods, which are in the RD-1.8 Zoning District (which allows 24 dwelling units per acre), and a redevelopment of an industrial site at one East Main Street. Properties in the Linkage Zone are also categorized as high density residential. The district allows 2-4 floor apartment buildings. The Linkage District does not regulate development through density limits. The code provides form-based design criteria that encourage buildings that increase the "vitality, attractiveness and marketability of the part of the City lying between Main Street and the Metro North Train Station."

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category.

- East Main & Leonard Streets
- South & Wolcott Avenues
- Beekman & River Streets

Although the Dia:Beacon is also in the Local Business Zoning District, and is proposed to remain so, it is identified on the Land Use Plan Map as Institutional.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category~~. **The historic section of the Local Business District in the Fountain Square area on East Main Street should be converted to the Central Main Street District to provide more specific architectural and design standards. Four Fountain Square area parcels not in the Historic District Overlay should be changed from LB to the adjacent R1-5 district (see Figure 12-1).**

Central Business

The purpose of this category is to allow for the continued commercial vitality and mixed uses of area along Main Street, which is the Central Business District in the City. This area corresponds with the Central Business Zoning District. In 2013, the City Council rezoned a large portion of downtown into the Central Main Street (CMS) District. This area is identified as Central Main Street II. The CMS encourages infill development by raising development potential and lowering parking requirements.

Recommendation

~~The Plan supports the extension of the urban form of Main Street to Route 52 between Main Street and Verplanck Avenue. It is recommended that this stretch be rezoned to CMS~~. It is ~~also~~ recommended that the CMS district be extended to the upper and lower sections of Main Street that are currently zoned CB. With this change, the entirety of Main Street would have the same zoning district. The City may wish to rename the CMS district to represent that the zone covers the entire corridor and not just the central area. When extending CMS standards to the existing CB district, heights of Historic Overlay Zone parcels should be limited to what is currently allowed.

As noted in Chapter 3 and 9, the Main Street corridor should be planned in greater detail, with an overall strategy of identifying activity centers based on the types of activities that have developed in each area, identifying the types of activities to be encouraged in each center, the major amenities serving each center (such as small parks, parking facilities), and illustrations of the activity centers with sketch plans.

Gas stations are no longer a permitted use within the CB and CMS Districts. Gas stations should be encouraged to relocate to other locations outside of the Main Street area. Pre-existing non-conforming gas stations seeking building permits or other such approvals should be required to comply with architectural and design standards established specifically for gas stations.

Residential/Office/Parking

The purpose of this district is primarily to allow parking as a principal use on a lot in order to support the development of the Central Business District. The district is located to the north and south of the Central Business District, extending from the District boundary to Church Street on the north and DeWindt Street on the south.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category~~. **The changes recommended for this district are to convert one parcel along Fishkill Avenue from RD-5 to the PB District and all or parts of eight parcels along the south side of South Street from R1-5 to PB to provide a transitional area between Main Street and the adjacent residential districts (see Figure 12-1).**

General Business

The General Business category occurs between Conklin Street and State Street on Fishkill Avenue. The General Business District allows a broad range business uses, including residential uses.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category~~. **The adjacent section of the HI rail right-of-way between Churchill Street and 850 feet north of Wolcott Avenue should be merged into the adjacent GB District (see Figure 12-1).**

Light Industry

Industrial areas are generally found on scattered sites along the Fishkill Creek, most commonly on the west side of the Creek. There is a light industrial area adjacent to the train station, which is the location of MTA's commuter parking lot and maintenance shed (within the former Dorel Hat Factory). Two large underutilized properties between Fishkill Avenue and Fishkill Creek on the north end of the City are available for future industrial uses. Although the City has lost many industrial businesses in the past, the remaining industries are important to the tax base of the City, and they provide an important source of employment for many residents.

Recommendations

The Plan proposes to revise the regulation of industrial areas so that all active industrial sites will be within a Light Industrial Zoning District tailored to fit the operational criteria of these existing businesses. It is recommended that the light industrial zone adjacent to the train station allow uses that are not discordant with the adjacent land uses proposed for the station area (WD District). This area should not allow auto body shops, repair shops, or adult uses. Alternatively, the City may consider rezoning the station area LI zone to LB, with the provision that retail be limited to accessory uses within 1,000 feet of the station platform so that stores and shops do not compete with other retail areas including Main Street.

Recreation/Open Space

This category includes areas of the City intended to remain green space, to continue recreational uses and to preserve important environmental or scenic features. This category includes public and privately owned lands that are used for active and passive recreational purposes.

This category has been expanded to include the waterfront lands along the Hudson including Scenic Hudson's Long Dock Park**. and an additional parcel at the north end of Madam Brett Park.**

Recommendation

This category has been expanded to include the waterfront lands along the Hudson including Scenic Hudson's Long Dock Park. It also includes the Beacon Line railroad right-of-way for future development of a greenway rail-to-trail route.

There are two pocket parks proposed for Main Street, as identified in Section 9. One potential location is at Veterans Place, and the other is at the Dutchess County offices at South Elm Street. The exact location of these parks will be determined by circumstances as they arise and future study. The provision of outdoor public space in the Main Street corridor should be coordinated with a detailed urban design plan for Main Street. The Main Street plan may involve multiple small parks or squares.

Some lands identified as Recreation/Open Space are privately owned. These lands, in particular the Southern Dutchess Country Club, should be maintained as Recreation/Open Space if possible. If this is not possible, these lands should be limited to the lowest residential densities in the City and conservation subdivisions should be generally required, as described in the Conservation Residential category, in order to preserve neighborhood character in the vicinity of these sites.

Future areas for open space preservation will be identified in an Open Space Plan.

Stream/Wetland Preservation

This category includes areas along the Fishkill Creek. The purpose of this category is to emphasize the objective of protecting this natural corridor for flora and fauna, for passive recreation for people, and for water quality purposes. Development within this area should minimize impact to the functional needs of the flora and fauna in this environment and should allow for the creation of a linear parkway along the Creek.

Section 12: Zoning and Implementation Plan

12.1. Zoning Recommendations

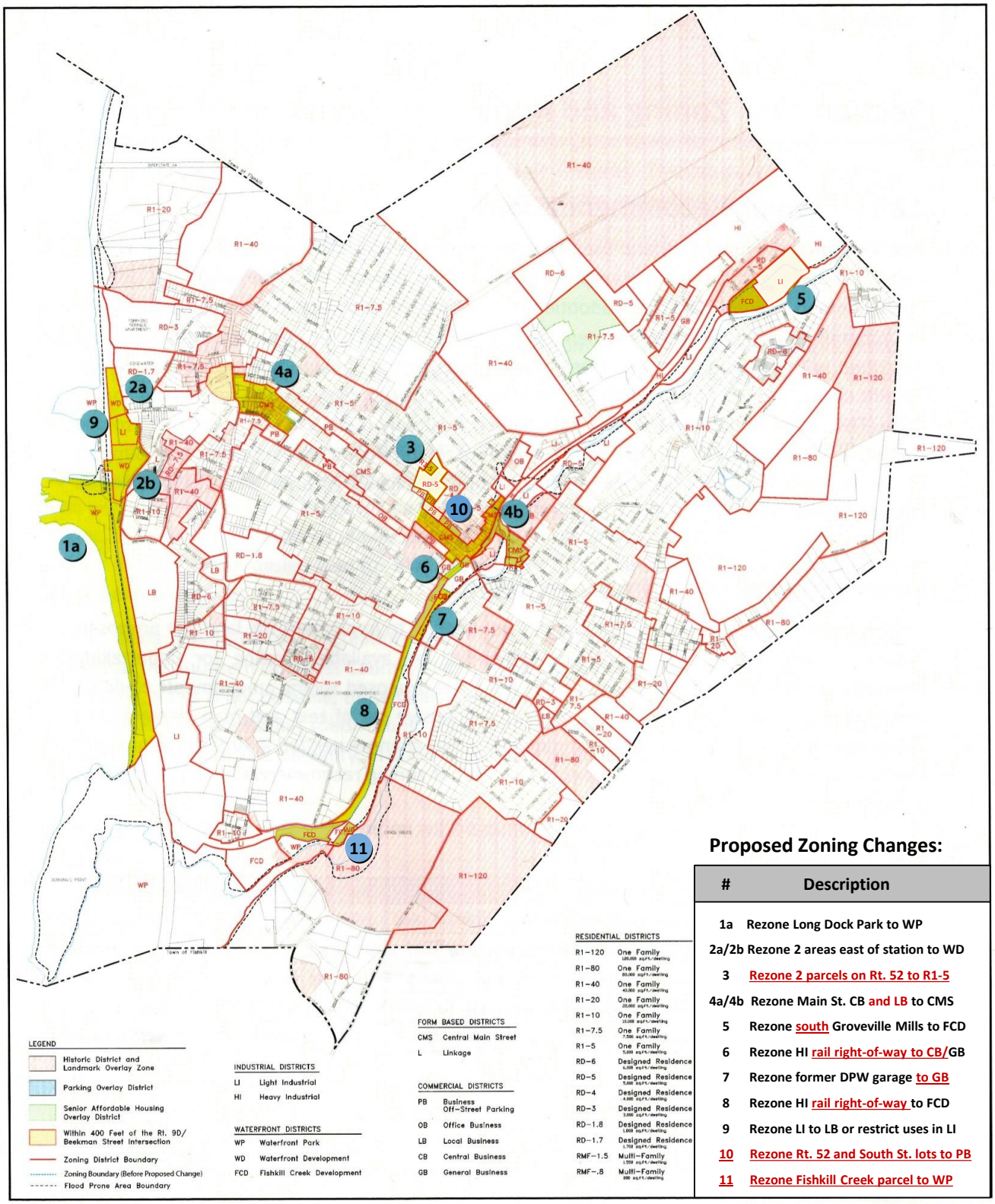
Based on the recommended land uses described above, this section provides a list of zoning recommendations that the City can pursue as it moves forward with implementation of the overall Comprehensive Plan. Upon adoption of this Plan, the City Council would be empowered to undertake specific zoning amendments to the City's Zoning Code in support of the land uses described in this Future Land Use Plan. Amendments to the Zoning Code would include site specific changes to the City's Official Zoning Map and corresponding text changes to the Zoning Code. The courts of the State of New York have consistently upheld the principle that "zoning should be based on a well-reasoned plan." Any future zoning amendments undertaken in support of this Plan are subject to the requirements of and compliance with the State Environmental Quality Review Act [6 NYCRR Part 617 (SEQR)].

Description of Proposed Zoning Recommendations

A series of zoning map and text amendments are needed to implement the land use proposals outlined in the Future Land Use Map. Depending on available funding for undertaking amendments to the Zoning Code and Zoning Map, the proposed zoning amendments could be undertaken in a series of steps or as one comprehensive set of text and map changes. The following presents a discussion of recommended zoning changes needed in order to implement the future land uses described in Section 11.1. A list of zoning recommendations is included in Table 12-1 and Figure 12 1.

Table 12-1: Proposed Zoning Changes

Area ID	Description	Existing Zoning	Proposed Zoning
1a	Rezone Long Dock Park to WP (see Section 10.0)	WD	WP
2a/2b	Rezone two areas east of station to WD (see Sec. 10.0)	WP, LB, LI	WD
3	Rezone two parcels on Rt. 52 to R1-5	RD-5	R1-5
4a/4b	Rezone Main Street CB and Fountain Square to CMS	CB, LB	CMS
5	Rezone southern Groveville Mills property to FCD	LI	FCD
6	Rezone section of HI rail right-of-way to CB and GB	LI	CB, GB
7	Rezone former DPW Garage to FCD	LI	FCD
8	Rezone section of HI rail right-of-way to FCD	HI	FCD
9	Rezone LI District to LB or restrict uses in LI	LI	LB or modified LI
10	Rezone parcels on Rt. 52 and South St. to PB	RD-5, R1-5	PB
11	Rezone parcel along Fishkill Creek to WP	FCD	WP



Proposed Zoning Changes:

#	Description
1a	Rezone Long Dock Park to WP
2a/2b	Rezone 2 areas east of station to WD
3	Rezone 2 parcels on Rt. 52 to R1-5
4a/4b	Rezone Main St. CB and LB to CMS
5	Rezone south Groveville Mills to FCD
6	Rezone HI rail right-of-way to CB/GB
7	Rezone former DPW garage to GB
8	Rezone HI rail right-of-way to FCD
9	Rezone LI to LB or restrict uses in LI
10	Rezone Rt. 52 and South St. lots to PB
11	Rezone Fishkill Creek parcel to WP

FIGURE 12-1: PROPOSED ZONING CHANGES

CITY OF BEACON COMPREHENSIVE PLAN UPDATE

BFJ Planning

Dutchess County Department of Planning and Development

Fax Info

To	Date 12/8/17	# pgs 4
Dept	From	
Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: City of Beacon

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

Tax Parcel Number(s): see attached

Project Name: Comprehensive Plan Amendments & Rezoning

Applicant: City Council

Address of Property:

Parcel(s) within 500 feet of:

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

Actions Requiring 239 Review

- ☑ Comprehensive/Master Plans
- ☐ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☑ Rezonings 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): Nov 20

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

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

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

Comments Attached:

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

Date Submitted: 11/6/17	Notes: revised zoning map materials received 12/8.	☐ Major Project
Date Received: 11/6/17		Referral #: 17-393
Date Requested: 11/20/17		
Date Required: ~~12/7/17~~	☐ Also mailed hard copy	Reviewer: Jennifer Howard
Date Response Faxed:		

Date required 12/8 per agreement.

Print Form Reset Form

MARCUS J. MOLINARO
COUNTY EXECUTIVE

EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

December 8, 2017

To: City Council, City of Beacon

Re: Referral ZR17-393, Local Laws Amending Comprehensive Plan Update, Zoning Map, CMS and FCD District Regulations

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

ACTION

The City Council proposes to amend the Comprehensive Plan, Zoning Map, and CMS and FCD district regulations to be consistent with the general recommendations of the 2017 Comprehensive Plan.

COMMENTS

The City's proposed changes to the Comprehensive Plan Update involve several parcel-based adjustments to Sections 11 (Future Land Use Plan) and Section 12 (Zoning Implementation Plan), as well as zoning text amendments. So that our records are up-to-date, we ask that the City forward any adopted changes to our department.

Fishkill Creek Development (FCD) District

We are pleased to see the regulations have been revised to eliminate the "double-approval" (Concept Plan and Special Permit) to only require a Concept Plan by the City Council for Fishkill Creek Development projects. Site plan approval would be necessary from the Planning Board. Given that the regulations incorporate numerous performance standards for Concept Plan approval and annotated illustrative examples of design standards, the City will have clear guidance to ensure new development is consistent with the Comprehensive Plan and the City's vision.

Regarding Section 223-41.14 Bulk Regulations, a proposed change would *mandate* 25% of the total development's floor area be dedicated to nonresidential uses. This could be substantial. This district is not along the central main street commercial corridor, but is instead, located in an area that the comprehensive plan has deemed "sensitive" as it lies adjacent to the Creek. As several other districts in areas closer to the central main street can be redeveloped with nonresidential uses, we suggest that the *mandate* of non-residential uses be removed. In addition, the residential density calculation is proposed to be revised to remove environmentally constrained land (slopes over 20%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland) from the density equation. We have not analyzed land in the proposed FCD to find out the development potential, however, given that the City has adopted design standards for the FCD, and those standards are mandatory, we would argue that as long as those standards are followed, the density calculation is irrelevant.

Section 223-41.13(I)(3)(b) Fishkill Creek Design standards states, "Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors." This subsection is confusing. Which historical patterns should be followed? What happens when a new building is located near an older 1-story building when a three-story historic building was taken down previously? We would support the redevelopment of Beacon's true historic past, and not the unfortunate period of urban renewal.

Regarding the rezoning of Parcel# 6055-04-535126; Beacon Hip Lofts: There is a discrepancy in the documents submitted for our review. The parcel is proposed to be changed from LI to FCD on the Zoning Map, but on the Comprehensive Plan amendment (5th paragraph) it states that the parcel is to remain in the LI.

Central Main Street (CMS) District

Section 223-41.18(B)(1)(b) is proposed to be modified to reduce the maximum possible height of a building. Under current regulations, it is possible to obtain a (partial) 5th story (which must be stepped back at least 15 feet behind the façade above the fourth story) for buildings on the north side of Main Street. In addition, this option included the provision that 15% of its residential units (and not less than 5 units) were to be designated as below-market rate housing and/or at least 15% of the street level lot area adjacent to Main Street is available for public use. The proposed amendment eliminates the possibility of a partial 5th floor and the associated requirement of affordable housing and/or provision for public space. We urge the Council to reconsider the elimination of this provision. The partial 5th story is not a *requirement*, a property owner must obtain a special use permit, and that can only be granted upon a finding by the Planning Board that there will be no detrimental effect on parking, traffic, shadows, or specific views. Allowing the provision may help in securing affordable units.

Section 223-41.18 (A)(1)&(2) restricts residential units from fronting Main and East Main Streets. We generally agree with this principle as breaks in storefronts (1st floor residential uses, parking lots, etc.) have negative impacts on commercial districts. However, we question whether it may be useful, in some instances, to permit some first floor residential uses if such occupancy results in the preservation of the structure. We would anticipate instances where building owners many need time to rehabilitate their structures and having income from first-floor residential units would help them achieve their goals.

Section 223-41.18(B)(1)(b) Regulations, refers to "specific views designated as important by the City Council." The comprehensive plan (page 106) and the LWRP (page 25) list these locations. These documents should be referenced in the code so that users can readily find them.

Comp Plan Amendment: Regarding Parcels# 6054-38-174726 (East Main Street) and 6054-38-167716 (5 Water Street), that are proposed to be rezoned from CB to CMS; we were unable to locate them using Parcel Access or the listed address.

The CMS District has reduced parking requirements, which we support. However, considering the proposed expansion of the district, we suggest the City proactively plan for strategically-located small municipal or shared lots in order to ensure the continued walkability of Beacon, with the provision of convenient parking.

Approved Projects

The proposed amendment does not address approved projects or projects under review with regard to potential map/text changes. We would anticipate that approved projects that have undergone public review would be allowed to proceed with construction.

Definitions

As always, we encourage municipal boards to review the list of definitions in their zoning code to make sure that they are up to date, and that definitions are provided for new uses listed. We note that "exercise studios" are being added to the list of allowed uses in the FCD district, but a corresponding definition is not proposed.

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. Cocozza
Deputy Commissioner

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
All application materials submitted by the Applicant, memoranda from City staff and consultants, agency and public comment, and testimony from meetings held on the application.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City Council of the City of Beacon as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon

Name of Lead Agency: City Council of the City of Beacon

Name of Responsible Officer in Lead Agency: Randy Casale

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency: Date: December 18, 2017

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Anthony Ruggiero

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: (845)838-5009

E-mail: Aruggiero@cityofbeacon.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

City of Beacon City Council
December 18, 2017
Proposed Action: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon

Full Environmental Assessment Form
Part 3- Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

This project will not result in a significant adverse impact on the environment. The proposed action involves amendments to the Comprehensive Plan, changes to the Zoning Map, and changes to the the Central Main Street (CMS) Zoning District and the Fishkill Creek Development (FCD) Zoning District.

A portion of the Metro-North Commuter Railroad right-of-way along Tioronda Avenue, tax parcel number 6054-37-096715, with the owner's address at 347 Madison Avenue, New York, NY 10017 is proposed to be changed from LI to FCD. The Comprehensive Plan Update recommended other sections of the Metro-North right-of-way just to the north be merged into the FCD district. This additional section of the track right-of-way will link two currently zoned FCD parcels to make a continuous FCD district. Because of the existing tracks and steep slopes on the parcel, the rezoning will not significantly affect any development potential.

A 1.3-acre parcel along the Fishkill Creek owned by the Scenic Hudson Land Trust, Inc. at 1 Civic Center Plaza, Poughkeepsie, NY 12601, tax parcel number 5954-16-910293, is proposed to be changed from FCD to Waterfront Park (WP) Zone. The parcel is contiguous with other properties zoned WP and is very near another Scenic Hudson parcel that is part of Madam Brett Park. The City Council proposes to extend the WP district to include this parcel because of its sensitive nature along the Fishkill Creek and proximity to the other Scenic Hudson-owned park parcels. Development is limited in the waterfront park zone to maintain, enhance and increase the levels and types of access to public water-related resources and facilities.

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

specific architectural and design standards to minimize the overall impacts a project may have on the surrounding neighborhood. These changes also control development to better protect environmentally sensitive areas.

The amendments to the Comprehensive Plan involve individual parcel zoning adjustments to the recommendations in Sections 11 and 12 of the Comprehensive Plan Update adopted April 3, 2017. The Comprehensive Plan Update recommended the extension of the CMS district north on Fishkill Avenue to Verplanck Avenue. However, under the proposed amendment to the Comprehensive Plan, the City Council does not want to permit commercial zoning on this block. By not allowing commercial expansion, the City hopes to protect the primarily residential buildings along this block. This change will result in far fewer impacts on the neighborhood. The amendments to the Comprehensive Plan specifically include deleting Sections 4.6, Change the zoning of areas on East and West Main Street to reflect density allowed in Central Main Street district, and 4.7, Extend Central Main Street District north along Route 9D to Verplanck Avenue. The amendments also require that the City create more specific architectural and design standards in the historic section of the Local Business District in the Fountain Square area on East Main Street by converting the area to the Central Main Street District and provides that four Fountain Square area parcels not located in the Historic District Overlay be changed from Local Business to the adjacent R1-5 district. The existing historic character of the neighborhood will be better protected by the architectural streetscape, and design standards not present in the current Local Business District. The modifications to the Comprehensive Plan are modest and reflect recent information and changes in the City. The City Council to a careful look at individual parcels to create the proposed amendment.

These proposed changes are consistent with the overall intent and general recommendations set forth in the 2017 Comprehensive Plan Update, but require the City Council to make specific adjustments to individual streets and parcels. Therefore, the City Council determines that the Proposed Action will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement is not required.

Draft: 12/18/17

LOCAL LAW NO. ____ OF 2017

CITY COUNCIL
CITY OF BEACON

LOCAL LAW AMENDING THE ZONING MAP OF THE CITY OF BEACON

A LOCAL LAW to amend the Zoning Map of the City of Beacon.

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

Section 1. Intent. The City Council believes that it is reasonable and appropriate to rezone certain areas in the central downtown business district and along Fishkill Creek in a manner that is not inconsistent with the City's Comprehensive Plan and provides for more efficient zoning boundaries. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

Section 2. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 1 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6054-30-142808	554 Main Street Beacon, NY 12508	Further Properties, LLC 544 Main Street Beacon NY 12508	R1-5 (rear portion of lot) CB (portion of lot fronting on Main Street)	CMS
6054-30-151814	2 Ackerman Street	Joseph Valentin 2 Ackerman Street Beacon NY 12508	CB	CMS

p/o 6054-37-096715 (See Fig. 1 - along east side of Main Street from Ackerman Street to Churchill Street)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	CMS

p/o 6054-30-168772 (See Fig. 1 - fronting on East Main Street)	8 East Main Street Beacon, NY 12508	10 Boulevard LLC 24 Woodbine Ave Northport, NY 11768	CB (west of Fishkill Creek) LB (east of Fishkill Creek)	CMS
6054-38-163747	15 East Main Street Beacon, NY 12508	Sharon Bronte 180 W. 58th Street New York, NY 10019	LB	CMS
6054-38-166745	17 East Main Street Beacon, NY 12508	Gwenno M. James 20 South Chestnut Street Beacon, NY 12508	LB	CMS
6054-38-167740	19 East Main Street Beacon, NY 12508	Charalambos Peratikos P.O. Box 16 Beacon, NY 12508	LB	CMS
6054-38-167735	25 East Main Street Beacon, NY 12508	Weber Projects II LLC 25 East Main Beacon, NY 12508	LB	CMS
6054-38-169731	27-31 East Main Street Beacon, NY 12508	Accord Realty & Development Inc. P.O. Box 269 Somers, NY 10589	LB	CMS
6054-38-170728	33 East Main Street Beacon, NY 12508	VBK Properties LLC 10 North Gate Road Carmel, NY 10512	LB	CMS

6054-38-174726	East Main Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	CMS
6054-38-170722	3 Water Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-167716	5 Water Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-181714	49 East Main Street Beacon, NY 12508	Sophia Stuart 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-180717	47 East Main Street Beacon, NY 12508	47 East Main Street LLC 47 East Main Street Beacon, NY 12508	LB	CMS
6054-38-190723	44 East Main Street Beacon, NY 12508	Echo Properties I LLC 1777 Route 6 Carmel, NY 10512	LB	R1-5
6054-38-188729	36 East Main Street Beacon, NY 12508	Larry Way 39 Van Buren Street Beacon, NY 12508	LB	CMS
6054-38-183732	28 East Main Street Beacon, NY 12508	Rafiq Ahmed 28 East Main Street Beacon, NY 12508	LB	CMS
6054-38-186736	5 Leonard Street Beacon, NY 12508	Brian Haight 5 Leonard Street Beacon, NY 12508	LB	CMS
6054-29-041858	183 Fishkill Avenue Beacon, NY 12508	Lucy M. Cullinan 183 Fishkill Avenue Beacon, NY 12508	RD-5	R1-5

6054-38-182748	20 East Main Street Beacon, NY 12508	Kurt L. and Donald P. McMillen 160 Chelsea Rd Wappingers Falls NY 12590	LB	CMS
6054-29-047864	189 Fishkill Avenue Beacon, NY 12508	Emily DeCordova 189 Fishkill Avenue Beacon, NY 12508	RD-5	R1-5
6054-29-042814	158 Fishkill Avenue Beacon, NY 12508	Rocky Harbor, LLC 20 Dallis Place Beacon, NY 12508	RD-5	PB
p/o 6054-29-056780 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon, NY 12508	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	R1-5	PB
6054-29-063780	48 South Street Beacon NY 12508	John WH Dacey Holly R Sumner 48 South Street Beacon, NY 12508	R1-5	PB
p/o 6054-29-062771 (See Fig. 1 - portion of lot fronting on South Street)	424-428 Main Street Beacon NY 12508	Beacon Main Real Estate Group 8 Bellford Ln Beacon NY 12508	R1-5	PB
p/o 6054-29-068768 (See Fig. 1 - portion of lot fronting on South Street)	432 Main Street Beacon NY 12508	Neil E Vaughn 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-075770	34 South Street Beacon NY 12508	Neil Vaughn Erika M Foy 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-079768	32 South Street Beacon NY 12508	Eric A. and Danielle F Brown 32 South Street Beacon NY 12508	R1-5	PB

6054-29-082764	28 South Street Beacon NY 12508	Norah Hart 305 Broadway New York NY 10007	R1-5	PB
p/o 6054-29-086757 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon NY 12508	Qualamar Corporation PO Box 4292 New Windsor NY 12553	R1-5	PB
5955-19-744005	1164 North Ave Beacon NY 12508	Clas Lindman 1164 North Ave Beacon NY 12508	CB	CMS
p/o 5954-26-744995 (See Fig. 1 - excludes portion of lot fronting on W. Church St.)	1158 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-748987	1156 North Ave Beacon NY 12508	Charles W Smith Jr 1156 North Ave Beacon NY 12508	CB	CMS
5954-26-740983	1154 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-747977	134 Main Street Beacon NY 12508	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-757980	142 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-761984	144-146 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-765978	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

5954-27-768976	150 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
p/o 5954-27-774986 (See Fig. 1 - excluding the portion of the lot fronting on West Church Street)	152 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-773975	Main Street	284 Main Street Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-777974	160 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-781973	162 Main Street	Hose Company LLC 162 Main St. Beacon, NY 12508	CB	CMS
5954-27-787978	7 Cross Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-788982	Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	CMS
5954-27-792985	9 Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	CMS
5954-27-793967	Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-798971	4 Cross Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

5954-27-802974	8 Cross Street	Jose R. Santiago Myriam Orrego 8 Cross Street Beacon NY 12508	CB	CMS
5954-27-799966	172 Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-805964	174-178 Main Street	7215-18th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
p/o 5954-27-813968 (See Fig. 1 - portion of lot fronting on Main Street)	180 Main Street	180 Main LLC 48 Angola Rd Cornwall NY 12518	CB	CMS
p/o 5954-27-813963 (See Fig. 1 - portion of lot fronting on Main Street)	182 Main Street	182 Main Street Beacon LLC 3169 Glendale Blvd Los Angeles CA 90039	CB	CMS
5954-27-811956	184 Main Street	Paul and Jennifer Yeaple 7 Mackin Avenue Beacon NY 12508	CB	CMS
5954-27-814954	186-190 Main Street	190 Main St Inc. PO Box 115 Lincolndale NY 10540	CB	CMS
5954-27-817951	192 Main Street	Landstar Properties LLC PO Box 321 Sparkill NY 10976	CB	CMS
p/o 5954-27-820961 (See Fig. 1 - southern half of lot nearest to Main Street)	5 Willow Street	Susan C. Battersby 1 Mountain Ln Beacon NY 12508	CB	CMS
5954-27-831951	6 Willow Street	Jonathan Halevah 6 Willow Street Beacon NY 12508	CB	CMS

5954-27-837945	5 Digger Phelps Ct	Richard F Benash Shelita Birchett 339 Roberts Ave Yonkers NY 10703	CB	CMS
5954-27-823922	217 Main Street	AMGC Corp 6405 Atlantic Ave Wildwood NJ 08260	CB	CMS
5954-27-821923	215 Main Street	Norbeh Hall Association Inc PO Box 149 Beacon NY 12508	CB	CMS
5954-27-819925	213-215 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS
5954-27-814929	201-211 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-809932	199 Main Street	Starlight Beacon West LLC 272 St. Johns Golf Dr St Augustine FL 32092	CB	CMS
5954-27-806934	193-195 Main Street	Lazarus Rising LLC 98 Smithtown Rd Fishkill NY 12524	CB	CMS
5954-27-805940	185 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-799935	6 Cliff Street	Willie L Reed Sr 6 Cliff Street Beacon NY 12508	CB	CMS
5954-27-797931	8 Cliff Street	Minerva Cabrera 8 Cliff Street Beacon NY 12508	CB	CMS

5954-27-790938	20 Commerce Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	CMS
5954-27-793942	5 Cliff Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	CMS
5954-27-798947	181-185 Main Street	Burrow 181 Main LLC 84 Bedford Street New York NY 10014	CB	CMS
5954-27-793946	179 Main Street	Coldfire Holdings LLC 219 Cedar Ln Ossining NY 10562	CB	CMS
5954-27-791947	177 Main Street	Frog Leap Inc 177 Main Street Beacon NY 12508	CB	CMS
5954-27-789948	175 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-786950	169-173 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-783953	167 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-782958	163-165 Main Street	Chase Property Mgmt LLC 110 Anderson Street Beacon NY 12508	CB	CMS
5954-27-778961	157-161 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS

5954-27-774961	153-155 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-776952	14 Commerce Street	Gerardo J Cervone 14 Commerce Street Beacon NY 12508	CB	CMS
5954-27-771961	Main Street	151 Main St LLC PO Box 910 Beacon NY 12508	CB	CMS
5954-27-768956	149 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-763957	145 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-758957	139 Main Street	Star of Bethlehem Baptist Church 139-141 Main Street Beacon NY 12508	CB	CMS
5954-27-757950	6 Commerce Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-753962	131-137 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749961	129 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749955	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

p/o 6054-29-026773 (See Fig. 1 – portion of lot fronting on Main Street)	423-425 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
p/o 6054-29-035764 (See Fig. 1 – portion of lot fronting on Main Street)	427 Main Street	Beacon Court Associates Inc. 427 Main Street Beacon NY 12508	CB	CMS
p/o 6054-29-041761 (See Fig. 1 – portion of lot fronting on Main Street)	433 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
p/o 6054-29-045758 (See Fig. 1 – portion of lot fronting on Main Street)	443 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
p/o 6054-29-055758 (See Fig. 1 – portion of lot fronting on Main Street)	445 Main Street	Beacon Main Street Theater LLC 484 Main Street Beacon NY 12508	CB	CMS
6054-29-059752	451 Main Street	Jon Car Inc. 451 Main Street B eacon NY 12508	CB	CMS
6054-37-061750	453 Main Street	Stuart and Donna Wilensky 14 Longview Ln Middletown NY 10941	CB	CMS
6054-37-063747	455-457 Main Street	Joseph and Nancy Condon 20 Grove Street Beacon NY 12508	CB	CMS
p/o 6054-37-062739 (See Fig. 1 – portion of lot fronting on Main Street)	25 Van Nydeck Ave	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-37-073725	5 Tioronda Ave	John J Goodall Jr Mary Goodal 5 Tioronda Avenue Beacon NY 12508	CB	CMS

6054-37-068743	463 Main Street	Paul Quealey Anthony Fox 15 Saddlerock Dr Poughkeepsie NY 12603	CB	CMS
6054-37-071741	465 Main Street	465 Beacon Associates LLC 465 Main Street Beacon NY 12508	CB	CMS
6054-37-075738	469 Main Street	David Rich Paulette Myers-Rich 138 Grand Street New York NY 10013	CB	CMS
6054-37-077735	473 Main Street	Thomas L. Watkins Jr Sherry A Watkins 473 Main Street Beacon NY 12508	CB	CMS
6054-37-076730	475 Main Street	475 Main Street Beacon LLC 101 Castletown St Pleasantville NY 10570	CB	CMS
6054-37-084730	477 Main Street	Howland Center 477 Main Street Beacon NY 12508	CB	CMS
6054-37-091722	483 Main Street	Spanish Pentecostal Church PO Box 491 Beacon NY 12508	CB	CMS
6054-37-113729	493 Main Street	Verdi Boy Realty Group LLC PO Box 203 Hopewell Junction NY 12533	CB	CMS
6054-29-030795	390 Main Street	Beacon United LLC 284 Main Street Beacon NY 12508	CB	CMS

6054-29-034792	396 Main Street	Un-Locked LLC 35 Rombout Ave Beacon NY 12508	CB	CMS
6054-29-036791	398 Main Street	Benjamin Roosa 398 Main Street Beacon NY 12508	CB	CMS
6054-29-039788	Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-044784	404 Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-048780	412 Main Street	Hardy Homes LLC 5 Wodenethe Dr S Beacon NY 12508	CB	CMS
p/o 6054-29-056780 (See Fig. 1 - portion fronting on Main Street)	Main Street	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	CB	CMS
6054-29-056774	418 Main Street	EB 1 LLC 418 Main Street Beacon NY 12508	CB	CMS
p/o 6054-29-062771 (See Fig. 1 - portion fronting on Main Street)	424-428 Main Street	Beacon Main Real Estate Group 8 Belford Ln Beacon NY 12508	CB	CMS
p/o 6054-29-068768 (See Fig. 1 – portion fronting on Main Street)	432 Main Street	Neil E Vaughn 432 Main Street Beacon NY 12508	CB	CMS
6054-29-069762	436 Main Street	436 LLC 32 Cedar Street Dobbs Ferry NY 10522	CB	CMS

6054-29-074760	440 Main Street	Daniel Frasco 440 Main Street PO Box 938 Beacon NY 12508	CB	CMS
6054-29-075757	444 Main Street	Amarcord Inc 162 Main Street Cold Spring NY 10516	CB	CMS
6054-29-078756	446 Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
p/o 6054-29-086757 (See Fig. 1 - portion fronting on Main Street)	Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
6054-37-084750	456 Main Street	456 Main LLC 450 Alton Rd Miami Beach FL 33139	CB	CMS
6054-37-085749	458 Main Street	7215-18th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-087747	460 Main Street	7215-18th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-089746	462 Main Street	7215-18th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-090745	464 Main Street	Melissa Badger 91 E 3rd Street New York NY 10003	CB	CMS
6054-37-092744	466 Main Street	Gritster LLC 466 Main Street Beacon NY 12508	CB	CMS

6054-37-094741	468-470 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-096740	472 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-097737	474-476 Main Street	474-476 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-37-100734	478-482 Main Street	Northview Restoration Corp 478 Main Street Beacon NY 12508	CB	CMS
6054-37-103737	484-488 Main Street	484 Main Street Realty 19 Garden Rd Harrison NY 10528	CB	CMS
6054-37-106741	490 Main Street	Matteawan On Main Inc 492 Main Street Beacon NY 12508	CB	CMS
6054-37-109744	498 Main Street	Rodney Weber 25 E Main Street Beacon NY 12508	CB	CMS
6054-37-117750	504 Main Street	500-504 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-29-121755	506-512 Main Street	Chestnut Management Inc PO Box 9136 Bardonia NY 10954	CB	CMS
6054-29-124758	516 Main Street	518 Main Street LLC 215 W 83rd Street New York NY 10024	CB	CMS

6054-30-130765	520 Main Street	Red Cardinal Holdings LLC 451 Main Street Beacon NY 12508	CB	CMS
6054-30-127768	5 North Street	Bankers Trust Co of CA, Trustee 252 Seventh Ave New York NY 10001	CB	CMS
6054-29-124770	9 North Street	Ralph Marinaccio III 816 Route 52 Fishkill NY 12524	CB	CMS
6054-30-131773	528-534 Main Street	534 Main Street LLC 534 Main Street Beacon NY 12508	CB	CMS
6054-30-132779	Main Street	536 Main Street LLC 206 Milton Tpke Milton NY 12547	CB	CMS
p/o 6054-30-129788 (See Fig. 1 - portion fronting on Main Street)	544 Main Street	544 Main Street LLC 215 W 83rd Street New York NY 10024	CB	CMS
6054-30-134791	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-30-136795	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS

Section 3. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 3 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6055-04-535128	Front Street Beacon, NY 12508	Beacon Hip Lofts LLC 16 Squadron Blvd. New City, NY 10956	LI	FCD
p/o 6054-37-096715 (See Fig. 3 - along east side of Tioronda Avenue between 850 feet north of Wolcott Ave and South Ave)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI, LI	FCD
5954-16-910293	Tioronda Ave Rear Beacon, NY 12508	Scenic Hudson Land Trust, Inc. 1 Civic Center Plz Poughkeepsie, NY 12601	FCD	WP

Section 4. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 2 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
p/o 6054-37-096715 (See Fig. 2 - from Churchill Street to 850 feet north of Wolcott Ave)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	GB
6054-37-037625	23-28 Creek Drive Beacon, NY 12508	City of Beacon 1 Municipal Plz. Beacon, NY 12508	LI	FCD
p/o 6054-37-077707	12 Tioronda Avenue Beacon, NY 12508	Jude Builders Inc. P.O. Box 69 Beacon, NY 12508	HI	GB

Section 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or

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

Section 6. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

Attachments: Figures 1, 2 and 3.

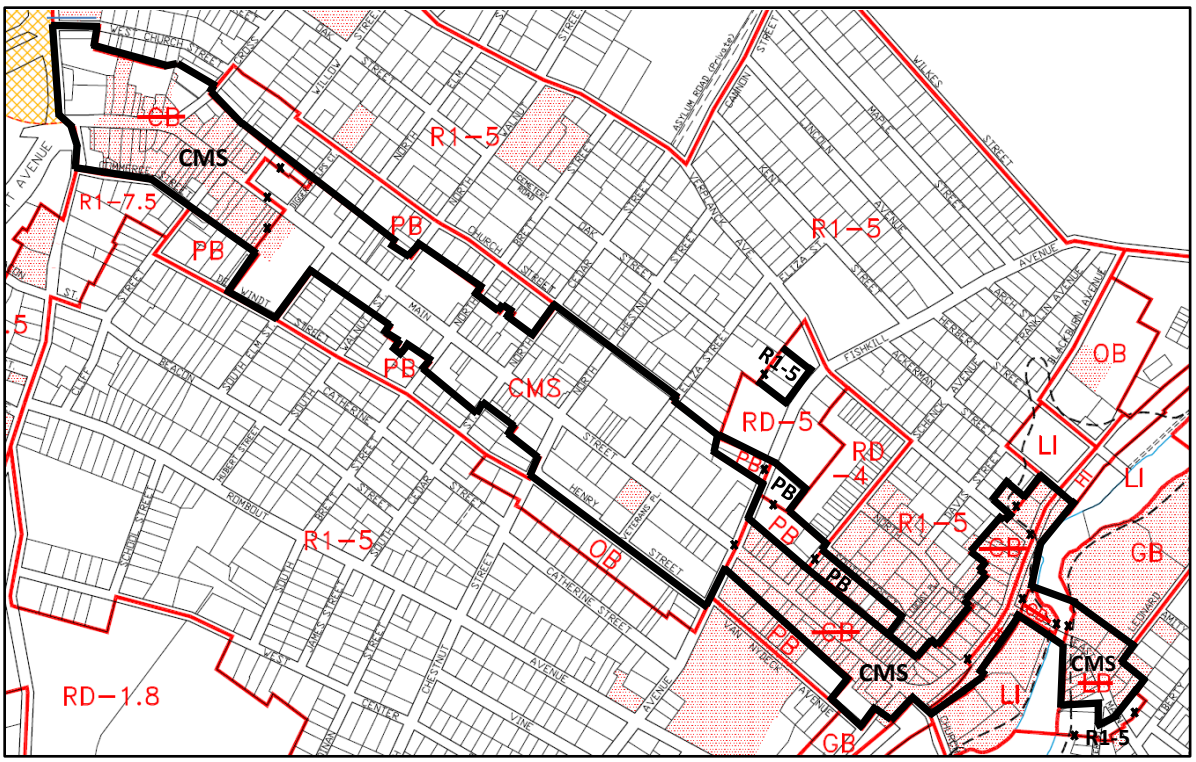


Figure 1: Central Main Street Area Proposed Map Changes

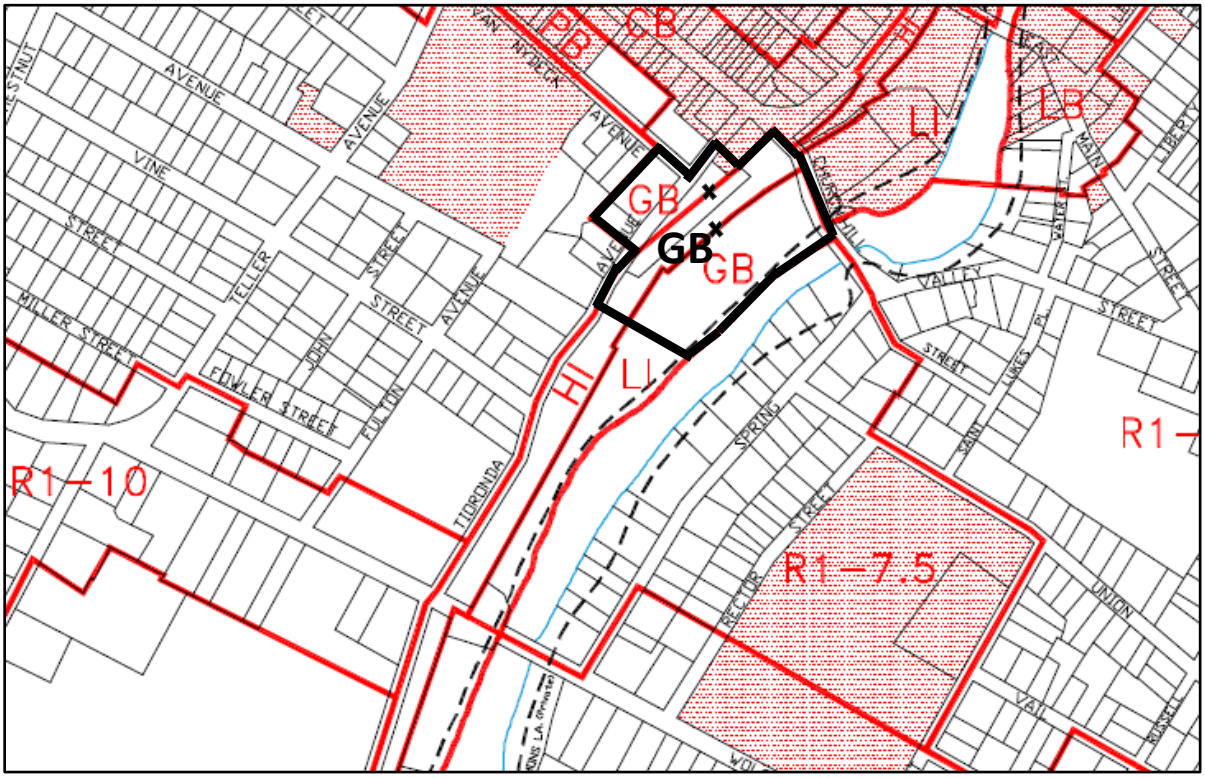


Figure 2: General Business Proposed Map Changes

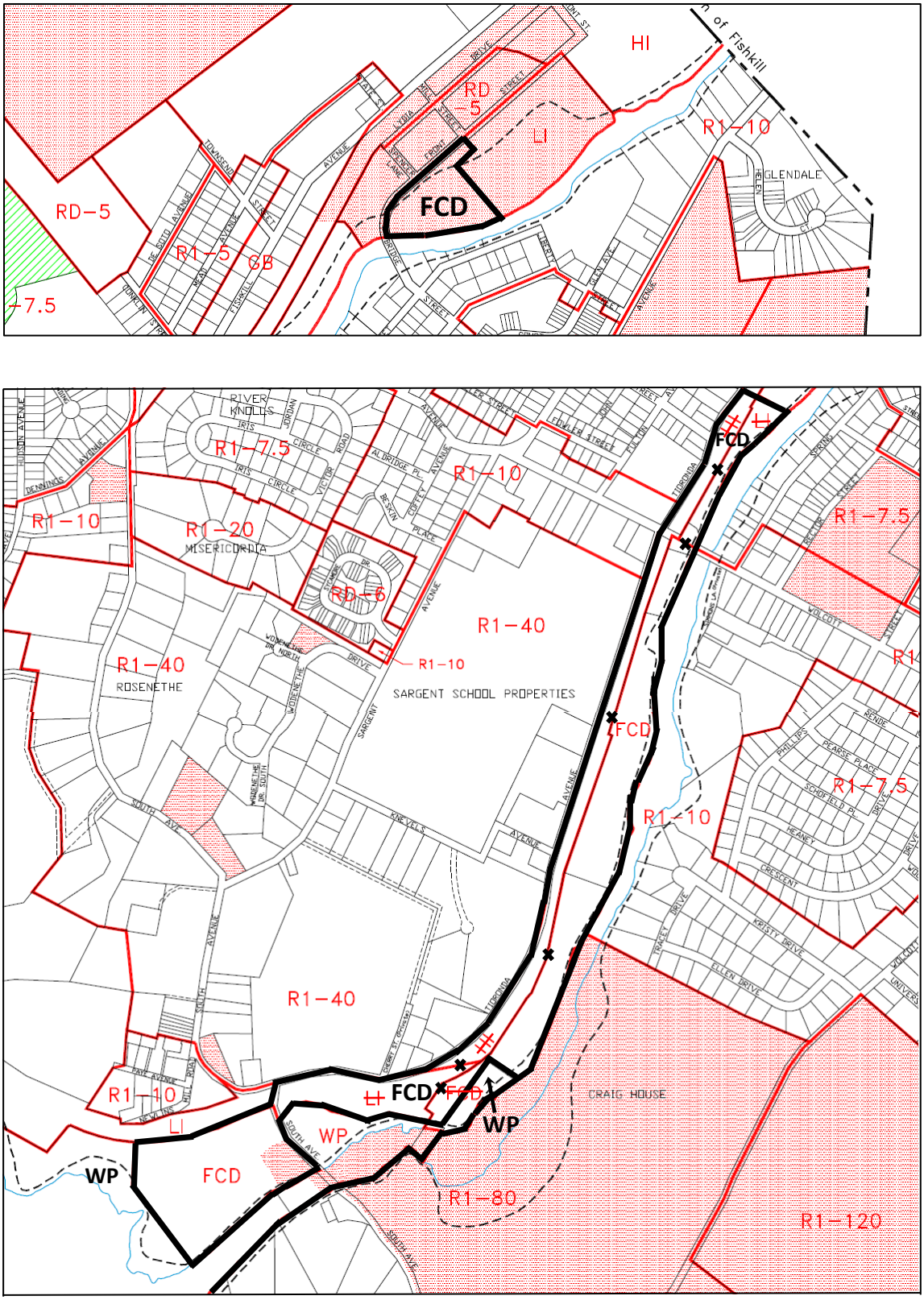


Figure 3: Fishkill Creek Development and Waterfront Park Proposed Map Changes

Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Sheers and Planning Board Members

RE: City Council request to review Comprehensive Plan Amendment, changes to the Zoning Map, and changes to the text of the CMS and FCD zoning districts

DATE: December 13, 2017

At the November 11, 2017 and December 12, 2017 Planning Board meetings, members reviewed amendments to the Comprehensive Plan, changes to the Zoning Map, and changes to the text of the CMS and FCD zoning districts as requested. A comprehensive review and lengthy discussion took place with the City Planner and City Attorney. Below please find the Board's comments and recommendations:

Residential versus Commercial Density:
It is becoming increasingly clear that developers when offered a choice between residential and commercial development will choose residential. To achieve a desirable balance between the two land uses, commercial development should be mandatory in the areas wherever it is being considered. The balance between the land uses has become skewed and we unanimously recommended that effort to create more commercial zoning to rebalance the city's land use. Parking for properties on Main Street really needs to be addressed in a manner that doesn't routinely require waiving of spaces by the planning board and/or variances by the ZBA. Again this was unanimous.

Building height on Main Street:
After a lot of discussion we recommend that the proposed CMS limit of three stories with a 4th story set back from the front (and from the back if facing a residential area) be established. A corresponding maximum height should be established at the same time. In the historic overlay district, the 4th floor should be by Special Permit only. Transition buffers between high story buildings zones and important shorter structures such as the Post Office, the Howland Cultural Center and buildings near Main Street such as the Madame Brett Homestead need to be established.

Approvals granted but with no construction started:
In the absence of a "grandfathering" clause in the proposed local laws, an applicant who has already received land use approvals would have to revise their plans and go through the entire approval process once again if their approved plans do not conform to the new zoning laws. After a lot of discussion we came to the conclusion that approved projects should be grandfathered as long as substantial construction begins within a year of the enactment of the new zoning laws. In a project with multiple phases only phase one need be started.

FCDD:
Site Plan Approvals in FCDD (page 7) says time limits "may be" established by the Planning Board for construction. We think that this should read "shall be established for construction by the Planning Board in consultation with the applicant". If no time limit is set no extensions would be required and an approval could go unbuilt for a very long time, then suddenly be built out to everyone's surprise and possible dismay. Extensions can be granted by the Planning Board if justified.

Comprehensive Plan
The Comprehensive Plan and Local Laws should agree and we recommend the proposed changes to make that happen.

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

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to adopt Local Law to Permit Food Trucks in the Linkage District by Special Permit

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to Adopt LL Food Trucks	Resolution

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND A LOCAL LAW TO AMEND CHAPTER 223 TO PERMIT RETAIL SALES FROM A TRUCK OR TRAILER IN THE LINKAGE ZONING DISTRICT BY SPECIAL PERMIT.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts a local law to amend Chapter 223 of the Code of the City of Beacon to permit retail sales from a truck or trailer in the Linkage Zoning District by special permit.

Resolution No. _____of 2018 Date: 2018

☐☐Amendments ☐ 2/3 Required

☐☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to Amend Chapter 223 of the Code of the City of Beacon concerning Medical Accessory Structures

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to Amend Ch 223_Medical Accessory	Resolution

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts a Local Law A LOCAL LAW to amend Chapter 223, concerning temporary medical service accessory structures.

Resolution No. _____of 2018 Date: 2018
☐☐Amendments ☐ 2/3 Required
☐☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to Amend Chapter 199 and add Article XII concerning the tax assessment of converted condominium units within the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to Adopt LL Condo Assessment	Resolution

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts a Local Law to amend Chapter 199 to add Article XII, concerning the tax assessment of converted condominium units within the City of Beacon.

Resolution No. _____of 2018 Date:_____2018

☐☐Amendments ☐ 2/3 Required

☐☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to schedule a public hearing for February 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to schedule public hearing_Tree Preservation	Cover Memo/Letter
Tree Preservation LL	Backup Material

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 5, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO ADD CHAPTER 202 TO THE CODE OF THE CITY OF BEACON AND AMEND CHAPTER 204 OF THE CODE OF THE CITY OF BEACON, CONCERNING TREE PRESERVATION AND REMOVAL

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby schedules a public hearing to receive public comment on a proposed Local Law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal.

Resolution No. _____of 2018 Date:_____2018

☐ ☐Amendments ☐ 2/3 Required

☐ ☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

Draft: 1/10/18

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

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

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

DRAFT

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

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

Chapter 202. Tree Preservation

§ 202-1. Purpose

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

§ 202-2. Applicability.

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

§ 202-3. Definitions.

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

APPLICANT

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

COMMUNITY TREE BANK

City-owned lands or City right-of-way lands to be designated by resolution of the City Council as receiver sites for off-site mitigation plantings to satisfy tree replacement requirements which cannot be met on-site.

DBH (DIAMETER AT BREAST HEIGHT)

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

DEAD TREE

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

TREE

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

TREE REMOVAL

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

TREE REMOVAL PERMIT

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

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

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

(1) Any tree eight inches or more in DBH.

(2) Any tree six inches or more in DBH growing on slopes of over 20%.

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(3) Any threatened or endangered species of tree, regardless of size, as defined by the New York State Department of Environmental Conservation.

(4) Three or more trees with a DBH of six inches or greater on a lot, within any twelve-month period.

B. Exceptions. Notwithstanding the foregoing, no permit shall be required for the removal of:

(1) The business and operation of commercial nurseries, fruit orchards, and tree farms.

(2) Removal of trees as part of an active agricultural activity on a lot located within a designated agricultural district.

(3) Removal of trees or any tree whose angle of growth makes then a hazard to structures, roads, or human life as determined by the Highway Superintendent, Building Inspector, City Engineer, or other duly authorized representative of the City.

(4) Removal of trees which appear to cause structural damage to buildings or foundations as determined by the Building Inspector, the City Engineer, or other duly authorized representative of the City.

(5) Removal of any tree under an actual or ongoing emergency condition when such tree removal is necessary for the protection and preservation of life or property.

(6) Permitted forest management activities on properties covered under § 480-a of the Real Property Tax Law.

(7) Trees directed to be removed by municipal, county, state, or federal authority pursuant to law.

C. The approving authority for all applications under this chapter shall be the Building Inspector. Where tree cutting or removal is proposed in connection with any site plan, subdivision approval, or special use permit approval submitted to the Planning Board, trees shall be cut or removed from the subject property only in conjunction with an approved final subdivision plat, final site plan, or final special use permit approval, in which case a separate tree removal permit shall not be required. The Planning Board shall consider the criteria listed in **§ 202-6.A** and may impose conditions as set forth in **§§ 206-6.B** and **202-9**.

D. The removal or pruning of trees in any highway, sidewalk or public place is not subject to the provisions of this chapter and shall be regulated in accordance with **§ 203-2**.

§ 202-6. Tree removal permit

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

(1) The continued presence of such tree or trees is likely to cause danger to persons or property upon the property for which removal is sought or upon adjoining or nearby property.

(2) The location of the designated tree or trees prevents compliance with state, county or local standards for sight lines, driveways or intersections.

(3) The location of the tree or trees prevents the property owner from undertaking otherwise approved construction or alteration because the location of the designated tree or trees substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the designated tree or trees; written explanation may be required describing how the designated tree or trees interferes with construction or alteration and why the construction or alteration cannot be modified reasonably to accommodate the designated tree or trees.

(4) The area where such tree or trees are located has a cut, depression, or fill of land, or the topography of the land is of such a character as to be injurious or dangerous to such tree or trees, or to tree or trees located nearby.

(5) The designated tree or trees, due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.

(6) The tree is dead, or so substantially diseased that it constitutes a danger to person, property or other trees.

(7) The removal of the tree is consistent with good silvicultural, horticultural or vegetation management and will not have an adverse visual or ecological impact.

B. The Building Inspector may, as a condition of granting a permit:

(1) Require the reasonable relocation of proposed foundation walls, driveways, grading, surface and subsurface improvements or drainage systems to preserve specific trees.

(2) Require that each tree to be cut or removed be marked at one point low enough on the trunk to be visible after removal of the tree so as to permit subsequent inspection. Notwithstanding the above, where the use of a sampling technique has been approved, trees less than 22 inches in diameter at breast height need not be marked.

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(3) Require such safeguards as appropriate to minimize the environmental impact of such removal operations.

(4) Require that the tree trunk, limbs, stump and any roots remaining above grade be removed to approximately two feet or less.

(5) Require that the disturbed area be backfilled, replanted and/or reseeded.

(6) Impose such additional conditions as the Building Inspector deems necessary to ensure compliance with the policies and provisions of this chapter.

§ 202-7. Permit application.

A. Any person proposing to conduct or cause to be conducted a regulated activity specified regulated by this Chapter shall file an application for a permit with the approving authority as hereinafter provided prior to undertaking such cutting or removal. Such application shall include the following information:

(1) The name and address of the applicant.

(2) The address and City Tax Map designation of the property on which the tree(s) is/are located.

(3) The number and size in DBH of trees to be cut or removed.

(4) The purpose of the tree removal.

(5) Methods of removal

(6) Color photographs or slides showing the areas and environment where trees are to be removed, with sufficient detail to identify the remaining trees in the area after work is completed.

(7) Application fee to be set in a fee schedule determined by the City Council, except when the applicant is the City of Beacon.

(8) A boundary and topographic survey may be required by the Building Inspector, if the Building Inspector, within his or her discretion, determines that the proposed tree removal is significant enough to have potential impacts on neighboring properties. The survey shall be prepared by a New York State-licensed professional land surveyor of that section to be disturbed, showing location of any water bodies, water courses, and site improvements as well as all trees six inches DBH or greater, indicating those trees to be cut or removed and those trees to be preserved, their species and their diameter. Trees shall have numbering and tagging. The numbering and tagging shall be both in the field as well as illustrated on the plan.

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§ 202-8. Inspection; Indemnification

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

§ 202-9. Tree replacement and reforestation.

A. The Building Inspector shall require the planting of a replacement tree or trees as prescribed in the following table.

Tree Replacement Schedule

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

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

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C. The type of replacement tree(s) shall be the same as the species, cut or removed from the site, if noninvasive, as approved by the Building Inspect. The Building Inspector may require the planting of other native species so as to promote plant diversity and enhance local habitats. All planting shall be done within one planting season.

D. The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods as retained by the applicant/developer. Said expert shall certify that the planting of the replacement trees was conducted in compliance with standards established by American Association of Nurseryman.

E. Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees by a person with horticultural training in tree care and planting methods as retained by the applicant/developer. If any of the replacement trees die within the one-year period from their planting, the developer/applicant shall replace the dead tree(s)

§ 202-10. Penalties for offense.

A. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this chapter or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this chapter shall be guilty of an offense punishable by a fine of not more than $350. Each tree cut or removed without a tree removal permit required by this chapter or in violation of any condition attached to a tree removal permit or otherwise in violation of this chapter shall constitute a separate offense subject to the $350 penalty. For a second and each subsequent violation within a one-year period, the violator shall be guilty of an offense punishable by a fine of not more than $1,000 or a term of imprisonment of not more than 15 days, or both.

B. Each violation of the provisions of this chapter shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, the court may order or direct a violator to replace any or all trees cut or removed illegally, with a size and type selected by the Building Inspector. The court shall specify a reasonable time for the completion of such restoration, which shall be effected under the supervision of the Building Inspector.

§ 202-11. Appeals.

A. Any applicant aggrieved or affected by the determination of the Building Inspector with respect to an application for a tree removal permit may, within 10 business days of such determination, appeal to the Zoning Board of Appeals, stating the reason for such appeal. The Zoning Board of Appeals shall conduct a public hearing on the appeal within 60 calendar days of receipt of such appeal and shall, based upon the standards contained herein and the facts of the matter, deny, grant or grant with conditions the permit being sought. Notice of said public hearing shall be provided by the applicant in accordance with **§ 223-61.3** of the City of Beacon Zoning Code. Upon appeal, the Building Inspector's approval shall be suspended.

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

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

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

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

§ 204-1. Definitions.

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

EXCAVATION or GRADING

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

~~**SLASHING OF TREES**~~

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

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

§ 204-2. Regulated activities, temporary permit.

On any lot, excavation, grading or removal of topsoil, clay, sand, gravel, rock or other earth materials; dumping~~,~~ and filling or depositing of such earth materials or fill of any kind~~; and slashing of trees~~ are activities regulated under this chapter and are permitted only under a temporary permit granted by the ~~City Engineer~~ Building Inspector under §§ **204-3** through

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204-9 or as one of the exemptions hereinafter specified. Within 20 days after the ~~City Engineer~~ Building Inspector has granted a temporary permit under this chapter, the City Council may, at its discretion, approve, modify and approve or disapprove the temporary permit. Any failure by the City Council to take action within said twenty-day period shall be deemed to be an approval by the City Council.

SECTION 5. Ratification, Readoption and Confirmation

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

SECTION 6. Severability

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

SECTION 7. Effective Date

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

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City of Beacon Council Agenda
1/16/2018

Title:

Resolution to schedule a public hearing for February 20, 2018 to receive public comment on a proposed local law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to schedule public hearing_FCDD	Resolution
LL FCD 2 acres	Local Law

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 20, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 223 OF THE CODE OF THE CITY OF BEACON CONCERNING THE FISHKILL CREEK DEVELOPMENT DISTRICT (FCDD)

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby schedules a public hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)

Resolution No. _____of 2018 Date:_____2018

☐ ☐Amendments ☐ 2/3 Required

☐ ☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

Draft: 1/10/18

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND CHAPTER 223, SECTION 41.14 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development (FCD) District.

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

SECTION 1. Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon is hereby amended as follows:

§ 223-41.15 Bulk Regulations

A. Minimum size of FCD site: ~~four~~ two acres. Notwithstanding the above, the owner of less than ~~four~~ two acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed Fishkill Creek development project.

SECTION 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 Section 41.14 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

SECTION 3. Severability

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

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

SECTION 4. Effective Date

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

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to schedule a public hearing for February 20, 2018 to receive public comment on a proposed local law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to schedule public hearing_public notice signs	Resolution
LL Sign Notice	Backup Material

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 20, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 223 OF THE CODE OF THE CITY OF BEACON CONCERNING PUBLIC NOTICE SIGNS

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby schedules a public hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning Public Notice Signs.

Resolution No. _____of 2018 Date:_____2018

☐ ☐Amendments ☐ 2/3 Required

☐ ☐Not on roll call. ☐ On roll call ☐ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

Draft: 1/10/18

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

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

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

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

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

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

A. The City shall submit a notice of public hearing ~~Notice of hearing shall be timely submitted~~ to the official City newspaper for publication ~~in said newspaper~~ at least five days before such hearing. ~~Prior to the public hearing, the applicant shall submit to the City a signed affidavit of publication setting forth the details of the publication, including the date of publication, name of the newspaper and a copy of the notice of hearing published.~~ The applicant shall reimburse the City for the cost of such publication.

B. Notice of hearing shall be sent by the applicant, by certified mail to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, to the adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected at least ten (10) days before the hearing. For purposes of notice, a property shall be deemed to have non-owner occupants when the primary owner mailing address on file with the City of Beacon Tax Assessor, is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the

public hearing, the applicant shall submit to the secretary of the applicable board ~~City~~ a signed affidavit of mailing setting forth details of the mailing, including date of mailing, names and addresses to whom the mailing was sent, a copy of the notice of hearing, and the certified mail receipts.

C. Public notice signs.

(1) The applicant shall post one notification sign on the subject property no later than fourteen (14) days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least fourteen (14) days prior to every public hearing which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.

(2) Such sign shall be at least three feet by four feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on both streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering with the heading at least five inches in height and the content at least two inches in height:

PUBLIC NOTICE

A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning Board of Appeals]

ON [insert date] AT [insert time] P.M.

AT THE CITY OF BEACON CITY HALL,
1 MUNICIPAL PLAZA, BEACON, NY

ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON BUILDING DEPARTMENT
(845) 838-5026

(3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.

(4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period

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

SECTION 2. Ratification, Readoption and Confirmation

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

SECTION 3. Severability

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

SECTION 4. Effective Date

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

City of Beacon Council Agenda
1/16/2018

Title:

Resolution appointing George Mansfield as Mayor's Designee for Acting Mayor

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to appoint acting mayor designee	Resolution

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO.____ OF 2018

RESOLUTION APPROVING THE MAYOR'S DESIGNATION OF GEORGE MANSFIELD AS ACTING MAYOR

BE IT RESOLVED, that pursuant to Section 3.5 of the Code of the City of Beacon, the City Council hereby approves the Mayor's designation of George Mansfield as Acting Mayor.

Resolution No. _____of 2018 Date:_____2018
□□Amendments □ 2/3 Required
□□Not on roll call. □ On roll call □ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution to appoint Ben Schulman and Nicole Wooten to the Conservation Advisory Committee

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to appoint BS and NW to CAC	Resolution

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO._____ OF 2018

RESOLUTION CONFIRMING THE APPOINTMENTS OF BEN SCHULMAN AND NICOLE WOOTEN TO THE CONSERVATION ADVISORY COMMITTEE

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the appointments of Ben Schulman and Nicole Wooten as members of the Conservation Advisory Committee for a two-year term ending 2020.

Resolution No. _____of 2018 Date: 2018
□□Amendments □ 2/3 Required
□□Not on roll call. □ On roll call □ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution granting extension of time to complete a house at Roseneth Estates LLC

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Roseneth Estates	Resolution

CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. ____ OF 2018

GRANTING EXTENSION OF TIME TO COMPLETE CONSTRUCTION OF A HOUSE AT THE ROSENETH ESTATES, LLC PROPERTY

WHEREAS, Roseneth Estates, LLC and Rodney Weber (collectively referred to as "Applicants") are the owner of certain real property formerly known as Roseneth Estates which was acquired by the City of Beacon pursuant to an In Rem tax foreclosure proceeding and thereafter sold and conveyed with certain conditions of sale set forth in the Quit Claim Deed; and

WHEREAS, Condition I(10) of the Conditions of Sale set forth in the Deed required the Applicants to submit a complete building permit application for a single family home within forty-five (45) days of the final subdivision approval and said building permit was issued on October 12, 2016; and

WHEREAS, Condition I(12) of the Conditions of Sale set forth in the Deed requires the Applicants to diligently pursue construction and obtain a Certificate of Occupancy for the dwelling within one (1) year of the date of issuance of the Building Permit, to wit October 12, 2017; and

WHEREAS, the Applicants submitted a request dated September 18, 2017 requesting the City Council grant a 180 day extension until April 12, 2018 for the Applicants to comply with Condition I(12) of the Conditions of Sale; and

WHEREAS, upon consideration, on October 2, 2017, the Council granted an extension to January 31, 2018 and while the Applicant has proceeded with construction in good faith, construction will not be complete until after January 31, 2018 and the Applicant has requested a further extension to April 2, 2018; and

WHEREAS, the City Council considered the Applicants' request at its January 9, 2018 work session.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon find that the Applicants have set forth a good faith reason for not being able to comply with Condition I(12) of the Conditions of Sale set forth in the Deed and hereby extends the

Applicants time to comply with said condition until April 2, 2018. All other Conditions of the Sale set forth in the Deed remain unaltered by this Resolution.

Resolution No. of 2018 Date: 2018							
□□Amendments						□ 2/3 Required	
□□Not on roll call.					□ On roll call	□ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J.					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution adopting a grievance procedure under the Americans with Disabilities Act

Subject:

Background:

ATTACHMENTS:

Description	Type
ADA Grievance Procedure	Backup Material
Resolution adopting ADA Grievance procedures	Resolution

City of Beacon
Grievance Procedure under
The Americans with Disabilities Act

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

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

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

Tim Dexter
ADA Coordinator and City Building Inspector
1 Municipal Plaza
Beacon, NY 12508
building@cityofbeacon.org
(845) 838-5020

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

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

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

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

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CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2018

RESOLUTION ADOPTING A GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

BE IT RESOLVED, the City of Beacon City Council hereby adopts the attached grievance procedure to be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the City of Beacon as more particularly detailed therein; and

BE IT FURTHER RESOLVED, the City Clerk is directed to provide a copy of this policy to all department heads and to provide a copy to the Recreation Department for posting, post a copy on the City's website and at the bulletin board in City Hall and to provide a copy to the ADA Coordinator.

Resolution No. _____of 2018 Date: 2018

□ □Amendments □ 2/3 Required

□ □Not on roll call. □ On roll call □ 3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
1/16/2018

Title:

Resolution for the Sale of Real Property

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution authorizing sale of property on Newlins Mills Road	Resolution
Newlins Mills Rd sale agreement	Backup Material
Newlins Mills Rd Neg Dec	Backup Material
Newlins Mills Rd EAF	Backup Material

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO._____ OF 2018

RESOLUTION AUTHORIZING SALE OF PROPERTY ADJACENT TO 11 PAYE STREET ON NEWLINS MILLS ROAD IN THE CITY OF BEACON

WHEREAS, there exists a certain tract or parcel of land located adjacent to 11 Paye Street on Newlins Mills Road (parcel identification grid number 130200-5954-16-752315) in the City of Beacon, Dutchess County, New York (the "**Property**"); and

WHEREAS, the Property was obtained by the City of Beacon (the "**City**") pursuant to a deed recorded at the Dutchess County Clerk's Office in accordance with the Decision and Order entered on February 6, 2017 by the Honorable Maria G. Rosa, J.S.C.; and

WHEREAS, the Property is not needed by the City for any municipal purpose; and

WHEREAS, the Beacon City Council (the "**City Council**") has the authority pursuant to General City Laws § 20 to sell and convey real property, when not needed for City purposes; and

WHEREAS, pursuant to Section 1.07 of the City Charter, the City Council may by resolution vote to sell City property upon such terms and conditions as the City Council may deem proper; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617 and upon review of the EAF and all other materials prepared for this unlisted action, hereby adopts the attached Negative Declaration; and

BE IT FURTHER RESOLVED, the City Council hereby declares that the Property is not needed for municipal purposes; and

BE IT FURTHER RESOLVED, the City Council approves of the sale of the Property to The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the certificate-holders of the CWABS, Inc., ASSET-BACKED CERTIFICATES, SERIES 2006-25, a corporation with offices located at 8742 Lucent Boulevard, Suite 300, Highlands Ranch, CO 80129 (the "**Purchaser**") for a sales price of Fifteen Thousand ($15,000) Dollars, all pursuant to a Quit Claim Deed to be delivered by the City to the Purchaser in accordance with the terms of the Purchase and Sale Agreement, subject to review and approval by the City Attorney; and

BE IT FURTHER RESOLVED, that the Mayor and/or City Administrator are authorized to sign any and all documents, necessary to effectuate the purpose of this Resolution.

Resolution No. _____ of 2018			Date: _____ 2018				
□ □ Amendments						□ 2/3 Required	
□ □ Not on roll call.			□ On roll call			□ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		John Rembert					
		Lee Kyriacou					
		George Mansfield					
		Jodi McCredo					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made this _____ day of January, 2018, by and between the CITY OF BEACON, a municipal corporation with its principal offices at One Municipal Plaza, Beacon, New York 12508 ("Seller" or "City"), and The Bank of New York Mellon FKA The Bank of New York, as Trustee for the certificate-holders of the CWABS, Inc., ASSET-BACKED CERTIFICATES, SERIES 2006-25, a _____ with offices located at 8742 Lucent Boulevard, Suite 300, Highlands Ranch, CO 80129 ("Purchaser").

Purchaser agrees to purchase and Seller agrees to sell the property described below on the following terms and conditions:

1) **PROPERTY DESCRIPTION**. The property which is the subject of this Agreement is the land, together with all buildings and improvements thereon, commonly known as the front yard piece of property adjacent to 11 Paye Street on Newlins Mills Road, Beacon, New York and referred to as Parcel Grid Identification #130200-5954-16-752315, and as more particularly described in "Schedule A" annexed hereto and made a part hereof (the "Property").

2) **PRICE: AMOUNT AND HOW IT WILL BE PAID**. The purchase price for the Property shall be Fifteen Thousand and 00/100 Dollars ($15,000.00) (the "Purchase Price"). At the time of Closing, Purchaser shall pay to Seller Fifteen Thousand Five Hundred and 00/100 Dollars ($15,000.00) by cash, official bank check or wire transfer of immediately available funds.

3) **CLOSING DATE**: The settlement of the obligations of Seller and Purchaser to each other under this Agreement, including transfer of title and payment of the Purchase Price (the "Closing"), shall be completed at the offices of Keane & Beane, P.C., 200 Westage Business Ctr., Ste. 120, Fishkill, New York sixty (60) days from the date hereof (the "Closing Date"). The Seller and Purchaser also have the option to conduct the Closing in escrow.

4) **PERMITTED EXCEPTIONS**. The Property is sold and shall be conveyed subject to the following (collectively, the "Permitted Exceptions"):

(a) Zoning and subdivision laws and regulations, and landmark historic or wetlands designation, provided that they are not violated by the existing buildings and improvements erected on the Property or their use;

(b) Real estate taxes that are a lien, but are not yet due and payable;

(c) Any and all state of facts, easements and legends shown on any filed map which an accurate survey of the Property would disclose, provided the same do not render title to the Property uninsurable and/or unmarketable.

(d) Any and all recorded covenants, restrictions, easements, reservations, limitations, burdens, conditions and rights-of-way encumbering the Property, provided the same (i) do not render title to the Property uninsurable and/or unmarketable, (ii) are not violated by existing improvements and/or uses on the Property, (iii) do not contain any outstanding options or purchase rights, or require any affirmative acts or monetary payments, and (iv) do not contain any provision whereby a future violation will result in a forfeiture or reversion of title.

(e) De minimis encroachments of retaining walls, hedges and fences, and variations between record lines and retaining walls, hedges and fences.

5) **PURCHASER'S POSSESSION OF PROPERTY**. Purchaser shall have possession of the Property from and after the Closing Date.

6) **INTENTIONALLY OMITTED.**

7) **CONDITIONS TO CLOSING**. (a) This Agreement and Purchaser's obligation to purchase the Property are subject to and conditioned upon the fulfillment of the following conditions precedent:

i. The delivery by Seller to Purchaser of a quit claim deed.

ii. The delivery by Seller to Purchaser of Seller's executed counterparts of all real estate transfer tax documents required in connection with the transfer contemplated herein (the "Transfer Tax Documents").

iii. The delivery by Seller to Purchaser of evidence reasonably satisfactory to Purchaser's title company that Seller has the legal power, right and authority to consummate the sale of the Property.

iv. The delivery by Seller to Purchaser of the Property and all buildings and improvements comprising a part thereof, and all keys in the possession of the Seller to locks located on the Property.

v. The accuracy, as of the Closing Date, of the representations, warranties and covenants of Seller made in this Agreement.

vi. The delivery by Seller of any other affidavits or documents required as a condition of recording the deed.

vii. The execution and filing of a tax lot merger form (a copy of which is annexed hereto as Schedule B) in order to merge the Premises with the main parcel.

(b) This Agreement and Seller's obligation to purchase the Property are subject to and conditioned upon the fulfillment of the following conditions precedent:

i. The delivery by Purchaser to Seller of the payment of the Purchase Price payable at Closing.

ii. The due execution and delivery of the Transfer Tax Documents and the cooperation with Seller in causing all returns and checks in payment of such taxers to be delivered pursuant to paragraph 10, herein.

8) **INSURABLE TITLE.** If, for any reason, marketable and insurable title cannot be delivered by Closing, because of certain defects against the title then held by the Seller, the Seller reserves the right to extend the date of the Closing for a reasonable time, not to exceed ninety (90) days, so that such defects may be removed. In case such defects cannot be removed within a reasonable time, the Purchaser or the Seller shall have the option of canceling this Agreement. In the event the Seller cannot convey a marketable and insurable title to the Property, and the Purchaser or the Seller exercises its option to cancel this Agreement by providing written notice to the Seller and/or Purchaser, the Seller shall return all monies paid by the Purchaser to the Seller on account of this Agreement. After the Seller returns said monies, the parties to this Agreement shall have no further obligation to one another with respect to this Agreement.

9) **OBJECTIONS TO TITLE.** If Purchaser raises a valid written objection to the insurability of Seller's title, Seller may but shall be under no obligation (with the exception of a defect which can be cured by the payment of a fixed sum of money, such as but not limited to judgments, mortgages, tax liens or mechanics liens) to cure the defect to Purchaser's satisfaction as a precondition to Purchaser's performance under this Agreement. If Seller elects to cure a nonmonetary defect Seller shall be entitled to a reasonable adjournment of the Closing Date set forth herein, whereupon Seller shall have until such new Closing Date to dispose of any such objections, at no cost or expense to the Purchaser. Any attempt by the Seller to cure an objection shall not be construed as an admission by Seller that such objection is one that will give the Purchaser the right to cancel this Agreement. Purchaser retains the right to: (i) close as set forth herein in the event Seller is unable

to cure any written objection, or (ii) elect to terminate this Agreement in the event Seller is unable or unwilling to cure said defect.

10) **RECORDING COSTS, MORTGAGE TAX, TRANSFER TAX AND CLOSING ADJUSTMENTS.** Purchaser will pay for the continuation of all tax, title, and searches to and including the time of Closing, and, pursuant to New York State Tax Law §1405 for any real property transfer taxes. Purchaser will pay mortgage assumption charges, if any, and will pay for recording the deed and mortgage recording tax, if any. Rent payments, if any, fuel oil on the Property, if any, water charges, sewer charges, current common charges or assessments, if any, and current taxes computed on a fiscal year basis, excluding any delinquent items, interest and penalties, will be prorated and adjusted between Seller and Purchaser as of the Closing Date.

11) **RISK OF LOSS.** Risk of loss or damage to the Property by fire or other casualty until the transfer of title shall be assumed by the Seller. If material damage to the Property by fire or such other casualty occurs prior to transfer, Purchaser may cancel this Agreement without any further liability to Seller. If Purchaser does not cancel but elects to close, then Seller shall transfer to Purchaser any insurance proceeds, or Seller's claim to insurance proceeds payable for such damage.

12) **CONDITION OF PROPERTY.** Purchaser acknowledges and represents that Purchaser is fully aware of the physical condition and state of repair of the Property and of all other property included in this sale, based on Purchaser's own inspection and investigation thereof, and that Purchaser is entering into this Agreement based solely upon such inspection and investigation and not upon any information, data, statements or representations, written or oral, as to the physical condition, state of repair, use, cost of operation or any other matter related to the Property or the other property included in the sale, given or made by Seller or its representatives unless expressly stated in this Agreement, and shall accept the same "as is" in their present condition and state of repair and environmental condition, subject to reasonable use, wear, tear and natural deterioration between the date hereof and the date of Closing, without any reduction in the purchase price or claim of any kind for any change in such condition by reason thereof subsequent to the date of this Agreement. Purchaser and its authorized representatives shall have the right, at reasonable times and upon reasonable notice (by telephone or otherwise) to Seller, to inspect the Property before Closing.

13) **SELLER'S REPRESENTATIONS, WARRANTIES AND COVENANTS.** Seller represents, warrants and covenants to Purchaser, based on the actual knowledge of the Seller as of the date hereof, as follows:

(a) Requisite Action. Seller is the sole owner of the Property and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this Agreement. Without limiting the generality of the

foregoing, Seller has obtained all requisite consents necessary to enter into this Agreement and to consummate the transactions contemplated hereby.

(b) Validity. This Agreement and all documents required hereby to be executed by Seller are and shall be valid, legally binding obligations of and enforceable against Seller in accordance with their terms, except to the extent that enforceability thereof may be subject to applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting the enforcement of contracts and creditor's rights generally and to general principles of equity.

(c) Conflicts. Neither the execution and delivery of this Agreement and documents referenced herein, nor the incurrence of the obligations set forth herein, nor the consummation of the transactions herein contemplated, nor referenced herein, conflict with or result in the material breach of any terms, conditions or provisions of or constitute a default under, any bond, note or other evidence of indebtedness or any contract or lease to which Seller is a party.

(d) The Seller is not liable, or bound in any matter, by express or implied warranties, guaranties, promises, statements or representations pertaining to the Property, the condition thereof or any other matter whatsoever, made or furnished by any real estate broker, agent, employee, servant or other person representing or purporting to represent Seller, unless such warranties, guaranties, promises, statements or representations are expressly or specifically set forth herein.

14) **DEFAULTS AND REMEDIES**. If Purchaser defaults hereunder, Seller's sole remedy shall be to receive and retain One Thousand Five Hundred and 00/100 (1,500.00) as liquidated damages ("Liquidated Damages Sum"), it being agreed that Seller's damages in case of Purchaser's default might be impossible to ascertain and that the Liquidated Damages Sum constitutes a fair and reasonable amount of damages under the circumstances and is not a penalty. If Seller defaults hereunder, Purchaser's sole remedy be the specific performance of the Property in a court of competent jurisdiction.

15) **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY**. If more than one person signs this Agreement as Purchaser, each person shall be responsible for keeping the promises made by Purchaser in this Agreement. This Agreement may not be assigned by Purchaser and any purported assignment of this Agreement by Purchaser shall be void ab initio.

16) **ENTIRE AGREEMENT**. This Agreement when signed by both Purchaser and Seller will be the record of the complete Agreement between the Purchaser and Seller concerning the purchase and sale of the Property. No verbal

agreements or promises will be binding.

17) **FURTHER DOCUMENTS.** Each party to this Agreement agrees to execute, acknowledge and deliver or cause to be delivered, such other deeds, assignments, affidavits, certificates and other instruments and documents as may be reasonably necessary and required by the other party from time to time to confirm and carry out the intent and purpose of this Agreement and the performance of each party's obligations under the terms of this Agreement, in such form as shall be reasonably satisfactory to counsel for both parties.

18) **HEADINGS.** Headings in this Agreement are for convenience of reference only and in no way define, limit or describe the scope of this Agreement and shall not be used to interpret or construe this Agreement or any of its provisions.

19) **NO THIRD PARTY BENEFICIARIES.** This Agreement is intended for the exclusive benefit of the parties hereto and shall not be for the benefit of, and shall not create any rights in, or be enforceable by, any other person or entity.

20) **INTEGRATION**. All prior understandings, agreements, representations and warranties, oral or written, between Purchaser and Seller are merged in this Agreement which Agreement completely expresses their full agreement and has been entered into after full investigation, neither party relying upon any statement made by anyone else that is not set forth in this Agreement.

21) **INTERPRETATION**. This Agreement shall be interpreted and construed according to its fair meaning and neither for nor against any party hereto irrespective of which party caused the same to be drafted. Each of the parties acknowledges that it has been or has had the opportunity to be represented by an attorney in connection with the preparation and execution of this Agreement.

22) **GOVERNING LAW; VENUE**. This Agreement shall be interpreted, construed and enforced in accordance with and governed by the internal laws of the State of New York without reference to the principles of conflicts of laws. Each party hereby irrevocably consents to the exclusive jurisdiction of the courts of the County of Dutchess and State of New York for all purposes in connection with any action, suit or proceeding which arises out of or relates to this Agreement. To the fullest extent it may effectively do so under applicable law, each party hereby irrevocably waives and agrees not to assert, by way of motion, as a defense or otherwise, any claim that it is not subject to the jurisdiction of any such court, any objection which it may now or hereafter have to the laying of the venue of any such action, suit or proceeding brought in any such court and any claim that any such action, suit or proceeding brought in any such court has been brought in an inconvenient forum.

23) **AMENDMENTS.** This Agreement may not be modified, amended or terminated nor may any of its provisions be waived except by an agreement in writing signed by the party against whom enforcement of any such modification, amendment, termination or waiver is sought, and then such modification, amendment, termination or waiver shall be effective only in the specific instance and for the specific purpose for which given.

24) **FURTHER ASSURANCES**. Each party hereto shall, at any time and from time to time, execute, acknowledge where appropriate and deliver such further instruments and documents and take such other action as may be reasonably requested by the other party in order to carry out the intent and purpose of this Agreement. This Paragraph 24 shall survive the Closing under this Agreement.

25) **SUCCESSORS AND ASSIGNS.** Subject to the terms and conditions hereof, the covenants, agreements, terms, provisions and conditions contained in this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective distributees, legal representatives, successors and assigns.

26) **COUNTERPARTS**. This Agreement may be executed by the parties individually in several separate counterparts, each of which shall be deemed an original, and all of the said counterparts taken together shall be deemed to constitute one and the same instrument. This Agreement is intended to be enforceable when executed and delivered by facsimile or by e-mail.

27) **SEVERABILITY**. If any term, covenant or condition of this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforced to the extent permitted by the law.

28) **NOTICES**. Any notice given hereunder shall be in writing and shall be served in person, via facsimile (subject to printout of confirmation of receipt), via email, by nationally recognized overnight express delivery service, or by United States certified mail, with postage prepaid, properly addressed and directed to a party's attorney at the following address:

If to Seller:

Nicholas M. Ward-Willis, Esq.

Keane & Beane, P.C.
445 Hamilton Avenue
Suite 1500
White Plains, New York 10601

If to Purchaser:

William Knox, Esq.
Rosicki, Rosicki & Associates, P.C.
51 East Bethpage Road
Plainview, New York 11803

29) **BROKER**. Seller and Purchaser each represents and warrants to the other that it has not dealt with any real estate broker in connection with this sale. Seller and Purchaser shall indemnify and defend each other against any costs, claims and expenses, including reasonable attorneys' fees, arising out of the breach of their respective parts of any representation or agreement contained in this Paragraph 29. The provisions of this Paragraph 29 shall survive Closing or, if Closing does not occur, the termination of this Agreement.

30) Purchaser and Seller expressly authorize their respective attorneys to act on their behalf and bind the respective parties to any stipulations as to extensions, adjournments or changes in any time periods in this Agreement, including, but not limited to, the Closing Date.

31) Neither this Agreement nor a memorandum thereof may be recorded by Purchaser. Breach of this provision by Purchaser shall constitute a default hereunder.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, each of the parties hereto has caused its duly authorized representative to execute this Agreement as of the date first above set forth.

CITY OF BEACON

_____

By: Anthony Ruggiero
Title: City Administrator

_____

By:
Title:

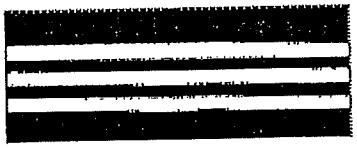
ESCROWEE:

Keane & Beane, P.C.

_____

By: Nicholas M. Ward-Willis, Esq.

Schedule A – Property Description



Dutchess County Clerk Recording Page

Record & Return To:

KEANE & BEANE PC
445 HAMILTON AVENUE
15TH FLOOR
WHITE PLAINS, NY 10601

Date Recorded: 3/31/2017
Time Recorded: 12:03 PM

Document #: 02 2017 2291

Received From: KEANE & BEANE PC

Grantor: BEACON CITY ADMIN
Grantee: BEACON CITY

Recorded In: Deed
Instrument Type:

Tax District: City of Beacon

Examined and Charged As Follows:

Recording Charge:	$315.00
Transfer Tax Amount:	$0.00
Includes Mansion Tax:	$0.00
Transfer Tax Number:	5540

Red Hook Transfer Tax:

RP5217: Y
TP-584: Y

Number of Pages: 4

***** Do Not Detach This Page**
***** This is Not A Bill**

County Clerk By: cca
Receipt #: 10492
Batch Record: 63

Bradford Kendall
County Clerk

0220172291

C/B 405 255 315

QUITCLAIM DEED

(INDIVIDUAL OR CORPORATION)
FORM 8009

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 31st day of March, 2017

between

ANTHONY RUGGIERO, City Administrator of the City of Beacon, a Municipal Corporation, having its offices at One Municipal Plaza, Suite One, Beacon, New York 12508

party of the first part, and

CITY OF BEACON, a Municipal Corporation, having its offices at One Municipal Plaza, Suite One, Beacon, New York 12508

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten dollars (10.00), lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, more particularly described in Schedule "A" attached hereto.

BEING the same premises conveyed to Jason D. Boyles and Jennette Roof-Boyles a/k/a Jennette Boyles by deed dated February 13, 2004 and recorded on February 25, 2004 as Document No. 02-2004-3272 in the office of the Dutchess County Clerk.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises, *TO HAVE AND TO HOLD* the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

This Quitclaim deed is executed and conveyed in accordance with a Decision and Judgment of the Honorable Maria G. Rosa, J.S.C. dated the 30th day of January, 2017 and entered on the 6th day of February, 2017.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

CITY OF BEACON

By: Anthony Ruggiero
Title: City Administrator

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

On the 31 day of March, 2017, before me, the undersigned, personally appeared ANTHONY RUGGIERO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

LENNY AMODEO
Notary Public, State of New York
No. 01AM5000799
Qualified in Putnam County
Commission Expires Aug. 24, 2018

Quitclaim Deed

Grid No: 5954-16-752315

Return By Mail To:

Nicholas M. Ward-Willis, Esq.
Keane & Beane, P.C.
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601

SCHEDULE "A"

ALL that certain plot, piece of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING at a point in the Westerly line of Newlins Mill Road said point being the Southerly corner of lands formerly of the Tioronda School property and running thence with lands formerly of the Tioronda School North 62 degrees 34' 00" West 46.3 feet (46.32 per survey);

Running thence South 26 degrees 35' 00" West 24.33 feet;
RUNNING THENCE South 63 degrees 55' 00" East 2 feet;

RUNNING THENCE South 26 degrees 5' 00" West 41.5 feet;

RUNNING THENCE North 63 degrees 53' 00" West 86.76 feet;

RUNNING THENCE with lands formerly of Forster South 24 degrees 14' 00" West 34 feet (34.13 feet per survey);

RUNNING THENCE with other lands now or formerly of Jadick South 63 degrees 10' 00" East 133.43 feet;

RUNNING THENCE with the Westerly line of Newlins Mill Road North 24 degrees 14' 00" East 100.46 feet to the place of BEGINNING.

Schedule B – Tax Lot Merger Form

Parcel Merge (Combination) Request

Date:_____

Real Property Tax Service Agency
County Office Building
22 Market Street
Poughkeepsie, NY 12601

I request that the following adjoining parcels be merged (combined) into one tax parcel

Town of _____County of Dutchess.

Parcel ID Numbers _____

_____

_____

_____

I understand that all outstanding taxes levied against the property must be paid on each parcel before the parcels can be combined; **proof of which must accompany this request,** as tax certification and/or receipt from local tax collector. Failure to provide this proof of payment of taxes will result in parcels not being merged.

Owner Name_____

Signature _____

Assessor's Approval: I approve the merging of the above parcels into a single tax parcel.

_____
Assessor

_____
Town/City/Village

Office use only:

Tax map changed
____/____/_____ by _____

Notes:

1. Local planning board approval *may* be necessary to regain original lot configuration.
2. A new grid number may be assigned to the newly established parcel.
3. Abandonment of a subdivision may be required.
4. Other restrictions may impact this request.

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: _____ **Date: January , 2018**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Beacon City Council, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sale of vacant residential land located adjacent to 11 Paye Street on Newlins Mills Road, Beacon, New York

SEQR Status: Type I _____

Unlisted X

Conditioned Negative Declaration: Yes _____

No X

Description of Action:
Sale of vacant residential land located adjacent to 11 Paye Street on Newlins Mills Road, Beacon, New York.

Location: Land located adjacent to 11 Paye Street on Newlins Mills Road, Beacon, New York.

Reasons Supporting This Determination:

COULD THE PROPOSED ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? **The proposed action will not result in any significant adverse impacts to air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or cause flooding problems.**

2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? **The proposed action will not result in any significant adverse impacts to aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character.**

3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? **The proposed action will not result in any significant adverse impacts to vegetation, fauna, fish, shellfish or wildlife species, significant habitat, or threatened or endangered species.**

4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? **The proposed action will not result in any significant adverse impacts to officially adopted plans or goals.**

5. Growth, subsequent development, or related activities likely to be induced by the proposed action? **The proposed action will not induce growth, subsequent development, or related activities.**

6. Long term, short term, cumulative, or other effects not identified in #1 through #5 above? **The proposed action will not result in significant adverse long-term, short-term, cumulative or other effects.**

7. Other impacts (including changes in use of either quantity or type of energy)? **None.**

Involved Agency:

For Further Information:

Contact Person: Anthony Ruggiero, City Administrator

Address: City of Beacon
One Municipal Plaza
Beacon, NY 12508

Telephone Number: (845) 838-5009 Fax (845) 838-5012

For Unlisted Actions, a copy of this notice has been filed with:

The City of Beacon

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information		
City of Beacon		
Name of Action or Project: Sale of property adjacent to 11 Paye Street on Newlins Mills Road		
Project Location (describe, and attach a location map): Property adjacent to 11 Paye Street on Newlins Mills Road, Beacon, New York (parcel ID #: 130200-5954-16-752315)		
Brief Description of Proposed Action: Sale of property currently vacant and located in the front yard of the adjacent property.		
Name of Applicant or Sponsor: City of Beacon	Telephone: 845-838-5009 E-Mail: administrator@cityofbeacon.org	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	X	

3.a. Total acreage of the site of the proposed action? (a) 0.18 acres
b. Total acreage to be physically disturbed? (b) 0.00 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? (c) 0.18 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?		X	
b. Consistent with the adopted comprehensive plan?		X	

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		X

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	X	

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	X	
b. Are public transportation service(s) available at or near the site of the proposed action?		X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		X

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		X

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] If No, describe method for providing potable water: _____		X

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] If No, describe method for providing wastewater treatment: _____		X

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	X	
b. Is the proposed action located in an archeological sensitive area?	X	

	NO	YES
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?	X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	X	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☒ Urban ☒ Suburban

	NO	YES
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?	X	

	NO	YES
16. Is the project site located in the 100 year flood plain?	X	

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	X	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	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)? If Yes, explain purpose and size: _____ _____ _____	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	X	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: City of Beacon Date: January __, 2018

Signature: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	X	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	X	
7. Will the proposed action impact existing: a. public / private water supplies?	X	
b. public / private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	X	

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

□ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

X Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council
Name of Lead Agency

January __, 2018
Date

Anthony Ruggiero
Print or Type Name of Responsible Officer in Lead Agency

City Administrator
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

City of Beacon Council Agenda
1/16/2018

Title:

Minutes from January 2, 2018

Subject:

Background:

ATTACHMENTS:

Description	Type
Jan 2 minutes	Minutes