



**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

October 21, 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 Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street
- Public Hearing for a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement
- Public Hearing for a Proposed Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance
- Continuation of Public Hearing Regarding 248 Tioronda Avenue Concept Plan from October 7, 2019

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 Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street
2. Resolution to Approve a Proposed Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon Regarding the Nuisance Policy
3. Resolution Approving a Special Use Permit for the Early Terrible Wine Bar at 305 Main Street
4. Resolution Referring Proposed Verizon Wireless Co-Location of Cellular Antennae Facility on Existing Telecommunication Tower on the Roof of the Mase Hook & Ladder Building to the Planning Board for Review and Comment
5. Resolution Setting a Public Hearing to Discuss the Proposed 2020 City of Beacon Budget for November 18, 2019

Approval of Minutes:

- City Council Meeting Minutes October 7, 2019

Budget Amendments:

- Budget Amendments

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:**

City of Beacon Council Agenda
10/21/2019

Title:

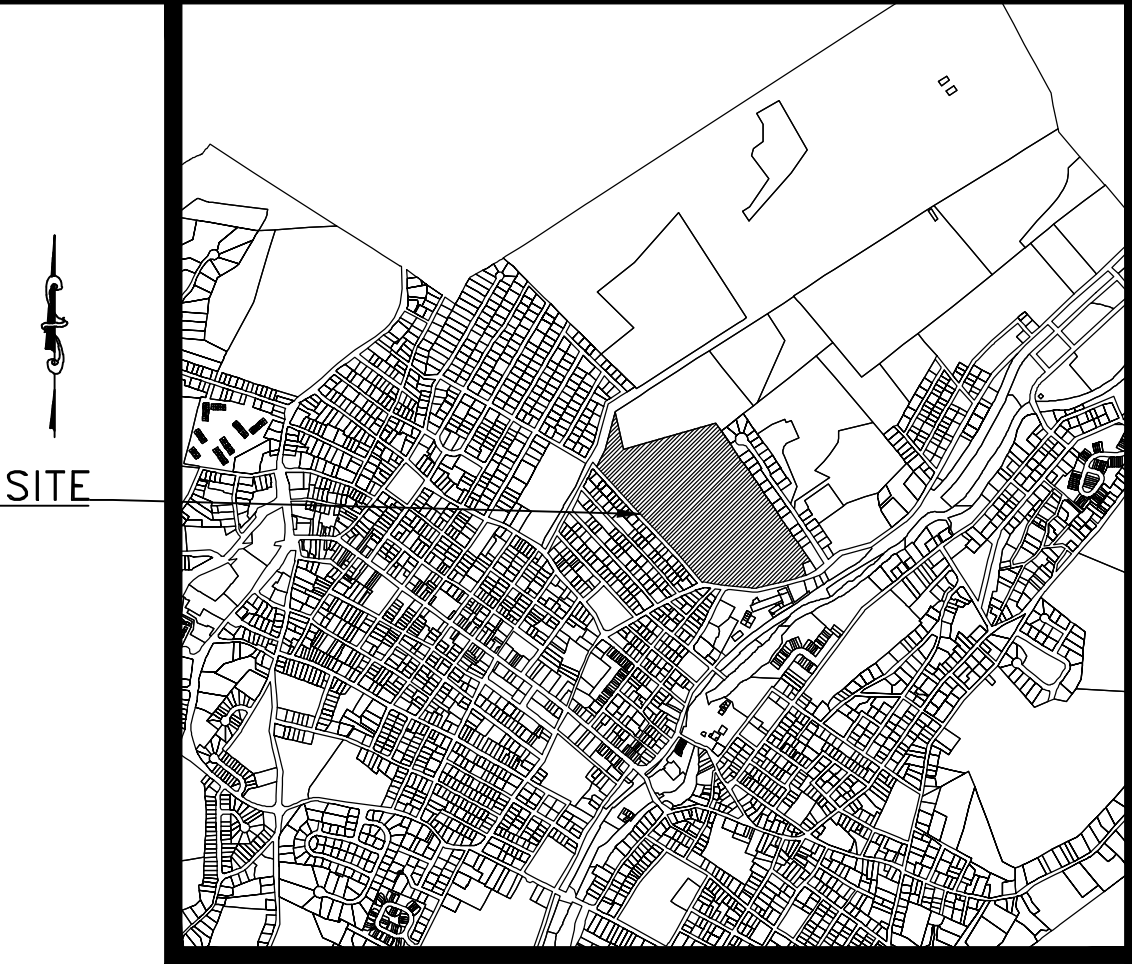
Public Hearing Regarding Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street

Subject:

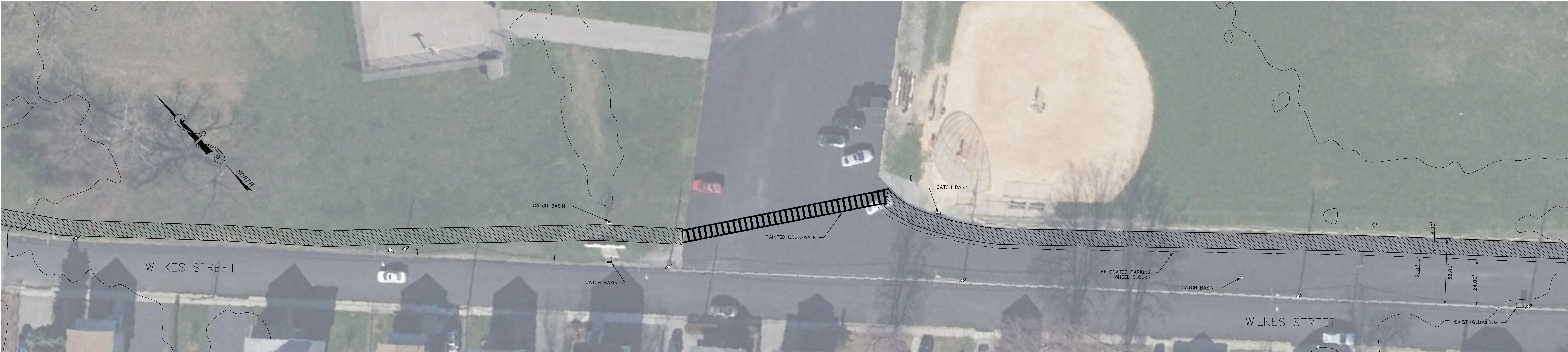
Background:

ATTACHMENTS:

Description	Type
Wilkes Street Walkway	Plans
Wilkes Walkway Cost Estimates	Backup Material
Resolution Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway	Resolution
Public Hearing Notice Confirmation from the Poughkeepsie Journal	Backup Material



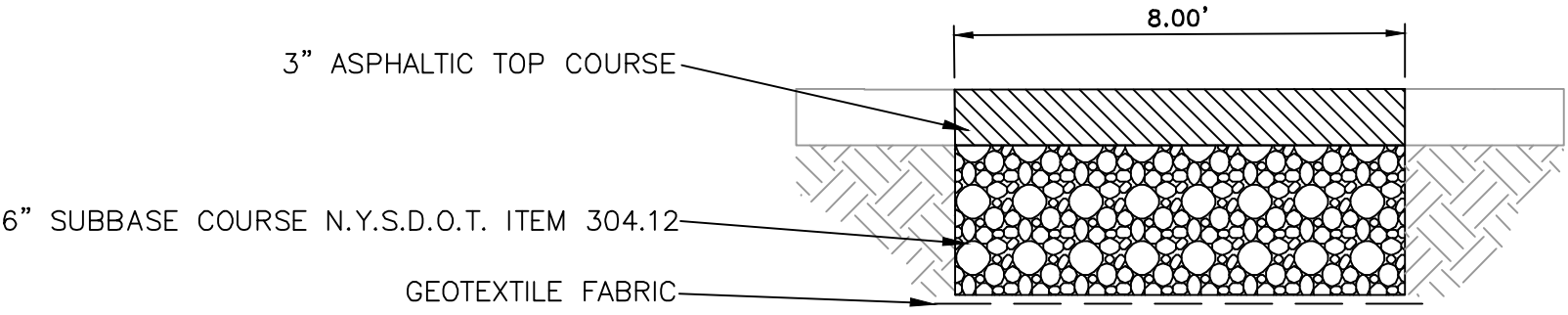
LOCATION PLAN
1 INCH = 2000 FEET



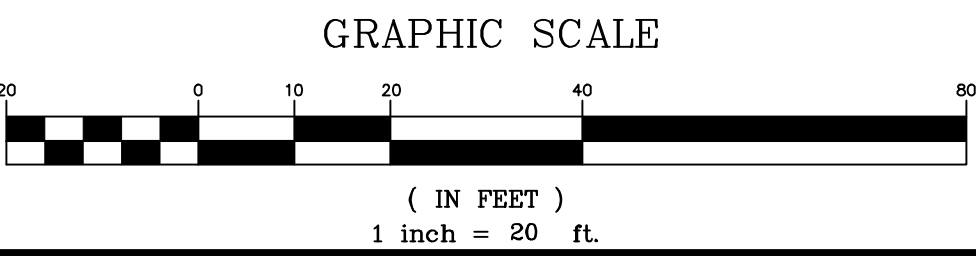
COPYRIGHT 2019, LANC & TULLY, P.C.

LEGEND

- EXISTING FIRE HYDRANT
- EXISTING SIGN
- EXISTING UTILITY POLE
- PROPOSED WALKWAY



WALKWAY DETAIL



COPIES FROM THE ORIGINAL OF THIS DOCUMENT NOT MARKED WITH AN ORIGINAL OF THE PROFESSIONAL ENGINEER'S AND/OR LAND SURVEYOR'S STAMP OR EMBOSSED SEAL SHALL NOT BE CONSIDERED VALID, TRUE COPIES.

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LANC & TULLY ENGINEERING AND SURVEYING, P.C.		P.O. Box 687, Rt. 207 Goshen, N.Y. 10924 (845) 294-3700	
WALKWAY PLAN PREPARED FOR		Date: SEPTEMBER 13, 2019 Revisions:	
WILKES STREET WALKWAY		CAD File: 65050-SITEPLAN1.DWG Layout: SITE PLAN Sheet No.: 1 OF 1	
Drawn By: CB	Checked By:	Scale: 1" = 20'	Tax Map No.: N/A
		Drawing No.: C30 A - 19 - 5855 - 01	

**WILKES STREET WALKWAY
CITY OF BEACON, DUTCHESS COUNTY, NY**

All items are *complete items* & include furnishing, installation, excavation, backfilling, labor, etc., unless mentioned otherwise in this Bid Form.

BIDDER will complete the BASE BID work on **Wilkes Street Walkway** using the following unit prices:

Item #	Item Description	Unit	Est. Qty	Total Price Per Unit (Material, Labor, Installation, etc.)	Total Amount
1	Bonds and Insurance	LS	1	\$15,000.00	\$15,000.00
2	Removal and stockpiling of topsoil; excavation of existing subgrade below topsoil to allow for geotextile fabric, 6" of Select Material No. 4 and 3" of asphalt in areas of newly proposed walkway. Includes disposal of all wastes, grading, and compaction.	SY	1400	\$15.00	\$21,000.00
3	Installation of new street sign and/or relocation of existing street sign	Each	1	\$250.00	\$250.00
4	Installation of painted striping for crosswalks and hatched areas as shown on plans	LF	665	\$4.00	\$2,660.00
5	Installation of geotextile fabric for jogging trail	SY	1400	\$1.50	\$2,100.00
6	Installation, grading and compaction of 6" Select Material No. 4 (NYSDOT Item 304.12) for jogging trail subbase.	SY	1400	\$25.00	\$35,000.00
7	3" top course, Type 6FX for jogging trail top course	SY	1400	\$40.00	\$56,000.00

WILKES STREET WALKWAY
City of Beacon, Dutchess County, NY

Item #	Item Description	Unit	Est. Qty	Total Price Per Unit (Material, Labor, Installation, etc.)	Total Amount
8	Relocation of existing parking wheel blocks as shown on plans or as directed by Engineer	Each	40	\$200.00	\$8,000.00
9	Grading, topsoiling, and seeding all disturbed areas.	LS	1	\$20,000.00	\$20,000.00
10	Additional Select Material No. 4, as ordered by Engineer, installed and compacted.	CY	5	\$50.00	\$250.00
10% Contingency					\$16,026.00
Estimated Total Construction Cost					\$176,286.00
Surveying					\$7,500.00
Engineering					\$15,000.00
Construction Administration					\$5,000.00
Construction Observation (30-Days)					\$16,000.00
Estimated Total Project Cost					\$219,786.00



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
FISCAL YEAR 2020 DUTCHESS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION
FOR CONSTRUCTION OF WALKWAY IN MEMORIAL PARK ALONG WILKES STREET**

WHEREAS, City of Beacon is participating in the Dutchess County Community Development Consortium for Fiscal Year 2020, and

WHEREAS, input from citizens and groups has been received and considered, and

WHEREAS, an application has been prepared which addresses Beacon community concerns; and

NOW, THEREFORE BE IT RESOLVED, that the Dutchess County Community Development Block Grant Program for the above referenced activity is approved.

BE IT FURTHER RESOLVED, that the submission of said application to the Dutchess County Department of Planning and Development be and hereby is authorized.

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

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF BEACON

Address: 1 MUNICIPAL PLZ
BEACON NY 12508
USA

Ad No.: 0003843025
Pymt Method Credit Card
Net Amt: \$37.04
Run Times: 1
Run Dates: 10/16/19

Text of Ad:

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Beacon City Council hereby schedules a public hearing for Monday, October 21, 2019 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to discuss the submission of the fiscal year 2020 Dutchess County Community Development Block Grant program application for construction of a walkway in Memorial Park.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Amanda C. Caputo,
Deputy City Clerk

Dated: October 11, 2019
3843025

City of Beacon Council Agenda
10/21/2019

Title:

Public Hearing for a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from City Attorney Regarding a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement	Cover Memo/Letter
Planning Board Response Regarding Site Plan Enforcement	Cover Memo/Letter
Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Site Plan Enforcement	Local Law
Public Hearing Notice Confirmation from the Poughkeepsie Journal	Backup Material

**PRIVILEGED AND CONFIDENTIAL
NOT SUBJECT TO FOIL DEMAND**

MEMORANDUM

■ **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**
505 Park Avenue
New York, NY 10022
Phone 646.794.5747

TO: Mayor Randy Casale and Beacon City Council Members

FROM: Keane & Beane, P.C.

RE: Zoning Enforcement Local Law

DATE: July 18, 2019

Currently, enforcement of an approved Site Plan and/or Approval Resolution is predicated on the fact that a building permit and certificate of occupancy would be issued prior to the enforcement action. (See, Section 223-51 of the City of Beacon Zoning Code). Such enforcement reflects the typical case whereby approval for construction is issued, the applicant satisfies certain conditions, obtains a building permit, constructs the improvement, and receives a certificate of occupancy to close out the building permit.

However, in some cases, implementation of an approved Site Plan does not require the issuance of a building permit or certificate of occupancy. In these cases, the Building Inspector does not have a clear and unequivocal enforcement tool upon which to issue violations returnable in the Beacon City Court.

The proposed local law to amend Section 223-7 of the City of Beacon Zoning Code is intended to provide a broad tool for use by the Building Inspector where a property is not in conformance with an approved Site Plan or Approval Resolution, regardless of whether a building permit or certificate of occupancy is required for the approved improvements or uses.

To move forward with the local law, the City Council is required to refer the local law to the Beacon Planning Board and to the Dutchess County Planning Department. A public hearing on the local law will also be required.



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law Amending Chapter 223, Article III, Section 7 of the City Code

DATE: October 11, 2019

As requested, the Planning Board reviewed the Local Law amending Chapter 223, Article III, Section 7 of the City Code at their October 8, 2019 meeting. A lengthy discussion took place about the legislative intent and purpose of the amendment. Members unanimously supported the legislation which will provide enforcement capability to the Building Inspector when implementation of an approved Site Plan does not require the issuance of a Building Permit or Certificate of Occupancy. If you have any questions, please feel free to contact me.

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW TO AMEND CHAPTER 223, ARTICLE III, SECTION 7, OF
THE CODE OF THE CITY OF BEACON**

A LOCAL LAW amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon concerning conformity required for land use approvals.

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

Section 1. Chapter 223, Article III, Section 7 of the Code of the City of Beacon entitled “Conformity Required” is hereby amended as follows:

§ 223-7. Conformity required.

No building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or any manner, except in conformity with all regulations, requirements and restrictions specified in this chapter for the district in which such building or land is located. The details of any plan or site plan approved by the City Council, Planning Board or Board of Appeals acting under the terms of this chapter and any conditions attached to such approval as set forth on the plan or Resolution shall be deemed to be such requirements.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Article III, 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.

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF BEACON

Address: 1 MUNICIPAL PLZ
BEACON NY 12508
USA

Ad No.: 0003843037
Pymt Method Credit Card
Net Amt: \$37.04
Run Times: 1
Run Dates: 10/16/19

Text of Ad:

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Beacon City Council hereby schedules a public hearing for Monday, October 21, 2019 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to discuss a proposed Local Law to Amend Chapter 22, Article III, Section 7 of the Code of the City of Beacon regarding conformity required for land use approvals.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Amanda C. Caputo,
Deputy City Clerk

Dated: October 11, 2019
3843037

City of Beacon Council Agenda
10/21/2019

Title:

Public Hearing for a Proposed Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from City Attorney Regarding the Noise Local Law	Cover Memo/Letter
Proposed Local Law to Amend Chapter 149 and Chapter 223 Section 29 of the Code of the City of Beacon	Local Law
Public Hearing Notice Confirmation from the Poughkeepsie Journal	Backup Material

MEMORANDUM

TO: Mayor Casale and Members of the City Council
of the City of Beacon

FROM: Keane & Beane, P.c.

RE: Proposed Noise Ordinance

DATE: September 26, 2019

Based on the City Council's comments at the August 29, 2019 workshop meeting and comments raised by the City's staff and the City's noise consultant, the following changes have been made to the local law amending Chapter 149 of the Code of the City of Beacon entitled Noise. All revisions are marked as track changes in the attached local law.

1. It is our understanding the City Council was in agreement that the current exemptions and specified prohibited acts that have time restrictions associated with them should have the same time restrictions. Therefore, the proposed Local Law has been amended to create uniform daytime hours (7 a.m. – 9 p.m.) and nighttime hours (9 p.m. – 7 a.m.). We have updated the definitions in the proposed Local Law to reflect this change.
2. At the August 29, 2019 workshop, the Council did not want to have different time restrictions for weekends or holidays for exempted and prohibited actions. The proposed Local Law has been updated to address this by removing the definitions of weekday, weekday night, weekend and weekend night. All references to these terms have been removed in the proposed Local Law.
3. It is our understanding the Council wishes to keep footnote one in Table 1 in the proposed Local Law. However, the Council agreed that it would be easier for enforcement purposes to eliminate any reference to zoning districts, and amend the provision so that the permissible sound level limits are increased by 5 dB(A) during daytime hours if the residential receptor lives on property within a distance of 200 feet of a commercial facility or industrial use, such distance shall be measured from the sound source to the property line of the residential receptor. Police officers do not always know what zoning district a property is located in. This language is easier and more efficient to enforce because it does not rely on the zoning district designations.

4. The plainly audible standard has been updated to specify that noise disturbance is considered plainly audible if it can be heard inside the dwelling of an affected person with all windows and doors closed.
5. We eliminated Section 149-7.D which prohibited loading and unloading of boxes, crates, etc. between the hours of 10:00 p.m. and 7:00 a.m. The loading and unloading of boxes is addressed by the decibel restrictions set forth in the proposed Local Law. The City's noise consultant, Eric Zwerling, advises such a provision is no longer necessary and is outdated.
6. It remains unclear how the City Council would like to address the issue of outdoor music. We have updated the proposed Local Law to require outdoor noise permits for commercial establishments (§149-10) and to require outdoor noise permits for (a) private or public celebrations and (b) certain construction projects (§ 149-11). In connection with commercial establishments, the proposed Local Law, as drafted, requires commercial establishments to obtain a permit to operate, play or permit the operation or playing of any sound production device outdoors. The permit is good for a year and allows the permit holder to play/operate any sound production device outdoors once a week (Sunday-Monday). This is one option the City may pursue.

The City's noise consultant has prepared the attached chart to clarify the options available to regulate outdoor music on commercial properties. The chart also includes a pros/cons analysis of each option. The City Council should review the attached chart and provide additional feedback and direction concerning the regulation of outdoor music.

ecc: Anthony Ruggiero, City Administrator
Lieutenant Tom Figlia
John Clarke, City Planner
Eric Zwerling, Noise Consultant

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822



(908) 237-0298

noiseconsultancy@aol.com

www.noiseconsultancy.com

OPTION #1 – Prohibit outdoor amplified music

PROS – This is very simple to enforce. If there is an outdoor speaker in use, it is a prima facie violation. No measurements are necessary. It is extremely protective of affected parties.

CONS – This is very restrictive on the facilities so regulated, and affords no opportunity for any outdoor amplified sound. This would apply even to those facilities utilizing background music for outdoor dining, and those with no potentially sensitive receptors in close proximity.

OPTION #2 - Allow outdoor amplified music, any day, and regulate it pursuant to the limits in Table I during daytime hours (7:00 AM to 9:00 PM). During nighttime hours (9:00 PM to 7:00 AM) the applicable standard would be the prohibition against plain audibility inside a dwelling [Specific Prohibited Acts §149-7(A)(1)].

PROS – This is relatively simple. If the sound is below the permissible limit, it's compliant. If it's above, it's not. Objective limits allow for some level of activity, and a facility can calibrate their system to remain compliant, and/or conduct measurements to self-police to remain so.

CONS – outdoor music is a volitional noise. The facility chooses when, how and where to emit the noise. There are affected parties who do not want to be exposed to even compliant levels all of the time it would be permissible.

Deterrence is limited to the penalties in §149-15, which can escalate to a misdemeanor on the third offense. There is no specific provision for depriving a recidivist facility from the right to utilize outdoor amplification during daytime hours (assuming no intervention from NYS State Liquor Authority (SLA)).

I would suggest that we state in the code that Beacon finds it disorderly for a commercial establishment that serves alcohol to violate Chapter 149: "any facility whose permit is revoked is determined to be disorderly pursuant to the NYS State Liquor Authority Handbook for Retail Licensees" (or somesuch). The SLA requires compliance with all state and local laws and regulations, and if a facility is in violation they "face disciplinary action by the SLA". Thus, the meaning and import of declaring the revocation of an outdoor music permit to represent a disorderly operation will be quite clear, and hopefully deterrent.

OPTION #3 – Annual permit, specified number of days/annum (e.g., 1 day per week).

PROS – same as Option #2. In addition, if there is amplified outdoor sound on a non-permitted day, simple observation of its use is prima facie evidence of a violation and no measurements are required.

This option has a limited number of permitted days, and abutting properties can plan accordingly with an established calendar of "amplified days" and "non-amplified days". This approach is less burdensome on the City than having to permit each individual date. Includes

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provision for revocation of permit upon 2nd or 3rd violation. Revocation or non-reissuance of the permit may prove a more compelling penalty than the penalties in § 149-15, especially if this can be reported to the SLA to some potential effect .

The available days/times could be limited (e.g., the applicant can choose Fridays and Saturdays 4PM-9PM, and Sundays 12PM-5 PM).

CONS – outdoor music is a volitional noise. The facility chooses when, how and where to emit the noise. There are affected parties who do not want to be exposed to even compliant levels. However, this objection would be partially addressed by limiting the number of days/annum.

If the choice is to permit outdoor amplified sound one day per week, and that day is not fixed (e.g., Saturdays), this will create a layer of complexity for enforcement officers who will have to check a master list to determine if outdoor amplification is permitted for that date at that facility. That list could be kept with the dispatcher.

This provision, unamended (see option below), would apply even to those facilities utilizing background music for outdoor dining, and those with no potentially sensitive receptors in close proximity. The result would be a potentially unnecessary limitation on the days they can employ such amplification. That said, if there were no complaints there would be no investigation. However, if there were a complaint and the facility either had not applied for a permit or was had outdoor amplification on a non-permitted date they would be in violation, regardless of the level.

Language similar to the following would address this situation: “if the sound production device is used for the purposes of providing low-level background music for outdoor dining and the device is more than 100 feet from the property line of any potentially affected person, the requirement to obtain a permit is waived”. “For the purposes of this provision ‘low-level background music’ shall mean music that does not exceed 65 dBA at a distance of 10 feet from any speaker or other sound production device”. This sound level would propagate to 45 dBA at 100 feet, which is below the night time permissible limit. This limit is substantially more restrictive than Table 1, however it would allow these facilities to employ outdoor amplification all the time, without the need for a permit. If they wanted to play their music louder, they could apply for a permit and that would get them one day per week at the Table 1 limits.

The amendments for background music could also be crafted to allow low-level music in front of shops or restaurants, facing a public right of way (the sidewalk, and not towards residences), in a manner that would allow such music more frequently than a permitting scheme would allow.

DRAFT LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 149 AND CHAPTER 223 SECTION 29 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 149 and Chapter 223 Section 29 of Code of the City of Beacon, concerning noise regulations.

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

Section 1. Chapter 149 of the Code of the City of Beacon entitled “Noise” is hereby repealed in its entirety.

Section 2. Chapter 149 of the Code of the City of Beacon entitled “Noise” is hereby adopted as follows:

§ 149-1 Title.

This Chapter shall be known and cited as the "City of Beacon Noise Control Law."

§ 149-2 Legislative Intent.

The intent of this Chapter is to supersede the present Noise Control Law of the City of Beacon by the enactment of the following provisions, definitions and standards for noise elimination or abatement in the City of Beacon.

§ 149-3 Findings and declarations.

It is hereby found and declared that:

- A. The making, creation or maintenance of loud, unnatural or unusual noises, which are prolonged and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the City of Beacon.
- B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Beacon and its inhabitants.

§ 149-4 Definitions.

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

AFFECTED PERSON

Any person who has lodged a Noise complaint with the Building Department or Police Department that he or she is the receptor of Noise on property within the City, and said Affected Person has an interest in the property as an owner, tenant, or employee.

AMBIENT SOUND

The sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of the source or sources under investigation for potential violation of this Chapter and excluding the contribution of extraneous sound sources. Ambient sounds are differentiated from extraneous sounds by the fact that ambient sounds are being emitted the majority of the time although they may not be continuous. Examples of ambient sounds may include steady traffic of properly muffled vehicles, summer insects in the distance, pedestrians talking, and adjacent commercial/industrial operations or mechanical equipment.

COMMERCIAL DISTRICT

All commercial districts as defined § 223-2 of the Code of the City of Beacon.

COMMON WALL BUILDING

Any building wherein there are two or more dwelling units.

COMMERCIAL FACILITY

Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking or other financial institutions.
- B. Dining establishments.
- C. Establishments providing retail services.
- D. Establishments providing wholesale services.
- E. Establishments for recreation and entertainment, including the serving of alcohol.
- F. Office buildings.
- G. Transportation.
- H. Warehouses.
- I. Establishments providing commercial living accommodations and commercial property used for human habitation, when such is the source of the sound under investigation.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

CONTINUOUS SOUND

Sound with a duration of one second or longer measured by the slow response of a sound level meter. Impulsive sounds that are rapidly repetitive and occur over a period of time with a

duration of one second or longer shall be measured as continuous sound.

CORRECTED SOURCE SOUND LEVEL

The sound level attributable to the source or sources under investigation for potential violation of this Chapter, which is calculated by subtracting the measured ambient sound level from the measured total sound level.

DAYTIME HOURS

The hours between 7:00 a.m. and 9:00 p.m.

dB(A)

The sound level as measured using the "A" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(A). The "A" weighting network discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear.

DECIBEL

The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated as "dB."

DEMOLITION

Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

EXTRANEIOUS SOUND

Any sound that is intense and intermittent, and is neither ambient sound nor sound attributable to a source or sources under investigation for a potential violation of this chapter. Such sound includes but is not limited to sirens of emergency vehicles, unusually loud motor vehicle exhaust or braking, people shouting or talking next to the sound level meter, animal vocalizations, aircraft or trains passing, car door slams, etc. When conducting compliance measurements, such extraneous sound sources may be noted but their sound levels are excluded.

INDUSTRIAL PROPERTY

Property used for the production and fabrication of durable and nondurable man-made goods.

IMPULSE SOUND

Any sound with a rapid onset and rapid decay with either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

LEGAL HOLIDAYS

New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

MOTORIZED EQUIPMENT

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Any power equipment utilizing an electric or internal-combustion engine.

MOTOR VEHICLE

Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER

A sound-dissipative device or system for abating the sounds of escaping gasses of an internal-combustion engine.

MULTI-USE PROPERTY

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent thereto.

NIGHTTIME HOURS

The hours between 9:00 p.m. and 7:00 a.m.

NOISE CONTROL ADMINISTRATOR

The Code Enforcement Officer, the Building Inspector of the City of Beacon or the City of Beacon Police Department.

NOISE DISTURBANCE

Any sound that:

- A. Endangers the safety or health of any person.
- B. Disturbs a reasonable person of normal sensitivities, or
- C. Endangers personal or real property.

OUTDOOR SOUND

Sound or noise originating or emanating from outside a building or structure.

PERSON

Any individual, corporation, company, association, society, firm, partnership or joint-stock company.

PLAINLY AUDIBLE

Any sound that can be detected by an investigator using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a sound production device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The investigator need not determine the title, specific words, or the artist performing the song.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

PUBLIC SPACE

Any real property or structures therein that are either owned, leased or controlled by a governmental entity. Public space includes but is not limited to parks, sports fields or lots.

REAL PROPERTY LINE

Either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a common wall building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit).

RESIDENTIAL PROPERTY

Property used for human habitation, including but not limited to:

- A. Private property used for human habitation.
- B. Commercial living accommodations and commercial property used for human habitation.
- C. Recreational and entertainment property used for human habitation.
- D. Community service property used for human habitation.
- E. Hospitals, long-term medical or residential care facilities.

SOUND LEVEL

Unless otherwise stated, the sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

SOUND-LEVEL METER

An instrument used to measure sound level which conforms to Type 1 or Type 2 standards specified by the American National Standards Institute "Specifications for Sound Level Meters" S1.4-1984 (or subsequent revisions).

SOUND LEVEL METER CALIBRATOR

An instrument used to conduct field calibration checks of a sound level meter, and which conforms to the American National Standards Institute "Specifications and Verification Procedures for Sound Calibrator" S1.40-2006 (or subsequent revisions).

SOUND PRODUCTION DEVICE

Any device whose primary function is the production of sound, including, but not limited to any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

TOTAL SOUND LEVEL

The measured level which represents the sum of sound from the source or sources under investigation for potential violation of this code and the ambient sound sources, excluding any extraneous sound, when measured on the property of an affected person or at another specified location.

§ 149-5 Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause or allow, orally or mechanically, any noise disturbance affecting persons in the City of Beacon.

- A. The general standards to be considered in determining whether such noise disturbance exists include, but are not limited to, the following:
- (1) The intensity of the noise under investigation for violation of this Chapter.
 - (2) Whether the nature of the noise is usual or unusual.
 - (3) Whether the origin of the noise is natural or unnatural.
 - (4) The volume and intensity of the ambient noise, if any.
 - (5) The proximity of the noise to parks or other public places, hospitals, nursing homes, day-care centers or schools, and houses of worship.
 - (6) The nature and the zoning district of the area within which the noise emanates.
 - (7) Whether the noise trespasses into a residential dwelling and infringes on the ability of an affected person to repose or sleep, or trespasses into a commercial establishment and infringes on the ability of an affected person to conduct normal business activities.
 - (8) The time of day or night the noise occurs.
 - (9) The duration of the noise.
 - (10) Whether the sound source is temporary.
 - (11) Whether the noise is continuous or impulsive.
 - (12) The presence of discrete tones
 - (13) Whether the emission of the noise is purposeful or unnecessary and serves no legitimate purpose.

§ 149-6 Sound level limits.

- A. No person shall operate or cause to be operated any source of sound from any use occupancy in such a manner as to create a sound level which exceeds the limits set forth in the use occupancy category in Table 1, when measured at or within the property line of an affected person.
- (1) Continuous Sound. The limit in Table 1 may not be exceeded in three or more measurement periods within any one-hour period. Each measurement period must be no less than one half minute. If the total duration of the sound under investigation is less than

one and one half minute, the requirement for a minimum of three measurements shall be waived.

TABLE 1
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS
BY RECEIVING LAND USE
dB(A)

Residential ¹ Daytime	Residential Nighttime	Commercial 24 hours	Industrial 24 hours
OUTDOORS			
60	50	65	70
INDOORS ¹			
50	40	55	60

1. Indoor measurements for compliance with Table 1 shall only be taken if the sound source is on or within the same building as the receiving building, as in the case of a common wall building or a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building). In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, floor or ceiling

(2) Impulsive Sound:

- (a) No person shall make, cause, allow or permit the operation of any impulsive source of sound that has a maximum sound level in excess of eighty (80) dBA, when measured at or within the real property line of an affected person. If an impulsive sound occurs more frequently than ten (10) times in any half hour period the levels set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table 1 shall apply.
- (b) If measurements of impulsive sound are conducted indoors, the permissible limit is sixty (60) dBA. If an impulsive sound occurs more frequently than ten (10) times in any half hour the levels set forth in Table 1 shall apply. At nighttime, if an impulsive sound occurs more frequently than four (4) times in any half hour the levels set forth in Table 1 shall apply.

§ 149-7 Specific prohibited acts, restricted uses and activities

In addition to the general prohibitions set out above and the maximum permissible sound levels set out in Table 1, and unless otherwise exempted in this Chapter, the following specific acts are hereby declared to be in violation of this Chapter. This enumeration shall not be deemed to be exclusive.

- A. Sound production devices, commercial or residential: operating, playing or permitting the operation or playing of any sound production device, in such a manner as to create a noise disturbance at or within the property line of any affected person.

- (1) Prima facie evidence of a violation of this section and the creation of a noise disturbance

shall include but not be limited to the operation of such a device during nighttime hours in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.

(2) The limits in Table I shall also apply at all times.

B. Loudspeakers and public-address systems mounted outdoors: using or operating any loudspeaker, public-address system or similar device at any commercial or industrial facility is prohibited during nighttime hours, unless it is for the purposes of safety.

C. Animals: it shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which creates a noise disturbance or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the noise disturbance when ordered to do so by a Noise Control Administrator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for ten (10) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.
- (3) It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

D. Motor vehicles. The registered owner of the vehicle, if present when the violation occurs, is in violation of this section. If the owner of the vehicle is not present, the violation will be served upon the person in charge or control of the vehicle, or anyone who assists in the production of the sound that is found to be in violation.

- (1) Operating or permitting the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any sixty-minute period so out of repair or in such a condition as to create a noise disturbance.
- (2) No motor vehicle may be operated without a properly functioning muffler on a public right-of-way. The operation of a vehicle which is unmuffled or is equipped with straight pipes is a violation of this Chapter.
- (3) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator.
- (4) The horn or signaling device on any motor vehicle may not be operated, except when used as a danger or traffic warning signal, and such operation must terminate when the danger has passed.
- (5) An exterior alarm of a motor vehicle must not audibly sound for more than five minutes continuously or 10 minutes intermittently. While operating within these parameters, the limits in Table 1 do not apply.
- (6) It shall be unlawful to create a noise or disturbance or operate a motor vehicle in such a

manner as to cause excessive squealing or other excessive noise of the tires.

- E. Construction, repair and demolition: excluding emergency work, operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation shall not be permitted during nighttime hours on any day unless it can meet the limits in Table 1. At all other times the limits set forth in Table 1 do not apply. This section shall not apply to road maintenance/ improvement on preexisting roads or preventative maintenance on the sewer mains and pipes, on which daytime construction would prove disruptive to traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler.
- F. Power tools: operating power tools used for landscaping and yard maintenance, excluding emergency work, within 200 feet of a residential property line shall not be permitted during nighttime hours , unless such activities can meet the limits set forth in Table I. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits in Table 1 do not apply.
- G. Miscellaneous sound producers: creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, shout, bell, musical instrument, tool or engine.
- H. The operation of a standby or portable generator is exempt from the limits in this Chapter when there is a power outage. The regular testing/exercising of a generator must be conducted on weekdays (Monday-Friday) during daytime hours and for the minimum duration suggested by the manufacturer. Such testing/exercising of a generator shall not be conducted on any Legal Holiday. During such testing the sound level limit shall be 70 dBA at the property line of any affected person. The permissible limits in Table 1 apply to the operation of generators tested outside of the prescribed hours or operated when there is no power outage. No person shall at any time operate a generator during nighttime hours in a Residential District unless there is a power outage. Generators used on a permitted construction site may not exceed 65 dBA at the property line of any affected person.
- I. K. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a frequent, repetitive or continuous noise disturbance across the real property line of an affected person or during nighttime hours is prohibited. When these activities are conducted during daytime hours, and do not cause a noise disturbance, the limits in Table 1 do not apply.

§ 149-8 Exemptions.

The following sounds are exempt from the restrictions of this Chapter:

- A. Sounds from motorized equipment such as power tools, lawn mowers and garden equipment when operated during daytime hours.
- B. Sound from bells or chimes, which may include electronic devices that imitate the sound of bells or chimes, while being used in conjunction with religious services.
- C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal.
- D. Sound from an exterior burglar alarm of any building, provided that such alarm shall terminate

within 15 minutes after it has been activated.

- E. Sound used for the purposes of alerting a person of an emergency.
- F. Sound from the performance of emergency work.
- G. Sound from a municipally sponsored event. Permitted events are subject to the conditions of the permit, which may include restrictions on the hours of operation and alternative sound level limits.
- H. National warning system (NAWAS); systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane.
- I. Sounds from municipal-sponsored projects, work or repairs as ordered by the City Administrator, or his or her designee, including public or private garbage pickup.
- J. Motor vehicles on public roadways otherwise in compliance with §149-7E
- K. The unamplified human voice **is exempt from the sound level limits of this Chapter, however, it may be determined that an individual is creating a noise disturbance pursuant to § 149-5.**
- L. Surface carriers engaged in commerce by railroad.
- M. Noise of aircraft flight operations.

§ 149-9 Inspections.

- A. For the purpose of determining compliance with the provisions of this Chapter, the Noise Control Administrator or his or her designated representative is hereby authorized to make inspections of all noise sources and to take measurements and make tests whenever necessary to determine the quantity and character of noise.
- B. No person shall refuse to allow the Noise Control Administrator or his or her designated representative to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.
- C. In the event that any person refuses or restricts entry and free access to any part of a premises or refuses inspection, testing or noise measurement of any activity, device, facility or process where inspection is sought, the Noise Control Administrator and/or designated representative may seek from the appropriate court a warrant without interference, restriction or obstruction, at a reasonable time, for the purpose of inspecting, testing or measuring noise.
- D. No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Chapter.

§ 149-10 Sound production at commercial establishments serving alcohol or food, or

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presenting live or recorded musical performances.

- A. Notwithstanding any other provisions of this chapter, commercial establishments such as bars, restaurants, cabarets, or performance venues shall conform to the following standards:
- (1) There shall be no use of an amplified sound production device outdoors, except where such outdoor music is played in connection with any special event permitted under § 211-13.2, including Spirit of Beacon Day.
 - (2) Commercial facilities operating, playing or permitting the operation or playing of any amplified sound production device indoors shall keep their doors and windows closed, except as necessary for entrance or egress.
 - (3) The use of non-amplified acoustic musical instruments is permitted outdoors, with the exception of any percussion instrument (e.g., drums). The limits in Table 1 shall apply to their use.
 - (4) The limits in Table 1 shall apply at all times.
 - (5) During nighttime hours a sound production device may not be operated in such a manner that it is plainly audible inside the dwelling of an affected person, with all windows and doors closed.
 - (6) The use of outdoor amplified sound production devices shall be permitted for the purposes of providing low-level background music for outdoor dining if the device is more than 50 feet from the property line of any affected person and the sound level does not exceed 60 dBA when measured at a distance of 10 feet from that device.

§ 149-11 Outdoor music permits for private or public events and certain construction projects.

- A. For purposes of this section, the following sound sources shall require permit approval from the City of Beacon:
- (1) Private or public events. Any person seeking to hold a public or private celebration which may violate provisions of this Chapter may apply for a permit which will allow the event to exceed the restrictions within this Chapter, subject to the restrictions set forth in said permit. A separate noise permit will not be required where the Applicant is required to obtain a permit in connection with any special event permit defined in § 211-13.2.
 - (2) Construction projects outside of permissible hours.
- B. Noise Permit Application Procedures
- (1) Applications for permits shall be made to the City Clerk and shall be reviewed and approved by the City Administrator, Chief of Police and Building Inspector. The permit shall be issued by the City Clerk. The City shall have the power to impose restrictions and conditions upon any sound source site.
 - (2) Applicants shall submit an application at least 30 days prior to the proposed occurrence/event. The City may, in its sole discretion, accept applications on less than 30 days notice upon good cause shown for not timely submitting
 - (3) Applications for a noise permit shall set forth the following information. The applicant's failure to supply the foregoing information shall be cause for rejection of the application.
 - (a) The name and address of the applicant.
 - (b) The name and location of the noise source for which such application is made.
 - (c) The nature and intensity of noise that will occur during the period of the permit.
 - (d) Applications for after-hours construction permits shall also include an explanation as to why the construction could not be completed during regular hours, as well as a presentation of adequate proof that compliance with this Chapter would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public
 - (4) The permit shall enumerate the specific date(s) and times for which the permit is valid and may establish specific sound level limits that apply during the period of the permit which may not be exceeded at the nearest affected residential or noise sensitive property
 - (5) The permit shall be posed conspicuously within the facility.
 - (6) No permit issued under the provisions of this Chapter may be transferred or assigned from one owner to another owner or from one establishment to another

establishment.

(7) A permit fee as set forth on the City of Beacon fee schedule shall be required.

C. The following factors shall be taken into consideration when determining said noise permit application:

- (1) The character and degree of injury to, or interference with, the health and welfare of the reasonable use of property which is caused or threatened to be caused by the sound to result from the permit.
- (2) The social and economic value of the activity for which the permit is sought.
- (3) The ability of the applicant to apply best practical noise control measures, if appropriate.
- (4) The number of permits previously issued to the applicant.
- (5) The number of permits issued permitting sound source operations at the subject property.
- (6) The number of previous noise complaints received in connection with the operation of any sound source at the subject property.

D. If the noise permit is denied, the reasons for the denial shall be provided to the applicant in writing.

E. Revocation of permit. The permit may be immediately revoked by the Building Inspector, Chief of Police and/or City Administrator if:

- (1) There is a violation of one or more conditions of the permit, including but not limited to sound level limits specified in the permit; or
- (2) There is a material misrepresentation of fact in the permit application; or
- (3) There is a material change in any of the circumstances relied upon in granting the permit.

§ 149-12 Enforcement

The Code Enforcement Officer, the Building Inspector of the City of Beacon or the City of Beacon Police Department is hereby empowered and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter.

§ 149-13 Penalties for offenses.

Any violation of any provision of this chapter or violation of a lawful abatement order shall constitute an offense.

- A. For a first offense, a fine of \$100 shall be imposed.
- B. For a second offense occurring within one year of the first offense, a fine of up to \$250 may be imposed for each such additional violation.
- C. For a third or further offense, a fine of no more than \$500, and/or a class B misdemeanor punishable by imprisonment for up to 30 days.
- D. Each day that a violation of this chapter exists may constitute a separate violation. If the sound source found to be in violation is a sound production device, each separate hour in which a violation of this chapter exists may constitute a separate violation. The owner of the property and/or the owner of the commercial establishment from which sound is emitted and the person causing the generation of the sound are separately liable for a violation of this Chapter.

Section 3. Chapter 223, Article IV Section 29 of the Code of the City of Beacon entitled “Noise” is hereby deleted in its entirety.

Section 4. Ratification, Readoption and Confirmation

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

Section 5. 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 6. Severability

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

Section 7. Effective Date

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

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: CITY OF BEACON

Address: 1 MUNICIPAL PLZ
BEACON NY 12508
USA

Ad No.: 0003842830
Pymt Method Credit Card
Net Amt: \$36.21
Run Times: 1
Run Dates: 10/16/19

Text of Ad:

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Beacon City Council hereby schedules a public hearing for Monday, October 21, 2019 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to discuss amending Chapter 149 and Chapter 223 Section 29 of the Code of the City of Beacon Regarding Noise Regulations.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Amanda C. Caputo,
Deputy City Clerk
Dated: October 11, 2019
3842830

**City of Beacon Council Agenda
10/21/2019**

Title:

Continuation of Public Hearing Regarding 248 Tioronda Avenue Concept Plan from October 7, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum From City of Beacon Planning Board Referring 248 Tioronda Avenue to City Council	Cover Memo/Letter
Memorandum from City Planner Regarding 248 Tioronda Avenue	Cover Memo/Letter
Letter from the Army Corps of Engineers Regarding 248 Tioronda	Backup Material
Jurisdictional Determination	Backup Material
248 Tioronda Avenue Photo Simulations	Backup Material
Affidavit of Posting 248 Tioronda	Backup Material
Public Hearing Notice Updated Sign	Backup Material



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: 248 Tioronda Avenue Concept Plan

DATE: June 12, 2019

As requested by the City Council in its January 22, 2019 resolution, the Planning Board, acting as Lead Agency, reviewed the 248 Tioronda Avenue Concept Plan for significant environmental impacts under the State Environmental Quality Review Act (SEQRA) and also for consistency with the City's Local Waterfront Revitalization Program (LWRP).

A comprehensive review took place during the Planning Board's regular meetings on February 13, 2019, March 12, 2019, April 9, 2019, May 14, 2019, and June 11, 2019. After hearing from the public and considering all the associated materials prepared in connection with the proposed action, the Planning Board at its June 11, 2019 meeting adopted a Negative Declaration, finding that the proposal will not result in any significant environmental impacts. At the same meeting the Board adopted an LWRP Consistency Determination, finding that the Concept Plan is entirely consistent with the applicable LWRP policies.

The City Council resolution also requested a report and recommendations on the proposed Concept Plan. At its June 11, 2019 meeting all the Planning Board members present voted to issue a positive recommendation to the Council on the current Concept Plan. The applicant has been responsive to requests for additional information and changes to the plan from the Board, City consultants, and Greenway Trail Committee. From the Planning Board's perspective, the application appears complete and satisfies the Concept Plan criteria of the Fishkill Creek Development District.

It is important to note, however, that more specific architectural, landscaping, lighting, parking, and engineering details have not yet been reviewed by the Planning Board. These and other more detailed and technical issues will be covered during the subsequent Site Plan review process.

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

John Clarke Planning and Design

25 Beech Street, Rhinebeck NY 12572

jclarkeplandesign@gmail.com

845.797.4152

To: John Gunn, Chair, and the City of Beacon Planning Board

Date: June 6, 2019

Re: **248 Tioronda Avenue, Concept Plan and Site Plan Application**

The proposed Concept Plan has been reviewed by the City Council and forwarded to the Planning Board for a SEQR determination, LWRP consistency review, and advisory recommendations. If the Council approves the Concept Plan, specific architectural, landscaping, lighting, and engineering details will be covered by the Planning Board during the subsequent Site Plan review process.

I have reviewed the May 24, 2019 response letter from The Chazen Companies, May 6, 2019 "No Adverse Impact" letter from NYS Office of Parks, Recreation and Historic Preservation, three letters from NYSDEC confirming the deletion of the site from the Registry of Inactive Hazardous Waste Disposal Sites, and a 4-sheet Concept Plan set with the first two sheets dated April 30, 2019, Sheet C130 dated May 24, 2019, and the C200 sheet dated February 26, 2019.

Proposal

The applicant is proposing to construct two multifamily buildings with a total of 64 units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres in the Fishkill Creek Development district and the LWRP area. The two lots will need to be consolidated, and a Greenway Trail is proposed as part of the project.

Comments and Recommendations

1. The applicant has sufficiently addressed my previous planning-related questions to move forward on the LWRP and SEQR determinations and a positive recommendation to the City Council on the Concept Plan.
2. The applicant should be prepared to update the Board regarding any review of the wetland analysis by the Army Corps of Engineers.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c: Dave Buckley, Building Inspector
Jennifer L. Gray, Esq., City Attorney
Arthur R. Tully, P.E., City Engineer
John Russo, P.E., City Engineer
Larry Boudreau, RLA, Project Representative



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

Regulatory Branch

SEP 30 2019

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon 248 Holdings, LLC

Beacon 248 Holdings, LLC
C/o Berry Kahn
120 Route 59
Suite 201
Suffern, New York 10901

Dear Mr. Kahn:

On April 16, 2019, the New York District of the U.S. Army Corps of Engineers received a request for a Department of the Army jurisdictional determination for the above referenced project. This request was made by The Chazen Companies, as consultant for the Chai Builders Corp. The site consists of approximately 9.18 acres, in the Fishkill Creek watershed, in the City of Beacon, Dutchess County, New York. The proposed project would involve mixed use residential and commercial development.

In the letter received on April 16, 2019, your office submitted a proposed delineation of the extent of waters of the United States within the project boundary. A site inspection was conducted by representatives of this office on July 10, 2019, in which it was agreed that changes would be made to the delineation and that the modified delineation would be submitted to this office. On August 2, 2019, this office received the modified delineation.

Based on the material submitted and the observations of the representatives of this office during the site visit, this site has been determined to contain jurisdictional waters of the United States based on: the presence of a defined water body (e.g. stream channel, lake, pond, river, etc.) which is part of a tributary system; and the fact that the location includes property below the ordinary high water mark, as determined by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris or other characteristics of the surrounding area.

These jurisdictional waters of the United States are shown on the drawing entitled "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated April 12, 2019. This drawing indicates that there are 1,941 linear feet of Fishkill Creek, encompassing a 1.55 acre area below the ordinary high water line on the project site which is part of a tributary system, and is considered to be waters of the United States.

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon Chai Builders Corp.

SEP 30 2019

This determination regarding the delineation shall be considered valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination was documented using the Interim Approved Jurisdictional Determination Form, promulgated by the Corps of Engineers on October 1, 2015. A copy of that document is enclosed with this letter, and will be posted on the New York District website at:
<http://www.nan.usace.army.mil/Missions/Regulatory/JurisdictionalDeterminations/RecentJurisdictionalDeterminations.aspx>

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a combined Notification of Appeal Process (NAP) and Request For Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

James W. Haggerty, Regulatory Program Manager, CENAD-PD-OR
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, New York 11252-6700

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by NOV 29 2019. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

It is strongly recommended that the development of the site be carried out in such a manner as to avoid as much as possible the discharge of dredged or fill material into the delineated waters of the United States. If the activities proposed for the site involve such discharges, authorization from this office may be necessary prior to the initiation of the proposed work. The extent of such discharge of fill will determine the level of authorization that would be required.

SUBJECT: Permit Application Number NAN-2019-00513-WNE
by Beacon Chai Builders Corp.

SEP 30 2019

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

If any questions should arise concerning this matter, please contact Brendan Newell, of my staff, at (917) 790-8417.

Sincerely,



Rosita Miranda
Chief, Western Section

Enclosures



®

Regulatory Program



®

INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD): SEP 30 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NAN-2019-00513-WNE

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NY

County/parish/borough: Dutchess

City: Beacon

Center coordinates of site (lat/long in degree decimal format): Lat. 41.495399, Long. -73.968139.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☒ in report/map titled Map: "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated August 10, 2018 / Report: "Aquatic Resources Delineation Report, 248 - Beacon Chai Builders Corp., 248 Tioronda Avenue, Village of Beacon, Dutchess County, New York," prepared by The Chazen Companies, dated April 12, 2019.

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

☐ Office (Desk) Determination Only. Date:

☒ Office (Desk) and Field Determination. Office/Desk Dates: September 20, 2019 Field Date(s): July 10, 2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: "248 Tioronda Ave., Beacon, N.Y., Existing Conditions," prepared by The Chazen Companies, dated August 10, 2018.

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date:

☐ Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon:

Revised Title/Date:

☐ Data sheets prepared by the Corps. Title/Date:

☐ Corps navigable waters study. Title/Date:

☐ CorpsMap ORM map layers. Title/Date:

☐ USGS Hydrologic Atlas. Title/Date:

☐ USGS, NHD, or WBD data/maps. Title/Date:

☒ USGS 8, 10 and/or 12 digit HUC maps. HUC number: 020200080306.

☐ USGS maps. Scale & quad name and date:

☒ USDA NRCS Soil Survey. Citation: Web soil survey - project location.

☒ USFWS National Wetlands Inventory maps. Citation: NWI Mapper - project location.

☐ State/Local wetland inventory maps. Citation:

☐ FEMA/FIRM maps. Citation:

☒ Photographs: ☐ Aerial. Citation: Submitted by consultant. or ☐ Other. Citation:

☐ LiDAR data/maps. Citation:

☐ Previous JDs. File no. and date of JD letter:

- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Water Droplet Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

- ☐ "navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• **Complete Table 1 - Required**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.

- ☐ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• **Complete Table 1 - Required**

- ☐ This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

- ☐ (a)(2): All interstate waters, including interstate wetlands.

• **Complete Table 2 - Required**

- ☐ (a)(3): The territorial seas.

• **Complete Table 3 - Required**

- ☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

• **Complete Table 4 - Required**

- ☒ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 5 - Required**

- ☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

• **Complete Table 6 - Required**

- ☐ Bordering/Contiguous.

Neighboring:

- ☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

- ☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

- ☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

- ☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

- ☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

- ☐ The review area is comprised entirely of dry land.
- ☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**
- ☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.
- ☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Table 10 - Required**
- ☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- ☐ (b)(2): Prior converted cropland.
- ☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- ☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- ☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- ☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- ☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- ☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- ☐ (b)(4)(iv): Small ornamental waters created in dry land.¹
- ☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- ☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- ☐ (b)(4)(vii): Puddles.¹
- ☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- ☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- ☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- ☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Table 11 - Required.**

D. ADDITIONAL COMMENTS TO SUPPORT AJD: Onsite waters include the main stem of Fishkill Creek and a small oxbow. The OHW was delineated as the OWH of Fishkill Creek by the consultant and is being included as part of one (a)(5) water onsite, which is Fishkill Creek above the head of tide.

¹ In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
N/A	Choose an item.	N/A

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
19-513	Perennial	Tidal portion of Fishkill Creek	Yes	Water includes mainstem and oxbow portion of Fishkill Creek approximately 2000 linear feet upstream of the tidal portion of Fishkill Creek. Tidal influence in Fishkill Creek ends at the dam at South Avenue.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

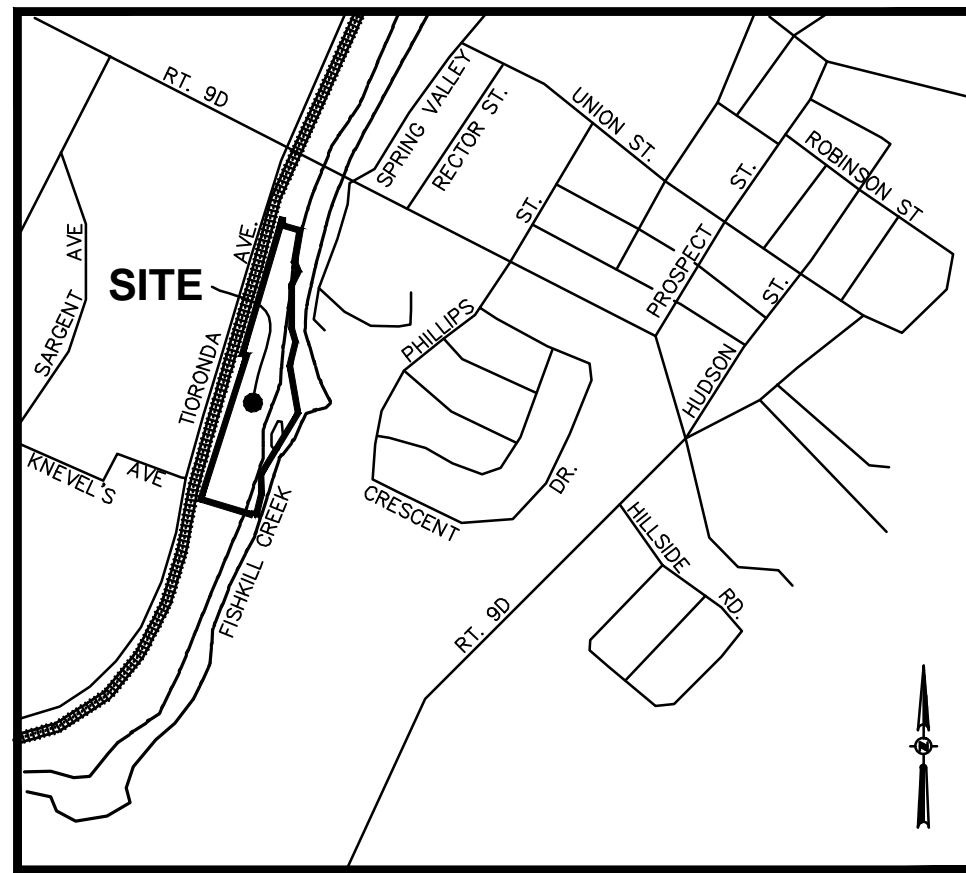
Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
N/A	N/A
N/A	N/A

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

[illegible]



VICINITY MAP
SCALE: 1"=1000'
SOURCE: USGS WEST POINT QUADRANGLE

LEGEND:

- NO PHYSICAL BOUNDS
- ADJACENT PROPERTY LINE
- EDGE OF CREEK
- EXISTING BUILDING
- EXISTING FENCE
- EXISTING OVERHEAD WIRES
- EXISTING WATER LINE
- EXISTING UNDERGROUND SEWER LINE
- EXISTING UNDERGROUND STORM LINE
- EXISTING RAILROAD TRACKS
- EXISTING SIGN
- EXISTING BENCHMARK
- EXISTING BOLLARD
- EXISTING CATCH BASIN
- EXISTING DECIDUOUS TREE
- EXISTING GUY WIRE
- EXISTING GAS VALVE
- EXISTING HYDRANT
- EXISTING MONUMENT
- EXISTING SANITARY MANHOLE
- EXISTING UNKNOWN MANHOLE
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE W/ LIGHT
- EXISTING WATER VALVE
- EXISTING MONITORING WELL
- EXISTING TELEPHONE MANHOLE
- EXISTING TELEPHONE PEDESTAL

TITLE REPORT SCHEDULE B-1

REGARDING CHICAGO TITLE INSURANCE COMPANY POLICY #3706-00688, EFFECTIVE OCTOBER 15, 2006:

ITEM 14. EASEMENT GRANTED IN FAVOR OF CHG&E LIBER 959 PAGE 376, DOCUMENT STATES THAT CHG&E RESERVES A RIGHT TO HAVE CLEARANCE OF 10 FEET BETWEEN ALL UNBUILT CONDUCTIONS OF ELECTRICITY AND ANY STRUCTURE HEREAFER CONSTRUCTED. (EASEMENT SHOWN HEREON.)

ITEM 15. EASEMENTS CONTAINED IN LIBER 1042 PAGE 205, AS REPEATED IN LIBER 1328 PAGE 118, (TOGETHER WITH RIGHTS RESERVED TO THE GRANTOR, (NEW YORK RUBBER COMPANY), THE RIGHT TO CONSTRUCT, MAINTAIN AND USE DRIVEWAYS AND FOOT WALKS OVER THE PARCEL, HEREBY CONVEYED, (EXISTING DRIVES SHOWN HEREON), TOGETHER WITH POWER AND LIGHT SUBSTITUTION, TRANSFORMERS, PLUMBING, HEATING AND LIGHTING EQUIPMENT ON THE PREMISES, CANNOT IDENTIFY SUBSTATION LOCATION.)

ITEM 16. REFERENCE IS MADE TO THE NEW YORK RUBBER CORPORATION IN LIBER 1328 PAGE 118, (DOCUMENT NOT INCLUDED IN SCHEDULE B-1), SEE ITEM 15 FOR SUMMATION OF EASEMENTS IN LIBER 1042 PAGE 205.

ITEM 17. EASEMENTS AND RECTALS CONTAINED IN LIBER 1936 PAGE 229:

RIGHTS OF WAY IN GRANTED TO THE NEW YORK RUBBER COMPANY BY THE DUTCHESS AND COLUMBIA RAILROAD COMPANY LIBER 257 PAGE 32, (DOCUMENT REFERS TO THE GRANTING OF MULTIPLE CROSSINGS OVER AND UNDER SAID RAILROAD, AFFECTS SUBJECT PARCEL, ACCESS EASEMENTS NOT PROTRACTIBLE).

RIGHT OF WAY GRANTED TO THE CITY OF BEACON IN LIBER 556 PAGE 508, (DOES NOT AFFECT SUBJECT PARCEL).

LIBER 959 PAGE 373, (EXCEPTS AND RESERVES FROM THE CHG&E E. PARCEL, TO THE NORTH OF THE SUBJECT SITE, "THE SHOULDERS AND OTHER PARTS OF THE ACCESS ROAD LYING ON THE WESTERN SIDE OF SAID PARCEL," (AFFECTS SUBJECT PARCEL, AND SHOWN HEREON).

ITEM 18. PERMANENT AND TEMPORARY EASEMENTS CONTAINED IN APPROPRIATION NOTICE RECORDED IN LIBER 2002 PAGE 016, (PERMANENT EASEMENT MAP NO. 18, PARCEL NO. 28 AFFECTS SUBJECT PARCEL AND SHOWN HEREON, TEMPORARY EASEMENTS SHOWN ON MAP NO. 19, PARCEL NO. 27 AND 28 WERE TERMINATED ON NOVEMBER 16, 1999.)

ITEM 19. ACCESS EASEMENT OVER PARCEL 1B, (E.M. #10970), GRANTED IN FAVOR OF PARCEL 1A, (E.M. #10970), EASEMENT IS SHOWN ON FILED MAP #10970, AFFECTS SUBJECT PARCEL AND SHOWN HEREON.

ITEM 20. NOTES AND EASEMENTS SHOWN ON FILED MAP #10970:

MAP DEPICTS 6 FOOT WIDE "GREENWAY EASEMENT", GRANTED IN FAVOR OF THE CITY OF BEACON FOR PUBLIC ACCESS AND IS LOCATED ALONG THE FISHKILL CREEK, (AFFECTS SUBJECT PARCEL AND SHOWN HEREON).

ACCESS EASEMENT GRANTED IN FAVOR OF PARCEL 1A, OVER PARCEL 1B, AFFECTS SUBJECT PARCEL AND SHOWN HEREON-SEE ITEM 19.

ITEM 21. LEASE AND EASEMENT RECORDED IN DOCUMENT #02-2003-9779, AS MODIFIED IN DOCUMENT #02-2005-7449, AS ASSIGNED AND ASSUMED IN DOCUMENT #02-2005-7449, AS MODIFIED IN DOCUMENT #02-2005-7448 AND AS MODIFIED IN DOCUMENT #02-2005-7450.

DOCUMENT #02-2003-9779 RESERVES TO THE LANDLORD THE RIGHT TO PASS THROUGH AND ACROSS THE LEASED PREMISES TO TIORONDA AVENUE, THE LEASE PARCEL IS SHOWN ON A PORTION OF A MAP PREPARED BY CHAZEN ENGINEERING, P.C., (AFFECTS SUBJECT PARCEL AND SHOWN HEREON).

DOCUMENT #02-2005-7447 DESCRIBES CONSENT TO ASSIGNMENT OF LEASE TO "SISTERS PROPERTIES, LLC" AS ASSIGNED.

DOCUMENT #02-2005-7449 AS ASSIGNED AND ASSUMED BY "SISTERS PROPERTIES, LLC".

DOCUMENT #02-2005-7448, BEING A MODIFICATION OF THE LEASE AGREEMENT.

DOCUMENT #02-2005-7450 PROVIDES A METES AND BOUNDS DESCRIPTION OF THE LEASE PARCEL, (AFFECTS SUBJECT PARCEL AND SHOWN HEREON).

DEED REFERENCE

JOSEPH RENDERO
TO
BEACON 248 DEVELOPMENT, LLC
DOC. # 02-2006-4859
FILED JUNE 20, 2006

MAP REFERENCE

REFERENCE IS HEREBY MADE TO A MAP ENTITLED "SUBDIVISION PLAT PREPARED FOR ADVANTAGE MORTGAGE", PREPARED BY BADEY & WATSON SURVEYING & ENGINEERING P.C., DATED APRIL 16, 1991 AND FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON FEBRUARY 22, 2000 AS FILED MAP #10970.

MAP REFERENCE

1. SUBJECT PROPERTY IS DESIGNATED AS PARCEL 1B AS SHOWN ON A MAP ENTITLED, "SUBDIVISION PLAT PREPARED FOR ADVANTAGE MORTGAGE", PREPARED BY BADEY & WATSON SURVEYING AND ENGINEERING, P.C., FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE AS FILED MAP #10970 ON FEBRUARY 22, 2000.

2. REFERENCE IS HEREBY MADE TO A CERTAIN MAP ENTITLED "BEACON 248 DEVELOPMENT, LLC, MAP OF BOUNDARY & TOPOGRAPHIC SURVEY OF LANDS OF CENTRAL HUDSON GAS & ELECTRIC CORP., DATED 02/25/2013, PREPARED BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C.

FLOOD ZONE NOTE:

THE FLOODWAY LINE AND FLOOD ZONE LINE "ZONE X OTHER FLOOD AREAS" SHOWN HEREON ARE AS SHOWN ON FLOOD INSURANCE RATE MAP (FROM) CITY OF BEACON, DUTCHESS COUNTY, MAP NUMBER 36027C0577E DATED MAY 2, 2012.

"ZONE AE" BEING DESCRIBED THEREON AS "BASE FLOOD ELEVATIONS DETERMINED", THE BASE FLOOD ELEVATION BEING SHOWN THEREON AS ELEVATIONS 85 NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), WHICH TRANSLATES TO ELEVATION 85.9 NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29) BEING THE DATUM OF TOPOGRAPHY SHOWN HEREON.

"OTHER FLOOD AREAS, ZONE X" BEING DESCRIBED THEREON AS "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD".

"OTHER AREAS, ZONE X" BEING DESCRIBED THEREON AS "AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN".

"FLOODWAY AREAS IN ZONE AE" BEING DESCRIBED THEREON AS "THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS".

VERTICAL DATUM NOTE

TOPOGRAPHY IS BASED REFERENCE MARK (RM 4, ELEVATION 3.92'), AS SHOWN ON FLOOD INSURANCE RATE MAP, CITY OF BEACON COMMUNITY PANEL A36027-0003-B, DATED MARCH 1, 1984, VERTICAL DATUM IS NAVD 1929, CONTOUR INTERVAL, 5 FEET.

NOTES

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

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SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

THE BOUNDARY SURVEY FOR THE SUBJECT SITE WAS COMPLETED ON DECEMBER 13, 2006.

BOUNDARY SURVEY FIELD UPDATED APRIL 6, 2011.

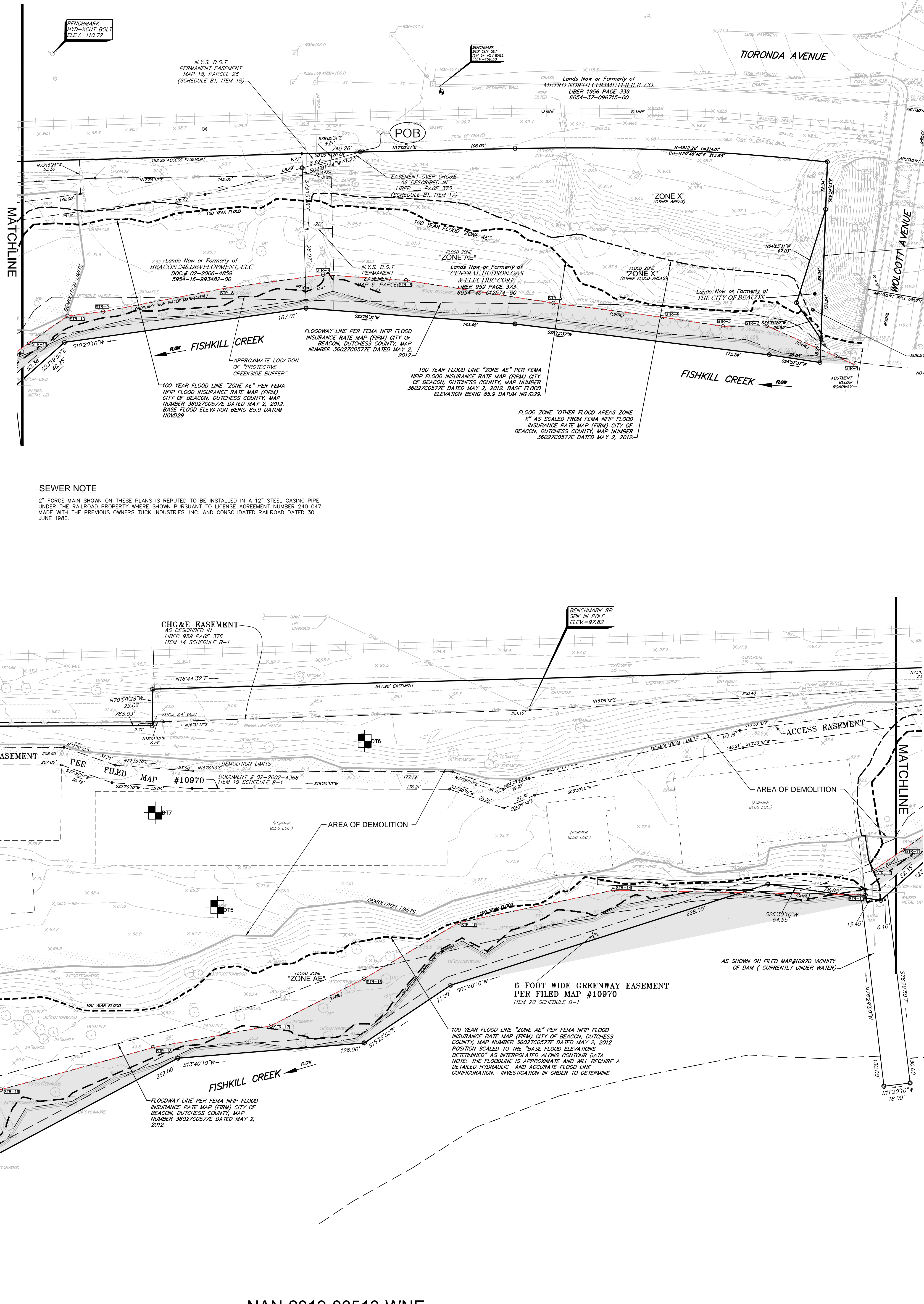
ORDINARY HIGH WATER NOTE:

ORDINARY HIGH WATER LINE SHOWN HEREON AS MARKED ON JULY 10, 2019 BY DAVE MACDOUGALL OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C., AND LOCATED ON JULY 25, 2019 BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

AREA: 8.175 ACRES

1320200-5954-16-993482-00

356,099 SQ.FT.



NAN-2019-00513-WNE

Approved Jurisdictional Determination issued September 30, 2019

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New York
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Chazen
COMPANIES
Proud to be Employee Owned

CHAZEN ENGINEERING, LAND SURVEYING
& LANDSCAPE ARCHITECTURE CO., D.P.C.
Office Locations:
Dutchess County Office:
21 Elm Street
Poughkeepsie, New York 12601
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Poughkeepsie, New York 12601
Phone (845) 464-3800
North Country Office:
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Phone (518) 852-0013
Westchester NY Office:
241 New Street
White Plains, New York 10601
Phone (914) 967-8510
Nashville Tennessee Office:
2418 21st Ave S (Suite 103)
Nashville, Tennessee 37212
Phone (615) 380-1358
Chattanooga Tennessee Office:
437 E. 9th St (Suite 201)
Chattanooga, Tennessee 37403
Phone (423) 241-6252

REV.	DATE	DESCRIPTION
1	11/22/23	REVISED PER PLANNING BOARD COMMENTS DATED SEPTEMBER 2013

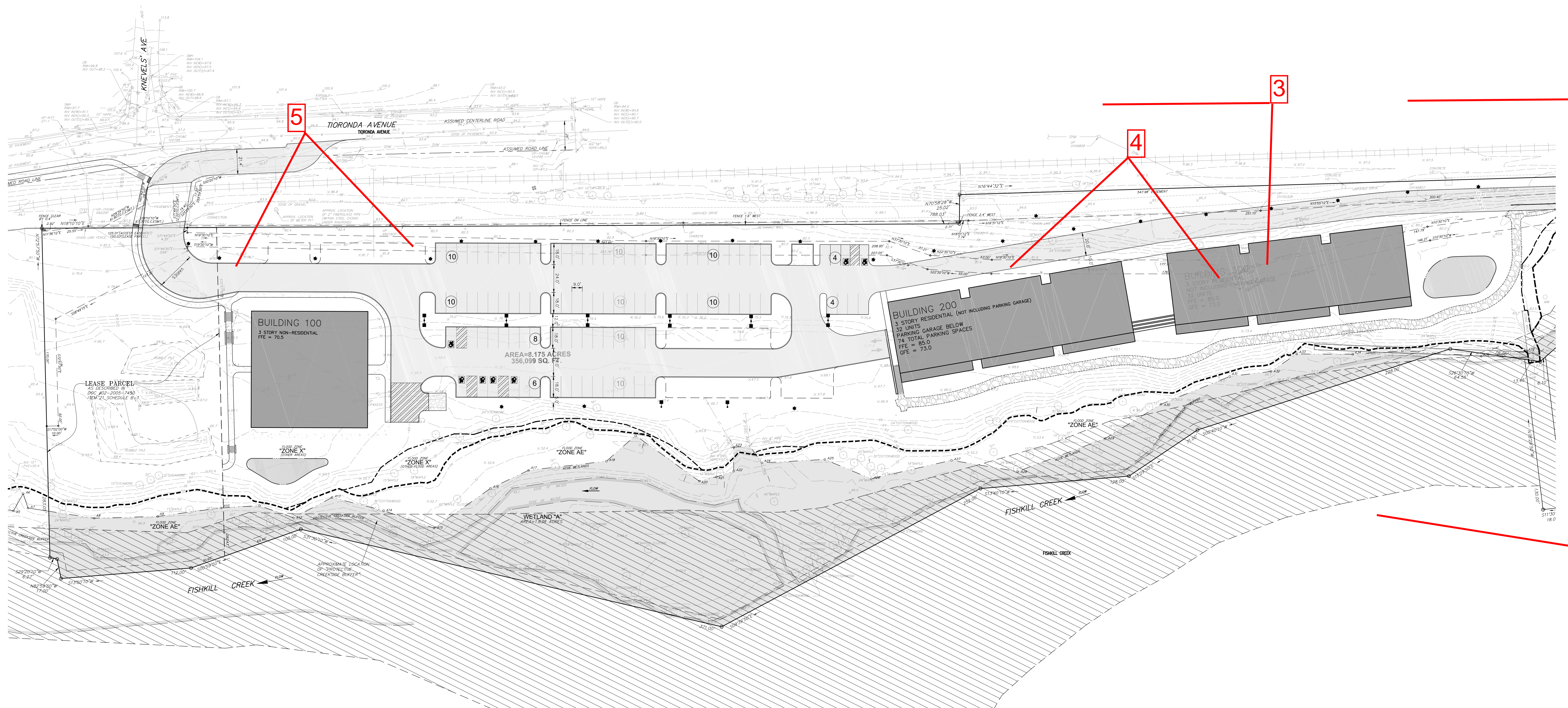
248 TIORONDA AVE., BEACON, N.Y.

EXISTING CONDITIONS

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed
checked
date
scale
projection
sheet no.

81750.00
C101













**City of Beacon City Council
Beacon, New York**

AFFIDAVIT OF POSTING

In the matter of the application of

Beacon 248 Holdings, LLC, Proposed Multifamily Development & Office Building
(Concept Plan approval)

248 Tioronda Avenue
(Property Address)

5954-16-993482 & 6054-45-012574
(Tax Map ID Number)

The undersigned, Christopher LaPorta of The Chazen Companies, being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of New York
2. That on October 7, 2019, in anticipation of the Public Hearing on October 21, 2019, the public notice sign at the referenced address was posted to reflect the Public Hearing in accordance with the City of Beacon's Zoning Ordinance.

A photograph was taken on October 7, 2019 showing the sign and the location is attached.


(Signature)

Christopher LaPorta
(Printed Name)

NOTARY ACKNOWLEDGEMENT:

KELLEN STEPHANIE CAMPBELL
NOTARY PUBLIC STATE OF NEW YORK
DUTCHESS COUNTY
LIC. #01CA6291562
COMM. EXP. 12/9/2021



Hops on the Hudson
presents
HARVEST BEER & CIDER FEST
October 26TH
Cold Spring, NY
HopsOnTheHudson.com

 **CATOVERFEST**
OCT 13TH - 4 TO 8PM
7 E MAIN ST, BEACON
To benefit
Mid Hudson Animal Aid
CATOVERFEST.BROWNPAPERTICKETS.COM

PUBLIC NOTICE
A Public Hearing for a
Concept Plan Approval
Application will be held by The City of Beacon
City Council
On 10/21/19 At 7:00 P.M.
At The City of Beacon City Hall
One Municipal Plaza, Beacon, NY
Additional information is available at:
Beacon Building Dept. (845) 838-5020
Hillman Signs

City of Beacon Council Agenda
10/21/2019

Title:

Resolution Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway	Resolution



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE
FISCAL YEAR 2020 DUTCHESS COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION
FOR CONSTRUCTION OF WALKWAY IN MEMORIAL PARK ALONG WILKES STREET**

WHEREAS, City of Beacon is participating in the Dutchess County Community Development Consortium for Fiscal Year 2020, and

WHEREAS, input from citizens and groups has been received and considered, and

WHEREAS, an application has been prepared which addresses Beacon community concerns; and

NOW, THEREFORE BE IT RESOLVED, that the Dutchess County Community Development Block Grant Program for the above referenced activity is approved.

BE IT FURTHER RESOLVED, that the submission of said application to the Dutchess County Department of Planning and Development be and hereby is authorized.

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

**City of Beacon Council Agenda
10/21/2019**

Title:

Resolution to Approve a Proposed Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon Regarding the Nuisance Policy

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to Approve a Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon Regarding Nuisance	Resolution
Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon	Local Law



CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION TO ADOPT A PROPOSED LOCAL LAW TO AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE CITY OF BEACON

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon adopts a Local Law to Amend Chapter 159 Article II of the Code of the City of Beacon Regarding Nuisance.

Resolution No. _____ of 2019			Date: <u>October 21, 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					

DRAFT LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
AMEND CHAPTER 159 ARTICLE II OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 159 Article II of Code of the City of Beacon, concerning public nuisance abatement.

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

Section 1. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby repealed in its entirety.

Section 2. Chapter 159, Article II of the Code of the City of Beacon entitled “Public Nuisance Abatement” is hereby created as follows:

Article II Public Nuisance Abatement

§ 159-2 Findings and intent.

- A. The City Council finds that public nuisances exist in the City of Beacon in the operation of certain establishments and the use of property in flagrant violation of certain Penal Law, New York State Uniform Building and Fire Code and Municipal Code provisions, which nuisances substantially and seriously interfere with the interest of the public, in the quality of life and total community environment, commerce in the City, property values and the public health, safety and welfare. The City Council further finds that the occurrence of such activities and violations is detrimental to the health, safety and welfare of the City of Beacon and its neighborhoods thereof, businesses thereof and visitors thereto.
- B. As a result of the activities occurring at these properties, and/or the conditions in which they are maintained, these properties tend to receive and require more than the general, acceptable level of police and code enforcement services. As a result they place an undue and inappropriate burden on the City’s taxpayers. The City Council has determined that existing laws do not sufficiently encourage such property owners to take reasonable steps to abate the nuisances that their properties are creating, and has determined that enhanced penalties will give such property owners additional incentives to ameliorate said problems and help to compensate the City for the increase in code enforcement services.
- C. This local law is enacted to encourage property owners to recognize their responsibility to ensure that activities occurring on their property conform to the law and do not adversely affect their neighborhoods, unduly burden the City’s resources and provide a mechanism for the City to take action against property owners who fail to ensure property they own does not require a disproportionate level of the City’s resources to be devoted to such property.

- D. This Article is not intended to discourage crime victims or a person in legitimate need of police services from requesting them.
- E. This Article does not affect a property owner's duty to comply with all other laws governing residential tenancies which are contained in New York State Statutes.

§ 159-3 Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

MORTGAGEE

The person who is listed as the mortgagee on any unsatisfied or otherwise open mortgage on the premises recorded in the office of the Dutchess County Clerk.

OWNER

The person in whose name the premises affected by an order, issued in accordance with this article, is recorded as the owner in the office of the Dutchess County Clerk.

PANEL

The Chief of Police of the City of Beacon or their designee, the Fire Chief of the City of Beacon or their designee, the City Administrator of the City of Beacon or their designee and the Building Inspector of the City of Beacon or their designee and a member of the Human Relations Commission.

PREMISES

The building, place or property whereon a public nuisance is being conducted or exists.

PUBLIC NUISANCE

- A. The below definition of public nuisance is not intended and shall not be interpreted to cover or include requests for assistance from police, medical, fire or ambulance services from an owner, tenant or occupant of a building or premises.
- B. For purposes of this article, a public nuisance shall be presumed to exist pursuant to § 159-5.B for any building, structure or real property as follows:
 - (1) Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marijuana, as defined by the State Penal Law.
 - (2) Any building, structure or real property used for prostitution as defined by the State Penal Law.
 - (3) Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material as defined by the State Penal Law.
 - (4) Any building, structure or real property used for illegal gambling activity as defined by the State Penal Law.
 - (5) Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons as defined by the State Penal Law.
 - (6) Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages as defined by the State Alcohol Beverage Control Law.

- (7) Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.
- (8) Any building, structure or real property used for loitering, as defined by the State Penal Law.
- (9) Any building, structure or real property wherein there exists or has occurred any violation of the City Code, including, but not limited to, Chapter 223, Zoning, and the New York State Uniform Fire Prevention and Building Code, including the property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.

§ 159-4 Nuisance forbidden.

No owner, operator, manger or tenant of any premises shall conduct, maintain, permit or allow the existence of a public nuisance at the premises.

§ 159-5 Prima Facie Evidence of Public Nuisance.

- A. Notice by first-class mail or personal service, from the City of Beacon, of the activities entailing a public nuisance to the owner, operator, manger or tenant of premises shall be prima facie evidence of knowledge of a public nuisance.
- B. The following shall constitute prima facie evidence of a public nuisance:
 - (1) The existence of two or more incidents of the following activities at any premises within the three-year period prior to the commencement of a civil action pursuant to this Chapter shall be prima facie evidence of the existence of a public nuisance:
 - (a) Any conviction or adjournment in contemplation of dismissal for any of the activities set forth in the definition of “public nuisance” in § 159-3 occurring on the premise.
 - (b) Service of an accusatory instrument (i.e. notice of violation or order to remedy) for a violation of the New York State Uniform Fire Prevention and Building Code and/or any violation of the Code of the City of Beacon occurring on the premise.
 - (c) Service of a search warrant on the building, structure or real property where controlled substances, marijuana and/or weapons are seized.
- C. The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

§ 159-6 Determination by Panel.

Whenever any Panel member has evidence to support a presumption of public nuisance, they shall notify the other members of the Panel to discuss the public nuisance. The Panel shall meet to review all supporting documentation, including copies of tickets and/or arrest paperwork. After its review, the Panel shall make a determination on whether a presumption of public nuisance exists at the premise.

§ 159-7 Service of notice.

- A. Once the Panel determines that a presumption of public nuisance exists, the Panel shall give notice to the property owner, and any other person directly or indirectly in control of the premises, and any tenants and/or occupants of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York State Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service.
- B. The notice provided for in Subsection A of this section shall:
- (1) Specify the activity creating the public nuisance;
 - (2) Provide 30 days for elimination of the public nuisance;
 - (3) Inform the owner or any other person directly or indirectly in control of the premises that, within five days after the 30 days has expired, the property owner must contact the City to schedule a meeting with the Panel to demonstrate to the Panel that the nuisance has been eliminated;
 - (4) Inform the owner or any other person directly or indirectly in control of the premises of their right to request a meeting with the Panel within 10 days of service of the notice;
 - (5) Inform the owner or any other person directly or indirectly in control of the premises that, upon expiration of 35 days after service without a meeting with the Panel, or upon noncompliance with any written agreement reached with the Panel, the City shall act to obtain compliance as provided by this article; and
 - (6) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days of receipt of said notice, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that, upon expiration of 30 days after service of the notice, the City shall proceed under § 159-10.

§ 158-8 Meeting with the Panel.

- A. Upon receipt of notice, any person served with a notice described in § 158-7, shall have 10 days upon receipt of notice to request a meeting with the Panel to devise an abatement plan to remedy the nuisance activity.
- (1) If an abatement plan is not agreed upon, or the owner fails to abide by the abatement plan and a nuisance activity occurs within 12 months following the date of the meeting, the Panel shall advise the City Council that a presumption of public nuisance exists on the premises.
 - (2) If the owner abides by the abatement plan and no new nuisance activity occurs within the 12 months following the date of the abatement plan, the public nuisance determination shall

be waived. Any presumption of public nuisance after 12 months shall require a new determination by the Panel and additional notice pursuant to § 158-7.

- B. If the property owner or any other person directly or indirectly fails to schedule a meeting with the Panel within 10 days of receipt of the notice described in § 158-7, they shall have 30 days after service of the notice to eliminate the public nuisance.
- (1) The property owner shall be required to appear before the Panel within five days after the 30 days has expired to demonstrate to the Panel that the nuisance has been eliminated. The property owner must contact the City to request a meeting with the Panel within such time.
 - (2) The Panel shall make a determination about whether the public nuisance has been eliminated. If Panel determines that the nuisance has been abated, the public nuisance determination shall be waived. Any presumption of a public nuisance after such waiver, shall require a new determination by the Panel and additional notice pursuant to § 158-7. If the Panel determines that the nuisance has not been abated, then the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.
 - (3) If the property owner fails to schedule the required meeting with the Panel, the Panel shall advise the City Council that a presumption of public nuisance exists on the premise.

§ 159-9 Remedies enumerated.

- A. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil proceeding in the name of the City for the following types of relief:
- (1) Civil penalties. Civil penalties may be pursued in Dutchess County Supreme Court or in the City Court of the City of Beacon.
 - (2) Permanent injunction. Permanent injunction may only be pursued in Dutchess County Supreme Court.
 - (3) Temporary closing order, as set forth under § 159-13. Temporary closing of any structure may only be issued by the Dutchess County Supreme Court.
 - (4) Temporary restraining order. A temporary restraining order may only be pursued in Dutchess County Supreme Court.
 - (5) Temporary injunction. A temporary injunction may only be pursued in Dutchess County Supreme Court.

§ 159-10 Summons and complaint for civil action.

- A. If the nuisance is not corrected within 30 days of the date of service of the notice set forth in § 159-7, or upon noncompliance with any written agreement reached with the Panel, the Panel shall notify the City Council that a public nuisance exists.
- B. At the direction of the City Council of the City of Beacon, the City Attorney may bring and maintain a civil action in the name of the City to abate a public nuisance and shall commence a civil action by filing a summons and complaint in the manner required by the New York State Civil Practice Laws and Rules.

- C. The summons and complaint shall name as defendant at least one of the owners of some portion of or having some interest in the property, as set forth in the last filed tax roll, and shall describe the owner's premises by tax number and/or street address.
- D. The summons and complaint may also name as defendant any owner, operator, manager or tenant of the premises.
- E. The complaint shall allege the facts constituting the public nuisance.
- F. The complaint shall be accompanied by an affidavit, to affirm that the owner or their agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- G. Because the public nuisance is conducted, maintained, permitted or allowed in the City of Beacon, the venue of such action shall be in Dutchess County Supreme Court or in the City Court of the City of Beacon.
- H. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested, to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- I. With respect to any action commenced or to be commenced, the City Attorney may file a notice of pendency pursuant to the New York State Civil Practice Laws and Rules.

§ 159-11 Civil penalty.

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment in Supreme Court or in City Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, notwithstanding any other provision in the Beacon City Code concerning penalties, a penalty may be awarded as follows for each day it is found that the defendant conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the City:

Period of noncompliance	Penalty per day
1-15 days	\$ 1,000
16-30 days	\$ 2,500
31 days or more	\$ 5,000

§ 159-12 Permanent injunction.

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment in Dutchess County Supreme Court, a finding is made that defendant(s) have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendant from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the City to remove and correct any condition(s) in violation of the City Code. The judgment may further order that the cost of removing and correcting the violation(s), plus a charge of 50% as compensation to the City of administration and supervision expenses, be charged against defendant(s) and awarded to the City. The judgment may further order that the cost of removing and correcting the violation(s), plus the charge of

50% as compensation to the City for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner as provided by law for the collection of real property taxes within the City.

- D. A judgment ordering a permanent injunction may direct the closing of the premises by the City, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Laws and Rules and of the actual costs, expenses and disbursements of the City in investigating, bringing and maintaining the action.

§ 152-13 Closing of the building, structure or real property.

- A. If the judgment directs the closing of the building, structure or real property, the City shall serve the judgment upon defendant(s) in the manner required by the New York State Civil Practice Laws and Rules and shall post a copy of the judgment upon one (1) or more of the doors at entrances of the building, structure or real property, or in another conspicuous place on the building, structure or real property.
- B. In addition, the City shall affix upon one (1) or more of the doors at entrances of the building, structure or real property or in another conspicuous place on the building, structure or real property, a printed notice stating "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending to enter the premises. Mutilation or removal of such posted judgment or notice while it remains in force will be considered a separate violation and shall be punishable as contempt of court.
- C. After posting, the City may then command all persons present in the building, structure or real property to vacate the property forthwith. After the building, structure or real property has been vacated, the City may secure the premises.
- D. The closing directed by the judgment shall be for such period as the court may direct, but in no event shall the closing be for a period of more than a year from the posting of the judgment.
- E. A closing by the City shall not constitute an act of possession, ownership or control by the City.

§ 159-14 Administrative liability.

Neither the City of Beacon, nor any officer, agent or employee thereof, shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this article.

§ 159-15 Severability.

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provision to other persons or circumstances shall not be rendered invalid thereby.

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law

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

Section 4. Severability

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

Section 5. Effective Date

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

**City of Beacon Council Agenda
10/21/2019**

Title:

Resolution Approving a Special Use Permit for the Early Terrible Wine Bar at 305 Main Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Granting a Special Use Permit for 305 Main Street	Resolution
Site Plan 305 Main Street	Plans



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
305 MAIN STREET**

WHEREAS, Douglas Ballinger on behalf of 305 Beacon LLC (the “Applicant”), submitted an application for a Special Use Permit to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio (the “Proposed Action”) on property located at 305 Main Street in the Central Main Street (CMS) Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 5954-36-908866** (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 223-41.18.B; and

WHEREAS, the Site Plan is shown on the following drawings, entitled “Planning Board SUP Submittal Set Addenda” last revised August 13, 2019, as prepared by Ashokan Architecture & Planning PLLC:

Sheet	Title
A-001	<i>Cover Sheet</i>
A-101	<i>Ground Floor Plan + Front</i>
A-102	<i>Ground Floor Plan +Rear</i>
A-103	<i>Roof & Basement Plans</i>
A-104	<i>Interior Elevations</i>
A-201	<i>Front, Rear & Partial Side Elevations</i>
A-301	<i>Building Sections; and</i>

WHEREAS, the Property Survey is shown on the plan, entitled “Survey of Property Prepared for 305 Beacon LLC,” last revised July 17, 2019, as prepared by Robert F. Oicle, PLS; 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, the Planning Board issued a report to the City Council dated August 19, 2019 recommending approval of the Special Use Permit subject to the Applicant returning to the Planning Board for final Site Plan Approval; and

WHEREAS, on October 7, 2019, the City Council opened a public hearing on the Special Use Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on October 7, 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 223-41.18.B 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.B and 223-41.18.B 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. The Applicant is using an existing one-story building to operate its wine and tapas bar in the CMS District. Such an operation is an appropriate use in the CMS District. The Property is surrounded by similar commercial uses, including restaurant uses such as Café Amarcord, Enoteca Ama, Mr. V's Deli and Royal Crepes.
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 wine and tapas bar is compatible with the surrounding commercial uses in the neighborhood. The Applicant is using an existing one-story building. The Applicant will only be modifying the storefront and adding a back patio.
3. Operations in connection with the wine and tapas bar 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. Under § 223-18.B(1)(d), the City Council is required to find that the proposed parking areas will be of adequate size for the particular special permit use and properly located and suitably screened from adjoining residential uses. However, the Applicant's proposal does not include (and practically, is not able to provide) any off-street parking spaces. Under § 223-41.18.G(4), for lots of 8,000 square

feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements provided that the total floor area of the building is no greater than 5,000 square feet. The Property at issue is 1,314 square feet and the total floor area of the existing building is 939 square feet. Therefore, the Planning Board may waive all parking requirements. The Planning Board recommended the Special Use Permit be approved and it's assumed they will grant the waiver. The Applicant submitted details to the City Council and City Planner with information regarding available on-street parking within 2-3 blocks along Main Street and the adjacent side streets during peak business hours. The Applicant's parking study included photographs of open spaces at various hours. The Property is also located within 600 feet of the Beacon DMV public parking lot and the two municipal lots off Chestnut Street. § 223-41.18.G(3)(d) allows a modification of the parking requirement if sufficient public parking is available within 800 feet of the site. The Applicant has demonstrated that there is sufficient space to load and unload deliveries without interfering with the flow of vehicle or pedestrian traffic.

5. The Proposed Action is consistent with the City of Beacon Comprehensive Plan Update. The majority of commercial development in the City is located along Main Street. In accordance with the City's 2017 Comprehensive Plan Update, the Proposed Action will further increase the attractiveness and marketability of Main Street. The proposed wine and tapas bar is a unique establishment which will draw people to the City.
6. The Proposed Action will enhance the architectural character of the street. The Proposed Action includes modification to the storefront of the existing building. Such modifications will enhance the architectural character of the street by adding new elements that relate to historic buildings, the general façade, window patterns and traditional streetscapes in the area. The storefront will include Greenwich gray real stone veneer, double hung tempered glass windows, crenel roof parapet sections and a fabric awning. The restaurant sign will be constructed of wood with metal brackets. Such fixtures are appropriate for Main Street and will contribute to the character of the neighborhood.
7. The Proposed Action will benefit the urban, pedestrian-friendly qualities of Main Street. The new storefront design conforms with the CMS design standards in Section 223-41.18.J. Such design standards are intended to promote pedestrian access and activities. The building's front entrance faces the primary street, Main Street, and is connected to the sidewalk. Pedestrians can walk to the wine and tapas bar.

BE IT FURTHER RESOLVED, that the City Council [GRANTS/DENIES] an application for Special Use Permit to Douglas Ballinger on behalf of 305 Beacon LLC to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio on property located at 305 Main Street in the Central Main Street Zoning District as set forth and detailed on the plans prepared by Ashokan Architecture & Planning PLLC, last revised August 13, 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 Applicant shall be prohibited from operating, playing or permitting the operation or playing of any amplified music outside on the back patio.
5. The Applicant shall be required to explore and report to the Planning Board its efforts and the feasibility of having access to the parking lot in the rear for deliveries.
6. Applicant shall use its best efforts to ensure all deliveries shall be completed before 1 p.m. and upon request from the Building Department, provide a letter detailing such efforts.
7. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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; since the Proposed Action does not involve any major construction or demolition, 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: October 21, 2019

Resolution No. ____ of 2019			Date: <u>October 21, 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
10/21/2019**

Title:

Resolution Referring Proposed Verizon Wireless Co-Location of Cellular Antennae Facility on Existing Telecommunication Tower on the Roof of the Mase Hook & Ladder Building to the Planning Board for Review and Comment

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Referring Proposed Verizon Wireless Co-Location of Cellular Antennae Facility on Existing Telecommunication Tower on the Roof of the Mase Hook & Ladder Building to the Planning Board for Review and Comment	Resolution
Long Form EAF for Verizon Facility at Mase Hook and Ladder	EAF
Photo Simulation of Proposed Antennae to be added to Existing Tower	Backup Material
Photo Simulations of 80' Monopole (No Longer Proposed to be Built)	Backup Material
Section 106 Notification of SHPO/THPO Concurrence with Conditions	Backup Material
Letter from RF Engineer	Cover Memo/Letter
Site Selection Report	Backup Material
Alternate Site Locations	Backup Material
Site Plan for Verizon Facility at Mase Hook and Ladder	Plans
Letter from Verizon Responding to a Request for Additional Information	Cover Memo/Letter



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

**RESOLUTION REFERRING PROPOSED VERIZON WIRELESS CO-LOCATION
OF CELLULAR ANTENNAE FACILITY ON EXISTING
TELECOMMUNICATION TOWER ON THE ROOF OF THE MASE HOOK &
LADDER BUILDING TO THE
PLANNING BOARD FOR REVIEW AND COMMENT**

WHEREAS, the City of Beacon is considering entering into a Lease with Verizon Wireless for the co-location of a cellular antennae facility on an existing telecommunication tower on the roof of the Mase Hook & Ladder building located at 423 Main Street; and

WHEREAS, as such antennae facility is being co-located on an existing telecommunications facility it would pursuant to the City Code, subject to confirmation by the Planning Board, be considered an “eligible facilities request” and therefore exempt from City Council or Planning Board land use review; and

WHEREAS, the City is considering this application to be exempt from land use reviews under the *Monroe County* and *Crown Communications* decisions; and

WHEREAS, the City Council notes it has received public comments on this proposed facility and it has been reviewed by the City Planner and City Wireless Engineering Consultant, as well as by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council requests the City Administrator to refer the plans and supporting documentation for the proposed co-location of a Verizon Wireless cellular antennae facility on an existing telecommunications tower located on the roof of the Mase Hook & Ladder building to the Planning Board for a report and recommendation with respect to the plans.

Resolution No. ____ of 2019			Date: <u>October 21, 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					

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Electric Blanket - Unmanned Wireless Communications Facility		
Project Location (describe, and attach a general location map): 423-425 Main Street, City of Beacon, Dutchess County, New York		
Brief Description of Proposed Action (include purpose or need): Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless proposes the installation of an unmanned wireless communications facility on the existing building. Said property being located at the intersection of Teller Avenue & Van Nydeck Avenue. Access to the proposed facility will originate from Van Nydeck Avenue utilizing the existing paved parking lot. In general, the installation will consist of the following: Replacing the existing rooftop guyed tower with a new guyed tower of same height, removing all existing antennas, installing six (6) new Verizon panel antennas at center-line heights of 63'± and 57'±, installing (1) new City owned omni antenna at the top of the tower, installing a 15'x16' fenced equipment area at grade, and all related antenna cabling and utility services (power and telephone).		
Name of Applicant/Sponsor: Orange County-Poughkeepsie Limited Partnership, d/b/a Verizon Wireless	Telephone: (585) 321-5435	
	E-Mail: Kathy.Pomponio@VerizonWireless.com	
Address: 1275 John Street, Suite #100		
City/PO: West Henrietta	State: New York	Zip Code: 14586
Project Contact (if not same as sponsor; give name and title/role): Robert Burgdorf, Partner, Nixon Peabody	Telephone: (585) 263-1333	
	E-Mail: RBurgdorf@NixonPeabody.com	
Address: 1300 Clinton Square		
City/PO: Rochester	State: New York	Zip Code: 14604
Property Owner (if not same as sponsor): City of Beacon	Telephone:	
	E-Mail:	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: New York	Zip Code: 12508

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.) No zoning approvals required in re County of Monroe applies

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lease Approval	TBD
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

PB - Business Off-Street Parking, CB - Central Business, Historic District & Landmark Overlay Zone

b. Is the use permitted or allowed by a special or conditional use permit? In re County of Monroe applies ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Beacon City School District (10 Education Dr, Beacon, NY 12508)

b. What police or other public protection forces serve the project site?

Beacon Police Department (1 Municipal Plaza, Beacon, NY 12508)

c. Which fire protection and emergency medical services serve the project site?

Beacon Fire Department (425 Main St. Beacon, NY 12508)

d. What parks serve the project site?

Beacon Memorial Park Athletic Field (198 Robert Cahill Dr, Beacon, NY 12508)

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Unmanned public utility/personal wireless service facility

b. a. Total acreage of the site of the proposed action? 0.66 acres

b. Total acreage to be physically disturbed? 0.01 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.006 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 1 months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ 1 ii. Dimensions (in feet) of largest proposed structure: <u>25'</u> tower height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ <u>N/A</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ 	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
<ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ 	
<ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? _____ 	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) <u>Construction Equipment</u> ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) <u>N/A</u> iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) <u>Backup Generator</u> 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ 	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ Minimal increase in electrical usage as necessary to operate the facility.</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Local Utility _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 8-5 • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 Hours • Saturday: _____ 24 Hours • Sunday: _____ 24 Hours • Holidays: _____ 24 Hours </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 8-5 • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 Hours • Saturday: _____ 24 Hours • Sunday: _____ 24 Hours • Holidays: _____ 24 Hours
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 40px;">During construction, noise associated with the operation of construction equipment. After construction, the backup emergency generator will be the only equipment producing noise.</p> <p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 40px;">One (1) switch operated LED light fixtures located within the fenced equipment enclosure, designed to illuminate the area in and around the equipment.</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.66	0.66	0.0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <i>i. If Yes: explain:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, <i>i. Identify Facilities:</i> <u>Tabernacle of Christ Church, Salvation Army, Dutchess County Healthy Family, Howland Cultural Center, Howland Public Library</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>e. Does the project site contain an existing dam? If Yes: <i>i. Dimensions of the dam and impoundment:</i></p> <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet <p><i>ii. Dam's existing hazard classification:</i> _____ <i>iii. Provide date and summarize results of last inspection:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: <i>i. Has the facility been formally closed?</i> • If yes, cite sources/documentation: _____</p> <p><i>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</i> _____ _____</p> <p><i>iii. Describe any development constraints due to the prior solid waste activities:</i> _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: <i>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</i> _____ _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: <i>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:</i></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> <p><i>ii. If site has been subject of RCRA corrective activities, describe control measures:</i> _____ _____ _____</p> <p><i>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?</i> If yes, provide DEC ID number(s): <u>B00130 , C314118</u></p> <p><i>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</i> <u>B00130: All tanks and contaminated soils have been removed from the site.</u> <u>C314118: After two schedule extensions, the Volunteer has terminated the BCA without implementing the investigation work plan.</u></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																								
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ _____ 																								
E.2. Natural Resources On or Near Project Site																								
a. What is the average depth to bedrock on the project site? _____ >6 feet																								
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																								
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Ur - Urban Land</td> <td style="border: none; text-align: right;">100 %</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none; text-align: right;">_____ %</td> </tr> <tr> <td style="border: none;">_____</td> <td style="border: none; text-align: right;">_____ %</td> </tr> </table>		Ur - Urban Land	100 %	_____	_____ %	_____	_____ %																	
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d. What is the average depth to the water table on the project site? Average: _____ >6 feet																								
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="border: none; text-align: right;">100 % of site</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Moderately Well Drained:</td> <td style="border: none; text-align: right;">_____ % of site</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Poorly Drained</td> <td style="border: none; text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site																	
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<input type="checkbox"/> Poorly Drained	_____ % of site																							
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="border: none; text-align: right;">100 % of site</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 10-15%:</td> <td style="border: none; text-align: right;">_____ % of site</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 15% or greater:</td> <td style="border: none; text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site																	
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<input type="checkbox"/> 15% or greater:	_____ % of site																							
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____ _____																								
h. Surface water features. <table style="width: 100%; border: none;"> <tr> <td style="border: none;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="border: none; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td style="border: none;">ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="border: none; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td colspan="2" style="border: none;">If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i.</td> </tr> <tr> <td style="border: none;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="border: none; text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td colspan="2" style="border: none;">iv. For each identified regulated wetland and waterbody on the project site, provide the following information:</td> </tr> <tr> <td style="border: none;"> <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ </td> <td style="border: none;"></td> </tr> <tr> <td colspan="2" style="border: none;"> v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____ </td> </tr> <tr> <td colspan="2"> i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </td> </tr> <tr> <td colspan="2"> j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </td> </tr> <tr> <td colspan="2"> k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </td> </tr> <tr> <td colspan="2"> l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">i. Name of aquifer: _____</td> </tr> </table> </td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.		iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No	iv. For each identified regulated wetland and waterbody on the project site, provide the following information:		<ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 		v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____		i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">i. Name of aquifer: _____</td> </tr> </table>		i. Name of aquifer: _____
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m. Identify the predominant wildlife species that occupy or use the project site:		
<u>Chipmunks</u> <u>Rabbits</u> <u>Birds</u>	<u>Squirrels</u> <u>Opossums</u> <u>Raccoons</u>	<u>Skunks</u> <u>Foxes</u>
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____		
ii. Source(s) of description or evaluation: _____		
iii. Extent of community/habitat:		
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 		
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____		
E.3. Designated Public Resources On or Near Project Site		
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____		
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site: _____ ii. Source(s) of soil rating(s): _____		
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature		
ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____		
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:		
i. CEA name: _____		
ii. Basis for designation: _____		
iii. Designating agency and date: _____		

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <u>Brett, Madam Catharyna, Homestead, US Post Office--Beacon</u> </div>	
iii. Brief description of attributes on which listing is based: <u>Madam Brett Homestead & US Post Office - Beacon were listed on the National Register of Historic Places in 1976 and 1988, respectively</u>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: <div style="margin-left: 20px;"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify resource: <u>NYS Rt 9</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>NYS Designated Scenic Road</u> iii. Distance between project and resource: _____ <u>3.2</u> miles. </div>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? </div>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Steven Matthews Date 10/5/19

Signature Steven Matthews Title Manager of Engineering

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <div style="text-align: right;"> <input type="checkbox"/> NO <input type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☐ NO☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input type="checkbox"/>NO <input type="checkbox"/>YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input type="checkbox"/>NO <input type="checkbox"/>YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property’s setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☐ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☐ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☐ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>		
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

Project :

Date :

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☐ Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information

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

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

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

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

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

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

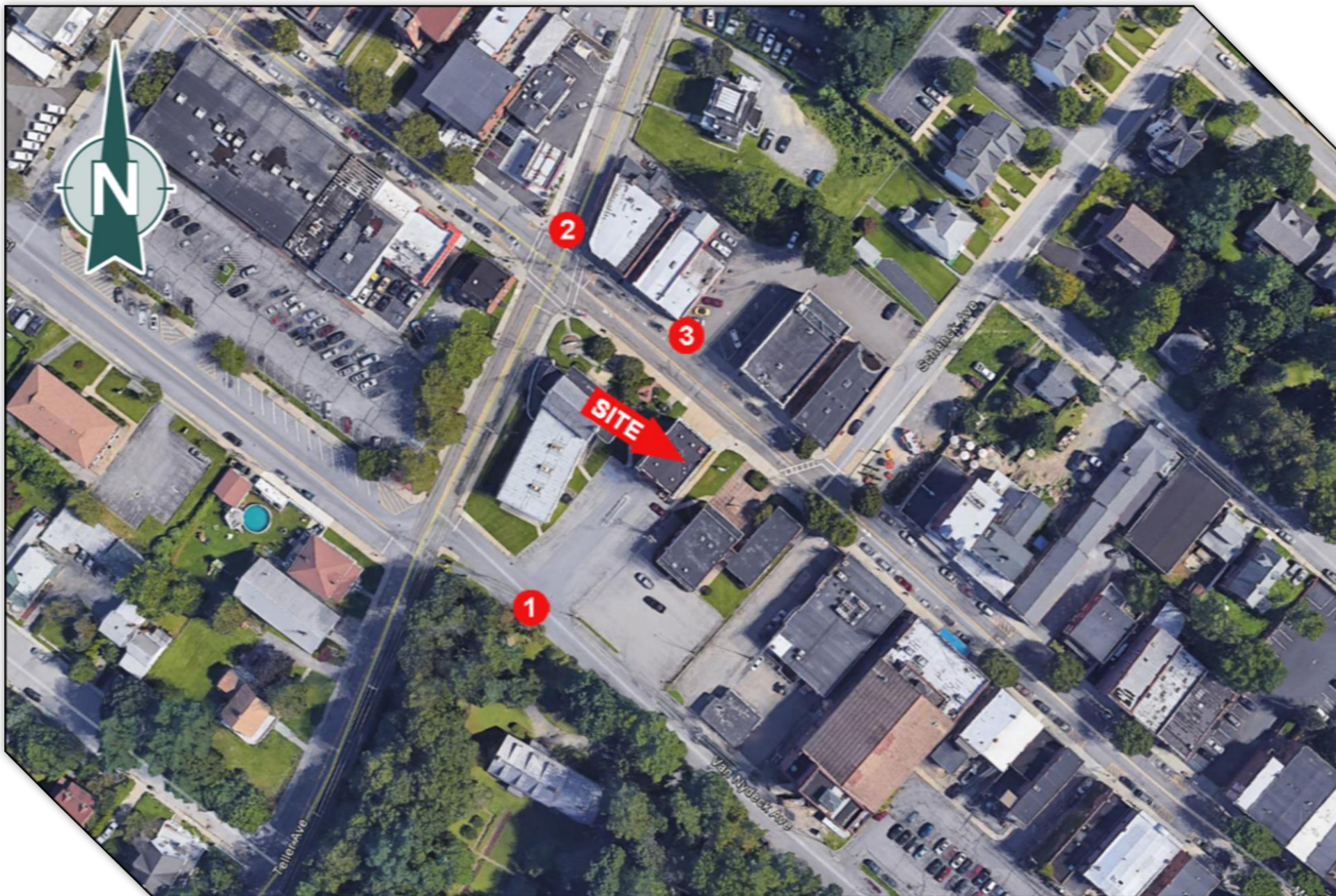
For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



TECTONIC

Practical Solutions, Exceptional Service

Electric Blanket
423-425 Main Street
Beacon, New York 12508

PHOTO
LOG
8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking northeast from 53 Van Nydeck Avenue.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 175'±

P-1

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking northeast from 53 Van Nydeck Avenue.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 175'±

S-1a

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking northeast from 53 Van Nydeck Avenue.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 175'±

S-1b

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking southeast from the intersection of Fishkill Avenue & Main Street.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 250'±

P-2

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking southeast from the intersection of Fishkill Avenue & Main Street.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 250'±

S-2a

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking southeast from the intersection of Fishkill Avenue & Main Street.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 250'±

S-2b

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking south from 398 Main Street.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 100'±

P-3

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking south from 398 Main Street.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 100'±

S-3a

8668.17A



TECTONIC

Practical Solutions, Exceptional Service

Looking south from 398 Main Street.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 100'±

S-3b

8668.17A



Electric Blanket
433 Main Street
Beacon, New York 12508

PHOTO
LOG
8668.17B

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.



Looking southwest from the intersection of Schenck Avenue & North Street.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 700' ±

P-1

8668.17B





Looking south from the parking lot of 396 Main Street.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 375'±



Looking south from the parking lot of 396 Main Street.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 375'±



Looking northwest from 20 Van Nydeck Avenue.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 400'±

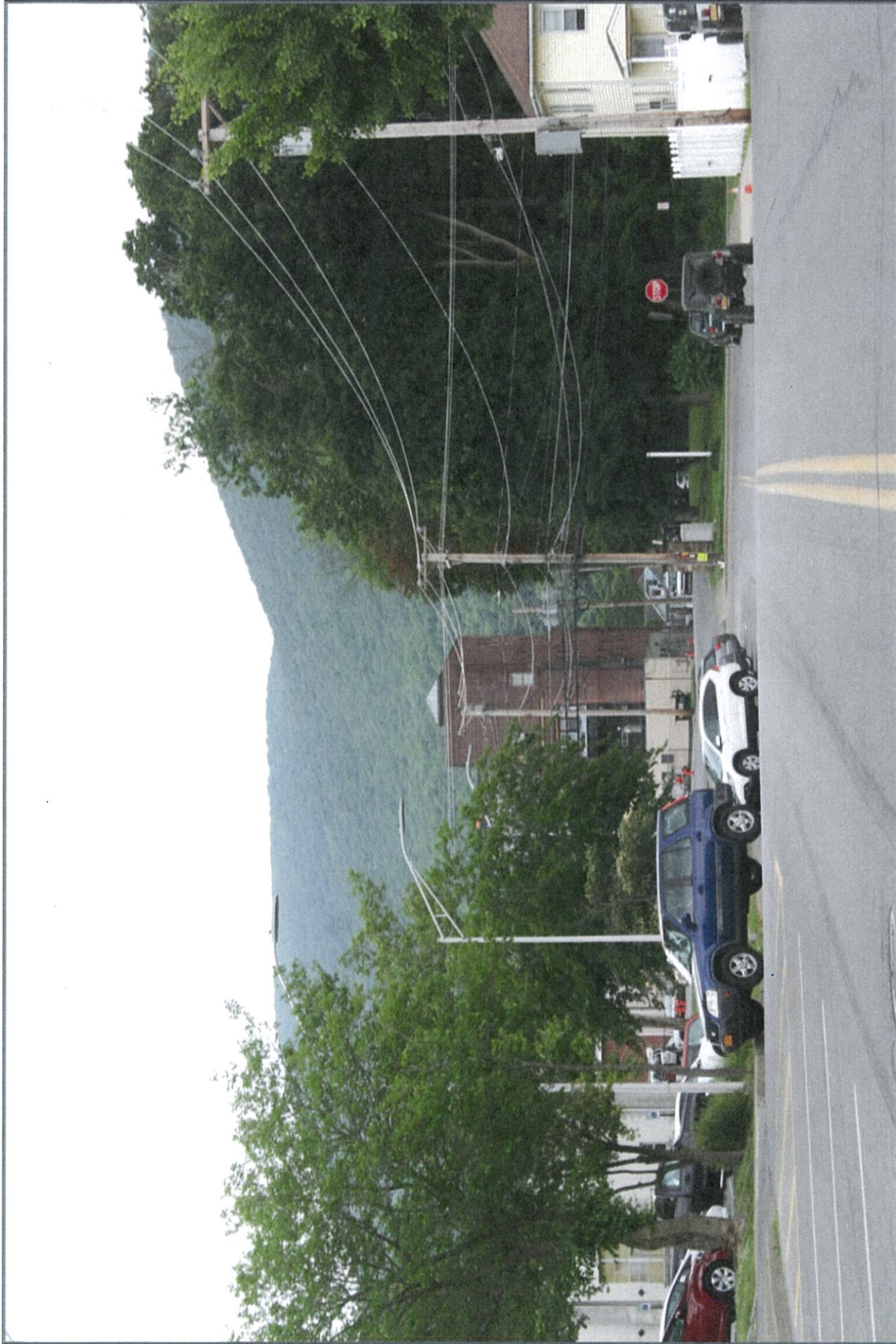
P-3

8668.17B



Looking northwest from 20 Van Nydeck Avenue.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 400'±



Looking southeast from the intersection of Henry Streey & Veterans Place.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 700'±

P-4

8668.17B



From: towernotifyinfo@fcc.gov
To: [White Plains Cultural Resources](#)
Subject: Section 106 Notification of SHPO/THPO Concurrence with Conditions- Email ID #3645863
Date: Friday, April 26, 2019 12:46:33 PM

This is to notify you that the Lead SHPO/THPO has concurred with the following filing, with conditions:

Date of Action: 04/26/2019

Direct Effect: No Adverse Effect on Historic Properties in APE

Visual Effect: No Adverse Effect on Historic Properties in APE

Comment Text: The NYSHPO concurs with the recommended effect finding based on the following conditions being met: new panels will be covered with 3M obscure film to help mask visual clutter from the NR Listed Madam Brett Home. No additional antennae will be added to the structure in the future. Completed project photographs are to be submitted to the NYSHPO. Reviewed by J.A. Bonafide, NYSHPO

File Number: 0008611519

TCNS Number: 184617

Purpose: Collocation Submission Packet

Has the Communications Tower or Non-Tower Structure been the subject of SHPO/THPO review? No

Notification Date: 7AM EST 04/24/2019

Applicant: Verizon Wireless

Consultant: CBRE Telecom Advisory Services

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: Electric Blanket - D

Site Address: 423-425 Main Street

Detailed Description of Project: Electric Blanket - D/FUZE 616279176/TS90421379 - proposed collocation of a telecommunications facility on the existing building with tower

Site Coordinates: 41-30-10.7 N, 73-58-0.0 W

City: Beacon

County: DUTCHESS

State: NY

Lead SHPO/THPO: New York State Historic Preservation Office

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



Network Engineering - UPNY
1275 John Street, Suite 100
West Henrietta, New York 14586

Oct 07, 2019

Planning Board
City of Beacon, NY
1 Municipal Plaza
Beacon, New York 12508

RE: Electric Blanket Macro – Application of Verizon Wireless - Non-Interference Letter

Ladies and Gentlemen:

With respect to the above application, and in accordance with applicable provisions of the Wireless Telecommunications Facilities Siting Law for the City of Beacon, Verizon Wireless ("Verizon Wireless") operates Wireless Communications Forth Generation (4G) Services, Personal Communication Service (PCS) and/or Cellular Radiotelephone Services network authorized by the Federal Communications Commission (FCC) to provide state of the art digital and/or cellular wireless communications in many parts of the nation, including upstate New York. Verizon Wireless' operations and network are licensed and regulated by the FCC.

Verizon Wireless' radio equipment is designed to transmit frequencies only within the allocated frequency bands and each transmitter is carefully adjusted to comply with FCC regulations for power output and frequency. These procedures prevent interference with other radio services, public safety communications, airport navigation, cordless phones, computers and other community office or residential household appliances.

The incidence of these transmissions causing interference with other radio service is rare. All other radio communication services, including broadcast radio and television, are assigned to specific frequency bands, separate and distinct from cellular and other frequencies. For instance, AM Radio operates between 0.5 -1.5 MHz and VHF Television operates between 54 - 215 MHz. In addition, receivers for other services are similarly designed to prevent interference from out of band service. In the unlikely event that malfunctioning equipment or improper settings are shown to cause interference with an existing service, Verizon Wireless would be required, under the conditions of its FCC license, to take immediate steps to correct any problems.

Thank you for considering this application.

Very truly yours,

Michael R. Crosby

Michael R. Crosby
Radio Frequency (RF) Design Engineer

Verizon Wireless Communications Facility

Engineering Necessity Case – “Electric Blanket”



- City of Beacon
- Project Location “Electric Blanket”
- Beacon DT
- Town of Fishkill
- Mt. Beacon Existing Site

Prepared by: Michael R. Crosby

Project: The project is the installation and operation of a rooftop tower co-located wireless telecommunications site in the City of Beacon (the “Project Facility”).

verizon✓

October 7, 2019

Introduction

The purpose of this subsequent analysis is to summarize and communicate the technical radio frequency (RF) information used in the justification of this new site.

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility/site. All sites provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage can be defined as the existence of signal of usable strength and quality in an area, including but not limited to in-vehicles or in-buildings.

The need for improved coverage is identified by RF Engineers that are responsible for developing and maintaining the network. RF Engineers utilize both theoretical and empirical data sets (propagation maps and real world coverage measurements). Historically, coverage improvements have been the primary justification of new sites.

Capacity can be defined as the amount of traffic (voice and data) a given site can process before significant performance degradation occurs.

When traffic volume exceeds the capacity limits of a site serving a given area, network reliability and user experience degrades. Ultimately this prevents customers from making/receiving calls, applications cease functioning, internet connections time out and data speeds fail. This critical condition is more important than just a simple nuisance for some users. Degradation of network reliability and user experience can affect emergency responders and to persons in a real emergency situation can literally mean life or death.

Project Need Overview

The project area, centrally located within the City of Beacon is currently served by two sites. These sites are overloaded requiring capacity relief. Additionally the project area is impacted by the significant terrain difference between these two serving sites relative to the project area. This excessive difference in terrain combined with distance and area morphology prevents effective capacity and coverage capability of Verizon's RF signals in this area.

The primary serving site is **Mt. Beacon** located in the neighboring town of Fishkill, which is approximately one and one half miles south east (of the project location) situated on a mountain top tower located off Mt. Beacon Monument Rd (near Breakneck Ridge Trail). While this site provides coverage (on low band 700MHz) throughout the project area, it does so from such a great difference in elevation that the site is not capable of efficiently or effectively providing the necessary capacity due to Mt. Beacon itself causing excessive interference in and around the project area. This site also provides high band (AWS) service to portions of the project area but again due to the excessive difference in elevation combined with distance to objectives Mt. Beacon is not capable of efficiently or effectively providing the necessary capacity relief and actually degrades area performance and capacity capabilities due to excessive interference in and around the project area (caused by overlapping/overshooting footprint). In order to mitigate the overlapping footprint and improve interference and capacity conditions, Mt. Beacon requires deactivation as it can no longer function properly as an LTE serving site for this area. Regardless of the need to deactivate Mt. Beacon (LTE), additional capacity is currently required even with Mt. Beacon on the air.

The second serving site is **Beacon DT** which is co-located on the roof of a multi-story apartment building off Rt. 9D near South Ave. This site is also requiring capacity relief. While this site is more appropriate for the area than Mt. Beacon, by itself it can not provide the necessary coverage and capacity required to serve the project area.

There are other Verizon sites in this general area but due to distance and terrain they also do not provide any significant overlapping coverage in the area in question that could allow for increased capacity and improved coverage from other sources.

The primary objectives for this project are to increase capacity and improve high band coverage in the main street Beacon area including but not limited to portions of Main Street, Fishkill Ave, Tioronda Ave, South Street, Schenck Ave as well as the surrounding residential and commercial areas. In order to offload capacity from Mt. Beacon and Beacon DT a new dominant server must be created. This new dominant coverage will effectively offload the existing overloaded sites as well as provide improved high band in building coverage.

Following the search for co-locatable structures to resolve the aforementioned challenges several suitable candidates were identified (see site selection analysis on p26 for further detail). Unfortunately, several of these building owners were unwilling to entertain co-location efforts and in some cases there were constructability issues preventing co-location. As a result, Verizon proposes the current application to attach it's antennas to Fire Department rooftop mounted tower. Verizon's antennas will utilize 63' and 57' for the ACL's (Antenna Center Lines) with a top of antenna height of 65'. This solution will provide the necessary coverage and capacity improvements needed.

Wireless LTE (Voice and Data) Growth



Wireless smart city solutions are being used to track available parking and minimize pollution and wasted time.



These same solutions are being used to track pedestrian and bike traffic to help planning and minimize accidents.



Smart, wireless connected lighting enables cities to control lighting remotely, saving energy and reducing energy costs by 20%.



4G technology is utilized to track and plan vehicle deliveries to minimize travel, maximize efficiency, and minimize carbon footprint.



4G technology is also used to monitor building power usage down to the circuit level remotely, preventing energy waste and supporting predictive maintenance on machines and equipment.



Wireless sensors placed in shipments are being used to track temperature-sensitive medications, equipment, and food. This is important for preventing the spread of food-borne diseases that kill 3,000 Americans each year.

Source: Verizon Innovation Center, February, 2018

Wireless is a critical component in schools and for today's students.



20,000 learning apps are available for iPads. 72% of iTunes top selling educational apps are designed for preschoolers and elementary students.



600+ school districts replaced text books with tablets in classrooms.



77% of parents think tablets are beneficial to kids.

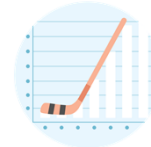


74% of school administrators feel digital content increases student engagement.

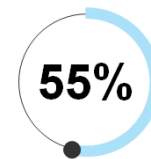


70% of teens use cellphones to help with homework.

Source: CTIA's Infographics Today's Wireless Family, October, 2017



The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017 .¹



Of American homes are wireless only.²

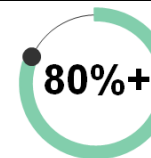


In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.³

¹. Ericsson Mobility Report, November 2017

². CDC's 2018 Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, January-July, 2018

³. IHS Market Connected Device Market Monitor: Q1 2016, June 7, 2016



With over 80% of 9-1-1 calls now coming from cell phones...¹

240 million

911 calls are made annually. In many areas, 80% or more are from wireless devices.¹

¹. National Emergency Number Association, Enhancing 9-1-1 Operations With Automated Abandoned Callback & Location Accuracy (Motorola Solutions) (August 23, 2018)

A wireless network is like a highway system...



US, mobile data traffic was 1.3 Exabytes per month in 2016, the equivalent of 334 million DVDs each month or 3,687 million text messages each second **according to Cisco VNI Mobile Forecast Highlights, 2016-2021, Feb 2017**

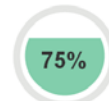
verizon

Wireless facilities and property values.

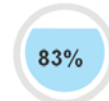
Cell service in and around the home has emerged as a critical factor in home-buying decisions.



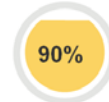
National studies demonstrate that most home buyers value good cell service over many other factors including the proximity of schools when purchasing a home.



More than 75% of prospective home buyers said a good cellular connection was important to them.¹



The same study showed that 83% of Millennials (those born between 1982 and 2004) said cell service was the most important fact in purchasing a home.



90% of U.S. households use wireless service. Citizens need access to 911 and reverse 911 and wireless may be their only connection.²

¹. RootMetrics/Money, The Surprising Thing Home Buyers Care About More Than Schools, June 2, 2015
². CTIA, June 2015

Explanation of Wireless Capacity

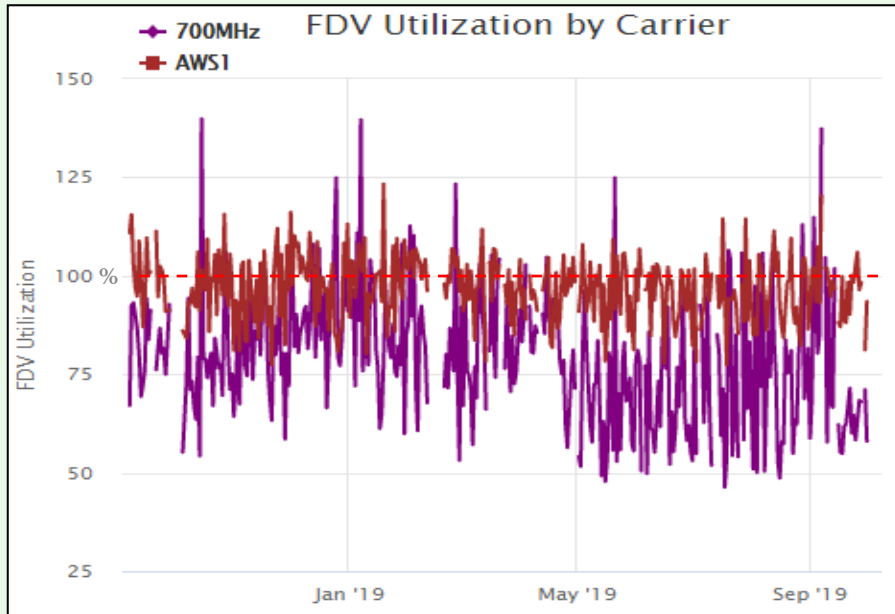


Capacity in this analysis is evaluated with up to three metrics further explained below. These metrics assist in determining actual usage for a given site as well as are used to project when a site is expected to run out of capacity (i.e. reach a point of exhaustion where it can no longer process the volume of voice and data requested by local wireless devices, thus no longer providing adequate service).

- Forward Data Volume (“**FDV**”), is a measurement of usage (data throughput) on a particular site over a given period of time.
- Average Schedule Eligible User (“**ASEU**”), is a measurement of the loading of the control channels and systems of a given site.
- Average Active Connections (“**AvgAC**”) is a measurement of the number of devices actively connected to a site in any given time slot.

Verizon Wireless uses proprietary algorithms developed by a task force of engineers and computer programmers to monitor each site in the network and accurately project and identify when sites will approach their capacity limits. Using a rolling two-year window for projected exhaustion dates allows enough time, in most cases, to develop and activate a new site. It is critical that these capacity approaching sectors are identified early and the process gets started and completed in time for new solutions (sites) to be on air before network issues impact the customers.

Capacity Utilization FDV (Mt. Beacon Gamma)



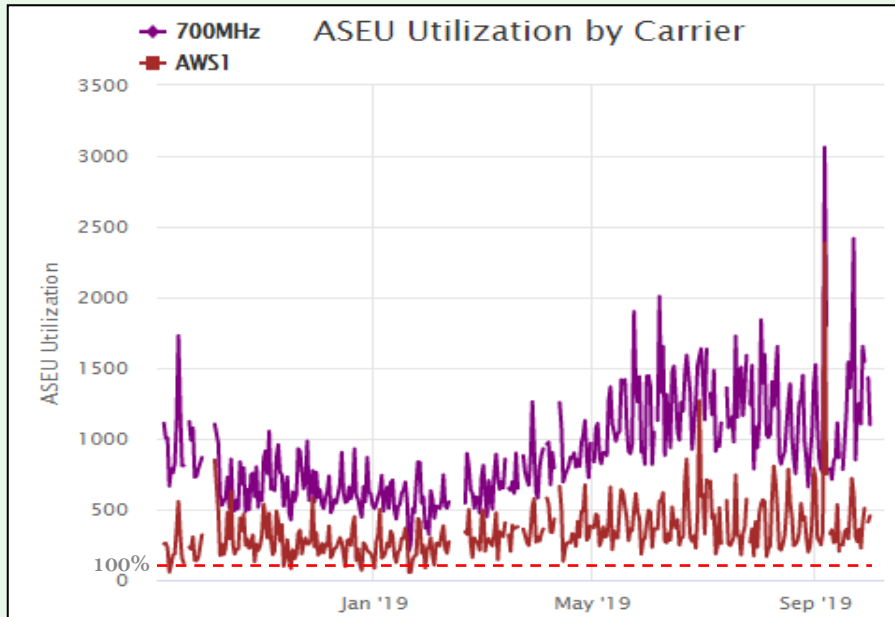
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the FDV separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper FDV utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector shown above has exceeded it's capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). FDV is one of three metrics used in this presentation to evaluate capacity capability in this area.

Capacity Utilization ASEU (Mt. Beacon Gamma)



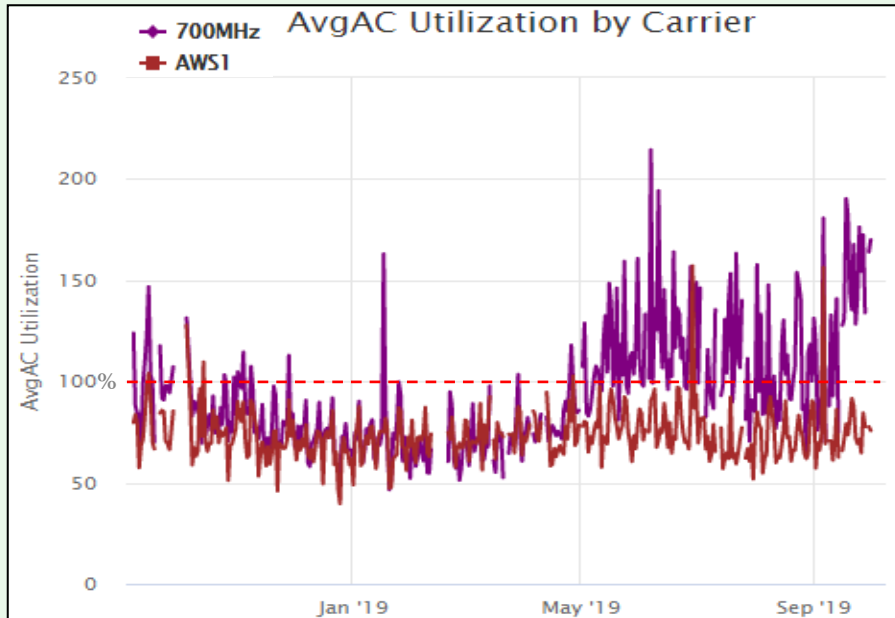
Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the ASEU separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper ASEU utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector cannot support the data traffic demand throughout the extents of the excessively large area it covers. **Mt. Beacon Gamma** is already overloaded, as shown by the purple and dark red actual use lines exceeding the red dashed exhaustion threshold line. Cell edge (weak/variable) conditions create the disparity between high and low bands due to propagation challenges which more significantly impact (limit) high band (AWS). The **Mt. Beacon** site is too far away to effectively serve this portion of the City of Beacon.

Capacity Utilization AvgAC (Mt. Beacon Gamma)



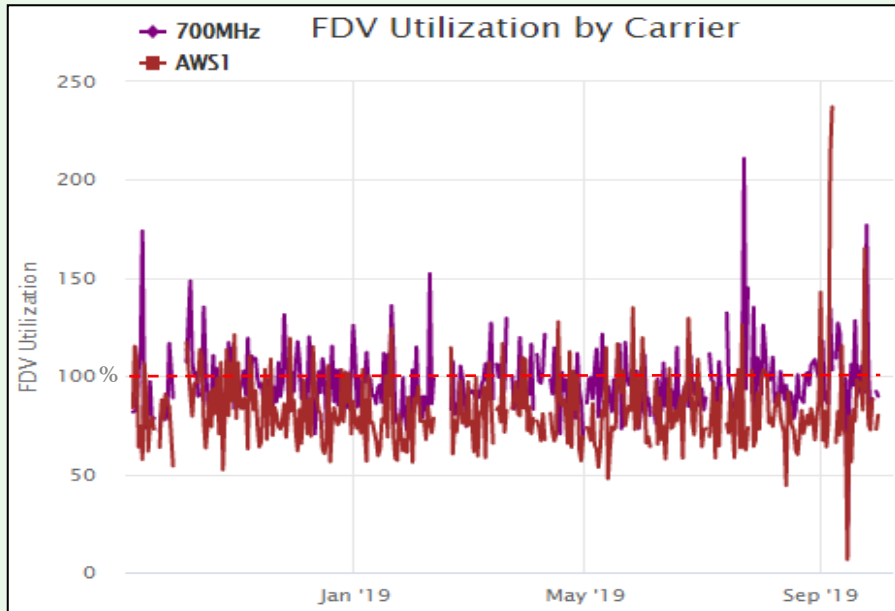
Summary: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

This graph helps to reveal foliage impact affecting variable coverage areas which result with a decline in AWS utilization while 700MHz utilization increases at the time of increased springtime foliage. This further complicates capacity offload capability for high band carriers. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector shown above has exceeded it's capability of supporting AvgAC requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line).

Capacity Utilization FDV (Beacon DT Alpha)



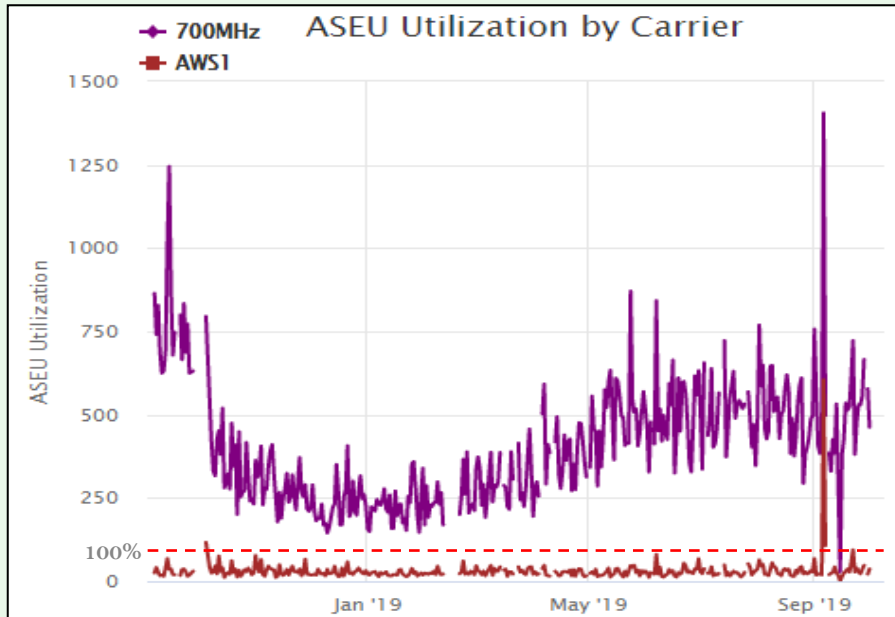
Summary: This graph shows FDV (**F**orward **D**ata **V**olume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization on the **Alpha** sector of the **Beacon DT** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Alpha** sector of the **Beacon DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the FDV separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper FDV utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Beacon DT Alpha** sector shown above has exceeded it's capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). FDV is one of three metrics used in this presentation to evaluate capacity capability in this area.

Capacity Utilization ASEU (Beacon DT Alpha)



Summary: This graph shows ASEU (**A**verage **S**chedule **E**ligible **U**ser). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

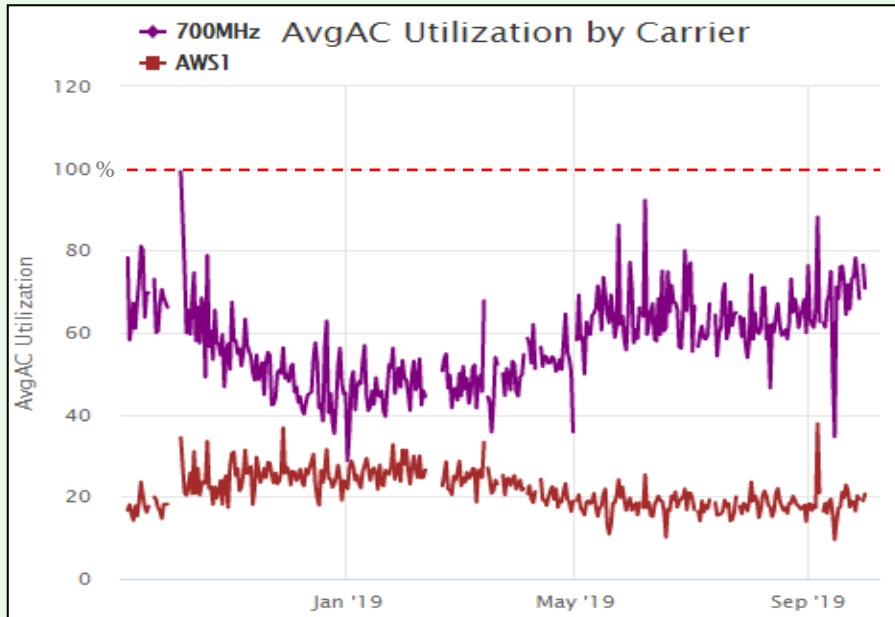
The purple line represents the daily max busy hour 700MHz utilization on the **Alpha** sector of the **Beacon DT** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Alpha** sector of the **Beacon DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the ASEU separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper ASEU utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Beacon DT Alpha** sector cannot support the data traffic demand throughout the extents of the area it covers. **Beacon DT Alpha** is already overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold line. Cell edge (weak/variable) conditions create the disparity between high and low bands due to propagation challenges which more significantly impact high band (AWS). The **Beacon DT** site requires network densification throughout it's serving footprint.

Capacity Utilization

AvgAC (Beacon DT Alpha)



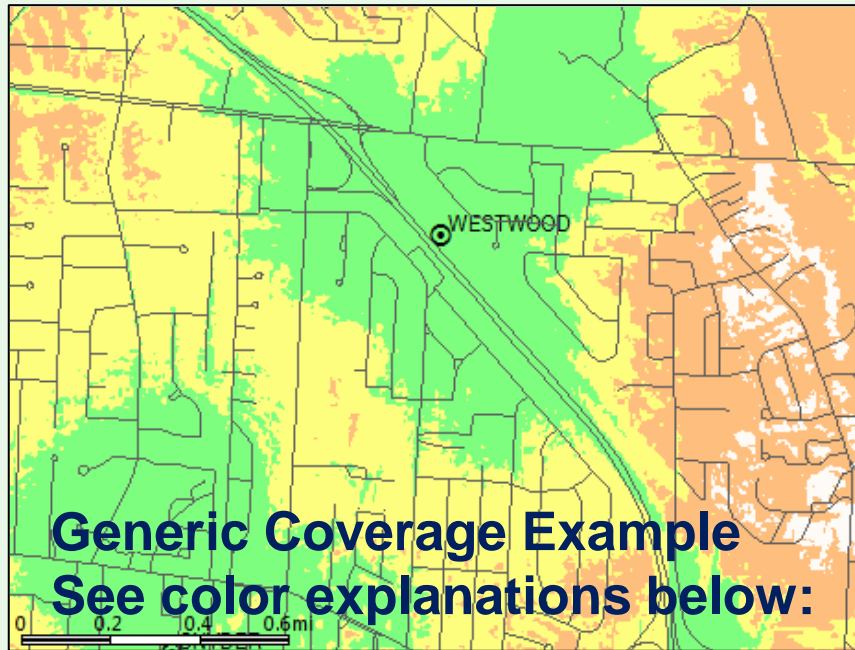
Summary: This graph shows AvgAC (**A**verage **A**ctive **C**onnections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

The purple line represents the daily max busy hour 700MHz utilization on the **Alpha** sector of the **Beacon DT** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Alpha** sector of the **Beacon DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

This graph helps to reveal foliage impact affecting variable coverage areas which result with a flat line or decline in AWS utilization while 700MHz utilization increases at the time of increased springtime foliage. This further complicates capacity offload capability for high band carriers. Network densification is required.

Detail: The existing **Beacon DT Alpha** sector is currently performing normally for this metric but is at risk for overloading at any time and is expected to reach consistent exhaustion in the near future if network densification solutions are not implemented in time.

Explanation of Wireless Coverage



Note the affect of clutter on the predicted coverage footprint above

****Dark Green** = -75dBm RSRP, typically serves dense urban areas as well as areas of substantial construction (colleges, hospitals etc.)

Green = -85dBm RSRP, typically serves suburban residential and light commercial buildings (stronger coverage levels may be needed for proper evaluation in urban applications or where more substantial building construction exists)

Yellow = -95dBm RSRP, typically serves most rural/suburban-residential and in car applications

Orange = -105dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps

White = <-105dBm RSRP, variable to no reliable coverage gap area

More detailed, site-specific coverage slides are later in the presentation

*Signal strength requirements vary as dictated by specific market conditions

.** Not displayed in example map

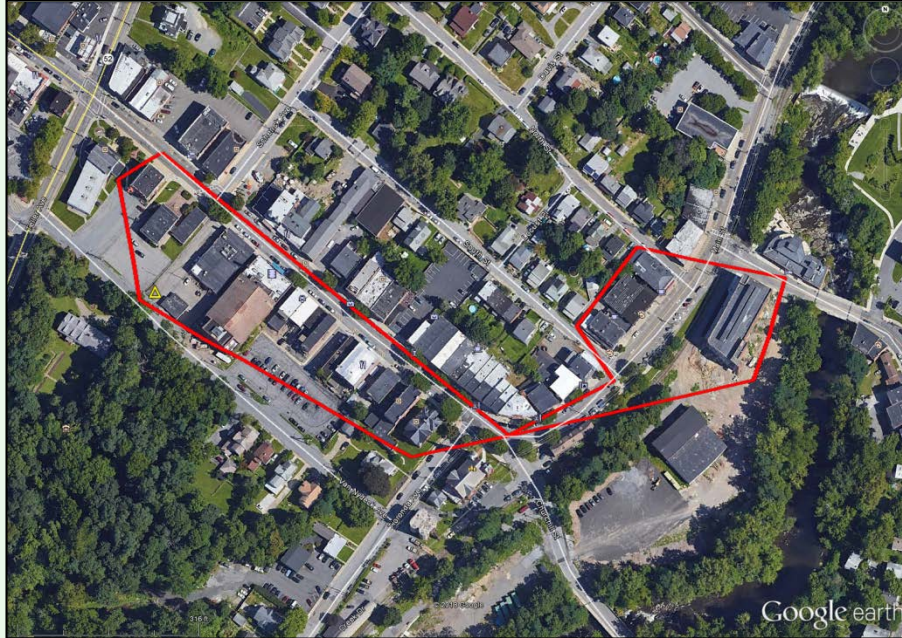


Coverage is best shown via coverage maps. RF engineers use computer simulation tools that take into account terrain, vegetation, building types, and site specifics to model the RF environment. This model is used to simulate the real world network and assist engineers to evaluate the impact of a proposed site (along with industry experience and other tools).

Many Verizon Wireless sites provide 3G CDMA at 850 MHz and 4G LTE at 700 MHz. As capacity requirements increase, higher frequency PCS (1900 MHz) and AWS (2100 MHz) carriers are added. In some mountaintop situations the high band AWS and PCS carriers are not effective due to excessive distance from the user population.

Coverage provided by a given site is affected by the frequencies used. Lower frequencies propagate further distances, and are less attenuated by clutter than higher frequencies. To provide similar coverage levels at higher frequencies, a denser network of sites is required (network densification).

Explanation of this Search Area



Electric Blanket Search Area

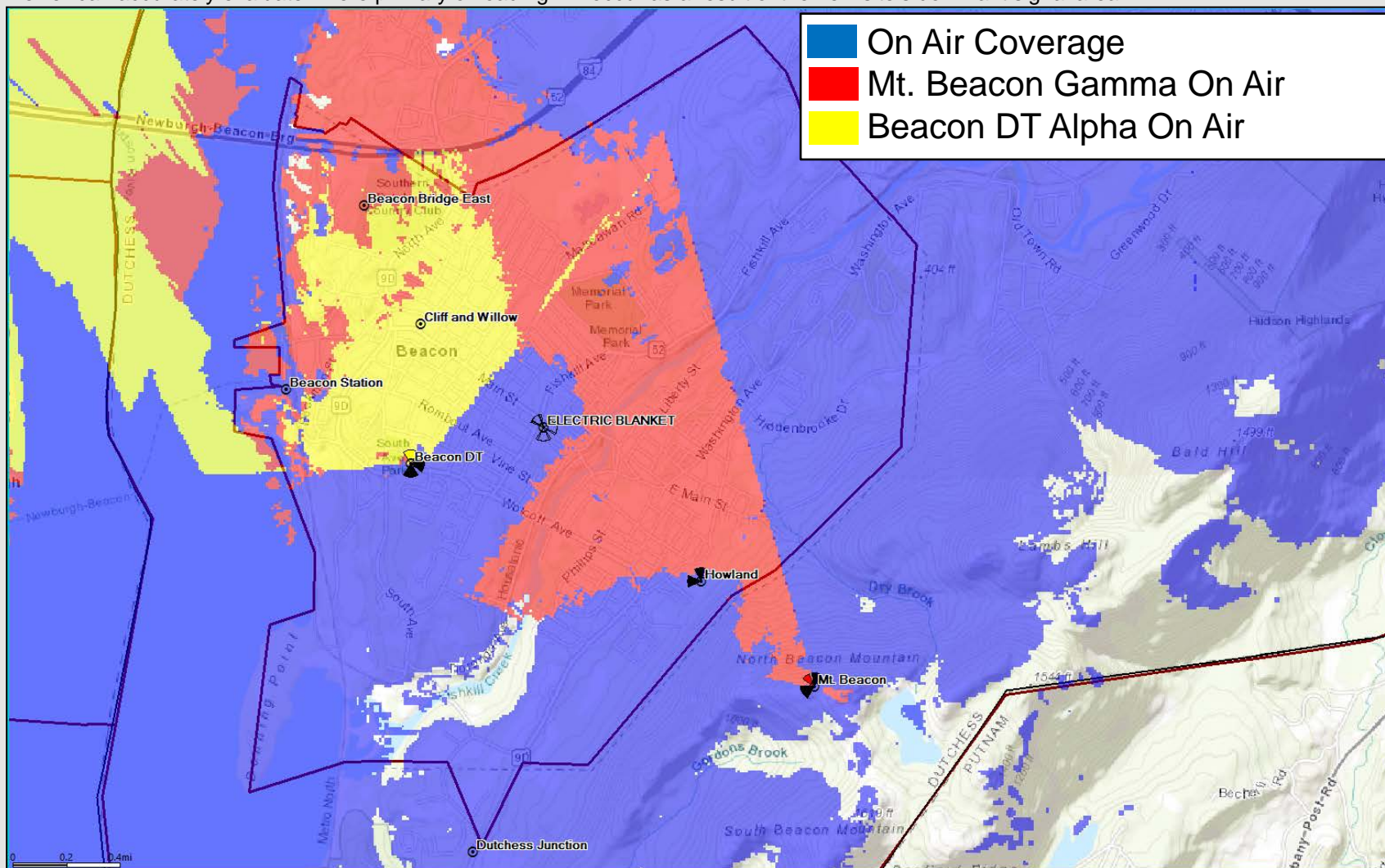
A **Search Area** is the geographical area within which a new site is targeted to solve a coverage or capacity deficiency. Three of the factors taken into consideration when defining a search area are topography, user density, and the existing network.

- **Topography** must be considered to minimize the obstacles between the proposed site and the target coverage area. For example, a site at the bottom of a ridge will not be able to cover the other side from a certain height.
- In general, the farther from a site the **User Population** is, the weaker the RF conditions are and the worse their experience is likely to be. These distant users also have an increased impact on the serving site's capacity. In the case of a multi sector site, centralized proximity is essential to allow users to be evenly distributed and allow efficient utilization of the site's resources.
- The existing **Network Conditions** also guide the design of a new site. Sites placed too close together create interference due to overlap and are an inefficient use of resources. Sites that are too tall or not properly integrated with existing sites cause interference and degrade service for existing users.
- Existing co-locatable structures inside the search area as well as within a reasonable distance of the search area are submitted by site acquisition and reviewed by RF Engineering. If possible RF will make use of existing or nearby structures before proposing to build new towers.

To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new 'macro' cell facility within or as near as possible to this centrally and strategically located area to improve wireless service capacity and coverage. By offloading Beacon DT and displacing traffic from Mt. Beacon with the proposed site, adequate and reliable service will be provided. The new **Electric Blanket** site will provide dominant and dedicated signal to portions of Beacon helping to improve not only the commercial district and roads but also adjacent populated areas.

Existing 700MHz Best Server -95dBm RSRP

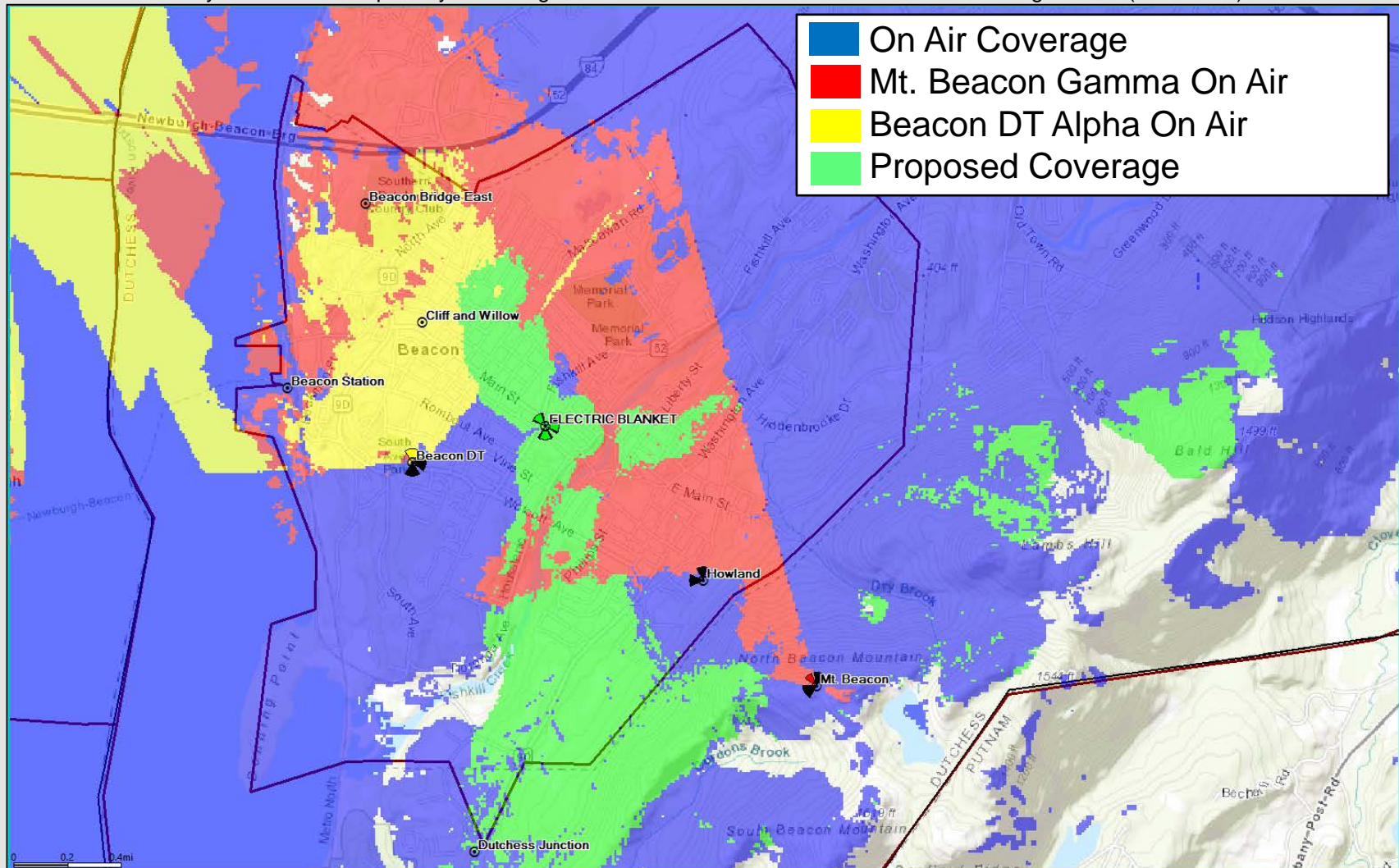
Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area.



The map above represents coverage from existing sites/cells, with the cells in need of capacity offload in red (Mt. Beacon Gamma) and yellow (Beacon DT Alpha), Blue coverage is from other on air sites/sectors.

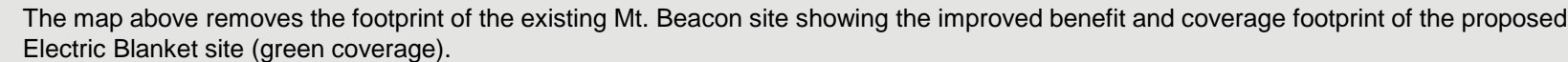
Proposed 700MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area (at 63' ACL).



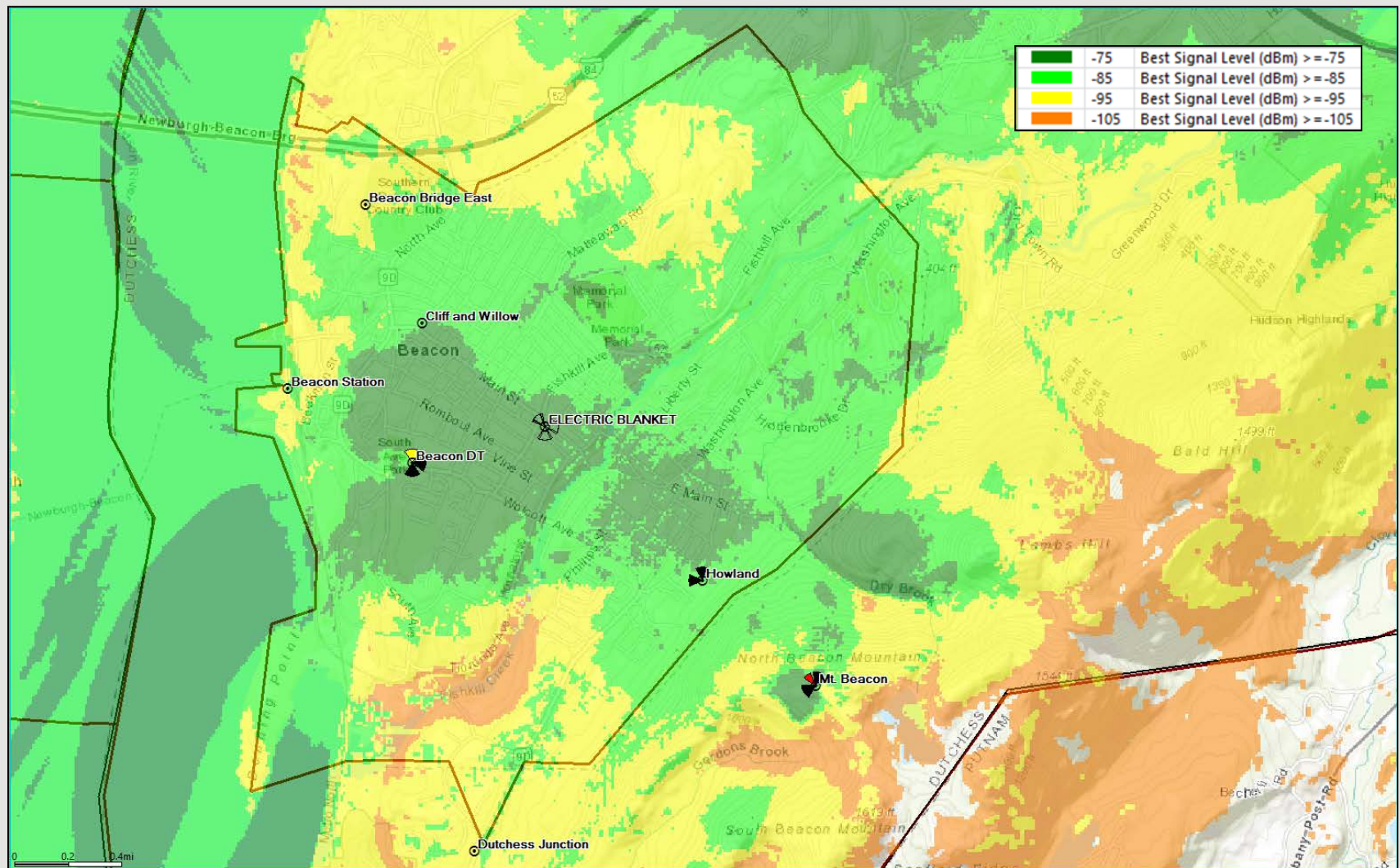
The map above adds the footprint of the proposed Electric Blanket site in green. The green best server footprint significantly overlaps the red and yellow cells helping to offload weak and distant users improving capacity and coverage.

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area (at 63' ACL).

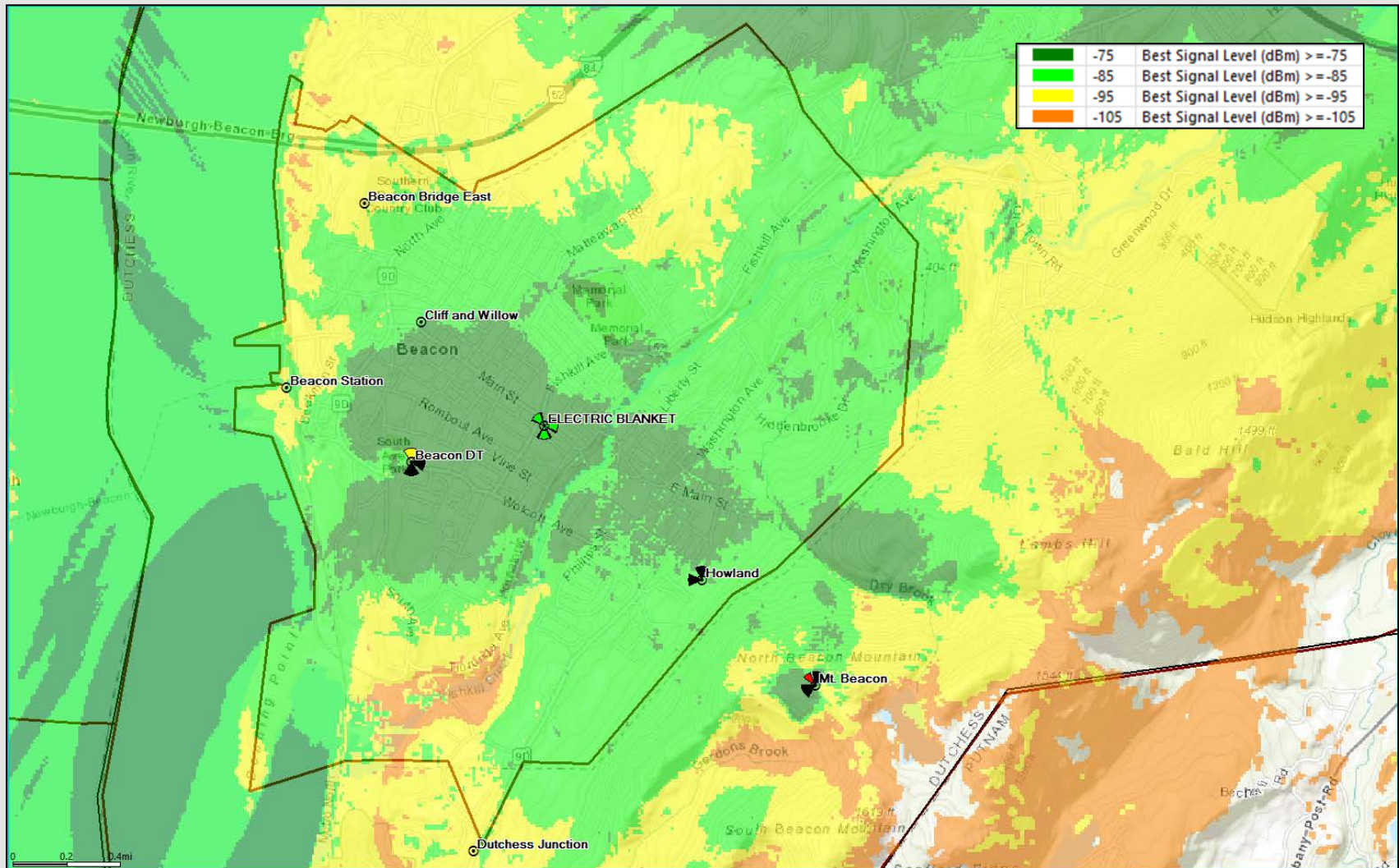


Existing 700MHz Coverage

This coverage map shows existing low band RF conditions in and around the Electric Blanket site area.

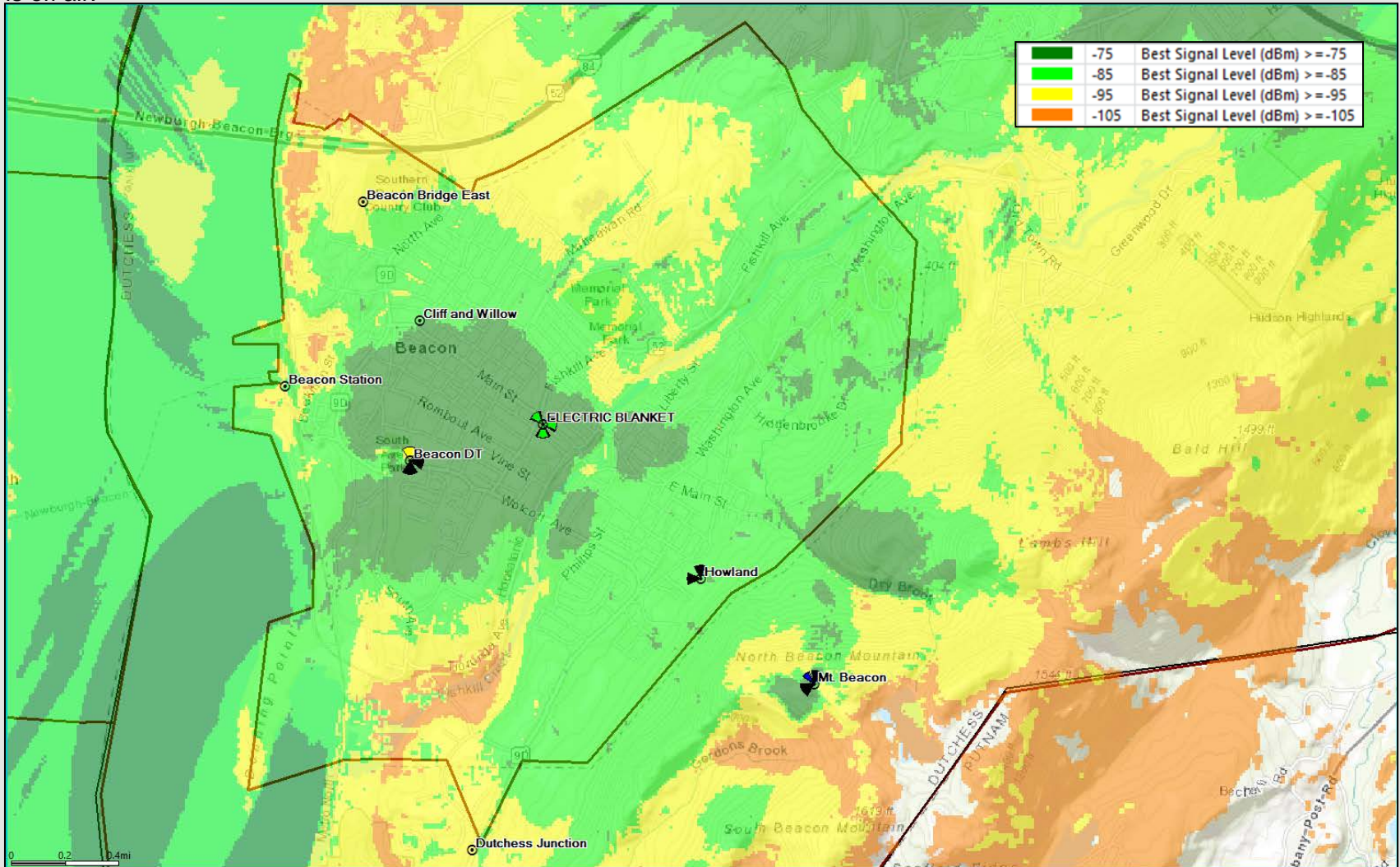


This coverage map shows future low band RF conditions in and around the Electric Blanket site area (at 63' ACL).



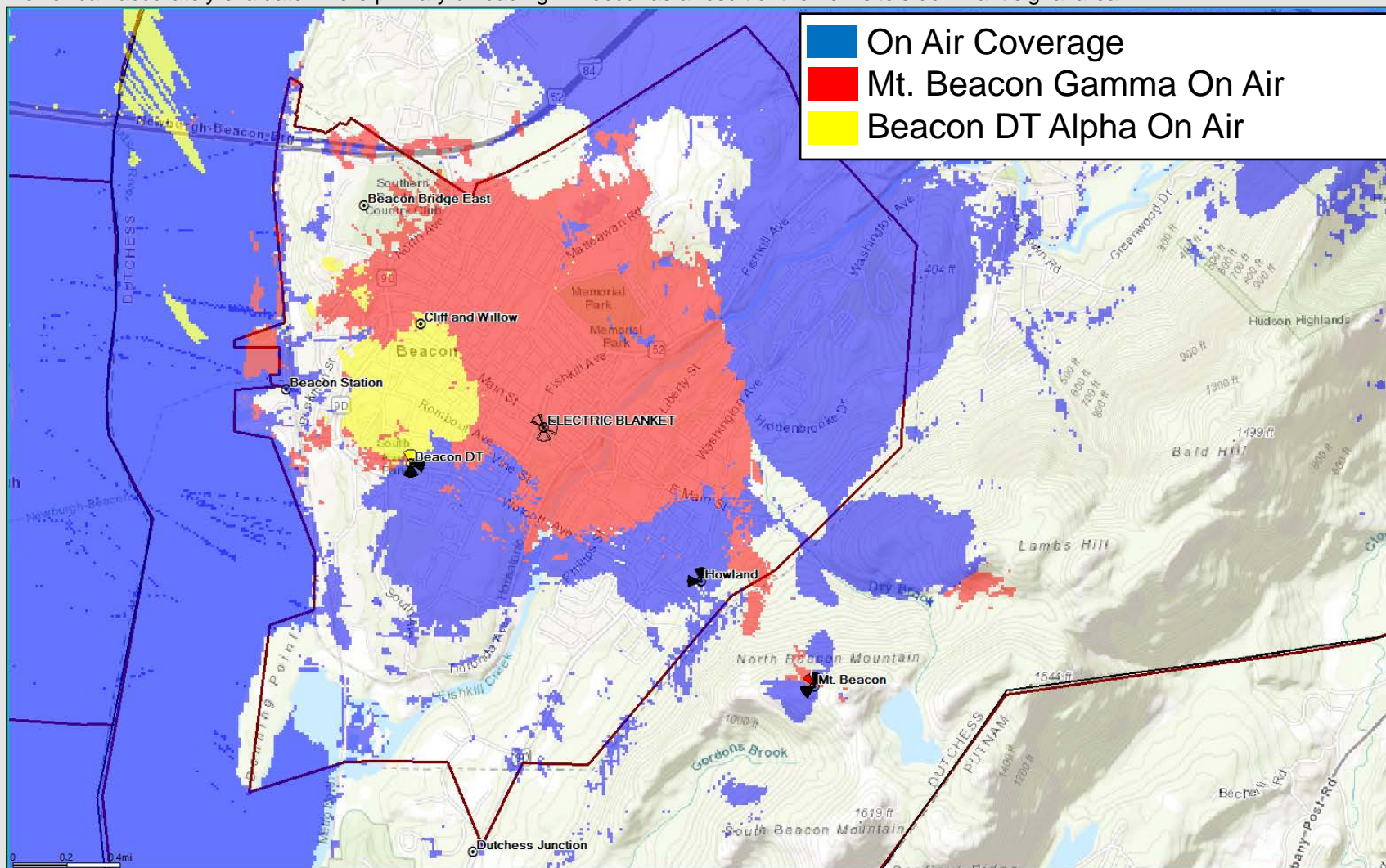
Existing 700MHz Coverage (Mt. Beacon OFF AIR)

This coverage map shows what future low band RF conditions will be in and around the Electric Blanket site area after Mt. Beacon is off air.



Existing 2100MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area.

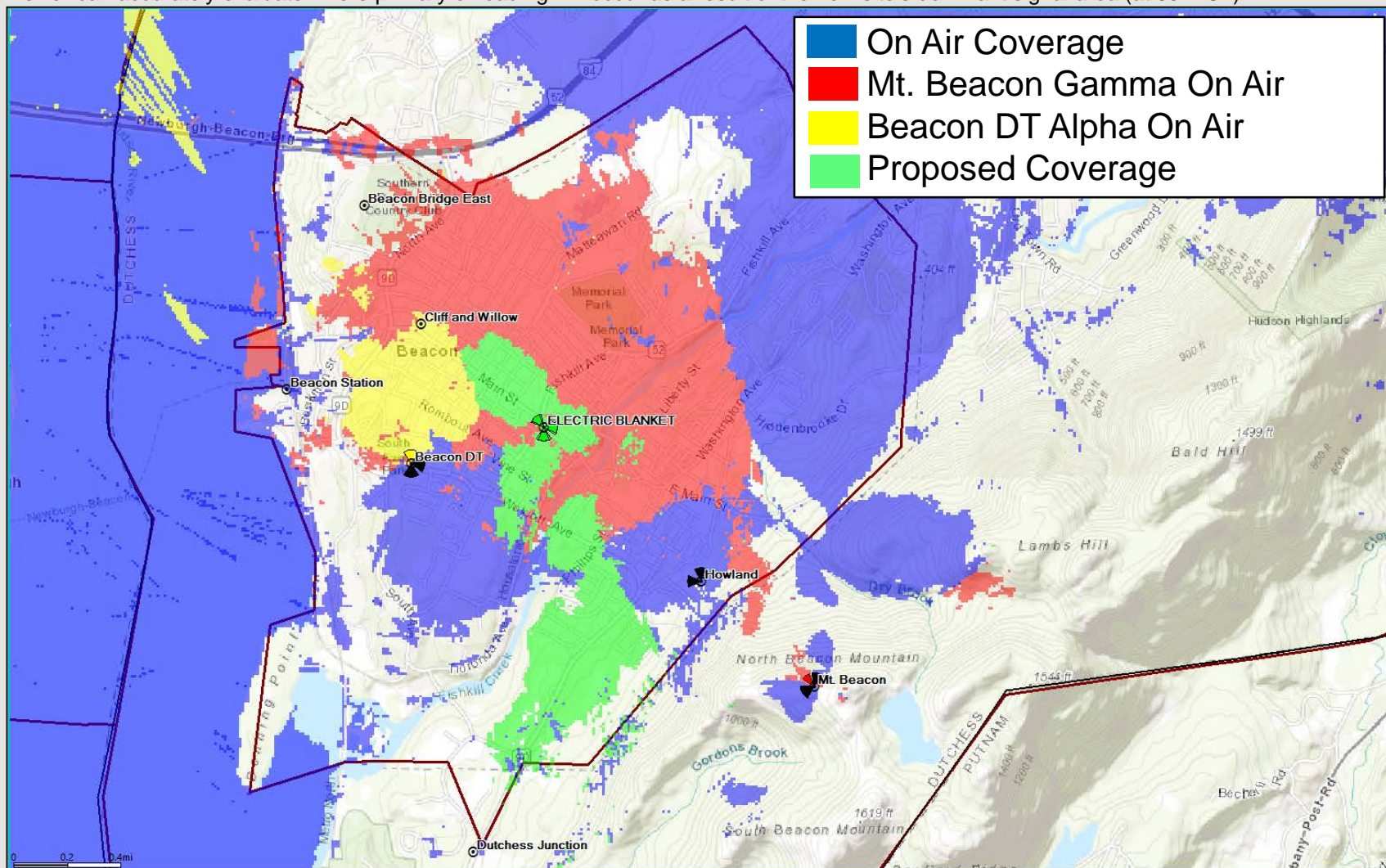


The map above represents coverage from existing sites/cells, with the cells in need of capacity offload in red (Mt. Beacon Gamma) and yellow (Beacon DT Alpha) Blue coverage is from other on air sites/sectors.

Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

Proposed 2100MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area (at 63' ACL).

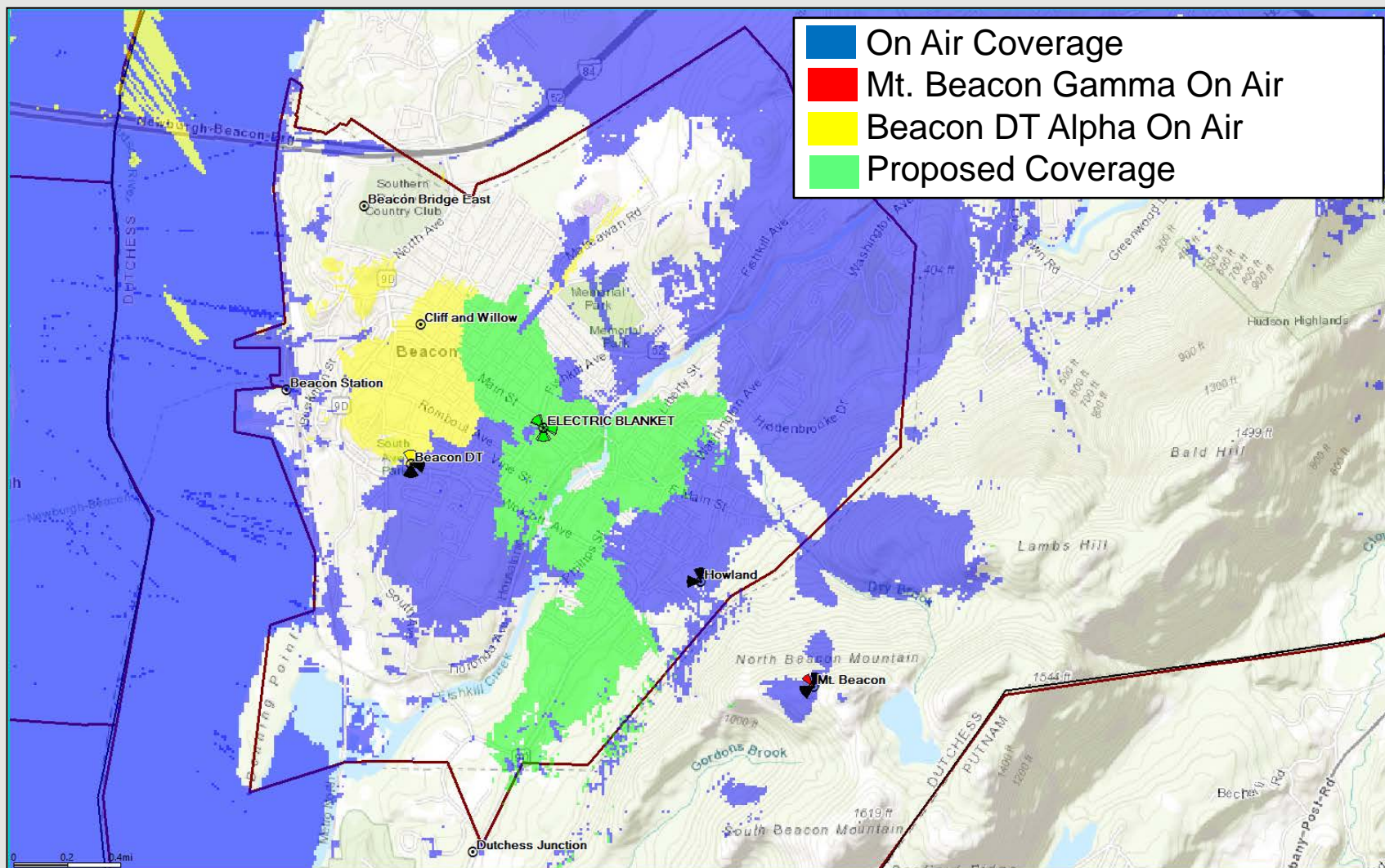


The map above adds the footprint of the proposed Electric Blanket site in green. The green best server footprint will significantly offload Mt. Beacon low and high band utilization which is part of the primary objectives for the new Electric Blanket site.

Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

Proposed (Mt. Beacon Gamma Off) 2100MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area (at 63' ACL).

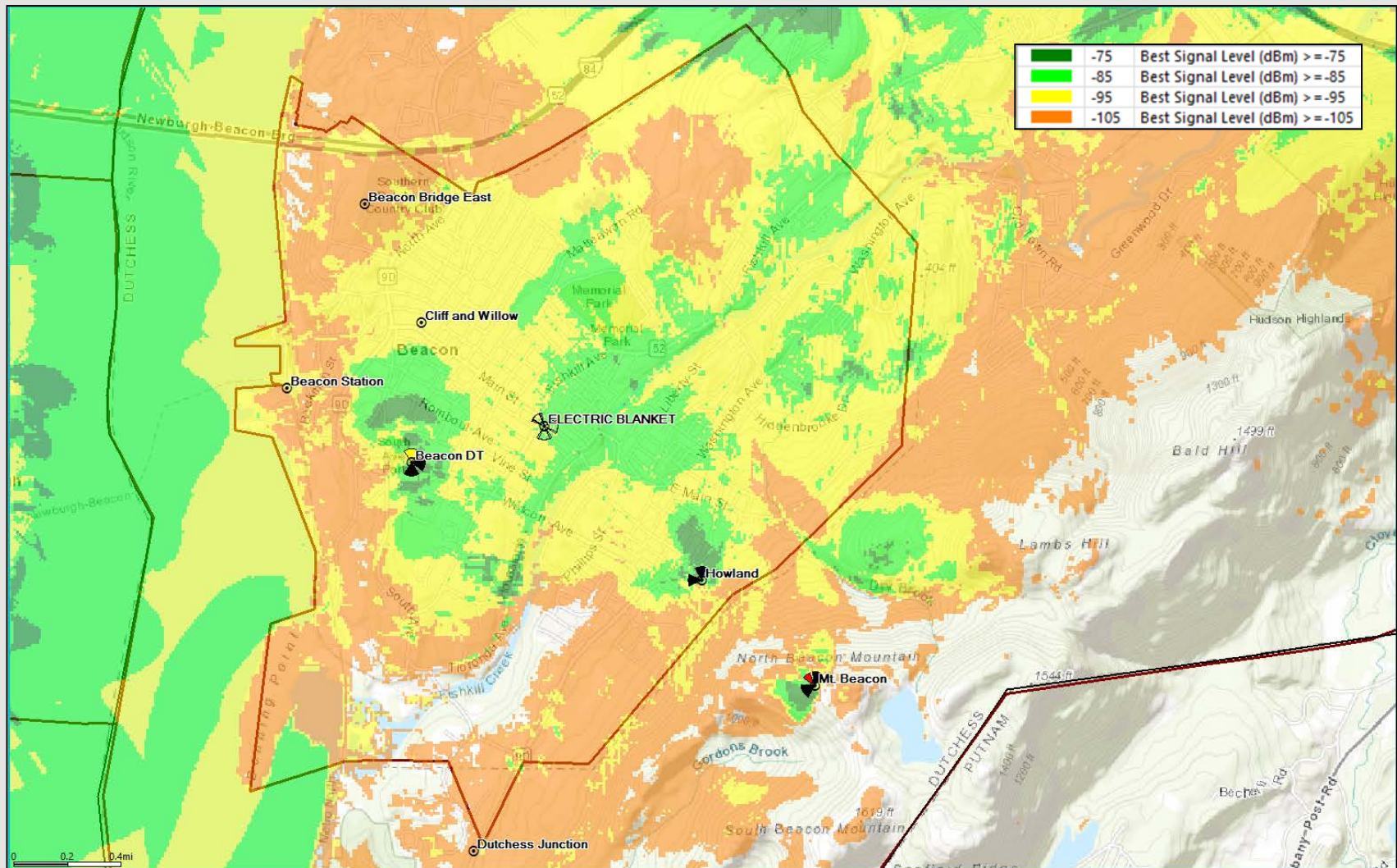


The map above removes the (red) footprint of Mt. Beacon Gamma as it is planned to be shut off due to excessive interference and inability to serve the intended area. The green best server footprint increases in size following the deactivation of Mt. Beacon Gamma revealing the true intended high band coverage area of the proposed Electric Blanket site.

Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

Existing 2100MHz Coverage

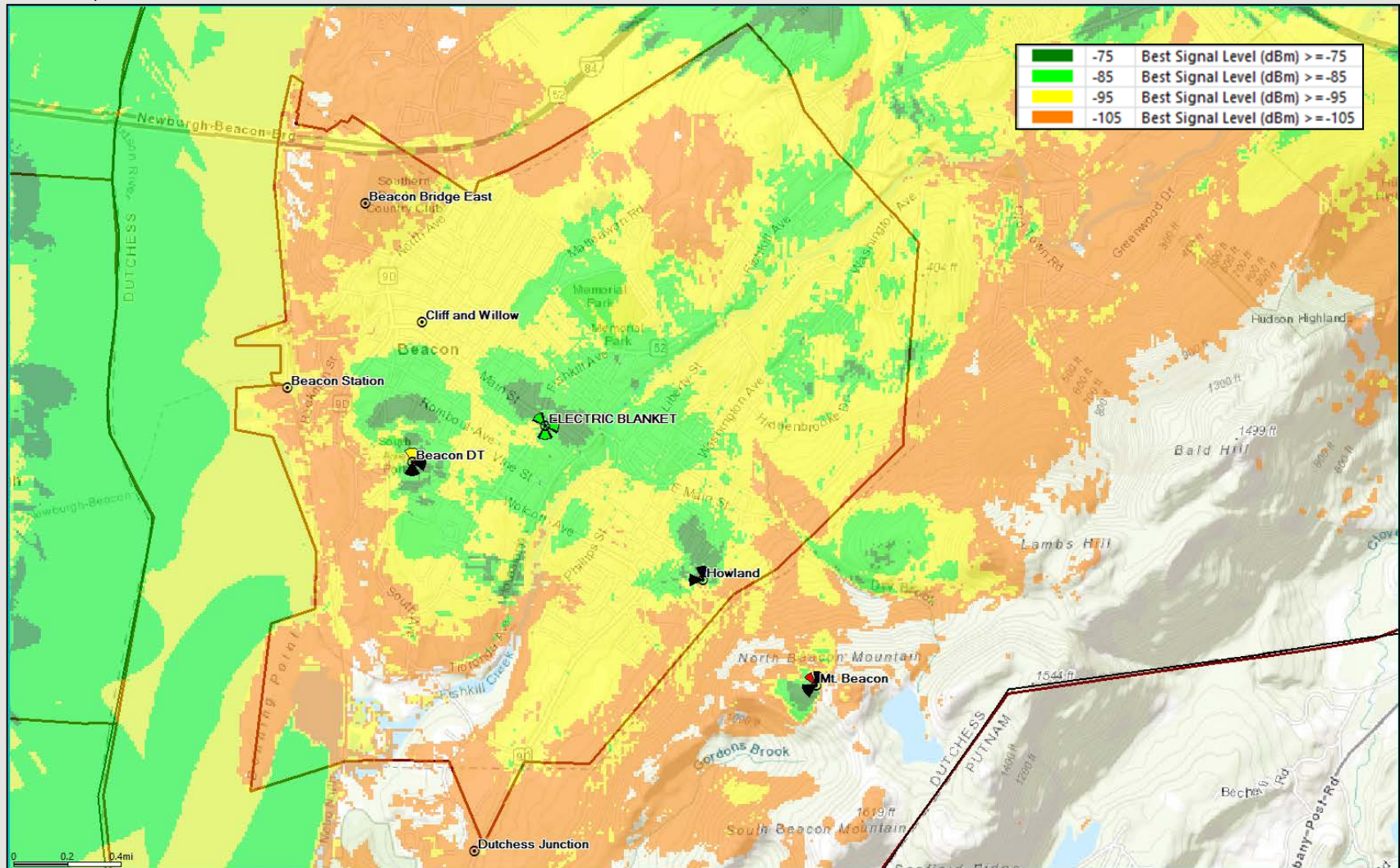
This coverage map shows existing high band RF conditions in and around the Electric Blanket site area.



Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

Proposed 2100MHz Coverage

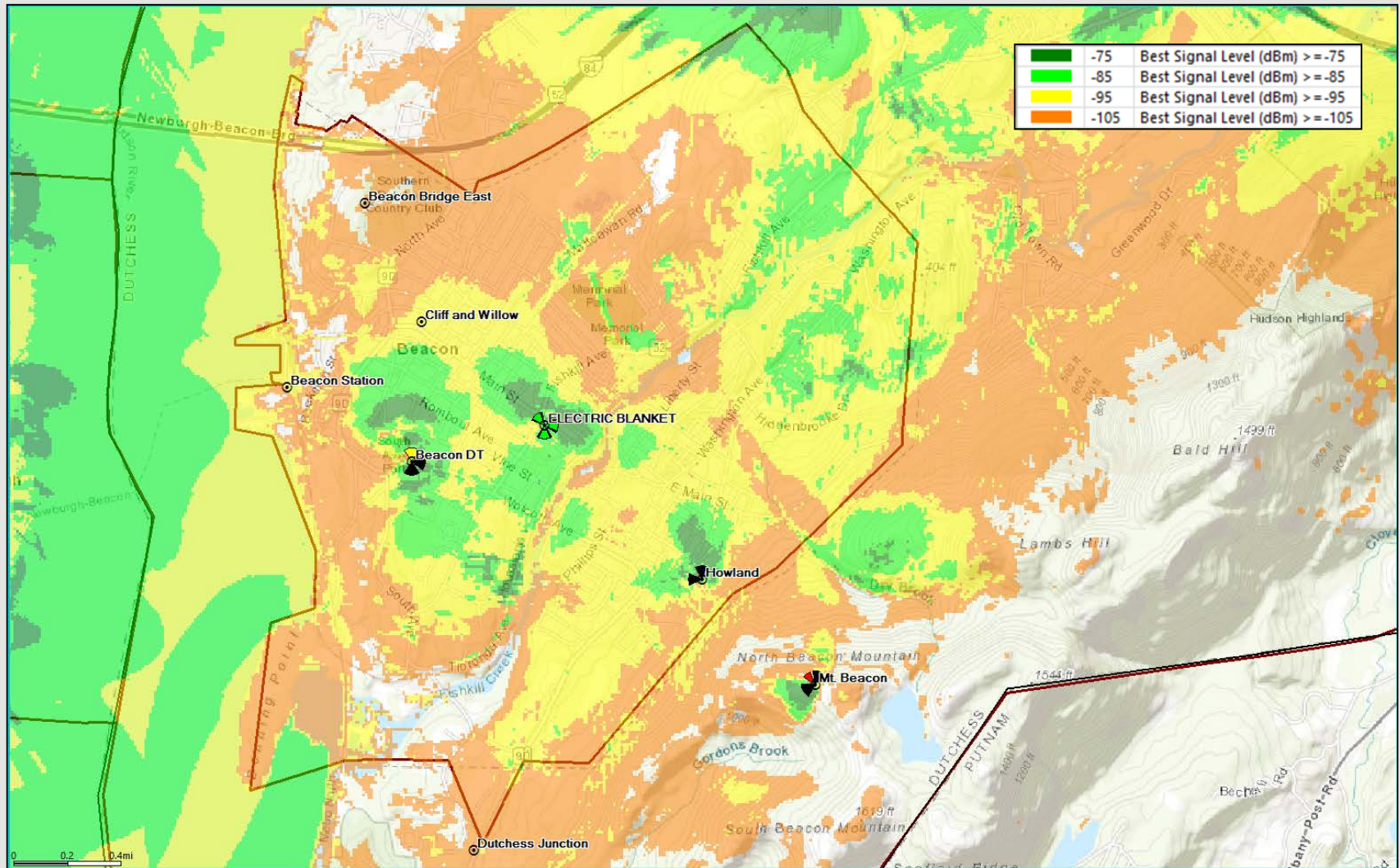
This coverage map shows future high band RF conditions (Electric Blanket on air) in and around the Electric Blanket site area (at 63' ACL).



Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

Proposed 2100MHz Coverage (Mt. Beacon Gamma Off Air)

This coverage map shows future high band RF conditions in and around the Electric Blanket site area after Mt. Beacon Gamma is off air.



Note: Howland although not actually on air (at the time of this document) is shown as on air for planning purposes.

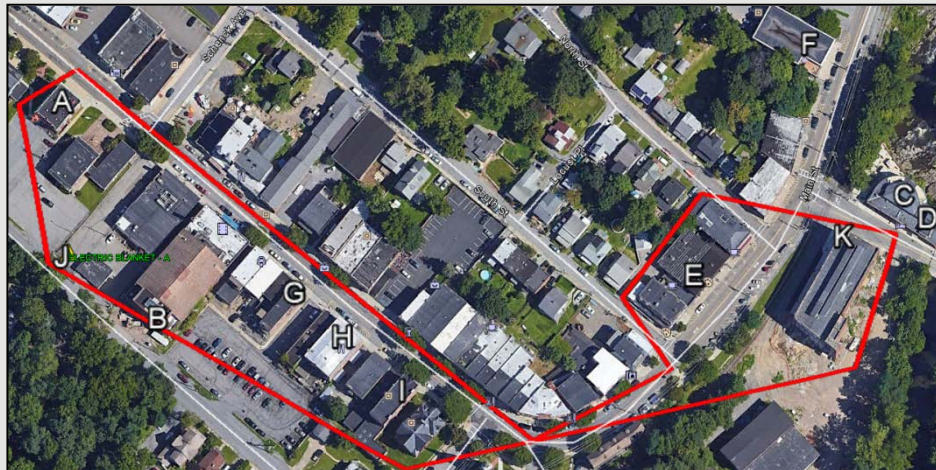
Site Selection Analysis

Several candidates were considered throughout the process of developing the Electric Blanket ring including:

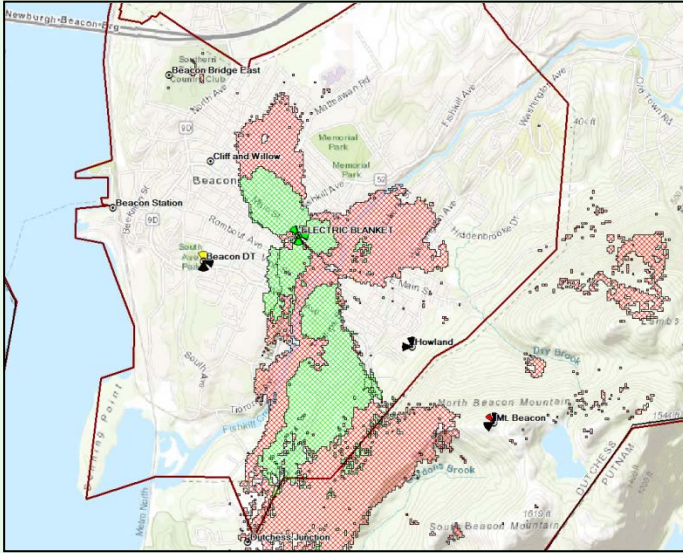
- A. 41.503010° , -73.966666° , (Fire Dept Roof/Tower Co-Lo) RF Approved (PRIMARY)
- B. 41.502189° , -73.966190° , (Theater) RF Approved, LL not interested
- C. 41.502663° , -73.962359° , (10 Boulevard LLC opt A) RF Rejected, too low, blocked by clutter, outside search area
- D. 41.502574° , -73.962230° , (10 Boulevard LLC opt B) RF Rejected, too low, blocked by clutter, outside search area
- E. 41.502353° , -73.963472° , (506-512 Main Street) RF Rejected, too low, blocked by clutter
- F. 41.503239° , -73.962872° , (544 Main Street) RF Rejected, too low, blocked by clutter, outside search area
- G. *41.502286° , -73.965498° , (455-457 Main Street) RF Approved, constructability issues
- H. *41.502118° , -73.965257° , (465 Main Street) RF Approved, constructability issues
- I. *41.501913° , -73.964953° , (475 Main Street) RF Approved, constructability issues
- J. 41.502422° , -73.966674° , (433 Main Street) RF Approved (BACKUP)
- K. 41.502501° , -73.962693° , (1 East Main Street) RF Approved, LL not interested

Candidates A-K were formally submitted from Verizon's real estate team to Verizon's RF Engineering team for review prior to zoning.

- **Approved candidates include:** The "K" candidate was originally the preferred co-locatable existing structure, however the LL was not interested. The "B" candidate was RF approved but the LL was never interested. Candidates "G", "H" and "I" were all RF Approved and investigated however each suffered from constructability issues rendering these locations not usable. Some of these issues include lack of antenna mounting location, rooftop structural loading capacity, lacking necessary ground space, rooftop OSHA related access issues etc...
- **Rejected candidates include:** The "C", "D", "E" and "F" candidates were RF rejected due to being too low and blocked by area clutter failing to meet the project needs. Some of these candidates were outside the search area.
- **Zoning candidate:** The "A" candidate (Fire Dept) was RF Approved and is current primary candidate. The "J" candidate was identified as RF Approved, has a willing LL and is the backup candidate. The backup candidate does require the construction of a new 80' tall tower that will allow the antennas to be located in a fashion that will allow adequate and reliable coverage to the project area.



RF Justification Summary



The proposed site at 63' improves coverage and capacity within the entire green (high band) and red (low band) shaded areas shown above. The significant gaps within these areas which currently result with overburdened low band conditions as clearly shown on slides 7&10 will be significantly improved and are expected to be resolved in conjunction with other area activations (including Cliff & Willow, Howland and others) which further allow for deactivation of Mt. Beacon Gamma sector.

The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the City of Beacon. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the 700 and 2100MHz frequency bands. In addition to the coverage deficiencies, Verizon Wireless' network does not have sufficient capacity (low band or high band) to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed Electric Blanket facility ("targeted service improvement area"). Based on the need for additional coverage and capacity while considering the topography and wide area requiring service, any further addition of capacity to long distance existing sites does not remedy Verizon's significant gap in reliable service. Therefore, the proposed facility is also needed to provide "**capacity relief**" to the existing nearby Verizon Wireless sites, allowing the proposed facility and those neighboring sites to adequately serve the existing and projected capacity demand in this area.

With the existing network configuration there are significant gaps in service which restricts Verizon Wireless customers from originating, maintaining or receiving reliable calls and network access. It is our expert opinion that the proposed height will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in this portion of Beacon and the Electric Blanket project area. The proposed location depicted herein satisfies the identified service gaps and is proposed at the minimum height necessary for adequate service.

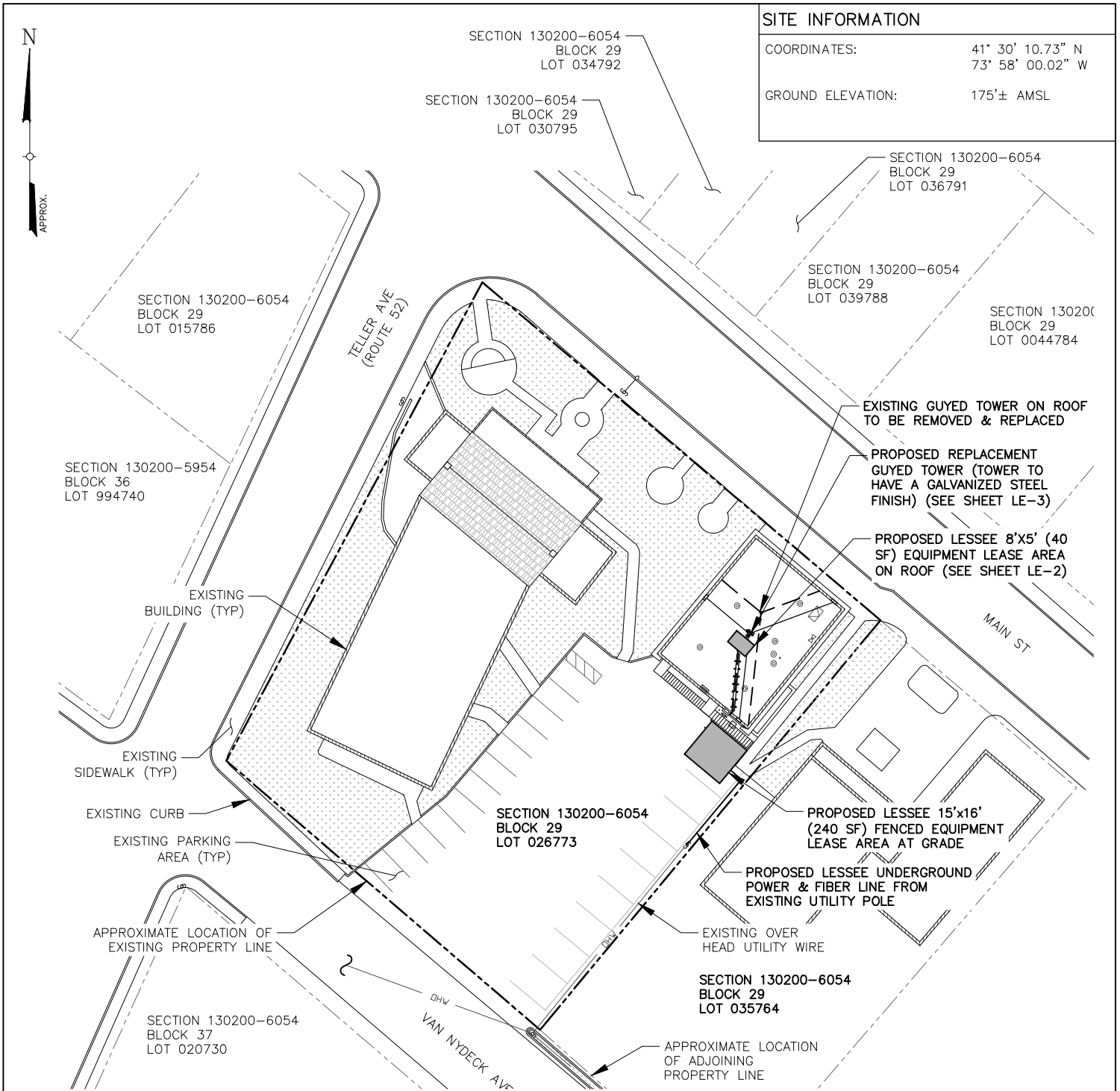
Michael R. Crosby

Michael R. Crosby
Engineer IV – RF Design
Verizon Wireless

Supplemental: Alternative Candidates

Alternate candidates in the RF search area were considered throughout the process of developing the “Electric Blanket” proposed location including:

- (A): 41.50237° , 73.96618° - 31 Van Nyack Avenue – Property owner not interested in collocation on the building.
- (B): 41.50242° , 73.96666° - 433 and 443 Main Street – Proposed 80’ monopole on Verizon NY property. Verizon NY has an executed lease with Verizon Wireless. Verizon Wireless zoning application has been submitted to the City and Verizon Wireless intends to proceed with this location if the proposed rooftop lease at the firehouse is not approved.
- (C): 41.50207° , 73.96529° - 465 Main Street – The property could not be pursued due to access constraints and an inability to safely address OSHA related concerns.
- (D): 41.5023° , 73.96284° - 1 East Main Street - Property owner did not respond to repeated attempts of contact. No interest expressed.



SITE INFORMATION

COORDINATES: 41° 30' 10.73" N
73° 58' 00.02" W

GROUND ELEVATION: 175'± AMSL

NOTE

1. THIS DRAWING IS FOR OPTION, LEASE, LICENSE AND PERMITTING PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
2. FINAL UTILITY EASEMENT LOCATION WILL BE DETERMINED BY THE UTILITY COMPANY.



PROPERTY PLAN

SCALE: 1" = 50'

0 1
ORIGINAL SIZE IN INCHES

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Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road Phone: (845) 534-5959
P.O. Box 37 (800) 829-6531
Mountainville, NY 10953 www.tectonicengineering.com

Project Contact Info
36 British American Blvd.
Suite 101
Latham, NY 12110

Phone: (518) 783-1630

ELECTRIC BLANKET – LEASE EXHIBIT

PROJECT #: 20161467537 – LOCATION CODE: 426305

423-425 MAIN ST – CITY OF BEACON – DUTCHESS COUNTY, NY 12508

ORANGE CTY POUGHKEEPSIE MSA LP,
(LESSEE)

1275 JOHN STREET, SUITE 100, WEST HENRIETTA, NY 14586

TEC WO:8668.17A

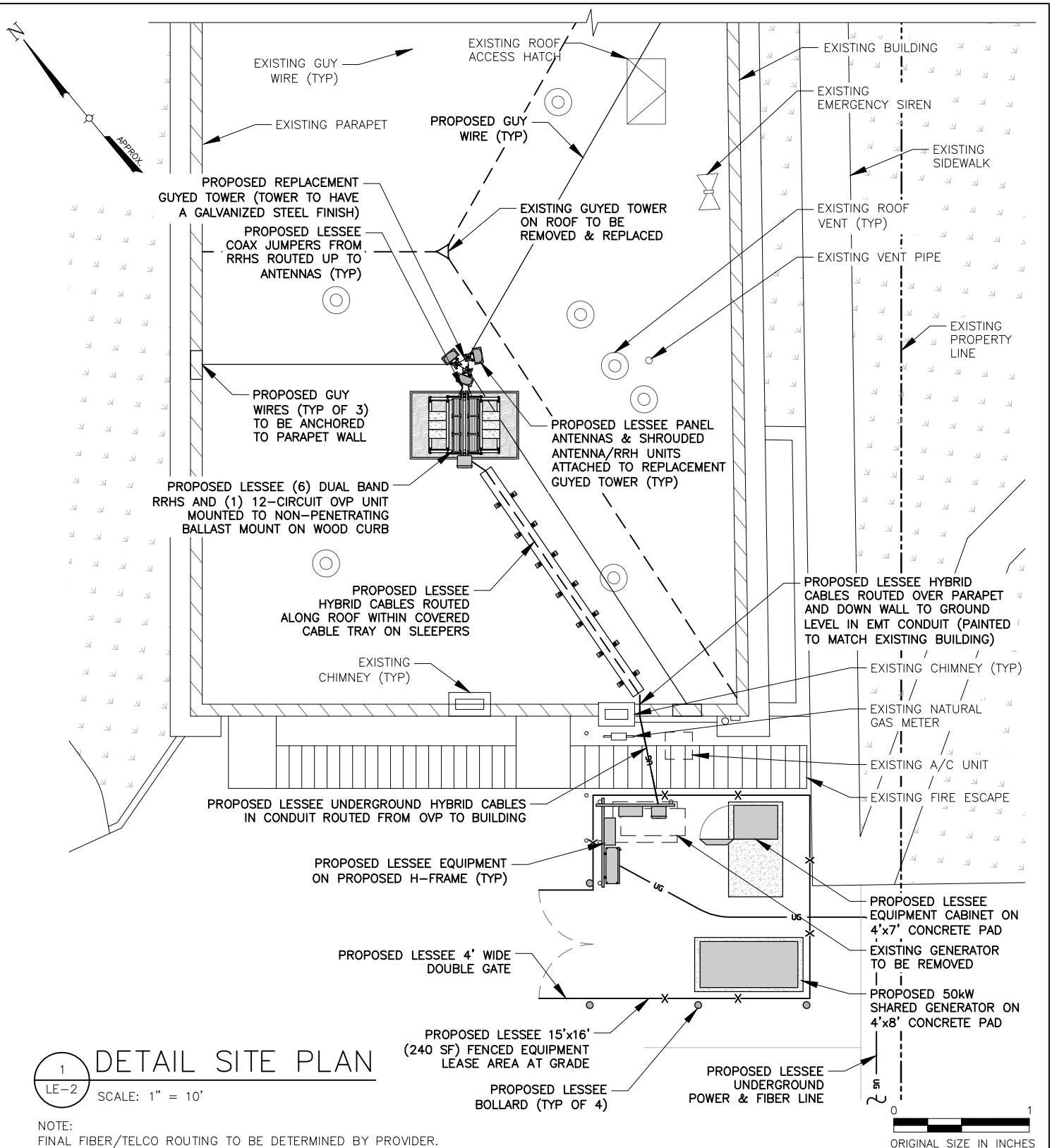
ISSUED BY: JRF

DATE: 10/04/19

SCALE: AS NOTED

SHEET: LE-1

REV: 9



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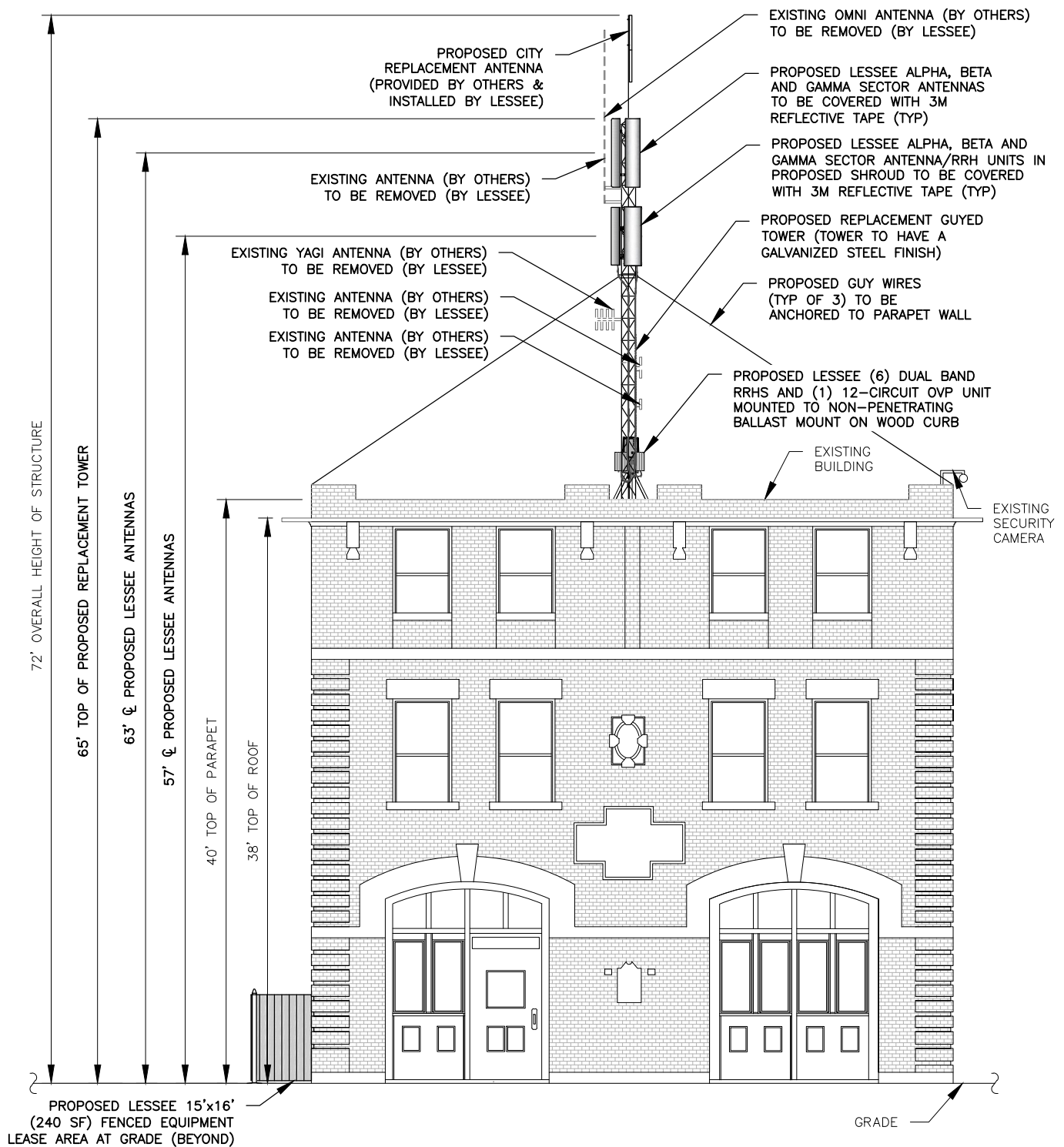
ISSUED BY: JRF

DATE: 10/04/19

SCALE: AS NOTED

SHEET: LE-2

REV: 9



1 ELEVATION
LE-3 SCALE: 1" = 10'

0 1
ORIGINAL SIZE IN INCHES

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1275 JOHN STREET, SUITE 100, WEST HENRIETTA, NY 14586

TEC WO:8668.17A

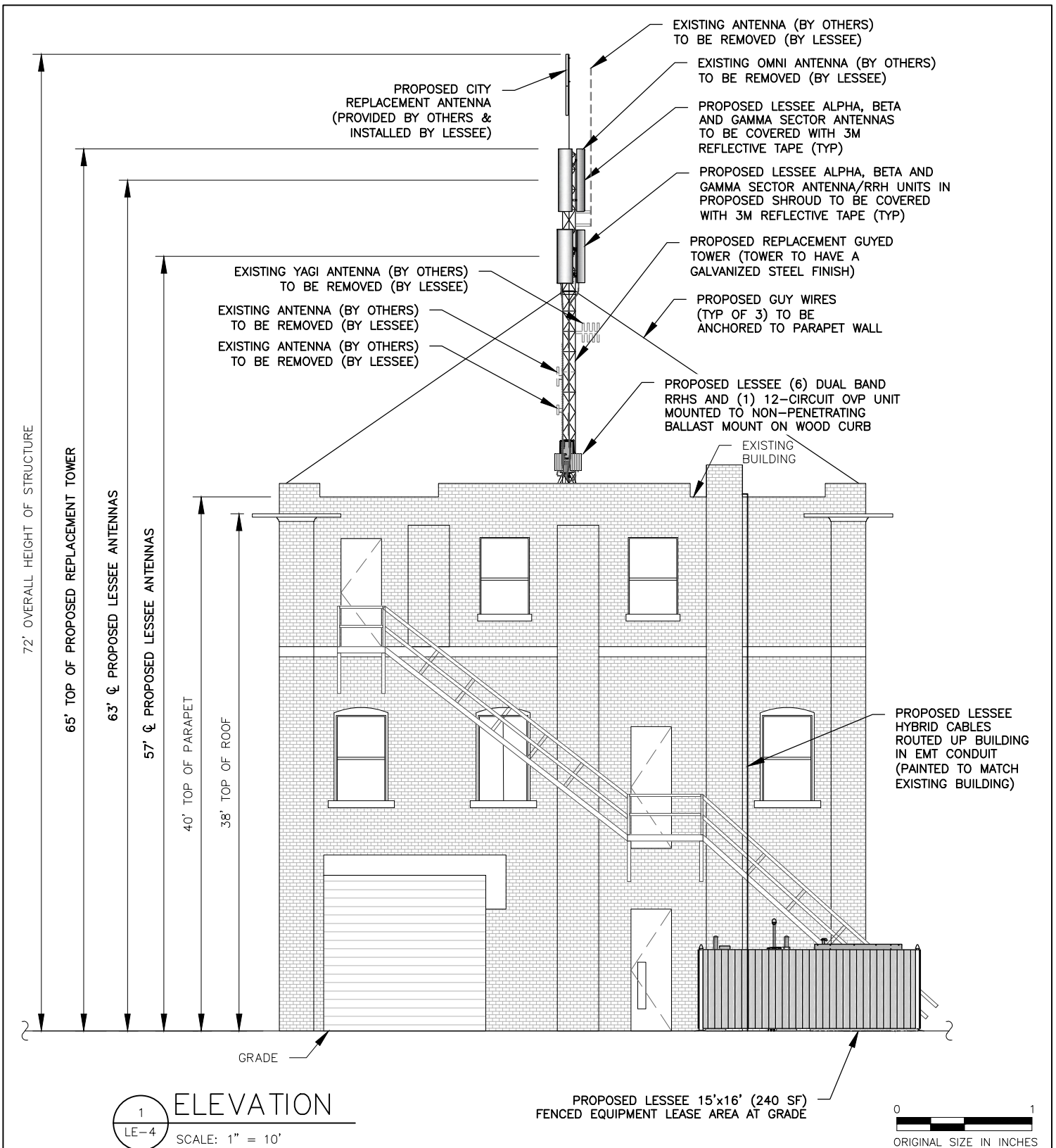
ISSUED BY: JRF

DATE: 10/04/19

SCALE: AS NOTED

SHEET: LE-3

REV: 9



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PROJECT #: 20161467537 – LOCATION CODE: 426305

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ORANGE CTY POUGHKEEPSIE MSA LP,
(LESSEE)

1275 JOHN STREET, SUITE 100, WEST HENRIETTA, NY 14586

TEC WO:8668.17A

ISSUED BY: JRF

DATE: 10/04/19

SCALE: AS NOTED

SHEET: LE-4

REV: 9



NIXON PEABODY LLP
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1300 Clinton Square
Rochester, NY 14604-1792
585-263-1000

October 7, 2019

Via E-Mail

Nicholas M. Ward-Willis
Eric Tiernan Kolle
Keane & Beane P.C.
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

RE: ***Electric Blanket Cell Site***
Building and Rooftop Lease Agreement (the "Agreement") between City of Beacon ("Lessor") and Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless ("VZW")
423-425 Main Street, City of Beacon, County of Dutchess, State of New York (the "Property")

Dear Nick and Eric:

As discussed by phone, set forth below are substantive responses to Lessor's requests for additional information contained in your letter dated September 9, 2019. We have extracted your comments and have pasted them below in bold italicized font—VZW's responses are in regular type. Also, we have enclosed the revised LE (as hereafter defined), additional RF/site selection documents, and a long form environmental assessment form.

1. Please confirm the tower and all antennas, depicted on the new site plan exhibit received August 30, 2019 (the "Site Plan") are at the lowest possible height;

The proposed antenna centerline shown on the enclosed revised lease exhibit (the "LE") is the lowest possible height that VZW can occupy to meets its coverage and capacity needs. Given VZW's needs (and the City's needs) the proposed height of the tower cannot be decreased. Importantly, due to NEPA/SHPO constraints, the tower height also cannot be increased.

2. Please confirm whether the tower and all antennas can be moved ten (10) feet closer to the rear of the building to minimize their appearance from Main Street;

The tower and antennas cannot be moved closer to the rear of the building. VZW has fully engineered and studied the building at the proposed location. Shifting the tower further to the rear would require a taller tower height that cannot be accommodated due to radio frequency and NEPA/SHPO constraints.

3. Please provide the colors of the pole and all antennas on the Site Plan;

The LE has been updated to indicate that (i) the tower is a galvanized steel finish, (ii) the VZW antennas will be wrapped in 3M reflective tape (as required by SHPO), and (iii) the cabling will be black.

- 4. *The replacement City antenna to be installed by VZW should be amended to read the "Proposed City Replacement Antenna" on the Site Plan;***

This change has been made and is reflected on the LE.

- 5. *The Site Plan evidences three existing (3) antennas on the right side of the Proposed Replacement Guyed Tower between the Proposed Lessee (6) Dual Band RRHS and the Proposed Lessee Alpha, Beta and Gamma Sector Antennas. There is an arrow indicating that the middle of these three (3) existing antennas is to be removed by Lessee. Are the other two (2) existing antennas being removed by Lessee as well? If they are to remain, who uses them?;***

All existing antennas on the tower are being removed.

- 6. *Please indicate the color, type of material and thickness of the jacketed cables, depicted in the Site Plan (Elevation LE-3) as running up the rear of the building;***

The cable routed up the side of the wall will be housed in a 4" PVC conduit. Stock color for this conduit is either white or light gray. The conduit can be painted to match the building wall if desired.

- 7. *The Site Plan (Elevation LE-3) drawing with the cable routed up the Main Street side of the building must be revised to show the specific cable route configuration up the rear of the building (Elevation LE-2 appears to take the cables up the rear of the building adjacent to the rear chimney);***

See the enclosed LE.

- 8. *A separate drawing should be prepared for the rear of the building so the City can relate the proposed cable location in relation to the window, building corner, downspout and chimney;***

The conduit will be installed where the chimney meets the wall and is not visible from Main Street.

- 9. *Please provide scaled elevations for the fence enclosing the equipment installed in the parking lot including, but not limited to, color, heights, design type and any proposed landscaping. Any fencing cannot contain barbed wire and must be in harmony with the existing architecture. Further, chain link, plastic and/or vinyl fencing is not permitted in the HDLO district;***

These details will be provided on the construction drawings (to be submitted post-approval of the Lease for City review and comment). VZW will accommodate the request to use wood stockade fencing.

- 10. *Please indicate whether the aforementioned enclosure can be smaller (less parking lot service area) than currently depicted;***

No, the current fenced area is the smallest VZW can utilize to accommodate its equipment (for both installation and future access to/around it).

11. Please provide an RF Statement as to need and coverage maps, including a narrative on the site selection and coverage maps showing all existing approved sites (including small cell sites) evidencing coverage without the Electric Blanket Site and Coverage with the Electric Blanket Site. We assume this information already exists from VZW's internal review;

Please see the enclosed RF Statement and site selection narrative.

12. Confirm the feasibility of utilizing panel antennas mounted to the roof (with three (3) separate sectors) instead of the existing tower. If so, can an RF Screen be utilized as well?;

This is not feasible. The rooftop is not tall enough to provide the required antenna centerline to overcome local clutter (hills, buildings, and trees).

13. Concerning the Photo Simulations, please provide a brief narrative to the reader clarifying what they are viewing in each slide (P-1, S-1a, S-1b, etc.), and if a new simulation will not be provided, explain why it is not necessary and what are the differences in what is depicted and what will be built;

There are labels on each photo that relate to the corresponding vantage point. VZW will be prepared to discuss the photosimulations with City Council at the October 15, 2019 work session.

14. Please explain the purpose of the reflective tape evidenced in Elevation LE-3;

The reflective tape is being provided to satisfy SHPO's request. It is intended to serve as a stealth measure from their perspective. VZW does not believe it is necessary under these circumstances but, of course, intends to comply with the SHPO request.

15. Are the guy wires evidenced in Elevation LE-3 integral to the design configuration or can same be removed?;

The guy wires are essential for the structural integrity of the proposed design configuration.

16. Please clarify if the City Antenna needs to be located at the height shown or could it be lowered;

The City Antenna has been located at the proposed elevation at the City's request.

17. Please provide a plan detail of existing conditions at the site, for example, in the same scale as Elevation LE-3;

The previously provided photosimulations contain photographs reflecting existing conditions.

18. The clause in Paragraph 8 of the Lease, "LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term" is problematic. Once the City approves the site and tower as designed, they do not want the height,

October 7, 2019

Page 4

bulk, color, etc. of the tower and surrounding site to increase and/or change throughout the Term; and

This comment has been addressed through separate correspondence between your office and Dana Campbell, Esq. of my office.

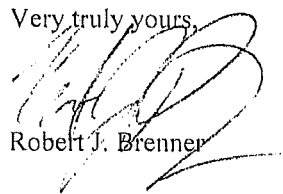
19. Finally, when all site details are finalized, the City will need a Cumulative RF Emissions Report and a Structural Certification by a duly licensed P.E.

VZW intends to comply with this request and will provide these materials prior to the issuance of a building permit for the project.

We look forward to appearing at the City Council work session on October 15, 2019.

Thank you.

Very truly yours,


Robert J. Brenner

RJB/

Enclosures

cc: Nathan Keenan
Jackie Bartolotta
Kathy Pomponio
Dana K. Campbell, Esq.

City of Beacon Council Agenda
10/21/2019

Title:

Resolution Setting a Public Hearing to Discuss the Proposed 2020 City of Beacon Budget for November 18, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Setting a Public Hearing to Discuss the Proposed 2020 City of Beacon Budget for November 18, 2019	Resolution



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. ____ 2019

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS
THE PROPOSED CITY OF BEACON 2020 BUDGET
FOR NOVEMBER 18, 2019**

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby sets a Public Hearing to Discuss the proposed City of Beacon 2020 Budget for November 18, 2019.

Resolution No. ____ of 2019			Date: <u>October 21, 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	x				
		Jodi McCredo	x				
		George Mansfield	x				
		Lee Kyriacou	x				
		John Rembert	x				
		Amber Grant	x				
		Mayor Randy J. Casale	x				
		Motion Carried	x				

City of Beacon Council Agenda
10/21/2019

Title:

City Council Meeting Minutes October 7, 2019

Subject:

Background:

ATTACHMENTS:

Description	Type
City Council Meeting Minutes October 7, 2019	Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on October 7, 2019. Please note that the video recording of this meeting is available at <https://vimeo.com/365258404>

Council Members Present:

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

Council Members Absent:**Also Present:**

Anthony Ruggiero, City Administrator
Nick Ward-Willis, City Attorney

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

First Opportunity for Public Comments: Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight.

Theresa Kraft

Ms. Kraft spoke about the building moratorium. She said that four-story buildings and fourth floor setbacks should not be allowed in the City of Beacon. The Boutique hotel is lit up like a skyscraper and it abuts residential neighborhoods. The proposed development at 23-28 Creek Drive has variances which were not passed with unanimous votes. The project was also met with opposition by Beacon residents. She spoke about the dedicated work of the entire community to turn Beacon around.

Anna West

Ms. West said that something needs to be done about the Air BnB's in Beacon. Her neighbor at 59 Dutchess Terrace has an Air BnB and it is ridiculous. She does not feel safe.

Stosh Yankowski

Mr. Yankowski urged those who live on Howland Avenue to contact the City to request a radiation background check before Verizon implements its cellular facility in the area. Radiation is harmful no matter what the FCC says.

He said he is not colluding with Theresa Kraft. Stop allowing four-floor buildings, starting with Main Street. The Creek Drive project may be presented by a developer who is a friend of the Council's, but do not allow it.

Budget Presentation

Mayor Casale

The Mayor introduced the 2020 proposed budget with a brief message which can be found at the end of these minutes.

Anthony Ruggiero, City Administrator

The City Administrator took the public through a presentation highlighting some points throughout the proposed 2020 budget. The presentation can be found at think link:

<http://agenda.cityofbeacon.org/MeetingView.aspx?MeetingID=494&MinutesMeetingID=393&doctype=Agenda>

Additional, more specific budget presentations will take place at the next several workshops and a Public Hearing will take place on November 18th.

There is a decrease in the cost of workers compensation for the City. Health insurance costs have increased. Recycling disposal has increased. The solar farm has been a bright spot, offsetting some of the electricity costs for City Hall and the LED street lights. Three firefighters have been added thanks to a SAFER grant. An additional police officer will work on Main Street. A full-time human resources official will be added. The Deputy City Clerk will become full time. The Climate Smart Communities Coordinator will be in the budget for next year. There will be \$20,000 for the Workforce Investment Board. Dial-A-Ride will be added. The Free Loop Bus will continue. There will be no rate increase for the Water and Sewer Fund. The City is at the tax cap rate. The overall assessed homestead and non-homestead value increased. The non-homestead tax rate is decreasing for the fifth consecutive year. The homestead tax rate is decreasing for the fourth consecutive years. For a \$300,000 homestead property the tax would be \$2,309.90 which would be about a \$65 increase. A copy of the budget will be available in the library and a pdf will be available on the City's website.

Public Hearing:**Public Hearing for a Special Use Permit Application for 305 Main Street**

Theresa Kraft

Ms. Kraft was concerned that the bar is in close proximity to the Howland Public Library, it is however compliant with regulations. The theme and signage look very low-key, she would like to see this go forward.

Anna West

Ms. West asked about the parking for this establishment. Does the applicant still need to have three dedicated parking spots? She said that the handicap parking is not located correctly. Further, there should be ten-minute parking near the library.

Stosh Yankowski

Mr. Yankowski said that he is in favor of this project. It is good to have variety. The parking could be a problem but not a big one.

Brad Will of Ashokan Architecture and his client Doug Ballinger

Mr. Will spoke about the site plan. He mentioned that there will be no outdoor music and there will be low lighting. They expect 14 - 19 vehicles at maximum capacity.

Council Person Rembert

Mr. Rembert asked how many jobs this business will create.

Doug Ballinger

5 – 8 people will be employed at any one time.

Mayor Casale

The Mayor asked if the applicant could receive deliveries in the morning. The applicant agreed to have morning deliveries.

John Clark, City Planner

Mr. Clark mentioned that there is a possibility for receiving deliveries in the rear of the building. He also said that it would be helpful if the applicant conducted a proper parking survey.

Council Person Kyriacou

Mr. Kyriacou asked the City Attorney for counsel regarding parking requirements for this special use permit.

Nick Ward-Willis

There is not adequate onsite parking but there is adequate parking offsite and that would satisfy the criteria for a special use permit in the CMS.

- Motion to Close Public Hearing
- Motion by Council Person Grant
- Second by Council Person Rembert
- Motion Passes 7 - 0

Public Hearing Resuming from August 19, 2019 Regarding 248 Tioronda Avenue

Nick Ward Willis said that the City Council adjourned the Public Hearing from August 19, 2019 to give the applicant time to receive the jurisdictional determination from the Army Corps of Engineers regarding the wetlands delineation.

Theresa Kraft

Ms. Kraft said that she is concerned about what the extensive buildout may dig up.

Mayor Casale

The Mayor said that if the applicant adds four additional units as has been discussed in the past, he would like those units to be workforce affordable.

- Motion to Adjourn the Public Hearing to October 21, 2019
- Motion by Council Person Grant
- Second by Council Person McCredo
- Motion Passes 7 - 0

Public Hearing to Discuss a Proposed Local Law to Amend Chapter 149, Article II of the Code of the City of Beacon Regarding Nuisance

Nick Ward-Willis, City Attorney

Mr. Ward-Willis reintroduced the Council to the Nuisance Policy. He said Beacon's Nuisance Policy is similar to that of another municipality's policy. The other municipality's policy was found to be unconstitutional. Therefore, Beacon is updating their own policy to bring it in line with federal law.

Stosh Yankowski

Mr. Yankowski asked the City Attorney how violations of building codes affect the owners of said buildings.

Nick Ward-Willis

There has to be a correlation between the conduct being complained about and an actual public nuisance. Violations can occur for the interior or exterior of a building.

Amber Grant

Ms. Grant asked why marijuana was listed separately.

Anthony Ruggiero

Mr. Ruggiero said that marijuana is listed separately because it is treated differently in the penal code.

Nick Ward-Willis

Mr. Ward-Willis said that they would get a more detailed answer to the Council before they are to vote on it.

- Motion to Close Public Hearing
- Motion by Council Person Grant
- Second by Council Person Nelson
- Motion Passes 7 - 0

Speakers:

Council Reports

Terry Nelson

Mr. Nelson congratulated Beacon resident Ed Benavente on the Dutchess County Arts Award that he received.

Council Person Jodi McCredo

Ms. McCredo said that she is working with a local attorney to write a resolution to make marijuana enforcement the lowest enforcement priority for City of Beacon Police Officers.

Ms. McCredo said that she is interested in bringing municipal broadband to Beacon. She would like to partner with the school district so students can have internet at home. If anyone is interested please email her at jmccredo@cityofbeacon.org

Council Person Mansfield

Mr. Mansfield thanked and congratulated Ed Benavente for his work in the community, his generous spirit and his award from Dutchess County.

Council Person Kyriacou

Mr. Kyriacou said he is glad to see everyone at the Council meeting.

Council Person Rembert

Mr. Rembert said that the voter registration deadline is Friday.

He wants to talk about handicap parking at the next workshop, particularly on Main Street.

Council Person Grant

Ms. Grant would like to discuss the marijuana resolution mentioned by Council Person McCredo.

There is a renter's rights forum taking place in Newburgh on October 16th at Kaplan Hall on the SUNY Orange campus.

She asked about the status of a mailing to landlords that she recommended the City send out to inform them of the new rent laws.

Anthony Ruggiero, City Attorney

Mr. Ruggiero said that the City Attorney has written a draft of the letter which someone at the county level is currently reviewing.

She would like Beacon to explore participating in Hope Not Handcuffs to help individuals with dependency on drugs and alcohol.

Mayor Casale

Mayor Casale thanked Gwenno James and all of the organizers of the Spirit of Beacon Day. The festival exemplified Beacon's diversity and unity.

He congratulated Ed Benavente on his award, saying Mr. Benavente has been a godsend to the community.

Anthony Ruggiero.

Mr. Ruggiero spoke about the CDBG grant for the walkway on Wilkes Street. The contractor has requested night construction in order to minimize inconvenience for residents. The Water Department is in the process of asking the residents in the neighborhood for their opinions on the matter.

He spoke about the Phillips Street construction, saying that there was a request for Saturday construction. The City has granted this request for Saturday, October 12, in order to complete the project before the winter.

Mr. Ruggiero announced that Beacon has enacted Stage 1 of the City's Drought Alert.

Resolutions, Ordinances and Local Laws:

1. A Resolution Approving the Promotion of George Joseph to Water and Sewer Maintenance Mechanic

- Motion by Council Person Grant
- Second by Council Person Nelson

- Resolution passes 7 - 0

2. A Resolution Approving Hiring a Part-Time Employee in the Transfer Station

- Motion by Council Person Rembert
- Second by Council Person McCredo
- Resolution passes 7 - 0

3. A Resolution to Enter into an Agreement with New Windsor Treatment, LLC

Nick Ward-Willis

This agreement is an expansion of an agreement from 2008 which allows New Windsor Treatment Plant to pre-pay for a certain amount of waste for budgeting purposes. It also allows for convenient delivery times. Additionally, this expands upon the increase of fees the city will collect and it increases the insurance and indemnification protection for the city.

- Motion by Council Person Grant
- Second by Council Person Rembert
- Resolution passes 7 - 0

4. A Resolution Setting a Public Hearing to Discuss the Submission of the Fiscal Year 2020 Dutchess County Community Development Block Grant Program Application for Construction of a Walkway in Memorial Park Along Wilkes Street for October 21, 2019

- Motion by Council Person Mansfield
- Second by Council Person Rembert
- Resolution Passes 7 - 0

5. A Resolution Setting a Public Hearing to Discuss a Local Law to Amend Chapter 149 and Chapter 224, Section 29 of the Code of the City of Beacon Regarding the Noise Ordinance for October 21, 2019

- Motion by Council Person Grant
- Second by Council Person Nelson
- Resolution passes 7 - 0

6. Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Article III, Section 7 of the Code of the City of Beacon Regarding Conformity Required for Land Use Approvals for October 21, 2019

- Motion by Council Person McCredo
- Second by Council Person Grant
- Resolution passes 7 - 0

7. Resolution Setting a Public Hearing to Discuss a Special Use Permit for 23-28 Creek Drive, LLC for November 4, 2019

- Motion by Council Person Nelson
- Second by Council Person McCredo
- Resolution passes 7 - 0

Approval of Minutes

Motion to approve council minutes from September 16, 2019

- Motion by Council Person McCredo
- Second by Council Person Mansfield
- Motion passes 7-0

Council Person Grant asked for an amendment to the Minutes, she said that she was speaking of the noise ordinance, not the nuisance policy at the September 16th meeting.

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

Speakers:

No speakers

Adjournment:

- Motion by Council Person Rembert
- Second by Council Person Grant
- Motion passes 7-0

Next Workshop: October 15, 2019

Next Meeting: October 21, 2019

Randy Casale, Mayor
City of Beacon
One Municipal Plaza
Beacon, New York 12508
845-838-5010 - Office
845-838-5012 - Fax



www.cityofbeacon.org

October 7, 2019

Before I introduce my 2020 Budget, I would like to thank the City Administrator, Anthony Ruggiero, M.P.A; our Finance Director, Susan Tucker, CPA. and all our Department Heads for the work they have done on this budget.

This is the 6th year in a row that we have received a “no designation” classification from the NYS Comptroller’s Office with a score of 5%. We have an Aa2 Moody’s bond rating. This shows our tax dollars are being managed thoughtfully and responsibly.

This is the 7th straight year we were able to stay under the 2% tax cap while continuing to provide the services that keep our city safe, invest in our infrastructure and improve the quality of life for our citizens.

In this year’s budget our homestead tax rate shows a decrease of -6.7219% and the non-homestead rate dropped -2.9146%.

This year our water and sewer rates will show no rate increases. These funds are healthy and the City will continue to make up-grades to both facilities and our aging infrastructure.

I will look forward to working together with the City Council as we discuss the finer points and details of the 2020 Budget at our upcoming workshops. Workshops will be held on October 15th, October 28th and November 12th at 7:00 p.m. with department heads present. The public hearing is proposed to be scheduled for November 18, 2019 at 7:00 p.m.

City of Beacon Council Agenda
10/21/2019

Title:

Budget Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
Budget Amendments	Budget Amendment

Council Budget Amendments
October 8, 2019 Meeting

1. Amend the 2019 General Fund Legal Budget for legal bills not originally budgeted. Below is the proposed budget amendment:

Transfer to:

A -01-1420-450400-	ATTORNEYS	\$ 25,000
A -01-1420-450454-	EMPLOYEE DISCIPLINE	1,375
A -01-1420-456500-	CIVIL ACTION EXPENSE	5,267
	Total	<u>\$ 31,642</u>

Transfer from:

A -01-1990-400001-	CONTINGENCY	<u>\$ 31,642</u>
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2. Amend the 2019 General Fund Fire budget for overtime for the department. Due to unanticipated transfers and the using of sick time, overtime was used for utilized for shift coverage. Please see attached memo from the Fire Chief. Below is the proposed budget amendment which will cover the costs for the rest of 2019:

Transfer to:

A -03-3410-105101-	OVERTIME	<u>\$ 53,400</u>
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Transfer from:

A -01-1990-400001-	CONTINGENCY	<u>\$ 53,400</u>
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Respectfully submitted,
Susan K. Tucker CPA