



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

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

July 15, 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.

Public Hearings:

- Public Hearing Regarding a Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street
- Public Hearing Regarding Moratorium with Respect to Land Use Approvals Regarding Land Use Approvals for Residential, Commercial, and Mixed-Use Developments

Reports:

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

Local Laws and Resolutions:

1. Resolution Regarding Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street
2. Resolution to Set Public Hearing Regarding Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue
3. Resolution Approving Verizon Wireless Special Use Permit Application Regarding 110 Howland Avenue
4. Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction Corporation for the Vine Street Watermain Replacement Project
5. Resolution Authorizing the City of Beacon to Enter into a Contract with National Water Main Cleaning Company for the Wilkes Street Sanitary Sewer CIPP Lining Project
6. Resolution Authorizing the City of Beacon to Enter into a Contract for Headworks at the Wastewater Treatment Plant

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:**Upcoming Agenda Items:**

1. Noise Ordinance
2. 248 Tioronda Avenue
3. Main Street Parking Issues
4. Rent Stabilization
5. Camp Beacon Presentation
6. Historic District Overlay
7. Danskammer Energy LLC Buildout Discussion

City of Beacon Council Agenda
7/15/2019

Title:

Public Hearing Regarding a Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Regarding Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street	Resolution
Special Use Permit Application Referral from City of Beacon Planning Board to City of Beacon City Council Regarding 27 Fowler Street	Cover Memo/Letter
Special Use Permit Application for 27 Fowler Street	Application
Site Plan for 27 Fowler Street Special Use Permit Application	Plans

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
27 FOWLER STREET**

WHEREAS, Marianne Hughes Joiner (the “Applicant”), submitted an application for Special Use Permit to construct a 366 square foot accessory apartment (the “Proposed Action”) on property located on property located at 27 Fowler Street in an R1-5 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 30-5954-44-972638** (the “Property”); and

WHEREAS, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan approval; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

WHEREAS, the Site Plan is shown on drawings, entitled “Additions & Renovations to: Hughes Residence” last revised June 14, 2019, as prepared by Whalen Architecture, PLLC; and

WHEREAS, the Proposed Action is a Type II Action, pursuant to New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

WHEREAS, on May 21, 2019, the Zoning Board of Appeals granted the Applicant (1) a variance to provide one off-street parking space where two off street parking spaces are required pursuant to City Code § 223-24.1(F); and (2) a variance to permit an off-street parking facility in the required front yard setback where no off-street parking facility is permitted to be developed in any required front yard setback pursuant to City Code § 223-26(C)(1), in connection with the proposal to convert and enlarge the existing garage into a one bedroom 366 square foot accessory apartment; and

WHEREAS, the Planning Board issued a report to the City Council dated June 14, 2019 recommending approval of the Special Use Permit; and

WHEREAS, on July 15, 2019, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 15, 2019; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-24.1, and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to §§ 223-18 223-24.1 of the City of Beacon Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The proposed accessory apartment use is compatible with the surrounding residential uses in the neighborhood.
3. Operations in connection with the accessory apartment will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses.
5. The Applicant occupies the single-family home located on the same lot upon which the accessory apartment will be located.
6. The entry to the accessory apartment and its design is such that the exterior appearance of the building remains that of a single-family residence. In addition, the vinyl siding will match the main house

BE IT FURTHER RESOLVED, that the City Council [grants] an application for Special Use Permit to Marianne Hughes Joiner to construct a 366 square foot accessory apartment (on property located on property located at 27 Fowler Street in an R1-5 Zoning District as set forth and detailed on the plans prepared by Whalen Architecture, PLLC, last revised June 14, 2019 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.

3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with Section 223-24.1. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.
5. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
6. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
 - b. If all required improvements are not made within one (1) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
7. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
8. Any proposed revision to this Amended Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
9. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.

10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
11. The approvals granted by this resolution do not supersede the authority of any other entity.

BE IT FURTHER RESOLVED, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; the Building Inspector advised since the Proposed Action involves construction of an accessory apartment located on private property and is limitedly visible from Fowler Street, it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: July 15, 2019

Resolution No. _____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

*BEACON PLANNING BOARD
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026
John Gunn, Chairman*

June 14, 2019

Mayor Casale & City Council Members
One Municipal Plaza - Suite One
Beacon, New York 12508

RE: Special Use Permit – Accessory Apartment
27 Fowler Street

Applicant: Marianne Hughes-Joiner

Dear Mayor Casale & Council Members:

At its June 11, 2019 meeting, the Planning Board reviewed a Special Use Permit application from Marianne Hughes-Joiner to replace an existing garage to create a studio accessory apartment at 27 Fowler Street. The applicant has worked with the board in modifying their original proposal to address most of the Planning Board's comments thus far, and has agreed to give further consideration to the orientation of windows so that they are not directly facing the neighboring property. After careful review, three Board members present voted to recommend the City Council issue a Special Use Permit for an accessory apartment - subject to the applicant returning to the Planning Board for final Site Plan Approval. One remaining Board member present took a neutral stance on the Board's recommendation.

A copy of the application and Site Plan are attached for your information. If you have any questions regarding the Planning Board's action, please call me.

Yours truly,

A handwritten signature in blue ink that reads "John Gunn" followed by a small circular mark.

John Gunn, Chairman

APPLICATION FOR SPECIAL USE PERMIT

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

IDENTIFICATION OF APPLICANT

Name: MARIANNE HUGHES-JOINER
Address: 27 FOWLER ST.
BEACON, NY 12508
Signature: _____
Date: _____
Phone: 917-204-3702

(For Official Use Only)

Application & Fee Rec'd

Initial Review

PB Public Hearing

Sent to City Council

City Council Workshop

City Council Public Hearing

City Council Approve/Disapprove

Date Initials

2-26-19 EG

3-12-19

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: STEVEN WHALEN, RA C/O
WHALEN ARCHITECTURE PLLC
Address: 3 VAN NYCK LANE, SUITE #1
WAPPINGERS FALLS, NY 12590

Phone: 845-227-9190

Fax: _____

Email address: SU@WHALENARCHITECTURE.COM

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 27 FOWLER ST. BEACON, NY 12508
Tax Map Designation: Section 5954 Block 44 Lot(s) 972638
665723
Land Area: 4500 G.F. / 0.10 ACRES Zoning District(s) R2-5

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: ACCESSORY APARTMENT IN EXISTING GARAGE
Gross Non-Residential Floor Space: Existing 309.4 Proposed 404
TOTAL: 404
Dwelling Units (by type): Existing 0 Proposed 1
TOTAL: 1

ITEMS TO ACCOMPANY THIS APPLICATION

- Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- Five (5) **folded** copies and One (1) digital copy of any additional sketches, renderings or other information submitted.
- An application fee, payable to the City of Beacon, computed per the attached fee schedule.

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20 _____
subject to all conditions as stated therein

Chairman, City Planning Board

Date

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: MARIANNE HUGHES- JOINER

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

N/A

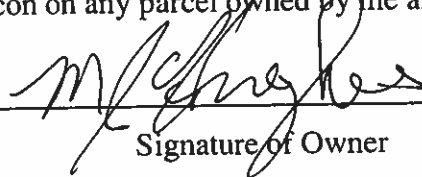
List all properties in the City of Beacon that you hold a 5% interest in:

N/AApplicant Address: 27 FOWLER ST. BEACON, NY 12508Project Address: 27 FOWLER ST. BEACON, NY 12508Project Tax Grid # 5954-44-972638Type of Application CONVERSION OF AN EXISTING GARAGE INTO AN ACCESSORY APARTMENT.

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

I, MARIANNE HUGHES- JOINER, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

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



Signature of Owner

Title if owner is corporation

Office Use Only:

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

NO ☒

YES

Initial

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

—

☒RM

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

—

☒JM

FOR OFFICE USE ONLY

Application #

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

INDIVIDUAL DISCLOSURE FORM

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION AName of Applicant: MARIANNE JONER. HUGHESAddress of Applicant: 27 FOWLER ST., BEACON NY 12508Telephone Contact Information: 917.204.3702**SECTION B.** List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
MARIANNE JONER. HUGHES	27 FOWLER ST	917.204.3702		
GEORGE HUGHES	27 FOWLER ST.			

SECTION B. Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?



YES

NO

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

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

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

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

☐

YES

☒

NO

I, MARIANNE JOINER-HUGHES being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) X Marianne Joiner-Hughes

(Signature) X Marianne J. Hughes

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: DANIEL HUGHES RESIDENCE

PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	X	
LEGAL DATA		
Name and address of the owner of record.	X	
Name and address of the applicant (if other than the owner).	X	
Name and address of person, firm or organization preparing the plan.	X	
Date, north arrow, and written and graphic scale.	X	
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.		X
Approximate boundaries of any areas subject to flooding or stormwater overflows.		X
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.		X
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	X	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.		X
Other existing development, including fences, retaining walls, landscaping, and screening.	X	
Sufficient description or information to define precisely the boundaries of the property.	X	
The owners of all adjoining lands as shown on the latest tax records.	X	
The locations, names, and existing widths of adjacent streets and curb lines.	X	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	X	

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	X	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.	X	
Any proposed division of buildings into units of separate occupancy.		X
The location, direction, power, and time of use for any proposed outdoor lighting.		X
The location and plans for any outdoor signs.		X
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	X	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.		X
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.		X
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		X
Any contemplated public improvements on or adjoining the property.		X
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.		X
Elevations of all proposed principal or accessory structures.		X
Any proposed fences or retaining walls.		X
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	X	
Erosion and sedimentation control measures.		X
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.	X	
An indication of proposed hours of operation.		X
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.		X

For all items marked "NO" above, please explain below why the required information has not been provided:

- NO CONTOURS SHOWN ON ORIGINAL SURVEY.
- NO STORMWATER OVERFLOW AREAS ON PROPERTY
- NO WETLANDS ON PROPERTY.
- LOCATION OF UNDERGROUND UTILITIES UNKNOWN.
- NO SUBDIVISIONS
- OUTDOOR LIGHTING TO BE DETERMINED
- NO SIGNS PROPOSED.
- NO LANDSCAPING PROPOSED
- UNDERGROUND UTILITY LOCATIONS TO BE DETERMINED.
- NO EASEMENTS PROPOSED.
- NO IMPROVEMENTS TO ADJACENT PROPERTY.
- NO FENCES OR RETAINING WALLS PROPOSED
- NO EROSION CONTROL NECESSARY.
- NO PHASES FOR THIS PROJECT. HOURS NOTED IN APPLICATION.

Applicant/Sponsor Name: STEPHEN A. WHITMAN, RA % WHITMAN ARCHITECTURE, PLLC

Signature:  S. A. WHITMAN

Date: 2/25/19




** VARIANCE REQUIRED

** VARIANCE REQUIRED

EXISTING GARAGE

RESOLUTION


Mr. Robert Lanier, Chairman

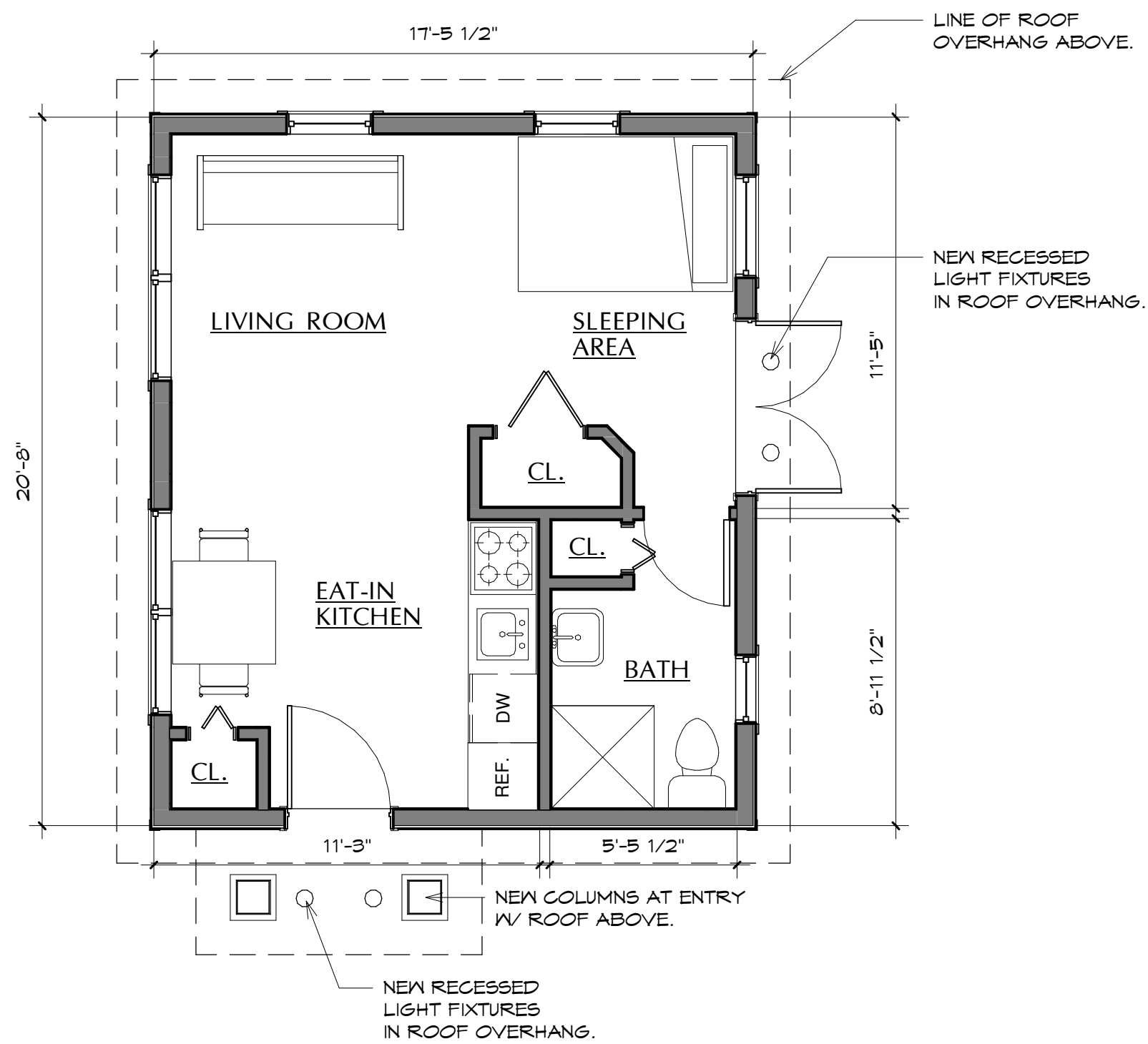
SITE PLAN & ZONING INFORMATION

CC 06/14/19

© COPYRIGHT 2017 WHALEN ARCHITECTURE, PLLC

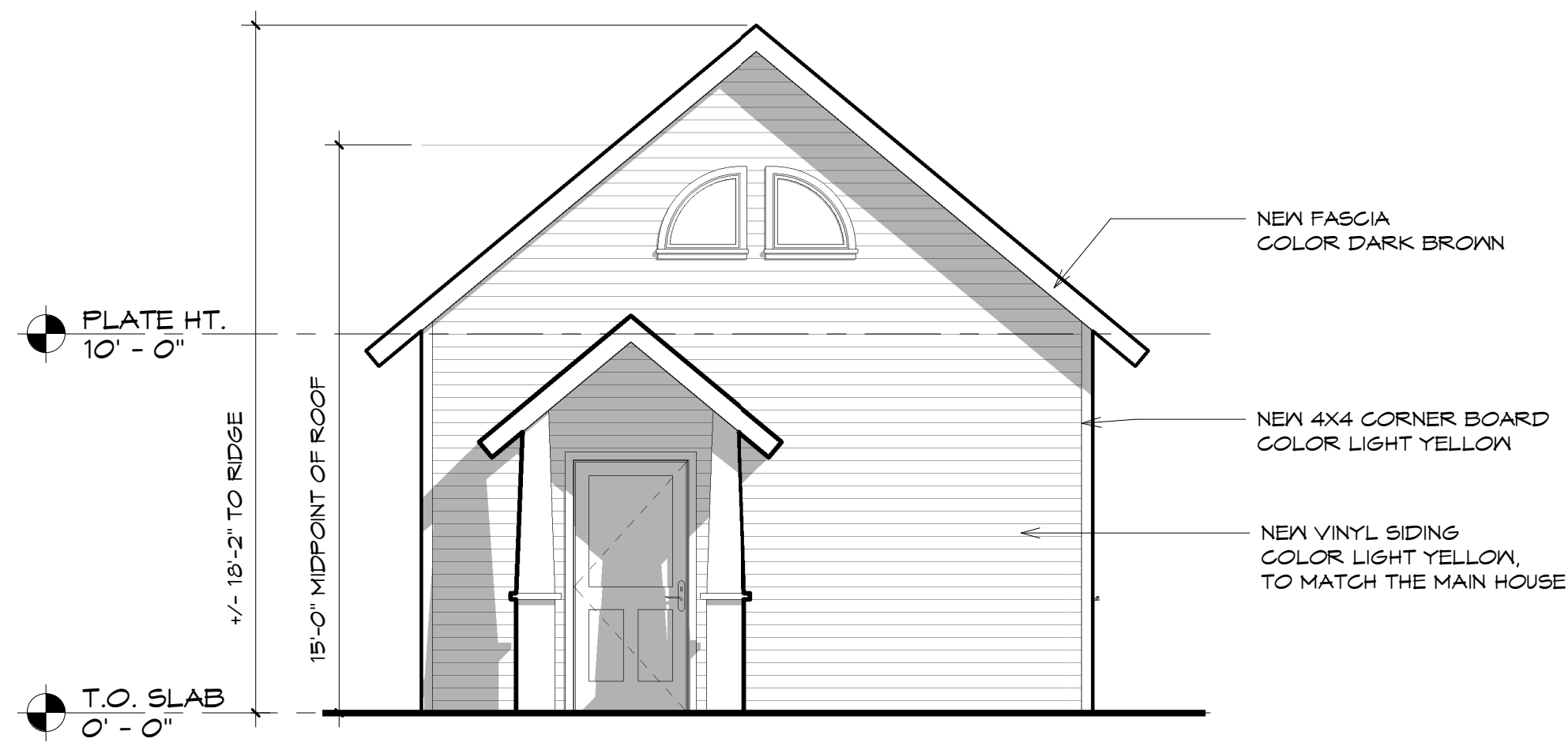
WHALEN ARCHITECTURE pllc
3 VAN WYCK LANE, SUITE #1 WAPPINGERS FALLS, NY 12590
(845) 227-9190 WHALENARCHITECTURE.COM

VAN WYCK LANE, SUITE #1 WAPINGERS FALLS, NY 12590
(845) 227-9190 WHALENARCHITECTURE.COM



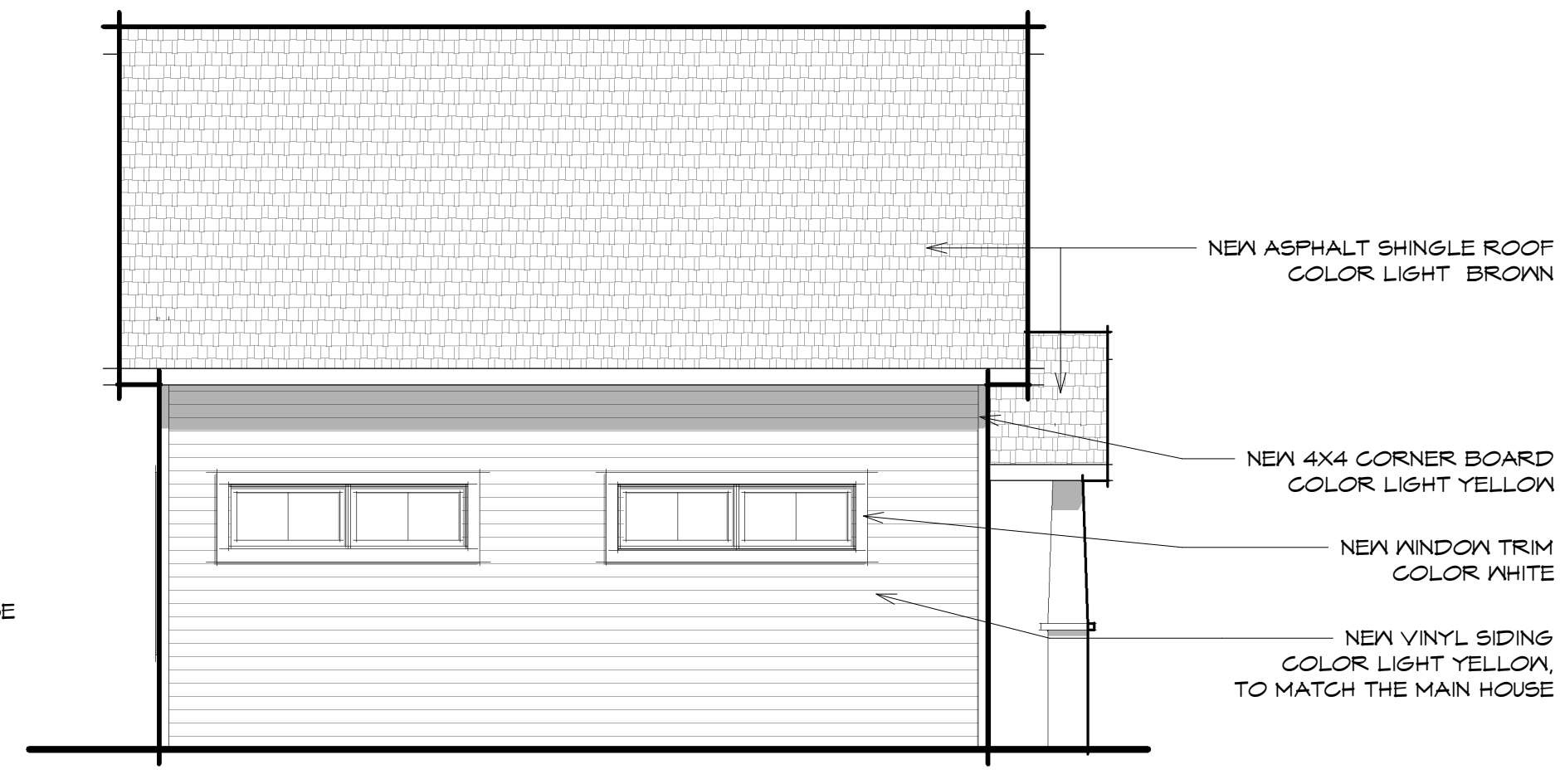
1
PB1.1
1/4" = 1'-0"

PROPOSED FLOOR PLAN



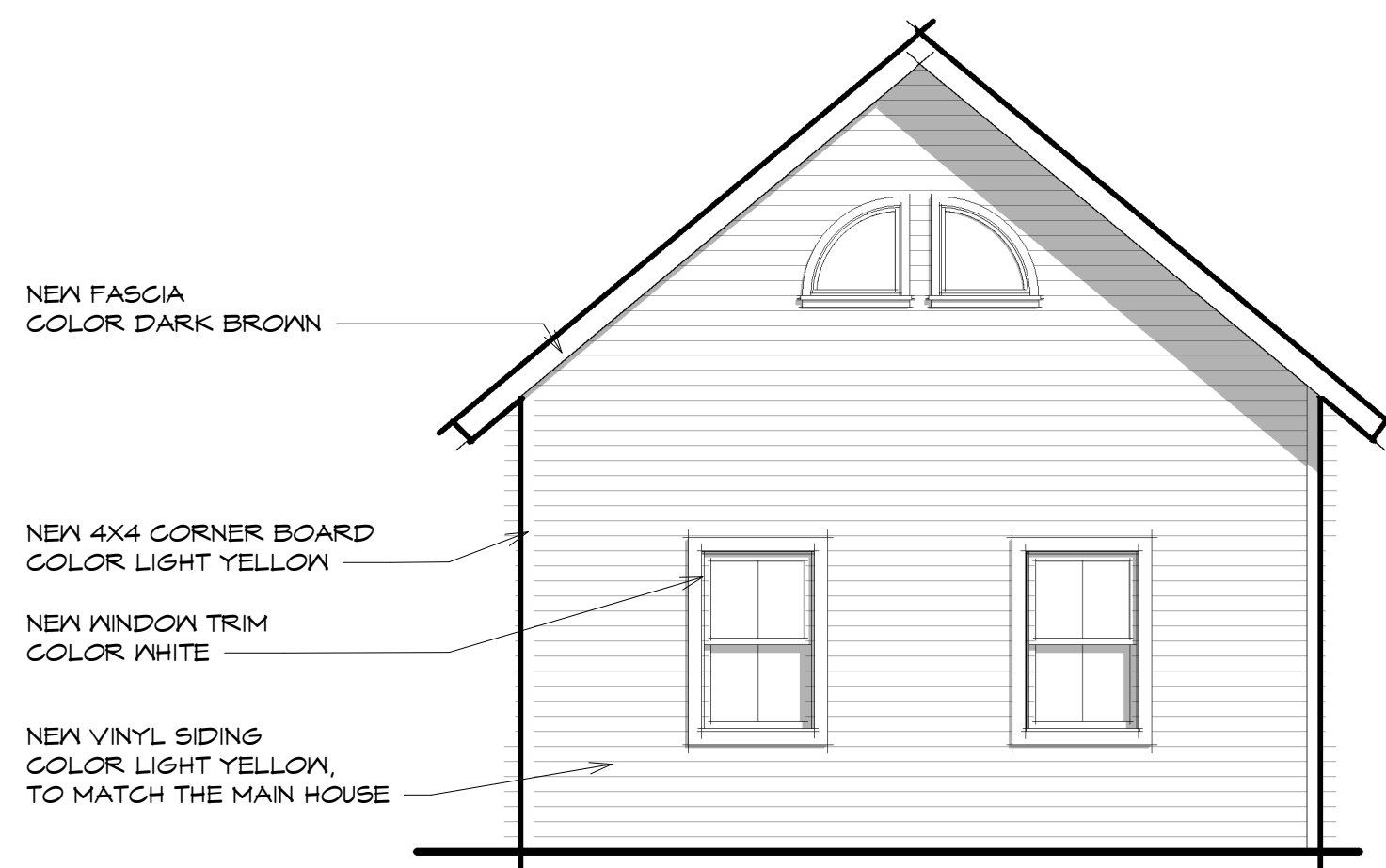
2
PB1.1
1/4" = 1'-0"

PROPOSED FRONT ELEVATION



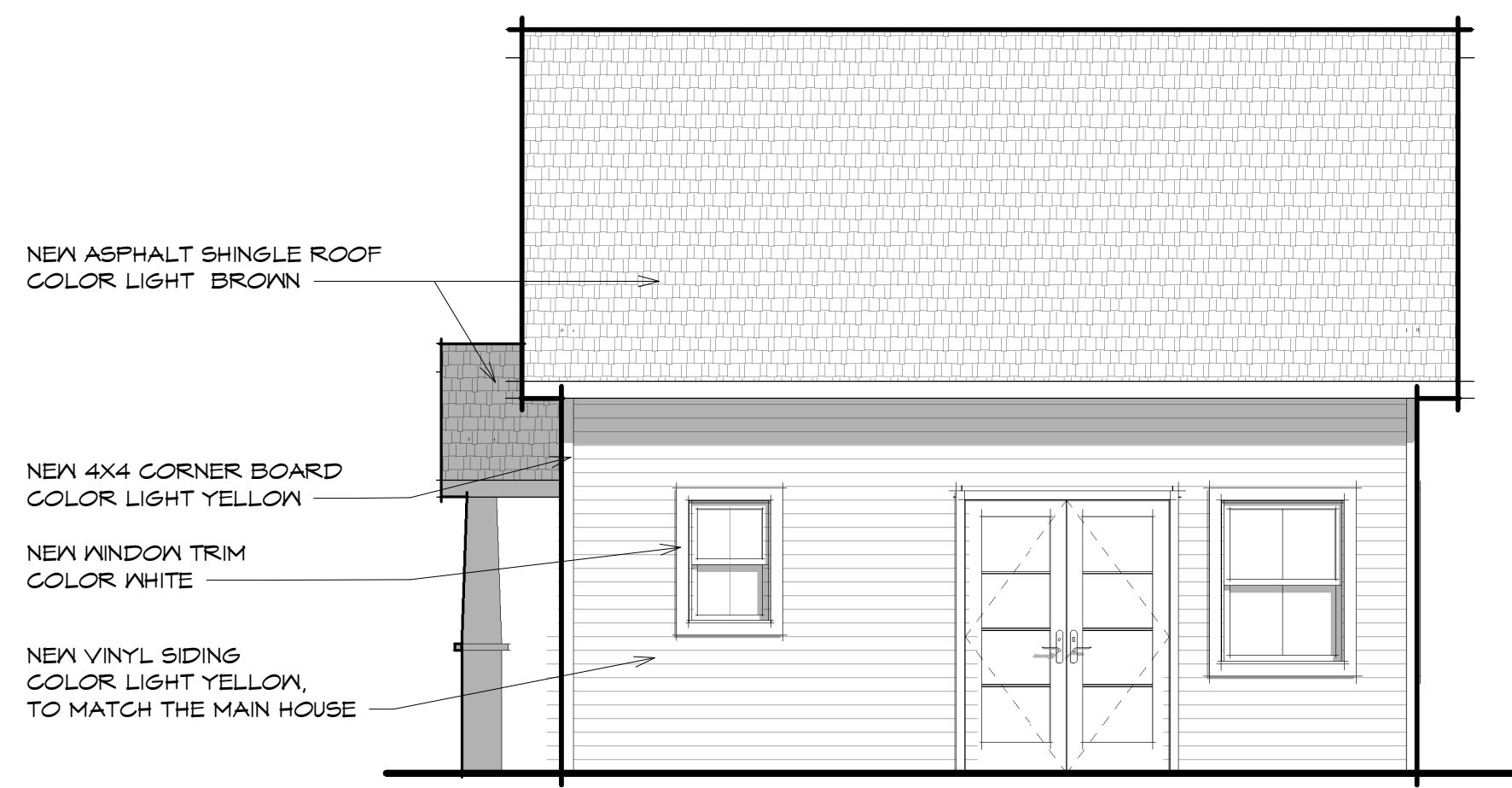
3
PB1.1
1/4" = 1'-0"

PROPOSED LEFT ELEVATION



4
PB1.1
1/4" = 1'-0"

PROPOSED REAR ELEVATION



5
PB1.1
1/4" = 1'-0"

PROPOSED RIGHT ELEVATION

THESE DRAWINGS ARE INSUFFICIENT FOR
CONSTRUCTION WITHOUT THE SEAL AND
SIGNATURE OF THE ARCHITECT OF RECORD

© COPYRIGHT 2017 WHALEN ARCHITECTURE PLLC

REVISIONS / ISSUE DATES		DATE	
NO.	DESCRIPTION	BY	DATE
	ISSUED TO CITY COUNCIL	SW	6/14/19

PROJECT NAME: Additions & Renovations to: Hughes Residence 27 Fowler Street Beacon, NY 12508		DRAWING TITLE: PROPOSED PLAN & ELEVATIONS	
DRAWN BY: SW	SHEET: 2 of 2	DRAWING NO.: PB1.1	
DATE: 3/26/19	SCALE: 1/4" = 1'-0"		
PROJECT PHASE: CC 06/14/19			

City of Beacon Council Agenda
7/15/2019

Title:

Public Hearing Regarding Moratorium with Respect to Land Use Approvals Regarding Land Use Approvals for Residential, Commercial, and Mixed-Use Developments

Subject:

Background:

ATTACHMENTS:

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

CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2019

**A RESOLUTION TO ADOPT A LOCAL LAW PURSUANT TO MUNICIPAL
HOME RULE LAW SECTION 10, TO ENACT A MORATORIUM WITH
RESPECT TO LAND USE APPROVALS TO REVIEW CERTAIN SPECIAL USE,
SITE PLAN, AND SUBDIVISION APPLICATIONS INVOLVING
RESIDENTIAL, COMMERCIAL AND MIXED USE DEVELOPMENTS
WITHIN THE CITY OF BEACON**

NOW, THEREFORE, BE IT RESOLVED that the Beacon City Council hereby adopts
a local law to enact a moratorium with respect to land use approvals associated with
residential, commercial and mixed-use developments within the City of Beacon.

Resolution No. _____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
ENACTMENT OF A MORATORIUM**

A LOCAL LAW to
enact moratorium on
residential and
commercial
development

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

SECTION 1. TITLE

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

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The City Council hereby finds as follows:

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

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

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

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

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

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

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

SECTION 3. MORATORIUM

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

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

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

SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM

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

SECTION 5. CONFLICTING LAWS SUPERSEDED

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

SECTION 6. SEPARABILITY

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

SECTION 7. EFFECTIVE DATE

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



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: Moratorium

DATE: July 12, 2019

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

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

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

City of Beacon Council Agenda
7/15/2019

Title:

Resolution Regarding Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Regarding Special Use Permit for an Accessory Apartment on Property Located at 27 Fowler Street	Resolution

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
27 FOWLER STREET**

WHEREAS, Marianne Hughes Joiner (the “Applicant”), submitted an application for Special Use Permit to construct a 366 square foot accessory apartment (the “Proposed Action”) on property located on property located at 27 Fowler Street in an R1-5 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 30-5954-44-972638** (the “Property”); and

WHEREAS, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan approval; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

WHEREAS, the Site Plan is shown on drawings, entitled “Additions & Renovations to: Hughes Residence” last revised June 14, 2019, as prepared by Whalen Architecture, PLLC; and

WHEREAS, the Proposed Action is a Type II Action, pursuant to New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

WHEREAS, on May 21, 2019, the Zoning Board of Appeals granted the Applicant (1) a variance to provide one off-street parking space where two off street parking spaces are required pursuant to City Code § 223-24.1(F); and (2) a variance to permit an off-street parking facility in the required front yard setback where no off-street parking facility is permitted to be developed in any required front yard setback pursuant to City Code § 223-26(C)(1), in connection with the proposal to convert and enlarge the existing garage into a one bedroom 366 square foot accessory apartment; and

WHEREAS, the Planning Board issued a report to the City Council dated June 14, 2019 recommending approval of the Special Use Permit; and

WHEREAS, on July 15, 2019, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 15, 2019; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-24.1, and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to §§ 223-18 223-24.1 of the City of Beacon Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The proposed accessory apartment use is compatible with the surrounding residential uses in the neighborhood.
3. Operations in connection with the accessory apartment will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses.
5. The Applicant occupies the single-family home located on the same lot upon which the accessory apartment will be located.
6. The entry to the accessory apartment and its design is such that the exterior appearance of the building remains that of a single-family residence. In addition, the vinyl siding will match the main house

BE IT FURTHER RESOLVED, that the City Council [grants] an application for Special Use Permit to Marianne Hughes Joiner to construct a 366 square foot accessory apartment (on property located on property located at 27 Fowler Street in an R1-5 Zoning District as set forth and detailed on the plans prepared by Whalen Architecture, PLLC, last revised June 14, 2019 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.

3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with Section 223-24.1. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.
5. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
6. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
 - b. If all required improvements are not made within one (1) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
7. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
8. Any proposed revision to this Amended Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
9. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.

10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
11. The approvals granted by this resolution do not supersede the authority of any other entity.

BE IT FURTHER RESOLVED, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; the Building Inspector advised since the Proposed Action involves construction of an accessory apartment located on private property and is limitedly visible from Fowler Street, it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: July 15, 2019

Resolution No. _____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

City of Beacon Council Agenda
7/15/2019

Title:

Resolution to Set Public Hearing Regarding Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting Public Hearing Regarding Proposed Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon	Resolution
Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon Regarding Parking on Van Nydeck Avenue and Sargent Avenue	Local Law



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**A RESOLUTION TO SET PUBLIC HEARING REGARDING LOCAL LAW TO AMEND
CHAPTER 211, ARTICLE III, SECTION 15, SUBSECTION B OF THE CODE OF THE CITY
OF BEACON FOR AUGUST 5, 2019**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to discuss the proposed Local Law to Amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon for August 5, 2019.

Resolution No.____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW TO AMEND CHAPTER 211, ARTICLE III, SECTION 15,
SUBSECTION B OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW amend Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon concerning parking on Sargent Avenue and Van Nydeck Avenue.

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

Section 1. Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon is hereby amended to restrict parking on Sargent Avenue and Van Nydeck Avenue as follows:

§ 211-15. Parking, stopping and standing prohibited at all times.

...

B. Schedule X: Parking, Stopping and Standing Prohibited at All Times. In accordance with the provisions of Subsection A, no person shall park, stop or stand at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
	...	
Sargent Avenue	Both <u>East</u>	From Education Drive north to Wolcott Avenue, except it shall be permissible for the school crossing guard to park at a designated location during school crossing hours

<u>Sargent Avenue</u>	<u>West</u>	<u>From Sycamore Drive to a point 110 feet North</u>
<u>Sargent Avenue</u>	<u>West</u>	<u>From Sycamore Drive to a point 50 feet south</u>
...		
Van Nydeck Avenue	South	From Hudson Avenue to a point 300 feet west
Van Nydeck Avenue	South	From 30 feet east of the easternmost exit of Madam Brett Homestead
<u>Van Nydeck Avenue</u>	<u>South</u>	<u>From Tioronda Avenue to a point 100 feet west</u>
...		

Added materials

~~Deleted Material~~

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon is otherwise to remain in full force and effect and are 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.

If any clause, sentence, paragraph, subdivision, section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or

judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective date.

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.

City of Beacon Council Agenda
7/15/2019

Title:

Resolution Approving Verizon Wireless Special Use Permit Application Regarding 110 Howland Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Granting a Small Cell Wireless Facility Special Use Permit Regarding 110 Howland Avenue	Resolution
EAF Part 1 for 110 Howland Avenue	EAF
EAF Part 2 and 3 for 110 Howland Avenue	EAF

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

**GRANTING A SMALL CELL WIRELESS FACILITY SPECIAL USE PERMIT
TO VERIZON WIRELESS (110 HOWLAND AVENUE)**

WHEREAS, the City Council received an application from Verizon Wireless (the “Applicant”) for a Small Cell Wireless Facility Special Use Permit to install two panel antennas and related equipment on a new 52 foot tall wood utility pole, along with ancillary equipment on the ground at the base of the new pole and equipment mounted on the new utility pole two feet above the ground to approximately twelve feet above the ground (“the Proposed Action”) on privately-owned property located at 110 Howland Avenue in the R1-40 Zoning District, known and designated on the Tax Map of the City of Beacon as Parcel ID #6054-14-347464 (the “Property”); and

WHEREAS, pursuant to § 223-26.4.B of the City of Beacon Zoning Code, Special Use Permit approval by the City Council is required to install a new utility pole for a small cell facility which is over fifty feet in height and to install antenna equipment on the pole at an elevation less than eight feet from the ground; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-24.5; and

WHEREAS, the application consists of application forms, correspondence, the Environmental Assessment Form and professional studies; and

WHEREAS, the Site Plan is shown on drawings, entitled “Howland Micro” last revised March 5, 2019, as prepared by EBI Engineering, P.C; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, the City Council referred the application for the Proposed Action to the Dutchess County Planning Board and City of Beacon Planning Board for report and recommendation; and

WHEREAS, the Planning Board considered the Proposed Action at its March 12, 2019 meeting and issued a report to the City Council dated March 14, 2019 recommending a 6 foot high fence, made of the same materials as the nearby dumpster enclosure, be

constructed to surround the facility and evergreens be planted near the edge of the property to screen the view from the house that has a clear view of the utility pole; and

WHEREAS, the Dutchess County Department of Planning and Development issued a report to the City Council dated March 18, 2019, recommending that the City inquire whether moving the tower further east, closer to the base of Mt. Beacon and the tree line, would better camouflage the proposed tower without significantly impeding the radiofrequency signal; and

WHEREAS, a public hearing on the Special Use Permit application was originally scheduled for May 6, 2019, however the Applicant failed to notice the public hearing pursuant to the requirements set forth in § 223-61.3 of the City of Beacon Zoning Code; and

WHEREAS, on June 17, 2019, the City Council opened and closed the re-scheduled public hearing on the Special Use Permit application, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council inquired whether the height of the wooden utility pole and antennas could be reduced to a height less than the proposed height of 52 feet for the utility pole and proposed antenna centerline height of 50 feet; and

WHEREAS, Verizon provided a supplemental height justification in response to the City's inquiry; and

WHEREAS, Verizon explained that the proposed 50 foot antenna centerline height allows for adequate and reliable coverage for the area, including East Main Street, while maintaining the ability to "contain" the site so it does not overshoot and degrade the network as a whole. If the antenna centerline height is located too low the site becomes unusable since it will be excessively blocked by area clutter including terrain, buildings and foliage; and

WHEREAS, Verizon further advised that lowering the antenna centerline height to 48 feet would not be preferred and would impact coverage, however Verizon agreed that considering the FCC's new definition of "small wireless facility" which became law after Verizon designed the facility, and limits the height of a small cell facility to 50 feet it would be a reasonable compromise to lower the height of the wooden utility pole and the antenna centerline height to 50 feet and 48 feet, respectively; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the general standards for Special Use Permits and Wireless Telecommunication uses set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-24.5, and finds that the proposal, in conjunction with the conditions set forth herein, complies with these sections of the City of Beacon Zoning Code, as set forth below; and

WHEREAS, as explained by the City Attorney, the Telecommunications Act of 1996 and the FCC's *Declaratory Rule and Third Report and Order*, adopted September 26, 2018, make it unlawful for local governments to prohibit, or have the effect of prohibiting, the provision of personal wireless service within the meaning of Section 332(c)(7)(B)(i)(II); and

WHEREAS, an effective prohibition occurs where a state or local action inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service. This test is met not only when filling a coverage gap but also when densifying a wireless network, introducing new services or otherwise improving service capabilities; and

WHEREAS, pursuant to Section 332(c)(7)(B)(iv) of the Telecommunications Act of 1996 "no state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless services on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions."

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to §§ 223-18 and 223.24.5 of the City of Beacon Zoning Code that, along with the imposition of the conditions set forth herein:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the monopole, antennas, fencing and other associated equipment and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
3. Operations in connection with the wireless telecommunications facility use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Relocation of the small cell facility towards Mount Beacon, further back from the parking area, eastward/southward, was reviewed and is not a viable option for the Applicant due to radiofrequency signal concerns with relocating the facility further back on the property relative to the existing tree lines. Specifically the northern tree line which would create additional "shadowing" degrading the capability of the site to unacceptable levels. Under the Telecommunications Act of 1996, local governments cannot prohibit, or have the effect of prohibiting, the "provision of personal wireless services." A local requirement could effectively prohibit the "provision of personal wireless

services” not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services.

5. The proposed configuration of the two panel antennas is reasonable based on the Applicant’s coverage and capacity objectives. As discussed above, local governments cannot inhibit a provider’s ability to introduce new services or otherwise improve service capabilities. The selected antennas have been specifically required due to their narrow horizontal and vertical beam widths as well as remote tilt capabilities. These are critical design functions necessary for this site to cover the required areas while minimizing overshooting interference.
6. The wireless telecommunication services facility will not be required to have FCC lighting, based on its height.
7. The wireless telecommunication services facility is sited to the maximum extent permitted and technically feasible to have the least adverse visual effect on the environment and its character, on existing vegetation and on the neighboring residence in the area of the wireless telecommunication services facility.

BE IT FURTHER RESOLVED, that after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the City Council hereby adopts the attached Negative Declaration.

BE IT FURTHER RESOLVED, that the City Council grants a Small Cell Wireless Facility Special Use Permit to Verizon Wireless to install two panel antennas and related equipment on a new wood utility pole, along with ancillary equipment on the ground at the base of the new pole and equipment mounted on the new utility pole on privately-owned property located at 110 Howland Avenue, as set forth and detailed on the plans prepared by EBI Engineering PC, last revised March 5, 2019, upon the following conditions:

1. The new wooden utility pole shall be installed at a height not to exceed 50 feet. The antennas shall be installed at a centerline height not to exceed 48 feet and the top of the antennas shall not exceed a height of 50 feet. The Applicant shall submit an updated Drawing Set, including a revised Site Plan, to the City incorporating the height limitation set forth herein.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. A copy of this Resolution shall be attached to the Certificate of Occupancy.

4. FCC warning signage should be routinely inspected and maintained at the site. It is the Applicant's responsibility to comply with all FCC rules and regulations that are applicable to the site and its operations.
5. The proposed antennas, mounting structures and cable runs shall be color matched to the pole and in accordance with the photo simulations provided for this application. All proposed equipment shall be of a matte finish.
6. The Applicant shall provide screening on the south side of the existing fencing around the existing dumpster and proposed Verizon equipment enclosures to supplement the on-site deciduous trees and to further shield visual impacts to residential properties to the south. The Applicant shall plant at least two trees (an evergreen or similar non-deciduous species) with a minimum height of 8 feet at the time of planting. All trees shall be planted to the satisfaction of the City Planner. The Applicant and the property owner shall maintain any and all trees planted pursuant to this condition and replace the tree(s), in-kind, if it dies or is removed for any reason.
7. The Applicant shall construct a six foot fence around the facility, made out of the same materials as the dumpster enclosure located on the site.
8. Evergreens shall be planted near the edge of the property to screen the view from the neighboring residence at the end of Chiusano Drive, to the satisfaction of the City Planner. The Applicant and the property owner shall maintain any and all trees planted pursuant to this condition and replace the tree(s), in-kind, if it dies or is removed for any reason.
9. A structural and foundation analysis shall be provided as part of the future Building Permit application.
10. The Applicant's plans show a future parking lot light mounted on the proposed wooden utility pole. Prior to the installation of any light pole, an illumination plan demonstrating no spillover of light shall be provided to the Building Department for approval. The proposed parking lot light is not part of the Applicant's Special Use Permit Application. Prior to the issuance of the Building Permit, the Applicant shall send a copy of this resolution to the property owner and shall specifically identify this condition and advise the property owner that before installation of any parking lot light, an illumination plan must be approved by the Building Department.
11. The Applicant shall provide a sign at the site with the contact information for the Applicant's personnel responsible for the site.
12. As-built drawings shall be prepared for the Building Department files which depict the actual locations and heights of all Verizon small cell equipment including - but not limited to - the wooden pole, antennas, pole-mounted

equipment, fencing, and subgrade utility runs and tie-ins. Any screening or landscaping required by the City Council shall also be included on the as-built drawings, along with notes for the facility Maintenance Plan.

13. Grounding and bonding certifications shall be provided to the Building Department.
14. Operations shall be maintained in accordance with the § 223-24.5 of the City of Beacon Zoning Code and all other applicable local, state and federal laws and regulations.
15. Unless otherwise superseded by the FCC, the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector.
16. The City Council shall require annual certification of conformance with the applicable RF emissions standards.
17. Copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification reports, the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by City of Beacon Code. Any violation of the emission standards shall require immediate discontinuation and correction of the use responsible for the violation.
18. In accordance with §223-24.5.S, the Applicant shall submit to the City Building Inspector an annual structural/safety inspection. The structure shall be inspected annually from a structural and safety perspective by a licensed professional engineer or at any other time that the Building Inspector determines that the structure may have sustained structural damage. A copy of the inspection report shall be submitted to the Building Inspector. The City of Beacon reserves the right to inspect any wireless telecommunication services facility to ensure compliance with the City of Beacon Code, FCC regulations and state and federal law.
19. If there is a change in operations in the future (frequency bands or class of service such as 5G), the applicant shall be required to notify the City Building Department and submit an updated RF Emissions report.

20. Any proposed increase in Verizon's number of antennas, antenna sizes, or number/sizes of ground based equipment cabinets shall be approved by the City prior to any modifications (e.g., upgrades or minor modifications as defined under the FCC's Eligible Facilities Request). Any plans for collocation will need to be reviewed and approved by the City under the appropriate application process.
21. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
22. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
 - b. If all required improvements are not made within one (1) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
23. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
24. Any proposed revision to this Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
25. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.

26. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
27. The approvals granted by this resolution do not supersede the authority of any other entity.

BE IT FURTHER RESOLVED, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; the Building Inspector advised since the structure is limitedly visible from Howland Avenue, impacts a small area on a developed lot and is located in a paved parking lot it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: July 15, 2019

Resolution No. _____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call				
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> 2/3 Required. <input type="checkbox"/> 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless							
Name of Action or Project: Howland Micro							
Project Location (describe, and attach a location map): 110 Howland Avenue, Beacon, Dutchess County, NY							
Brief Description of Proposed Action: Construct a proposed 52 foot wooden pole with two proposed antennas within a 102 square foot lease area for telecommunications equipment. Verizon Wireless proposes to utilize the existing paved access road. Utility conduits are to extend underground along the perimeter of the paved parking area for approximately 250 feet to an existing utility pole.							
Name of Applicant or Sponsor: Verizon Wireless		Telephone: E-Mail: kathy.pomponio@verizonwireless.com					
Address: 1275 John Street, Suite 100							
City/PO: West Henrietta		State: NY	Zip Code: 14586				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">NO</th> <th style="text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">NO</th> <th style="text-align: center;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 6 acres b. Total acreage to be physically disturbed? <1 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <1 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) </div> <div style="width: 50%;"> <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </div> <div style="width: 50%;"> <input type="checkbox"/> Parkland </div> </div>							

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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Verizon Wireless</u> Date: <u>November 13, 2018</u> Signature: <u>Elaine Langer</u>		

Agency Use Only [If applicable]	
Project:	Howland Micro
Date:	July 15, 2019

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: Howland Micro

Date: July 15, 2019

Short Environmental Assessment Form **Part 3 Determination of Significance**

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

The Proposed Action is the installation of a new 52 foot wooden utility pole, with two antenna and associated ground-based equipment on 102 square feet of leased space on private property located at 110 Howland Avenue (the "Property"). The Property is 4.359 acres in the R1-40 residential zoning district. The Proposed Action requires a Small Cell Wireless Facility Special Use Permit from the City Council. The Proposed Action is an Unlisted Action. Based upon a review of Parts 1 and 2 of the Short Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from interested agencies, and information from the public, the City Council, acting as Lead Agency, concludes that the Proposed Action will not result in any significant adverse impact on the environment.

The new utility pole will be installed on a fully developed site, in the existing paved parking lot located on the site. The Proposed Action will involve minimal site work associated with the construction of the new pole and associated equipment. Less than 1 acre will be physically disturbed and no trees are proposed to be removed. In addition the Proposed Action does not require any water usage. As this is a fully developed site, the Proposed Action will not result in any adverse environmental impacts to any unique geological features, surface water or groundwater quality or quantity, flooding, air quality, plants or animals, historic or archaeological resources, or open space and recreation. The Proposed Action does not include any lighting and will not release any odors or create any noise.

In addition, the Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views visible from any publicly accessible vantage points either seasonally or year round. The Proposed Action will not generate any vehicle trips and therefore will not impact transportation. It is anticipated that existing energy infrastructure will continue to serve the Proposed Action. The future energy demand of the Proposed Action is not anticipated to increase. The Proposed Action does not require a new, or an upgrade to any existing substation.

To further minimize aesthetic impacts to the surrounding community, the Applicant has agreed to lower the height of utility pole from the proposed 52 feet to 50 feet.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council

July 15, 2019

Name of Lead Agency

Date

Randy Casale

Mayor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM

City of Beacon Council Agenda
7/15/2019

Title:

Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction Corporation for the Vine Street Watermain Replacement Project

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with Sun Up Construction Corporation for the Vine Street Watermain Replacement Project	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO A
CONTRACT WITH SUN UP CONSTRUCTION COROPORATION FOR THE VINE
STREET WATERMAIN REPLACEMENT PROJECT**

WHEREAS, the City of Beacon received three (3) bids for the Fulton Fowler and Vine Watermain Replacement Project, with an estimated construction amount of \$510,000; and

WHEREAS, the lowest responsible bid was in up at \$707,800, approximately \$217,000 over budget; and

WHEREAS, the City of Beacon Water and Wastewater Superintendent and the City of Beacon Engineering Consultant determined of the three (3) streets in the original project, Vine Street is in need of a watermain replacement project; and

WHEREAS, Sun Up Construction Corporation provided the lowest responsible bid of the three (3) bidders for the original Fulton Fowler and Vine Watermain Replacement Project; and

WHEREAS, Sun Up Construction has provided a quote of \$497,585.75 for the Vine Street Watermain Replacement Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Mayor or City Administrator to enter the City of Beacon into a contract with Sun Up Construction for the Vine Street Watermain Replacement Project.

Resolution No. ____ of 2019		Date: <u>July 15, 2019</u>					
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
7/15/2019

Title:

Resolution Authorizing the City of Beacon to Enter into a Contract with National Water Main Cleaning Company for the Wilkes Street Sanitary Sewer CIPP Lining Project

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with National Water Main Cleaning Company for the Wilkes Street Sanitary Sewer CIPP Lining	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO A
CONTRACT WITH NATIONAL WATER MAIN CLEANING COMPANY FOR THE
WILKES STREET SANITARY SEWER CIPP LINING PROJECT**

WHEREAS, the City of Beacon received a bid from National Water Main Cleaning Company with a bid price of \$81,927.00 for the Wilkes Street Sanitary Sewer CIPP Lining project which was the lowest responsible bid of three (3) bids; and

WHEREAS, the engineer's estimate for the project was \$343,670.00; and

WHEREAS, National Water Main Cleaning Company has submitted information related to several projects in which they have completed the work as outlined within the proposed budget; and

WHEREAS, National Water Main Cleaning Company's references were called and the company's work was found to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Mayor or City Administrator to enter the City of Beacon into a contract with the National Water Main Cleaning Company for the Wilkes Street Sanitary Sewer CIPP Lining project.

Resolution No. ____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

City of Beacon Council Agenda
7/15/2019

Title:

Resolution Authorizing the City of Beacon to Enter into a Contract for Headworks at the Wastewater Treatment Plant

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the City of Beacon to Enter into Contracts with Tam Enterprises, Inc. and JJ Sass, Inc. for Headworks at the City of Beacon Wastewater Treatment Plant	Resolution



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO.____ 2019

**A RESOLUTION AUTHORIZING THE CITY OF BEACON TO ENTER INTO CONTRACTS
WITH TAM ENTERPRISES, INC. AND JJ SASS ELECTRIC, INC. FOR HEADWORKS FOR
THE CITY OF BEACON WASTEWATER TREATMENT PLANT**

WHEREAS, the City of Beacon received a bid from Tam Enterprises, Inc. with a bid price of \$3,400,000.00 for Contract #1 General Construction which was the lowest responsible bid of a total of six (6) bids; and

WHEREAS, the City of Beacon received a bid from JJ Sass Electric, Inc. with a bid price of \$277,000.00 for Contract # 2 Electrical which was the lowest responsible bid of a total of three (3) bids; and

WHEREAS, the combined bids from Tam Enterprises, Inc. and JJ Sass Electric, Inc. are within the budgeted and approved capital improvement cost.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes the Mayor or City Administrator to enter the City of Beacon into contracts with the Tam Enterprises, Inc. and JJ Sass, Inc. for Headworks for the City of Beacon Wastewater Treatment Plant.

Resolution No.____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					