



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

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

May 20, 2019  
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.

**Presentations:**

- Scenic Hudson Presentation Regarding Proposed Danskammer Project
- Information Session for Public Comment on Preliminary Draft Zoning Code Tables Schedule of Uses and Rezoning of Certain Properties

**Public Hearings:**

- Public Hearing on Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon Regarding the Sign Local Law Adjourned Until June 3, 2019

**Reports:**

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

**Local Laws and Resolutions:**

1. Resolution to Set a Public Hearing on Local Law to Create Chapter 106, Article III of the Code of the City of Beacon Concerning the Energize New York Open C-PACE Financing Program for June 3, 2019
2. Resolution to Set Public Hearing on the Application of Orange County-Poughkeepsie Limited Partnership Verizon Wireless Regarding 110 Howland Avenue for June 17, 2019
3. Resolution Authorizing the Appointment of A Part-Time Dispatcher for the Police Department
4. Resolution Awarding Contract to J & J Equipment for Portable Video Inspection System
5. Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore Regarding Main Street Accessibility Improvements
6. Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore Regarding the Installation of the Pedestrian Signal Development Project
7. Resolution Authorizing Change Order Regarding the Fairview Water Tank Project

**Approval of Minutes:**

- City Council Meeting Minutes April 15, 2019
- City Council Meeting Minutes May 6, 2019

**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  
5/20/2019**

**Title:**

**Scenic Hudson Presentation Regarding Proposed Danskammer Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Scenic Hudson Presentation Regarding Danskammer	Presentation

# OVERVIEW OF DANSKAMMER PROPOSAL

An aerial photograph of an industrial facility, likely a power plant or refinery, situated along a large body of water. The facility features several large, cylindrical storage tanks, multiple buildings, and several tall smokestacks emitting plumes of white smoke. The surrounding area is a mix of dense green forest and cleared industrial land. The water in the foreground is calm, reflecting the sky.

**Nikki Chung**  
**Scenic Hudson**

Jeffrey Anzevino/Scenic Hudson

# Existing Facility

- Built in 1950's to burn coal
- Impacts of Super Storm Sandy (2012)
- Re-opened in 2014 to burn natural gas and oil
- Currently operates as a “peaker” facility, running less than 5% of the time



# Proposed Facility

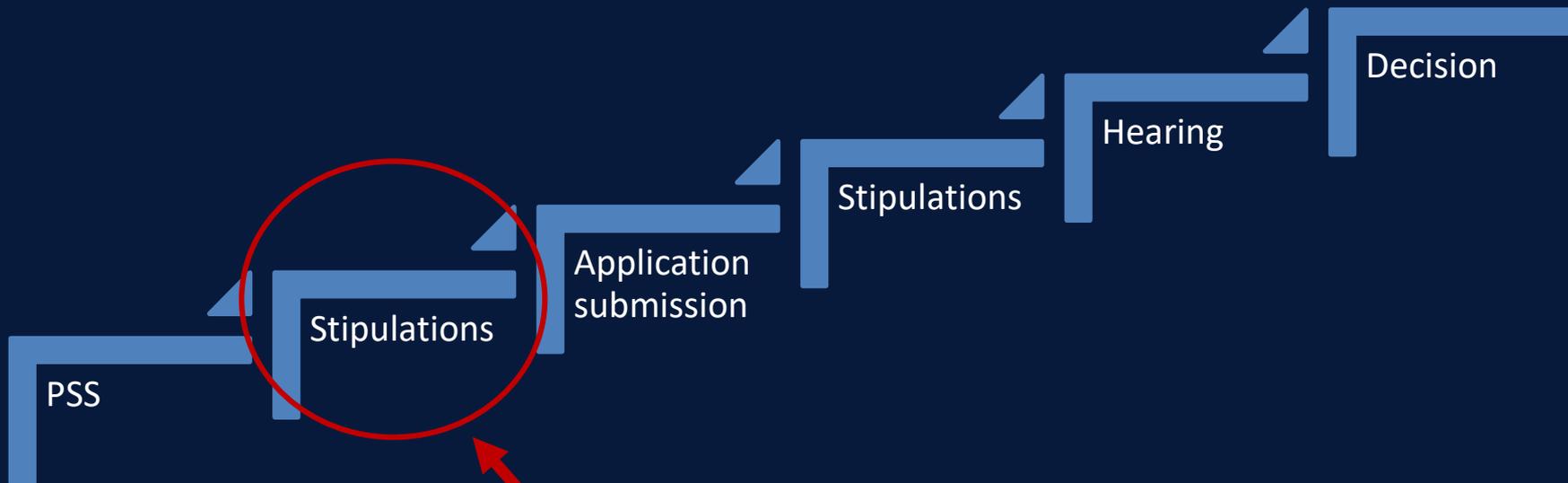
- To build a new gas-fired power plant adjacent to their existing facility in the Town of Newburgh
- A combustion turbine generator and steam turbine will generate between 525 – 575 MW of electricity, operating as a base load facility
- Will use “natural” gas as its primary fuel, with provisions to use ULSD for up to 30 days as a back up fuel
- Will use an air cooled-condensing (ACC) system will eliminate the use of Hudson River cooling water

# NYS Public Service Law Article 10: One-Stop Shopping for Power Plants

- Any electricity-generating plant, over 25 megawatts in nameplate capacity
- All state and local permits and approvals reviewed through this process
- Local laws can be overridden if they are “unreasonably burdensome”
- Involves in-depth review of economic, energy system, public health and environmental impacts



# Article 10 Process



**We are here!!**

# Impacts



- Public Health
- Environmental
- Economic
- Visible
- Recreational

# What can YOU do?

- Applying for party status
- *Staying informed*
- *Speaking out*
  - Comments to NYS Board of Electric Generation Siting and the Environment <https://on.ny.gov/2FiZDgn>

# QUESTIONS?

Nikki Chung  
*Environmental Outreach Organizer*  
Scenic Hudson  
845.473.4440 x219  
[nchung@scenichudson.org](mailto:nchung@scenichudson.org)

Jeffrey Anzevino/Scenic Hudson

**City of Beacon Council Agenda**  
**5/20/2019**

**Title:**

**Information Session for Public Comment on Preliminary Draft Zoning Code Tables Schedule of Uses and Rezoning of Certain Properties**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum From John Clarke Planning and Design Regarding Special Permits	Cover Memo/Letter
Zoning Use Table Draft 3.3.19	Backup Material
Zoning Use Table Draft 3.3.19 Edits	Backup Material
Zoning Draft Map Changes 4.19	Backup Material
Zoning Dimensional Table Draft 3.3.19	Backup Material
Zoning Dimensional Table Draft 3.3.19 Edits	Backup Material

To: Mayor Casale and the Beacon City Council  
 From: John Clarke, City Planning Consultant  
 Date: May 17, 2019  
 Re: Special Permit Reviews

A Special Permit is an authorization of a particular land use which is permitted in a zoning law, subject to certain requirements imposed by such law to assure that the proposed use is in harmony with the zoning and will not adversely affect the neighborhood if such requirements are met.

First, it is important to note that it is unusual for elected boards or councils to review Special Permits, according to a 2017 survey of Dutchess County municipalities. The City of Poughkeepsie and all eight villages give Special Permit authority to the Planning Board. Of the 20 towns, 13 give Special Permit approvals to the Planning Board, one has the Zoning Board of Appeals approve Special Permits, and four split the authority between Planning Boards and ZBAs, depending on the use. In the Town of Wappinger the Planning Board generally approves Special Permits, but the Town Board retains authority for six specific uses, including water and sewer treatment plants, mobile home parks, and private recreational clubs or golf courses in residential districts. In the Town of Dover the Planning Board approves Special Permits, except the Town Board retains authority for communication towers, soil mining, and the former Harlem Valley Psychiatric Center property.

It is generally recommended that Planning Boards approve Special Permits to reduce the potential for political influences and to avoid passing applicants back and forth between separate reviewing bodies for SEQRA, Special Permits, and Site Plan public hearings and approvals. Special Permits should also be limited to those particular uses that need additional criteria to ensure compatibility with the surrounding area. Ideally, the City Council should add specific standards in the zoning law for most uses requiring a Special Permit and the Planning Board can be responsible for reviewing compliance with those standards.

The following shows uses that are subject to a Special Permit under existing zoning, compared to the latest draft changes to the Schedule of Use Regulations table. An \* indicates a use with additional Special Permit standards.

<u>Existing Zoning</u>		<u>Draft Zoning Changes</u>	
Two-Family Dwellings	RD		
Multifamily Dwellings	RD, GB	Multifamily Dwellings	RD
Artist Live/Work Space*	LB, GB, L, LI		
Retail, Personal Service, Bank Office	L	Retail, Personal Service, Bank Office	L
Retail Truck or Trailer*	WP		
Artist Studio	R1, RD, PB, OB, LB, GB, LI, HI	Artist Studio	HI
		Auction Gallery	HI
Art Gallery or Exhibit Space	R1, RD, PB, OB	Art Gallery/Exhibit Space	HI
Commercial Recreation	GB, LI, HI		
Adult Use*	LI, HI	Adult Use*	LI
Restaurant/Coffee House	OB, LB, L, WP	Restaurant/Coffee House	L, WP
Bar or Brew Pub	LB, GB, CMS, HI, LI	Bar or Brew Pub	GB, CMS, L, LI
Microbrewery/Microdistillery	LB, GB, L, LI, HI	Microbrewery/Microdistillery	GB, CMS, L
Food Preparation Business	L	Food Preparation Business	CMS, L
Bed and Breakfast*	R1, RD, PB, OB, LB, GB, WP, LI, HI	Bed and Breakfast*	R1, RD, T, GB, WP, LI

<b>Existing Zoning</b>		<b>Draft Zoning Changes</b>	
Inn	WP	Inn	WP
Hotel*	GB, LI, HI		
		Day Care Center	LI
Park, Preserve, Public Rec.	R1, RD, PB, LB, OB, GB, LI, HI	Park, Preserve, Public Rec.	CMS, LI, HI
Public Library	R1, RD, PB, OB		
Museum	R1, RD, PB, OB, WD, HI	Museum	R1, RD, T
Club*	R1, RD, PB, OB, LB, GB, LI, HI	Social Club*	R1, RD, T, GB, LI
Fire or Ambulance Facility	R1, RD, PB, OB, LB, GB, LI, HI	Ambulance Service	R1, RD, T,
		Golf Course	R1, RD
Hospital* or Nursing Home*	R1, RD, PB, OB, LB	Hospital* or Nursing Home*	R1, RD
		Animal Care Facility	R1, RD GB, LI
College or University	GB, LI, HI	College or University	R1, RD
Trade School/Training Program	GB, LI, HI	Trade School/Training Program	L
Private or Nursery School	R1, RD, PB, OB, LB, GB, LI, HI	Private or Nursery School	R1, RD, T, LI
Parking as Principal Use	R1, RD, PB		
		Vehicle Sales or Rental Lot	GB, LI
Public Garage with Repairs	CMS		
Gas Station*	LB, GB, HI	Gas Station*	GB, LI
Car Wash*	GB, HI	Car Wash*	GB, LI
Auto Body or Repair*	GB, LI, HI	Auto Body or Repair*	GB, LI, HI
Wholesale or Storage	LI		
		Workshop	T
Industrial/Manufacturing	L	Industrial/Manufacturing	L
Wireless Communications*	All Districts	Wireless Communications*	All Districts
Horticultural Nursery	R1, RD, PB, OB, LB, GB, LI, HI	Horticultural Nursery	R1, RD, GB, LI
Historic District Overlay*	All Districts	Historic District Overlay*	All Districts
Ski Facility	R1		
Accessory Apartment*	R1, RD	Accessory Apartment*	R1, RD, T
Artist Studio as Accessory Use	R1, RD		

This list highlights that Beacon’s existing zoning has too many Special Permit requirements, especially those without any additional standards beyond the four general standards in Section 223-18 B(1). The draft zoning changes to the Schedule of Use Regulations table now under discussion reduces the number of required Special Permits, but the Council could consider eliminating a few more. For example, the 2017 Comprehensive Plan Update and Linkage rezoning process allowed certain commercial uses along the north side of West Main Street, so perhaps a Special Permit should not be required for offices or retail-type uses there. Also, the City Council has mapped a limited number of parcels in RD districts, designated for attached and multifamily housing, so it may not be necessary for multifamily housing to then be subject to a Special Permit and separate Council review.

My suggestion is that the Council consider giving the Planning Board responsibility for Special Permit reviews, consistent with almost all communities in the County. Most of the Special Permit uses remaining in the draft zoning changes are either relatively harmless uses that just need an extra level of scrutiny because of the particular district or have supplemental standards that the Planning Board can implement. The City Council could retain control for uses with wider-scale impacts, such as Wireless Communication Towers, or with particular sensitivities, such as in the Waterfront Park district, the Historic District and Landmark Overlay zone, and maybe certain uses in the R1 or T districts. Various Special Permit standards should be made more explicit and enforceable, but the intention should also be to simplify the planning process and avoid unnecessary time delays.

**Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)**

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Residential</b>												
One-Family Detached Dwelling		P	P	P	x	x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	P	x	x	P	x	x	P	x	x
Two-Family Dwelling		x	P	P	x	x	x	x	x	x	x	x
Multifamily Dwelling		x	SP	P	P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-24.3	x	x	P	P	P	P	P	x	P	P	x
<b>Retail/Office/Service</b>												
Retail, Personal Service, or Bank		x	x	x	P	P	SP	P	x	x	P	x
Office		x	x	P	P	P	SP	P	x	P	P	x
Artist Studio, Art Gallery/Exhibit Space		x	x	P	P	P	P	x	x	P	P	SP
Funeral Home		x	x	x	P	x	x	x	x	x	P	x
Commercial Recreation, Indoor		x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	P	x	x	x	x	x	P	SP
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	SP	x
<b>Food/Lodging</b>												
Restaurant, Coffee House, Brew Pub		x	x	x	P	P	SP	P	SP	P	x	x
Bar		x	x	x	SP	SP	SP	P	x	P	SP	x
Microbrewery/Microdistillery		x	x	x	SP	SP	SP	x	x	x	P	P
Food Preparation Business		x	x	x	P	SP	SP	x	x	x	P	P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	SP	x	P	x	SP	P	SP	x
Inn		x	x	x	P	P	P	P	SP	P	P	x
Hotel	Subject to §223-20	x	x	x	P	P	P	P	x	x	P	x
<b>Social/Community</b>												
Spa/Fitness Center/Exercise Studio		x	x	P	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	SP	P	P	P	P	SP	SP
Theater, Concert or Conference Space		x	x	x	P	P	P	P	x	P	P	x
Museum		SP	SP	SP	P	P	P	P	x	P	P	x
Place of Worship/Religious Facility		P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP	SP	x	x	x	x	x	x	x	x	x
<b>Healthcare</b>												
Hospital, Clinic, or Nursing Home	Subject to 223-21.1/22	SP	SP	x	x	x	x	x	x	x	x	x
Animal Care Facility		SP	SP	x	SP	x	x	x	x	x	SP	x
<b>Educational</b>												
College or University		SP	SP	x	P	P	P	x	x	P	P	x
Trade School or Training Program		x	x	x	P	P	SP	x	x	P	P	P
Private School or Nursery School		SP	SP	SP	P	x	P	x	x	P	SP	x

x = Use Not Permitted  
P = Permitted Use  
SP = Special Permit Use

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC

3.3.19 DRAFT

**Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)**

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Parking/Auto-Oriented</b>												
Off-Street Parking as Principal Use	Subject to §223-26	x	x	P	P	x	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch.210/§223-21	x	x	x	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	x	x	x	x	x	SP	SP
Ambulance Service		SP	SP	SP	P	x	x	x	x	x	P	x
<b>Industrial or Assembly</b>												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial/Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
<b>Other</b>												
Wireless Telecommunications Facility	Subject to §223-24.5	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
Farm		P	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		SP	SP	x	SP	x	x	x	x	x	SP	x
Historic District Overlay Use	Subject to §223-24.7	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
<b>Permitted Accessory Uses</b> (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Medical Service Structure	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	x	x	P	P	P	x	P	x	x
Roof Garden or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P

x = Use Not Permitted  
P = Permitted Use  
SP = Special Permit Use

For Specific  
Standards See -->

Article IVD    Article IVE    Article IVA    Article IVA    Article IVC

3.3.19    DRAFT

**Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)**

Permitted Uses by District	Reference Notes	All R1	All RD	PB	OB T	LB	GB	CMS	L	WD	WP	FCD	LI	HI	
<b>Residential</b>															
One-Family Detached Dwelling		P	P	P	P	P	x	P x	x	x	x	x	x	x	
One-Family Attached/Semidetached	Including Townhouses	x	P	x	x P	P	x	P x	P	P x	x	P	x	x	
Two-Family Dwelling		x	SP P	x	x P	x	x	P x	P x	x	x	x	x	x	
Multifamily Dwelling		x	SP	x	x P	x	SP P	P	P	P	x	P	x	x	
Artist Live/Work Space	Subject to §223-24.3	x	x	x	x P	SP	SP P	P	SP P	P	x	P	SP P	x	
<b>Retail/Office/Service</b>															
Retail, Personal Service, or Bank		x	x	x	x	P	P	P	SP	P	x	x	P	P x	
Office		x	x	x	P	P	P	P	SP	P	x	P	P	P x	
<del>Retail Truck or Trailer</del>	<del>Subject to §223-26.3</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>x</del>	<del>SP</del>	<del>x</del>	<del>P</del>	<del>P</del>	
Artist Studio, Art Gallery/Exhibit Space		SP x	SP x	SP	SP P	SP	SP P	P	P	x	x	P	SP P	SP	
Funeral Home		x	x	x	x	P	P	P x	x	x	x	x	P	P x	
Commercial Recreation, Indoor		x	x	x	x	x	P	P	x	x	x	x	P	P	
Auction Gallery		x	x	x	x	x	P	P x	x	x	x	x	P	P SP	
<del>Tattoo Parlor</del>	<del>Subject to §223-26.2</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>P</del>	<del>P</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>P</del>	<del>P</del>	
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	x	SP	SP x	
<b>Food/Lodging</b>															
Restaurant, Coffee House, Brew Pub		x	x	x	SP x	SP	P	P	SP	P	SP	P	P x	P x	
Bar		x	x	x	x	SP	SP	SP	x SP	P	x	P	SP	SP x	
Microbrewery/Microdistillery		x	x	x	x	SP	SP	P SP	SP	x	x	x	SP P	SP P	
Food Preparation Business		x	x	x	x	x	x P	P SP	SP	x	x	x	x P	x P	
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	SP	SP	SP	P x	P	x	SP	P	SP	P x	
Inn		x	x	x	x	x	x P	P	P	P	SP	P	x P	x	
Hotel	Subject to §223-20	x	x	x	x	x	SP P	P	P	P	x	x	SP P	SP x	
<b>Social/Community</b>															
Spa/Fitness Center/Exercise Studio		x	x	x	x P	x	x P	P	x P	P	x	P	x P	x	
Day Care Center		x	x	x	x P	x	x P	x	x P	P	x	P	x SP	x	
Park, Preserve, Community Garden	<del>With No Admission Fee</del>	SP P	SP P	SP	SP P	SP	SP P	P SP	P	P	P	x P	SP	SP	
Theater, Concert or Conference Space		x	x	x	x	x	P	P	x P	SP P	x	P	P	P x	
Museum		SP	SP	SP	SP	P	P	P	x P	SP P	x	P	P	SP x	
Place of Worship/Religious Facility		P	P	P	P	P	P	x	x	x	x	x	P	P x	
<del>Social Club</del>	<del>Subject to §223-24.2</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>P</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>SP</del>	<del>SP x</del>	
Government Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	
<del>Golf Course</del>		<del>SP</del>	<del>SP</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	
<b>Healthcare</b>															
Hospital, Clinic, or Nursing Home	Subject to 223-21.1/22	SP	SP	SP	SP x	SP	x	x	x	x	x	x	x	x	
<del>Animal Care Facility</del>		<del>x SP</del>	<del>x SP</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x SP</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x</del>	<del>x SP</del>	<del>x</del>	
<b>Educational</b>															
College or University		x SP	x SP	x	x	x	SP P	P	x P	x	x	x P	SP P	SP x	
Trade School or Training Program		x	x	x	x	x	SP P	P	x SP	x	x	x P	SP P	SP P	
Private School or Nursery School		SP	SP	SP	SP	SP	x P	P x	x P	x	x	x P	SP	SP x	

x = Use Not Permitted  
P = Permitted Use  
SP = Special Permit Use

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC

**Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)**

Permitted Uses by District	Reference Notes	All R1	All RD	PB	OB T	LB	GB	CMS	L	WD	WP	FCD	LI	HI	
<b>Parking/Auto-Oriented</b>															
Off-Street Parking as Principal Use	Subject to §223-26	SPx	SPx	SP	P	P	P	Px	x	x	x	x	Px	Px	
Vehicle Sales or Rental Lot		x	x		x		SP	x	x	x	x	x	*SP	x	
Gas Filling Station and/or Car Wash	Subject to Ch.210/§223-21	x	x	*	x	*	SP	x	x	x	x	x	*SP	SPx	
Auto Body or Repair Shop	Subject to Chapter 210	x	x	*	x	*	SP	x	x	x	x	x	SP	SP	
Ambulance Service		SP	SP	SP	SP	SP	SP P	x	x	x	x	x	SP P	SPx	
<b>Industrial or Assembly</b>															
Wholesale or Storage Business		x	x	*	x	*	P	x	x	x	x	x	SP P	P	
Workshop		x	x	*	*SP	*	P	P	*P	x	x	P	P	P	
Industrial/Manufacturing Use		x	x	*	x	*	x	x	SP	x	x	P	P	P	
<b>Other</b>															
Wireless Communication	Subject to §223-24.5	SP	SP	SP	SP	SP	SP	P SP	P SP	*SP	*SP	*SP	SP	SP	
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	
Farm		P	Px	P	Px	P	x	x	x	x	x	x	x	x	
Horticultural Nursery		SP	SP	SP	SPx	SP	SP	x	x	x	x	x	SP	SPx	
Historic District Overlay Use	Subject to §223-24.7	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
<del>Ski Facility (Mt. Beacon)</del>		SP	*	*	*	*	*	*	*	*	*	*	*	*	
<b>Permitted Accessory Uses</b> (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)															
Accessory Apartment	Subject to §223-24.1	SP	SP	*	*SP	*	x	x	x	x	x	x	x	x	
Private Tennis Court or Pool	Subject to §223-13	P	P	*	*P	*	x	x	x	x	x	x	x	x	
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	*	*P	*	x	Px	Px	x	x	x	x	x	
Medical Service Structure	Subject to §223-13	P	P		P	*	x	x	x	x	x	x	x	x	
Parking Structure		x	x		x		x	P	*P	*P	x	*P	x	x	
Roof Garden or Greenhouse		P	P	*	*P	*	*P	P	P	P	*P	*P	*P	*P	
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P	P	

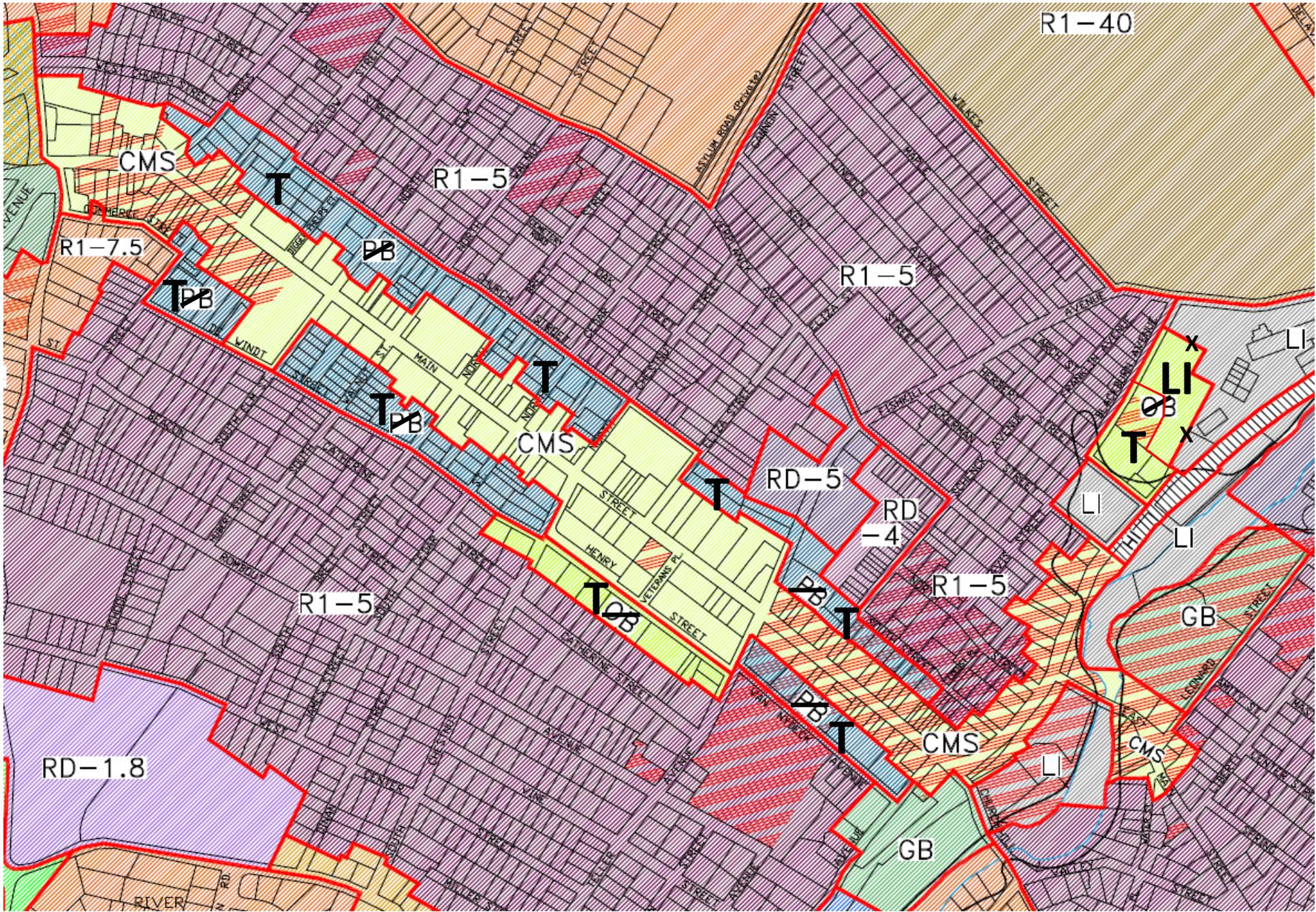
x = Use Not Permitted  
P = Permitted Use  
SP = Special Permit Use

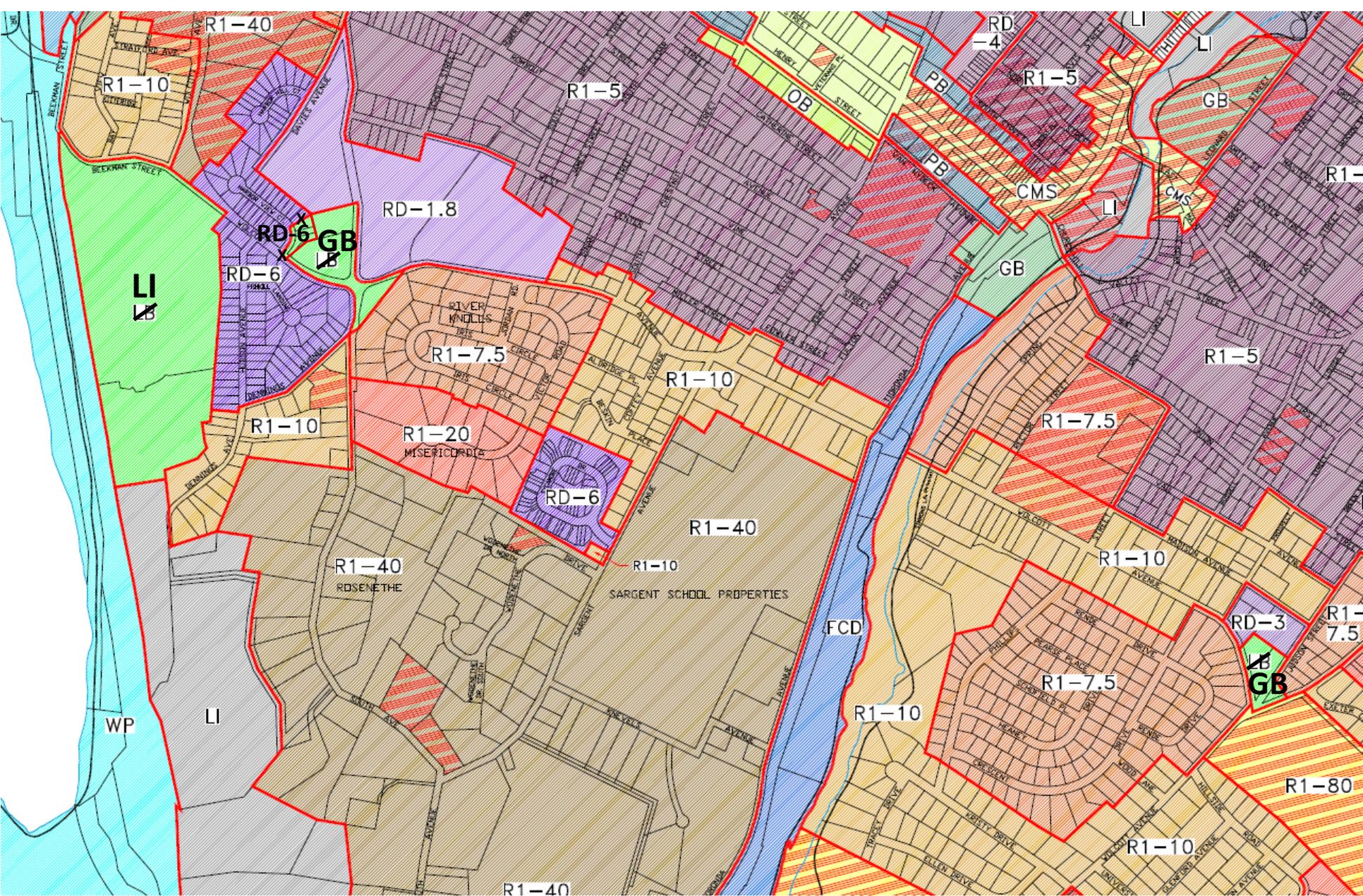
For Specific Standards See -->

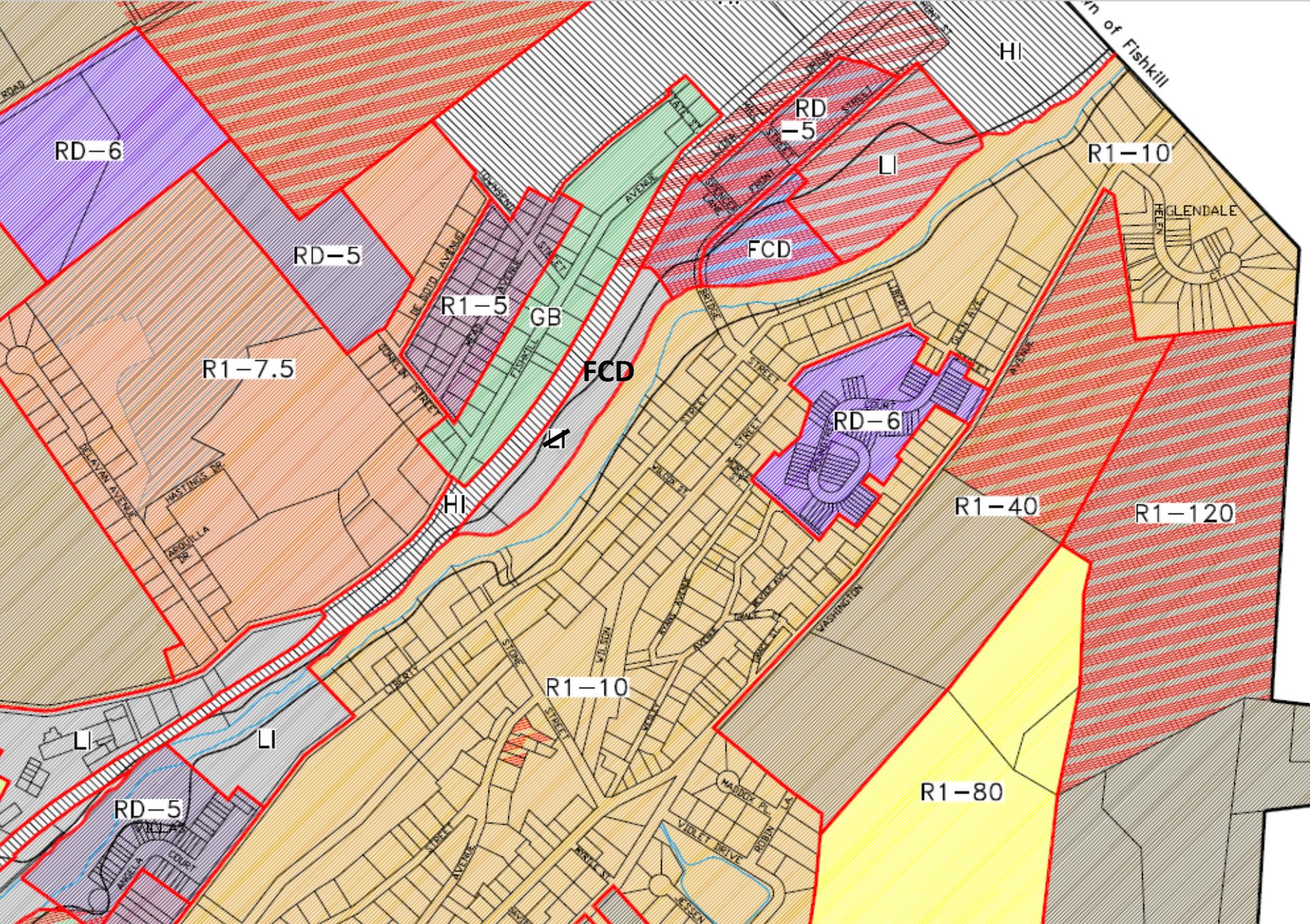
Article IVD Article IVE Article IVA Article IVA Article IVC

3.3.19 DRAFT









Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

DRAFT 3.3.19

Zoning District	Minimum Lot Size (see also 223-12 I) Area <sup>h</sup>				Minimum Yard Side <sup>a</sup>				Minimum % Building Separation Same Lot (ft)	Maximum Height Main Building (see 223-13) (stories   ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Total		Rear <sup>d,e</sup> (ft)			Multi-Fam	All Other				
						Min. (ft)	of 2 (ft)									
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'		2.5   35'	N.A.	7%	1		R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'		2.5   35'	N.A.	10%	1		R1-80	
R1-40	40,000	40,000	150'	150'	40'	25'	60'	50'		2.5   35'	N.A.	15%	1		R1-40	
R1-20	20,000	20,000	125'	125'	30'	20'	50'	40'		2.5   35'	N.A.	20%	1		R1-20	
R1-10	10,000	10,000	85'	100'	25'	15'	40'	35'		2.5   35'	N.A.	25%	1		R1-10	
R1-7.5	7,500	7,500	75'	100'	20'	10'	20'	30'		2.5   35'	N.A.	30%	1		R1-7.5	
R1-5	5,000	5,000	50'	100'	15'	10'	20'	30'		2.5   35'	N.A.		1		R1-5	
RD-7.5 <sup>d,e</sup>	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	30'	3   35'	15%	20%	12		RD-7.5 <sup>d,e</sup>	
RD-6 <sup>d,e</sup>	2 acres	6,000	200'	200'	50'	25'	50'	50'	30'	2.5   35'	15%	20%	16		RD-6 <sup>d,e</sup>	
RD-5 <sup>d,e</sup>	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3   35'	20%	30%	16		RD-5 <sup>d,e</sup>	
RD-4 <sup>d,e</sup>	5,000	4,000	200'	200'	40'	20'	40'	40'	30'	2.5   35'	20%	25%	20		RD-4 <sup>d,e</sup>	
RD-3 <sup>d,e</sup>	5,000	3,000	50'	100'	30'	20'	40'	25'	30'	3.5   45'	20%	40%	24		RD-3 <sup>d,e</sup>	
RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	20'	40'	25'	30'	10 <sup>b</sup>   100'	25'	40%	c		RD-1.8 <sup>d,e</sup>	
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	20'	40'	25'	30'	4.5 <sup>f</sup>   55 <sup>fi</sup>	25%	40%	36 <sup>g</sup>		RD-1.7 <sup>d,e</sup>	
T	5,000	i	50'	100'	10'	10'		25'		-   35'					T	
GB		1,500		100'	15'	20'		25'		-   35'					GB	
CMS				75'	0-10'	0'		25'		3   48'				10%	CMS	Art IVD
L				75'	0-20'	0-30'		25'		4   48'				15%	L	Art IVE
FCD	2 acres	3,960								3   40'	35%			30%	FCD	Art IVC
WP	1 acre				10'					2.5   35'	20%				WP	Art IVA
WD	5 acres									See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'		25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'		25'		40'	70%			20%	HI	

## NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one story and 15 feet height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~h~~ But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~i~~ But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~j~~ This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
- ~~dk~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~el~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~m~~ Except that any new one-family detached dwelling lot created subsequent to July 11, 1988, shall be required to comply with the minimum size and dimensional requirements of the R1-7.5 District. [Added 7-5-1988]
- ~~fn~~ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~go~~ And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~p~~ There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
- ~~hq~~ For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- ~~i~~ As regulated in the least restrictive adjoining residential district.
- ~~b~~ Abutting residential districts or where driveway is proposed between building and lot line.
- ~~c~~ First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces.

Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

DRAFT 3.3.19

Zoning District	Minimum Lot Size (see also 223-12 l) Area <sup>h</sup>				Minimum Yard Side <sup>a</sup>				Minimum % Building Separation Same Lot (ft)	Maximum Height Main Building (see 223-13) (stories   ft)	Minimum-Height (stories   ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor-Area-Ratio	Zoning District	Also Refer to Pertinent Sections	
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Total		Rear <sup>d,e</sup> (ft)				Multi-Fam	All Other					
						Min. (ft)	of 2 (ft)											
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	–	2.5   35'	1   12'	N.A.	7%	1	–	R1-120		
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	–	2.5   35'	1   12'	N.A.	10%	1	–	R1-80		
R1-40	40,000	40,000	150'	150'	50' 40'	25'	60'	50'	–	2.5   35'	1   12'	N.A.	15%	1	–	R1-40		
R1-20	20,000	20,000	125'	125'	40' 30'	20'	50'	40'	–	2.5   35'	1   12'	20%NA.	20%	1	–	R1-20		
R1-10	10,000	10,000	85'	100'	35' 25'	15'	40'	35'	–	2.5   35'	1   12'	N.A.	25%	1	–	R1-10		
R1-7.5	7,500	7,500	75'	100'	30' 20'	10'	20'	30'	–	2.5   35'	1   12'	N.A.	30%	1	–	R1-7.5		
R1-5	5,000	5,000	50'	100'	30' 15'	10'	20'	30'	–	2.5   35'	1   12'	N.A.	–	1	–	R1-5		
RD-7.5 <sup>d,e</sup>	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3   35'	1   12'	15%	20%	12	–	RD-7.5 <sup>d,e</sup>		
RD-6 <sup>d,e</sup>	5.2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5   35'	1   12'	15%	20%	16	–	RD-6 <sup>d,e</sup>		
RD-5 <sup>d,e</sup>	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3   35'	1   12'	20%	30%	16	–	RD-5 <sup>d,e</sup>		
RD-4 <sup>d,e</sup>	2 acres-5,000	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5   35'	1   12'	20%	25%	20	–	RD-4 <sup>d,e</sup>		
RD-3 <sup>d,e</sup>	5,000	3,000	50'	100'	30'	10' 20'	20' 40'	25'	30'	2.5   35'-3.5   45'	1   12'	20%	40%	24	–	RD-3 <sup>d,e</sup>		
RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	10' 20'	20' 40'	25'	30'	10 <sup>b</sup>   100'	1   12'	15 25%	40%	– <sup>c</sup>	–	RD-1.8 <sup>d,e</sup>		
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	10' 20'	20' 40'	25'	30'	4.5 <sup>f</sup>   55 <sup>f</sup>	1   12'	25%	40%	36 <sup>g</sup>	–	RD-1.7 <sup>d,e</sup>		
<b>PB</b>	As regulated in the least restrictive adjoining residential district															<b>PB</b>		
<b>ØB T</b>	5,000	i	40' 50'	100'	30' 10'	20' 10'	–	25'	–	–   35'	–	–	–	–	–	1	<b>ØB T</b>	
<b>LB</b>	–	–	–	100'	–	20'	–	25'	–	–   35'	–	–	–	Min Open Space	–	2	<b>LB</b>	
<b>GB</b>	–	1,500	–	100'	– 15'	20'	–	25'	–	–   35'	–	–	–	–	–	2	<b>GB</b>	
<b>CMS</b>	–	–	–	75'	0-10'	0'	–	25'	–	3   48'	2   –	–	–	10%	–	–	<b>CMS</b>	Art IVD
<b>L</b>	–	–	–	75'	0-20'	0-30'	–	25'	–	4   48'	2   –	–	–	15%	–	–	<b>L</b>	Art IVE
<b>FCD</b>	2 acres	3,960	–	–	–	–	–	–	–	3   40'	–	35%	–	30%	–	–	<b>FCD</b>	Art IVC
<b>WP</b>	1 acre	–	–	–	10'	–	–	–	–	2.5   35'	–	20%	–	–	–	0.5	<b>WP</b>	Art IVA
<b>WD</b>	5 acres	–	–	–	–	–	–	–	–	See Art IVA	–	–	–	15%	–	3/2	<b>WD</b>	Art IVA
<b>LI</b>	–	1,500	– 60'	100'	– 20'	20'	–	25'	–	–   – 35'	–	70%	–	– 20%	–	2	<b>LI</b>	
<b>HI</b>	–	–	– 60'	100'	– 30'	20'	–	25'	–	–   35' 40'	–	70%	–	– 20%	–	2	<b>HI</b>	

## NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one-story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
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- ~~el~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
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- ~~b~~ Abutting residential districts or where driveway is proposed between building and lot line.
- ~~c~~ First-floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces.

**City of Beacon Council Agenda**  
**5/20/2019**

**Title:**

**Resolution to Set a Public Hearing on Local Law to Create Chapter 106, Article III of the Code of the City of Beacon Concerning the Energize New York Open C-PACE Financing Program for June 3, 2019**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to Set a Public Hearing on Local Law to Create Chapter 106, Article III of the Code of the City of Beacon Concerning the Energize New York Open C-PACE Financing Program for June 3, 2019	Resolution
Proposed Local Law to Create Chapter 106, Article III of the Code of the City of Beacon	Local Law



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2019**

**RESOLUTION TO SET PUBLIC HEARING ON LOCAL LAW TO CREATE  
CHAPTER 106, ARTICLE III OF THE CODE OF THE CITY OF BEACON  
CONCERNING THE ENERGIZE NEW YORK OPEN C-PACE FINANCING  
PROGRAM**

**BE IT RESOLVED**, that the Beacon City Council hereby sets a Public Hearing on Local Law to Create Chapter 106, Article III of the Code of the City of Beacon Concerning the Energize New York Open C-PACE Financing Program for June 3, 2019.

<b>Resolution No. ____ of 2019</b>		<b>Date: <u>May 20, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

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

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE CHAPTER 106,  
ARTICLE III OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to create Chapter 106, Article III of the Code of the City of Beacon concerning the Energize NY Open C-PACE Financing Program.

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

**Section 1.** Chapter 106, Article III of the Code of the City of Beacon entitled “Energize NY Open C-PACE Financing Program” is hereby created as follows:

**§ 106-20 Legislative findings; intent and purpose; authority.**

- A. It is the policy of both the City of Beacon and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Beacon finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the City of Beacon, pursuant to a municipal agreement (the “Municipal Agreement”) to be entered into between the City of Beacon and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The City of Beacon is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

§ 106-21 **Definitions.**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**ANNUAL INSTALLMENT AMOUNT**

Shall have the meaning assigned in Section 106-27, paragraph B.

**ANNUAL INSTALLMENT LIEN**

Shall have the meaning assigned in Section 106-27, paragraph B.

**AUTHORITY**

The New York State Energy Research and Development Authority.

**BENEFIT ASSESSMENT LIEN**

Shall have the meaning assigned in Section 106-22, paragraph A.

**BENEFITED PROPERTY**

Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**BENEFITED PROPERTY OWNER**

The owner of record of a Benefited Property.

**EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the City of Beacon to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from monies collected by or on behalf of the City of Beacon as a charge to be levied on the real property.

**ELIGIBLE COSTS**

Costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement.

**ENABLING ACT**

Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**FINANCE AGREEMENT**

The finance agreement described in Section 106-25, paragraph A of this local law.

**FINANCING CHARGES**

All charges, fees and expenses related to the loan under the Finance Agreement including

accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**FINANCING PARTIES**

Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

**MUNICIPAL LIEN**

A lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**NON-MUNICIPAL LIEN**

A lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**PROGRAM**

The Energize NY Open C-PACE Financing Program authorized hereby.

**QUALIFIED PROJECT**

The acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**QUALIFIED PROPERTY**

Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the City of Beacon that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**QUALIFIED PROPERTY OWNER**

The owner of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Program.

**RPTL**

The Real Property Tax Law of the State, as amended from time to time.

**SECURED AMOUNT**

As of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 106-27, paragraph C.

**STATE**

The State of New York.

§ 106-22 **Establishment of an Energize NY Open C-PACE Financing Program.**

- A. An Energize NY Open C-PACE Financing Program is hereby established by the City of Beacon, whereby EIC, acting on its behalf, pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the City of Beacon, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Beacon.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§ 106-23 **Procedures for eligibility.**

- A. Any property owner in the City of Beacon may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Beacon offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the City of Beacon, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and Section 106-24 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City of Beacon, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in Program in accordance with Section 106-25 of this local law.

§ 106-24 **Application criteria.**

Upon the submission of an application, EIC, acting on behalf of the City of Beacon, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;

- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the City of Beacon, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§ 106-25 **Energize NY Finance Agreement.**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the City of Beacon, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a ("Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§ 106-26 **Terms and conditions of repayment.**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the City of Beacon. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by the EIC, on behalf of the City of Beacon, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by

EIC, acting on behalf of the City of Beacon.

- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the City of Beacon, as provided in the Finance Agreement.

**§ 106-27 Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the City of Beacon. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the City of Beacon, in the land records for properties in the City of Beacon. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Beacon. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the City of Beacon.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the City of Beacon, on the Benefited Property in the same manner as other levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the City of Beacon. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the City of Beacon, EIC or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the City of Beacon, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the City of Beacon, or the Financing Party, as may be provided in the Finance Agreement.

- E. EIC shall act as the City of Beacon's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
  
- F. EIC, on behalf of the City of Beacon, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the City of Beacon, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the City of Beacon would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§ 106-28 **Verification and report.**

EIC, on behalf of the City of Beacon, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

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

Except as specifically modified by the amendments contained herein, Chapter 106 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**  
**5/20/2019**

**Title:**

**Resolution to Set Public Hearing on the Application of Orange County-Poughkeepsie Limited Partnership Verizon Wireless Regarding 110 Howland Avenue for June 17, 2019**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to Set Public Hearing on the Application of Orange County-Poughkeepsie Limited Partnership Verizon Wireless Regarding 110 Howland Avenue for June 17, 2019	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2019**

**RESOLUTION TO SET PUBLIC HEARING ON THE APPLICATION OF ORANGE  
COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS –  
110 HOWLAND AVENUE**

**BE IT RESOLVED**, that the Beacon City Council hereby sets a Public Hearing on the Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless -110 Howland Avenue for June 17, 2019.

<b>Resolution No. ____ of 2019</b>		<b>Date: <u>May 20, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**5/20/2019**

**Title:**

**Resolution Authorizing the Appointment of A Part-Time Dispatcher for the Police Department**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Appointment of a Part-Time Dispatcher for the Police Department	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2019**

**RESOLUTION AUTHORIZING THE APPOINTMENT OF A POLICE  
DEPARTMENT DISPATCHER**

**WHEREAS**, Amanda Rose is employed as a part-time Dispatcher in the Town of Lloyd and has earned a Bachelor’s degree in Criminology.

**BE IT RESOLVED**, that the Beacon City Council hereby authorizes the City Administrator or the Mayor to appoint Amanda Rose as a part-time Dispatcher for the City of Beacon. She shall start on May 28, 2019.

<b>Resolution No. ____ of 2019</b>		<b>Date: <u>May 20, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required.</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**5/20/2019**

**Title:**

**Resolution Awarding Contract to J & J Equipment for Portable Video Inspection System**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Awarding Contract to J & J Equipment LLC	Local Law



**CITY OF BEACON  
CITY COUNCIL**

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

**RESOLUTION TO AWARD CONTRACT  
TO J & J Equipment LLC.**

**WHEREAS**, the City of Beacon sought proposals from qualified contractors for a Portable Video Inspection System with Trailer; and

**WHEREAS**, the City Council budgeted and approved \$75,000 for the project; and

**WHEREAS**, the City received one total bid and it was submitted by J & J Equipment, LLC. for \$69,900 with an Optional bid for a Large Line Kit for \$5,200 for a total bid of \$75,100; and

**WHEREAS**, the Water and Sewer Department Superintendent has recommended that J & J Equipment, LLC. be considered the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Contract for the Portable Video Inspection System with Trailer be awarded to J & J Equipment, LLC; and

**BE IT FURTHER RESOLVED**, that the Mayor or City Administrator of the City of Beacon is hereby authorized to execute said Agreement and any documents consistent therewith.

<b>Resolution No. _ of 2019</b>			<b>Date: <u>May 20, 2019</u></b>				
<b>Amendments</b>						<b>2/3 Required.</b>	
<b>Not on roll call.</b>			<b>On roll call</b>			<b>3/4 Required</b>	
<b>Motio</b>	<b>Secon</b>	<b>Council Member</b>	<b>Ye</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Abse</b>
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J.</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
5/20/2019**

**Title:**

**Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore Regarding Main Street Accessibility Improvements**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore	Cover Memo/Letter



**CITY OF BEACON  
CITY COUNCIL**

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

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST  
INSTANCE 100% OF THE FEDERAL-AID PROGRAM-AID ELIGIBLE COSTS, OF A  
TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS  
THEREFORE**

WHEREAS, a Project for the **Main Street Accessibility Improvements, City of Beacon, Dutchess County**, identified as **PIN 8761.25** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of the additional right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$958,000** is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Dated: \_\_\_\_\_

<b>Resolution No. ____ of 2019</b>			<b>Date: <u>May 20, 2019</u></b>				
<b>" Amendments</b>			<b>" On roll call</b>			<b>" 2/3 Required</b>	
<b>" Not on roll call</b>			<b>" On roll call</b>			<b>" 3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					



## CERTIFICATE OF RECORDING OFFICER

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Iola C. Taylor  
City Clerk  
City of Beacon

**City of Beacon Council Agenda  
5/20/2019**

**Title:**

**Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore Regarding the Installation of the Pedestrian Signal Development Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid Program Aid Eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds Therefore Regarding the Installation of the Pedestrian Signs	Resolution



**CITY OF BEACON  
CITY COUNCIL**

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

**RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST  
INSTANCE 100% OF THE FEDERAL-AID PROGRAM-AID ELIGIBLE COSTS, OF A  
TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATEING FUNDS  
THEREFORE**

WHEREAS, a Project for the **Installation of Pedestrian Signal Development in the City of Beacon, Dutchess County**, identified as **PIN 8761.45** (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the Beacon City Council to pay in the first instance 100% of the federal and non-federal share of the costs of the additional right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$328,000** is hereby appropriated from \_\_\_\_\_ [or, appropriated pursuant to \_\_\_\_\_] and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the City Administrator of the City of Beacon be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement request for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Mayor, the following municipal titles: Mayor, City Engineer, City Finance Director, \_\_\_\_\_ are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Dated: \_\_\_\_\_

<b>Resolution No. ____ of 2019</b>			<b>Date: <u>May 20, 2019</u></b>				
<b>" Amendments</b>			<b>" On roll call</b>			<b>" 2/3 Required</b>	
<b>" Not on roll call</b>			<b>" On roll call</b>			<b>" 3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					



## CERTIFICATE OF RECORDING OFFICER

I, \_\_\_\_\_, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said \_\_\_\_\_ at a meeting duly called and held at the \_\_\_\_\_ on \_\_\_\_\_ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Iola C. Taylor  
City Clerk  
City of Beacon

**City of Beacon Council Agenda**  
**5/20/2019**

**Title:**

**Resolution Authorizing Change Order Regarding the Fairview Water Tank Project**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing Change Order Regarding the Fairview Water Tank Project	Resolution
Memorandum from Lanc & Tully Eningeering and Surveying, P.C. Regarding a Change Order for the Fairview Water Tank Project	Cover Memo/Letter



**CITY OF BEACON  
CITY COUNCIL**

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

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE  
FAIRVIEW WATER TANK PROJECT**

**WHEREAS**, the City Council previously approved the demolition and removal of the existing 1 Million-gallon Fairview water storage tank due to its poor condition, and the construction of a new 1.5 Million-gallon water storage tank and related appurtenances in the same vicinity (the “Proposed Action”) on; and

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

**WHEREAS**, during construction of the Proposed Action, the existing butterfly valve that shuts the line down to the tank was found to be leaking, in turn flooding the site. The line was cut and capped to stop water from flooding the site so that the work could continue; and

**WHEREAS**, a significant amount of water was found to be leaching into the site, creating additional water issues. Therefore, Lanc & Tully Engineering and Surveying, P.C. has recommended installing a French Drain to mitigate the issue; and

**WHEREAS**, in light of the newfound issues, Lanc & Tully Engineering and Surveying, P.C. has recommended a change order for the amount of \$24,517.50.

**BE IT FURTHER RESOLVED**, that the Mayor or City Administrator of the City of Beacon is hereby authorized to execute said Agreement and any documents consistent therewith.

<b>Resolution No. _ of 2019</b>		<b>Date: <u>May 20, 2019</u></b>					
<b>Amendments</b>						<b>2/3 Required.</b>	
<b>Not on roll call.</b>		<b>On roll call</b>				<b>3/4 Required</b>	
Motio	Secon	Council Member	Ye	No	Abstain	Reason	Abse
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J.</b>					
		<b>Motion Carried</b>					

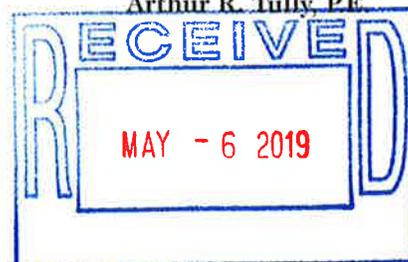
**LANC & TULLY**  
ENGINEERING AND SURVEYING, P.C.

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

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

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

May 6, 2019



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

RE: Fairview Tank Replacement  
City of Beacon  
Change Order No. 1

Dear Mr. Ruggiero:

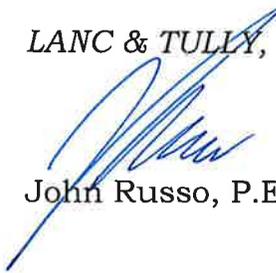
Please find enclosed original Change Order No. 1, in the amount of 24,517.50, for the Fairview Tank Replacement project. This change order was issued to address the following:

1. Cutting & Capping of existing 16" water line to tank. Existing 16" butterfly valve that shuts line down to tank was found to be leaking, in turn flooding site. Line was cut and capped to stop water from flooding site so that site work could occur for new tank.
2. Installation of French Drain along backside of tank site. A significant amount of water was found to be leaching into the site creating additional water issues for the installation of the tank foundation. The leaching of water into the site was not found during the geotechnical work that was done at the site for the tank and appears that it could be seasonal. To address the leaching of ground water into and around the new foundation, a French Drain was installed to intercept the ground and surface waters and redirect these waters to drain over the bank at the front of tank.
3. Installation of new 16" resilient wedge gate valve. The existing 16" butterfly valve to the tank was found to be leaking and it was thought to be prudent to install a new 16" gate valve between the existing valve and new tank while the tank was out of service. This will allow for the proper shut down of the line in the future to allow for maintenance of the line and/or tank if necessary.

I would ask that you execute the original change order and return it to our office. If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly

*LANC & TULLY, P.C.*



John Russo, P.E.

Enc.

Cc: Ed Balicki, Water & Sewer Superintendent (w/enclosure)

**City of Beacon Council Agenda  
5/20/2019**

**Title:**

**City Council Meeting Minutes April 15, 2019**

**Subject:**

**Background:**

**City of Beacon Council Agenda  
5/20/2019**

**Title:**

**City Council Meeting Minutes May 6, 2019**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City Council Meeting Minutes May 6, 2019	Minutes

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on May 6, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/334576233>

**Council Members Present:**

George Mansfield, At Large  
Terry Nelson, Ward One  
John Rembert, Ward Two  
Jodi McCredo, Ward Three  
Amber Grant, Ward Four  
Randy Casale, Mayor

**Council Members Absent:**

Lee Kyriacou, At Large

**Also Present:**

Anthony Ruggiero, City Administrator  
Nick Ward Willis, City Attorney

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*A moment of silence was observed for those who serve and have served in the US military.*

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**First 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.

**Speakers:**

Theresa Kraft

Developers are pulling the strings in the City of Beacon. Main Street development of a four-story building at 172 Main Street should not be allowed. Do not allow developers to increase the height of rooflines in historic areas. There are too many out-of-context new buildings. The city must stop variances for circumstances that are man-made. Beacon must institute a building moratorium in the coming weeks.

Additionally, Ms. Kraft thought that the Council was rude to the Farmer's Market representatives at the previous week's meeting.

Sarah Simon

Ms. Simon spoke as a representative for the Beacon Farmer's Market. She noted that last year they made several concessions to a local business. She said that they were surprised and confused when they were not permitted to stay at Veteran's Place this year. There are about 2,000 weekly visitors to the Farmers Market in the summer. Do not move the Market up and down main Street.

Jessica Jellif

Ms. Jellif spoke as a representative of the Beacon Farmer's Market committee. The Market is an opportunity for people to break bread together with the community; it is akin to a weekly festival to celebrate how much we all love Beacon. Do not move the Market; doing so will not allow the Market to take care of its vendors.

Ava Bynum

Ms. Bynum spoke out in favor the Protect Our Courts Act. ICE has increased their activity within the court system and they are tearing families apart.

Paul Mersfelder

Mr. Mersfelder is an organizer with Nobody Leaves Mid-Hudson. He asked that the Council vote in favor to support the Protect Our Courts Act. In doing so, Beacon can remain a welcoming community to all.

Anthony Vardire

Mr. Vardire stated that the east side of Verlplank Avenue at the waterfall is unsafe. In particular, it is unsafe on top of the cement damn. Let's not be sorry, let's be safe. Can the City of Beacon check to see what can be done to make this area safer for everyone?

Joe Waring

The Beacon Community Kitchen will be hosting a Trivia Night fundraising event at Dogwood on Main Street on Tuesday, May, 14<sup>th</sup> at 7 pm.

Arthur Camins

Mr. Camins spoke on three different topics.

1. He spoke in support of the Support Our courts Act
2. He spoke in support of the Farmers Market staying at Veteran's Place
3. He spoke about protecting green space on Main Street and Ferry Street

Paloma Wake

Ms. Wake introduced herself as a member of the Beacon Farmers Market. She spoke about the history and current state of the Market. Ms. Wake stated that the Market brings additional foot traffic to the business section of town. Many of the vendors at the Market have brick and mortar stores in Beacon. About 2,000 customers come to every market in the summer. The Market organizers run education activities for children. She concluded by stating that she intends to continue to communicate with the community and provide updates on the Farmers Market.

Rich Kaplan

The Farmers Market should not move to the DMV parking lot because there is already very little parking on the west end of Main Street. The DMV parking lot provides 92 valuable spaces.

Stosh Yankowski

Mr. Yankowski spoke out against the proposed project at 172 Main Street. He said that 90 percent of Beacon residents do not want 4 story buildings. If you are going to run for office, run on an anti-development platform. The Council can use eminent domain to take the Ferry Landing property.

Antonia Maeck

Ms. Maeck spoke in favor of the Protect Our Courts Act. Everyone in our town should have access to the court system to advocate for themselves when they have been a victim of a crime. The Municipal I.D resolution was a great decision by the City Council. Additionally, the Farmers Market should not move to the DMV parking lot.

## **Public Hearings:**

### **No. 1: Public Hearing**

#### Public Hearing on Proposed Local Law to Delete Chapter 183 and Amend Chapter 223 Sections 15 and 63 of the Code of the City of Beacon Regarding the Sign Law

Nick Ward Willis

The City Attorney provided a background on how the proposed sign law has gone through several iterations and has taken into consideration input from both the City of Beacon Planning Board and the Dutchess County Planning and Development Department.

The County does not recommend allowing inflatable signs anywhere in the City of Beacon. Changeable copy signs should also be prohibited. Because the County has made prohibitive statements the law will now need a super majority (5 votes) to pass.

George Mansfield

Asked Nick Ward Willis if the County Planning Board has any scientific research to backup their claims that the specific signs, which were pointed out in their letter, are indeed distracting to drivers. Mr. Ward Willis said that the City can certainly ask the County for the basis of their claims.

Jason Hughes

Mr. Hughes said that he was prosecuted two times in the past two years by the City of Beacon. He said that he feels targeted. The City Attorney prosecuted him using an unconstitutional portion of the City Code. The attorney either did so unknowingly or maliciously. The new proposed code seems targeted as well; if the Council approves it, they will be endorsing harassment and discrimination of a tax payer.

Theresa Kraft

The signs on Route 52 should be scaled back to a much lower height.

Motion to close the Public Hearing

- Motion by Council person Rembert
- Second by Council person McCredo
- Motion passes 7-0

Public Hearing Regarding Verizon Wireless Facility at 110 Howland Avenue

Neil Kaplan

Mr. Kaplan is a local business owner on Howland Avenue. He has issues with putting a cell tower in that neighborhood, particularly next to his bed and breakfast.

Nick Ward Willis

Mr. Ward Willis reminded the public that according to the FCC regulations, the City Council is prohibited from making a decision on where to place cell phone towers based on health impacts. They are further barred from considering the perceived fear of health impacts.

Theresa Kraft

The cell phone tower should be pushed back further into the tree line to make it less visible. Mr. Ward Willis replied that the applicant and the City's RF Engineer found that they would lose signal strength if it were pushed further back into the tree line.

Stosh Yankowski

There has not been an independent study to determine if there is truly a service gap. Mr. Yankowski stated that he would rather have slightly slower download speeds than have fast downloads and potentially dangerous wireless facilities throughout the town.

John Clarke, City Planner

The City of Beacon Planning Board has recommended planting evergreen trees in the area to block the views of the cellular facility.

Arthur Camins

Mr. Camins asked clarifying questions with regards to the height of the trees versus the wireless facility. Mr. Clarke told him that the facility would be 50 feet high and that there are already 100-foot trees in the vicinity along with newer, younger trees.

Motion to close the Public Hearing

- Motion by Council person Nelson
- Second by Council person McCredo
- Motion passes 7-0

### **Council Member Reports:**

#### Amber Grant:

Community Choice Aggregation information sessions will be held on May 8<sup>th</sup> from 11:30 – 12:30.

#### John Rembert:

Mr. Rembert would like to workshop the parking concerns. He would also like to look into making the area of Main Street and Verplank Avenue on the east side of the creek a safer place, particularly for children.

#### George Mansfield:

Mr. Mansfield has received complaints of sounds coming from Joe's Irish Pub at night. The Council should look at the plans for Spring Valley Street with close attention to the lack of sidewalks. Lastly, Liberty Street and Wilson Street has traffic safety issues in terms of speeding.

#### Jodi McCredo:

Community Conversations at the Howland Public Library will be at Beacon Elks on May 22<sup>nd</sup> at 6 pm, the Howland Cultural Center on May 24<sup>th</sup> at 10 am, the Beacon Historical Society on June 5<sup>th</sup> at 6 pm and the University Settlement Camp on June 22<sup>nd</sup> at 3 pm.

The City Council needs to discuss a new building moratorium. There is a lot that needs to be discussed, including historical properties, setbacks, balconies, parking, and the linkage district.

#### Terry Nelson:

Grievance Day is May 22<sup>nd</sup> from 2-4 and from 6-8. Mr. Nelson announced that he is stepping down from his position as the Director of the Beacon Independent Film Festival. He thanked everyone for their support of the Film Festival.

Anthony Ruggiero, City Administrator

The Beacon Recreation Department will be receiving an award for its after-school program on May 9<sup>th</sup>.

Mayor Casale:

The Mayor thanked everyone who came out and spoke. Grievance Day is May 22<sup>nd</sup> from 2-4 and 6-8. If you have an issue with the assessments, try to call beforehand and you may be able to receive help without having to go to Grievance Day.

On May 18<sup>th</sup> at 11 am in front of City Hall the Tioronda Garden Club will be dedicating a Blue Star Highway Memorial marker in honor of all of the men and women who have served, are serving or will serve in the armed forces of the United States.

Mayor Casale read a statement proclaiming May as Mental Health Awareness Month in Beacon.

**Resolutions, Ordinances and Local Laws:**

**1. A Resolution Authorizing the Appointment of a Water Department Working Supervisor**

- Motion by Council person Grant
- Second by Council person Nelson
- Resolution passes 6-0

**2. A Resolution to Declare Fairview Tank Replacement Project a Type II Action Under SEQR**

- Motion by Council person McCredo
- Second by Council person Nelson
- Resolution passes 6-0

**3. A Resolution Adopting Bond Ordinance Dated May 6, 2019, Authorizing the Issuance of up to \$2,187,468 Aggregate Principal Amount Serial Bonds of the City of Beacon, County of Dutchess, State of New York, Pursuant to the Local Finance Law, to Finance**

**the Costs of the Construction, Reconstruction and Improvement to the Water System,  
in and for the City of Beacon**

- Motion by Council person Mansfield
- Second by Council person Rembert
- Resolution Passes 6-0

**4. A Resolution Authorizing the City of Beacon to Enter into a Contract with the  
International Council for Local Environmental Initiatives (ICEI) Regarding Green House  
Gas Emissions Inventory Services**

- Motion by Council person McCredo
- Second by Council person Nelson
- Resolution passes 6-0

Amber Grant

Ms. Grant thanked Beacon's Conservation Action Committee for reviewing the resolution and proposal.

**5. A Resolution Authorizing the Implementation, and Funding in the First Instance 100%  
of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a  
Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding  
Teller Avenue)**

- Motion by Council person Grant
- Second by Council person Mansfield
- Resolution passes 6-0

**6. A Resolution Authorizing the Implementation, and Funding in the First Instance 100%  
of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a  
Transportation Federal-Aid Project, and Appropriating Funds Therefore (Regarding  
Fishkill Avenue)**

- Motion by Council person Nelson
- Second by Council person McCredo
- Resolution passes 6 – 0

**7. A Resolution Calling on the State Legislature to Pass, and the Governor to Sign, the "Protect Our Courts Act" (A.2176 / S.425)**

- Motion by Council person Nelson
- Second by Council person McCredo
- Resolution passes 6-0

**8. Resolution Awarding Contract to Sun Up Construction for the Main Street Improvements Project**

Mayor Casale

The Mayor stated that he spoke with Sun Up Construction and told them they must be as undistruptive to Main Street businesses as possible. The foreman on the project is a resident of Beacon and understands the delicateness of the project.

- Motion by Council person Rembert
- Second by Council person Mansfield
- Resolution passes 6-0

**9. Resolution Approving the City of Beacon's Farmers Market and the Execution of a License Agreement**

Amber Grant, George Mansfield, Terry Nelson, John Rembert and Jodi McCredo

All five stated that they would prefer to leave the Farmers Market at Memorial Place and not move it to the DMV parking lot. They did so in part because the problems at Memorial Place may follow the Market to the DMV lot and there is a certain level of uncertainty at the Dutchess County controlled DMV parking lot.

George Mansfield

Mr. Mansfield wanted to ensure that the original terms of the 2018 contract were agreed to for 2019.

**Motion to Approve the Farmers Market on Veteran's Place Consistent with the 2018 Contract Between the City of Beacon and the Farmers Market**

- Motion by Council person Nelson
- Second by Council person Mansfield

- Motion Passes 5-1

**Second Opportunity for Public Comments:** Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

**Speakers:**

Jessica Reisman

Ms. Reisman suggested that the Farmers Market provide some good will for the nearby businesses, perhaps by adding picnic benches and mobile bathroom facilities.

David Eberly

Philipstown rejected a cellular tower, yet the City Attorney in Beacon is saying that we cannot do so based upon federal guidelines. Why is this?

Nick Ward Willis

Responded to Mr. Eberly by stating that Philipstown is being sued for their decision to reject the cellular tower.

Martin Fowler

Mr. Fowler asked that the City Council consider allowing music at the Farmers Market in the future.

Stosh Yankowski

Mr. Yankowski suggested that the Farmers Market vendors drop off their stuff and park elsewhere, perhaps at the Rite Aid.

Motion to Enter Executive Session

- Motion by Council person Rembert
- Second by Council person McCredo
- Motion passes 6-0

**Adjournment:**

- Motion by Council person McCredo
- Second by Council person Grant
- Motion passes 6-0

Next Workshop: May 13, 2019

Next Meeting: May 20, 2019

<b>Resolution No. ___ of 2019</b>		<b>Date: <u>May 6, 2019</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required.</b>		
<input type="checkbox"/> <b>Not on roll call.</b>					<input type="checkbox"/> <b>3/4 Required</b>		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Lee Kyriacou</b>					
		<b>John Rembert</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					